

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

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LUIS C.

1 I N D E X

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3 MR. MANLY 7

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19 6	Transcript of Testimony of 20 Cardinal Roger Mahony - November 23, 2004; 21 69 pages	161
22 7	Application for Sabbatical Time 23 CIVBAKE 000329-000333; 5 pages	163
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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.

10:12:47

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  
10:27:08 20 away from ministry, to find out what is going on and  
21 then to take whatever steps seem appropriate.

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

10:32:04 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.

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  
10:39:20 5 have regular guidelines for this. Depends on each

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  
10:39:32 10 announcement not to?

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  
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  
10:48:54 10 this point.

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  
10:49:05 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.

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  
10:57:02 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,

10:57:39 1 did anybody call the police?  
2 A Yes.  
3 Q Who?  
4 A I don't remember the case but I can go  
10:57:44 5 back and get you several examples actually.  
6 Q Do you remember Father [REDACTED]?  
7 A Yes.  
8 Q Who was Father [REDACTED]? I'm sorry.  
9 [REDACTED] is -- I'm sorry, Cardinal -- [REDACTED] is  
10:57:58 10 [REDACTED].  
11 A I think he pronounces it [REDACTED] for some  
12 reason.  
13 Q Fair enough. I thought I was being all  
14 smart spelling it right. [REDACTED].  
10:58:08 15 A [REDACTED].  
16 Q Okay.  
17 A And the question is what?  
18 Q Do you remember him, Cardinal?  
19 A Yes.  
10:58:17 20 Q He was the [REDACTED]  
21 [REDACTED]; is that accurate?  
22 A I actually don't recall what he was doing  
23 before I came.  
24 Q Shortly after you arrived in Los Angeles  
10:58:27 25 as Archbishop, he was arrested; is that right?

10:58:31 1 A I don't really recall.

2 Q Okay. '85, '86, he was arrested and  
3 charged with child molestation; does that sound  
4 right?

10:58:52 5 A Somewhere in that time frame.

6 Q Do you remember if it was before the  
7 Michael Baker case or after?

8 A I don't.

9 Q Okay. Did you ever talk to the detectives  
10 in that case?

11 A Myself personally?

12 Q Yes.

13 A No.

14 Q Do you remember what he was accused of  
15 doing?

10:58:57 16 A No.

17 Q Do you remember -- does it help refresh  
18 your recollection if I represent to you he was  
19 accused of putting his hands and touching the  
20 genitals of high school seminarians while they were  
10:59:05 21 in bed at Our Lady Queen of Angels Seminary?

22 A Yes.

23 Q So he was accused of touching and did he  
24 go to jail?

10:59:18 25 A I don't recall.

10:59:18 1 Q He was charged criminally?  
2 A I believe so.  
3 Q Okay. And he was convicted, correct?  
4 A I think -- I believe so.  
10:59:26 5 Q All right. Now, given he was convicted, I  
6 take it you kicked him out of the priesthood, right?  
7 A No.  
8 Q Okay. But you knew from Father [REDACTED],  
9 the Father [REDACTED] case, that touching a child was a  
10:59:50 10 crime, even a teenager, right?  
11 A Yes.  
12 Q So much so that the LAPD investigated it,  
13 the D.A. charged him and he was convicted, right?  
14 A Yes.  
10:59:59 15 Q Given that, did that case and those facts  
16 enter your mind when you decided not to call the  
17 police on Michael Baker?  
18 A I don't recall when the [REDACTED] matters  
19 took place, so I can't -- that doesn't compute.  
11:00:14 20 Q Okay. So how long did [REDACTED] -- how about  
21 this, how long did Father [REDACTED] remain a priest?  
22 A He remained working in the Archdiocese in  
23 tribunal with no pastoral contact with people,  
24 especially children.  
11:00:38 25 Q How long?

11:00:40 1 A I don't recall. It was [REDACTED],  
2 somewhere in there.

