

10:08:19

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST

Coordinated Proceedings	) JCCP NO. 4286
Special Title (Rule 1550(b))	) LASC CASE NO.
	) BC376766
THE CLERGY CASES I	)
	)
LUIS C., an individual,	)
	)
Plaintiff,	)
	)
v.	)
	)
JOHN DOE I, et al.	)
	)
Defendants.	)

VIDEOTAPE DEPOSITION OF  
BISHOP THOMAS CURRY  
WEDNESDAY, SEPTEMBER 30, 2009

10:00 A.M.

Transcript of deposition taken in Luis C., LASC Case No. BC376766, and approved for release to the public in John VG Doe, BC412464. On June 10, 2010, Counsel for Plaintiff John VG Doe and for Defendants The Roman Catholic Archbishop of Los Angeles, a corporation sole, and St. Thomas the Apostle Church and School in John VG Doe stipulated to redact private information as required by prior orders of the Court, including the Order re Privacy Redactions filed by Judge Haley J. Fromholz on December 8, 2005, and the Order re Privacy Redactions filed by Judge Emilie H. Elias on November 16, 2009. The final redactions were agreed to by the above counsel on June 15, 2010.

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		)
11	JOHN DOE I, et al.	)
		)
12	Defendants.	)
	_____	)

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14  
15  
16  
17  
18  
19 The videotape of Bishop Thomas Curry,  
20 taken on behalf of Plaintiff, before Louann Thibert, CSR  
21 No. 8152 for the State of California, commencing at  
22 10:00 a.m., on Wednesday, September 30, 2009 at 4220 Von  
23 Karman Avenue, Suite 200, Newport Beach, California.  
24  
25

1 APPEARANCES OF COUNSEL:

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7  
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WITNESS INSTRUCTED NOT TO ANSWER

52, 58, 61, 79, 80, 81, 98, 100, 122

1 WEDNESDAY, SEPTEMBER 30, 2009; 10:00 a.m.

2 NEWPORT BEACH, CALIFORNIA

3 -o0o-

4

5

6 THE VIDEOGRAPHER: Good morning.

7

8 This is the videotape deposition of  
9 Bishop Thomas Curry. Today we're located at 4220 Von  
10 Karman Avenue on the second floor in Newport Beach,  
11 California. Today is Wednesday, September 30th in the  
12 year 2009.

13 We're here today in the matter of Luis  
14 C., an individual, versus John Doe I, case number to  
15 this deposition, the JCCP number is 4286. The Los  
16 Angeles Superior Court number is BC-376766.

17 My name is Dean Jones with Dean Jones  
18 Attorney Video Services of Los Angeles and Santa Ana,  
19 California. Today's deposition is now commencing at  
10:17:35 20 10:17 a.m.

21 Would all present please identify  
22 themselves beginning with the deponent.

23 THE WITNESS: Bishop Thomas Curry.

24 MR. WOODS: Donald Woods of Hennighan,  
25 Bennett & Dorman, on behalf of a number of  
10:17:47 Defendants, including the witness.

10:17:50 1 MR. GARPARI: Paul Gaspari, Tobin & Tobin,  
2 on behalf of the Defendant Servants of the  
3 Paraclete.

4 MR. STEIER: Don Steier for Defendant Doe  
10:17:58 5 3.

6 MR. FINALDI: Vince Finaldi for plaintiff.

7 MR. MANLY: John Manly for the plaintiff.

8 THE VIDEOGRAPHER: Would the court  
9 reporter please administer the oath.

10:18:17 10  
11 BISHOP THOMAS CURRY,  
12 AFTER BEING DULY SWORN BY THE CERTIFIED SHORTHAND  
13 REPORTER, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

14  
10:18:18 15  
16 EXAMINATION

17  
18 BY MR. MANLY:

19 Q Good morning, Bishop.

10:18:23 20 A Good morning, sir.

21 Q Bishop, before we start the sort of  
22 formalities of the deposition, I just want to tell  
23 you my purpose today here is not to make you  
24 physically uncomfortable or make it unpleasant.

10:18:34 25 I would like you to be as comfortable

10:18:36 1 as you possibly can, so at any point if you need a  
2 glass of water, you need to stretch your legs, you  
3 want to talk to your counsel, etc., the only thing I  
4 would ask is that you answer the question I have  
10:18:46 5 pending or if I am in the middle of a line of  
6 questioning, I finish the last couple of questions  
7 before we break. Okay. Do you understand?  
8 A Yes.  
9 Q At any time if you need a break, you just  
10:18:54 10 let me know. Okay?  
11 A Okay.  
12 Q Have you ever had your deposition taken  
13 before, Excellency?  
14 A I had long time ago.  
10:19:04 15 Q So it's been a while?  
16 A Yes.  
17 Q When were you last deposed, if you  
18 remember?  
19 A Sometime during the 1980's.  
10:19:14 20 Q Okay. Do you remember what that was  
21 about?  
22 A I don't.  
23 Q Okay. Well, let me go through some ground  
24 rules. I'm sure you had an opportunity to speak to  
10:19:28 25 Mr. Woods or some -- one of the other attorneys for

10:19:30 1 the Archdiocese, but I just want to make sure you  
2 understand what we're doing here today.

3 The first thing that you need to know  
4 is that the oath you took is the same oath you would  
10:19:39 5 take in a court of law and has the same obligations,  
6 meaning that you have to tell the truth.

7 Do you understand that?

8 A Yes.

9 Q Do you understand if you don't tell the  
10:19:45 10 truth, you could be subject to perjury charges?

11 A Yes.

12 Q Okay. The other thing is that anything we  
13 say while we're on the record, that the court  
14 reporter's gonna -- will take down and will be part  
10:20:00 15 of the record. So it's very important that you  
16 remember that. Okay?

17 A Yes.

18 Q The other thing is that at the end of  
19 deposition, the court reporter is going to take her  
10:20:11 20 notes, she is going to transcribe them and they'll  
21 be -- the whole deposition will be in magazine size  
22 package and it will be sent to Mr. Woods or to you  
23 and you will be asked to review it and then make  
24 changes to it.

10:20:27 25 I want to caution you from the outset



10:20:30 1 of the deposition, that if you make changes that are  
2 substantive to your testimony, that myself or the  
3 other lawyers are entitled to comment on that at  
4 time of trial.

10:20:38 5 Do you understand that? That could  
6 adversely affect your case, it could adversely  
7 affect the Archdiocese's case or my client's case.  
8 The point is, it's very important to give your best  
9 and most accurate testimony today.

10:20:51 10 Do you understand?

11 A Yes.

12 Q Okay. If I ask you a question, I am going  
13 to assume you understood it, so it's very important  
14 that if you don't understand one of my questions,  
10:20:58 15 you indicate that you don't understand and I will be  
16 happy to attempt to rephrase it so you can  
17 understand it. Okay?

18 A Yes.

19 Q The other thing is that sometimes because  
10:21:12 20 of the lapse of time, you know, if I ask you a  
21 question that calls for a date, time, place, you may  
22 not be able to precisely remember the date or the  
23 time, so in those instances, I don't want you to  
24 guess, but what I would like you to do is give me  
10:21:26 25 your best estimate.

10:21:27 1 Do you understand?  
2 A Yes.  
3 Q Do you understand the difference between a  
4 guess and an estimate?

10:21:29 5 A Yes.  
6 Q Okay. This is more of a housekeeping  
7 detail. Sometimes in normal conversation, we  
8 overlap one another. If you and I are talking and  
9 we overlap one another in normal conversation,

10:21:45 10 that's totally appropriate, if not typical of  
11 somebody who's Irish like me, however, in a  
12 deposition, it's really hard to do that, so it is  
13 very, very important that you wait until I finish my  
14 question to answer.

10:21:58 15 And if Mr. Woods or any of the other  
16 lawyers try to object, wait until they're finished  
17 with their objection and then you answer. By the  
18 same token, it's very important for me to let you  
19 finish answering the question before I ask my next  
10:22:12 20 question.

21 If at any time I inadvertently interrupt  
22 your answer, please let know because I don't want to do  
23 that. Okay?

24 A Yes.

10:22:21 25 Q All right. The other thing I would ask

10:22:21 1 you to do, because I think you are sort of soft  
2 spoken, is to speak up as much as you can. Okay?

3 A Yes.

4 Q Bishop, what is your date of birth,  
10:22:35 5 please.

6 A January 17th, 1943.

7 Q And your present age?

8 A 66.

9 Q Where do you currently reside?

10:22:41 10 A The exact address?

11 Q Yes, please.

12

13

14 Q Okay. All right. And what do you  
10:23:03 15 currently do as an occupation? I think I know, but  
16 I'm going to ask for the record.

17 A I am the Auxiliary Bishop of the  
18 Archdiocese of Los Angeles and I am the Bishop of  
19 the Santa Barbara Pastoral Region.

10:23:18 20 Q Okay. And when were you first ordained to  
21 the episcopacy, Your Excellency?

22 A In 1994.

23 Q And who was the ordaining prelate?

24 A Cardinal Mahony.

10:23:28 25 Q And when were you ordained to the

10:23:32        1        priesthood?

                 2            A        1967.

                 3            Q        And who ordained you, if you remember?

                 4            A        I should but I -- it's not coming to mind

10:23:46        5        at the moment.

                 6            Q        Was it Manning or ---

                 7            A        No. It was the Bishop of Hawaii.

                 8            Q        Oh, okay. All right. Where were you

                 9        ordained?

10:23:54        10           A        In All Hallows Seminary in Dublin.

                 11           Q        I'm sorry?

                 12           A        All Hallows, two words, A-L-L,

                 13        H-A-L-L-O-W-S.

                 14           Q        I've actually been there.

10:24:04        15                            And where did you grow up?

                 16           A        I grew up in Ireland.

                 17           Q        In what county?

                 18           A        In County Cavan, C-A-V-A-N.

                 19           Q        What age were you when you entered the

10:24:15        20        seminary?

                 21           A        I was 17.

                 22           Q        And did you do all your work at All

                 23        Hallows?

                 24           A        I studied at University College Dublin

10:24:26        25        while I was at All Hallows.

10:24:28        1            Q     Did you get a degree there?  
                 2            A     Yes.  
                 3            Q     And what's your degree in, Excellency?  
                 4            A     History and political science.  
10:24:35        5            Q     So you were living at All Hallows and  
                 6            studying some at All Hallows and doing work at  
                 7            university college as well?  
                 8            A     Yes.  
                 9            Q     And when did you get ordained? What year?  
10:24:50        10          A     1967.  
                 11          Q     So you entered when?  
                 12          A     1960.  
                 13          Q     Were you ordained in Ireland?  
                 14          A     Yes.  
10:25:14        15          Q     And were you ordained for the Archdiocese  
                 16          of L.A.?  
                 17          A     Yes, I was.  
                 18          Q     And where were you first assigned to work?  
                 19          A     I was first assigned to St. Bernardine of  
10:25:32        20          Sienna in Woodland Hills.  
                 21          Q     On Ventura Boulevard?  
                 22          A     No. On Valley Circle Boulevard.  
                 23          Q     Okay. And how long were you there?  
                 24          A     I was there three years.  
10:25:44        25          Q     Where did you work after that?

10:25:46 1 A I was assigned to Pias X High School for  
2 five years, from 1970 to 1975, in Downey.

3 Q The Old Angeles Lake.

4 Pias X from '70 to '75. Where did  
10:26:03 5 you go after that?

6 A I went to Claremont Graduate School to  
7 study.

8 Q And what did you study?

9 A I studied history.

10:26:12 10 Q And when you were at Pias X, what did you  
11 teach, Excellency?

12 A Taught religion.

13 Q And were you an administrator there or --

14 A Department chair.

10:26:24 15 Q All right. And how long were you at  
16 Claremont? Two years?

17 A I was at Claremont for three years.

18 Q And what did you get your degree in?

19 A American history.

10:26:41 20 Q Was it a Master's?

21 A No. Ph.D.

22 Q All right. And where did you -- where  
23 were you assigned next?

24 A I was assigned for one year to St. Paul's  
10:26:55 25 High School in Santa Fe Springs.

10:27:02 1 Q Okay. So that brings us to '79?

2 A Yes.

3 Q And where did you go in '79?

4 A I went back to finish my degree at

10:27:10 5 Claremont, but I was also part time continuing --

6 Director of Continuing Education for the clergy.

7 Q Where did you physically perform that job,

8 continuing education job?

9 A It was -- there was no one place. It

10:27:27 10 was -- courses were held throughout.

11 Q It was just a responsibility you had?

12 A Well, courses were held in many retreat

13 houses and different places.

14 Q Okay. And then 1980, I think that's where

10:27:41 15 we are.

16 A 1980, I was assigned as full time --

17 actually, I think it's 1981. If I made a mistake,

18 at the beginning --

19 Q I think you are right. I messed it up.

10:27:52 20 A 1981, I was assigned as full time Director

21 of Continuing Education for the clergy.

22 Q And that was by Cardinal Manning?

23 A Yes.

24 Q Did Father [REDACTED] or Monsignor --

10:28:11 25 not [REDACTED] -- what was Manning's Vicar General's

10:28:15 1 name?

2 A Monsignor Hawkes.

3 Q Yes. What was his secretary's name?

4 A [REDACTED]

10:28:24 5 Q Did Father [REDACTED] go to All Hallows?

6 A No.

7 Q All right. And so how long did you hold

8 the Director of Continuing Education for the Clergy?

9 A Through 1985.

10:28:37 10 Q Okay. And where did you go after that?

11 A I was appointed Vicar for the Clergy.

12 Q And who appointed you to that position?

13 A Cardinal Mahony.

14 Q How long did you hold that job?

10:28:53 15 A Five years.

16 Q So from 1985 to 1990, you were the Vicar

17 for Clergy?

18 A 1986.

19 Q 1986 to 1990, you were Vicar for Clergy?

10:29:07 20 A That's right.

21 Q And what did you do, what job did you hold

22 between '90 and '94, Your Excellency?

23 A Between 1994, I was on sabbatical for four

24 months and then I was appointed to St. Catherine

10:29:23 25 of -- St. Catherine Laboure in Redondo -- not



10:29:30 1 Redondo Beach, but Torrance.

2 Q As a pastor?

3 A No. As an associate for about a year.

4 Q Did you have any ancillary duties there

10:29:43 5 besides that?

6 A Pardon me?

7 Q Did you have any other duties besides

8 associate pastor at St. Catherine Laboure?

9 A No.

10:29:50 10 Q All right. Where did you go after that?

11 A I was appointed as the secretariat for

12 church ministerial services.

13 Q You were appointed as the secretary --

14 A Secretariat for church ministerial -- in

10:30:03 15 charge of the secretariat for church ministerial

16 services.

17 Q So were you a department head?

18 A Yes.

19 Q When you performed the Vicar for Clergy

10:30:14 20 job, where was your work site?

21 A At the Archdiocesan offices on 9th Street.

22 Q And was that the same for the secretariat

23 for ministerial services?

24 A Yes.

10:30:25 25 Q Who was your direct supervisor in both of

10:30:28        1        those positions?

                 2            A        Cardinal Mahony.

                 3            Q        Okay. And so how long did you hold a

                 4        position of secretariat for ministerial services?

10:30:43        5            A        Until March of 1994.

                 6            Q        And what happened then?

                 7            A        Then I was ordained a bishop and I moved

                 8        to Santa Barbara.

                 9            Q        And you have been the Bishop there since?

10:30:54        10          A        1994.

                 11          Q        Who was your predecessor of that job?

                 12          A        Bishop Pat Ziemann.

                 13          Q        So Ziemann went to -- Bishop Ziemann went

                 14        to Santa Rosa?

10:31:06        15          A        Yes.

                 16          Q        All right. And have you lived at your

                 17        current residence that entire time?

                 18          A        Yes, I have.

                 19          Q        Okay. Is that associated with the church,

10:31:22        20        the parish where you live?

                 21          A        It is the former convent for San Roque

                 22        Parish.

                 23          Q        Would you spell that for me?

                 24          A        S-A-N, R-O-Q-U-E.

10:31:34        25          Q        Okay. Did Michael Baker ever reside

10:31:42 1 there?

2 A No.

3 Q How about Richard Loomis?

4 A No.

10:31:49 5 Q Do you know Michael Baker, Bishop?

6 A Yes.

7 Q And how long have you known Mike Baker?

8 A Since I was involved with the continuing  
9 education of the clergy.

10:32:07 10 Q So 1979; is that right?

11 A Well, 1980, I was full time.

12 Q Okay. And how did you come to know him  
13 during that time, sir?

14 A As part of my general knowledge of the

10:32:30 15 priests whom I would have met on different

16 occasions.

17 Q So as the head of continuing education,  
18 you tried to get to know the priests; is that fair?

19 A Yes.

10:32:46 20 Q How did you go about doing that? What  
21 steps did you take to do that?

22 A We had many presentations on different  
23 ministerial subjects and I met priests on annual  
24 retreats and other occasions.

10:33:24 25 Q Now, you held the position of continuing

10:33:27           1       education with the clergy during both Bishop  
                  2       Manning's or Bishop Mahony's time or had some of  
                  3       those responsibilities; is that right?

                  4           A     Yes.

10:33:37           5           Q     In terms of the way that was handled  
                  6       between Manning and Mahony, did you notice anything  
                  7       different? Did anything change when the Cardinal  
                  8       came in, Cardinal Mahony? I'm sorry.

                  9           MR. WOODS: Object to the form of the  
10:33:52          10       question in that it's confusing.

                 11           THE WITNESS: Could you please --

                 12           MR. MANLY: Sure.

                 13           THE WITNESS: -- reframe the question?

                 14       BY MR. MANLY:

10:33:57          15           Q     Did the way the program the program was  
                 16       administered change after Cardinal Mahony was  
                 17       appointed Archbishop of L.A.?

                 18           A     No.

                 19           Q     In terms of the administration of the  
10:34:10          20       diocese when the Cardinal -- when Mahony became  
                 21       Archbishop, did administration or the way that the  
                 22       Archdiocese was run change?

                 23           A     Yes.

                 24           Q     How did that happen? How would you  
10:34:27          25       describe that?

10:34:30 1 A There were different people. There was a  
2 change in personnel. And the Cardinal decided to  
3 appoint a Vicar for Clergy.

4 Q Okay. And that position did not exist  
10:34:49 5 previously in the Manning administration?

6 A No.

7 Q Do you know why he did that?

8 MR. WOODS: I'm going to object --

9 THE WITNESS: I don't.

10:34:57 10 MR. WOODS: -- calls for the state of mind  
11 of a third person, unless it was expressed.

12 MR. MANLY: You can answer.

13 THE WITNESS: I don't know.

14 BY MR. MANLY:

10:35:03 15 Q Did he ever say why?

16 A No. I don't remember.

17 Q As Vicar for Clergy, when you were  
18 appointed in 1986 by the Cardinal, he wasn't a  
19 Cardinal in 1986, was he?

10:35:17 20 A No.

21 Q When the Archbishop -- then Archbishop  
22 Mahony appointed you in '86, what did you understand  
23 your job responsibilities to be?

24 A I understood that I was the direct  
10:35:29 25 delegate for him in dealing with matters pertaining

10:35:32 1 to the clergy.

2 Q In all matters?

3 A Yes.

4 Q When you say, "direct delegate," can you

10:35:45 5 explain what you mean, Bishop?

6 A I was his appointee to deal with that part

7 of his responsibilities.

8 Q Okay. So, in other words, when the

9 priests were dealing with you, they were to

10:35:58 10 understand that you had been given that authority by

11 the Cardinal, correct?

12 A Yes.

13 Q And you reported directly to the Cardinal?

14 A Yes.

10:36:13 15 Q While you were Vicar for Clergy, how many

16 cases of alleged sexual misconduct with priests --

17 by priests with minors came to your attention?

18 A I don't remember that.

19 Q Okay. Did any come to your attention?

10:36:23 20 A Yes.

21 Q Do you have an estimate of how many?

22 A I don't.

23 Q Okay. Was it more than 20?

24 A I don't think so, but I don't know.

10:36:34 25 Q Okay. Would you say it was between 15 and

10:36:38 1 30?

2 A I'd really have to go back and review all  
3 my time.

4 Q Okay. How would you go about doing that?

10:36:50 5 A Well, I would probably have to see the  
6 records or maybe look at the -- I don't know. I  
7 don't know.

8 Q Would you look at the C files?

9 A If I had to.

10:37:03 10 Q Okay. And that's the only way you would  
11 be able to remember specifically, correct?

12 A Probably.

13 Q Okay. So when an allegation was made,  
14 there would be some type of entry or some type of  
10:37:14 15 document or something like that in the C file to  
16 record that; is that right?

17 A Yes.

18 Q Okay. And did you do that as the Vicar  
19 for Clergy?

10:37:25 20 A Yes.

21 Q And when did you first learn that when an  
22 allegation of misconduct with a child or minor came  
23 up, that you were to record that in the C file? How  
24 did you learn how to do that?

10:37:43 25 A Well, when I came into the Archdiocese,

10:37:44 1 there were C files, there were confidential files.

2 Q All right. But my question is, how did  
3 you -- who taught you that that's where material  
4 related to childhood sexual abuse allegations was to  
10:38:00 5 go versus the personnel files or somewhere else?

6 A I concluded if it was a confidential  
7 matter, it would go into the C file.

8 Q It was just common sense?

9 A I think so, yes.

10:38:14 10 Q Okay. Who else besides you, Bishop, had  
11 access to the C files during the years you were  
12 Vicar for Clergy?

13 A The Cardinal had and my administrative  
14 assistant had.

10:38:27 15 Q When an allegation of childhood sexual  
16 abuse came up, was it your custom and practice  
17 during the times you were Vicar for Clergy to alert  
18 the Cardinal?

19 A When any problem about a priest came up, I  
10:38:43 20 alerted the Cardinal.

21 Q And how did you go about doing that?

22 A Either by memo or by personal.

23 Q And did you have regular access to him?

24 A Yes, I did.

10:38:52 25 Q Okay. And in terms of the disposition of



10:38:55           1       what was going to happen to that priest, did you  
                  2       discuss that with the Cardinal or did you make that  
                  3       decision on your own?

                  4           A     I discussed it with the Cardinal.

10:39:09           5           Q     And you always discussed it with the  
                  6       Cardinal; is that correct?

                  7           A     To the best of my knowledge, yes.

                  8           Q     When you were dealing with childhood  
                  9       sexual abuse --

10:39:17           10          A     Yes.

                  11          Q     -- how many priests are you aware of that  
                  12       the Archdiocese reported to the police or Child  
                  13       Protective Services or any law enforcement agency  
                  14       between 1986 and 1990, when you were Vicar for  
10:39:34           15       Clergy?

                  16          A     I don't remember that.

                  17          Q     Do you remember that happening at all?

                  18          A     Yes, I remember that the law was passed  
                  19       and that we were concerned that people who were  
10:39:53           20       mandated reporters would report them.

                  21          Q     Okay. But my question is a little  
                  22       different. I appreciate that answer.

                  23                       Did the Archdiocese, did anybody in  
                  24       the administrative office, you, the Cardinal, the

10:40:06           25       Vicar General, the Chancellor or anybody in the

10:40:10        1        administrative staff ever either yourself report or  
                 2        direct anyone to report, when allegations came to  
                 3        your attention during the years you were Vicar for  
                 4        Clergy?

10:40:22        5            A        I can't answer that question because there  
                 6        are two parts to it.

                 7            Q        Okay. Why don't you -- well, did you, the  
                 8        Cardinal, the Vicar General or the Chancellor,  
                 9        during the years you were Vicar for Clergy, ever  
10:40:38       10       report any priests to the police who was accused of  
                 11       molesting children?

                 12            A        No, not that I remember.

                 13            Q        Do you know of anybody else at the  
                 14        Archdiocese who was directed to report during the  
10:40:52       15       years you were Vicar for Clergy allegations of  
                 16       childhood sexual molestation that came to the  
                 17       Archdiocese's attention?

                 18            A        We were concerned always that if there  
                 19       were mandated reporters, that they would be informed  
10:41:04       20       to report it.

                 21            Q        Okay. I appreciate that and I understand  
                 22       your answer. My question's a little different.

                 23                    What I'm asking you is, did you  
                 24       direct anybody, whether they were a mandated  
10:41:17       25       reporter or not, you being the senior staff at the

10:41:20        1        Archdiocese during the years were you Vicar for  
                 2        Clergy, did you direct anybody to report to the  
                 3        police an allegation of childhood sexual molestation  
                 4        by a priest?

10:41:32        5            A        I checked that I remember -- on one  
                 6        occasion, I checked that an allegation had been  
                 7        reported.

                 8            Q        Do you remember who that was?

                 9            A        Yes. It had to do with a priest who was  
10:41:43        10        accused, [REDACTED].

                 11          Q        [REDACTED]?

                 12          A        Yes.

                 13          Q        And who reported it?

                 14          A        I believe the principal of the school  
10:41:55        15        reported it.

                 16          Q        What school, do you remember?

                 17          A        I would be guessing.

                 18          Q        Okay. Did the Archdiocese direct the  
                 19        principal to report or did she report it on her own?

10:42:10        20          A        I don't know that question -- that answer.

                 21          Q        Okay. When you say that there -- you were  
                 22        always concerned that a mandated reporter reports,  
                 23        do you remember giving that testimony a few moments  
                 24        ago?

10:42:31        25          A        Yes.

10:42:32 1 Q What do you mean by that?  
2 A I mean that I was concerned that we would  
3 abide by the law.

4 Q Okay. And I think I know the answer to  
10:42:44 5 it, but I want to ask it any way. Why were you  
6 concerned about that?

7 A We wanted to abide by the law.

8 Q Who was the Archdiocese's outside lawyer  
9 during the years you were Vicar for Clergy?

10:43:08 10 A [REDACTED] was a lawyer. I don't  
11 remember who else.

12 Q Do you know how many allegations of sexual  
13 misconduct by priests were settled, civil  
14 allegations or claims were settled during the years  
10:43:27 15 you were Vicar for Clergy?

16 A No, I don't.

17 Q Do you have an estimate?

18 A I don't. I don't remember.

19 Q Were there claims that came up, Your  
10:43:35 20 Excellency, about that from '86 to '90?

21 A There were allegations.

22 Q That's what I mean. Do you remember how  
23 many of those came up where money was paid to  
24 resolve?

10:43:53 25 A No, I don't.

10:43:55 1 Q Who do you think would know the answer to  
2 that?  
3 A I really don't know.  
4 Q Do you know how many priests in the four  
10:44:15 5 years that you served as Vicar for Clergy that were  
6 serving in any type of ministerial capacity who had  
7 previous allegations made against them?  
8 A I was five years as Vicar for Clergy.  
9 Q I'm sorry. Thank you.  
10:44:31 10 A The number of priests --  
11 Q Uh-huh.  
12 A -- who were serving?  
13 Q Who were serving, who had allegations  
14 against them involving minors.  
10:44:39 15 A No, I don't have that number.  
16 Q Was it more than 20?  
17 A I couldn't say that.  
18 Q Could it be more than 20?  
19 A I can't really answer that question.  
10:44:59 20 Q Were you ever concerned while you were  
21 serving for Vicar for Clergy, that there were  
22 priests who had molested kids that were still  
23 serving in ministry?  
24 A Yes.  
10:45:13 25 Q Why were you concerned about that?

10:45:14 1 A Because I think it's a very bad thing to  
2 happen.

3 Q Did you tell the Cardinal you thought it  
4 was a bad idea?

10:45:20 5 A Well --

6 MR. WOODS: I'm going to object to the  
7 form of the question. If you just clarify, what was  
8 the bad idea?

9 MR. MANLY: I think that question's pretty  
10:45:35 10 clear. He testified that he thought it was a bad  
11 idea that priests serving ministry who had been --  
12 who had molested kids.

13 THE WITNESS: I didn't have -- there is a  
14 difference between allegations and knowledge that  
10:45:49 15 they molested children.

16 BY MR. MANLY:

17 Q Okay. Do you know of any priests -- how  
18 many priests served in ministry who had been removed  
19 from ministry and then returned because of  
10:46:00 20 allegations of sexual abuse?

21 MR. WOODS: During his time?

22 MR. MANLY: Correct.

23 THE WITNESS: There were a number.  
24 Michael Baker was one.

25

10:46:17 1 BY MR. MANLY:

2 Q How many, do you know?

3 A I can remember two at the moment.

4 Q Who else besides Mike Baker?

10:46:28 5 A Michael Wempe.

6 Q Did you believe while you were Vicar for

7 Clergy that Michael Wempe had previously abused

8 kids?

9 A I hadn't, no.

10:46:40 10 MR. WOODS: I would object. Is there some

11 relevance of Michael Wempe to this case or are you

12 going now past --

13 MR. MANLY: I think anybody -- I think

14 that if I have other priests serving in ministry who

10:46:54 15 are molesters, it's calculated to lead to the

16 discovery of admissible evidence during that same

17 time period that Father Baker served and I think I'm

18 entitled to it.

19 MR. WOODS: What my concern is, there

10:47:05 20 might be some Michael Wempe cases out there with

21 lawyers who might want to ask questions about this

22 and I would like to do it all at once.

23 It's unfair to have a hierarchy witness

24 who deals with lots of cases be noticed in one case and

10:47:20 25 then asked questions in the other.

10:47:23        1                    I'll let it go on for a little bit  
                 2       longer, but you've spent a lot of time now on background  
                 3       and policy and history and not much on Baker.  
                 4                    MR. MANLY:   Don --  
10:47:35        5                    MR. WOODS:   I would like you to move on.  
                 6                    MR. MANLY:   -- I'm going to take the  
                 7       deposition exactly as I see fit.   If you choose to  
                 8       instruct him not to answer, that's your prerogative,  
                 9       but you are not going to direct me on how to take  
10:47:44       10       the deposition so -- okay.   What was my last  
                 11       question?  
                 12                    (Record read.)  
                 13                    MR. MANLY:   You can answer.  
                 14                    THE WITNESS:   I had no evidence that  
10:48:04       15       Michael Wempe had abused children.  
                 16       BY MR. MANLY:  
                 17                Q       Did you believe Michael Baker had abused  
                 18       kids?  
                 19                A       He told me he had.  
10:48:14       20                Q       Okay.   And had you ever heard anything  
                 21       like that before regarding priests?  
                 22                    MR. WOODS:   Object to the form of the  
                 23       question in the term, "like that," is vague and  
                 24       ambiguous.  
10:48:34       25                    MR. MANLY:   You can answer.



10:48:34 1 THE WITNESS: As Vicar for Clergy, I don't  
2 remember that I had any other accusation of abuse of  
3 children.  
4 BY MR. MANLY:  
10:48:41 5 Q How about just in your priesthood  
6 previously, had you ever heard or come to understand  
7 that any other priests had ever molested a child?  
8 MR. WOODS: Object to the form of the  
9 question and it is compound. Have you ever heard or  
10:48:53 10 did you understand?  
11 MR. MANLY: You can answer.  
12 THE WITNESS: I read publicity about one  
13 priest.  
14 BY MR. MANLY:  
10:49:01 15 Q Who was that?  
16 A Pat Roemer.  
17 MR. WOODS: What --  
18 MR. MANLY: Father Roemer.  
19 BY MR. MANLY:  
10:49:09 20 Q When did Father Roemer leave the ministry,  
21 Bishop, if you remember?  
22 A I don't remember the exact date.  
23 Q Was it before or after you became Vicar  
24 for Clergy?  
10:49:19 25 A I believe it was before.

