

MEMORAN M

January 10, 1988

FROM: Monsignor Curry

TO: Archbishop Mahony

RE: Father Nicolas Aguilar- vera

In March 1987, Father Rivera, a priest of the Diocese of Tehuacan, Mexico, asked if he could work in the Archdiocese. We appointed him to assist pro tem in Our Lady of Guadalupe (Rosehill), and after we received a confidential letter from his Bishop, we appointed him Associate to Father James Barnes at St. Agatha (May 1987). His Bishop stated that he had come to the United States because of family problems and for health reasons. Father Rivera is forty-six and was ordained in 1970.

On Friday last, Father Bill McLean called me to tell me two of the families in his parish told him that Father Rivera had abused their children. One incident apparently took place over Christmas, when Father Rivera stayed at their house, and another took place at St. Agatha's during the summer, when the family visited him there. According to one of the families, he was involved with their children also, but Father McLean has not spoken to them.

I saw Father Rivera at St. Agatha's on Saturday morning and told him he could not serve in this Archdiocese until a full investigation took place, and that his faculties were withdrawn, and that his Bishop would have to be informed of the accusations. I offered to find a place for him to live until he could make other arrangements, but he volunteered that he would stay with his sister here and leave for Mexico on Monday or Tuesday of this week. He denied all the allegations.

I found out on Saturday that the principal of the school at Our Lady of Guadalupe has been informed of the accusations, so she will be obliged to report it to the police.

I asked Father McLean to encourage the parents to see me, and I will keep in contact with him. I have consulted with Sister Judith Murphy.

1/11/88

Notes:

DETECTIVE NORM BOMNEAU

Spoke to him at Our Lady of Guadalupe School.

Told him I had seen Nicolas at St. Agatha and gave him sister's address. He asked me not to call. I explained that we could not leave him at a parish, and that I had offered to find him housing. Officer asked me if Nicolas intended to flee to Mexico, and I said I was not sure. Originally, I told him that he was staying with his sister and that he intended to return to Mexico since he had no job here.

I also said that Nicolas knew that it would probably be reported to the police, and that I had explained that some people were bound to report.

Bill McLean told him about his having trouble with the Communists, and I told him I knew that. He asked if we checked with his bishop and I explained the procedure for getting a confidential letter.

The Detective said he would call Nicolas today and would get back to me and let me know the state of the investigation.

MEMORANDUM

CONFIDENTIAL

DATE: January 26, 1988
FROM: Msgr. Curry
TO: Archbishop Mahony
RE: Rev. Nicolas Aguilar-Rivera

This concerns the Mexican priest who was assigned to St. Agatha and was accused of abusing children from Our Lady of Guadalupe. The police are making every effort to obtain the list of altar boys from St. Agatha's. Father Jim Barnes is very reluctant to give it to them, and I support that decision. We have no evidence that Father Aguilar-Rivera was involved with altar boys as such. All the boys involved were members of families he was friendly with in Our Lady of Guadalupe, and the alleged abuse took place while he was visiting these families or while they were visiting him.

Father Barnes has no knowledge of his being involved with boys at St. Agatha's, and his concern is that if the police come and interview the boys, the matter will spread around the parish. The parish there is a Black-Hispanic one, and he finds his situation as an Anglo pastor a very delicate one. He and I are also concerned about the police interviewing boys about this matter when we have no reasonable suspicion they know anything about it. If, in fact, nothing happened at St. Agatha's, such interviews may have a negative effect on the boys, their families, and the parish.

The whole issue of our records is a very sensitive one, and I am reluctant to give any list to the police.

We are being friendly but firm, and both Sister Judy and I are in contact with the police on this matter.

We ~~cannot~~ give such a list for no cause whatsoever.

+ RMM

1-26-88

Nicolas Aguilar-Rivera

Sergeant Art Madrid called week of January 25, early in week. He works in Chief's Office. He had been contacted by Detective Gary Lyon. He wanted the list of altar boys at St. Agatha's. He made much about hostile publicity for the church and the fact that he was Catholic and very much involved in the Church. There were two sets of parents especially angry. they want to see if there are victims at St. Agatha's.

If something like this gets out of joint, we don't want anyone to get discredited. They have adequate probable cause to continue the matter at St. Agatha's.