3 Q How many priests had allegations of child  
4 molestation against them that were serving in the  
11:00:51 5 Archdiocese in any capacity in the year 2000?

6 A My recollection, there were six or seven.

7 Q How many priests were removed in the  
8 Archdiocese in the year 2002 or 2003 as a result of  
9 your new zero-tolerance policy?

11:01:14 10 A I don't remember the number but since that  
11 time forward, almost everyone who had been credibly  
12 accused and found guilty.

13 Q Was it more than 20 that were removed in  
14 2002?

11:01:28 15 A I don't remember the number but that would  
16 be -- could be.

17 Q How is it that you had 20 people serving  
18 in the Archdiocese with credible allegations of  
19 abuse in or around the year 2002?

11:01:43 20 A They were not all serving in the  
21 Archdiocese. In fact, the majority of them were out  
22 of ministry.

23 Q So you had six or seven serving in  
24 ministry?

11:01:52 25 A We termed then limited ministry, that is

11:01:56 1 restricted ministry. No contact with young people,  
2 et cetera.

3 Q And so you understood Michael Baker was on  
4 restricted ministry?

11:02:06 5 A Yes.

6 Q And he wasn't to have contact with young  
7 people?

8 A Yes.

9 Q So, certainly, if you saw him with alter  
11:02:13 10 boys or alter girls in the mid nineties, you would  
11 have viewed that as a violation of his aftercare  
12 contract and done something about it, right?

13 A No.

14 Q Okay. I'm going to understand.

11:02:27 15 If you saw him with little boys and  
16 little girls at mass, you wouldn't have stopped it?

17 A Those contacts were minimal in a public  
18 setting. He was not alone with a minor. He was  
19 there in a church with minors.

11:02:48 20 Q Have you ever dressed for mass at  
21 St. Columbkille?

22 A No.

23 Q Okay. Do you know as you sit here today  
24 whether the priest has access to the alter boys or

11:02:59 25 alter girls when dressing for mass in the sacristy?

11:03:05 1 MR. STEIER: I'm going to object. Vague.  
2 I don't know what "access to" means. Maybe the  
3 Cardinal knows.

4 MR. MANLY: You can answer.

11:03:10 5 MR. HENNIGAN: At St. Columbkille?

6 MR. MANLY: At St. Columbkille.

7 THE COURT: What?

8 MR. MANLY: At St. Columbkille.

9 THE WITNESS: My experience is the  
11:03:19 10 sacristy area at churches, especially on Sundays,  
11 are very busy places. People coming and going,  
12 lectors, ministers of eucharist. People constantly.  
13 It's a public situation. It's not a private place.  
14 BY MR. MANLY:

11:03:35 15 Q Was Father Baker allowed -- were you done,  
16 Cardinal? I'm sorry.

17 A Yes.

18 Q Was Father Baker allowed to dress with the  
19 alter boys and alter girls at the parishes he was  
11:03:44 20 serving at?

21 A I don't know the configuration. Most of  
22 the sacristies that I'm aware of, they have kind of  
23 a work sacristy, then they have just near it the  
24 priest sacristy where all the vestments are.

11:04:03 25 Usually, for example, the alter



11:04:04 1 society people light the candles, the flowers. They  
2 are over there with the service.

3 MR. HENNIGAN: Let me also say that the  
4 way you are using the phrase, I think it's  
11:04:13 5 misleading. When you say dress, it would sound as  
6 though there is some moment where there is  
7 undressing which is typically not the case.

8 MR. MANLY: Unless you're Michael Baker.

9 BY MR. MANLY:

11:04:26 10 Q So what I mean by dress for mass, is where  
11 the priest changes from his clerics into his  
12 vestments and the alter boys and alter girls change  
13 from their civilian clothes and put on cassocks and  
14 get dressed.

11:04:50 15 A No.

16 Q No? What do you mean?

17 A You say change from their clerics to  
18 vestments. No, they put their vestments over the  
19 top of --

11:04:55 20 Q You take your coat off. I was an alter  
21 boy and I've served mass hundreds and hundreds of  
22 times.