10:49:20 1 Q Okay. When did Michael Baker tell you  
2 that he molested a child?  
3 A I believe it was at the end of 1986.  
4 Q And where did that occur, if you recall?  
10:49:35 5 A In my office.  
6 Q In your office in the Archdiocese?  
7 A Yes.  
8 Q And how did it come that Michael Baker  
9 came to your office and had that discussion with  
10:49:46 10 you? How did that come to pass?  
11 A Because I was the Vicar for the clergy.  
12 Q Okay. Well, I mean, he didn't strut into  
13 your office one day and say, "I molested a child."  
14 I'm trying to get some background on it.  
10:50:01 15 Maybe he did, but I'm just trying to get  
16 some background on how he ended up in your office  
17 discussing this with you.  
18 A Oh, okay. At the retreat for the priests  
19 in June of 1986, Cardinal Mahony had a presentation  
10:50:14 20 on the problem of child abuse among the clergy and  
21 as part of that, he had encouraged any priest who's  
22 experienced that kind of difficulties to come  
23 forward and to speak to him confidentially and that  
24 we would get him the help that he needed.  
10:50:40 25 And then Michael Baker went for I believe

10:50:43        1        a course or a sabbatical for some months and I think he  
                 2        reflected on his situation and decided to come in  
                 3        response to the Cardinal's request.

                 4            Q        So did he report to the Cardinal first or  
10:50:55        5        to you?

                 6            A        He reported to me.

                 7            Q        Okay. And when was that, do you recall?

                 8            A        At the end of 1986.

                 9            Q        So approximately December?

10:51:04        10          A        Yes.

                 11          Q        Okay. And can you tell me what he said to  
                 12          you?

                 13          A        I don't remember the exact conversation.

                 14          Q        What about the gist of what he said?

10:51:17        15          A        He told me that in response to the  
                 16          Cardinal's request and that his own reflection on  
                 17          the matter, that he wanted to come in and report  
                 18          that he had had inappropriate relationships with, I  
                 19          believe, two boys.

10:51:30        20          Q        And how old were these boys?

                 21          A        I don't remember him telling me.

                 22          Q        And where did he say this had happened?

                 23          A        I don't remember where he said, that we  
                 24          talked about that.

10:51:41        25          Q        Okay. And what were the names of the

10:51:43 1 boys?

2 A I remember one name he gave was [REDACTED].

3 Q Did you write down the names?

4 A I don't remember that.

10:51:53 5 Q Okay. And do you remember what parish  
6 this occurred at?

7 A No.

8 Q Did anybody at any point from the  
9 Archdiocese reach out to the boys -- the families he  
10 identified?

10:52:06 11 A He told me that at least one of the boys  
12 was gone back to Mexico.

13 Q Okay. Did you try to find him in Mexico?

14 A No.

10:52:30 15 Q And what did he say -- what did he say he  
16 had done to them?

17 A Oh, he just said that he had inappropriate  
18 relationships with them.

19 Q Okay. And did you understand that to mean  
10:52:41 20 he had sexual relationships with them?

21 A Yes.

22 Q And what was his affect when he was  
23 telling you this?

24 A Pardon?

10:52:51 25 Q What was his affect? What was his

10:52:53        1        appearance, his body language, his affect?

                 2                    MR. WOODS: Objection to the form of the

                 3        question as confusing.

                 4                    THE WITNESS: I don't remember. I don't

10:53:03        5        remember.

                 6        BY MR. MANLY:

                 7                Q        Did he act sad? Did he act happy? Was he

                 8        clinical? What do you recall about that?

                 9                    MR. WOODS: Object to the form of the

10:53:12        10        question. Calls for speculation as to emotional

                 11        state or state of mind of the other person.

                 12                    MR. MANLY: You can answer.

                 13                    THE WITNESS: I don't remember.

                 14        BY MR. MANLY:

10:53:22        15                Q        Did you get mad at him?

                 16                A        No.

                 17                Q        What did you say?

                 18                A        I don't remember exactly what I said. I

                 19        don't remember.

10:53:29        20                Q        What was the gist of what you said?

                 21                A        Normally, in such a case, I would say I

                 22        would have to bring this to the attention of the

                 23        Cardinal and get back to him.

                 24                Q        Had you met with other priests before

10:53:41        25        Father Baker who had allegations against them or

10:53:46 1 disclosed allegations?

2 A No, I don't believe I did. I don't  
3 remember if I had.

4 Q So this was the first one?

10:53:51 5 A I believe it was, yes.

6 Q Were you shocked?

7 A I was surprised, yes.

8 Q And why were you surprised, Bishop?

9 A I'm always surprised when a priest says  
10:54:10 10 they have an inappropriate -- abusive relationships  
11 with children.

12 Q And did you ask, you know, what he did or  
13 how many times or anything of that nature?

14 A No.

10:54:25 15 MR. WOODS: Object to the form of the  
16 question; compound, vague and ambiguous.

17 MR. MANLY: You can answer.

18 THE WITNESS: No.

19 BY MR. MANLY:

10:54:37 20 Q Why not?

21 A I believe that we were going to send him  
22 to treatment and that those matters would be dealt  
23 with as part of the treatment.

24 Q And how did you know that, if this was the  
10:54:47 25 first case you had handled?

10:54:48 1 A Because we would normally send somebody to  
2 treatment who had serious problems.

3 Q And did you believe in 1986, that you  
4 could be cured of molesting children?

10:55:02 5 A I don't know that I had any belief about  
6 that.

7 Q Now, when he told you this, did you know  
8 that in 1986 that molesting a child -- sorry -- let  
9 me start over. I didn't mean -- I'm conscious of  
10 it, Don.

11 Did you know in 1986 that molesting a  
12 child was a crime?

13 A Yes.

14 Q Did you call the police?

10:55:29 15 A No.

16 Q Why?

17 A He came in under a confidential agree- --  
18 a confidential understanding with the church  
19 confessing to something that he had done and I  
20 believed that that was a confidential matter.

10:55:43 21 Q So if he had come in and told you that he  
22 had slaughtered a family, would you have called the  
23 police?

24 MR. WOODS: Object to the form of the  
10:55:56 25 question --

10:55:57 1 MR. MANLY: Let me rephrase it.

2 BY MR. MANLY:

3 Q If he had come in and told you he had  
4 murdered children, would you have called the police?

10:56:03 5 A I don't know what I would have done in  
6 that I never dealt with such a thing.

7 Q But you understood that it was part of  
8 Mahony's desire to deal with this personally; is  
9 that correct?

10:56:16 10 MR. WOODS: Object to the form of the  
11 question as calling for the state of mind or  
12 thinking of the Cardinal. Unless expressed --

13 MR. MANLY: I'll withdraw it. I'll  
14 withdraw it. Let me rephrase it.

10:56:24 15 BY MR. MANLY:

16 Q In any event, you didn't call the police?

17 A No.

18 Q Did you talk to the Cardinal about calling  
19 the police?

10:56:30 20 A I don't remember doing so.

21 Q Okay. Was there a meeting -- was there --  
22 let me ask you this, let's take it in order.  
23 Are you doing okay?

24 A Yes.

10:56:47 25 Q What did you do after Father Baker told



10:56:50        1        you this and then left your office?

                 2            A        I contacted the Cardinal.

                 3            Q        And how did you go about doing that, sir?

                 4            A        I don't remember.

10:56:56        5            Q        And so you contacted the Cardinal.

                 6                            Do you recall writing a memo or did

                 7                            you knock on his door or how did that work?

                 8            A        I just don't remember.

                 9            Q        Okay. Do you remember ever talking to the

10:57:11        10           Cardinal about this?

                 11           A        I know I talked to the Cardinal.

                 12           Q        Okay. And what did you say?

                 13           A        I can't remember the conversations.

                 14           Q        What was the gist of what you said?

10:57:21        15           A        I told him about what Michael Baker came

                 16                            in and told me.

                 17           Q        What did he say?

                 18           A        I believe that he said we had to have a

                 19                            meeting with Michael Baker, but I'm --

10:57:33        20           Q        So did you and the Cardinal or other --

                 21                            and/or others have a meeting with Father Baker?

                 22           A        The Cardinal and I had a meeting with

                 23                            Michael Baker.

                 24           Q        Was [REDACTED] present at that

10:57:44        25           meeting?

10:57:45 1 A Not that I remember.  
2 Q Okay. And what was said?  
3 A What I remember is that we said that he  
4 would need to be removed from ministry right away  
10:57:57 5 and that he would be sent to treatment.  
6 Q And where did that meeting take place?  
7 A I believe it took place in the Cardinal's  
8 office.  
9 Q Okay. And when you say, "sent to  
10:58:14 10 treatment," what do you mean?  
11 A That he would be sent to a residential  
12 treatment facility.  
13 Q And what was he going to be treated for?  
14 A For the problems that he had confessed to.  
10:58:29 15 Q Meaning molesting kids?  
16 A Yes.  
17 Q So he was going to go to treatment to get  
18 him to stop molesting kids?  
19 A Yes.  
10:58:35 20 Q All right. Had he had therapy of any type  
21 that you know of prior to him coming to see you  
22 about this matter?  
23 A I don't know that.  
24 Q Okay. And how did -- who selected where  
10:58:52 25 he was going to go to get this treatment?

10:58:56           1           A     I probably did.

                  2           Q     Okay. And how did you -- where did you

                  3           send him?

                  4           A     We sent him to a facility that -- Servants

10:59:04           5           of the Paraclete in Jemez Springs, New Mexico.

                  6           Q     And what is Servants of the Paraclete?

                  7           A     It's a religious community.

                  8           Q     It's a group of priests and brothers?

                  9           A     Yes.

10:59:21           10          Q     And what do they do?

                  11          A     What I knew of, that they ran that

                  12          facility.

                  13          Q     Did they treat -- did you understand that

                  14          the boys he molested were younger than 12 years old

10:59:35           15          or older than 12 years old?

                  16          A     No, I didn't.

                  17          Q     You don't know?

                  18          A     No.

                  19          Q     Did anybody ask him how old the children

10:59:45           20          were?

                  21          A     Not at that time.

                  22          Q     Did the Cardinal ask him what he had done

                  23          with these boys?

                  24          A     I don't remember that.

10:59:51           25          Q     Did the Cardinal ask him the names of the

10:59:53 1 boys?

2 A Again, I don't remember.

3 Q Did you ever discuss with the Cardinal the  
4 need to find these boys so they could get some help?

11:00:02 5 A I don't remember doing that.

6 Q You don't remember the Cardinal ever  
7 instructing you that these families needed to be  
8 found, that he had -- these children he had  
9 molested, so he could get the kids -- so the

11:00:18 10 Archdiocese could help these boys?

11 A I don't remember that.

12 Q Okay. When you sent him to the Servants  
13 of the Paraclete, were you worried they might -- or  
14 did you discuss with him the possibility they might  
11:00:30 15 report it --

16 MR. WOODS: I'm going to object, compound.

17 MR. MANLY: I haven't finished my  
18 question.

19 MR. WOODS: Oh, sorry.

11:00:35 20 MR. MANLY: That's okay.

21 BY MR. MANLY:

22 Q When you sent Father Baker to the Servants  
23 of the Paraclete or told him he was going to be sent  
24 there, in your mind, did you ever have concerns or  
11:00:48 25 questions as to whether they would report him to law

11:00:50        1        enforcement?

2                A        No, I wasn't thinking of that.

3                Q        Okay. How many priests over the years has

4                the Archdiocese, in terms of your knowledge or your

11:01:02        5                time in administration, sent to that facility?

6                A        I couldn't answer that.

7                Q        Okay. Did you have any expectation as to

8                whether they would or would not report him to the

9                police when you sent Father Baker there?

11:01:19        10                A        That wasn't on my mind.

11                Q        Okay. Did you or the Cardinal ever

12                discuss whether they would report?

13                A        I don't remember that.

14                Q        Okay. Did you and the Cardinal ever

11:01:40        15                discuss whether it would be appropriate to call

16                Child Protective Services or the police on

17                Father Baker?

18                A        No, I don't think so.

19                Q        Okay. Was there ever a discussion about

11:01:51        20                notifying the parishes or the places that

21                Father Baker had served prior to coming to see you, to

22                see if there were other people that he had hurt that the

23                Archdiocese could give help to?

24                A        No.

11:02:09        25                Q        Did you understand that the paracletes

11:02:11 1 were -- one of their jobs was to treat or offer  
2 treatment for sexual abusers of children?

3 A Yes.

4 Q And how did you first learn about the  
11:02:20 5 Servants of the Paraclete?

6 A I don't recall where I learned about it.

7 Q When you spoke to the Cardinal about this  
8 matter and Father Baker, did he already know the  
9 Servants of the Paraclete facility existed?

11:02:44 10 MR. WOODS: Objection; calls for state of  
11 mind, unless he expressed it to you.

12 MR. MANLY: You can answer.

13 THE WITNESS: I don't understand the --

14 BY MR. MANLY:

11:02:50 15 Q Let me ask it this way, you didn't have to  
16 explain to the Cardinal what the Servants of the  
17 Paraclete was in the Baker case, did you?

18 MR. WOODS: It's a negative pregnant  
19 question.

11:03:01 20 MR. MANLY: Wait. A negative pregnant  
21 question? Okay. Just want to make sure that got on  
22 the record. I've got a good response for that, but  
23 I would probably get sanctioned. Okay.

24 BY MR. MANLY:

11:03:14 25 Q Did the Cardinal know what the Servants of

11:03:17        1        the Paraclete was? Did he seem familiar with it  
                 2        when you were talking to him about it in the Baker  
                 3        case?

                 4                MR. WOODS: Object; the question's  
11:03:25        5        confusing, compound, calls for the state of mind of  
                 6        another person, unless he expressed it.

                 7                MR. MANLY: I really, really want you to  
                 8        stop coaching the witness. Okay. You can object.  
                 9        Stop coaching the witness. Go ahead.

11:03:39        10              MR. WOODS: It was an objection.

                 11              THE WITNESS: I believe the Cardinal was  
                 12        aware of the existence of the Servants of the  
                 13        Paraclete.

                 14        BY MR. MANLY:

11:03:48        15              Q        Why do you say that?

                 16              A        It was a well-known treatment facility.

                 17              Q        Okay. Now, when you told -- when  
                 18        Father Baker was meeting with you and the Cardinal, what  
                 19        was his affect there? How did he appear to you? Was he  
11:04:09        20        happy, sad?

                 21              A        I don't remember.

                 22              Q        Did anybody scold him in the meeting?

                 23              A        I don't remember that.

                 24              Q        Do you remember the Cardinal saying  
11:04:21        25        anything to him about what he had done?

11:04:24           1           A     I don't remember the conversations at that  
                  2     meeting.  
                  3           Q     All right. Did anybody from the  
                  4     Archdiocese visit Baker while he was at the  
11:04:36           5     Paracletes?  
                  6           A     Yes.  
                  7           Q     Who did?  
                  8           A     I did.  
                  9           Q     So you physically went to Jemez Springs  
11:04:42          10     and met with him?  
                  11          A     Yes.  
                  12          Q     Okay. And how many times did you do that  
                  13     while he was staying there?  
                  14          A     I was there once, but I may have been  
11:04:49          15     there more.  
                  16          Q     Who was the travel agent for the  
                  17     Archdiocese in those years?  
                  18          A     Oh, I don't remember.  
                  19          Q     Now, when you went there, were you  
11:05:04          20     visiting just Father Baker or were there other  
                  21     priests there as well?  
                  22          A     There were other priests there as well.  
                  23          Q     How many? Do you remember?  
                  24          A     I remember two others.  
11:05:15          25          Q     Who was there?



11:05:16 1 A [REDACTED] was there.  
2 Q Okay.  
3 A And I can't remember -- I can't remember  
4 if they were there at the time I visited Baker.  
11:05:27 5 Q And Father [REDACTED] had been [REDACTED]  
6 [REDACTED] for the Archdiocese?  
7 MR. WOODS: I'm sorry. Could I hear the  
8 question back?  
9 MR. MANLY: I'll say it again, Don.  
11:05:37 10 BY MR. MANLY:  
11 Q Father [REDACTED] had been [REDACTED]  
12 [REDACTED] for the Archdiocese?  
13 A Perhaps.  
14 Q Did Father [REDACTED] come forward in or  
11:05:48 15 around the same time Father Baker did?  
16 A I don't remember the time sequence.  
17 Q And it may be pronounced [REDACTED], but it's  
18 [REDACTED]; is that right?  
19 A Well, he was called [REDACTED].  
11:06:10 20 Q Okay.  
21 A It's probably [REDACTED]. I don't know.  
22 Q I've seen it in the directory both ways,  
23 but phonetically it's [REDACTED] right?  
24 A Right.  
11:06:24 25 Q Do you remember anybody else being there

11:06:24 1 besides [REDACTED] and Baker?

2 A Those are the ones I remember at the

3 moment.

4 Q In terms of the way the paracletes worked,

11:06:34 5 did you go shortly after he had been admitted and

6 visit?

7 MR. WOODS: Object to the form of the

8 question in that the preamble --

9 MR. MANLY: Let me rephrase.

11:06:45 10 MR. WOODS: -- has nothing to do with the

11 question.

12 BY MR. MANLY:

13 Q There was a protocol you as the Vicar for

14 Clergy representing the Ordinary of the priests were

11:06:53 15 to follow when a priest was in treatment at the

16 Paracletes, is that right, or they wanted you to

17 follow any way?

18 A I think so.

19 MR. WOODS: I'm going to object to the

11:07:03 20 form of the question. When you say "they" wanted

21 you to follow, who is "they?"

22 MR. MANLY: Paracletes.

23 THE WITNESS: I don't remember any

24 specific protocol that they had.

25

11:07:13 1 BY MR. MANLY:

2 Q Okay. Why were you going to visit him?

3 A To find out, get a progress report and to

4 see how he was doing.

11:07:20 5 Q And who did you meet with while you were

6 there?

7 A I don't remember.

8 Q Okay. Father [REDACTED], does that refresh your

9 memory?

11:07:30 10 A I don't remember a Father [REDACTED]

11 Q Did you meet with his psychologist or

12 psychiatrist?

13 A I believe I met with a psychiatrist.

14 Q With regard to Father Baker, do you recall

11:07:41 15 what they said was wrong with him?

16 A No, I don't.

17 Q Do you remember how many times you visited

18 there while Mike Baker was getting treatment?

19 A No, I don't.

11:07:52 20 Q Was it more than once?

21 A It could have been, but I don't remember.

22 Q Did you meet with them right before

23 Father Baker was going to be discharged?

24 A Possibly, but I don't remember.

11:08:05 25 Q Was it your custom and practice when a

11:08:06 1 priest was at the Paracletes to meet with the  
2 Paraclete's personnel right before discharge?  
3 A I don't remember that as a custom.  
4 Q All right. Did they give you periodic  
11:08:19 5 written reports on what was wrong with the priest  
6 and his progress? "You" being the Archdiocese.  
7 A Yes.  
8 Q And where were those typically kept?  
9 A I believe they were in the C file.  
11:08:31 10 Q Okay. Did they tell -- did the Paracletes  
11 give Father Baker a clean bill of health and tell  
12 you effectively he was cured when he was discharged?  
13 MR. WOODS: I am going to object to the  
14 form of the question. It calls for information  
11:08:48 15 between the psychiatry or psychotherapist patient  
16 privilege. Instruct the witness not to answer.  
17 MR. MANLY: Mark it, please.  
18 BY MR. MANLY:  
19 Q They gave you a whole variety of reports  
11:09:01 20 regarding Father Baker; is that correct?  
21 MR. WOODS: I'm going to object to the  
22 form of the question, the term, "a whole variety of  
23 reports," as vague and ambiguous.  
24 BY MR. MANLY:  
11:09:09 25 Q They gave you progress reports on

11:09:11 1 Father Baker?

2 A They did.

3 Q They gave you a discharge report on  
4 Father Baker, correct?

11:09:17 5 A To the best of my memory, yes.

6 Q And in that report, did you use that  
7 report -- let me ask it this way, in that report,  
8 did they tell you that it was okay for Father Baker  
9 to return to the ministry?

11:09:29 10 MR. WOODS: I'm going to object to the  
11 form of the question on the grounds that it calls  
12 for privileged information.

13 MR. MANLY: Well, this is a report --  
14 BY MR. MANLY:

11:09:38 15 Q Let me ask you this, how did the  
16 Archdiocese determine it was appropriate to return  
17 Father Baker to ministry?

18 A We believed that he wanted to change his  
19 life.

11:09:51 20 Q And why did you believe that?

21 A Because he came and reported himself and  
22 confessed.

23 Q And did you rely -- did you make sure by  
24 using therapists and psychiatrists, including those  
11:10:01 25 at the Paracletes, that it was safe for him to

11:10:05       1       return to ministry?

2                   MR. WOODS: I'm going to object to the

3       form of the question as compound.

4                   MR. STEIER: I'm going to interject and

11:10:14       5       ask that Baker's objection with regard to all

6       questions that have been asked relating to any

7       psychiatric data, he also would join in the

8       objections that Mr. Woods has made.

9                   MR. MANLY: You can answer.

11:10:28       10       MR. WOODS: Just to make the record clear,

11       I'll instruct the witness that we're objecting. We

12       don't want you to disclose anything that the

13       psychotherapist treating Michael Baker told you,

14       okay, because we're asserting a privilege concerning

11:10:45       15       that information.

16                   MR. MANLY: That's really -- are you done?

17                   MR. WOODS: Yeah.

18                   MR. MANLY: That's really interesting,

19       because I have actually seen videotape where the

11:10:53       20       Cardinal said that they relied on the therapists.

21                   I believe he has even said in the Baker

22       case that it was safe to return him for ministry. Now I

23       am told there is a psychotherapist patient privilege, so

24       the Cardinal can make public statements about it, but I

11:11:08       25       can't ask questions about it.

11:11:09 1 MR. WOODS: As far as --

2 MR. MANLY: Excuse me. As far as I'm

3 concerned, the report is not privileged because it

4 was sent to a third party. It was sent to a third

11:11:18 5 party with Mr. Baker's consent and, therefore, it is

6 not privileged and we'll probably have to litigate

7 this issue -- excuse me -- but it's particularly --

8 I find the objection particularly difficult to

9 understand given the fact that the Cardinal, every

11:11:32 10 time he talks about this, blames the psychiatrist

11 for keeping people like Father Baker in ministry.

12 Did you want to say something?

13 MR. STEIER: I just wanted to remind you

14 that the fact the Cardinal may have done anything

11:11:49 15 doesn't change the fact that Baker holds the

16 privilege and he never waived, unless you consider,

17 as you stated a moment ago, that a disclosure took

18 place that acted as a waiver, but I will remind you

19 that we have litigated this previously and we have

11:11:59 20 prevailed.

21 MR. MANLY: You have never litigated it

22 with me. And I have litigated it previously and I

23 have prevailed so --

24 BY MR. MANLY:

11:12:08 25 Q Did you discuss with -- Father Baker's

11:12:12 1 treatment in Father Baker's presence with his  
2 therapist?

3 MR. WOODS: Did you --

4 BY MR. MANLY:

11:12:19 5 Q Did you meet with Father Baker and his  
6 therapist in Father Baker's presence?

7 A I don't remember.

8 Q Okay. Why did you go to the Servants of  
9 the Paraclete when Mike Baker was there?

11:12:28 10 MR. WOODS: Asked and answered. You can  
11 answer it again.

12 THE WITNESS: To get -- to get reports on  
13 his progress.

14 BY MR. MANLY:

11:12:33 15 Q Progress. Okay. Why would you do that?  
16 Why was that important?

17 A Because we sent him for treatment to help  
18 him deal with his problems.

19 Q Okay. So you were just there to make sure  
11:12:47 20 he was doing okay?

21 MR. WOODS: Object to the form of the  
22 question as argumentative.

23 THE WITNESS: I was there as a part of the  
24 whole approach to treating him and to dealing with  
11:12:58 25 his problems.



11:12:59 1 BY MR. MANLY:

2 Q Okay. Was there an intent to return him  
3 to ministry when he was sent to the Paracletes? You  
4 can answer.

11:13:09 5 MR. WOODS: I'll object to the form of the  
6 question as calls for somebody's state of mind, but  
7 it's not clear. The question is not clear.

8 MR. MANLY: You can answer.

9 THE WITNESS: That was not a decision that  
11:13:19 10 was made.

11 BY MR. MANLY:

12 Q Okay. When was the decision made to  
13 return him to ministry?

14 A I don't exactly know.

11:13:25 15 Q Who made that decision?

16 A I did with the Cardinal.

17 Q What did you rely on -- I take it -- let  
18 me start over.

19 I take it when you put a priest in  
11:13:37 20 ministry, you want to make sure that he's safe to be  
21 around people, including children, right?

22 A We -- we decided that -- that he would not  
23 be in ministry involving children.

24 Q Okay. But forgetting Father Baker for a  
11:13:55 25 moment, before you would place a priest in ministry,

11:13:57 1 before you give him faculties, you want to make sure  
2 he's fit; is that fair?

3 A Yes.

4 Q And you want to make sure he is morally  
11:14:05 5 fit?

6 A Yes.

7 Q And you want to make sure that he's safe  
8 to be around people, correct?

9 A Yes.

11:14:10 10 Q If somebody's a homicidal maniac, you are  
11 not going to put him in ministry, fair?

12 A Right.

13 Q Did anybody ever advise you from the  
14 Paracletes that it was appropriate and safe to put  
11:14:23 15 Father Baker back in ministry, you being the  
16 Archdiocese?

17 MR. WOODS: I will object on the grounds  
18 that it calls for psychotherapist patient  
19 information and Michael Baker has not waived his  
11:14:38 20 privilege.

21 MR. MANLY: You can answer.

22 MR. WOODS: No. I instruct him not to  
23 answer.

24 MR. MANLY: Mark it, please.

25

11:14:46 1 BY MR. MANLY:

2 Q Did the Archdiocese seek input involving  
3 Father Baker's return to ministry from the Servants  
4 of the Paraclete?

11:14:58 5 A We sent him to ministry -- we sent him to  
6 the Servants of the Paraclete so that he would get  
7 treatment in dealing with his future.

8 Q Okay. My question is a little different  
9 than that, Bishop.

11:15:10 10 My question is, did you or the  
11 Cardinal seek input or in any way rely on the  
12 Paraclete's treatment and/or recommendations of  
13 Father Baker in returning him to ministry?

14 MR. GARPARI: Objection; lack of  
11:15:25 15 foundation.

16 MR. WOODS: Object to the form of the  
17 question as confusing.

18 MR. MANLY: You can answer.

19 THE WITNESS: Can I answer?

11:15:32 20 MR. WOODS: You can answer it, if you  
21 understand it.

22 THE WITNESS: I'm not sure I understand  
23 the question.

24 BY MR. MANLY:

11:15:36 25 Q Did you or the Cardinal in any way, shape

11:15:40       1       or form rely on recommendations or statements made  
                 2       to you either directly or in reports by the Servants  
                 3       of the Paraclete regarding Father Baker's fitness to  
                 4       return to ministry?

11:15:59       5               MR. GARPARI: Same objection.

                 6               THE WITNESS: We took this treatment as  
                 7       part of a larger issue of whether he would return to  
                 8       ministry.

                 9               MR. MANLY: My question is different.

11:16:13       10       BY MR. MANLY:

                 11            Q       Did you or the Cardinal in any way, shape  
                 12       or form rely or use in any way Father Baker's  
                 13       treatment records or reports about Father Baker from  
                 14       the Servants the Paraclete?

11:16:27       15               MR. GARPARI: Same objection, also  
                 16       compound.

                 17               MR. WOODS: It's compound and calls for  
                 18       the state of mind of the Cardinal. He can express  
                 19       his own opinion or his own evaluation.

11:16:38       20               MR. MANLY: Don, stop coaching the  
                 21       witness.

                 22               MR. WOODS: It's not coaching.

                 23               MR. MANLY: Stop coaching the witness.  
                 24       You can answer.

11:16:44       25               THE WITNESS: I relied on the

11:16:48           1       treatments -- on treatment programs to advise me and  
                  2       to give me direction on what to do for the future.  
                  3       BY MR. MANLY:  
                  4           Q     Okay. Involving Father Baker?  
11:17:04           5           A     Yes.  
                  6           Q     Now, did the Paracletes suggest, that you  
                  7       recall, that it was appropriate for Father Baker to  
                  8       be around children in ministry?  
                  9           MR. WOODS: Object to the form of the  
11:17:16          10       question as calling for psychotherapist patient  
                  11       privilege communication and instruct the witness not  
                  12       to answer.  
                  13           MR. MANLY: Okay. Mark it.  
                  14       BY MR. MANLY:  
11:17:31          15           Q     Did the Paracletes tell the Archdiocese  
                  16       that it was safe to put Father Baker back in  
                  17       ministry?  
                  18           MR. WOODS: Same objection, same  
                  19       instruction.  
11:17:37          20       BY MR. MANLY:  
                  21           Q     Did you communicate with the Paracletes  
                  22       about Father Baker outside of Father Baker's  
                  23       presence?  
                  24           A     Yes.  
11:17:51          25           Q     Did Father Baker know you were doing that?

11:17:53        1            A     I don't know.

                 2            Q     Did Father Baker know that the Archdiocese

                 3                   was getting reports about his progress from the

                 4                   Paracletes?

11:18:01        5            A     I believe he did.

                 6            Q     And how do you know that?

                 7            A     It was normal practice.

                 8            Q     Okay. Did Father Baker ever object to you

                 9                   getting those reports?

11:18:12        10           A     Not that I remember.

                 11           Q     Okay. Did you ever meet with

                 12                   Father Baker's therapist and Father Baker and discuss

                 13                   his progress and his suitability to return to ministry?

                 14                   MR. WOODS: Asked and answered.

11:18:23        15           MR. MANLY: You can answer.

                 16                   THE WITNESS: Yes, I met with the

                 17                   therapist in Jemez Springs with Father Baker.

                 18                   BY MR. MANLY:

                 19            Q     Okay. And you and the Cardinal together

11:18:40        20           made the decision to place him back in ministry?

                 21            A     Yes.

                 22            Q     Okay. And you said he wasn't to be around

                 23                   children; is that correct?

                 24            A     Yes.

11:18:52        25           Q     Okay. And who made that decision?

11:18:55 1 A I did in consultation with the Cardinal.

2 Q Why?

3 A Because he had confessed to abusing  
4 children in the past and we didn't want to put him  
11:19:08 5 in a situation where he would be involved with  
6 children.

7 Q So besides telling Father Baker that he  
8 was not to be around children, what did you do --  
9 what other steps did the Archdiocese put in place to  
11:19:20 10 protect kids, if any?

11 A We put him in a program. We put him in an  
12 assignment where he was not involved with children.  
13 And we told the pastor of the parish that he was to  
14 live at that he was not to be involved in any  
11:19:37 15 ministry with children.

16 Q What parish was that?

17 A I believe it was St. Thomas.

18 Q Who was the pastor?

19 A [REDACTED].

11:19:46 20 Q Did you tell Father [REDACTED] that  
21 Father Baker was a child molester?

