

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	)
_____	) VOLUME I
	)
LUIS C., an individual,	)
	)
Plaintiff,	)
	)
v.	)
	)
JOHN DOE I, et al.	)
	)
Defendants.	)
_____	)

VIDEOTAPE DEPOSITION OF  
CARDINAL ROGER MAHONY  
MONDAY, JANUARY 25, 2010  
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 )  
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14 LUIS C., an individual, )  
15 )  
16 Plaintiff, )  
17 )

18 v. )

19 JOHN DOE I, et al. )  
20 )  
21 Defendants. )  
22 )  
23 )  
24 )  
25 )

26 The videotape of CARDINAL ROGER MAHONY,  
27 taken on behalf of Plaintiff, before Louann Thibert, CSR  
28 No. 8152 for the State of California, commencing at  
29 10:00 a.m., on Monday, January 25, 2010 at 600 S.  
30 Commonwealth, Los Angeles, California.

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1 I N D E X

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3 MR. MANLY 7

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1 MONDAY, JANUARY 25, 2010; 10:00 a.m.

2 LOS ANGELES, CALIFORNIA

3 -o0o-

4

5 THE VIDEOGRAPHER: Good morning. This is  
6 the videotape deposition of Cardinal Mahony taken at  
7 600 South Commonwealth Avenue, Los Angeles,  
8 California on Monday, January 25th, 2010, In the  
9 Matter of Luis C., an individual versus John Doe I,  
10 et al, case number BC376766. This deposition is on  
11 behalf of the plaintiffs.

12 My name is Jeanie Schwartz with Dean  
13 Jones Attorney Services of Los Angeles and Santa Ana,  
14 California. This deposition is commencing at 10:05 a.m.

10:05:53

15 Would all present please identify  
16 themselves beginning with the deponent.

17 THE WITNESS: Cardinal Roger Mahony.

18 MR. HENNIGAN: Michael Hennigan.

19 MR. WOODS: Donald Woods.

10:06:06

20 THE COURT: Judge Emilie Elias.

21 MR. STEIER: John Steier.

22 MR. FINALDI: Vince Finaldi for the  
23 plaintiff.

24 MR. MANLY: John Manly for the plaintiff.

10:06:13

25 Also appearing is Pat Wall with my office as a

10:06:17 1 consultant.  
2 MR. FINALDI: Dennis Alexandroff for  
3 plaintiff.  
4 MR. GASPARI: Paul Gaspari, Defendant  
10:06:22 5 Servants of the Paraclete.  
6 MR. DWYER: Christopher Dwyer, Defendant  
7 Doe VI.  
8 MR. TAMBERG: Tod Tamberg, Archdiocese of  
9 Los Angeles.  
10:06:29 10 MR. MANLY: And for the record,  
11 Mr. Tamberg is the media spokesperson for the  
12 Archdiocese, I believe.  
13  
14 CARDINAL ROGER MAHONY,  
10:06:34 15 AFTER BEING SWORN BY THE CERTIFIED SHORTHAND REPORTER,  
16 WAS EXAMINED AND TESTIFIED AS FOLLOWS:  
17  
18 EXAMINATION  
19  
10:06:46 20 BY MR. MANLY:  
21 Q Good morning, Cardinal.  
22 A Good morning.  
23 Q Cardinal, do you prefer Cardinal or Your  
24 Eminence or it doesn't matter?  
10:06:53 25 A Cardinal is fine.

10:06:54 1 Q Okay. I may slip back into Your Eminence  
2 but I'll try and stick with Cardinal. Okay?

3 How many times have you been deposed  
4 before?

10:07:03 5 A You know, I don't recall the number.

6 Q I know I have deposed you once and I have  
7 read about one or two. Does four or five sound  
8 about right?

9 A I would think that's about right, maybe  
10:07:14 10 more.

11 Q And do you know what this case is about  
12 that you are here about today?

13 A Yes.

14 Q Okay. You know it involves allegations of  
10:07:26 15 abuse against Father Baker and my client is alleging  
16 that the Archdiocese and others have some  
17 responsibility for that?

18 A Yes.

19 Q Okay. I want to -- I think I know your  
10:07:41 20 background relatively well but I want to lay some  
21 foundation, just go through some of your background  
22 initially, Cardinal. Okay?

23 MR. HENNIGAN: I would like to say we did  
24 have his deposition taken by you in Clergy III and,  
10:07:53 25 of course, all of that is fully admissible here, so

10:07:55 1 maybe we could not duplicate that.

2 MR. MANLY: Okay. I appreciate that but I  
3 was not allowed in Clergy III to ask anything about  
4 post '86, so I'll try to make it brief. There is a

10:08:05 5 couple things I want to cover and believe me I don't  
6 want --

7 MR. HENNIGAN: I think you were actually  
8 pre '85 and earlier.

9 MR. MANLY: Pre '85 and earlier. I just  
10:08:14 10 don't want to replot that ground. Believe me.  
11 There is a couple of things I want to get in so it's  
12 clear.

13 BY MR. MANLY:

14 Q Before we do that, Cardinal, you  
10:08:21 15 understand you are under oath?

16 A Yes.

17 MR. HENNIGAN: Of course he does.

18 MR. MANLY: Mike -- Okay.

19 BY MR. MANLY:

10:08:27 20 Q And you understand by virtue of that oath,  
21 you are bound to tell the truth, correct?

22 MR. HENNIGAN: Your honor, this is  
23 nonsense.

24 THE COURT: Is this your last question on  
10:08:36 25 this issue?

10:08:36

1

MR. MANLY: Yes.

2

THE COURT: All right. You can answer

3

this one.

4

THE WITNESS: Yes.

10:08:40

5

BY MR. MANLY:

6

Q Cardinal, you were ordained as a priest

7

when?

8

A May 1st, 1962.

9

Q Okay. And when were you made a Bishop?

10:08:57

10

A March 19th, 1975.

11

Q And for what diocese were you ordained a

12

Bishop?

13

A The Diocese of Fresno, California.