23 And when I did it -- maybe this is --  
24 something's changed -- you would take off your shirt

11:05:03 25 and you would leave your pants and your undershirt

11:05:05 1 on and you would put your vestments over that. And  
2 the priest, same way. He would take off his shirt,  
3 had an undershirt on and put on -- is that not your  
4 experience?

11:05:17 5 A I have been a priest 48 years and I have  
6 been an alter server many years. I have never seen  
7 that once.

8 Q You ever heard of a child molested in a  
9 sacristy, Eminence?

11:05:28 10 A No.

11 Q Do you know how many of the 600 cases  
12 children were molested that were filed against the  
13 Archdiocese in 2002, a percent, do you know how many  
14 were molested in sacristies?

11:05:41 15 A No.

16 Q You have never heard of it happening  
17 before; is that accurate?

18 A No. I said there is no undressing in the  
19 way you have phrased it going on in the sacristy.

11:05:50 20 Q Well, maybe I just had an unusual  
21 experience. I will have to talk to the Dominicans  
22 about it.

23 My question is, is that -- well, I  
24 guess what you are telling me is that if

11:06:00 25 Michael Baker was vesting for mass in the sacristy with

11:06:05 1 the alter boys and the alter girls, that would not be a  
2 violation of his aftercare agreement in being with kids?

3 A That's correct.

4 Q Did you not think it would be a good idea  
11:06:17 5 as his supervisor to let parents know whose children  
6 were going to serve mass, like my client's, that  
7 Father Baker had previously molested children?

8 A No.

9 Q Okay. Now, did you have anybody serving  
11:06:55 10 in other states under the priests that worked --  
11 strike that.

12 While you were Archbishop, did you  
13 ever allow priests accused of molesting children  
14 here to serve as priests in other dioceses?

11:07:14 15 A Not that I recall.

16 Q Do you recall Father [REDACTED]?

17 A Vaguely.

18 Q Did Father [REDACTED] serve in the Diocese of  
19 [REDACTED]?

11:07:25 20 A I believe he may have. I didn't really  
21 know him then.

22 Q Had he been accused of molestation here  
23 before he went to [REDACTED]?

24 A I don't recall.

11:07:46 25 Q Do you remember the names of the six

11:07:49 1 priests who were serving in the Archdiocese who had  
2 allegations of child molestation against them prior  
3 to 2000?

4 A Let's see. Father [REDACTED],  
11:08:02 5 Father [REDACTED], Father [REDACTED]. Let's  
6 see -- I'm sorry. I can't remember the others.

7 Q Michael Wempe?

8 A Michael Wempe, yes.

9 Q And when you say -- and Michael Baker,  
11:08:46 10 right, prior to 2000?

11 A Yes, prior to 2000.

12 Q Right. Had any of those priests ever  
13 lived with you?

14 A Excuse me. That strikes another name.

11:08:58 15 [REDACTED]

16 Q I forgot that one too. [REDACTED].  
17 Had any of those priests ever lived  
18 with you?

19 A Yes.

11:09:06 20 Q Who?

21 A [REDACTED]

22 Q And has Father [REDACTED] been convicted?

23 A I don't recall whether he was convicted or  
24 not.

11:09:18 25 Q Where did Father [REDACTED] reside with you,

11:09:21 1 Eminence?

2 A Father [REDACTED] was retired in  
3 Nazareth House. And the Los Angeles County jail was  
4 looking for somebody to be in a half time chaplain  
5 to the men's jail and so he lived in residence at  
6 the St. Vibiana's Cathedral because we had neither a  
7 school or a CCD program. He lived there and went  
8 over to the jail, ministered and came back.

11:09:36

9 Q Did you call the police on any of those  
10 men?

11:09:54

11 A I think a number of them had been reported  
12 by parents or others.

13 Q But did you make a point of making sure  
14 that Chief Gates or Chief Parks knew that these men  
15 had abused children?