22 A I don't remember doing so.

23 Q Well, did you think that was important for  
24 Father [REDACTED] to know?

11:19:57 25 A I thought it was important that he know

11:19:59           1       that he was not supposed to be around children.

                  2           Q     You didn't tell him he was a molester, but

                  3       you told him he wasn't to be around children?

                  4           A     Yes.

11:20:09           5           Q     Why didn't you tell him he was a molester?

                  6           A     I don't know.

                  7           Q     Were you trying to hide it?

                  8           A     No.

                  9           Q     Did you and the Cardinal meet with Baker

11:20:25          10       after he came back from the Paracletes?

                 11           A     I don't remember.

                 12           Q     Was [REDACTED] returned to ministry?

                 13           A     Yes.

                 14           Q     When you became Vicar for Clergy, did you

11:20:51          15       have a meeting with the Cardinal involving

                 16       problem -- you know, discussing problem priests and

                 17       how to deal with them just generally?

                 18           A     Not -- not regarding problem priests, not

                 19       in meeting with -- specifically on problem priests.

11:21:10          20           Q     Did you ever have a meeting about the

                 21       problem with priests molesting kids with the

                 22       Cardinal?

                 23           A     I need a clarification.   When?

                 24           Q     When you were Vicar for Clergy.

11:21:28          25       MR. WOODS:  Object.  You mean in a general



11:21:29 1 sense?

2 MR. MANLY: Right, not just Baker. I  
3 mean, did you have kind of an overall meeting with  
4 Cardinal and or others where you discussed this

11:21:38 5 issue?

6 THE WITNESS: I don't remember specific  
7 meetings. We must have because we had a -- we  
8 had -- I met with the Cardinal or I discussed with  
9 the Cardinal the presentation for the priests at the  
10 retreat so --

11:21:55

11 BY MR. MANLY:

12 Q Okay. You had a presentation at the  
13 retreat on sexual abuse?

14 A Yes.

11:22:01

15 Q The one that Baker attended?

16 A Yes.

17 Q What did that consist of, if you recall,  
18 Bishop?

11:22:11

19 A I don't recall the details. We had a  
20 lawyer there who talked about it and I -- we may  
21 have had a therapist, but I don't remember.

22 Q Was the lawyer from the National  
23 Conference of Catholic Bishops?

24 A No.

11:22:23

25 Q Was it [REDACTED] ?

11:22:25           1           A     No.

                  2           Q     Do you remember who it was?

                  3           A     Yes. It was the lawyer that was the

                  4           lawyer from Stockton.

11:22:30           5           Q     Okay. The lawyer that had been in the

                  6           O'Grady case?

                  7           A     I'm not sure.

                  8           Q     So did the Cardinal have a lawyer from

                  9           Stockton that he used up there to come down?

11:22:44           10          A     Yes.

                  11          Q     And what did he say?

                  12          A     Oh, I don't remember.

                  13          Q     Did you meet with Baker or have scheduled

                  14          meetings with Baker to check on his progress after

11:23:13           15          he returned to ministry?

                  16          A     I believe I did.

                  17          Q     And did you keep the Cardinal informed

                  18          about that?

                  19          A     I think I did.

11:23:19           20          Q     Did you do that in writing?

                  21          A     Probably.

                  22          Q     Did you check on Father [REDACTED], check with

                  23          Father [REDACTED] on how he was doing?

                  24          A     I don't remember that.

11:23:41           25          Q     Did he have an aftercare supervisor?

11:23:46 1 A He had an aftercare program.  
2 Q And who was in charge of that?  
3 A The Servants of the Paraclete and I worked  
4 together on that.  
11:23:57 5 Q Tell me how that was implemented, what  
6 steps were taken.  
7 MR. WOODS: I'm sorry. What was the last  
8 point?  
9 BY MR. MANLY:  
11:24:11 10 Q How was that implemented? What steps were  
11 taken in that program?  
12 A As far as I remember, he had a therapist  
13 and had to go to a therapist and I believe a group  
14 session also. And he met with me and he checked in  
11:24:20 15 with the Servants of the Paraclete.  
16 Q When you say, "he checked in," did he call  
17 them or did they come to see him?  
18 MR. GARPARI: Lacks foundation.  
19 THE WITNESS: I'm not sure. He may have  
11:24:31 20 gone there and they may have called.  
21 BY MR. MANLY:  
22 Q When you were testifying earlier, you  
23 talked about you wanted to follow the law and you  
24 always wanted mandated reporters to report.  
11:24:47 25 Do you remember that?

11:24:47 1 A Yes.

2 Q Did you understand when were you Vicar for  
3 Clergy that psychologists were mandated reporters,  
4 mental health professionals were mandated reporters?

11:24:59 5 A I believe I did, yes.

6 Q Were you surprised then that the Servants  
7 the Paraclete didn't call the police?

8 MR. GARPARI: Speculation, lacks  
9 foundation, assumes facts not in evidence.

11:25:09 10 MR. WOODS: Same objections.

11 MR. MANLY: You can answer.

12 THE WITNESS: It wasn't something that  
13 occurred to me.

14 BY MR. MANLY:

11:25:15 15 Q Why didn't you just send Father Baker to  
16 UCLA or some other psychiatric facility for  
17 treatment?

18 A I wasn't aware of those dealing with  
19 priests.

11:25:32 20 Q I mean, is the reason -- one of the  
21 reasons, Bishop, that Father Baker was sent by the  
22 Archdiocese to the Servants of the Paraclete, is  
23 that the Cardinal knew and you knew they wouldn't  
24 call the police?

11:25:42 25 A No.

11:25:44           1                   MR. WOODS: Object to the form of the  
2                   question. It calls for the state of mind or  
3                   thinking of another person, unless it was expressed  
4                   to you.

11:25:52           5                   MR. GARPARI: Assumes facts not in  
6                   evidence and it's argumentative.

7                   MR. WOODS: And it's compound.

8                   BY MR. MANLY:

9                   Q       Did you ever discuss in the years you were  
11:26:01           10           Vicar of Clergy with Cardinal Mahony, the idea that  
11                   the police should be called when a priest is  
12                   credibly accused of molesting a little boy or a  
13                   little girl?

14                  A       I don't remember specifically.

11:26:17           15                  MR. MANLY: Okay. Let's take a 10-minute  
16                   break.

17                  THE VIDEOGRAPHER: Videotape deposition  
18                   off record at 11:26 a.m.

19                               (Off the record.)

11:39:38           20                  THE VIDEOGRAPHER: Videotape deposition is  
21                   now returning to record at 11:39 a.m. There is  
22                   approximately 46 minutes left on tape 1.

23                  BY MR. MANLY:

24                  Q       You doing okay, Bishop?

11:40:03           25                  A       Yes.

11:40:03        1            Q     When Mike Baker -- Michael Baker  
                 2            -- Father Baker came to you and sat in your office and  
                 3            told you that he had sexually abused two boys, did you  
                 4            ask him where it happened, where he did this?

11:40:20        5            A     No.

                 6            Q     Did you ask him about whether the parents  
                 7            knew?

                 8            MR. WOODS: I'm sorry?

                 9            BY MR. MANLY:

11:40:30        10          Q     Did you ask him about whether the parents  
                 11          knew?

                 12          A     No.

                 13          Q     Did you ask him if there were others?

                 14          A     No.

11:40:36        15          Q     Did you ask him how long ago this had  
                 16          happened?

                 17          A     No.

                 18          Q     You did ask them the name of the boys; is  
                 19          that correct?

11:40:47        20          A     I believe he gave me the -- I remember him  
                 21          giving me the name of one boy.

                 22          Q     And did you write that down?

                 23          A     I don't remember.

                 24          Q     Okay. Can you describe the efforts the

11:40:59        25          Archdiocese made to locate these children and notify

11:41:03        1        them and their families that their boys had been  
                 2        hurt by Father Baker?  
                 3            A        We didn't try to locate them.  
                 4            Q        Okay. Earlier you told me that you -- one  
11:41:19        5        child had returned to Mexico?  
                 6            A        That's what he told me.  
                 7            Q        That's what Baker told you?  
                 8            A        Yeah.  
                 9            Q        Did you call the pastor where Baker had  
11:41:26        10       done this and -- where Baker was serving when he had  
                 11       done this and said, "Can you help me find these  
                 12       families?"  
                 13            A        No.  
                 14            Q        Did you talk to the Cardinal about the  
11:41:37        15       need to help these children?  
                 16            A        I don't remember.  
                 17            Q        Bishop, did you understand at that time  
                 18       that -- how old were you, Excellency, in 1986?  
                 19            A        I was 43.  
11:41:51        20            Q        Okay. And you had been a priest for over  
                 21       20 years?  
                 22            A        Almost 20 years.  
                 23            Q        Okay. Did you understand that when a  
                 24       child's molested, that there can be catastrophic  
11:42:04        25       consequences to that little boy or little girl?

11:42:08 1 A I didn't have a clear understanding -- I  
2 didn't have a deep understanding then.

3 Q Did it occur to you in any way that these  
4 children might be hurt?

11:42:22 5 A Yes.

6 Q Did you and the Cardinal -- did the  
7 Cardinal ever ask you about the children, ever make  
8 any inquiry of their status?

9 A I don't remember.

11:42:34 10 Q You don't remember the Cardinal ever  
11 asking you about how are these children doing, have  
12 we made outreach to their families, have we tried to  
13 help them?

14 A No, I don't remember.

11:42:49 15 Q Did he ever ask -- did Cardinal Mahony ask  
16 Father Baker if anyone had reached out to these boys  
17 or girls and asked them to --

18 (Alex Stack entered the conference  
19 room.)

11:43:02 20 MR. MANLY: Let me start over. Thank you,  
21 Alex.

22 You are welcome.

23 (Alex Stack exited the conference  
24 room.)

25



11:43:09 1 BY MR. MANLY:

2 Q Did anyone -- do you ever recall the  
3 Cardinal asking you or anybody else whether any  
4 outreach had been made to these children or their  
5 families?

11:43:21

6 A I don't recall that.

7 Q Do you recall the Cardinal ever discussing  
8 the victims?

9 A We didn't really know who the victims  
10 were.

11:43:36

11 Q Did you ever -- if the Cardinal had  
12 directed you to find the victims, would you have  
13 found them?

14 A I don't know that.

11:43:39

15 Q If the Cardinal said -- was your title  
16 then Father or Monsignor --

17 A Monsignor.

18 Q -- "Monsignor, I want these boys found, I  
19 want their families found, I want to help them,"

11:43:53

20 would you have done that?

21 A I don't know whether I could have.

22 Q You would have tried, right?

23 A I don't know. I think so.

24 Q If the Cardinal told you to do something,  
25 you would use whatever facilities and ability you

11:44:02

11:44:05 1 had to do it; is that correct?

2 A Yes.

3 Q But he never told you to find the kids,  
4 did he?

11:44:10 5 A Not that I remember.

6 Q Now, did you have a discussion about  
7 notifying the parishes where Baker had served with  
8 the Cardinal?

9 A No.

11:44:26 10 Q Did it ever occur to you that there might  
11 be other children that Father Baker had abused?

12 A That wasn't --

13 MR. WOODS: Hold on. Object to the form  
14 of the question in that when you say, "Did it ever

11:44:39 15 occur to you," that comes all the way up to the  
16 present time.

17 MR. MANLY: That's fair. Let me rephrase  
18 it.

19 BY MR. MANLY:

11:44:47 20 Q Did it occur to you, while were you Vicar  
21 for Clergy, that there might be other kids that  
22 Father Baker had abused besides these two boys?

23 A I don't remember thinking about that.

24 Q Did the Paracletes ever raise with you

11:45:03 25 that there was a possibility there might be other

11:45:06 1 victims?

2 A I don't remember if they did.

3 Q Did the Cardinal ask Father Baker if he  
4 had other victims?

11:45:12 5 A I don't remember.

6 Q Did you ask him?

7 A I don't think so.

8 Q Who else besides you and the Cardinal in  
9 the years you were Vicar for Clergy knew that  
11:45:23 10 Father Baker was a child molester?

11 MR. WOODS: I'm going to object to the  
12 form of the question in that the term "child  
13 molester" is very loaded terminology, but I'll let  
14 him answer.

11:45:40 15 MR. MANLY: Okay. Let me just address  
16 that objection. Child molester, when somebody puts  
17 their hands or penetrates a child or sexually takes  
18 advantage of a child, that's a child molester.

19 Now, you want to call that loaded, that  
11:45:54 20 may be some sort of sensitivity that you have that I  
21 frankly think is bizarre, but that's your business.

22 MR. WOODS: The question is whether he is  
23 currently a child molester or whether he had at some  
24 point in time molested a child. It's a

11:46:07 25 terminology -- I mean, it's confusing.

11:46:12 1 BY MR. MANLY:  
2 Q Do you know what child molestation is,  
3 Bishop?  
4 A Yes.  
11:46:16 5 Q And was Father Baker a child molester?  
6 A He said he was.  
7 Q Thank you.  
8 So did anybody else besides you and  
9 father -- you, Father Baker and the Cardinal in the  
11:46:27 10 Archdiocese know Father Baker was a child molester  
11 while you were Vicar for Clergy?  
12 A Yes, I do believe people on my staff knew  
13 that.  
14 Q Like who?  
11:46:39 15 A Well, my executive assistant would have  
16 known that.  
17 Q Who is that?  
18 A [REDACTED]  
19 Q [REDACTED]  
11:46:44 20 A [REDACTED]  
21 Q [REDACTED]  
22 A [REDACTED]  
23 Q Who else?  
24 A Probably [REDACTED], who was on my  
11:46:59 25 staff.

11:47:00           1           Q    And what does [REDACTED] do now?

                  2           A    He's retired, I believe.

                  3           Q    Okay. Anybody else?

                  4           A    I would -- [REDACTED], who was the lawyer

11:47:11           5           for the Archdiocese.

                  6           Q    Where does [REDACTED] or

                  7           [REDACTED] live?

                  8           A    He lives at St. Basil's church.

                  9           Q    What city is that?

11:47:30           10          A    Los Angeles.

                  11          Q    And do you keep in touch with [REDACTED]?

                  12          A    No.

                  13          Q    Why did she leave the Archdiocese, do you

                  14          know?

11:47:40           15          A    I don't.

                  16          Q    Okay. So besides you, the Cardinal,

                  17          [REDACTED] and [REDACTED], who else knew?

                  18          A    Father Tim Dyer knew.

                  19          Q    And how did Dyer know?

11:47:57           20          A    Because Michael Baker subsequently lived

                  21          with him and I don't exactly know. He was a friend

                  22          of his. I don't know how he knew.

                  23          Q    What was Father Baker's position in the

                  24          Archdiocese when you were Vicar for Clergy, if you

11:48:14           25          recall?

11:48:15           1           A     At what time?

                  2           Q     Well, if he had more than one position,  
                  3           you can just tell me that.

                  4           A     I believe that when he came in to report  
11:48:21           5           himself and to confess, that I think he was on  
                  6           sabbatical at that time, but he may have been an  
                  7           administrator of a parish.

                  8           Q     Did Dyer go with Baker to report?

                  9           A     No.

11:48:35           10          Q     Baker came by himself?

                  11          A     Yes.

                  12          Q     Okay. All right.

                  13                   And then he was either on sabbatical  
                  14           or administrator of a parish. Did that change at  
11:48:50           15           some point while you were Vicar for Clergy?

                  16          A     Yes. We removed him from active ministry  
                  17           after he confessed to the Cardinal and me.

                  18          Q     Father Dyer?

                  19          A     Father Baker.

11:49:00           20          Q     I got it. I'm asking about Father  
                  21           Baker -- I'm asking about Father Dyer.

                  22                   What position did Father Dyer hold?

                  23          A     He was a pastor.

                  24          Q     Okay. At St. Columbkille?

11:49:17           25          A     At St. Elizabeth's in Van Nuys.

11:49:18           1           Q     Did Father Baker live there?

                  2           A     He did subsequently.

                  3           Q     While you were Vicar for Clergy?

                  4           A     Yes.

11:49:27           5           Q     Who made the decision to post Baker at

                  6     St. Elizabeth's?

                  7           A     I think I did.

                  8           Q     And why did you do that?

                  9           A     He was a friend of Father Dyer, who would

11:49:42          10     help supervise him.

                 11           Q     Did you ever consider that the friendship

                 12     was not a -- it was not a good idea to place Baker

                 13     with somebody who he's a friend with?

                 14           MR. WOODS: Again, the use of the word

11:49:57          15     "ever" to the extent it calls for an expert opinion

                 16     beyond the time of the actual events, I would

                 17     instruct you not to answer or to limit your answer

                 18     to the time during which you were Vicar for Clergy.

                 19           MR. MANLY: You can't instruct him not to

11:50:14          20     answer unless you have a privilege. It's against

                 21     the law. Would you please stop it.

                 22           MR. WOODS: This is something that cannot

                 23     be corrected. It would abuse the entire expert

                 24     designation procedure if you were allowed to ask

11:50:30          25     expert -- hold on -- if were you allowed to ask

11:50:33        1        expert opinions during this phase of discovery and  
                 2        he answered them.

                 3                MR. MANLY: I'm not asking him an expert  
                 4        opinion. I'm asking if he thought it was a bad idea

11:50:42        5        to let Baker live with his buddy. That's what I'm  
                 6        asking him.

                 7                MR. WOODS: And he's --

                 8                MR. MANLY: How is that an expert opinion,  
                 9        Mr. Woods?

11:50:48        10        MR. WOODS: Because you are asking him now  
                 11        whether he thinks it's a bad idea.

                 12        MR. MANLY: No. I'm asking him at the  
                 13        time --

                 14        MR. WOODS: That's fine.

11:50:54        15        MR. STEIER: That's not what you asked.

                 16        MR. WOODS: That's not what you asked.

                 17        MR. MANLY: I'll ask the other question.  
                 18        I am entitled to ask both.

                 19        MR. WOODS: Ask him both, but the one that

11:51:03        20        calls for an opinion now, I am going to instruct him  
                 21        not to answer.

                 22        MR. MANLY: You can do whatever you like.

                 23        MR. WOODS: I did. I will.

                 24        MR. MANLY: All right.

                 25



11:51:09 1 BY MR. MANLY:

2 Q Monsignor, when you decided to post him  
3 there, did you believe then that it was a good idea  
4 to post him with somebody who was his friend?

11:51:20 5 A Yes.

6 Q Why?

7 A They would be able to supervise him.

8 Q Looking back, have you ever, you know, in  
9 the time since Baker has been arrested, have you  
11:51:30 10 ever thought in retrospect that was a bad idea?

11 MR. WOODS: I object to that question for  
12 the grounds previously stated and instruct the  
13 witness not to answer.

14 MR. MANLY: Okay. I'm asking him -- it's  
11:51:41 15 a yes or no question -- has he ever thought since  
16 Baker was arrested, that it was a bad idea to post  
17 him with a friend that we now know that Baker was  
18 molesting all kinds of kids, either with Dyer's  
19 knowledge or right under his nose.

11:51:56 20 MR. WOODS: What he now knows is  
21 irrelevant to the subject matter of the litigation.  
22 The issue is what he knew at the time of the conduct  
23 which is alleged to be negligent, not what he knows  
24 now 30 years after the fact.

11:52:11 25 MR. MANLY: It is not 30 years after the

11:52:13 1 fact. What are you talking about? It is not 30  
2 years.  
3 MR. FINALDI: Our client is not even 30  
4 years old.  
11:52:18 5 MR. WOODS: Over 25 years.  
6 MR. MANLY: This happened in 1999 and '98,  
7 Mr. Woods. What are you talking about?  
8 MR. WOODS: Whatever it is. I'm not sure  
9 what time period you are talking about, because I'm  
11:52:27 10 not sure --  
11 MR. MANLY: That's because you are not  
12 paying attention.  
13 MR. WOODS: -- when he was posted to St.  
14 Elizabeth's. I don't know that we have heard what  
11:52:33 15 that date is, but be that as it may, I have  
16 instructed him for the reasons I've explained.  
17 MR. MANLY: Mark it.  
18 BY MR. MANLY:  
19 Q Have you ever had a discussion with the  
11:52:46 20 Cardinal at any time subsequent to Baker's arrest  
21 about the Father Baker case?  
22 A Not that I remember.  
23 Q Has anybody ever tried to find those two  
24 boys that he first confessed to molesting?  
11:53:06 25 A I don't know.

11:53:07           1           Q     You don't have any knowledge that anybody  
2                   at the Archdiocese, Bishop, ever has tried to find  
3                   those two kids, do you?

4                   A     I don't.

11:53:15           5           Q     Is it true, Bishop, that the reason you  
6                   didn't find the two kids is you were concerned they  
7                   might call the police?

8                   A     No.

9                   Q     Why didn't you try to find the kids?

11:53:23           10           A     I just didn't know who they were and where  
11                   they were and I thought one was in Mexico.

12                  Q     Well, if you wanted to find them, what  
13                   could you have done?

14                  A     I don't know at that time.

11:53:33           15           Q     You don't know what you could have done to  
16                   find the kids; is that your testimony?

17                   MR. WOODS: Argumentative -- very  
18                   argumentative, but I'll let him answer again.

19                   THE WITNESS: I wasn't trained in finding  
11:53:51           20           people.

21                   BY MR. MANLY:

22                  Q     Okay. You don't know -- if you wanted to  
23                   find the children, you have no idea what you could  
24                   have done at that time to locate them?

11:53:59           25           A     If I have an idea now or then?

11:54:03           1           Q     Either.

                  2           MR. WOODS: I think --

                  3           THE WITNESS: I don't understand that

                  4     question.

11:54:12           5     BY MR. MANLY:

                  6           Q     Could you have gone to the parish records

                  7     and seen if they were registered?

                  8           A     No.

                  9           Q     No?

11:54:19          10           A     I didn't have a last name.

                  11           Q     Okay. Could you have gone to the -- did

                  12     you ask Baker for the last name?

                  13           A     No.

                  14           Q     Okay. Well, you could have asked Baker

11:54:27          15     for the last name, right?

                  16           A     Yes.

                  17           Q     You didn't even ask the last name of the

                  18     victim, right? Is that your testimony?

                  19           A     Yes.

11:54:40          20           Q     So you didn't ask the last name of the

                  21     victim, you didn't ask the name of the other victim;

                  22     is that right?

                  23           A     Right.

                  24           Q     Why in the world not?

11:54:46          25           A     I don't know.

11:54:46 1 Q Isn't it true you didn't want to know?  
2 A No.  
3 Q Well, then why didn't you ask?  
4 A Because I wasn't accustomed to dealing  
11:54:56 5 with those issues at the time. It was the first  
6 time I had dealt with it.  
7 Q Why didn't you hire somebody or bring  
8 somebody on that was accustomed?  
9 A Because I wasn't skilled in the matter.  
11:55:06 10 Q Did the Cardinal ask the last name?  
11 A I don't remember.  
12 Q If you had the name of the boys, could you  
13 have checked the parish registration?  
14 A Which parish?  
11:55:22 15 Q Wherever it happened.  
16 A I didn't know where it happened. I didn't  
17 ask.  
18 Q You didn't ask where it happened, you  
19 didn't ask the name; is that right?  
11:55:33 20 MR. WOODS: Hold on. Compound. Compound.  
21 I object to the form of the question in that it is  
22 compound and confusing.  
23 MR. MANLY: Okay.  
24 BY MR. MANLY:  
11:55:45 25 Q Did the Cardinal preclude you from

11:55:47        1        bringing in outside help?

                 2            A        No.

                 3            Q        Okay. Did the Cardinal ask where this

                 4        happened?

11:55:52        5            A        I don't remember.

                 6            Q        Did the Cardinal ask what parish it

                 7        happened in?

                 8            A        I don't remember that.

                 9            Q        Did anybody speak with Father Baker's

11:56:00        10       supervisors to try and find out how this occurred so

                 11       it wouldn't happen again?

                 12            MR. WOODS: Object to the form of the

                 13       question in that --

                 14            MR. MANLY: I know what your problem is.

11:56:08        15       I'm sorry. I know what your problem is with that

                 16       question. Let me see if I can rephrase it.

                 17       BY MR. MANLY:

                 18            Q        Did anybody --

                 19            MR. MANLY: Can I have the question I

11:56:19        20       asked read back.

                 21                            (Record read.)

                 22       BY MR. MANLY:

                 23            Q        Okay. At the time that Baker reported,

                 24       did anybody speak with the pastor he was working for

11:56:39        25       or the supervisor to find out how this could have

11:56:41 1 occurred without somebody else knowing about it?

2 MR. WOODS: Object to the form of the  
3 question as rambling, confused, compound, but I'll  
4 let you answer it.

11:56:53 5 MR. MANLY: I didn't know rambling was a  
6 legal objection.

7 MR. WOODS: It is. It makes the question  
8 inarticulate.

9 MR. MANLY: I learn something new from you  
11:56:59 10 every time I take a deposition, Don.

11 MR. WOODS: Because every phrase that you  
12 use in there when you go on and on and on in a  
13 semi-speech requires the witness to confirm it or  
14 deny it.

11:57:10 15 MR. MANLY: There's another one.

16 MR. WOODS: It is very difficult for a  
17 witness to do that.

18 MR. MANLY: There's another one.

19 Semi-speech. Negative pregnant question, rambling  
11:57:17 20 and semi-speech. Write this down, Mr. Finaldi,  
21 we'll keep a running total.

22 All right. Do you remember the  
23 question?

24 THE WITNESS: I don't understand the  
11:57:26 25 question.

11:57:27           1                   MR. MANLY: Why don't you ask it again.  
                  2                               (Record read.)  
                  3                   MR. MANLY: You can answer subject to  
                  4                   Mr. Woods' objections.  
11:57:53           5                   THE WITNESS: I really don't understand  
                  6                   the question. Who was the supervisor?  
                  7                   BY MR. MANLY:  
                  8                   Q       Who was supervising Father Baker at the  
                  9                   time he reported?  
11:58:05           10                  A       Well, I was and the Cardinal was.  
                  11                  Q       Where was Father Baker working at the time  
                  12                  he reported, do you remember?  
                  13                  A       I don't think he was working. He was on  
                  14                  sabbatical.  
11:58:14           15                  Q       Okay. Do you remember where he worked  
                  16                  immediately before that?  
                  17                  A       Possibly in La Mirada or possibly Pico  
                  18                  Rivera.  
                  19                  Q       Did anybody speak with his -- and he had  
11:58:29           20                  worked as an associate prior to the time he  
                  21                  reported; is that correct?  
                  22                  A       Yes.  
                  23                  Q       Associate pastor at a parish?  
                  24                  A       Yes.  
11:58:37           25                  Q       Did you or the Cardinal ever call the



11:58:41 1 pastors he had worked for and asked about this?  
2 A No.  
3 Q Okay. Did you ever determine whether he  
4 was allowing boys to spend the night in the rectory?  
11:58:56 5 A At what stage?  
6 Q Prior to 1986.  
7 A No.  
8 Q Okay. Now, in the material that you used  
9 at this seminar on sexual abuse, were there  
11:59:15 10 handouts?  
11 MR. WOODS: Are you talking about the 1986  
12 seminar?  
13 MR. MANLY: Yes.  
14 THE WITNESS: I didn't conduct that  
11:59:21 15 seminar.  
16 BY MR. MANLY:  
17 Q Who did?  
18 A The lawyer and perhaps somebody else I  
19 don't remember.  
11:59:27 20 Q Were there handouts?  
21 A I don't remember.  
22 Q Okay. What did they tell you about that  
23 you can recall, what were they talking about?  
24 A I can't recall the details.  
11:59:37 25 Q Okay. Did you know in 1986 that

11:59:41           1       frequently, if you have a pedophile, that pedophiles  
                  2       have many victims?  
                  3           A     I didn't know if he was a pedophile.  
                  4           Q     You didn't know what?  
11:59:57           5           A     If he was a pedophile.  
                  6           Q     Okay. What was the other option, if he  
                  7       was molesting boys?  
                  8           A     Well, molesting of minors.  
                  9           Q     Did you have a term for that?  
12:00:10          10           A     I think there is but I forget it.  
                  11           Q     Ephebophile?  
                  12           A     Yeah, that's right.  
                  13           Q     Did you know the difference in 1986  
                  14       between a pedophile and an ephebophile?  
12:00:22          15           A     I'm not sure.  
                  16           Q     A pedophile traditionally is somebody who  
                  17       molests prepubescent boys.  
                  18           A     Yes.  
                  19           Q     And an ephebophile is post-pubescent. I'm  
12:00:34          20       not sure if it is boys or just children, frankly.  
                  21       Do you know?  
                  22           A     No.  
                  23           Q     Now, was that important to you when you  
                  24       talked to Father Baker in terms of, was that  
12:00:50          25       important for you to find out?

12:00:51 1 MR. WOODS: I'm going to object to the  
2 form of the question. What is "that?"

3 MR. MANLY: Whether he was a pedophile or  
4 an ephebophile.

12:00:54 5 THE WITNESS: I didn't ask him that.

6 BY MR. MANLY:

7 Q Let me ask it a different way. You  
8 said -- you testified you didn't ask the age of the  
9 boys?

12:01:09 10 A No.

11 Q Okay. How many different assignments did  
12 Baker have after he came back from the Paracletes in  
13 the Archdiocese, Bishop?

14 A While I was --

12:01:31 15 Q While you were Vicar for Clergy, yes.

16 Thank you.

17 A He had two.

18 Q Where were they?

19 A One was working with catholic charities

12:01:44 20 with a commission, I believe, on the aging. And the  
21 other was then working with the retired priests.

22 Q Did he say Sunday mass at the parish he  
23 worked at?

24 A I believe he did.

12:02:00 25 Q Did he participate in the CCD program?

12:02:02 1 A No. That was against the regulations, the  
2 agreement that we had with him.

3 Q So if you had learned -- if he was  
4 participating in the CCD program and teaching kids  
12:02:13 5 catechism, that was a violation of his aftercare  
6 program?

7 A Yes.

8 Q And his pastor was made aware he wasn't  
9 supposed to teach PCCD?

12:02:22 10 A His pastor was aware he was not supposed  
11 to be involved in ministry to children.

12 Q Was that in writing?

13 A I don't remember.

14 Q What was the pastor supposed to do if he  
12:02:33 15 saw him, you know, violating his -- he was around  
16 kids?

17 A He was supposed to let me know.

18 Q Okay. Now, was he allowed to hear  
19 confessions?

12:02:50 20 A For children?

21 Q Well, yeah.

22 A I don't think so.

23 Q How would you prevent that? Was there an  
24 "adults only" sign on the confessional?

12:03:01 25 A No, but involving confessions for school

12:03:04 1 children or for religious education children would  
2 be out.

3 Q If he is hearing confession on a Saturday  
4 afternoon, he can't control who comes in the  
12:03:13 5 confessional?

6 A I just don't know whether he was hearing  
7 confessions.

8 Q You don't have a recollection of whether  
9 he was prevented from that?

12:03:20 10 A No.

11 Q Did you ever hear he tried to access a  
12 child -- have you heard at any time he was -- he was  
13 using the confessional to access children sexually?

14 A No.

12:03:31 15 Q Have you ever heard the term solicitation  
16 in the confessional?