14

Q Okay. And you attended the seminary at

10:09:09

15

St. John's of Camarillo?

16

A Yes.

17

Q And is that where most of the priests who

18

become diocesan priests in this Archdiocese go?

19

A I would say since 1940, 1941 on, that

10:09:27

20

would be correct.

21

Q Okay. And at some point, you became the

22

Bishop of Stockton; is that correct?

23

A Yes.

24

Q And when was that, approximately?

10:09:42

25

A That was April 1980.

10:09:49           1           Q     And when did you leave that post?  
                  2           A     I left about September 1st, 1985.  
                  3           Q     Okay. And you came to Los Angeles,  
                  4     correct --  
10:10:06           5           A     Yes.  
                  6           Q     -- as the Archbishop?  
                  7                     And who can appoint a Bishop in the  
                  8     Roman Catholic Church?  
                  9           A     The Pope.  
10:10:14           10          Q     So all three of your assignments as  
                  11     Bishop, you were appointed by the Holy Father,  
                  12     correct?  
                  13          A     Yes.  
                  14          Q     And the first Pope that appointed you was  
10:10:27           15     Paul the VI; is that correct?  
                  16          A     Yes.  
                  17          Q     And John Paul appointed you as Bishop of  
                  18     Stockton, John Paul II?  
                  19          A     Yes.  
10:10:40           20          Q     And John Paul II appointed you as the  
                  21     Archbishop of Los Angeles, correct?  
                  22          A     Yes.  
                  23          Q     When were you made a Cardinal?  
                  24          A     In June 1991.  
10:10:55           25          Q     And who appoints Cardinals in the Roman

10:10:59

1 Catholic Church?

2 A The Pope.

3 Q And what is -- does the Cardinal have

4 particular duties over and above an Archbishop or

10:11:09

5 can you explain to me in lay person's terms what a

6 Cardinal is, sir?

7 A A Cardinal would be a closer advisor to

8 the Pope and one of the primary roles would be to

9 elect a new Pope should the Pope die.

10:11:31

10 Q And is there particular qualifications to  
11 be a Cardinal?

12 A I have no idea.

13 Q And how many Archbishops are there? I'm  
14 sorry. How many Bishops are there in the world?

10:11:48

15 A I don't know.

16 Q Okay. How many Cardinals are there?

17 A I don't know. There normally are up to  
18 about 120 voting age and then there are retired and  
19 I don't know either number today.

10:12:02

20 Q In other words, voting age, when you say  
21 that, you are referring to those who can elect the  
22 Holy Father?

23 A Yes.

24 Q And you participated in the election of

10:12:11

25 this Pope as a Cardinal?

10:12:12 1 A Yes.

2 Q Are you on any committees in Rome pursuant  
3 to your duties as a Cardinal?

4 A Yes.

10:12:22 5 Q What committees are you on, sir?

6 A I'm on the Pontifical Counsel for Social  
7 Communications. I'm a member of the Congregation  
8 for the Oriental Churches. And I serve as a member  
9 of the Council of Cardinals. There are 15. And our  
10 responsibility is to look at the financial matters  
11 of the Holy Sea.

12 Q So the Council of Cardinals, is that  
13 C-O-U-N-C-I-L?

14 A Yes.

10:13:02 15 Q Your primary responsibility is to deal  
16 with the finances of the church?

17 A Well, our responsibilities are to review  
18 the audit reports each year; and, secondly, to  
19 review the budgets for the following year.

10:13:19 20 Q The audit reports and budget of what, sir?

21 A Of the Holy Sea.

22 Q And just so we're clear, what is the Holy  
23 Sea?

24 A The Holy Sea is the name given to the

10:13:32 25 Pope's headquarters and offices in Rome as well as

10:13:36 1 the various nunciatures and offices around the world  
2 in various countries.

3 Q The nunciatures are also sometimes called  
4 the Vatican Embassy? In the United States, it's the  
10:13:51 5 Vatican Embassy?

6 A They're normally referred to as both  
7 because they serve the church's needs as well as the  
8 liaison with the government.

9 Q Okay. Cardinal, when you became the  
10:14:02 10 Archbishop of Los Angeles in 1985 -- sometimes I say  
11 '86 and I'm not sure which it is. Is it '85?

12 A Yes.

13 Q Who was your supervisor as Archbishop, if  
14 anyone?

10:14:20 15 A Well, the only supervisor that I would  
16 call as an appropriate supervisor would be the  
17 Holy Father.

18 Q Okay. When you were appointed to L.A.,  
19 were you appointed initially as a coadjutor or were  
10:14:37 20 you appointed the Archbishop and immediately took  
21 over?

22 A No, I was appointed directly as the  
23 Archbishop.

24 Q Okay. And your predecessor was  
10:14:51 25 Cardinal Manning; is that correct?

10:14:52

1 A Yes.

2 Q Was there a process when you came to Los  
3 Angeles where you had a transition period, for lack  
4 of a better term, with Cardinal Manning's

10:15:04

5 Administration?

6 A Yes.

7 Q Okay. And did you have somebody who  
8 assisted you as the head of your transition team?

10:15:16

9 A Now I'm sorry. What do you mean by  
10 transition team? Do you mean since -- between the  
11 appointment and the installation?

12 Q No. Well, maybe. What I'm really asking  
13 is how did you -- what was the process by which as  
14 an administrator of the Archdiocese you got your  
15 arms around, you know, the financial, administrative  
16 and business of the Archdiocese to run it?

10:15:33

17 A Well, when I came, it was obvious that  
18 there were just a handful of individuals in charge  
19 of enormous numbers of activities of the Archdiocese  
20 and so I put together a working group to come up  
21 with the reorganization of the Archdiocese of Los  
22 Angeles.

10:15:52

23 Q Okay. And who was in that group?

24 A It was co-chaired by then Bishop William  
25 Leveda and Bishop John Ward.

10:16:08

10:16:22

1

(Knock on the door.)

2

MR. MANLY: I think that's probably my

3

client.

4

THE COURT: Mr. Manly, your client's here.