11:10:09

16 A Before 1997, I was really certain most of  
17 them had already been reported but I don't remember  
18 the circumstances.

19 Q Okay. Cardinal, did the idea of not  
20 wanting this to be public, in other words, this  
21 being priests raping little boys and little girls,  
22 did that concept, that being public ever influence  
23 your decision not to call law enforcement?

11:10:25

24 MR. HENNIGAN: The use of the term raping  
25 is argumentative and inconsistent with most of the

11:10:44

11:10:47 1 allegations we're talking about including these I  
2 think specifically. So I think it's offensive.

3 MR. MANLY: I'm not going to withdraw it.  
4 I mean, I think that there's substantial evidence to  
11:10:56 5 indicate many of these priests including Michael  
6 Wempe raped kids.

7 THE COURT: The way you're wording it is  
8 argumentative.

9 MR. MANLY: All right. Let me try it a  
11:11:06 10 different way.

11 BY MR. MANLY:

12 Q Cardinal, did you ever -- did the idea of  
13 a public scandal ever enter your mind and influence  
14 you not to call the police when these molestation  
11:11:22 15 allegations came to your attention?

16 A No.

17 Q So the idea of a scandal in no way, shape  
18 or form ever entered your mind as -- or influenced  
19 you in any way in not calling the police, is that  
11:11:37 20 your testimony?

21 A Yes.

22 Q Were you ever concerned in your handling  
23 of the Baker case at any time, that you personally  
24 might have some criminal liability?

11:11:58 25 A No.

11:11:58 1 Q Did you ever express to anyone that you  
2 were concerned that you might be summoned to testify  
3 before a grand jury or other investigative body  
4 regarding Michael Baker?

11:12:08 5 A No.

6 Q Did you ever -- so your recollection is  
7 you never told anybody that you had any concerns  
8 about your own culpability?

9 THE COURT: I'm assuming when you say  
11:12:23 10 "anybody," again, I don't know, you are excluding  
11 other than legal counsel.

12 MR. MANLY: That's right. So I hope you  
13 understood that. And I certainly don't want to know  
14 what you said to your lawyers but my question is,  
11:12:36 15 did you ever tell any of your staff that you were  
16 concerned that in not reporting Father Baker to the  
17 police or not giving his name to the police or the  
18 D.A., that you might have criminal culpability?

19 THE WITNESS: No.

11:12:52 20 BY MR. MANLY:

21 Q Did you ever have a conversation with  
22 Chief Bernard Parks about the Baker matter?

23 A Not to my recollection.

24 Q Okay. Now, who was Father Baker's  
11:13:09 25 supervisor at St. Columbkille?

11:13:13 1 A Father Timothy Dyer.

2 Q And Father Dyer was at one point also the  
3 Vicar for Clergy?

4 A Yes.

11:13:22 5 Q And were you aware that Father Dyer was  
6 Baker's supervisor at St. Columbkille?

7 A Yes.

8 Q And did you think that was a good choice  
9 for him to be supervised?

11:13:39 10 A Yes.

11 Q Okay. And why did you think that?

12 A Well, Father Dyer was a very astute and  
13 good priest who also's concerned about children and  
14 I thought he would take all steps necessary to  
15 protect children.

11:14:00

16 Q Okay. And your expectation was if  
17 Father Dyer found Michael Baker in his bedroom with a  
18 child, that would be reported to you, correct?

19 A Yes.

11:14:12 20 Q And if you learned that Michael Baker was  
21 in the private area of the rectory with children,  
22 what would have been your response based on your  
23 policy?

24 MR. HENNIGAN: Do you have a time period?

11:14:28

25 MR. MANLY: Sure. Mid nineties, whenever



11:14:30 1 Baker was in residency at St. Columbkille during  
2 that time period.

3 THE WITNESS: And the question again?

4 MR. MANLY: Could you read it back.

11:14:50 5 (The record was read as follows:

6 "And if you learned that

7 Michael Baker was in the private

8 area of the rectory with children,

9 what would have been your response

11:14:23 10 based on your policy?")