17 A Yes.

18 Q What is that?

19 A It's soliciting people for immoral acts in  
12:03:40 20 the confessional.

21 Q Sex?

22 A Yes.

23 Q Okay. Now, he was allowed to say mass at  
24 the parish he was living at?

12:03:54 25 A Yes.

12:03:54 1 Q You told me it was St. Elizabeth's?  
2 A Yes.  
3 Q And was he allowed to have alter servers  
4 with him?  
12:04:00 5 A I believe so.  
6 Q They are usually children, right?  
7 A Yes.  
8 Q And would the children dress in the  
9 same -- to put on the cassocks and alter boy garb or  
12:04:18 10 alter girl garb in the same area of the sacristy  
11 that Baker dressed in?  
12 MR. WOODS: At St. Elizabeth's?  
13 MR. MANLY: Yes, sir.  
14 THE WITNESS: I don't know what the  
12:04:30 15 sacristy they had was there.  
16 BY MR. MANLY:  
17 Q If they were dressing in the same sacristy  
18 or near one another, would that be a violation of  
19 his aftercare agreement?  
12:04:38 20 A I don't think so.  
21 Q Was it important for you and the Cardinal  
22 to understand his pattern of abuse, in other words,  
23 what he had done previously, so you could prevent  
24 that from happening again?  
12:04:56 25 MR. WOODS: Object to the form of the

12:04:57 1 question as compound and confusing.

2 MR. MANLY: You can answer.

3 THE WITNESS: It was important for us to  
4 get help to prevent him from abusing again.

12:05:11 5 BY MR. MANLY:

6 Q Well, if you had learned, for example,  
7 that he had previously abused a child in the  
8 sacristy, would you have put rules in place so he  
9 didn't dress with children in the sacristy?

12:05:24 10 MR. WOODS: Object; calls for  
11 hypothetical, calls for speculation.

12 MR. MANLY: You can answer.

13 THE WITNESS: The sacristy is a public  
14 place with other adults there.

12:05:33 15 BY MR. MANLY:

16 Q I was an alter boy. I don't remember  
17 there ever being another adult there besides a  
18 priest, so I mean --

19 MR. STEIER: Mr. Manly, are you going to  
12:05:43 20 testify today?

21 MR. MANLY: I could probably testify as an  
22 expert on that.

23 BY MR. MANLY:

24 Q I'm confused. You think the sacristy is a  
12:05:50 25 public place?

12:05:51 1 MR. WOODS: That's what he said.  
2 Argumentative.  
3 MR. MANLY: I'm just asking. I'm just  
4 clarifying.  
12:05:55 5 MR. WOODS: Just state it in a  
6 non-argumentative way.  
7 MR. MANLY: I'll state it whatever way I  
8 want to. If you don't like it, do what you want.  
9 MR. WOODS: I'll object and I did.  
12:06:05 10 MR. MANLY: Fabulous.  
11 MR. WOODS: It cut into your line of  
12 questioning. If you don't want objections to the  
13 form of the question which, we're perfectly entitled  
14 to do, ask proper questions.  
12:06:14 15 MR. MANLY: At least you are not  
16 whispering in his ear this time, Don, so that's a  
17 relief. Okay. So -- although we're not done yet.  
18 We'll see if you do it again.  
19 BY MR. MANLY:  
12:06:29 20 Q The question I have is, is that you  
21 believe the sacristy is a public place at  
22 St. Elizabeth's?  
23 A The sacristy's a public place at most  
24 churches.  
12:06:43 25 Q When you say, "public," do you mean there



12:06:43 1 is no doors that can be closed off?

2 A No.

3 Q There --

4 A There are doors.

12:06:45 5 Q So if Father Baker was dressing with the  
6 alter servers, he's perfectly capable of going and  
7 closing a door, right?

8 A There would usually be other people there  
9 now.

12:06:57 10 Q Okay. Like who?

11 A Lectors, communion ministers,  
12 commentators.

13 Q Have you ever heard of a child being  
14 molested in the sacristy, Bishop?

12:07:10 15 A I have.

16 Q How many times have you heard that?

17 A I don't know.

18 Q Did you have a concern, did it ever occur  
19 to you that Baker might molest children in the  
12:07:18 20 sacristy?

21 MR. WOODS: Object to the use, again, of  
22 "ever" as calling for a current expert opinion. If  
23 you limit it to the time you were Vicar for Clergy,  
24 I'll let you answer.

12:07:30 25 MR. MANLY: No, the question stands.

12:07:32 1 MR. WOODS: Okay. Instruct him not to  
2 answer.

3 THE WITNESS: I can't answer the question  
4 because I don't understand.

12:07:37 5 BY MR. MANLY:

6 Q When is the first time you learned that  
7 children were sometimes molested in the sacristy?

8 A I don't know.

9 Q Before 1986?

12:07:49 10 MR. WOODS: I'm sorry?

11 MR. MANLY: Before 1986.

12 THE WITNESS: I don't know that.

13 BY MR. MANLY:

14 Q Did you ever -- did anybody ever warn  
12:07:56 15 the alter families, the alter servers at parishes  
16 where Baker was working while you were Vicar for  
17 Clergy that he was a molester?

18 A No.

19 Q Did it ever occur to you that that might  
12:08:09 20 be something -- did it ever occur to you, while you  
21 were the Vicar for Clergy, that might be something a  
22 family should know before they let their children  
23 serve mass with Father Baker?

24 A No.

12:08:22 25 Q That never occurred to you?

12:08:23 1 A No.

2 Q Did you consider when deciding not to  
3 alert families, that if families were told that  
4 Father Baker was a child molester --

12:08:38 5 MR. MANLY: I haven't even finished my  
6 question and your hand's up.

7 MR. WOODS: I'm sorry. I interrupted you.  
8 I apologize.

9 MR. MANLY: All right. Thank you.

12:08:45 10 BY MR. MANLY:

11 Q While were you Vicar for Clergy, did you  
12 ever have the thought process or discussion with  
13 anybody else, including Cardinal Mahony, that if you  
14 told families at the parish where Baker was serving,  
12:08:56 15 that the priest the children was going to serve mass  
16 for was a molester, that that might impact the  
17 participation of families in the alter boy program?

18 MR. WOODS: Object to the form of the  
19 question as rambling and confusing.

12:09:11 20 MR. MANLY: You can answer.

21 THE WITNESS: That wasn't a consideration.

22 BY MR. MANLY:

23 Q Did you believe, as the Vicar for Clergy,  
24 that it was important that families know that if  
12:09:19 25 they were going to put their children around

12:09:21 1 Father Baker in an alter boy program or in any capacity,  
2 that they had a right to know that he was a molester?

3 A No.

4 Q Did the Cardinal -- you and the Cardinal  
12:09:33 5 ever discuss the possibility that parents who were  
6 going to let their children be around a priest who  
7 you knew to be a child molester had a right to know?

8 MR. WOODS: Again, I object to the use of  
9 the word ever, because that would call for a current  
12:09:50 10 situation or current discussion as opposed to one  
11 that occurred during the relevant time period.

12 MR. MANLY: You can answer.

13 THE WITNESS: During the time period, no.

14 BY MR. MANLY:

12:10:03 15 Q Did you ever have that conversation?

16 MR. WOODS: Instruct him not to answer.

17 MR. MANLY: On what grounds?

18 MR. WOODS: It's beyond the time period  
19 relevant to the case.

12:10:08 20 BY MR. MANLY:

21 Q You never had a conversation --

22 MR. MANLY: I can't ask him the question,  
23 Did you ever have a conversation with  
24 Cardinal Mahony that you should have notified families  
12:10:18 25 that Father Baker was a child molester?

12:10:20 1 MR. WOODS: I'll let him answer that  
2 question.  
3 THE WITNESS: I don't remember having that  
4 conversation.  
12:10:25 5 BY MR. MANLY:  
6 Q When is the last time you discussed  
7 Father Baker with Mahony?  
8 A Oh, I don't remember that.  
9 Q You get the L.A. Times?  
12:10:38 10 A I don't subscribe.  
11 Q Do you read the L.A. Times?  
12 MR. MANLY: I don't either. Did you get  
13 all the laughing in the record? Could you put that  
14 down? That was Mr. Woods.  
12:10:56 15 BY MR. MANLY:  
16 Q Do you read the media?  
17 MR. WOODS: Object to the form of the  
18 question.  
19 THE WITNESS: I don't understand the  
12:11:01 20 question.  
21 MR. WOODS: "Media," it's vague and  
22 ambiguous.  
23 BY MR. MANLY:  
24 Q You testified you would see newspaper  
12:11:07 25 articles about cases earlier, so I assumed you read

12:11:10           1       the newspaper. Was that a wrong assumption on my  
                  2       part?  
                  3           A     I read -- subscribed to newspapers in the  
                  4       past, yes.

12:11:16           5           Q     I see. Have you read about the  
                  6       Father Baker case in the press?  
                  7           A     Yes.  
                  8           Q     Okay. It has been in the press a lot,  
                  9       right?

12:11:23           10          A     Recently?  
                  11          Q     Over the years.  
                  12          A     Yes.  
                  13          Q     So have you ever discussed any of those  
                  14       articles with the Cardinal?

12:11:34           15          A     At what time?  
                  16          Q     At any time.  
                  17          A     While I was Vicar for Clergy?  
                  18          Q     No, at any time.  
                  19          A     I don't remember that.

12:11:44           20          Q     You don't ever remember discussing the  
                  21       Baker case, the coverage of the Baker case in the  
                  22       media with the Cardinal?  
                  23          A     No, I don't remember any conversations.  
                  24          Q     Have you ever discussed Father Baker with  
12:11:55           25       Monsignor Loomis?

12:12:02           1           A     I don't believe I have.

                  2           Q     Have you ever discussed the Baker case at

                  3           any time with Father Dyer --

                  4           A     Yes.

12:12:09           5           Q     -- or Monsignor Dyer?

                  6           A     Yes.

                  7           Q     How many times have you discussed.

                  8           Michael Baker with Father Dyer or Monsignor Dyer?

                  9           A     I couldn't estimate that.

12:12:24           10          Q     Sure you could. Give me an estimate.

                  11          A     No, I can't.

                  12          Q     20, 30, 50, 100?

                  13          A     I don't know.

                  14          Q     More than 5?

12:12:27           15          A     I really don't know.

                  16          Q     Well, do your best.

                  17          A     Okay.

                  18          Q     Has it been multiple conversations? One?

                  19          A     I have had several conversations, yes.

12:12:33           20          Q     And what does "several" mean to you?

                  21          A     On a number of occasions.

                  22          Q     And why did you have occasion to talk

                  23           about Baker with Dyer on several occasions, to use

                  24           your term?

12:12:47           25          A     Because he and I knew about this

12:12:49 1 situation.

2 Q What situation?

3 A Baker's situation.

4 Q What are you talking about?

12:12:55 5 MR. WOODS: Object; argumentative.

6 BY MR. MANLY:

7 Q When you say, "situation," what do you  
8 mean?

9 A I mean that he came in and confessed what  
12:13:04 10 he had done and that we sent him to treatment and  
11 that he lived with Father Dyer for sometime and that  
12 Father Dyer was my successor.

13 Q Okay. And so Father Dyer knew he was a  
14 molester when he took the Vicar for Clergy job?

12:13:21 15 A Father Dyer knew -- yes, he knew about the  
16 record of Father Baker.

17 Q Do you know how many people -- as you sit  
18 here today, do you know how many people have accused  
19 Father Baker as molesting them as children?

12:13:35 20 A No.

21 Q Did you attend -- did you ever talk with  
22 Father Baker -- let me ask you this, was there a  
23 transition period between the time, Bishop, you were  
24 leaving the Vicar for Clergy office and the time  
12:13:59 25 that Monsignor Dyer was coming in?



12:14:02 1 A Monsignor Dyer spent a number of months, I  
2 think three months or six months with me before he  
3 took over.

4 Q Before he took over, in other words,  
12:14:11 5 during -- prior to the time he got there, during the  
6 six-month time period, did he already know Baker was  
7 a molester?

8 A Yes.

9 Q Okay. And he was friendly with Baker, you  
12:14:27 10 said, right, they were friends?

11 A Yes.

12 Q Did that strike you as -- did you ever ask  
13 him about that friendship? Have you ever asked Dyer  
14 about that friendship?

12:14:36 15 MR. WOODS: I'm going to object to the  
16 form of the question as vague and ambiguous. You  
17 can answer.

18 THE WITNESS: I didn't ask him  
19 specifically.

12:14:47 20 BY MR. MANLY:

21 Q Did you ever wonder why Baker was -- I'm  
22 sorry -- why Dyer was friendly with somebody like  
23 Father Baker?

24 MR. WOODS: Object; calls for speculation.

12:15:00 25 MR. MANLY: You can answer.

12:15:01 1 THE WITNESS: I believe they were in the  
2 seminary together, maybe classmates.  
3 BY MR. MANLY:  
4 Q Did you think from an administration  
12:15:08 5 standpoint, from an example standpoint --  
6 MR. WOODS: From a what standpoint?  
7 MR. MANLY: From an administration  
8 standpoint and an example standpoint.  
9 MR. WOODS: Example standpoint?  
12:15:17 10 MR. MANLY: Right.  
11 BY MR. MANLY:  
12 Q -- that it was a good idea for the person  
13 in charge of handling molester priests to be friends  
14 with a child molester?  
12:15:27 15 MR. WOODS: Okay. I really have trouble  
16 with the term "child molester."  
17 MR. MANLY: Why?  
18 MR. WOODS: I'll explain. It's in the  
19 present tense. And it kind of implies that he's  
12:15:38 20 doing it at the present time or they thought he was  
21 doing it at a present time, as opposed to someone  
22 who came in, confessed to having done it in the past  
23 and was remorseful.  
24 MR. MANLY: Well, that --  
12:15:52 25 MR. WOODS: It's a loaded term. I find it

12:15:54 1 objectionable, but I'll let him answer the question.

2 MR. MANLY: I think, Don, you are probably  
3 the only one in the entire world that has a problem  
4 with that term. Okay. And, you know, I mean, it is  
12:16:05 5 what it is.

6 I mean, the State of California makes  
7 child molesters register and tells people they are  
8 molesters. I mean, you know, if you want to call it  
9 somebody who engaged in serial inappropriate touching or  
12:16:19 10 serial sodomy with little boys and little girls, you do  
11 that, but I'm going to call it what it is.

12 MR. WOODS: Well, when you talk to experts  
13 you will find out maybe -- but I know you know it  
14 already -- I mean, there are people who are able to  
12:16:33 15 control their sexual impulses, who do have  
16 inclinations towards child abuse, but who are able  
17 to control them for long periods of time, so  
18 continuing to call them a child molester is -- I  
19 find it objectionable and I find it argumentative  
12:16:49 20 and I find it offensive.

21 MR. MANLY: You find it offensive for me  
22 to call -- wait a minute. Wait a minute. No.  
23 You find it offensive, as the Cardinal's lawyer, for  
24 me to call Michael Baker a child molester. Is that  
12:17:02 25 what you are saying?

12:17:04 1 MR. WOODS: You know, I find it offensive  
2 to use it in the questions the way you are, because  
3 I think it's inappropriate --

4 MR. MANLY: You are going to have to live  
12:17:11 5 with it.

6 MR. WOODS: -- and unprofessional.

7 MR. MANLY: Why you going there? That's  
8 just so --

9 MR. WOODS: I just think it is  
12:17:17 10 inappropriate. It is not an accurate reflection of  
11 what the witness is testifying to.

12 MR. MANLY: Why are you going there and  
13 calling me names?

14 MR. WOODS: I'm just --

12:17:25 15 MR. MANLY: No. No. It's wrong, Don.  
16 You know what, it's a child molestation case. You  
17 are calling me unprofessional because I used the  
18 term child molester.

19 MR. WOODS: I think it's inappropriate.

12:17:42 20 MR. MANLY: Excuse me. Excuse me.

21 MR. WOODS: I'm just objecting. You just  
22 keep doing it. I've got to put in my objection.

23 MR. MANLY: You have objected to it. It  
24 is not a legal objection. It is something you don't  
12:17:45 25 like and I wouldn't like it either if I was

12:17:46       1       representing the Cardinal but, sir, this is a child  
                 2       molestation case and for you to call me  
                 3       unprofessional because I use the term child  
                 4       molester, I take exception to.

12:17:54       5                       If you keep it up -- I didn't ask for  
                 6       sanctions last time, Don, but I'm going to next time.  
                 7       Okay. I want you to stop it. It is not civil. It's  
                 8       nasty. And you are raising -- you are raising the --  
                 9       being unnecessarily adversarial and it's wrong, so stop.

12:18:13       10                   MR. WOODS: I made my objection. You  
                 11       heard me. You asked me to explain it. I explained  
                 12       it.

                 13                   MR. MANLY: Okay. It was like the time in  
                 14       Father Baker's deposition where I asked about  
12:18:23       15       rimming and I defined it and you didn't like it and  
                 16       then you basically said the same thing.

                 17                   You know, it's like -- anyway -- very  
                 18       frustrating. Okay. What was my question before we had  
                 19       the discussion about Mr. Woods' problem with the term  
12:18:39       20       child molestation.

                 21                   (Record read.)

                 22       BY MR. MANLY:

                 23               Q       As Vicar for Clergy, part of that job is  
                 24       to deal with priests who have been accused of  
12:19:09       25       molesting kids, right?

12:19:11 1 A Yes.

2 Q And to keep -- part of that job certainly  
3 is to try and keep children safe from that, correct?

4 A Yes.

12:19:19 5 Q Did you have friends as Vicar for Clergy  
6 who had been accused of molesting kids?

7 A Not that I remember.

8 Q Okay. From a professional standpoint --  
9 to use Mr. Woods' term -- do you think it -- would  
12:19:36 10 you have thought it a good idea, when you were Vicar  
11 for Clergy, to associate with somebody you knew to  
12 be a child molester, whether they were a priest or  
13 not?

14 A As Vicar for Clergy, I would have had to  
12:19:52 15 associate with people.

16 Q With child molesters?

17 A If they were accused, if a priest was  
18 accused of it.

19 Q I mean on a social basis.

12:20:00 20 A Oh, I don't know. It didn't occur.

21 Q One of the things you were trying to do, I  
22 assume, with the clergy is deter priests from  
23 engaging in immoral activity, correct?

24 A Yes.

12:20:16 25 Q Do you think if priests -- if it was known

12:20:18       1       to others that Father Baker was a molester and  
                 2       Father Dyer was associating with him on a social  
                 3       basis, that sent the right message to the clergy?

                 4       A     I don't know.

12:20:30       5       Q     Never occurred to you?

                 6       A     No.

                 7       Q     Were Father Baker and Father Dyer best  
                 8       friends?

                 9       A     I don't know if they were best friends.

12:20:35       10      They were friends.

                 11      Q     They were close?

                 12      A     They were friends.

                 13      Q     Why didn't you just kick Baker out?

                 14           MR. WOODS: Can I hear it back, please?

12:20:54       15           MR. MANLY: Sure.

                 16      BY MR. MANLY:

                 17      Q     Why didn't you and the Cardinal just kick  
                 18      Baker out?

                 19      A     We wanted to prevent him -- from this

12:21:09       20      happening again. And if he was under some  
                 21      jurisdiction of the church, we could see that he  
                 22      receive treatment and supervision.

                 23           If he wasn't, we had no control  
                 24      whatsoever over what he did.

12:21:22       25      Q     But you kicked other molesters out, right?

12:21:26 1 A Yes.

2 Q Okay. So why didn't Baker get kicked out?

3 A Because we believed that he wanted to  
4 reform his life.

12:21:34 5 Q I see. And who made the decision -- could  
6 the Cardinal at that time simply initiate canonical  
7 proceedings against him?

8 A Yes.

9 Q Did you ever have a discussion about that  
10 possibility with the Cardinal?

11 A I don't remember that.

12 Q Nobody ever brought up initiating a penal  
13 proceeding under canon law against Father Baker?

14 A I don't remember.

12:22:02 15 Q When was the first time anyone -- when is  
16 the first time you were aware, as an official of the  
17 Archdiocese, at any time that canonical action was  
18 taken against Father Baker because of his molesting  
19 kids?

12:22:18 20 A I was not aware -- I'm not aware that any  
21 canonical action was taking place while I was Vicar  
22 for Clergy.

23 Q I'm asking at any time, Bishop, have you  
24 become aware -- when was the first time you became  
12:22:31 25 aware, if ever, that canonical proceedings were



12:22:33           1       taken -- actions taken against Baker?

                  2           A       I read in the Report to the People of God,  
                  3       I know from there.

                  4           Q       Did you participate in that report?

12:22:41           5           A       No.

                  6           Q       Who did?

                  7           A       I don't know.

                  8           Q       Okay. How did you come to read that  
                  9       report?

12:22:48           10          A       It's a public report.

                  11          Q       So you never saw it before it came out?

                  12          A       No.

                  13          Q       Have you ever discussed or had a  
                  14       discussion with the Cardinal about his desire or  
12:23:02           15       your desire that the Baker case would have been  
                  16       handled differently when he came to you in 1986?

                  17          A       No.

                  18          Q       Okay. Have you ever read anything about  
                  19       that?

12:23:14           20          A       I know the Cardinal has expressed regret  
                  21       about it, yes.

                  22          Q       And have you ever discussed that with him?

                  23          A       I don't remember any specific discussion.

                  24          Q       How about generally?

12:23:34           25          A       I could have, but I don't remember it.

12:23:34           1           Q     When is the last time you saw the  
                  2     Cardinal?  
                  3           A     Last time I saw the Cardinal, I think we  
                  4     had a meeting in September.  
12:23:47           5           Q     Where was that meeting?  
                  6           A     At the cathedral.  
                  7           Q     Okay. Have you ever -- has anyone -- has  
                  8     the Cardinal ever suggested to you that he thought  
                  9     you mishandled the Baker case?  
12:24:04          10           A     No.  
                  11           Q     And the Cardinal, nor anyone else at the  
                  12     Archdiocese has ever criticized you personally for  
                  13     handling the Baker case?  
                  14           A     I don't think so.  
12:24:17          15           Q     Do you think you mishandled the Baker  
                  16     case?  
                  17           A     I'm not sure I understand the question.  
                  18           Q     Do you think you mishandled or made a  
                  19     mistake when you returned Michael Baker to ministry?  
12:24:32          20           A     I would need to -- clarification on what I  
                  21     think now and based on what I know now and what I  
                  22     though I knew then.  
                  23           Q     Either one.  
                  24           A     I did not think I made a mistake at the  
12:24:43          25     time.

12:24:44           1           Q     Do you now?

                  2           MR. WOODS: I would object --

                  3           THE WITNESS: Okay.

                  4           MR. WOODS: -- to the form of the question

12:24:47           5     as calls for an opinion prior to the time of

                  6     designation of expert witnesses. And it's totally

                  7     irrelevant to the subject matter.

                  8           MR. MANLY: You can answer.

                  9           THE WITNESS: Knowing what I know now, I

12:24:59          10     would -- if I had known then what I know now, I

                  11     would deal with it differently.

                  12     BY MR. MANLY:

                  13           Q     What do you know now that you didn't know

                  14     then.

12:25:07          15           A     I know now that he subsequently abused

                  16     other children.

                  17           Q     And do you know that he abused children

                  18     before that more than he disclosed?

                  19           A     I'm not sure about that.

12:25:17          20           Q     You don't know that?

                  21           A     I don't know the numbers.

                  22           Q     Do you know the first allegation against

                  23     him that dates back to 1974, not that they made it

                  24     in '74 but --

12:25:27          25           A     I'm not aware of the details.

12:25:30 1 Q Okay. Do you know -- you don't know how  
2 many children he hurt?

3 A No.

4 Q So have you ever been asked to testify  
12:25:38 5 before the Grand Jury?

6 A I was asked to testify before a Grand Jury  
7 in Ventura.

8 Q About what?

9 A About child abuse.

12:25:48 10 Q Did you?

11 A I did.

12 Q And was your testimony recorded?

13 A I don't know. I think -- I don't know.

14 Q How long did you testify?

12:26:00 15 A About -- I think it lasted during the  
16 morning.

17 Q When was that?

18 A About 2003, I would estimate.

19 Q Okay. Were you asked about Father Baker?

12:26:15 20 A I don't remember.

21 Q Who were you asked about in that Grand  
22 Jury testimony?

23 A I don't remember who I was asked about  
24 then?

12:26:24 25 MR. MANLY: Okay. I think we've only got

12:26:27 1 a couple minutes on the tape. Why don't we take an  
2 hour for lunch.

3 THE VIDEOGRAPHER: Videotape deposition  
4 off record at 12:26 p.m. This will conclude tape  
12:26:39 5 number 1.

6 (Lunch break.)

7 THE VIDEOGRAPHER: Videotape deposition is  
8 now returning to record at 1:49 p.m. This is also  
9 the beginning of videocassette tape number 2 in  
01:49:24 10 today's deposition.

11 BY MR. MANLY:

12 Q Bishop, I'm going to show you an exhibit  
13 we're going to mark as Exhibit 1 to the deposition.

14 I'm going to ask, have you ever seen  
01:49:38 15 this document before? Show this to counsel.

16 MR. MANLY: Why don't you mark that  
17 version.

18 (Exhibit 1 was marked by the Certified  
19 Shorthand Reporter.)

01:51:05 20 BY MR. MANLY:

21 Q Have you read the document?

22 A Yes.

23 Q Have you ever seen that before?

24 A No.

01:51:10 25 Q What does that appear to you to be?

01:51:14 1 MR. WOODS: Calls for speculation. You  
2 can answer.  
3 THE WITNESS: Some kind of loan.  
4 BY MR. MANLY:  
01:51:19 5 Q Do you know who the [REDACTED] family is?  
6 A No.  
7 Q Were you aware that in 2000, Father Baker  
8 was accused yet again of molesting kids?  
9 MR. WOODS: At any time, was he aware up  
01:51:39 10 to today?  
11 MR. MANLY: Mr. Woods, if you have a legal  
12 objection, you can make it. I said, "Were you aware  
13 in 2000 that Father Baker was accused yet again?"  
14 You can answer.  
01:51:49 15 THE WITNESS: I don't believe I was.  
16 BY MR. MANLY:  
17 Q Okay. When is the first time you learned  
18 that Father Baker had been accused of molesting  
19 other children, other than the ones he admitted to  
01:52:00 20 in 1986 to you and the Cardinal?  
21 A I don't remember when I learned that.  
22 Q Were you already a Bishop?  
23 A I was a Bishop in 1994.  
24 Q I understand when you were a Bishop.  
01:52:13 25 Were you a bishop when you first

01:52:14 1 heard that he had molested kids again or was it  
2 prior to the ordination to the episcopacy?

3 A I believe I read it in the Report of the  
4 People of God.

01:52:23 5 Q Prior to that time, it's your testimony  
6 that you had no idea that he was molesting other  
7 kids or had molested other kids prior to the time to  
8 reading the People of God Report?

9 A I don't remember if I knew or not.

01:52:35 10 Q Was that the type of thing you think you  
11 would forget?

12 A It wasn't something that I was involved  
13 in.

14 Q Is it something you cared about?

01:52:43 15 A Yes.

16 Q When you learned that he molested another  
17 child, did that surprise you?

18 A I just don't remember when that was or I  
19 don't remember those circumstances.

01:53:03 20 Q Do you recall when you learned that  
21 somebody that you had supervised and placed back  
22 into ministry had molested another child after he  
23 had already admitted to you that molesting a child,  
24 you don't have any recollection of feeling -- of any  
01:53:19 25 feelings or -- you might have at that time?

01:53:24 1 MR. WOODS: Objection; asked and answered,  
2 argumentative. You can answer.

3 THE WITNESS: I just don't remember the  
4 sequence of my feelings.

01:53:32 5 BY MR. MANLY:

6 Q Have you ever had any feelings about  
7 learning that Father Baker went on to molest a  
8 number of children after he was relieved from the  
9 Paracletes and after you put him back in ministry,  
10 Bishop?

11 MR. WOODS: Object; irrelevant to the  
12 subject matter. You can answer.

13 THE WITNESS: Yes, I'm disappointed that  
14 he -- and grieved that he -- that he abused other  
15 children.

01:53:55

16 BY MR. MANLY:

17 Q Do you feel you bear partial  
18 responsibility for that by putting him back in  
19 ministry?

01:54:02 20 A No.

21 Q No?

22 A No.

23 Q So your conscience is clear on that?

24 A Yes.

01:54:13 25 Q So you don't think you made a mistake?



01:54:19 1 MR. WOODS: Asked and answered this  
2 morning.  
3 THE WITNESS: At the time, I did the best  
4 I could and knew what -- how to do.  
01:54:25 5 BY MR. MANLY:  
6 Q Do you wish you had called the police?  
7 MR. WOODS: Object; calls for a current  
8 expert opinion.  
9 MR. MANLY: You can answer.  
01:54:40 10 THE WITNESS: At the time, I believed it  
11 was a confidential matter and that he came in and  
12 confessed understanding that.  
13 BY MR. MANLY:  
14 Q Do you wish the Paracletes had called the  
01:54:58 15 police?  
16 MR. GARPARI: Object; lacks foundation,  
17 assumes facts not in evidence.  
18 MR. WOODS: I agree. Irrelevant to the  
19 subject matter, what he wishes now.  
01:55:09 20 MR. MANLY: You can answer.  
21 THE WITNESS: It was not something that I  
22 was conc- -- focused on at that time.  
23 BY MR. MANLY:  
24 Q Well, there has been -- my client was a  
01:55:24 25 little boy in the mid 90's and Father Baker serial

01:55:29       1       molested him, he sodomized him, he licked his anus,  
                 2       he masturbated him, he fellated him, he did all  
                 3       sorts of vile things to him.

                 4               Have you heard any of this before?

01:55:42       5               A       No.

                 6               Q       Okay. So knowing that, let me represent  
                 7       to you that's my clients allegations and that Father  
                 8       Baker has pled guilty to molesting my client.

                 9               So knowing that as you know now, do  
01:55:56       10       you wish you had called the police or done something  
                 11       else to stop Father Baker --

                 12              MR. MANLY: Would you not raise your hand  
                 13       in the middle of my question, please. You keep  
                 14       doing it. It is really irritating. You are clearly

01:56:07       15       trying to coach the witness. Let me have the  
                 16       question read back.

                 17                       (Record read.)

                 18              MR. WOODS: I will object to the form of  
                 19       the question. What he wishes now is irrelevant to  
01:56:47       20       the subject matter. It's argumentative and I will  
                 21       instruct him not to answer.

                 22              MR. STEIER: Could I -- before you start  
                 23       your question, could I just note for the record when  
                 24       you say he pled guilty, it should be noted it was a  
01:57:02       25       best interest plea without factual basis, which is

01:57:05 1 unlike the [REDACTED] plea, where there was a  
2 factual basis and an admission by Baker of conduct  
3 that didn't exist in this case.

4 Although, if you feel more  
01:57:15 5 comfortable pled guilty for the purposes of a set up  
6 question, I understand that.