He did not want to go over my head to the Archbishop.
Told him I would continue to work on it.

485-2801 ↗
Captain Clayton Mayes, Commanding Office of Juvenile Division called me 1/28/88. The police had a moral and legal obligation to continue the investigation and to interview the boys at St. Agatha's. He said this to me at least four times. He made much also of publicity and mentioned a case at Mary Star, San Pedro. When I asked him about this case, he did not know anything.

He said that if they did not get the list of altar boys, they would go to the masses, see the altar boys, follow them home and speak to them. He said they had seven reported cases. I asked him if he could give me any new information that would enable us to make a decision, but he did not give me any.

He said he did not understand our reluctance, but he did not seem willing to listen to my explanation. I mentioned that all the reported cases were at the other parish.

He seemed only to have the most general knowledge of the case and was very unprepared to discuss the details.

I stressed the fact that we wished to cooperate with the police. he left it that, if he did not hear form us by Monday, the police would go on with their own methods. I did ask him in the course of the conversation why they did not get a subpoena, and he said they did not need one.

Father James Barnes 1/28/88

I spoke to Father Barnes after talking to Captain Mayes and updated him on the situation. He does not wasn't the records given out. There are about twenty-five altar boys.

Father Aguilar was not close to families, and that surprised Jim. No one has come forward. There were altar boys at his Masses.

There was one meeting at which Jim was present, but then Father Aguilar dropped the whole thing, and there were no more meetings. As a result, the altar boys do not know what they are doing.

The people do not know why he left.

There is no evidence that he was friendly with children.

MORANDUM

CONFIDENTIAL

DATE: February 23, 1988

FROM: Fr. Battaglia (via Lois)

TO: Msgr. Curry

RE: Aguilar-Rivera Sequence

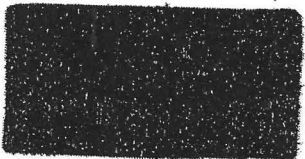
Sr. Rene Kockelberg at O. L. of Guadalupe discovered the incidents on Friday sometime between 5 and 5:30. Placed no call at that time-- did not even know where Aguilar was.

Saturday morning she tried Child Protective Services--no answer.

Sunday morning she tried again--no answer. She decided they were probably be closed on weekends.

On Monday morning she called the police directly and they were there by 8:15.

They asked if she knew where he was and Sister said no, that he has been gone for awhile.





Office of the Archbishop

ARCHDIOCESE OF LOS ANGELES
1531 WEST NINTH STREET
LOS ANGELES, CALIFORNIA 90015-1194
(213) 251-3288

PRIORITY

MEMORANDUM

TO: Monsignor Thomas Curry ✓
Sister Judy Murphy

FROM: Archbishop Roger Mahony + RMM

RE: Liaison with the Los Angeles Police Department

DATE: March 4, 1988

On Friday, March 4th, I met Lieutenant Steve Day at a Conference on Pornography in Newport Beach.

He and Captain Mazes head up the Child Protection Section for the LAPD.

I believe that it might be useful to us to schedule a meeting as soon as possible with them and our own response team for these kinds of problems. I found him to be interested in working more closely with us, and it might be useful to go over our response strategies with them. He felt that we might be able to find ways to minimize difficulties in future cases.

May I please ask that you move forward as quickly as possible to set up such a meeting.

Thank you so very much for your help!

mf

Enclosure

ADLAEM 000033



93/1027-2
ARZOBISPADO DE MÉXICO

Mons. RUTILIO S. RAMOS RICO
Vicario General
por mandato especial del Señor Arzobispo Primado

Al P. NICOLAS AGUILAR RIVERA
Domiciliario de TEHUANTEPEC
p.m.a.c. de la 2ª. V. E.

Por estas letras nombro a Usted **VICARIO PARROQUIAL** de la iglesia de **NUESTRA SEÑORA DEL PERPETUO SOCORRO** (21360) Col. Torreblanca a tenor de los cánones 545 - 552.

Le concedo **las facultades ministeriales ordinarias** por el tiempo de UN AÑO.

Por lo que se refiere a las facultades de celebrar dos, tres o cuatro Misas, conforme a las normas respectivas, habrá que obtener la autorización del Párroco o Rector de la iglesia donde Usted vaya a ayudar en ese ministerio.