11 THE WITNESS: I'm not sure what you mean  
12 by private area.

13 BY MR. MANLY:

14 Q Well, have you ever been to a rectory?

11:14:57 15 A Yes.

16 Q The bedrooms are upstairs, right?

17 A I believe so.

18 Q So if you learned that Michael Baker was  
19 upstairs with a child, you know, other than some

11:15:06 20 blood relative, would that have been a violation of  
21 his aftercare contract?

22 A In a bedroom?

23 Q No. Upstairs, either in the bedroom or

24 outside the bedroom or anywhere in that area, would

11:15:18 25 that be a violation of his aftercare contract?

11:15:22 1 A Certainly in the bedroom. I don't know  
2 the specifics of what happened so --

3 Q Okay.

4 A I just say if he was found in a bedroom  
11:15:32 5 with Michael Baker, yes.

6 Q Did you ever learn that Michael Baker had  
7 been found with a child in a bedroom?

8 A No.

9 Q Did you ever learn that Michael Baker had  
11:15:44 10 been found with a child in the rectory?

11 A Yes.

12 Q I take it at that point you suspended him  
13 from ministry?

14 A I think the first thing we did -- yes, we  
11:15:59 15 did at that point. But we asked that the young  
16 person be interviewed.

17 (Judge Elias exited the room.)

18 BY MR. MANLY:

19 Q Do you remember what year that happened?

11:16:12 20 A I sorry. I don't.

21 Q Okay. Does St. Camillus have a school --  
22 I'm sorry -- St. Columbkille have a school?

23 A Yes.

24 THE COURT: Excuse me. I'm going to be  
11:16:30 25 with people for a few minutes. If you need me --

11:16:32 1 MR. MANLY: Do you want to take a break?  
2 We've been going for over an hour. You want to take  
3 five?  
4 MR. HENNIGAN: Sure.

11:16:40 5 THE VIDEOGRAPHER: Off the record 11:16  
6 a.m.  
7 (Off the record.)  
8 THE VIDEOGRAPHER: Return to record  
9 11:33 a.m.

11:33:26 10 MR. MANLY: Cardinal, I want to wait until  
11 the judge gets in here. I was going to go over the  
12 paracletes stuff but I think it's just wise to have  
13 her here.  
14 MR. WOODS: She's got people in her  
11:33:40 15 chambers, I think.  
16 MR. MANLY: Yeah. We'll come back to  
17 that.  
18 BY MR. MANLY:  
19 Q Let me show you a document we'll mark as  
11:33:45 20 Exhibit 1 to the deposition and I will hand it to  
21 your counsel first.  
22 Cardinal, would you pass those?  
23 THE WITNESS: Sure.  
24 MR. WOODS: For the record, this is the  
11:34:11 25 mediation version as opposed to the public version.

11:34:15 1 MR. MANLY: How do you know?  
2 MR. WOODS: Because it has the Bates  
3 numbers on it.  
4 MR. MANLY: Why don't we put it back and  
11:34:21 5 I'll use the --  
6 BY MR. MANLY:  
7 Q Cardinal, when --  
8 MR. MANLY: So we'll go ahead and withdraw  
9 that as Exhibit 1. Exhibit 1 will be the Addendum  
11:34:44 10 to the People of God Report. Just pass those  
11 around.  
12 Cardinal, primarily, I'm going to be  
13 asking you about the third page of that document  
14 which is marked as page 12. It's not the complete  
11:35:14 15 People of God Report. It's just the portion that  
16 relates to Michael Baker.  
17 MR. HENNIGAN: You mean the fourth page.  
18 MR. MANLY: I'm sorry. Did I say three?  
19 Fourth. Just take a look at that, those two pages,  
11:35:26 20 and familiarize yourself with them.  
21 (Exhibit 1 was marked by the court  
22 reporter.)  
23 BY MR. MANLY:  
24 Q Have you had a chance to look at it,  
11:35:59 25 Cardinal?