7 MR. MANLY: I have the factual basis,  
8 Mr. Baker wasn't taking the 5th Amendment.

9 MR. STEIER: You would have his answer.  
01:57:28 10 You would not have a factual basis. The reason  
11 there was not a factual basis, John, is because in  
12 this instance, Baker denied the conduct and in order  
13 to effect a plea bargain, we went with the People v.  
14 West best interest employee. That's just history  
01:57:46 15 that should be here.

16 MR. MANLY: Are you representing that your  
17 client is going to deny the charges?

18 MR. STEIER: He has not responded as of  
19 yet.

01:57:55 20 MR. MANLY: You are making statements on  
21 the record about what he is going to do and he's  
22 taken the 5th?

23 Counsel, if you want to do that, I would  
24 caution you that we have a motion pending on this issue.

01:58:06 25 You don't get to have your cake and eat it too. If I

01:58:08 1 were you, and I'm not -- but if I were you, Don, I would  
2 watch my P's and Q's

3 MR. STEIER: What I just said, John, was  
4 that historically back in the criminal case, he took  
01:58:19 5 a position, okay. I have said nothing here today  
6 about his future testimony.

7 MR. MANLY: No. You did. You said he  
8 would deny it. You did. You said he would deny it.  
9 You just said it.

01:58:30 10 MR. STEIER: Well, if I did say, then I  
11 misspoke. I'm sorry. I was referring to -- I don't  
12 think I said that. Could you read back when I said  
13 that?

14 MR. MANLY: Start at the beginning.

01:58:42 15 MR. STEIER: If I said that, tell me that.  
16 I didn't mean to say it, if I said it.

17 MR. WOODS: While you guys are reading it  
18 back --

19 MR. MANLY: We're not going off the  
01:58:49 20 record. We're not done. We're not going off the  
21 record. No. I have a question pending.

22 MR. STEIER: Just read it back, so I'll  
23 know. Let her look something up. I want to see  
24 what I said. I'm getting old.

01:59:07 25 (Record read.)

02:00:18 1 MR. STEIER: What I said was in the  
2 criminal case, he denied the conduct, so we would  
3 have to enter, unlike the [REDACTED] situation, we  
4 entered a best interest plea for the -- for your  
02:00:44 5 client and the [REDACTED] was a guilty plea.

6 MR. MANLY: That's exactly what I said.  
7 You just said he denied the conduct.

8 MR. STEIER: In the criminal case, he  
9 denied the conduct, so he couldn't admit the  
02:00:49 10 conduct. I'm not talking about any future testimony  
11 in this case.

12 MR. MANLY: I think the record is clear --

13 MR. STEIER: Okay.

14 MR. MANLY: -- so let's continue.

02:00:55 15 BY MR. MANLY:

16 Q Bishop, let me show you -- let me read to  
17 you from the People of God report and I don't have a  
18 copy of this, but I will attach it. I want to read  
19 a paragraph at page 4 of the report.

02:01:09 20 It says, "From 1986 forward, it  
21 became the practice for the Vicar for Clergy to  
22 promptly interview a victim as soon as a report of  
23 misconduct was made and confront the accused  
24 priests.

02:01:23 25 The priests responses varied. Some

02:01:23        1        admitted misconduct but not necessarily the same  
                 2        misconduct as reported by the victim. Others denied  
                 3        everything or denied sexual misconduct but admitted  
                 4        to a boundary violation."

02:01:33        5                                Is that accurate?

                 6                   MR. WOODS: Hold on. Could you tell me  
                 7        where you are on page 4?

                 8                   MR. MANLY: Yeah, first paragraph under  
                 9        3A, beginning, "From 1986 forward."

02:01:47        10                   MR. WOODS: And you read the whole  
                 11        paragraph? Is that what you read?

                 12                   MR. MANLY: I read the whole paragraph.  
                 13        Can I have an answer to the question, please?

                 14                   MR. WOODS: Hold on a second. Object to  
02:02:11        15        the form of the question as compound.

                 16                   MR. MANLY: You can answer.

                 17                   THE WITNESS: This is true, I think when  
                 18        victims came in.

                 19        BY MR. MANLY:

02:02:24        20                   Q        So you interviewed the victims when they  
                 21        came in, right?

                 22                   A        That's where normally a report would come  
                 23        from.

                 24                   Q        And why was it important to interview the  
02:02:35        25        victims as articulated in the People of God report?

02:02:39 1 A Well, if you had a victim and the victim  
2 came in and accused somebody.

3 Q Okay. Any other reason that was important  
4 to interview the victim, other than that?

02:02:49 5 A Well, yes, to find out the information  
6 about the priest, so that we could deal with the  
7 priest also.

8 Q I take it then it was the policy to  
9 interview the victim when the priest reported it as  
02:03:05 10 well; is that correct?

11 A It was -- I only remember one report of a  
12 priest.

13 Q Okay. Well, if it was the -- okay.  
14 That's fine.

02:03:13 15 But was it or was it not the policy  
16 of the Archdiocese in or around 1986 to interview  
17 the victims of priest molestation whether the priest  
18 reported it or the victim reported it?

19 MR. WOODS: Object; no foundation as to  
02:03:28 20 whether there was a policy or not.

21 MR. MANLY: You can answer.

22 THE WITNESS: We dealt with things as they  
23 came in. And it's difficult to say because I -- we  
24 had few victims who came in that I remember.

25

02:03:42 1 BY MR. MANLY:

2 Q If you look at the following paragraph, it  
3 says, "Historically in the face of a firm denial by  
4 the priest, the Arch- --"

02:03:53 5 MR. WOODS: Excuse me. Do you have a copy  
6 the witness could follow along? You read quickly.

7 MR. MANLY: I'll read this paragraph and  
8 then I'll get him a copy. I apologize for that.

9 BY MR. MANLY:

02:04:01 10 Q "Historically, in the face of a firm  
11 denial by the priest, the Archdiocese had accepted  
12 the denial unless there was evidence in the file of  
13 a prior report of some nature. Before the  
14 mid-1980's, the Archdiocese did not typically

02:04:15 15 follow-up the interviews of the victim and the  
16 accused with anything more than interviewing the  
17 pastor or other priests in the rectory. Friends of  
18 the victim, other children, exposure to the priest,  
19 teachers and parish staff in a position to observe  
02:04:28 20 the priest's interaction with the children were  
21 rarely interviewed."

22 Mr. Woods has a copy of that, if you  
23 would like to see it, Bishop, before you answer the  
24 question. Would you like to read it?

02:04:41 25 THE WITNESS: I think the paragraph



02:04:42        1        starts, "historically," which is referring to before  
                 2        my time as Vicar for Clergy.

                 3        BY MR. MANLY:

                 4            Q        Okay. All right. So if you read -- it  
02:05:17        5        says, "Before the mid-1980's, the Archdiocese did  
                 6        not typically follow-up the interviews of the victim  
                 7        and the accused with anything more than interviewing  
                 8        the pastor or other priests in the rectory."

                 9            So that seems to suggest to me that  
02:05:30        10       it was policy before your time to interview the  
                 11       priests or the pastor regarding an allegation of  
                 12       abuse; is that correct?

                 13        A        I really don't -- I wasn't involved in any  
                 14        of those.

02:05:43        15        Q        Okay. Well, the reason I'm asking is  
                 16        you've testified this morning, you didn't interview  
                 17        the pastor or the priest involving the Baker case;  
                 18        is that correct?

                 19        A        Because I didn't have victims.

02:05:55        20        Q        No, you had victims, you just didn't find  
                 21        them or look for them, right?

                 22            MR. WOODS: Did not find them? Did not  
                 23        look for them?

                 24            MR. MANLY: That's a fair point.

                 25

02:06:05 1 BY MR. MANLY:

2 Q Father Baker said there were victims,  
3 that's why you sent him to treatment, but you didn't  
4 look for them; is that right?

02:06:13 5 A That's right.

6 Q Okay. But what does that have to do with  
7 you interviewing the priest or the pastor where  
8 Baker served? Why didn't you do that?

9 A I don't know. I don't remember.

02:06:24 10 Q Okay. Did the Cardinal ever direct you to  
11 do that?

12 A I don't remember that he did.

13 MR. MANLY: All right. Why don't we get a  
14 copy of this for the witness? Would you burn that?

02:06:53 15 Now, you knew -- did you want to take a break, Don?

16 MR. WOODS: Well, I thought we were going  
17 to take -- it was going to take awhile. We can go  
18 forward. It might take five minutes.

19 BY MR. MANLY:

02:07:02 20 Q Now, you knew Father Baker, correct, you  
21 testified to that earlier?

22 A Yes.

23 Q Did he have -- was he independently  
24 wealthy?

02:07:10 25 A I didn't know that.

02:07:13 1 Q Do you have any idea where he would have  
2 gotten \$120,000 to give to or to loan to a family?  
3 I'll represent to you that as  
4 Mr. Steier just said, he's admitted molesting the two  
02:07:27 5 boys in the [REDACTED] family.  
6 Do you know where he would have  
7 gotten that kind of money?  
8 A I don't know where he got that money.  
9 MR. STEIER: Again -- I hate to interrupt,  
02:07:36 10 but what I said was, he admitted to the named victim  
11 of [REDACTED] -- I forget which name -- not two  
12 boys. I hate to be technical. You are attributing  
13 it to me. I didn't say --  
14 MR. MANLY: Thank you. Thank you. Thank  
02:07:52 15 you for that clarification.  
16 MR. STEIER: Thank you.  
17 BY MR. MANLY:  
18 Q Did you notice the letterhead on this?  
19 A Yes.  
02:08:00 20 Q Okay. Does that appear to indicate -- is  
21 that St. Camillus, the parish where he was stationed  
22 at that time?  
23 A Yes.  
24 Q Did anybody ever learn or examine the  
02:08:18 25 parish finances where Baker served to see if he was

02:08:24 1 stealing money?

2 A I don't know that.

3 Q Now, in terms of your status as a Bishop  
4 in the Archdiocese, there are two or three other

02:08:36 5 Auxillary Bishops in the Archdiocese?

6 A There are five.

7 Q Five Auxiliaries?

8 A Six.

9 Q Six Auxiliaries. And then the Cardinal,

02:08:45 10 correct?

11 A Yes.

12 Q So a total of seven Bishop's?

13 A Yes.

14 Q And how long has that been the case in the  
02:08:51 15 Archdiocese, Your Excellency?

16 A Well, the most recent Bishop was appointed  
17 three or four years ago. And before that time,  
18 there were five regions in the Archdiocese since the  
19 Cardinal came.

02:09:08 20 Q Did the Cardinal have periodic meetings  
21 with the Bishops?

22 A Yes.

23 Q And where did those take place?

24 A Either at the Archdiocese or at the  
02:09:18 25 Cathedral.

02:09:20 1 Q Did you ever meet in the Cardinal's  
2 vacation home near Yosemite?  
3 A No.  
4 Q Have you ever been there?  
02:09:25 5 A No.  
6 Q How often do those meetings take place?  
7 A During the program here, usually about  
8 every two weeks.  
9 Q So the Bishops would meet with the  
02:09:37 10 Cardinal every couple weeks?  
11 A About, yes.  
12 Q Now, what are those meetings called, if  
13 anything?  
14 A Bishops' meetings.  
02:09:43 15 Q That makes sense.  
16 And was the issue, during your tenure  
17 as Bishop, priests molesting kids ever brought up at  
18 those meetings?  
19 A I don't remember specifics.  
02:10:02 20 Q I didn't ask you specifics.  
21 A I don't really know. I don't remember.  
22 Q So you have no recollection, as you sit  
23 here today, despite the 600 cases being filed and  
24 two Grand Jury investigations, of the issue of  
02:10:19 25 priest sexual abuse ever being discussed at the

02:10:22 1 Bishops' meeting with Cardinal Mahony; is that  
2 correct?

3 MR. WOODS: Object to the form of the  
4 question as argumentative, wordy.

02:10:35 5 THE WITNESS: I believe that the sexual  
6 abuse crisis came up, yes, in Bishops' meeting.

7 BY MR. MANLY:

8 Q It did?

9 A I believe it did, yes.

02:10:44 10 Q So can you tell me about those  
11 discussions?

12 A I can't really remember.

13 Q Bishop, have you been diagnosed with any  
14 memory problems?

02:10:54 15 A No.

16 Q Are you taking any medication that in any  
17 way affects your memory?

18 A I don't think so.

19 Q And nobody has ever told you, no physician  
02:11:04 20 has ever told you that you have any type of memory  
21 issues, correct?

22 A No, not a physician.

23 Q Do you have a good memory?

24 A No, not particularly.

02:11:14 25 Q Have you ever told anybody you have a good

02:11:16 1 memory?

2 A I don't remember.

3 MR. FINALDI: Gotcha.

4 MR. MANLY: Let's go ahead and mark this

02:11:35 5 People of God report as Exhibit 2.

6 (Exhibit 2 was marked by the Certified

7 Shorthand Reporter.)

8 BY MR. MANLY:

9 Q Can you turn to page 5 of that document,

02:12:36 10 Your Excellency? By the way, who was the principal

11 of St. Paul when you served there? Do you remember?

12 A Yeah, Father [REDACTED] (ph.).

13 Q Say that again?

14 A Father [REDACTED]

02:12:52 15 Q I see. Okay.

16 MR. WOODS: What parish was that?

17 MR. MANLY: St. Paul's High School.

18 BY MR. MANLY:

19 Q Do you have page 5 in front of you?

02:13:09 20 A Yes.

21 Q Can you see the first paragraph that

22 begins, "In 1989," and read that to yourself.

23 A That paragraph, yes.

24 Q Have you read it?

02:13:22 25 A Yes.

02:13:23 1 Q What happened in 1987 or '88 that caused  
2 the Archdiocese -- first of all, is that paragraph  
3 correct?

4 A I would like to make a clarification that,  
02:13:36 5 yes, the policy was put out as part of a --  
6 collected and put out together in a policy booklet.  
7 It was dated in 1999.

8 But to the rest best of my  
9 recollection, the individual policies that made up  
02:13:51 10 the book were constructed and sent out before that  
11 time.

12 MR. WOODS: You said 1999.

13 THE WITNESS: Sorry. 1989.

14 BY MR. MANLY:

02:14:09 15 Q When were they sent out?

16 A I would have to estimate probably during  
17 1987 and '88.

18 Q Okay. What was happening, if anything, in  
19 1987 or '88 that caused the Archdiocese to write a  
02:14:16 20 policy? Why did you do it?

21 A One of the main factors was that in 1985,  
22 the Bishops had a presentation at their national  
23 meeting about the problem of abuse of minors and  
24 there was a report issued, I believe, as a result of  
02:14:33 25 that meeting.



02:14:34 1 Q Are you talking about the 1985 meeting in  
2 Collinsville?

3 A Yes.

4 Q So the policy was the direct result of the  
02:14:40 5 '85 meeting?

6 A I couldn't say it was the direct result,  
7 but it was carried out within the context of the  
8 concern that was being -- rising.

9 Q Were you at that meeting, Your Excellency?

02:14:54 10 A No.

11 Q Did you talk to Cardinal Mahony about the  
12 meeting after he returned?

13 A Briefly, but he gave me the report.

14 Q Which report, the Doyle Mouton Report?

02:15:07 15 A Yes.

16 Q And why did he give you that, if you know?

17 A It was a concern. It had been brought up  
18 as a concern by the Bishops and, obviously, it was  
19 an increasing awareness of the issue.

02:15:22 20 Q Okay. Looking again at page 5, it says,  
21 "Prudent Boundaries." Do you see paragraph B?

22 A Which paragraph, please?

23 Q I'm sorry. There is a B.

24 A Yes.

02:15:38 25 Q "Prudent Boundaries," the paragraph

02:15:41 1 immediately under that, I'll read into the record,  
2 "The June 1989 Archdiocesan guidelines articulated  
3 'boundary lines' for clergy conduct." (sic.)

4 Is that statement true?

02:15:50 5 A Yes.

6 Q "For example, they provided that 'priests  
7 must avoid activities such as hugging, tickling,  
8 wrestling that involve physical contact with minors'  
9 and 'priests must not have minors in their rooms,  
02:16:08 10 nor should minors stay overnight at a rectory;" is  
11 that true?

12 A Yes.

13 Q And then continues, "Under these  
14 guidelines, if evidence indicating a problem were to  
02:16:19 15 arise, the Archdiocese would ask the priest to  
16 undergo psychological evaluation and would work with  
17 the therapists to determine the best course for the  
18 priest's future;" is that correct?

19 A I believe it was, yes.

02:16:33 20 Q When you were Vicar for Clergy, is that  
21 what you did?

22 A We did that, yes. Yes, we did.

23 Q Okay. Look at this paragraph below that  
24 it says, "Revised May 1994 Archdiocesan guidelines

02:16:52 25 provided that when a report of sexual abuse of a

02:16:55 1 minor or an adult was received, the priest would be  
2 confronted and a process begun to assess the  
3 complaint and assist any victim;" is that correct?

4 A I believe so. I wasn't involved in the  
02:17:06 5 process then, but I believe it was.

6 Q You were a Bishop in 1984 in this  
7 Archdiocese?

8 A 1994.

9 Q I'm sorry. You were a Bishop in 1994 of  
02:17:16 10 this Archdiocese?

11 A Yes.

12 Q "The case against the priest would proceed  
13 unless (i) there were no other witnesses other than  
14 the complainant; (ii) there was no behavior in the  
02:17:28 15 priest's past that lent substance to the allegation;  
16 and (iii) the explanation of events by the priest  
17 was credible. If, however, substantial issues  
18 remained unresolved, the Archdiocese would ask the  
19 priest to undergo psychological evaluation and would  
02:17:44 20 be guided by the report of the professional  
21 evaluation;" is that true?

22 A I believe it was.

23 Q "Also, new screening procedures were  
24 adopted for priests visiting from other diocese and  
02:17:56 25 for religious order priests before they could obtain

02:18:00 1 formal assignments in the Archdiocese;" is that  
2 true?  
3 A I believe so.  
4 Q Did you ever meet Father [REDACTED],  
02:18:06 5 Father -- I'm sorry -- Bishop?  
6 A I don't know if I ever actually met him.  
7 I just don't know.  
8 Q Did Father Dyer periodically visit Father  
9 [REDACTED] in Tuscon -- Monsignor Dyer, to your  
02:18:22 10 knowledge?  
11 A I don't know that.  
12 Q Did you ever hear that Monsignor Dyer was  
13 taking trips to Tuscon with Father Baker?  
14 A I heard that he had taken trips with  
02:18:33 15 Father Baker.  
16 Q And what was the purpose of those trips,  
17 do you know?  
18 A I really don't know.  
19 Q Was it social?  
02:18:42 20 A I don't know the details of those.  
21 Q Where did you hear that?  
22 A I just don't remember where I heard it.  
23 Q Now, did you ever hear something called  
24 SAAB at the Archdiocese?  
02:19:00 25 A Called?

02:19:01 1 Q SAAB, S-A-A-B, Sexual Abuse Advisory  
2 Board.  
3 A Oh, yes. Yes.  
4 Q Was that in place when you were the Vicar  
02:19:10 5 for Clergy?  
6 A No.  
7 Q Have you ever attended a SAAB meeting?  
8 A No.  
9 Q Do you know Judge Skip Byrne?  
02:19:19 10 A Yes.  
11 Q How do you know Judge Byrne?  
12 A I believe I called him to ask him to be  
13 the chair of that initial group in 19 -- probably  
14 1993 or '94, because I was in charge of church  
02:19:38 15 ministerial service at that time.  
16 Q Whose idea was it to appoint Judge Byrne  
17 to that group?  
18 A I think it was the Cardinal, but I'm not  
19 sure.  
02:19:59 20 Q Is the Cardinal friendly with Judge Byrne?  
21 A I don't know.  
22 Q Your recollection is the Cardinal told you  
23 to call Judge Byrne?  
24 A I don't have a specific recollection of  
02:20:02 25 that.

02:20:03 1 Q Why was Judge Byrne selected to be on that  
2 committee, if you know, sir?

3 A I think he was very a competent man. He  
4 was a prominent judge and well respected.

02:20:11 5 Q Okay. Do you know how many child  
6 molestation allegations came before that Board while  
7 Judge Byrne was sitting on it?

8 A No, I don't.

9 Q Do you know if Judge Byrne or anybody else  
02:20:23 10 on that Board ever reported a molester priest --

11 A I don't know.

12 Q -- to law enforcement?

13 A I don't know.

14 Q Did you expect when you appointed Judge  
02:20:33 15 Byrne and the other members of the Board that if  
16 they learned about a priest being a child molester  
17 that they would call the police?

18 A By that time, that there were different  
19 reporting laws in place and priests had become by  
02:20:51 20 that time -- maybe not.

21 Q It was '97.

22 A '97. Okay. Okay. No, I didn't -- we  
23 didn't discuss that.

24 Q Okay. Did you have any concern or did the  
02:21:03 25 Cardinal express concern that Judge Byrne or the

02:21:06 1 other members of the Board might report?  
2 A No.  
3 Q Do you know [REDACTED]?  
4 A Only by name.  
02:21:16 5 Q Do you know who she is?  
6 A She was [REDACTED]  
7 [REDACTED]  
8 Q You testified earlier that it was  
9 important to you as Vicar for Clergy, and I assume  
02:21:30 10 as Bishop, that people working for the Archdiocese  
11 follow the law. Do you remember that testimony?  
12 A Yes.  
13 Q And you understood that when you were  
14 Vicar for Clergy that [REDACTED]  
02:21:42 15 [REDACTED]  
16 [REDACTED]  
17 A Yes.  
18 Q Okay. Was it your expectation that if  
19 [REDACTED] was working for the Archdiocese [REDACTED]  
02:21:54 20 [REDACTED]  
21 [REDACTED], that if she learned that Father Baker had  
22 molested a child that she would report?  
23 A I just believe that that was the  
24 responsibility of [REDACTED], yes.  
02:22:13 25 Q Do you know if she ever reported any of

02:22:15 1 the molester priests that came before her?

2 A I don't.

3 Q Okay. Do you know why the Cardinal  
4 adopted a zero tolerance policy in 2002?

02:22:46 5 MR. WOODS: Objection; calls for state of  
6 mind or reasoning of another person and I object.  
7 It calls for speculation --

8 MR. MANLY: Let me ask it a different way.

9 MR. WOODS: -- unless he expressed his  
02:22:57 10 reasoning.

11 BY MR. MANLY:

12 Q Do you know why the Archdiocese, as you  
13 were a Bishop in 2000, of the Archdiocese, adopted  
14 a zero tolerance policy --

02:23:04 15 MR. WOODS: Same objection.

16 BY MR. MANLY:

17 Q -- with regard to allowing molester  
18 priests in ministry?

19 MR. WOODS: Objection; determining the  
02:23:13 20 state of mind of an organization is even more  
21 difficult and impossible. Calls for speculation.

22 MR. MANLY: You can answer.

23 THE WITNESS: I was not involved in that  
24 decision.

25



02:23:27 1 BY MR. MANLY:

2 Q You didn't weigh in on that one way or the  
3 other?

4 A No, I was not involved in those policy  
02:23:33 5 matters.

6 Q Who made the decision?

7 A The Archdiocese, I guess the Cardinal and  
8 whoever was advising him at that time.

9 Q Who was advising the Cardinal on these  
02:23:42 10 issues in 2002, do you know?

11 A I don't know all the people who were.

12 Q Going back to the Ventura County Grand  
13 Jury testimony, do you know who besides you  
14 testified in those proceedings?

02:24:33 15 A I know [REDACTED]  
16 [REDACTED] testified.

17 Q Anybody else?

18 A I just don't remember of anyone else that  
19 I --

02:24:51 20 Q Did Monsignor Loomis testify?

21 A He may have. I just couldn't specify  
22 exactly.

23 Q When is the last time you talked to  
24 Monsignor Loomis?

02:25:04 25 A Oh, years ago.

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02:27:25       1       anyone who had engaged in any misconduct with minors  
                 2       should meet with him confidentially, and that the  
                 3       Archdiocese would provide spiritual and  
                 4       psychological assistance as necessary."

02:27:36       5                       That's a true statement, correct?

6               A       Yes.

7               Q       And then it says, "Father Michael Baker  
8       then approached the Archbishop to discuss his  
9       relationship with two boys from 1978 to 1985."

02:27:56       10                    Is that correct and complete?

11              A       As far as I know.

12              Q       Well, he didn't actually approach the  
13       Cardinal originally, he approached you; is that  
14       right?

02:27:59       15              A       Right.

16              Q       It says, "The Archdiocese sent  
17       Father Baker to psychological treatment in a restricted  
18       residential setting for six months;" is that correct?

19              A       I believe so.

02:28:09       20              Q       Okay. "Thereafter, it assigned him to a  
21       limited ministry to retired priests;" is that  
22       correct?

23              A       Yes.

24              Q       Now, was he allowed in that time to say  
02:28:21       25       mass at a parish?

02:28:24           1                   MR. WOODS: Asked and answered.

                  2                   THE WITNESS: Yes.

                  3                   BY MR. MANLY:

                  4                   Q     "Father Baker continued in aftercare with

02:28:29           5                   local therapists and agreed" --

                  6                   MR. MANLY: The Paracletes are

                  7                   interrupting my questions. Are you all right? No

                  8                   problem. We just had a cellphone malfunction. Let

                  9                   me start over.

02:28:45           10                  MR. GARPARI: A cellphone operator

                  11                  malfunction.

                  12                  MR. MANLY: Fair enough.

                  13                  BY MR. MANLY:

                  14                  Q     "Father Baker continued in aftercare with

02:28:52           15                  local therapists and agreed to live in accordance

                  16                  with strict boundaries limiting his activities to

                  17                  ministry to adults;" is that true?

                  18                  A     Yes.

                  19                  Q     Well, did he give children communion?

02:29:06           20                  A     Yes.

                  21                  Q     Did he have alter boys?

                  22                  A     Yes.

                  23                  Q     And alter girls?

                  24                  A     I assume so.

02:29:12           25                  Q     Did he have -- when it says, "his

02:29:16           1       activities were limited to adults," I'm not  
                  2       understanding what that means given your statement  
                  3       that he just had access to kids in terms of --  
                  4               MR. WOODS: And the question?  
02:29:28           5               MR. MANLY: That's the question.  
                  6       BY MR. MANLY:  
                  7               Q     Let me ask it this way, is that a true  
                  8       statement given what you have just testified to or  
                  9       should there be an asterisk there with a footnote?  
02:29:39          10               MR. WOODS: I'm going to object,  
                  11       confusing, unintelligible.  
                  12               MR. MANLY: You can answer.  
                  13               THE WITNESS: Father Baker was limited to  
                  14       ministry with adults.  
02:29:50          15       BY MR. MANLY:  
                  16               Q     But doesn't saying mass at a parish mean  
                  17       by definition you are going to interact with kids?  
                  18               A     Yes.  
                  19               Q     Like standing outside greeting people  
02:30:03          20       after mass, things of that nature?  
                  21               A     Yes.  
                  22               Q     And nobody at the parishes were warned  
                  23       about Father Baker, correct?  
                  24               A     Yes, they were.  
02:30:12          25               Q     They were not warned?

02:30:14        1            A        The pastors were.

                 2            Q        You told me the pastor said he wasn't to

                 3            be around children, you never told him that he was a

                 4            molester, right?

02:30:22        5            A        Father Dyer knew that.

                 6            Q        But the people at the parish, the

                 7            children --

                 8            A        That's right.

                 9            Q        -- the parents were never warned about

02:30:28        10          Father Baker, right, Bishop?

                 11          A        No.

                 12          Q        Right?

                 13          A        That's right.

                 14          Q        It says, "Since Father Baker had

02:30:35        15          self-reported his misconduct, the Archdiocese

                 16          trusted that he was following his aftercare

                 17          restrictions and avoiding any new misconduct;" is

                 18          that true?

                 19          A        I think the fact that he self-reported

02:30:48        20          made a difference, yes.

                 21          Q        It says, "And the Cardinal has fully

                 22          acknowledged that this was a terrible mistake," and

                 23          you have already said that's correct, right?

                 24          A        Yes.

02:30:58        25          Q        Who were his therapists -- while you were

02:31:01 1 the Vicar for Clergy, who was his therapist locally?  
2 A The one I remember was named [REDACTED].  
3 I can't give you his last name [REDACTED]  
4 [REDACTED].  
02:31:13 5 Q Would that be in his C file?  
6 A I assume so, yes.  
7 Q Okay. And did the Archdiocese advise  
8 [REDACTED] that Father Baker was a child molester?  
9 A [REDACTED], I believe would have had the  
02:31:26 10 reports from Jemez Springs.  
11 Q Did [REDACTED] report Father Baker to the  
12 authorities?  
13 A Not that I know of.  
14 Q And how did the Archdiocese find  
02:31:38 15 [REDACTED], if you know?  
16 A I think he was probably recommended by one  
17 of the therapists that we used, but I don't know the  
18 details.  
19 Q Do you remember the names of any of the  
02:31:52 20 therapists that the Archdiocese used in your time as  
21 Vicar for Clergy?  
22 A Yes. [REDACTED] -- I can't remember the  
23 last name. I'm sorry. [REDACTED] -- I may remember it  
24 later.  
02:32:06 25 Q What?

02:32:07 1 A I can't remember the last name.  
2 Q How would I find that out?  
3 A The Archdiocese would probably know.  
4 Q Okay. So you remember [REDACTED] and [REDACTED]  
02:32:16 5 [REDACTED] --  
6 A Yes.  
7 Q -- that you used.  
8 Who else?  
9 A I know I knew of [REDACTED]. I'm  
02:32:25 10 not sure if I -- I can't remember who was referred  
11 to her though.  
12 Q Did any of these therapists ever tell you  
13 that it was a bad idea to let Father Baker around  
14 kids?  
02:32:35 15 A No.  
16 Q And you knew when you were the Vicar for  
17 Clergy that child molestation was illegal and a  
18 crime, right?  
19 MR. WOODS: Asked and answered.  
02:32:56 20 BY MR. MANLY:  
21 Q Let's go to the next paragraph, page 17 of  
22 Exhibit 2. I'm reading now, "No new reports of  
23 misconduct were received for over 15 years. Father  
24 Baker resided in places where his history and  
02:33:10 25 restrictions placed on him were known to his



02:33:13 1 supervisors;" is that a true statement?

2 A Yes, I believe it is.

3 Q Okay. So you told the pastors -- you told  
4 his -- let's see -- his supervisors about his

02:33:39 5 history and restrictions that involved child  
6 molestation; is that accurate?

7 A I told the first one about the  
8 restrictions and I believe that the second one,  
9 Father Dyer knew.

02:33:44 10 Q So this should say, "After he left  
11 St. Elizabeth's, Father Baker resided in places where  
12 his history and restrictions were placed on him" -- I'm  
13 sorry -- "his history and restrictions placed on him  
14 were known to his supervisors"?

02:34:03 15 A No. The supervisors at St. Elizabeth's  
16 knew.

17 Q The pastor knew?

18 A Yes.

19 Q That he was a child molester?

02:34:11 20 A I believe so.

21 Q Okay. "During this period however, three  
22 boundary violations on Father Baker's part were  
23 reported. In each case, a review of the report did  
24 not indicate any child abuse. Nevertheless, after

02:34:33 25 the third report, Father Baker was transferred to a

02:34:35 1 more restrictive environment at St. Camillus parish.