10:16:30

5

MR. MANLY: Yes.

6

THE COURT: Is he coming in here?

7

MR. MANLY: Yes, he is.

8

BY MR. MANLY:

9

Q And Archbishop Rivera is currently in Rome

10:16:44

10

as the head of the congregation for the Doctrine of

11

the Faith?

12

A That's correct.

13

Q And he was an Auxillary Bishop and then

14

went to San Francisco as the Archbishop there, is

10:16:56

15

that correct, Eminence?

16

A He was the Auxillary Bishop here and then

17

went to become the Archbishop of Portland.

18

Q You're right. And then from Portland, he

19

went to San Francisco; is that correct?

10:17:07

20

A Yes.

21

Q And then Pope Benedict appointed him to be

22

the head of the congregation for the Doctrine of the

23

Faith, right?

24

A Yes.

10:17:15

25

Q Who was the other person that was the --

10:17:18 1 A Bishop John Ward.

2 Q And did you know Archbishop Leveda and  
3 Bishop Ward before you came to Los Angeles?

4 A Yes.

10:17:27 5 Q And how did you know them?

6 A I was actually a classmate of  
7 Bishop Leveda. And Bishop Ward and I had met over the  
8 years because I have family here and I would be down  
9 here and then as a Bishop, I got to know him too.

10:17:55 10 Q So did you divide their responsibilities,  
11 Leveda and Ward, in terms of how you were going to  
12 accomplish this?

13 A They developed a very comprehensive plan  
14 which has worked quite well. They came up with the  
10:18:06 15 plan to have five pastoral regions to divide the  
16 territory of the Archdiocese, which is three  
17 counties, into five pastoral regions because of the  
18 size of the catholic population and then to  
19 develop --

10:18:33 20 Q Please continue, Cardinal.

21 A And then to develop what is known as  
22 secretariats, so that there would be four or five  
23 organizational units in charge of a variety of  
24 offices.

10:18:49 25 Q Okay. Who was in charge, if anyone, in

10:18:53 1 terms of trying to acquaint you with your priests or  
2 to get you to know your priests or to evaluate the  
3 priests for different positions when you became  
4 Archbishop?

10:19:08 5 A Well, I knew many of the priests because I  
6 had been in the seminary with them.

7 Q Okay. At any point, did you undertake  
8 during that transition period or direct anyone to  
9 undertake a review of the priests' personnel files?

10:19:25 10 A No.

11 Q When you came to Los Angeles, you had  
12 already had the unfortunate experience of dealing  
13 with allegations of priest molestation -- alleged  
14 priest molestation at least in Stockton; is that  
15 correct?

10:19:44 16 A Yes.

17 Q Now, in Stockton, where did you keep files  
18 related -- strike that.

19 Did you, when you were Bishop of  
10:19:53 20 Stockton, have a policy on where you kept  
21 allegations or files relating to allegations of  
22 sexual molestation by priests against children?

23 A There was a confidential section in the  
24 files.

10:20:07 25 Q Okay. Did a confidential section for

10:20:09 1 files exist when you came to Los Angeles?

2 A I don't recall.

3 Q Okay. At any point, did you learn that  
4 there were confidential files relating to

10:20:19 5 allegations of sexual abuse against boys and girls  
6 by priests in Los Angeles?

7 A Well, to give a -- maybe a fuller response  
8 would be that before I came, the Chancellor of the  
9 Archdiocese was dealing with all of his duties, plus  
10:20:43 10 the duties of clergy.

11 And one of the recommendations was to  
12 establish an office for the Vicar for Clergy whose  
13 sole responsibility would be these. So that took  
14 some time in 1986 to develop that office according  
10:21:01 15 to the original plan.

16 And from that point on, that  
17 particular priest was in charge of those matters.

18 Q When you say -- I want to be clear because  
19 I think what you said is in charge of this. Do you  
10:21:15 20 mean in charge of the confidential files or in  
21 charge of the priests?

22 A To be in charge of the clergy and issues  
23 of the clergy as well as the files.

24 Q Okay. At any point, Cardinal, during your  
10:21:26 25 entire time as Archbishop, did you direct any

10:21:32 1 subordinate or did you yourself undertake to look in  
2 the confidential files relating to allegations of  
3 molestation by priests in Los Angeles?

4 A No.

10:21:42 5 Q That never occurred to you to do that?

6 A No, it did not because when I came, I felt  
7 that the best way to get to know the priests was --  
8 is to go around to all the parishes to meet them.

9 We began a very good council for  
10:21:59 10 priests. We began a Clergy Personnel Board and so I  
11 had a chance to meet priests in that -- those  
12 settings, confirmations, parish visits far more  
13 effectively.

14 Q Do you remember in 1985 -- I know I've  
10:22:19 15 asked you about this before, but I think it's an  
16 important date.

17 You recall that in 1985, the Catholic  
18 Bishops in the United States held a meeting in  
19 Collegeville, Minnesota specifically to address the  
10:22:31 20 issue of sexual abuse of children of priests?

21 A We had a regular June meeting but that was  
22 not the sole purpose of that meeting.

23 Q You know what, that's fair and that's  
24 right, so let me rephrase it.

10:22:43 25 In 1985, the issue of sexual abuse by

10:22:47 1 priests was raised and discussed in detail at a  
2 regular meeting of the Bishops in Minnesota,  
3 correct?

4 A Yes.

10:22:54 5 Q And there was a report issued in that  
6 meeting; is that correct?

7 A Yes.

8 Q And have you heard that referred to as the  
9 Doyle Mouton report?

10:23:06 10 A Yes.

11 Q Okay. And did that report deal with the  
12 Gauthe case in Louisiana and the concern that some  
13 had in the church in the United States that this was  
14 a big problem, "this" being molestation of children  
15 by priests?

16 A I think it was presented as a problem.  
17 I'm not sure a big problem.

18 Q Okay. Did that meeting occur before or  
19 after you got to L.A.?

10:23:32 20 A Before.