De conformidad con el c. 1111 le concedo delegación general para asistir a los matrimonios dentro de los límites de la antedicha Parroquia; para que sea válida la delegación de esta facultad, Usted siempre delegará a la persona que vaya a asistir "ad casum", para cada matrimonio.

Lo que comunico a Usted para su conocimiento y fines consiguientes.

Curia del Arzobispado de México, a 17 de Diciembre de 1993.

Mons. RUTILIO S. RAMOS RICO
Vicario General

Pbro. Dr. Gerardo Sánchez Sánchez
Vice-Canciller

NOTA: Recuerde Padre que los primeros días de Diciembre de 1994, Ud. debe traer el permiso de su Obispo, indicando el tiempo determinado durante el cual Ud. radicará en México.

RIV 00048

gtc/24-FEB.

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16 CARDINAL NORBERTO RIVERA AND THE
17 DIOCESE OF TEHUACAN

COPY

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA
19 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

20 JOAQUIN AGUILAR MENDEZ,
21 Plaintiff,

22 v.

23 CARDINAL ROGER MAHONY, THE
24 ROMAN CATHOLIC ARCHBISHOP OF LOS
25 ANGELES, A CORPORATION SOLE,
26 CARDINAL NORBERTO RIVERA, THE
27 DIOCESE OF TEHUACAN, FATHER
28 NICHOLAS AGUILAR DOES 1-100,
Defendants.

Case No. BC358718

**DECLARATION OF DEFENDANT
CARDINAL NORBERTO RIVERA
CARRERA IN SUPPORT OF MEXICAN
DEFENDANTS' MOTION TO QUASH
SERVICE OF SUMMONS FOR LACK
OF JURISDICTION**

Date: March 26, 2007
Time: 8:30 a.m.
Dept: 42
Judge: Elihu M. Berle

I, Cardinal Norberto Rivera Carrera, declare:

1. I am one of the defendants in this action and make this declaration in support of the Motion to Quash Service of Summons for Lack of Jurisdiction. I have personal knowledge of the facts set forth below, and, if called upon, could and would testify competently thereto.

2. I provide this declaration as a special appearance for the sole purpose of challenging this Court's jurisdiction over my person. I have not consented and do not consent to

1 jurisdiction in the State of California.

2 3. I reside in and am a citizen of the Republic of Mexico. Other than the four years
3 during which I took a course in theology at Pontifical Gregorian University in Rome, I have
4 resided in Mexico my entire life. I have never resided in the State of California, and do not own
5 any real or personal property in California.

6 4. I was born in La Purisima in the Archdiocese of Durango, Mexico. In 1966, I was
7 ordained a priest of the Roman Catholic Church (the "Church") in that same Archdiocese.
8 Following my ordination, I served briefly as Associate Pastor and Curate in Rio Grande.
9 Subsequently, I joined the theology faculty at the Durango Seminary in Durango, Mexico, where
10 I taught for eighteen years. From 1982 to 1985, I served as a professor of ecclesiology at the
11 Pontifical University of Mexico.

12 5. In 1985, I was ordained and made Bishop of Defendant the Diocese of Tehuacan
13 (the "Diocese") a position I held until my appointment as Archbishop of Mexico in 1995. In
14 1998 I was created and proclaimed Cardinal by Pope John Paul II, a position I hold to this day. I
15 hold the official title of Cardinal Priest of San Francisco in Arripa Grande. In my capacity as
16 Cardinal of Mexico, I preside over the largest Archdiocese in the world and care for more than
17 eight million Mexican Catholics.

18 6. I have served my entire career for the Church in Mexico. I do not now nor ever
19 have I done any business or maintained an office in the State of California. My office address is
20 Durango No. 90, Piso 5, Col. Roma, Mexico, D.F., 06700, Mexico. I have no agents or
21 employees in California. I do not maintain any books, accounts or records in California.

22 7. I have no authority whatsoever over the business of the Church conducted in
23 California, nor have I ever been to California on business for the Church. In fact, the few trips I
24 have taken to California were all personal vacations.

25 8. My duties as Archbishop of Mexico are numerous and require my persistent and
26 near constant attention. If I am forced to defend a lawsuit in California, the performance of my
27 duties and, as a consequence, the Church in Mexico will be severely disrupted.