2 Its only parishioners are in-patients at USC County

3 General Hospital. The pastor was advised of

4 Father Baker's restrictions and asked to be alerted to

02:34:50 5 any violations;" is that true?

6 A I believe it is. I was not involved in

7 that I don't believe.

8 Q Okay. So did Father Baker have any

9 "boundary violations" while you were the Vicar for

02:35:08 10 Clergy after the Paracletes?

11 A Yes, one.

12 Q What was that about?

13 A It was -- Father Dyer reported to me that

14 he had seen or -- a boy come into the rectory or

02:35:22 15 that he had somehow seen Father Baker in -- on

16 one-on-one with a boy.

17 Q In the rectory?

18 A I think so.

19 Q Boy, that must have alarmed you.

02:35:32 20 A I met -- we had a meeting with

21 Michael Baker and Father Dyer.

22 Q And you?

23 A Yes.

24 Q Who else was there?

02:35:40 25 A Nobody.

02:35:41 1 Q Did you talk to the Cardinal about it?

2 A I believe I did.

3 Q Okay. I mean, did that -- were you  
4 concerned that he might have molested the child,  
02:35:52 5 which is why you wanted to meet with him and make  
6 sure he did not?

7 A I was concerned that he had broken the  
8 boundary violations. I had no indication that he  
9 had molested the boy.

02:36:02 10 Q What were the boundary violations for?

11 A To just -- so that he would not be alone  
12 with children.

13 Q Because he was a molester?

14 A Yes.

02:36:10 15 Q So when you learned that he had -- when  
16 Father Dyer called you -- I assume he called you?

17 A Yes.

18 Q And said, "I saw Father Baker alone with  
19 the boy in the rectory," you know, that obviously  
02:36:23 20 set off enough concern that you wanted to ask  
21 Father Baker about it, fair?

22 MR. WOODS: I'm going to object to the  
23 form of the question in that you rephrased his  
24 testimony in a more affirmative way.

02:36:33 25 MR. MANLY: You know what, just object on

02:36:36 1 a legal objection. Stop coaching the witness.  
2 Okay.  
3 If you have a legal objection, make it.  
4 You are just doing seriatim speaking objections in  
02:36:45 5 violation of the Code. If you want to make a legal  
6 objection, make it.  
7 MR. WOODS: I object to the form of the  
8 question, because it rephrases prior testimony  
9 incorrectly.  
02:36:55 10 MR. MANLY: Okay.  
11 BY MR. MANLY:  
12 Q When you learned from Father Dyer that  
13 Baker had a boy alone in the rectory, a minor, and  
14 given what you knew about Father Baker's history,  
02:37:09 15 you were concerned enough about it to go and ask for  
16 a meeting with Baker; is that correct?  
17 MR. WOODS: Again, I object to the form of  
18 the question in that you summarize his testimony in  
19 a more affirmative way than he said it. I'll let  
02:37:28 20 him answer.  
21 MR. MANLY: I'm going to give you one more  
22 chance and then I'm going to suspend this  
23 deposition. I am going to seek another protective  
24 order against you. This time, I'm going to ask for  
02:37:38 25 sanctions.

02:37:38 1 What you are doing is wrong. You are  
2 coaching the witness and you have made your objection.  
3 You need to stop it. I've had it.  
4 MR. WOODS: You think that was a proper  
02:37:46 5 question?  
6 MR. MANLY: I do. It doesn't matter what  
7 I think or not. Your job is to let him testify.  
8 MR. WOODS: I didn't stop him from  
9 testifying.  
02:37:53 10 MR. MANLY: You can make objections to  
11 form, but stop coaching him. I'm warning you, I am  
12 going to stop the deposition, Don.  
13 MR. WOODS: You know, I hate being  
14 threatened.  
02:38:02 15 MR. MANLY: Too bad. I don't like it when  
16 you violate the law.  
17 MR. WOODS: I don't violate the law.  
18 MR. MANLY: You have sat here for two  
19 depositions and intentionally coached witnesses.  
02:38:11 20 I'm frankly tired of it.  
21 MR. WOODS: Okay. I'm taking a break.  
22 I'm taking a break.  
23 MR. MANLY: No. I have a question  
24 pending.  
02:38:16 25 MR. WOODS: I'm going in for a protective

02:38:18       1       order.

                  2               MR. MANLY: I have a question pending.

                  3               MR. WOODS: I am going in for a protective

                  4       order.

02:38:20       5               MR. MANLY: Good.

                  6               I have a question pending.

                  7               MR. WOODS: If you want --

                  8               MR. MANLY: Stop yelling.

                  9               MR. WOODS: -- to continue --

02:38:22       10              MR. MANLY: Stop --

                 11              MR. WOODS: I'm going to go in. I think

                 12       you are violating the law with the way you ask

                 13       questions.

                 14              MR. MANLY: That's fine. I have another -

02:38:28       15       you are doing it again. I have a question pending.

                 16       You don't like the question. You --

                 17              MR. WOODS: No. The question is hard to

                 18       answer, because it's compound and --

                 19              MR. MANLY: Then make that objection.

02:38:39       20              MR. WOODS: -- and it miss-summarizes his

                 21       testimony. I did make the objection.

                 22              MR. MANLY: Then fine, let me get my

                 23       answer. Okay. You can't keep coaching the witness.

                 24              MR. WOODS: It's not coaching. How did I

02:38:57       25       coach him?

02:38:58           1                   MR. MANLY: You are suggesting answers to  
                  2           him, Don.  
                  3                   MR. WOODS: What's the answer I suggested?  
                  4                   MR. MANLY: Don, you are trying to tip him  
02:39:02           5           off that I am asking a question and you're trying to  
                  6           warn him. Okay.  
                  7                   MR. WOODS: What --  
                  8                   MR. MANLY: It is the oldest trick in the  
                  9           book. So if you want to make a legal objection,  
02:39:10           10           fine, make a legal objection. You are not allowed  
                  11           to coach him. Please stop. And I would appreciate  
                  12           it if you wouldn't raise your voice.  
                  13                   MR. WOODS: If you don't think that was an  
                  14           improper question in form --  
02:39:21           15                   MR. MANLY: Don --  
                  16                   MR. WOODS: The question was compound.  
                  17           You summarized prior testimony. If you want to have  
                  18           the record read back, I can show you exactly  
                  19           where --  
02:39:30           20                   MR. MANLY: Don --  
                  21                   MR. WOODS: -- your summary is incorrect.  
                  22           I didn't say what the correct version is. The  
                  23           witness knows.  
                  24                   MR. MANLY: Okay. I would like to finish  
02:39:38           25           today.

02:39:39 1 MR. WOODS: So would I.  
2 MR. MANLY: I don't think we're going to  
3 now, because you keep interrupting me. Okay. What  
4 I would like you to do is, number one, stop coaching  
02:39:46 5 the witness.  
6 Number two, don't raise your voice and  
7 get all excited. That is not going to help anybody.  
8 Okay.  
9 MR. WOODS: You are threatening me and  
02:39:53 10 accusing me --  
11 MR. MANLY: I am not threatening you.  
12 MR. WOODS: -- and I don't like it.  
13 MR. MANLY: That's too bad, because what  
14 you are doing is wrong.  
02:39:59 15 MR. WOODS: It's not proper.  
16 MR. MANLY: Don, I have --  
17 MR. WOODS: What I am doing is not wrong.  
18 I'm doing my job. Your question, in my opinion,  
19 okay -- and I've been doing this a long time -- is  
02:40:09 20 objectionable in form.  
21 MR. MANLY: That's fine. Make the  
22 objection.  
23 MR. WOODS: For several reasons.  
24 MR. MANLY: And then be quiet and let the  
02:40:15 25 witness testify.



02:40:16 1 MR. WOODS: I didn't stop him from  
2 answering.  
3 MR. MANLY: Okay. All right. We're  
4 getting nowhere, so let's just start over. But I  
02:40:21 5 would ask you to keep your voice down and don't yell  
6 at me. Okay. Please.  
7 MR. WOODS: If you think that's yelling,  
8 you're sadly mistaken.  
9 MR. MANLY: Okay. Well, I don't like it  
02:40:33 10 and I would ask you not to do it. Please, don't  
11 yell.  
12 MR. WOODS: Why don't you ask nice, crisp  
13 questions and we'll move right through this. The  
14 witness is being as cooperative as possible.  
02:40:44 15 MR. MANLY: I think the witness is doing  
16 just fine.  
17 MR. WOODS: Okay. I agree.  
18 MR. MANLY: So let's just let him answer.  
19 Okay. So can I have the question read back, please.  
02:41:34 20 (Record read.)  
21 MR. MANLY: You can answer.  
22 THE WITNESS: Yes.  
23 BY MR. MANLY:  
24 Q Okay. And why did you want to ask  
02:41:38 25 Father Baker about it?

02:41:40 1 A Because if this happened, it was a  
2 violation of the boundaries that he had agreed to.

3 Q Okay. So did it happen? Was he alone  
4 with the boy in the rectory?

02:41:49 5 A I believe he was alone with the boy  
6 someplace, probably the rectory.

7 Q So my question to you is, Bishop, at that  
8 point, why didn't you and the Cardinal just pull him  
9 out of ministry?

02:42:00 10 A Because we had no indication that he had  
11 abused anyone at that time.

12 Q Okay. But the point was, he promised --  
13 he signed a contract, did he not --

14 A Yes.

02:42:12 15 Q -- not to be alone with kids, correct?

16 A Yes.

17 Q Okay. When he got back from the  
18 Paracletes, right?

19 A Yes.

02:42:17 20 Q All right. And you learned -- when --  
21 strike that.

22 When did this happen, the boundary  
23 violation you just discussed?

24 A I don't know the date.

02:42:30 25 Q Sometime between 1986 and 1990?

02:42:32 1 A Yes.

2 Q Okay. You learned that despite the fact  
3 of six months of in-patient treatment and signing  
4 this contract not to be around kids, he was around  
5 kids alone, right?

02:42:41

6 A Yes.

7 Q In violation of his agreement?

8 A Yes.

9 Q Okay. So my question is, did you not

02:42:46

10 think it prudent at that point, as the Vicar for  
11 Clergy, to recommend to the Cardinal that he be  
12 pulled from ministry permanently?

13 A No.

14 Q Okay. Did the Cardinal ever suggest to

02:42:57

15 you that that might be a good idea?

16 A I don't remember that he did.

17 Q Okay. So what was it about Father Baker  
18 that made you decide to leave him in ministry  
19 despite the fact he wasn't keeping his contract not

02:43:12

20 to be around kids and having a boy in the rectory?

21 A I think we trusted that Baker was trying  
22 to change his life and even though this was a  
23 violation, that he did go -- he was in continuing  
24 treatment.

02:43:27

25 He seemed to be -- he seemed to be

02:43:30        1        maintaining that regular schedule of treatment that  
                 2        he -- I did get a report, I believe, from the  
                 3        therapist that they did talk about this and with a  
                 4        group.

02:43:40        5                                And there was no indication from the  
                 6        therapist that there was a -- that was any -- that  
                 7        there was any abuse involved.

                 8                Q        Did anybody interview the boy?

                 9                A        No.

02:43:54        10                              Q        So you interviewed the molester that you  
                 11        knew was a molester that was alone with the boy, but  
                 12        nobody talked to the boy?

                 13              A        Not that I know of.

                 14              Q        Why not?

02:44:08        15              A        I just don't know really.

                 16              Q        Is it because you didn't want to know the  
                 17        answer?

                 18              A        No.

                 19              Q        Well, did Father Dyer know the name of the  
02:44:22        20        boy?

                 21              A        I don't know that.

                 22              Q        So let me make sure I understand this,  
                 23        Father Dyer comes to the rectory at where? What  
                 24        rectory did this take place?

02:44:33        25              A        St. Elizabeth in Van Nuys.

02:44:34 1 Q So the first place he's at after he gets  
2 out of the Paracletes, correct?

3 A Second place.

4 Q Where was he first?

02:44:41 5 A I said St. Thomas.

6 Q You said that. I'm sorry. Thank you.

7

8 Second parish he's at, Father Dyer  
9 comes home and he finds him alone with a boy in the  
02:44:51 10 rectory; is that accurate?

11 A I don't know what the circumstances were  
12 of his finding him.

13 Q In any event, he found him alone with a  
14 boy in the rectory?

02:44:59 15 A He found him alone with a boy.

16 Q And he calls you, correct?

17 A Yes.

18 Q And your testimony is that Father Dyer,  
19 nor anybody else at the Archdiocese took the boy  
02:45:08 20 aside and asked what happened or why he was there?

21 A I believe so.

22 Q You just trusted Father Baker when he  
23 said -- well, let me ask you this, did you ever ask  
24 Father Baker, did you molest that child?

02:45:20 25 A I believe we did at the meeting.

02:45:22        1            Q        And what did he say?  
                 2            A        I am sure he denied it.  
                 3            Q        Okay. So you just took his word for it?  
                 4            A        Yes, and the therapist too.  
02:45:34        5            Q        Who did the therapist interview besides  
                 6            Father Baker?  
                 7            A        I don't know.  
                 8            Q        Did the therapist have a lie detector  
                 9            test?  
02:45:42        10           MR. WOODS: Okay. Objection;  
                 11           argumentative.  
                 12           MR. MANLY: Okay. Let me change it.  
                 13           BY MR. MANLY:  
                 14           Q        Did the therapist have -- administer some  
02:45:49        15           sort of testing to determine whether Father Baker  
                 16           was telling the truth to your knowledge?  
                 17           MR. WOODS: I didn't hear the words. Some  
                 18           sort of something.  
                 19           MR. MANLY: Let me say it again so you can  
02:45:58        20           hear it.  
                 21           BY MR. MANLY:  
                 22           Q        Did the therapist -- let me ask you this,  
                 23           was it [REDACTED] or [REDACTED]?  
                 24           A        It was [REDACTED].  
02:46:05        25           Q        Did [REDACTED] administer some sort of

02:46:08 1 test to Father Baker to determine he was telling the  
2 truth or not about this?

3 A I don't know that.

4 Q Okay. Well, I'm trying to understand,  
02:46:16 5 when you say, "the therapist," did you rely on the  
6 therapist to try and figure out whether Father Baker  
7 had molested this boy?

8 A The therapist did not report that he did  
9 either to me or to anyone else.

02:46:28 10 Q Did you tell the therapist, did someone  
11 tell the therapist that Father Baker had been found  
12 alone with a boy in the rectory in violation of his  
13 agreement?

14 A I believe we did, yes.

02:46:41 15 Q And did the therapist report that to the  
16 police?

17 A I don't think so.

18 MR. MANLY: Let's take a break.

19 THE VIDEOGRAPHER: Videotape deposition  
02:46:49 20 off record at 2:46 p.m.

21 (Off the record.)

22 THE VIDEOGRAPHER: Videotape deposition is  
23 now returning to record at 3:04 p.m.

24 BY MR. MANLY:

03:04:13 25 Q From 1986 to 1990, when you served as the

03:04:18       1       Vicar for Clergy, who was in charge of giving  
                  2       faculties to religious priests or other priests  
                  3       coming from outside the Archdiocese to serve in the  
                  4       Archdiocese?

03:04:29       5               MR. WOODS: Object; irrelevant to the  
                  6       subject matter in this case.

                  7               MR. MANLY: You can answer.

                  8               THE WITNESS: The Cardinal gives faculties  
                  9       and I would send the letter.

03:04:41       10       BY MR. MANLY:

                  11              Q       So the protocol would be for somebody to  
                  12       write you the letter or the Cardinal a letter and  
                  13       you would handle it and he would approve it?

                  14              A       Yes.

03:04:50       15              Q       If Father Baker came from outside the  
                  16       Diocese while you were Vicar for Clergy and had the  
                  17       history that he had, would he have been eligible for  
                  18       faculties within the Archdiocese as an extern priest  
                  19       or a religious order priest?

03:05:07       20               MR. WOODS: Object to the form of the  
                  21       question as hypothetical.

                  22               MR. STEIER: Vague as to time. Did you  
                  23       say at the time?

                  24               MR. MANLY: Yeah, from '86 to '90.

03:05:17       25               MR. WOODS: Not relevant to any subject



03:05:19       1       matter in that Baker was an incardinated priest of  
                 2       the Archdiocese.

                 3               MR. MANLY:   You can answer.

                 4               THE WITNESS:  It's a -- probably not, but  
03:05:32       5       I don't know how --

                 6       BY MR. MANLY:

                 7               Q       Why?

                 8               A       To answer.  Well, in dealing -- if --  
                 9       because we would not want to have to supervise some  
03:05:47       10       priest who wasn't ours.

                 11              Q       Supervise him because he was a molester?

                 12              A       Supervise him because he had any problems.

                 13              Q       Okay.  So was it the general rule at the  
                 14       Archdiocese that if you had molested a child and  
03:06:05       15       were from outside the Archdiocese, you were  
                 16       ineligible for faculties to serve in the Archdiocese  
                 17       while you were Vicar for Clergy?

                 18              MR. WOODS:  I would object, calls for  
                 19       speculation.

03:06:15       20              THE WITNESS:  There was no general rule  
                 21       but --

                 22       BY MR. MANLY:

                 23              Q       Can you recall allowing extern priests or  
                 24       religious order priests to serve in the Archdiocese  
03:06:25       25       who were known child molesters while you were the

03:06:28 1 Vicar for Clergy?

2 A I never received such a request.

3 Q Were there religious order priests who  
4 were -- who had previously molested children who

03:06:41 5 served as priests while you were the Vicar for  
6 Clergy?

7 Let me ask it again. Were there  
8 religious order priests serving in the Archdiocese,  
9 while you were the Vicar for Clergy, who were known  
03:07:01 10 to the Archdiocese as having previously molested  
11 kids?

12 A I think there was one, yes.

13 Q Who was that?

14 A Carlos Rodriguez, I believe.

03:07:13 15 Q And what order did he belong to?

16 A Vincentian Order.

17 Q Where did he serve, Your Excellency?

18 MR. WOODS: I'm sorry. What was the  
19 question?

03:07:26 20 BY MR. MANLY:

21 Q Where did he serve, Your Excellency?

22 A He served in the Vincentian Retreat House  
23 in Santa Barbara.

24 Q Why was he allowed to serve?

03:07:36 25 A Because he had gone through treatment and

03:07:40           1       his community felt that he had -- I believe his  
                  2       community felt that he had responded to that  
                  3       treatment.

                  4           Q     And did he go on to molest other kids, if  
03:07:47           5       you know?

                  6           A     Pardon?

                  7           Q     Did he go on to molest children after  
                  8       that?

                  9           A     Yes, he did.

03:07:52          10          Q     And how do you know that?

                  11          A     It's in the report to the People of God.

                  12          Q     And the Cardinal gave permission for him  
                  13       to have faculties?

                  14          A     Yes.

03:08:03          15          Q     Did you ever tell the Cardinal you thought  
                  16       it was a bad idea, Bishop, to allow priests who had  
                  17       molested kids to get faculties or serve in the  
                  18       Archdiocese?

                  19          A     No.

03:08:14          20          Q     Did you have that opinion?

                  21          A     At that time, no, I don't think so.

                  22          Q     Do you remember what the Doyle Mouton  
                  23       report said about the damage that -- do you remember  
                  24       anything about what that report said about the

03:08:29          25       damage done to the victims?

03:08:33 1 A I don't remember it focusing on that.  
2 Q Did you read it?  
3 A Yes.  
4 Q Did [REDACTED] do an evaluation of  
03:08:54 5 Father Baker given the boundary violation we  
6 discussed before the break?  
7 A Michael Baker was sent to [REDACTED].  
8 MR. WOODS: I'm sorry. Could I hear the  
9 answer back? I couldn't hear it.  
03:09:10 10 MR. MANLY: He said Michael Baker was sent  
11 to [REDACTED].  
12 THE WITNESS: To [REDACTED].  
13 MR. WOODS: Okay.  
14 BY MR. MANLY:  
03:09:16 15 Q Was he already treating with [REDACTED]  
16 before?  
17 A Yes.  
18 Q Okay. So after this incident, he was sent  
19 there for an evaluation?  
03:09:27 20 A He was sent there as part of his  
21 continuing therapy.  
22 Q Okay. I appreciate that, but my  
23 question's a little bit different.  
24 Did something different happen with  
03:09:38 25 Father Baker's therapist when Dyer came forward to

03:09:41        1        you and told you that he had seen Father Baker with  
                 2        a boy in the rectory the first time?

                 3                MR. WOODS: I object to the form of the  
                 4        question as confusing and ambiguous, did something  
03:09:51        5        different happen.

                 6                MR. MANLY: Let me ask it a different way.

                 7        BY MR. MANLY:

                 8                Q        He's already treating with [REDACTED],  
                 9        right?

03:09:56        10               MR. WOODS: Asked and answered.

                 11               THE WITNESS: Yeah.

                 12               MR. MANLY: Don, I'm just trying to get  
                 13        the witness -- you have objected it's confusing.  
                 14        Now I'm trying to clarify it and --

03:10:04        15               MR. WOODS: All right.

                 16               MR. MANLY: -- you are objecting again.  
                 17        Just give me a little leeway, if you would.

                 18        BY MR. MANLY:

                 19               Q        He was already treating with [REDACTED]

03:10:11        20        before the first incident with Father Dyer you told  
                 21        us about, correct?

                 22               A        Yes.

                 23               Q        My question is, did [REDACTED], to your  
                 24        knowledge, do something different with regard to

03:10:25        25        examining Father Baker or did he just continue to

03:10:28 1 treat him as he had been before?

2 A Well, I believe that he was told about the  
3 boundary violation, so I don't know how he treated  
4 it differently.

03:10:38 5 Q Okay. Was there a special report issued  
6 or testing done or anything in that nature?

7 A I don't know that.

8 Q What did the Cardinal say when you told  
9 him that Baker had been found with a boy in the  
03:10:53 10 rectory?

11 MR. WOODS: Object to the form of the  
12 question as summarizing facts not in evidence.

13 THE WITNESS: I don't remember that  
14 conversation.

03:11:01 15 BY MR. MANLY:

16 Q Did he express at any time during -- when  
17 you made this disclosure or afterwards, that this  
18 was a cause for concern for him?

19 A I don't remember the details.

03:11:27 20 Q You testified that there was a meeting  
21 with you and the Cardinal and Father Baker, correct?

22 A Yes.

23 Q Okay. Did you keep --

24 MR. WOODS: I think you misspoke. You are  
03:11:43 25 going back to '86?

03:11:45 1 MR. MANLY: No. I'm going -- I'm talking  
2 about -- let me clarify it so we're clear.

3 BY MR. MANLY:

4 Q After Father Dyer called you and said he  
03:12:00 5 found Baker with a boy in the rectory, was there a  
6 meeting with Father Baker and you and the Cardinal?

7 A No, not that I remember.

8 Q All right. Was there a meeting -- did you  
9 have a meeting with the Cardinal about this?

03:12:13 10 A I don't remember, but I would have  
11 informed him.

12 Q And you did it by memo?

13 A I don't know. Probably.

14 Q Was that your custom and practice to do it  
03:12:22 15 by memo?

16 A Usually, yes.

17 Q Did you get a memo back from him?

18 A I don't know, but I usually got a  
19 response.

03:12:30 20 Q Okay. Did you -- was it your custom and  
21 practice to make suggestions about how to handle  
22 particular problems like this in the memo?

23 A Often times, yes.

24 Q Okay. Was counsel copied on the memo?

03:12:47 25 A I don't remember that --

03:12:47 1 Q Okay.

2 A -- no.

3 Q So who else was in the loop on the Dyer --

4 first Dyer boundary violation involving Father Baker

03:12:58 5 -- let me put that a different way because it

6 sounds like I'm talking about Father Dyer having a

7 boundary violation.

8 Who else knew that Dyer had found

9 Baker with a boy in the rectory at St. Elizabeth

03:13:19 10 besides you, Dyer, Baker and the Cardinal?

11 MR. WOODS: Again, I object to the form of

12 the question in it summarizes testimony incorrectly.

13 THE WITNESS: The issue of the boundary

14 violation, wherever it took place, I'm not too sure,

03:13:31 15 but it was a boundary violation and Father Dyer knew

16 about it and the therapist, [REDACTED] knew about

17 it, I believe the Cardinal knew about it and I knew

18 about it.

19 BY MR. MANLY:

03:13:46 20 Q Did anybody else?

21 A Not that I remember at the moment.

22 Q Were you directed -- was there a

23 discussion when that occurred about calling the

24 police?

03:13:56 25 A No.



03:13:58 1 Q You never thought about calling the  
2 police?

3 A I had no report of -- of abuse.

4 Q Well, you asked Father Baker about abuse,  
03:14:10 5 but you didn't ask anybody else, right?

6 A No.

7 Q But were you concerned that -- let me ask  
8 it a different way.

9 Did you or the Cardinal, [REDACTED]  
03:14:23 10 [REDACTED] or Father Dyer ever -- I called him [REDACTED]  
11 [REDACTED] again. I don't know what my problem is.

12 Did you, the Cardinal, [REDACTED] or  
13 Father Dyer ever discuss with Baker the possibility  
14 that the police would be called?

03:14:41 15 A Not that I remember.

16 Q Did you ever, during your time as Vicar  
17 for Clergy, tell Father Baker he needed to stop this  
18 conduct, being alone with children or molesting  
19 children or you were going to call the police?

03:14:56 20 A I told him that -- obviously, that he had  
21 to stop the boundary violations.

22 Q Okay. And what did he say?

23 A He said he would.

24 Q You made it really clear to him after the  
03:15:11 25 Dyer incident, that this was wrong, it was a

03:15:14       1       boundary violation and that it needed to stop,  
                 2       correct?  
                 3           A     Yes.  
                 4           Q     And you told him that it violated his  
03:15:20       5       aftercare contract, did you?  
                 6           A     I believe I did.  
                 7           Q     And did you tell him if he did it again,  
                 8       you were going to remove him from ministry?  
                 9           A     No.  
03:15:31       10          Q     Why not?  
                 11          A     I don't know.  
                 12          Q     Did the Cardinal tell him or anybody tell  
                 13       him that he did it again, there was going to be a  
                 14       consequence?  
03:15:39       15          A     I don't remember.  
                 16          Q     Did anybody try and find the boy's parents  
                 17       to tell the parents what had happened?  
                 18          A     Not that I know of.  
                 19          Q     Was there ever a discussion about trying  
03:15:48       20       to find the boy's family, so they could ask their  
                 21       child if Father Baker had hurt him?  
                 22          A     No, I don't remember that.  
                 23          Q     And you don't know to this day who that  
                 24       child is?  
03:16:02       25          A     No.

03:16:13 1 Q Have you ever wondered in retrospect  
2 whether Baker actually molested that little boy?  
3 MR. WOODS: Object to the form of the  
4 question; calls for speculation. You can answer.  
03:16:28 5 MR. MANLY: Don't answer?  
6 MR. WOODS: He can answer.  
7 THE WITNESS: I just don't know.  
8 BY MR. MANLY:  
9 Q I asked you if you have ever wondered it.  
03:16:35 10 MR. WOODS: Calls for speculation,  
11 irrelevant to the subject matter.  
12 THE WITNESS: I just -- no, I don't  
13 wonder. I just don't know.  
14 BY MR. MANLY:  
03:16:45 15 Q Okay. Now, did you -- when you left the  
16 Vicar for Clergy, you were head of a department; is  
17 that correct?  
18 A When I left the Vicar for Clergy, I was on  
19 sabbatical for a number of months and then I was in  
03:16:58 20 a parish.  
21 Q Okay. And what parish were you in?  
22 A It was in St. Catherine Laboure in  
23 Torrance.  
24 Q Who was the Bishop who was -- who was  
03:17:10 25 head of the deanery -- strike that.

03:17:11        1                                What was the name of the man who was  
                 2        head of the deanery where St. Elizabeth was when  
                 3        Father Baker was there?  
                 4                A        Of the deanery?  
03:17:21        5                Q        Yes. What priest headed that deanery,  
                 6        that geographical area?  
                 7                A        I don't know.  
                 8                Q        Where is St. Elizabeth's located?  
                 9                A        Van Nuys.  
03:17:30        10              Q        So was there an Auxillary Bishop that had  
                 11        that region from 1986 to 1990?  
                 12              A        Yes.  
                 13              Q        Who was that?  
                 14              A        I think it was Bishop Armando Ochoa.  
03:17:41        15              Q        Was Bishop Ochoa notified that  
                 16        Father Baker, who was serving in his regional area, was  
                 17        a molester?  
                 18              A        I don't know. I didn't.  
                 19              Q        Was it customary while you were the Vicar  
03:17:53        20        for Clergy to notify the Bishop who was governing a  
                 21        regional area, an Auxillary Bishop, that he had a  
                 22        priest in his area that was a child molester?  
                 23                      MR. WOODS: Object to the form of the  
                 24        question.  
03:18:09        25                      THE WITNESS: I don't know whether it was

03:18:09 1 customary. I think it probably happened on case by  
2 case basis.

3 BY MR. MANLY:

4 Q Was there a reason that Bishop Ochoa was  
03:18:17 5 not told about Baker?

6 A No.

7 Q Who was the -- who was head of the deanery  
8 in -- where St. Camillus is while you were Vicar for  
9 Clergy?

03:18:30 10 A Oh, I don't know.

11 Q Okay. Who was head of the deanery where  
12 St. Thomas the Apostle was? Is that where Baker  
13 was, St. Thomas the Apostle?

14 A Yes.

03:18:49 15 Q Where is that located?

16 A It is on Pico Boulevard.

17 Q In East L.A.?

18 A No. Pico and Western or around there.

19 Q Okay. So Mid-Wilshire, that area?

03:18:56 20 A Yeah. Yeah.

21 Q Okay. So who was the head of the deanery  
22 there?

23 A I don't know.

24 Q Were they notified about Baker's status?

03:19:04 25 A No.

03:19:04 1 Q Why not?

2 A That wasn't really a responsibility of the

3 dean to deal with those issues.

4 Q When Father Baker was at St. Elizabeth's,

03:19:22 5 how many other priests were serving there with him,

6 Bishop, if you know?

7 A I don't know.

8 Q The pastor was Father Dyer?

9 A Yes.

03:19:33 10 Q Were there other associates there besides

11 Father Baker?

12 A I think there was an associate.

13 Q Were they told of Father Baker's status?

14 A I don't know.

03:19:42 15 Q Okay. Did Father Dyer have a day off?

16 A Yes.

17 Q What day?

18 A I don't know.

19 Q Okay. Who supervised Father Baker during

03:19:51 20 Dyer's day off?

21 A I don't know.

22 Q Did anybody?

23 A I don't know.

24 Q Was Father Baker allowed to -- were there

03:19:58 25 times -- do you imagine there were times when Baker

03:20:00 1 was alone in the rectory?  
2 A It's possible.  
3 Q Okay. In terms of the aftercare program,  
4 was there ever an arrangement to be sure that  
03:20:12 5 Father Baker was never alone in the rectory?  
6 A Not that I know of.  
7 Q After the boundary violation with the boy  
8 that Dyer reported, was there any type of change in  
9 his supervision that made sure that he was never  
03:20:26 10 alone in the rectory?  
11 A Not that I know of.  
12 Q Okay. So did he give an explanation as to  
13 why the boy was in the rectory?  
14 A I -- I believe he did.  
03:20:40 15 Q And what was that?  
16 A I think he -- I forget. But I think he  
17 asked -- that the boy was looking for counseling or  
18 something like that.  
19 Q So he was counseling the boy?  
03:20:50 20 A I'm not sure. I really can't remember the  
21 details.  
22 Q Did you think it was a good explanation?  
23 A I don't know at the time.  
24 Q Did he explain why he violated the  
03:21:05 25 boundary issue?

