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10 CARDINAL NORBERTO RIVERA AND THE  
11 DIOCESE OF TEHUACAN

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF LOS ANGELES, CENTRAL DISTRICT  
13

14 [REDACTED]

15 Plaintiff,

16 v.

17 CARDINAL ROGER MAHONY, THE  
18 ROMAN CATHOLIC ARCHBISHOP OF LOS  
19 ANGELES, A CORPORATION SOLE,  
20 CARDINAL NORBERTO RIVERA, THE  
21 DIOCESE OF TEHUACAN, FATHER  
22 NICHOLAS AGUILAR DOES 1-100,

23 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

22 I, Cardinal Norberto Rivera Carrera, declare:

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

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

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 14<sup>th</sup> day of February, 2007 in the County of Los Angeles, State of California.

Angie Birchfield

Signature # 300716