28 9. In 1986, in my capacity as Bishop of the Diocese of Tehuacan, I learned that

1 Defendant Father Nicholas Aguilar ("Fr. Aguilar"), then parish priest at the parish of San
2 Sebastian Martir, Cuacnopalan in the Diocese of Tehuacan, had been assaulted at his parish
3 residence on August 7, 1986. Because there were rumors that grown men stayed overnight at the
4 Church where Fr. Aguilar lived, I suspected that a homosexual incident had precipitated the
5 assault on Fr. Aguilar. At the same time, Fr. Aguilar's performance at the parish had caused
6 controversy and some resentment in some members of the community because he had removed
7 some persons that were selling goods in the church entrance and courtyard. Thus, I was not sure
8 if the rumors were true or were instead motivated by resentment. There was no evidence to
9 suggest that the incident involved any minor children, nor was the involvement of minor children
10 ever alleged. The police did not file charges against any person in relation to this incident.

11 10. Subsequent to his assault, I verbally reprimanded Fr. Aguilar and ordered him to
12 seek rest and psychiatric help. Fr. Aguilar stated that he might go to Los Angeles, California,
13 where he had family. In addition, I informed Fr. Aguilar that I planned to replace him as parish
14 priest at San Sebastian Martir. I obtained a replacement for Fr. Aguilar in January of 1987.

15 11. After I obtained a replacement priest, on January 27, 1987, Fr. Aguilar tendered to
16 me his irrevocable resignation from the San Sebastian Martir Parish and indicated his intention to
17 move to Los Angeles, California. That same day, at Fr. Aguilar's request and as was customary
18 in the Church, I wrote a letter introducing him to Defendant Cardinal Roger Mahony, then
19 Archbishop of the Los Angeles Archdiocese. In that letter, I explained that Fr. Aguilar planned
20 to travel to Los Angeles. Because I did not know whether the rumors of Fr. Aguilar's
21 homosexuality were true or instead motivated by resentment within the community, I was
22 uncertain as to whether Fr. Aguilar was fit to continue in service as a priest. As such, I did not
23 grant a license to Fr. Aguilar to take up priestly duties in Los Angeles (granting such licensure
24 was beyond my authority as Bishop of the Diocese in any event), nor did I recommend him for
25 such duties. Rather, I left the decision as to whether to allow Fr. Aguilar to work in the Los
26 Angeles Archdiocese to Cardinal Mahony. However, because I suspected that Fr. Aguilar might
27 be homosexual, I cautioned that the motivation for Fr. Aguilar's trip to Los Angeles was "family
28 and health reasons." The phrase "family and health reasons" was used within the Church to

1 warn that a priest suffers from some sort of problem. I anticipated that Cardinal Mahony would
2 request a more detailed account of Fr. Aguilar's history and problems if he decided to consider
3 Fr. Aguilar as an employee of the Los Angeles Archdiocese.

4 12. On March 12, 1987, Fr. Aguilar wrote to me from Venice, California, explaining
5 that he had interviewed with Msgr. Thomas Curry of the Los Angeles Archdiocese. On Msgr.
6 Curry's behalf, Fr. Aguilar requested that I correspond confidentially with then-Archbishop
7 Mahony in order to (a) evaluate Fr. Aguilar as a priest; (b) indicate my understanding of the
8 reasons for Fr. Aguilar's trip to Los Angeles; and (c) recommend Fr. Aguilar for pastoral work in
9 Los Angeles. It was my understanding at that time that Msgr. Curry sought to uncover the facts
10 that had prompted me to describe Fr. Aguilar's visit as for "family and health reasons." On
11 March 23, 1987, I wrote then-Archbishop Mahony a confidential letter, with a copy to Msgr.
12 Curry, stating that (a) Fr. Aguilar was held in esteem by his colleagues and his parishioners; and
13 (b) Fr. Aguilar requested to leave the Diocese in order to work in the Los Angeles Archdiocese.
14 In addition, I referenced Fr. Aguilar's assault in 1986 and stated that "it is suspected that the
15 underlying cause that provoked this assault was due to homosexuality problems." This was the
16 only potentially homosexual incident involving Fr. Aguilar of which I was aware and to which I
17 made mention, and I cautioned that "everything had remained at the accusation and suspicion
18 level." I was not aware of, and in my letter did not refer to, any alleged homosexual activity with
19 minor children. Nonetheless, I never recommended Fr. Aguilar for pastoral work in the Los
20 Angeles Archdiocese in that letter, as Fr. Aguilar had requested, as I was uncertain whether he
21 was fit for such work. Also on March 23, 1987 I wrote Fr. Aguilar to inform him of the
22 confidential letter I sent to Cardinal Mahony and Msgr. Curry.