03:21:07 1 A Again, I don't remember the details.  
2 Q Okay. Were there any other boundary  
3 issues with Father Baker or complaints that you  
4 received while you were Vicar for Clergy other than  
03:21:32 5 the Dyer one?  
6 A No.  
7 Q Okay. And at the time you were the Vicar  
8 for Clergy -- bless you -- did you keep a calendar?  
9 A A calendar?  
03:21:57 10 Q Yes.  
11 A An appointment book?  
12 Q Yes.  
13 A Yes.  
14 Q Do you still have those?  
03:22:01 15 A Yes.  
16 Q And where do you keep those?  
17 A They're in a box someplace.  
18 Q Okay. Where?  
19 A At home.  
03:22:09 20 Q I would ask that you preserve those,  
21 please.  
22 A Okay.  
23 Q It's your custom and practice to keep your  
24 calendars? It is your custom and practice to keep  
03:22:25 25 your calendars?



03:22:26 1 A Yes.

2 Q Okay. And can you tell me what those look  
3 like, the calendars?

4 A Yes. They just have appointments that I  
03:22:41 5 had.

6 Q Okay. And did you keep your own calendar?

7 A I did.

8 Q Okay. So you would have entries on  
9 appointments you made and people you met with?

03:22:49 10 A For most of the time.

11 Q Okay. And did you continue to do that  
12 through the time as Bishop, through your time as  
13 Bishop?

14 A Yes. I have to clarify that I went to a  
03:23:11 15 computer calendar about 1993 or 4 so --

16 Q Okay.

17 A -- I couldn't guarantee that I could  
18 recover all of them, but they may be on the computer  
19 someplace.

03:23:23 20 Q Don't worry. I have somebody that can.  
21 Okay. So you went to Outlook in 1993  
22 or 4, a calendaring program?

23 A Yes.

24 Q And when did the Archdiocese get e-mail?  
03:23:37 25 Do you remember?

03:23:42 1 A No, I don't really remember.

2 Q Did anybody in -- since the last year or  
3 two, has anybody asked you for documents you might  
4 have or to make a search of documents you might have  
03:23:55 5 relating to Father Baker?

6 MR. WOODS: I missed the last part. Could  
7 I hear that question again?

8 (Record read.)

9 MR. WOODS: Excluding conversations with  
03:24:17 10 his counsel?

11 MR. MANLY: No. I want to know if anybody  
12 has asked you to search for documents, including  
13 your counsel.

14 MR. WOODS: I'm going to --

03:24:26 15 MR. MANLY: I'm not asking what you found  
16 yet, but I'm asking, you know, if anybody asked you  
17 to make a search. We have served production  
18 responses on you and you know --

19 THE WITNESS: If they did, I can't  
03:24:38 20 remember who it is.

21 BY MR. MANLY:

22 Q Did you ever search your calendars to see  
23 if there is anything relating to Father Baker?

24 A There are appointments with Father Baker.

03:24:48 25 Q Okay. Did you provide those calendars to

03:24:50 1 Mr. Woods' office?

2 A I believe I provided copies of the  
3 relevant pages.

4 Q Where are those, Mr. Woods?

03:25:01 5 MR. WOODS: What do you mean, where are  
6 they?

7 MR. MANLY: Will you produce those?

8 MR. WOODS: Sure. If you send me a  
9 request to produce, I will produce them.

03:25:16 10 MR. MANLY: I think we've asked you for  
11 all documents relating to Father Baker.

12 MR. WOODS: Well, I probably objected to  
13 something like that.

14 MR. MANLY: You are going to object to his  
03:25:20 15 calendar?

16 MR. WOODS: No. You asked me about his  
17 calendar of documents that reflect meetings with  
18 Baker in his calendar.

19 If you want -- you don't need to do it,  
03:25:32 20 I'll get them for you. I'll be glad to do it

21 MR. STEIER: Mark that for the record.

22 MR. MANLY: Mr. Steier, why don't you  
23 leave the comedy to me. Thanks.

24 BY MR. MANLY:

03:25:58 25 Q Did you like Father Baker as a person, did

03:26:00        1        you find him to be a pleasant person to deal with?  
                 2                    MR. WOODS: Object; irrelevant to the  
                 3        subject matter.  
                 4                    THE WITNESS: He was never unpleasant with  
03:26:12        5        me.  
                 6        BY MR. MANLY:  
                 7            Q        I mean, on a personal basis, did you like  
                 8        him?  
                 9            A        We were not friends.  
03:26:19        10        Q        I know.  
                 11                    But I mean on a one-to-one basis, did  
                 12        you always find him pleasant to deal with?  
                 13            A        On a one-to-one basis, we never had  
                 14        unpleasantness.  
03:26:30        15        Q        Did you ever ask him, you know, when he  
                 16        disclosed the first time or later, why he did what  
                 17        he did with those children?  
                 18            A        I don't remember doing that.  
                 19            Q        Who was his confessor?  
03:26:45        20        A        I don't know.  
                 21            Q        Was there ever any type of spiritual  
                 22        program put in place by the Cardinal or yourself to  
                 23        try and help Father Baker with his problem with  
                 24        children?  
03:26:58        25        A        As part of the whole treatment, that was

03:27:00 1 partly spiritual program and I believe that he had a  
2 spiritual counselor after -- as his after treatment.  
3 Q Who was that?  
4 A I don't know who it was.  
03:27:11 5 Q Okay. Did you know Father [REDACTED]?  
6 A Yes.  
7 Q And who was [REDACTED]?  
8 A He was a [REDACTED] priest [REDACTED]  
9 [REDACTED]  
03:27:32 10 Q And had you met him before he came to work  
11 at the Archdiocese?  
12 A Before he came to --  
13 Q Yes.  
14 A I don't think so, no.  
03:27:41 15 Q Have you ever been to the St. Luke  
16 Institute?  
17 A Yes.  
18 Q Did you ever meet him [REDACTED]  
19 [REDACTED] before he came to the Archdiocese?  
03:27:50 20 MR. GARPARI: Assumes facts not in  
21 evidence.  
22 THE WITNESS: No, I don't think I ever met  
23 him [REDACTED]  
24 BY MR. MANLY:  
03:27:57 25 Q Did you know [REDACTED]

03:28:00 1 before he came to the Archdiocese?

2 A I don't think I did know.

3 Q Okay. Do you remember a priest at the  
4 Paracletes named [REDACTED]?

03:28:11 5 A I think so, yes.

6 MR. MANLY: Is that how you pronounce  
7 that, Mr. Gaspari, so I don't butcher it?

8 MR. GARPARI: Yes.

9 BY MR. MANLY:

03:28:17 10 Q Is that the man that you met with  
11 regarding Father Baker?

12 MR. WOODS: Asked and answered.

13 THE WITNESS: I think so, yes.

14 BY MR. MANLY:

03:28:23 15 Q Okay. Do you ever recall receiving  
16 guidance from the Paracletes that advise you to  
17 destroy reports on priests that had been treated  
18 there?

19 MR. GARPARI: Assumes facts not in

03:28:44 20 evidence.

21 MR. WOODS: You can answer.

22 THE WITNESS: I don't remember that.

23 BY MR. MANLY:

24 Q Did you ever receive or have conversations  
03:28:53 25 with anybody from the Paracletes where they advised

03:28:56       1       you as a member of the Archdiocese that you should  
                 2       send copies of reports regarding sexual abuse of  
                 3       priests to the Vatican Embassy or to the Papal  
                 4       Nuncio's office?

03:29:08       5           A       I have no recollection of that.

                 6           Q       Did you ever destroy any of the Baker  
                 7       reports from the Paracletes?

                 8           A       No, I don't believe I did.

                 9           Q       And do you have any knowledge of anybody  
03:29:21       10       destroying those?

                 11          A       No.

                 12          Q       Who else had access to the confidential  
                 13       files while you were the Vicar for Clergy besides  
                 14       you and the Cardinal?

03:29:33       15                   MR. WOODS: Asked and answered.

                 16                   THE WITNESS: My executive secretary had.

                 17       BY MR. MANLY:

                 18          Q       Did anybody else?

                 19          A       No, I don't think so.

03:29:47       20          Q       When you were at the Grand Jury in  
                 21       Ventura -- when you testified at the Grand Jury in  
                 22       Ventura County, did they ask you to identify any  
                 23       abusive priests in the Archdiocese that you were  
                 24       aware of or had served in the Archdiocese?

03:30:03       25          A       I don't think they did, no.

03:30:09 1 MR. STEIER: May I raise a question,  
2 Mr. Manly?  
3 MR. MANLY: Would it matter if I said no?  
4 MR. STEIER: It won't matter. It was a  
03:30:15 5 preface.  
6 MR. MANLY: Yeah.  
7 MR. STEIER: If you inquire what is said  
8 before a Grand Jury, is that a violation of the  
9 Federal Rules of federal procedure?  
03:30:26 10 MR. MANLY: It is a State Grand Jury.  
11 MR. STEIER: Same difference.  
12 MR. MANLY: I don't think so.  
13 MR. STEIER: Is it a violation of statute  
14 to disclose testimony before a Grand Jury?  
03:30:38 15 MR. MANLY: We'll find out. I just  
16 subpoenaed the records.  
17 MR. STEIER: Of the grand jury?  
18 MR. MANLY: Yeah.  
19 MR. STEIER: Okay. I just don't want you  
03:30:44 20 to be considered some sort of criminal.  
21 MR. MANLY: Well, thank you so much, Don.  
22 MR. STEIER: Thank you.  
23 MR. MANLY: I will -- I always listen to  
24 your wise counsel and usually disregard it.  
03:30:56 25 MR. STEIER: Prudent.



03:30:58 1 MR. GARPARI: I think he's soliciting for  
2 a retainer.  
3 MR. MANLY: Well, yeah, there are other  
4 people in town who --  
03:31:04 5 MR. GARPARI: The other way around.  
6 MR. MANLY: The other way around.  
7 MR. FINALDI: If the Archdiocese is going  
8 to pay for it.  
9 MR. STEIER: I was seeking advice from  
03:31:17 10 you.  
11 MR. MANLY: You know, you should -- my  
12 advice would be free and that's probably what it is  
13 worth. All right.  
14 BY MR. MANLY:  
03:31:35 15 Q Where was Father [REDACTED] living when he  
16 came back from the Paracletes?  
17 A I don't remember that.  
18 Q What did he do that got him sent there?  
19 A He was accused of inappropriate touching  
03:31:56 20 of some of the seminarians at the high school  
21 seminary.  
22 Q And he pled guilty to sexual battery; is  
23 that correct?  
24 A Yes.  
03:32:10 25 Q Can you look at page 18 of Exhibit 1 --

03:32:13 1 I'm sorry -- Exhibit 2. It says, "In 1987, Father  
2 [REDACTED]..." Do you see that paragraph?

3 A I do.

4 Q "In 1987, Father [REDACTED] pled  
03:32:42 5 guilty to battery and sexual molestation of minors  
6 and was placed on probation."

7 Were you the Vicar for Clergy when  
8 that happened?

9 A I was.

03:32:51 10 Q And did you attend his sentencing?

11 A No.

12 Q Did anybody from the Archdiocese attend  
13 his sentencing?

14 A I don't know that.

03:32:59 15 Q Were you or the Cardinal or anybody else  
16 interviewed by Detective Bearclaw in that case?

17 A I don't remember being interviewed by him.

18 Q Do you know, was there a liaison that the  
19 Archdiocese had with the police department or the  
03:33:14 20 D.A.'s office in that case?

21 A [REDACTED] would be the only one I would  
22 know.

23 Q And when did that -- when did that case  
24 come to your attention? Was it immediately after  
03:33:32 25 you got there?

03:33:33 1 A No. It says here 1987, so --  
2 Q So in 1987, Father [REDACTED] was arrested?  
3 A I don't know if he was arrested.  
4 Q Well, he was charged --  
03:33:48 5 A Yes.  
6 Q -- and pled guilty, correct?  
7 A Yes.  
8 Q And the police were involved in that case  
9 obviously, correct?  
03:33:56 10 A Yes.  
11 Q Did anybody think it would be a good idea  
12 to tell those police officers about Father Baker?  
13 A I don't think that came up.  
14 Q It didn't come up?  
03:34:06 15 A No.  
16 Q Okay. Well, given the [REDACTED] allegation  
17 and the fact that he was criminally convicted and  
18 placed on probation, what impact, if any -- let me  
19 ask you this -- let me start over.  
03:34:27 20 Did you ever talk to the Cardinal  
21 about the fact that had you a priest that was being  
22 criminally prosecuted for molesting minors, namely,  
23 Father [REDACTED]?  
24 MR. WOODS: Asked and answered -- did he  
03:34:39 25 discuss Father [REDACTED] with the Cardinal; is that

03:34:43 1 the question?

2 MR. MANLY: Yes.

3 MR. WOODS: Irrelevant, but --

4 THE WITNESS: I would think I did, but I

03:34:47 5 don't remember the conversation.

6 BY MR. MANLY:

7 Q How many priests in your career are you  
8 aware of where -- strike that.

9 How many priests, as of 1987, were

03:34:57 10 you aware of in the Archdiocese who had been  
11 prosecuted for "sexual battery?"

12 Let me ask that really plainly.

13 Was Father [REDACTED] the first priest  
14 you ever heard of that was criminally prosecuted for  
03:35:18 15 molesting a child?

16 A No.

17 Q Who was the first?

18 A Father Pat Roemer?

19 Q And when did that happen?

03:35:28 20 A The late 70's or early 80's, around that  
21 time.

22 Q So before you were the Vicar for Clergy?

23 A Yes.

24 Q So Father [REDACTED] was the second, correct?

03:35:39 25 A To the best of my recollection now, yes.

03:35:42 1 Q Okay. So when was the Cardinal -- did the  
2 Cardinal ever ask you, I mean, you know, did you  
3 ever discuss with the Cardinal that -- a concern  
4 that you had, a priest who had been charged  
03:35:57 5 criminally with molesting a boy?

6 A Did I discuss Father [REDACTED]?

7 Q Yeah.

8 A Yes. Yes, I believe I discussed father  
9 [REDACTED] with the Cardinal.

03:36:10 10 Q And did you have contact with Father  
11 [REDACTED]'s probation officer?

12 A No.

13 Q Who had interface with Father [REDACTED]'s  
14 probation officer, if anybody, at the Archdiocese?

03:36:22 15 A I don't know.

16 Q Did the Paracletes know that [REDACTED] had  
17 been criminally prosecuted?

18 MR. GARPARI: Lacks foundation.

19 MR. WOODS: Calls for speculation.

03:36:32 20 THE WITNESS: I would assume they did.

21 BY MR. MANLY:

22 Q He didn't keep it from them, he told them,  
23 right, he was there under court order, right?

24 MR. WOODS: Hold on.

03:36:39 25 MR. MANLY: That's fair, Don. Let me

03:36:40 1 break it up.

2 BY MR. MANLY:

3 Q Father [REDACTED] was sent to the Paracletes  
4 as part of his probation, correct?

03:36:49 5 A I don't know if that was part of the  
6 probation agreement.

7 Q Let me refresh your recollection.

8 A As part of his probation, yes.

9 Q Does that refresh your recollection?

03:36:56 10 A No, not really. I don't remember him --  
11 because we would have sent him anyway.

12 Q Well, this says, "As part of his probation  
13 he attended residential psychotherapy," and that was  
14 at the Paracletes, right?

03:37:10 15 A Yes.

16 Q So how did Father [REDACTED] come to the  
17 attention of the police, if you know?

18 A That whole incident came by way of the  
19 High School Seminary in San Fernando and I believe  
03:37:30 20 that the police were notified either by the students  
21 or by the faculty there. I don't remember.

22 Q Do you remember what he was doing?

23 A Well, what I remember hearing was that  
24 there was some inappropriate touching.

03:37:50 25 Q Okay. Does it sound like -- does this

03:37:51       1       refresh your recollection, if I represent to you  
                 2       what he was doing is when the boys would go to bed,  
                 3       he would put his hand under the sheets and fondle  
                 4       them?

03:37:58       5             A       That's what I heard, something like that,  
                 6       yeah.

                 7             Q       Did the police do an investigation there?

                 8             A       At the seminary?

                 9             Q       Yes.

03:38:06       10            A       Again, I wasn't involved in that part of  
                 11       it.

                 12            Q       Who was?

                 13            A       I think it was mostly handled by the  
                 14       Rector of the Seminary, it was Monsignor [REDACTED]

03:38:16       15       [REDACTED] at that time.

                 16            Q       Pat -- had Bishop Ziemann already left?

                 17            A       No --

                 18            Q       I think he was there until '86.

                 19            A       He was appointed a Bishop earlier. I just  
03:38:32       20       don't know what the sequence is.

                 21            Q       That's fine. If you don't know, that's  
                 22       okay. All right.

                 23                       Did you or the Cardinal ever discuss  
                 24       reporting Father Baker to the police, like Detective

03:38:50       25       Bearclaw, given the fact that they had prosecuted

03:38:55 1 Father [REDACTED]?

2 A No.

3 Q Was it your desire and/or the Cardinal's

4 desire, if you know -- well, was the Cardinal -- was

03:39:08 5 part of your goal as the Vicar for Clergy to make

6 sure this matter did not become public?

7 MR. WOODS: Object. This matter?

8 MR. MANLY: Meaning the Baker abuse.

9 THE WITNESS: No.

03:39:19 10 BY MR. MANLY:

11 Q So it was fine with you if it became

12 public?

13 A No, I didn't invite publicity, but if it

14 became public, it became public.

03:39:28 15 Q So you weren't trying to avoid scandal in

16 your handling of the matter?

17 A Yes, I was trying to avoid scandal, but I

18 was just not trying to suppress it in any way. We

19 were handling it on a case by case basis.

03:39:45 20 Q Well, do you know why the Cardinal didn't

21 just pick up the phone and call the police when he

22 learned that Father Baker had admitted molesting two

23 little boys?

24 MR. WOODS: Calls for speculation.

03:39:57 25 THE WITNESS: Father Baker came and



03:39:59 1 self-confessed at the request of the Cardinal and it  
2 was clear that he came with the understanding that  
3 this was a confidential matter and it was a  
4 confession to somebody as part of a -- of ministry  
03:40:17 5 that was protected, we believed at the time.

6 BY MR. MANLY:

7 Q Well, if it was protected, why has the  
8 Cardinal discussed it?

9 A If it is --

03:40:28 10 Q If it is confessional, why has the  
11 Cardinal discussed it publically?

12 A Well, it became public later.

13 Q If it's a confessional, it is a mortal sin  
14 to discuss it, is it not?

03:40:41 15 A No, because if it's -- the information is  
16 not come -- is coming from elsewhere.

17 Q Well, why -- did the Cardinal assure the  
18 priests when he gave his talk at the retreat that  
19 they wouldn't be reported to the police if they came  
03:41:02 20 forward?

21 A He didn't give that assurance.

22 Q So when you say it was confidential, was  
23 there some assurance to the priests that they  
24 wouldn't be reported to law enforcement?

03:41:12 25 A I would think that if a priest comes and

03:41:14        1        confesses in that context of a priest penitent  
                 2        confidential communication, that the assumption  
                 3        would be that it wouldn't be reported.

                 4            Q        The Cardinal didn't give him absolution in  
03:41:30        5        the meeting, did he?

                 6            A        No.

                 7            Q        So it wasn't a confession in the  
                 8        sacramental context, right?

                 9            A        No. Right.

03:41:38        10        Q        Right.

                 11        A        But it was a priest penitential privilege  
                 12        kind of thing.

                 13        Q        I mean, if he had -- I'm trying to get --  
                 14        I'm trying to get an understanding of the  
03:41:49        15        confidential nature of this communication you're  
                 16        talking about and I would like you to explain it to  
                 17        me.

                 18                    Did anybody, anywhere suggest, imply  
                 19        or tell Father Baker or the other priests at the  
03:42:00        20        Archdiocese that if they came forward and told the  
                 21        Cardinal that they had molested boys or girls, that  
                 22        no one would call the police?

                 23        A        No. There was only one statement that I  
                 24        ever know and that was at the retreat in 1986.

03:42:17        25        Q        And what was that statement?

03:42:19       1           A     That was the statement that is in here,  
                 2           that if they were experiencing difficulties, they  
                 3           could come and talk confidentially to the Cardinal.

                 4           MR. MANLY: Let's take a five minute  
03:42:46       5           break.

                 6           THE VIDEOGRAPHER: Videotape deposition  
                 7           off record at 3:42 p.m. This will conclude  
                 8           videotape number 2 in today's deposition.

                 9           (Off the record.)

03:56:02       10          THE VIDEOGRAPHER: Videotape deposition is  
                 11         now returning to record at 3:56 p.m. This is also  
                 12         the beginning of videocassette tape number 3.

                 13         (Parties talking at the same time.)

                 14         MR. MANLY: Let's make another copy.

03:57:11       15         MR. STEIER: Go ahead. Don't wait for me.

                 16         MR. GARPARI: It's from the internet. It  
                 17         must be true.

                 18         MR. FINALDI: I'll print you one out.

                 19         MR. MANLY: Okay. Okay. Is that okay  
03:57:21       20         with you?

                 21         MR. STEIER: I'm fine.

                 22         BY MR. MANLY:

                 23         Q     For the record, this is a copy of the  
                 24         Doyle Mouton report that I downloaded off  
03:57:38       25         BishopAccountability.org.

03:57:39 1 I know it's accurate because Tom  
2 Doyle, who authored it, told me it's accurate.  
3 Can you just look at the document for  
4 a few minutes, Bishop, and see if it looks familiar.  
04:04:30 5 I just asked him to familiarize himself with it. He  
6 can do that however he chooses. Why don't we go off  
7 the record until he finishes reading this.  
8 (Exhibit 3 was marked by the  
9 Certified Shorthand Reporter.)  
04:07:43 10 THE VIDEOGRAPHER: Videotape deposition  
11 off record at 4:07.  
12 (Off the record.)  
13 THE VIDEOGRAPHER: Videotape deposition is  
14 now returning to record at 4:13 p.m.  
04:13:53 15 BY MR. MANLY:  
16 Q Okay. Bishop, you have taken some time.  
17 Have you familiarized yourself with the document?  
18 A I've skimmed it.  
19 Q Does this look like the document you  
04:14:02 20 looked at, at the time?  
21 A I think it's the document, yes.  
22 Q Could you turn to page 21 of 39 of the  
23 copy you have.  
24 A Yes.  
04:14:17 25 Q And make sure you reviewed the section,

04:14:21 1 "What about the families of the victims." Have you  
2 had a chance to read that section?

3 A Yes.

4 Q Okay. Do you see the first paragraph  
04:15:08 5 where it reads, "While the welfare of the  
6 priest-offender is considered very important to the  
7 church officials, the welfare of both at the time of  
8 the abuse and well into the future of the victims is  
9 most important and should be given a priority by  
04:15:29 10 Ordinaries." Do you see that?

11 A Yes.

12 Q And then it says, "The effects of sexual  
13 abuse of children by adults are long lasting and go  
14 well into adulthood." Do you see that?

04:15:39 15 A Yes.

16 Q Do you remember reading that section when  
17 you first saw this in '85 or '86?

18 A No, I don't remember.

19 Q Okay. Did you -- did you and the Cardinal  
04:15:55 20 discuss in any general way, while you were Vicar for  
21 Clergy, the impact that sexual abuse of priests or  
22 sexual abuse of adults have on kids?

23 MR. WOODS: Object as confusing.

24 MR. MANLY: You can answer.

04:16:17 25 THE WITNESS: We may have, but I don't

04:16:19 1 remember -- recall the conversations.

2 BY MR. MANLY:

3 Q Was the impact -- when you attended this  
4 presentation in 1986, where the Cardinal was present  
04:16:27 5 and the lawyer from Stockton came to talk about  
6 these -- this issue, the issue of sexual abuse of  
7 minors, was the impact on the victim discussed by  
8 this lawyer from Stockton?

9 A I don't remember that.

04:16:42 10 Q Okay. Was there any policy in place while  
11 were you Vicar for Clergy, prior to 1989, that made  
12 the victim and their family a priority in handling  
13 of these cases?

14 A There wasn't a policy.

04:17:05 15 Q Well, how -- what if any practice did the  
16 Archdiocese have to notify the victim and their  
17 family if a priest was accused of abusing their  
18 child?

19 A I don't remember any accusation where the  
04:17:31 20 families were not aware of that.

21 Q Except for Father Baker?

22 A Father Baker.

23 Q And why did the Cardinal make the decision  
24 not to attempt to notify the families in the Baker  
04:17:52 25 case?

04:17:52 1 MR. WOODS: Calls for speculation.  
2 THE WITNESS: I don't know that.  
3 BY MR. MANLY:  
4 Q All right. Can you turn to page 22 of 39.  
04:18:01 5 A Yes.  
6 Q Okay. Bishop, are you by training -- I  
7 know you have a Ph.D. in history. Do you consider  
8 yourself to be a theologian by training --  
9 A No.  
04:18:13 10 Q -- or a canonist or what would your area  
11 of specialty be ecclesiastically, if you will?  
12 MR. WOODS: Could I hear it back, please.  
13 I lost --  
14 MR. MANLY: Let me ask it a different way.  
04:18:26 15 BY MR. MANLY:  
16 Q In the priesthood, when you study, people  
17 specialize in different areas, is that fair,  
18 sometimes?  
19 A No.  
04:18:35 20 Q What is your -- when you are studying for  
21 the priesthood, did you have a particular emphasis,  
22 an area of study?  
23 A No.  
24 Q Did you take Canon law? Yes?  
04:18:47 25 A Yes.

04:18:47 1 Q Did you have a Canon lawyer on staff when  
2 you were the Vicar for Clergy?

3 MR. WOODS: Staff in the Vicar's office?

4 MR. MANLY: At the Archdiocese.

04:18:56 5 THE WITNESS: Yes, there were Canon  
6 lawyers at the Archdiocese.

7 BY MR. MANLY:

8 Q Was one of them [REDACTED]?

9 A Yes.

04:19:02 10 Q So was [REDACTED] was on the staff of  
11 the -- what other Canon lawyers can you remember  
12 besides Father [REDACTED]?

13 A [REDACTED] was [REDACTED]

14 [REDACTED]. I believe [REDACTED]

04:19:21 15 [REDACTED] was there.

16 Q Now, part of the duties of the Canon  
17 lawyers at the Archdiocese was to provide advice and  
18 provide canonical services in a variety of areas,  
19 including priest penal matters; is that correct?

04:19:39 20 A Yes.

21 Q Did you think it was a good idea for the  
22 Cardinal to appoint a child molester to the Canon  
23 Law office?

24 A He was dealing with marriage cases  
04:19:49 25 entirely.



04:19:50           1           Q     Father [REDACTED] was a child molester, a  
                  2           convicted child molester and he was assigned to the  
                  3           office that handled priest penal cases; is that  
                  4           accurate?

04:19:59           5           A     No. The office maybe, yes, but he didn't.

                  6           Q     I see. How do you know that?

                  7           A     I don't remember any case that he handled  
                  8           of that kind.

                  9           Q     You sent him -- after he got out of the  
04:20:17          10          Servants of the Paraclete and finished probation,  
                  11          you sent him to Catholic University to get a degree  
                  12          in Canon Law; is that correct?

                  13          A     I think so, yes.

                  14          Q     So you made a convicted child molester a  
04:20:25          15          Canon lawyer and placed him in the office that was  
                  16          to prosecute priest penal cases, including priest  
                  17          child molestation cases; is that accurate?

                  18               MR. WOODS: I'll object in that "you" is  
                  19               --

04:20:36          20               MR. MANLY: I'm not talking about him  
                  21          personally. I'm talking about the Archdiocese.

                  22               THE WITNESS: The Archdiocese, the office  
                  23          would recommend to the Cardinal, but I don't know  
                  24          that the office was there to prosecute.

                  25

04:20:48

1 BY MR. MANLY:

2 Q Before appointing Father [REDACTED] -- I'm  
3 sorry. You didn't appoint him.

4 Before the Cardinal appointed

04:20:55

5 Father [REDACTED] to the canonical law office and allowed  
6 him to go to law school to become a canonist, did you  
7 discuss with him any objections you had to a convicted  
8 child molester getting a degree in Canon law?

9 A No.

04:21:10

10 Q Did you tell Catholic University -- did  
11 anybody, to your knowledge, from the Archdiocese  
12 tell Catholic University that Father [REDACTED] was a  
13 convicted child molester before he was sent there?

14 A Not that I know of.

04:21:23

15 Q Who supervised Father [REDACTED] when he was  
16 in law school -- at Canon Law School at Catholic  
17 University?

18 A I'm not aware of that.

19 Q Okay. Can you look at page 22 of 39.

04:21:34

20 MR. WOODS: What page?

21 MR. MANLY: 22 of 39.

22 THE WITNESS: Yes.

23 MR. MANLY: Does everybody have that?

24 MR. STEIER: Yes.

25

04:21:39

1 BY MR. MANLY:

2 Q Okay. It says, "Investigation of  
3 complaints." Can you just familiarize yourself with  
4 that. Let me know when you are ready.

04:22:42

5 A Okay.

6 Q Okay. Do you see the first sentence that  
7 says, "When a Bishop receives a complaint that a  
8 priest or deacon has engaged in sexual misconduct  
9 with a minor child, this complaint should be  
10 discreetly investigated at once."

04:22:53

11 Was that the policy of the  
12 Archdiocese when you were Vicar for Clergy?

13 MR. WOODS: Object to the form of the  
14 question as to whether there was a policy or not.

04:23:09

15 THE WITNESS: The complaints were handled  
16 on a one to one basis, but they -- as far as I know,  
17 they were not handled in this strict canonical form.

18 BY MR. MANLY:

19 Q So there was no policy that every  
20 complaint or every allegation or every admission had  
21 to be investigated?

04:23:22

22 A Yes, but not necessarily a canonical  
23 investigation. There was no policy. There was the  
24 practice.

04:23:34

25 Q Was Father Baker's transgressions with

04:23:38 1 children reported to the Holy See?

2 A I don't know. I don't think so.

3 Q Was there a policy during Cardinal

4 Mahony's tenure, as far as you know, to report

04:23:50 5 molesting priests to the Holy See?

6 A During my time?

7 Q Yes.

8 A I don't think so.

9 Q Why was there no canonical process

04:23:58 10 instituted against Father Baker given the gravity of

11 his crime namely molesting a child?

12 A Because it was handled in a pastoral way.

13 Q That's it? That's the reason?

14 A I think so.

04:24:13 15 Q Okay. Would you turn to page 31 of 39.

16 Do you see the first paragraph -- I'm sorry -- under

17 number 8.

18 A Yes.

19 Q It reads, "Although the diocesan bishop is

04:25:36 20 bound to report only to the Holy See in just about

21 every case, it is advisable incidents of sexual

22 misconduct among the clergy be reported to certain

23 ecclesiastical authorities." Do you see that?