21 Q Okay. So given that you had attended that  
22 meeting and that you had had a number of these cases  
23 come up in Stockton, did you not consider to -- the  
24 possibility that it would be a good idea to look at

10:23:48 25 the confidential files to see if you had any priests

10:23:57

1 in ministry who had abused children?

2 A In Stockton?

3 Q No. In Los Angeles when you got here.

4 A Well, let me say what I did after the June

10:24:01

5 meeting. The June meeting was towards the end of

6 June, middle, end of June, 1985.

7 The next month -- well, when I got

8 home to Stockton, I talked to two or three of the

9 priests leadership there, told them of my concern

10:24:19

10 about what's in this document.

11 And that right after Labor Day, when

12 people are back from vacation, we need to develop

13 written guidelines, policies for these kinds of

14 issues which we did not have.

10:24:34

15 Q Why did you think written guidelines were  
16 important?

17 A So that we could educate priests and other  
18 people in ministry about what their duties and  
19 responsibilities are with children.

10:24:47

20 Q Like calling the police?

21 A All of them.

22 Q Okay. I mean, you would agree with me  
23 that the first thing any priest should do, whether  
24 it was 1985 or any Bishop for that matter, any

10:24:59

25 priest or Bishop to do that when you learn that a

10:25:02 1 priest has molested a child is call the police,  
2 right?

3 A Not necessarily.

4 Q Can you think of an instance where a  
10:25:10 5 priest admits to you that he molested a child where  
6 it would not be appropriate to call the police?

7 A In my experience, you only call the police  
8 when you've got victims that you can talk to.

9 Q How about if a priest says to you, "I  
10:25:34 10 molested children," don't you think it's appropriate  
11 at that point to call the police be it 1985 or now?

12 A If you want to review the suspected child  
13 abuse form, you'll see that the very top little  
14 section says, name of mandated reporter, title of  
10:25:52 15 mandated reporter, category of mandated reporter,  
16 then agency to which it is sent.

17 And the rest of it is a big section  
18 about each victim and the victim's parents. So  
19 you -- obviously, if you can't fill out the form,  
10:26:11 20 you can't send it in.

21 Q I see. What about just picking up the  
22 phone as the Bishop and saying, you know, for  
23 example, Los Angeles, you knew Chief Gates, right?

24 A Yes.

10:26:22 25 Q You knew him personally, right?

10:26:25

1 A Yes.

2 Q He came to the Red Mass, right?

3 A I think possibly.

4 Q Couldn't you call up Chief Gates and say,

10:26:31

5 "Hello, Chief. This is Cardinal Mahony. I have a  
6 priest here who has violated a child. I am not sure  
7 who it is. Could you please get somebody over here  
8 and begin an investigation?"

9 Wouldn't that be the right thing to

10:26:44

10 do?

11 A Well, today it would. But back then that  
12 isn't the way these matters were approached.

13 Q I see. When did that change, you know,

14 when in your mind do you think it would have been

10:26:57

15 appropriate to call the police, what was the year  
16 that changed?

17 A Well, my first approach is always the  
18 pastoral one. That is, if there is a suspicion of  
19 wrongdoing, regardless what it is, to get the priest  
20 away from ministry, to find out what is going on and  
21 then to take whatever steps seem appropriate.

10:27:08

22 Q Okay. Let's go back to 1985 and the  
23 Collegeville meeting. Did you learn at that meeting  
24 that the impact -- did you understand before that

10:27:31

25 meeting that if a child is raped by an adult, that

10:27:36 1 has serious life lasting impact on them?  
2 A Yes.  
3 Q And so -- you knew, of course, that sexual  
4 assault of any type is a crime, right, in 1985?  
10:27:58 5 THE COURT: We're looking for the noise.  
6 MR. MANLY: Oh. Sorry.  
7 THE COURT: Trying.  
8 THE WITNESS: Yes.  
9 MR. MANLY: Okay.  
10:28:04 10 BY MR. MANLY:  
11 Q And in 1986, you knew that, right?  
12 A Yes.  
13 Q Was it your policy in Stockton, if you  
14 knew that a priest and you believed a priest had  
10:28:18 15 molested a child that you would call the police?  
16 A Yes.  
17 Q Okay. And was that your policy in L.A.?  
18 A The policy in Stockton was if we had  
19 victims, names, addresses, we could contact the  
10:28:36 20 police, we did.  
21 And then two of the three cases I  
22 had, we had victims. They were contacted and those  
23 priests were gone.  
24 Q So if a priest came to you in Los Angeles,  
10:28:49 25 regardless of the time and said -- well, how many

10:28:53 1 priests admitted to you in Los Angeles they had  
2 molested children?

3 A Over what time period?

4 Q The entire time you've been here.

10:29:02 5 A One.

6 Q Okay. And who was that?

7 A Michael Baker.

8 Q Okay. And I take it when he said that,  
9 you were shocked and horrified?

10:29:11 10 A Yes.

11 Q And I take it the first thing you did is  
12 ask him who the children were?

13 A Yes.

14 Q Okay. And what did he tell you?

10:29:30 15 A He told me that they were two families of  
16 illegal aliens and they had left the Los Angeles  
17 area.

18 Q And you naturally took notes about that,  
19 right?

10:29:37 20 A I don't think I took written notes.

21 Q Okay. Now, the first thing you would want  
22 to do if that were true is to make sure somebody  
23 found those families and got help, right?

24 A Well, I asked him names. He said he did

10:29:53 25 not know the last names and that he had no idea

10:29:58 1 where they were, no idea where they could be found;  
2 that they had moved multiple times and all he knew,  
3 he thought they went to Mexico.

4 Q Okay. So what did you do to find those  
10:30:10 5 children to help them and what did you do at that  
6 time to make sure that no one else in the parish had  
7 been hurt?

8 A Well, asked him where this happened and he  
9 said it did not happen at the parish.

10:30:24 10 Q Okay. And you believed him?

11 A Unfortunately, I believed everything he  
12 said.

13 Q Okay. And where did he say it happened?

14 A He just said someplace else.

10:30:42 15 Q Well, didn't you find out?