23 13. On December 20, 1987 Fr. Aguilar wrote me to request permission to serve
24 indefinitely in the Los Angeles Archdiocese, but I never answered his letter.

25 14. Never did I "transfer" Fr. Aguilar to the Los Angeles Archdiocese. As Bishop of
26 the Diocese, under the Code of Canonical Law, I did not have the authority to transfer Fr.
27 Aguilar, or any other priest, outside of the Tehuacan Diocese. Rather, I granted Fr. Aguilar
28 permission to serve in Los Angeles on the condition that Cardinal Mahony first accept him for

1 said service, and I warned Cardinal Mahony of my suspicion that Fr. Aguilar suffered from
2 homosexual problems.

3 15. The Diocese of Tehuacan did not pay for Fr. Aguilar's travel to the United States.
4 Following Fr. Aguilar's departure for Los Angeles, the Diocese maintained no control over Fr.
5 Aguilar. The Diocese did not direct, nor was it aware of, Fr. Aguilar's activities while he was in
6 California. The Diocese did not pay anything to Fr. Aguilar while he was in California. Apart
7 from Fr. Aguilar's letter of March 12, 1987, my response on March 23, 1987, and Fr. Aguilar's
8 letter of December 20, 1987 (to which I did not respond), I did not have any other
9 communication with Fr. Aguilar while he was in California.

10 16. On January 11, 1988, two days after Fr. Aguilar fled California for Mexico, Msgr.
11 Curry wrote to inform me that the Los Angeles police was looking for Fr. Aguilar in order to
12 arrest him on suspicion of child sexual abuse. Until this point, I was unaware of any alleged
13 misconduct on the part of Fr. Aguilar while he was in California. On February 23, 1988, Msgr.
14 Curry wrote to request information on Fr. Aguilar's whereabouts. Cardinal Mahony sent a
15 similar request on March 4, 1988. By letter dated March 17, 1988, I responded that I was
16 unaware of Fr. Aguilar's location, but I provided Cardinal Mahony with information regarding
17 Fr. Aguilar's family and employment history in the hope that such information would facilitate
18 the location of Fr. Aguilar. In addition, I referred Cardinal Mahony to the confidential letter of
19 March 23, 1987, in which I summarized my suspicion that Fr. Aguilar suffered from homosexual
20 problems.

21 17. I did not attempt to facilitate Fr. Aguilar's return to Mexico. Even if I had desired
22 Fr. Aguilar's return, I did not have the authority to force him to return. When Fr. Aguilar fled
23 from California to Mexico, I had no knowledge of that event. Nor did I have the ability to force
24 Fr. Aguilar to return to California. To my knowledge, Fr. Aguilar remains in Mexico.

25 18. Upon arriving in Mexico in 1988, Fr. Aguilar did not return to the Diocese of
26 Tehuacan where I was then serving. Since his return to Mexico, I have had no contact with Fr.
27 Aguilar and he has not served under my control in any capacity. I am not now harboring Fr.
28 Aguilar from justice, nor ever have I done so. I have never concealed Fr. Aguilar's whereabouts

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from law enforcement or church officials in either Mexico or California.

19. In November 1994, Plaintiff Joaquin Aguilar Mendez filed a criminal complaint in Mexico alleging that Fr. Aguilar sexually molested Plaintiff during mass at the San Antonio de Padua parish in Mexico in October of 1994.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: February 12, 2007

By: (signature)

Cardinal Norberto Rivera Carrera

COPY

DECLARATION OF INTERPRETER

I, Angie Birchfield, declare that I translated the foregoing document from Spanish to English, to the best of my ability.

Executed this 14th day of February, 2007 in the County of Los Angeles, State of California.

Angie Birchfield

Signature # 300716