24 A Yes.

04:25:41 25 Q Is it your understanding that Archbishop

04:25:42        1        Mahony was supposed to report this to the Holy See,  
                 2        the Baker allegation?

                 3                MR. WOODS: This --

                 4                MR. MANLY: I'm sorry. Let me rephrase  
04:25:45        5        it.

                 6        BY MR. MANLY:

                 7                Q        This part of the document seems to  
                 8        indicate to me that the Archbishop or whoever the  
                 9        Ordinary was -- that's with a capital O -- was  
04:25:49       10       supposed to report a violation of a child to the  
                 11       Holy See.

                 12                Is that the way you read it?

                 13                A        Yes.

                 14                Q        Do you know why that didn't happen in the  
04:26:04       15       Archdiocese or do you think this document is just  
                 16       incorrect?

                 17                A        I don't know if it didn't happen in the  
                 18       Archdiocese. I didn't report it.

                 19                Q        Who was in charge -- can you think of an  
04:26:13       20       incident while you were Vicar for Clergy where a  
                 21       priest was reported to the Holy See or the Vatican  
                 22       Embassy?

                 23                A        Not that I reported.

                 24                MR. MANLY: Okay. I think I'm done with  
04:26:29       25       that for the moment.

04:26:37 1 MR. WOODS: Was that Exhibit 3?  
2 MR. STEIER: Yes.  
3 MR. MANLY: I think it's 3, yeah.  
4 BY MR. MANLY:  
04:26:58 5 Q Let me show you a document --  
6 MR. MANLY: Will you pull this out for me.  
7 I want to use this as an Exhibit.  
8 MR. FINALDI: The entire thing?  
9 MR. MANLY: Is that one exhibit? Yeah.  
04:27:19 10 MR. FINALDI: Copies?  
11 MR. MANLY: Yeah.  
12 BY MR. MANLY:  
13 Q Was there a policy regarding reporting  
14 that was in place -- strike that.  
04:27:38 15 Was there a policy on reporting child  
16 molestation that was in place when you became Vicar  
17 for Clergy?  
18 A Not that I know of, no.  
19 Q Who preceded you in that job?  
04:27:47 20 A There was no Vicar for Clergy.  
21 Q That's right, we said that.  
22 Whose responsibilities -- who was  
23 performing the essential duties the Vicar for Clergy  
24 was performing before 1985 or 1986 when you got  
04:28:04 25 there?

04:28:04 1 A Monsignor Rawden was performing some of  
2 them.

3 Q What duties was he performing?

4 A Especially the appointment of priests and  
04:28:17 5 supervision of clergy and some things. I don't  
6 exactly know to what extent he dealt with the  
7 problems.

8 Q When did Monsignor Rawden pass?

9 A He is still alive.

04:28:29 10 Q He is still alive. That's right.

11 Who else was handling those duties  
12 besides Rawden?

13 A I'm not sure. I think Monsignor Hawkes  
14 handled some of it.

04:28:43 15 Q Monsignor Hawkes is deceased; is that  
16 right?

17 A Yes.

18 Q And when did he pass?

19 A 1985, I think.

04:28:53 20 Q And Cardinal Manning died in the late  
21 80's?

22 A Yes.

23 Q Did you speak to Cardinal Manning or  
24 Monsignor Rawden about Baker?

04:29:07 25 A No.

04:29:09        1            Q     Did you look at Baker's confidential file  
                 2            when the allegation came up?  
                 3            A     I don't remember, but I would suspect I  
                 4            did.  
04:29:19        5            Q     Okay. And you would suspect you did why?  
                 6            A     When the matter of his --  
                 7            Q     When Baker came to you --  
                 8            A     Oh, yes.  
                 9            Q     -- and said, "I molested these two  
04:29:31        10           children," did you look at his confidential file to  
                 11           see if there had been any prior allegations?  
                 12           A     It would be my practice to look in the  
                 13           confidential file whenever any problem came up with  
                 14           a priest.  
04:29:42        15           Q     Was there anything in his file that was  
                 16           adverse?  
                 17           A     I don't remember there was.  
                 18           Q     Okay. Let me show you a document we'll  
                 19           mark as Exhibit 4. Just let me know when you have  
04:31:15        20           familiarized yourself with the document, Bishop.  
                 21           (Exhibit 4 was marked by the  
                 22           Certified Shorthand Reporter.)  
                 23           BY MR. MANLY:  
                 24           Q     Okay. Have you had a chance to look at  
04:32:17        25           it?



04:32:17 1 A Yes.

2 Q Have you ever seen this document before?

3 A I don't remember.

4 Q Does this comport with your understanding

04:32:25 5 of what was in place regarding reporting by the  
6 Archdiocese in terms of mandatory reporters at the  
7 time you became the Vicar for Clergy?

8 A Yes.

9 Q Okay. The way I read this, if you look at

04:32:41 10 paragraph 4, it reads, "There is no requirement of  
11 certainty, only suspicion. The statute is filled  
12 with legal terms which are difficult to apply in  
13 specific instances. You must report any instances  
14 if you suspect any of the actions described in

04:32:56 15 paragraph 2 above. Consultation with the Chancellor  
16 will serve the purpose of assuring all parties that  
17 only appropriate cases are reported to civil  
18 authorities." Okay. Who is the Chancellor?

19 A Monsignor Rawden.

04:33:11 20 Q And if you look at the top of that  
21 document, which is 4, it says, "The California  
22 legislature has recently passed a statute requiring  
23 school teachers and administrators to report  
24 instances of child abuse to appropriate civil

04:33:28 25 authorities. In order to insure compliance with the

04:33:32 1 statute, the Archdiocese is instituting a policy  
2 whereby all instances of suspected child abuse must  
3 be reported immediately by telephone to the  
4 Chancellor of the Archdiocese. Through consultation  
04:33:43 5 with the Chancellor, a final decision regarding  
6 reporting to civil authorities can be made."

7 Is that your understanding of what  
8 the policy was?

9 A I didn't -- I really don't remember seeing  
04:33:57 10 this letter before.

11 Q Okay. Well, practically, is that what was  
12 happening while you were the Vicar for Clergy,  
13 normally the report was made to the Chancellor?

14 A No. If the person was a mandated  
04:34:12 15 reporter, we expected them to make the report. We  
16 didn't want them to let the Vicar for Clergy know.

17 Q You did not?

18 A We did.

19 MR. WOODS: I'm sorry. What was -- just  
04:34:29 20 read the answer to me. It was a little confused.

21 (Record read.)

22 THE WITNESS: We did want the Vicar for  
23 Clergy.

24 MR. MANLY: I'm glad we cleared that up.

04:35:01 25 THE WITNESS: Sorry.

04:35:01 1 MR. MANLY: That's okay. I'm glad we  
2 cleared it up.  
3 BY MR. MANLY:  
4 Q So you wanted them to talk to the  
04:35:05 5 Archdiocese before they reported?  
6 A No. No. We wanted them to let the  
7 Archdiocese know if they reported, that they had  
8 fulfilled their obligation.  
9 Q How many reports do you remember seeing  
04:35:20 10 regarding sexual abuse of priests?  
11 A I don't remember actually seeing the  
12 reports.  
13 Q Well, being aware of that?  
14 A I was aware of one.  
04:35:35 15 Q Okay.  
16 A Of [REDACTED]  
17 Q Who made that report?  
18 A I believe the principal did.  
19 Q What was her name?  
04:35:47 20 A I don't know.  
21 Q Principal of what school?  
22 A I don't know. It was maybe St. Agnes, one  
23 of those schools. I'm not sure.  
24 Q Okay. Who was the head of the Archdiocese  
04:36:05 25 Department of Education while you were the Vicar for

04:36:07 1 Clergy?

2 A [REDACTED] was there for

3 sometime [REDACTED] and was replaced by

4 [REDACTED], who was hired to head that department.

04:36:27 5 Q Was [REDACTED] there for a period of time?

6 A When I was Vicar for Clergy?

7 Q Yeah. Was he [REDACTED]?

8 A I don't think he was there when my time --

9 Q Did you have a recollection that he held

04:36:42 10 that position at one point?

11 A Yeah, I think he did.

12 Q And, ultimately, who is the head of the

13 schools of the Archdiocese?

14 A It depends. Some of the schools are

04:36:53 15 under -- high schools are under the Archdiocesan

16 authority more directly.

17 Q That's fair.

18 In terms of the Archdiocese owned

19 schools or schools that are diocesan, if you will,

04:37:04 20 who heads those schools, who is ultimately in

21 charge?

22 A Well, the pastor in the parishes of the

23 grade schools is really the one who's in charge.

24 Q What about the Cardinal, doesn't he have

04:37:18 25 ultimate responsibility for the schools?

04:37:24           1           A     That's a hard question to answer because  
                  2           canonically the pastors are responsible for those  
                  3           schools.

                  4           Q     What about a high school like St. Paul's?

04:37:35           5           A     If a high school is owned by the  
                  6           Archdiocese, that's a different matter.

                  7           Q     Okay. So let's take St. Paul's or what's  
                  8           the school up by the L.A.P.D. Academy that they were  
                  9           going to close, the high school?

04:37:49           10          A     Cathedral.

                  11          Q     Yes.

                  12          A     No, Cathedral is owned by religious order.

                  13          Q     Let's just take St. Paul's then.

                  14                   Ultimately, that's -- the Cardinal's  
04:37:59           15          in charge of that, correct?

                  16          A     I think so.

                  17          Q     Okay. And there is a number of other  
                  18          diocesan high schools in the Archdiocese besides  
                  19          St. Paul, right?

04:38:08           20          A     Yes.

                  21          Q     Like who? Like who -- not Mater Dei?

                  22          A     No. The one out in San Gabriel Valley,  
                  23          St. Mathias. There are several.

                  24          Q     Okay.

04:38:33           25          A     St. Joseph's in Santa Maria.

04:38:40 1 Q And the Cardinal is in charge of  
2 appointing the principal for those schools and the  
3 priests that supervise those schools, correct?  
4 A No -- well, the principal would usually be  
04:38:52 5 appointed by the Education Department.  
6 Q Okay. But he's in charge of appointing --  
7 ultimately appointing the people in charge, correct?  
8 A Yes.  
9 Q And who does the head of the Department of  
04:39:11 10 Education of the Archdiocese report to?  
11 A Immediately?  
12 Q Yeah.  
13 A The moderator of the curia, I think.  
14 Q And who was that in 1986?  
04:39:30 15 A Well, Monsignor Steve Blair, but I don't  
16 think he came until a little later than that.  
17 Q Now, Bishop Blair in Stockton?  
18 A Stockton, yes.  
19 Q And who did Monsignor Blair or Bishop  
04:39:52 20 Blair report to ultimately while he was moderator of  
21 the curia?  
22 A He reported to the Cardinal.  
23 Q Did Father -- let me represent to you and  
24 I'll get a copy of the article, if would you like --  
04:40:19 25 but Father Baker says that -- told the L.A. Times in

04:40:24 1 2002 or 2003, that there was a meeting where he was  
2 present, the Cardinal was present and [REDACTED]  
3 [REDACTED] was present.

4 MR. MANLY: Did you want my question  
04:40:36 5 again?

6 MR. WOODS: No, but I think just to save  
7 time, you should get the article. I'm not going to  
8 be comfortable with your summary of it.

9 MR. MANLY: That's fine, but let me ask my  
04:40:47 10 question. I'm perfectly willing to get the article.  
11 BY MR. MANLY:

12 Q And Baker states essentially that  
13 [REDACTED] said, "Should we call the police right  
14 now?" And the Cardinal said, "No. No. No."

04:41:01 15 And I'll get the article for you, but  
16 assuming that my representation is correct, do you  
17 ever remember a meeting where the Cardinal and  
18 [REDACTED] were present along with Baker?

19 A No.

04:41:14 20 Q Could that have happened without you being  
21 present?

22 MR. WOODS: Calls for speculation.

23 THE WITNESS: I was present usually at any  
24 important meetings.

25

04:41:21 1 MR. MANLY: Okay. Let me get the article.  
2 Let's take a break.  
3 THE VIDEOGRAPHER: Videotape deposition  
4 off record at 4:41 p.m.  
04:41:30 5 (Off the record.)  
6 THE VIDEOGRAPHER: Videotape deposition is  
7 now returning to record at 4:54 p.m.  
8 (Exhibit 5 was marked by the Certified  
9 Shorthand Reporter.)  
04:54:04 10 BY MR. MANLY:  
11 Q Have you ever seen this before?  
12 A I believe I did, yes.  
13 Q Okay. Could you look at the bottom of the  
14 first page of the document, in the paragraph  
05:01:26 15 beginning, "In a series of interviews."  
16 A Yes.  
17 Q It says, "In a series of interviews with  
18 the Times, Baker described going to the office of  
19 the Archdiocese in 1986 and telling Mahony of his  
05:01:38 20 problem with sexual abuse. He said that in that one  
21 meeting an Archdiocese lawyer suggested calling the  
22 police but that Mahony said no;" is that true?  
23 A I don't remember that.  
24 Q Are you saying it could have happened and  
05:01:54 25 you don't recall it or are you saying it didn't



05:01:56 1 happen?

2 A I don't believe it happened.

3 Q Okay. How would Father Baker know

4 [REDACTED], his name, et cetera?

05:02:08 5 A He was one of the principal lawyers for

6 the Archdiocese.

7 Q Did Father Baker, to your knowledge, have

8 any interaction with him?

9 A I don't know --

05:02:20 10 Q Had Father Baker to your knowledge ever

11 met him?

12 A I don't know.

13 Q Okay. Would a normal associate pastor or

14 somebody who was in the type of ministry Baker was

05:02:32 15 in have occasion to interact with [REDACTED] or

16 his firm?

17 A Maybe.

18 Q Really? On what type of matter?

19 A Where there would be problems in parishes.

05:02:46 20 Q Okay. Father Baker could have called

21 [REDACTED] office and had interaction with

22 him?

23 MR. WOODS: Calls for speculation.

24 THE WITNESS: I -- I don't think he would

05:02:56 25 call him directly but --

05:02:57 1 BY MR. MANLY:

2 Q Do you have any personal knowledge that

3 Father Baker had any interaction with

4 [REDACTED] or knew who he was prior to 1986?

05:03:05 5 A No.

6 Q Okay. Going down to the next page --

7 actually, strike that. It's the third page.

8 At the top, I want to direct your

9 attention to the first paragraph and I'll read it,

05:03:33 10 for awhile. "In September 1985, Mahony" --

11 MR. WOODS: I'm sorry. Page 3 --

12 MR. MANLY: I'm sorry. Page 3, first

13 paragraph.

14 THE WITNESS: Okay.

05:03:42 15 BY MR. MANLY:

16 Q "In September 1985, Mahony was appointed

17 head of Los Angeles Archdiocese. The following

18 summer, at an annual series of retreats for

19 Archdiocese priests, Mahony invited anyone who had

05:03:54 20 engaged in sexual abuse to talk to him privately;"

21 is that a true statement?

22 A Yes.

23 Q Okay.

24 A Confidentially, he said.

05:04:02 25 Q I'm glad you made that point, because

05:04:06        1        reading right below that it says quote, "We said to  
                 2        priests, if you have a problem or had a problem,  
                 3        it's really beneficial to step forward now," Mahony  
                 4        recalled in last month's interview. "We made it

05:04:21        5        clear that, if you told us, we would follow the  
                 6        policies."

                 7                        What does that mean, what policy is  
                 8        he referring to?

                 9                        A        I don't know.

05:04:30        10                      Q        I'm curious what you are saying about the  
                 11        confidentiality. Was there a policy that said you  
                 12        would keep molestation confidential?

                 13                      A        No.

                 14                      Q        Okay. So how do you reconcile your  
05:04:41        15        statement on confidentiality with the Cardinal's  
                 16        quote here?

                 17                      A        I don't know.

                 18                      Q        Okay. "In a series of interviews with The  
                 19        Times" -- I'm reading the paragraph right below  
05:04:56        20        that, Bishop.

                 21                                "In a series of interviews with The  
                 22        Times, Baker declined to comment on specific  
                 23        allegations of abuse. The priest said he admitted  
                 24        in a private meeting with Mahony in December 1986

05:05:07        25        that he had engaged in sexual abuse of minors."

05:05:11 1 Does that last sentence comport with  
2 your recollection?

3 A Yes. I believe the meeting was with  
4 Cardinal Mahony and -- Archbishop Mahony then and  
05:05:22 5 me.

6 Q He continues, "'I told Mahony I had a  
7 problem,' Baker said in one of a series of  
8 interviews with The Times. Mahony did not ask for  
9 specifics and appeared willing to let him remain in  
05:05:35 10 the priesthood. Baker said quote, 'He was very  
11 solicitous and understanding. I was glad I brought  
12 it up.'"

13 Based on what you saw in that time  
14 period, when the interaction between Mahony and  
05:05:47 15 Baker, do you believe that's accurate?

16 A I don't think he made any promise to  
17 remain in the priesthood. I think the major thing  
18 was to have him go to treatment.

19 Q Well, I don't think he says he promised.  
05:05:58 20 He says, "He appeared willing to let him remain in  
21 the priesthood;" is that accurate?

22 A I don't remember that coming up.

23 Q In the next paragraph it says, "That  
24 evening, Baker said he received a call from  
05:06:08 25 Monsignor Thomas Curry, the Vicar for Clergy who

05:06:13 1       oversaw all priests. Curry directed Baker to return  
2       to the Archdiocese headquarters the next day;" is  
3       that accurate?

4           A     I don't remember the sequence of the  
05:06:23 5       meetings. I thought that Baker met with me  
6       individually first of all, but there may have been  
7       another meeting with the Cardinal and we had this  
8       third meeting. I just don't remember the sequence  
9       of meetings.

05:06:37 10       Q     So you are not sure if that's accurate or  
11       not. It could be, but you're not sure?

12       A     No.

13       Q     "When he arrived, Baker said Curry was  
14       joined by Mahony and [REDACTED], the  
05:06:46 15       Archdiocese's lawyer. At the meeting, which lasted  
16       about 30 minutes, Baker said he was asked the extent  
17       of his problem. Baker said he disclosed that, '2 or  
18       3' victims were involved and vowed not to engage in  
19       any future sexual misconduct;" is that accurate?

05:07:04 20       A     No. To the best of my memory and  
21       knowledge, I don't remember that [REDACTED] was  
22       involved in the meeting.

23       Q     Aside from the fact that he says  
24       [REDACTED] was there and you say he wasn't, is the  
05:07:16 25       rest of his statement as reported here accurate?

05:07:25       1           A     I remember him mentioning two victims.

                 2           Q     Okay. Are you testifying, Bishop, that he

                 3           didn't mention two or three or he just mentioned two

                 4           or you are just not sure?

05:07:47       5           A     I'm testifying that my memory of the event

                 6           is two.

                 7           Q     Okay. Quote -- could you go down in the

                 8           next paragraph after that single sentence, "I don't

                 9           recall them pressing me for details and I didn't

05:07:51       10          give them any;" is that accurate?

                 11          A     Yes.

                 12          Q     Next paragraph, "At one point, Baker said,

                 13          he became startled when [REDACTED] blurted, 'Should

                 14          we call the police now?' Baker said he recalled

05:08:04       15          Mahony's response, 'No, no, no...'" Is that

                 16          accurate?

                 17          A     I don't think so.

                 18          Q     Do you have any insight or explanation or

                 19          understanding of why Baker would make something like

05:08:18       20          that up?

                 21          A     No.

                 22          Q     Okay. The next paragraph reads, "The

                 23          Cardinal has provided conflicting accounts of his

                 24          discussions with Baker." Then it says, "Initially

05:08:31       25          he said last month he" -- well -- that's not

05:08:35       1       appropriate for me to read to you.

                  2                       Okay. Looking at the last sentence

                  3       on that page, Bishop, beginning, "Baker's

                  4       truthfulness;" do you see that?

05:09:03       5               A       Yes.

                  6               Q       It says, "'Baker's truthfulness was

                  7       questionable,' Mahony said in an interview adding

                  8       that, 'We never found any evidence of cooperation.

                  9       He deceived his therapist, everybody.'" Do you

05:09:17       10       agree with that?

                  11               MR. WOODS: Do you agree that Mahony said

                  12       it? Do you agree that it's true?

                  13               MR. MANLY: No. No. No. You want to

                  14       make an objection, you make an objection. This is

05:09:30       15       what I'm talking about.

                  16               MR. WOODS: Okay. I object that the form

                  17       of the question that ends with "that" is vague and

                  18       ambiguous and calls for speculation.

                  19               MR. MANLY: You can answer.

05:09:42       20               MR. STEIER: Wait. And if it dealt with a

                  21       conversation involving the therapist and what was

                  22       said to a therapist, then it would invade the

                  23       patient therapist privilege as well.

                  24               MR. WOODS: Also, it assumes the statement

05:09:58       25       is accurately reported here.

05:10:00 1 MR. MANLY: If you want to call Glenn  
2 Bunting, you go ahead.  
3 MR. WOODS: I think it is a typo but -- I  
4 mean, the whole context of it, but go ahead.  
05:10:10 5 THE WITNESS: My time as Vicar for Clergy,  
6 I thought he was telling the truth and was serious  
7 that he wanted to change his life.  
8 BY MR. MANLY:  
9 Q So you agree with the statement?  
05:10:21 10 A No, I don't think so. I believe that -- I  
11 believe that at the time he was telling the truth.  
12 I don't believe that now, but I believed it then.  
13 Q Right. The next page, 4 of 6, the article  
14 states, "In addition, Baker continued to have  
05:10:41 15 frequent access to children over the next 14 years  
16 while he was assigned to nine different parishes.  
17 Six of the churches where Baker worked had  
18 elementary schools adjacent to the rectory; St.  
19 Thomas the Apostle in Los Angeles, St. Elizabeth in  
05:10:55 20 Van Nuys, St. Linus in Norwalk, St. Mary in  
21 Palmdale, St. Lucy in Long Beach and St. Columbkille  
22 in South-Central Los Angeles." Is that true,  
23 Bishop?  
24 A I believe it is.  
05:11:09 25 Q Why in the world would you assign Father



05:11:12        1        Baker to a parish that had a school, sir?

                 2            A        Because we had an agreement with him that

                 3        he would not be involved in the school or in any

                 4        ministry to children.

05:11:22        5            Q        You put a pedophile priest in a parish

                 6        with a school; is that correct, sir?

                 7            A        We appointed Michael Baker, who said he

                 8        had abused children in school -- in these parishes

                 9        that had schools.

05:11:36        10          Q        I take it you alerted the principal that

                 11        there was a pedophile living next to their campus,

                 12        right?

                 13          A        I didn't talk to the principal.

                 14          Q        Did the Cardinal alert the principals of

05:11:47        15        any of the schools on the -- at the parishes where

                 16        Father Baker was living that they had a pedophile

                 17        living next to the school?

                 18                  MR. WOODS: Object to the form of the

                 19        question in that the term pedophile --

05:12:01        20                  MR. MANLY: You can answer.

                 21                  THE WITNESS: We didn't describe him as a

                 22        pedophile, because I didn't know he was a pedophile

                 23        at the time.

                 24        BY MR. MANLY:

05:12:08        25          Q        Did the Cardinal -- I'm sorry. Did I cut

05:12:10 1 you off? I'm sorry.

2 A The answer, I don't know that the Cardinal  
3 talked to any of the principals.

4 Q Did the Cardinal direct you or anybody  
05:12:18 5 else to your knowledge at the Archdiocese to call  
6 the principal of those schools and advise him or her  
7 that there was a priest who had admitted to  
8 molesting children living at the parish where the  
9 school was located?

05:12:35 10 A No.

11 Q Do you think that would have been a good  
12 idea, Bishop?

13 A Do I think that now?

14 Q Yeah. Do you think that would have been a  
05:12:45 15 good idea?

16 A I would -- what I've learned since, yes.

17 Q What did you learn since that changed your  
18 mind about notifying principals that a child  
19 molester was living basically at the school?

05:12:59 20 A He was living at the rectory. He wasn't  
21 living at the school.

22 Q Okay. Well, do you how close the parish  
23 schools are to the rectory in these places?

24 A Yes.

05:13:17 25 Q What was to stop Father Baker from going

05:13:21 1 to the schools and taking children out of class if  
2 the parish schools did not know he was a child  
3 molester and had restrictions?

4 A Priests don't take children out the class.

05:13:37 5 Q Bishop, I've got about 50 examples I can  
6 give you where it happened.

7 MR. WOODS: I'm sorry. Could I hear the  
8 answer back?

9 MR. MANLY: Let me just rephrase.

05:13:44 10 MR. WOODS: Please don't argue with the  
11 witness.

12 MR. MANLY: You're right. I apologize.

13 BY MR. MANLY:

14 Q So priests should not take children out of  
05:13:52 15 classrooms; is that accurate?

16 A Yes.

17 Q Okay. So why -- why were principals and  
18 teachers not notified that there was a child  
19 molesting priest living adjacent to their campus?

05:14:11 20 MR. WOODS: Object to the form of the  
21 question. Again, the term "child molesting priest"  
22 as if it was something they thought was occurring,  
23 ongoing activity.

24 MR. MANLY: Let me rephrase it.

05:14:23 25 Apparently, it was, but let's rephrase.

05:14:25 1 BY MR. MANLY:

2 Q Why did you not notify the principals of  
3 the schools at the parishes he served at that he had  
4 admitted molesting children?

05:14:40 5 A Because we had an agreement that he was  
6 not to be involved with children and I believed that  
7 he wanted to change his life and to follow that  
8 policy.

9 Q How would that -- how would notifying the  
05:14:55 10 principals that he had previously abused kids change  
11 that?

12 A I don't know.

13 Q Well, you say you didn't notify him  
14 because you had an agreement. My question is well,  
05:15:09 15 that's fine, but you seem -- but what regarding that  
16 agreement prevented you or made you decide not to  
17 tell the principals of these schools where little  
18 boys and little girls were going to school that  
19 Father Baker -- let me start over.

05:15:29 20 What is it about that agreement with  
21 Father Baker that made you decide not to tell the  
22 principals that there was an admitted child molester  
23 living adjacent to their campus who was affiliated  
24 with the church?

05:15:49 25 A It wasn't our way of doing things. And we

05:15:51       1       hadn't learned everything about this whole issue.  
                 2       And we thought that he was trying to change his life  
                 3       and that he would abide by the agreements that he  
                 4       had made with us.

05:16:04       5           Q       Bishop, did you know what he had done was  
                 6       a crime?

                 7           A       Yes.

                 8           MR. WOODS: That's the third time you've  
                 9       asked him that and it's argumentative.

05:16:13       10       BY MR. MANLY:

                 11          Q       Okay. You knew he was a criminal --

                 12          MR. WOODS: Fourth time.

                 13          MR. MANLY: Excuse me. You know what, if  
                 14       you want to make comments --

05:16:19       15          MR. WOODS: You are just arguing with  
                 16       him --

                 17          MR. MANLY: No, I'm not.

                 18          MR. WOODS: -- at 5:00, 5:15 in the  
                 19       afternoon.

05:16:23       20          MR. MANLY: I'm not arguing. You don't  
                 21       like what --

                 22          MR. WOODS: You don't think that's  
                 23       argumentative?

                 24          MR. MANLY: Don, you know what, just make  
05:16:29       25       your objections. I don't need to have dialogue with

05:16:31 1 you. I just need --

2 MR. WOODS: When I make the objection, you  
3 start a colloquy.

4 MR. MANLY: No, I don't. I only start a  
05:16:38 5 colloquy when you interrupt my testimony.

6 MR. WOODS: Your testimony?

7 MR. MANLY: You make comments about my  
8 ability to ask questions. Okay. You may not like  
9 my questions, but that's your prerogative. You can  
05:16:45 10 object to them.

11 MR. WOODS: I'm allowed to object when you  
12 are harassing the witness and you ask the same  
13 question over and over again in an argumentative  
14 way, it's harassing.

05:16:55 15 BY MR. MANLY:

16 Q Did you know, Bishop, when you put Baker  
17 in parishes and schools, that he had committed a  
18 crime?

19 A He confessed to a crime, yes.

05:17:04 20 Q And you knew that he had committed a crime  
21 against children, correct?

22 A He confessed that.

23 Q And you knew that you were putting him in  
24 close proximity to children when you assigned him to  
05:17:19 25 parishes with schools, correct?

05:17:20 1 A Yes.

2 Q Okay. Did you tell the Cardinal or ever  
3 have a discussion with Cardinal Mahony that that was  
4 an extremely bad idea?

05:17:28 5 A No.

6 Q Okay.

7 MR. MANLY: Given that Mr. Woods is  
8 objecting that I've gone after 5:00, we'll suspend  
9 the deposition. This will be Volume I.

05:17:38 10 And propose that we stipulate to relieve  
11 the court reporter of her duties under the Code; that  
12 the original of the transcript will be forwarded to --  
13 what's your pleasure -- Mr. Woods. That he will arrange  
14 to have the witness read and sign within 30 days of  
05:17:58 15 receipt of the transcript.

16 That he will notify all counsel of  
17 changes to the witness' testimony within 10 days of  
18 receiving these changes, but no later than 60 -- 30 days  
19 after receiving the transcript; that if the original is  
05:18:18 20 stolen, misplaced or otherwise unavailable, a certified  
21 copy can be used.

22 That the original will be forwarded to my  
23 office, where I will retain custody of it and produce it  
24 for any and all requests associated with the litigation  
05:18:34 25 by counsel.

05:18:35 1 MR. WOODS: So stipulated.  
2 MR. MANLY: Thanks. Thank you, Bishop.  
3 THE WITNESS: Thank you.  
4 MR. WOODS: I just want to put on the  
05:18:42 5 record, we're available to go tomorrow and Friday  
6 and Monday and I've talked with other counsel and I  
7 think we can do that.  
8 MR. MANLY: You've obviously -- there is  
9 documents that he has, namely, his calendar that  
05:19:06 10 hasn't been produced, which should have been  
11 produced.  
12 It is obvious to me there are other  
13 documents out there that need to be produced. I'm not  
14 going to continue the depo until I have got those. And  
05:19:11 15 we intend to bring a Motion to Compel on a variety of  
16 questions. I'm not going to waste my time and go  
17 tomorrow. And I want to wait and get the documents.  
18 MR. WOODS: We're done subject to your  
19 Motion to Compel.  
05:19:21 20 MR. MANLY: You are not going to put words  
21 in my mouth.  
22 MR. WOODS: No, I'm not. I was telling  
23 you what my -- speculating as to what you're  
24 thinking. I am telling you my position.  
05:19:30 25 MR. MANLY: If you want me to file yet



05:19:31 1 another motion because of your misconduct, I will be  
2 most happy to. Thanks.

3 THE VIDEOGRAPHER: Videotape deposition of  
4 September 30th, 2009 is now being concluded at

05:19:44 5 5:19 p.m. This will also conclude videocassette  
6 tape number 3 in today's deposition. Thank you.

7 (Deposition concluded at 5:19 p.m.)

8 (Exhibits 1 to 5 were marked by the Certified  
9 Shorthand Reporter.)

05:19:51 10 (Deposition to be signed under penalty of  
11 perjury.)

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