16 A He didn't say.

17 Q So --

18 A I was more concerned about finding the  
19 children than I was of finding the location of the  
10:30:53 20 problem.

21 Q What were the first names of the children?

22 A I only remember, I think, [REDACTED]. I  
23 don't remember the other one.

24 Q So where did this conversation take place  
10:31:11 25 where Mr. Baker told you that he had molested little

10:31:16

1 boys?

2 A In my office.

3 Q What address was that at?

4 A It was on 9th Street but I can't remember

10:31:24

5 the address.

6 Q I take it at that point, you directed your  
7 staff to try and find the kids?

8 A No, I did not.

9 Q Did you call the pastor where he served

10:31:37

10 and ask him to help you?

11 A Well, since the -- since he told me this  
12 had nothing to do with the parish, I did not call  
13 the pastor.

14 Q You didn't call the pastor and tell him

10:31:51

15 this happened with Baker and Baker admitted this to  
16 you and to find out if other kids had been hurt  
17 where he served?

18 A The first thing we did was get him out of  
19 ministry. We told the pastor that. And we told the  
20 pastor that there had been -- that he had admitted  
21 to wrongdoing with children and he was being taken  
22 out of that ministry.

10:32:04

23 Q What did he tell you he did to the kids?

24 A Interesting. He said he had some touching

10:32:19

25 with them.

10:32:24 1 Q What does that mean?  
2 A I have no idea.  
3 Q Well, didn't you ask him?  
4 A I asked him. He said, "Oh, just  
10:32:32 5 touching."  
6 Q Touching what?  
7 A I have no idea.  
8 Q You understood that to mean genital  
9 touching, right?  
10:32:37 10 A Yes.  
11 Q Okay. So you understood that he was  
12 touching the testicles and/or the penis of these  
13 little boys; is that right?  
14 A Yes.  
10:32:48 15 Q Okay. And he said it was two, correct?  
16 A Yes.  
17 Q Now, you knew from the Doyle Mouton report  
18 at a minimum that frequently pedophiles have more  
19 than one victim; is that right?  
10:33:04 20 A I didn't recall that at the time, no.  
21 Q So now I take it your policy in Stockton  
22 was if this happened, to notify the parish, notify  
23 the people in the parish and tell them the truth  
24 about why a priest went?  
10:33:30 25 A If we had victims, yes.

10:33:31 1 Q Well, you did have victims. You had two.  
2 He told you you did.

3 A Yeah, but we didn't have any identity of  
4 where they were.

10:33:38 5 Q So? Let me -- sorry. Let me withdraw  
6 that.

7 So your policy was unless you had two  
8 victims -- unless you had a victim or two victims,  
9 you wouldn't tell the parish; is that right?

10:33:59 10 A I don't understand the question.

11 Q Okay. Let me try it again.

12 Michael Baker told you he molested  
13 two boys; is that right?

14 A Yes.

10:34:09 15 Q Do you remember their ages?

16 A No.

17 Q Did you ask?

18 A I did.

19 Q And you believed that he molested these  
10:34:29 20 two children that he talked about, right?

21 A Yes.

22 Q I'm not sure, when you say, "if we have  
23 victims," you had victims, you had two of them and  
24 he admitted molesting them so why -- did you then

10:34:42 25 notify the parish in Los Angeles where he was

10:34:44

1 serving?

2 A I told you that he said this did not  
3 happen in the parish, it happened someplace else.

4 Q What does that matter?

10:34:54

5 A At the time, my concern was to get him out  
6 of ministry. It did not occur to me at the time  
7 that there were other victims in the parish because  
8 these were not people that belonged to the parish.

9 Q According to the pedophile?

10:35:12

10 A Yes.

11 Q I mean, Cardinal, did you not -- I want to  
12 go back to the victim thing and understand this.  
13 You keep saying, "If we have victims."

14 You agree with me in the Baker case  
15 given what he told you, you had two victims, right?  
16 He identified them even though you couldn't find  
17 them, correct?

10:35:26

18 A Yes.

19 Q And so if that was true, did you think it  
20 not prudent to go to the parish and make an  
21 announcement that Father Baker had hurt these kids  
22 and if anybody's been hurt by Father Baker, please  
23 come forward so we can get you some help?

10:35:46

24 A Well, the challenge is trying to look at  
25 1986 through the lenses of 2010, because we have

10:35:53

10:35:59 1 developed over the years all kinds of policies and  
2 procedures where we're very much aware of it -- of  
3 what needs to be done, how it's done, how quickly  
4 it's done. In fact, if we had in fact in effect

10:36:15 5 policies of today then, Michael Baker would have  
6 been taken out of ministry and laicized, period.

7 Q I don't want you to look through the 2010  
8 lens.

9 I want to know in 1986, did it occur  
10:36:30 10 to you that it would be a good idea, sir, to make an  
11 announcement to the parish that Father Baker had  
12 molested to little boys and that if anybody else had  
13 been hurt to please come forward?

14 A Let me explain. It is impossible to talk  
10:36:46 15 about 1986 without understanding all that has gone  
16 on since and look back. I just can't do that.

17 I can't disassociate what we have  
18 accomplished over the years to protect children from  
19 then. What we had in effect then was really  
10:37:05 20 inadequate. What we have in effect since is  
21 extremely adequate.

22 Q Okay. My question is very simple and you  
23 can answer it or not is, in 1986, when this man came  
24 to you and told you that he had molested not one but  
10:37:21 25 two little boys, did it ever occur to you to go to

10:37:24 1 his parish as his Bishop and make an announcement to  
2 those parents that they had a priest who was  
3 molesting children in the parish that you were so  
4 concerned about that you removed from ministry and  
10:37:36 5 that if anybody else had been hurt to come forward?

6 A I think if he had said these children had  
7 anything to do with the parish, I may have but I  
8 don't recall that as an idea.

9 Q Did you ever at any point direct your  
10:37:58 10 staff not to notify parishes involving allegations  
11 against Michael Baker?

12 A To my -- best of my recollection, many  
13 years later, I asked for a delay.

14 Q So at some point, you did direct your  
10:38:25 15 staff against your own policy not to go to the  
16 parishes and make an announcement about  
17 Michael Baker; is that accurate?

18 A Well, I think it would be accurate to say  
19 that given the timing that Michael Baker had been  
10:38:40 20 removed from the priesthood and was no longer a  
21 danger to anyone and the parishes we were concerned  
22 about, he had been there 20, 25 years earlier and so  
23 we delayed that for a month or two.

24 Q How many other priests other than  
10:38:59 25 Father Baker have you asked your staff to delay

10:39:04 1 reporting to the parishes on?

2 A I don't think it's a matter of delay in  
3 these cases. We have to be able to announce what we  
4 know is accurate. And so as general policy, now we  
5 have regular guidelines for this. Depends on each

10:39:20 6 case.

7 Q Did you direct Monsignor Loomis not -- did  
8 you specifically direct Monsignor Loomis when he  
9 wanted to go to the parishes and make an  
10 announcement not to?

10:39:32 11 A I recommended to him that we wait a month  
12 or two.

13 Q You recommended to him?

14 A Yes.

10:39:43 15 Q So it was really his choice?

16 A Well, he agreed with me.

17 Q Okay. Now, with regard to Father Baker,  
18 where did you send him immediately after he told you  
19 he had molested kids?

10:40:09 20 A He was sent to the center in Jemez  
21 Springs, New Mexico, operated by the paracletes.

22 Q Didn't you send him to Big Sur first, the  
23 monastery?

24 A I don't recall.

10:40:24 25 Q Did you ever send him to Big Sur for a

10:40:27 1 retreat?

2 A I honestly don't recall.

3 Q Okay. Now, what was Jemez Springs?

4 A Jemez Springs is the name of a town, I

10:40:43 5 think. I've never been there. But it is a location

6 where the paraclete priests and brothers operated

7 a -- a -- kind of a psychological treatment center

8 for priests and religious with a variety of

9 problems.

10:41:01 10 Q Did they treat pedophilia there?

11 A I'm sorry?

12 Q Did they treat pedophilia there?

13 A I believe so.

14 Q So what was wrong with Michael Baker that

10:41:09 15 you believe he needed to go to Jemez Springs?

16 A Well, Michael Baker had admitted to

17 inappropriate touching with two young people.

18 Q Okay. So did you expect they would call

19 the police?

10:41:26 20 A I didn't think about it.

21 Q Have you ever read any interviews in the

22 Los Angeles Times or other outlets, Cardinal, that

23 contain -- have you ever read any interviews of

24 Michael Baker in the L.A. Times or other media

10:41:55 25 outlets?

10:41:55

1 A Yes.

2 Q Do you recall seeing an article where  
3 Father Baker describes a meeting in or about the  
4 time he admitted to you he molested these two boys,  
10:42:08 5 where he describes a meeting that took place in your  
6 office with you, [REDACTED], himself and one  
7 other individual where he says that -- well, let me  
8 leave it at that.

9 Do you remember such an interview?

10:42:23

10 A Yes.

11 Q Did such a meeting take place with you  
12 [REDACTED], Mr. Baker and another individual?

13 A I don't believe one word Michael Baker  
14 says.

10:42:33

15 Q Well, that may be true but my question is,  
16 was there a meeting with you, [REDACTED], the  
17 Archdiocese's counsel, Michael Baker and anyone else  
18 regarding Father Baker in your office at any time?

10:42:52

19 A Well, the meeting we had discussed earlier  
20 with Monsignor Curry, myself and Michael Baker.  
21 That's it.

22 Q Okay. Was there ever a meeting that took  
23 place where [REDACTED] suggested that the police  
24 be called and you directed him not to do that?

10:43:08

25 A Absolutely not.

10:43:09 1 Q Have you seen where Michael Baker has told  
2 the media that occurred?

3 A Michael Baker has said a lot of things and  
4 I don't believe any of it.

10:43:17 5 Q Okay. That may be true but my question is  
6 different than that.

7 My question is, do you recall seeing  
8 that allegation in the newspaper?

9 A I don't recall that one.

10:43:25 10 Q Okay. Do you recall how many children in  
11 1986, the Archdiocese had under their care?

12 A I don't know what you mean by under our  
13 care.

14 Q That's what -- the way the catholic  
10:43:47 15 director describes it so -- do you know how many  
16 children were in schools and in CCD programs under  
17 the Archdiocese's care?

18 A No.

19 Q Did it ever occur to you in talking with  
10:44:06 20 Father Baker in or around 1986, that he might have  
21 done this to somebody else?

22 A I presumed that since he voluntarily came  
23 in that he was acting in good faith --

24 Q Okay.

10:44:22 25 A -- and I believed what he told me.

10:44:32 1 Q Now, did he admit to the paracletes that  
2 he had molested more than these two boys?

3 MR. STEIER: Lacks foundation.

4 THE COURT: You need to lay a foundation.

10:44:42 5 BY MR. MANLY:

6 Q You got reports from the paracletes on  
7 Father Baker?

8 A Yes, I believe Monsignor Curry did.

9 Q The Archdiocese did, correct?

10:44:49 10 A Yes.

11 Q All right. And they were throughout his  
12 treatment, correct?

13 A That I'm not sure.

14 Q Did you ever see these reports?

10:45:03 15 A I don't recall if I did or not.

16 Q Okay. You would expect that if  
17 Father Baker had admitted to molesting more children or  
18 that they said -- or the paracletes told you there might  
19 be more children, that somebody would have alerted you  
10:45:18 20 to that? Yes?

21 MR. HENNIGAN: Your honor, the  
22 psychotherapist privilege has been repeatedly  
23 sustained by this court, not necessarily through  
24 you, so the reports that came back from the  
10:45:32 25 paracletes dealing with this area of treatment are

10:45:36 1 privileged.

2 MR. MANLY: I mean, if the -- the  
3 psychotherapist patient privilege goes to the  
4 patient and the psychotherapist. If the report is  
10:45:44 5 going to a third party, there is no privilege  
6 because he's using it to make employment  
7 determinations.

8 MR. HENNIGAN: That's been the specific  
9 subject of briefing and court rulings that's  
10:45:56 10 inconsistent with that.

11 MR. MANLY: No, I don't agree with that.

12 THE COURT: In which case do you think  
13 it's inconsistent in?

14 MR. STEIER: Let me give you an example.  
10:46:07 15 There is a case called the Blue Cross case. It was  
16 upheld there simply because Blue Cross pays for the  
17 confidential treatment, so even if you don't -- you  
18 can take it different all together if the  
19 Archdiocese is paying. He can ask --

10:46:24 20 THE COURT: In a clergy case, you are  
21 saying -- Mr. Hennigan is saying in one of these  
22 cases?

23 MR. HENNIGAN: In these cases.

24 THE COURT: There is no court of appeal  
10:46:35 25 decision on it?

10:46:36 1 MR. MANLY: There is an unpublished one in  
2 the DiMaria case but, Judge, the problem I have --  
3 THE COURT: I just wanted to clarify  
4 because if there is, I'll go pull the case because I  
10:46:44 5 was reading the cases this morning and I did not  
6 recall seeing one.  
7 MR. HENNIGAN: Judge Fromholdz ruled  
8 extensively on many number of documents that the  
9 reports that came to the employer for purposes of  
10:47:00 10 facilitating treatment were privileged.  
11 MR. MANLY: Judge, here is the problem in  
12 this case. They want to say that the paracletes  
13 told them everything was okay and the Cardinal and  
14 others have said it publically that they said he  
10:47:13 15 would be fine to return to ministry. Okay.  
16 MR. HENNIGAN: That is not an allegation  
17 we've made.  
18 MR. MANLY: Okay. But I can tell you, he  
19 says he sent him for treatment and they put him back  
10:47:21 20 in ministry.  
21 If there is a document from the  
22 paracletes that says -- and the paracletes and I can  
23 show you these reports, I have them, they make a  
24 specific evaluation for future treatment and return  
10:47:31 25 to ministry.

10:47:32 1 THE COURT: Let's start out with, if they  
2 were ruled to be patient privilege, why does he have  
3 them? Why do you have them?  
4 MR. MANLY: I don't have them.

10:47:41 5 THE COURT: You said I have the reports.  
6 MR. FINALDI: We have one in a different  
7 case; that was the DiMaria case he's talking about.  
8 THE COURT: Okay. All right. You do not  
9 have them here?

10:47:57 10 MR. FINALDI: We were able to get them in  
11 this case. We have not really fought that out  
12 completely.  
13 MR. WOODS: Can I say in this very case  
14 involving Father Baker, the grand jury, presiding  
10:48:02 15 judge in Ventura County in relationship to the  
16 Ventura County grand jury investigation and the  
17 specially appointed judge to rule on these issues  
18 before the Los Angeles grand jury, that these very  
19 documents and these very conversations held them to  
10:48:20 20 the privileged under the psychotherapist patient  
21 privilege.  
22 MR. MANLY: I have an idea.  
23 MR. WOODS: Judge Nuss issued an opinion.  
24 MR. MANLY: I have an idea. Why don't you  
10:48:32 25 give her the records and let her look at them

10:48:35 1 because Judge --

2 THE COURT: But let's -- the question  
3 becomes, was it used by somebody who is part of the  
4 treatment process?

10:48:43 5 MR. STEIER: That's right.

6 THE COURT: If it is part of the treatment  
7 process, then it's privileged. I cannot make a  
8 determination at this moment whether it is or isn't.  
9 I have no foundation on which to base that ruling at  
10 this point.

10:48:54

11 MR. MANLY: Let me just make my record. I  
12 hear what you are saying. We'll just have to deal  
13 with this later, I guess but the reality is, is that  
14 the way this has worked -- and I've been at this 12  
15 years and handled hundreds of these where the  
16 paracletes were involved -- is the paraclete people  
17 like Bishops or heads of religious orders would send  
18 these men to the paracletes.

10:49:05

19 They would first do an evaluation.

10:49:19

20 The evaluation would then say, typically, either we  
21 think there's sub (c) allegations or they need  
22 treatment.

23 They would then go to treatment.

24 They would send them weekly or monthly reports about

10:49:29

25 the progress of the treatment, what they are

10:49:32 1 finding. And at the end of the treatment, they  
2 would say this person is either suitable or not  
3 suitable to return to ministry.

4 If that's right, okay, I'm not  
10:49:40 5 calling Mr. Hennigan or Mr. Woods liars -- maybe  
6 I'll call him a liar but not to his face anyway --  
7 that's a joke for the record -- but the reality is  
8 that those are not privileged.

9 THE COURT: The reality is based upon what  
10:49:56 10 I have in front of me right now, I cannot say that.

11 Additionally, you may have the wrong  
12 witness here. The Cardinal has not testified that  
13 he actually saw all of these reports and it would  
14 cut both ways.

10:50:09 15 If the privilege has -- if there is a  
16 privilege and it has been waived because they are  
17 taking the position that these -- the reports said  
18 everything was fine and that's why they took him  
19 back, that's a whole other issue.

10:50:21 20 Based upon the question you have  
21 asked right now, I can't let -- it is not going to  
22 come in right at this moment.

23 MR. FINALDI: We actually requested the  
24 reports with his depo notice here today.

10:50:36 25 MR. MANLY: We should go through that.

10:50:37 1 That's why I said, could we give the court the  
2 reports and let her take a look at them so we don't  
3 have to bring the Cardinal back.

4 THE COURT: Why don't we move on to  
10:50:46 5 something else and we'll have time to do this.  
6 We'll see what's going on.

7 THE WITNESS: Your honor, maybe I could  
8 help. Maybe not.

9 THE COURT: Maybe you should ask your  
10:50:54 10 lawyer if --

11 MR. HENNIGAN: Always terrifying.

12 (Laughter.)

13 THE WITNESS: Let me put this on two  
14 different tracks. My track as the Archbishop, if  
10:51:05 15 somebody comes to me asking for help is to approach  
16 that in a pastoral letter, how can I help him?

17 I always viewed the psychologist and  
18 psychiatrists whose language I could never learn to  
19 understand as a therapy level and that information  
10:51:22 20 primarily is for ongoing therapists and counselors  
21 down the road, not me.

22 And so I've always looked at it in  
23 my role as the pastoral role. If I get anything, it  
24 is how is he doing pastorally? Is he making  
10:51:39 25 progress spiritually, et cetera? I'm not involved

10:51:41 1 in the therapist track.

2 MR. MANLY: Okay. I think we can move on.

3 THE COURT: Let's move on.

4 BY MR. MANLY:

10:51:48 5 Q So, Cardinal, you would expect that if --  
6 did you expect when you sent him to the paracletes  
7 that you would get a recommendation on whether or  
8 not he was suitable to return to ministry?

9 A It was again my understanding that it  
10:52:07 10 wasn't their role to say whether he was safe or you  
11 didn't have to worry about him, rather to -- if they  
12 felt he needed continuing counseling, they would say  
13 so.

14 Q Well, you must have been worried that you  
10:52:24 15 had a child molester priest because you sent him to  
16 therapy, you thought he needed help, right?

17 A I had a -- an admitted priest, who  
18 admitted this with the understanding that he was  
19 looking for help and I unfortunately bought that.

10:52:46 20 Q Okay. But you were worried enough about  
21 him being a threat to kids that you removed him from  
22 ministry, right?

23 A Yes.

24 Q Okay. So who were you going to consult,  
10:53:00 25 if anyone, to determine whether he could ever act as

10:53:04 1 a priest again given he had done something so  
2 terrible?

3 A Well, it was a number of things.

4 Certainly, the facility to which he went also had a  
10:53:24 5 practice I would call of saying -- of developing a  
6 contract with the individual priest.

7 And in that contract, the priest  
8 would agree to whatever steps the -- the treatment  
9 center felt were appropriate. And they did work  
10:53:41 10 that out with the --

11 Q What do you mean a contract?

12 A Aftercare agreement is what they call  
13 them. All the facilities do an aftercare agreement.

14 Q Fine. But what I'm trying to get at is,  
10:53:55 15 were you going to rely on them to help you determine  
16 whether you were going to place him back in ministry  
17 or not?

18 A Well, if they said he should never ever be  
19 in ministry, he should be removed and laicized,  
10:54:07 20 obviously, he would not have been put back in  
21 ministry but they are not going to do a post care  
22 agreement on restrictions in ministry if that was  
23 their intent.

24 Q So did they do a post care agreement with  
10:54:22 25 Father Baker?

10:54:25 1 A I believe they did.

2 Q What happens if in these post care  
3 agreements, the priest violated boundaries with a  
4 child or molested a child again? What was the  
10:54:35 5 consequence?

6 A Well, depending on what it was but if it  
7 was anything that approached child abuse, then he  
8 was out. That was it.

9 Q Did it have in the contract that if he did  
10:54:47 10 it again, this time you would call the police?

11 A I don't recall if that was in there or  
12 not.

13 Q How many times did a priest have to do it  
14 before the Archdiocese would decide to call the  
10:55:01 15 police?

16 MR. WOODS: Do what?

17 MR. MANLY: Molest a child.

18 MR. WOODS: At what time?

19 THE COURT: At any time.

10:55:09 20 THE WITNESS: Well, you --

21 MR. MANLY: That's a fair distinction,  
22 actually.

23 BY MR. MANLY:

24 Q So in the 80's, was there one -- you know,  
10:55:16 25 did you have three strikes, you got to molest three

10:55:21 1 kids and then you get kicked out or the police were  
2 called? When was it enough, Cardinal, that you had  
3 enough children that were hurt that you would decide  
4 it would be appropriate to call the police?

10:55:30 5 MR. HENNIGAN: The question is  
6 argumentative as phrased.

7 THE COURT: Sustained.

8 BY MR. MANLY:

9 Q All right. Was there a policy on when it  
10:55:35 10 was appropriate in the 80's in the Archdiocese for  
11 you or one of your subordinates, when you learned  
12 that a priest raped or molested a little boy or a  
13 little girl, when it would be appropriate to call  
14 the police?

10:55:50 15 A Well, keep in mind that mandated reporting  
16 only started in our state around 1984. And you say  
17 Archdiocese but "Archdiocese" was never usually,  
18 except in the Baker case, the first ones to know  
19 about this.

10:56:09 20 And so who were the first ones?  
21 People in school were. People, psychologists,  
22 counselors and they were the mandated reporters but  
23 they were also the first ones to learn it, so they  
24 were normally the ones who made the reports.

10:56:24 25 Q Prior to 2000, is there ever an instance

10:56:27 1 that you are aware of or anybody that worked for you  
2 called the police when you learned that a child had  
3 been molested?

4 A Oh, many of them.

10:56:34 5 Q Which one? Which priest?

6 A I don't remember any of the ones in  
7 dealing with schools. I would have to go back and  
8 review all of those.

9 Q I'm asking about priests. Can you  
10 remember a single priest that you are aware of that  
11 the Archdiocese called the police on for molesting a  
12 little boy or little girl prior to the year 2000?

13 A Well, January 1st, 1997, clergy became  
14 mandated reporters. But up to that point, the  
15 reports were being primarily made by parents,  
16 usually, or someone in school had learned about a  
17 problem or a counselor or a therapist.

18 Q Cardinal, can you remember a single name  
19 of any priest that the Archdiocese called the police  
10:57:19 20 on for child molestation prior to the year 2000?

21 A I cannot. Excuse me. By Archdiocese, you  
22 meaning me or I'm not sure who you mean.

23 Q You or anybody on your staff, when it came  
24 to their attention that a priest had molested a  
10:57:35 25 little boy or a little girl prior to the year 2000,