11:36:00 1 A Yes.

2 Q Have you ever seen this document before?

3 A Yes.

4 Q And I would describe the two pages I was

11:36:10 5 going to ask you to look at as kind of an assignment

6 history or a chronology about Baker's time in the

7 Archdiocese. Would you agree?

8 A Yes, it is an assignment record.

9 Q Okay. To the best of your knowledge, is

11:36:23 10 this complete and accurate?

11 MR. HENNIGAN: It doesn't comport to be

12 complete.

13 MR. STEIER: Could I inquire? You may

14 have said it and I was daydreaming. Is this a

11:36:40 15 proffer that was prepared for the mediation or not?

16 MR. MANLY: No. No.

17 BY MR. MANLY:

18 Q Is this a good summary of his time at the

19 Archdiocese?

11:36:54 20 MR. HENNIGAN: It doesn't purport to be a

21 good summary of his time at the Archdiocese.

22 MR. MANLY: That's fine. I'm asking the

23 Cardinal the question.

24 THE WITNESS: Well, I did not go back and

11:37:04 25 verify every single line of these two pages.

11:37:06 1 BY MR. MANLY:

2 Q Does it look right to you?

3 A It looks fairly complete.

4 Q Okay. And do you know who prepared this?

11:37:13 5 A I imagine -- no, I don't know.

6 Q Who was involved in preparing or assisting

7 you in preparation with the Addendum to the People

8 of God Report?

9 A Well, the Vicar for the Clergy's office

11:37:31 10 and our attorneys.

11 Q Okay. And do you know from where the

12 information contained in the two pages we've been

13 looking at of Exhibit 1 come from? Is this in

14 documents or is it an oral history? Where is this

11:37:52 15 information derived?

16 A I'm presuming from his personnel file.

17 Q Have you seen his personnel file?

18 A Yes.

19 Q Okay. When did you first review it?

11:38:05 20 A I don't remember.

21 Q In terms of the meeting we've been

22 discussing regarding Michael Baker, where he first

23 disclosed to you that he had abused two boys, this

24 seems to indicate at the fourth page that that took

11:38:46 25 place on December 22nd, 1986.

11:38:50 1 Do you agree with that?  
2 MR. HENNIGAN: It says what it says, which  
3 is the 22nd and the 23rd.  
4 MR. MANLY: I'm asking him if he agrees  
11:38:58 5 that is when the meeting took place based on his  
6 recollection.  
7 MR. HENNIGAN: You mischaracterized him.  
8 MR. MANLY: I didn't mean to. I sincerely  
9 apologize.  
11:39:07 10 THE WITNESS: There were two meetings and  
11 I don't remember which one I was at, 22nd or 23rd.  
12 BY MR. MANLY:  
13 Q Okay. So it says he met with you and the  
14 Vicar for Clergy to discuss his relationship with  
11:39:23 15 two boys. Is it your recollection that you met with  
16 him twice or once?  
17 A One time.  
18 Q Have you seen your calendar for that year  
19 in preparation for this deposition?  
11:39:38 20 A No.  
21 Q Did you ever meet with Michael Baker again  
22 after that date?  
23 A To the best of my recollection, I never  
24 had an individual meeting with Michael Baker again.  
11:39:55 25 Q Okay. Has Michael Baker ever been to your

11:39:58 1 personal residence on a social visit or either here  
2 in Yosemite?

3 A Certainly not at -- up in the High  
4 Sierras, definitely not. My custom over the years  
11:40:12 5 was to have our Archdiocesan priests in for dinner  
6 and groups according to class. He may have been in  
7 one of those dinners. I don't remember.

8 Q How did he address you during the years he  
9 worked for you? Was it Cardinal, Eminence, first  
11:40:31 10 name?

11 A Well, probably Archbishop I suspect up til  
12 the time I was a Cardinal.

13 Q Did he ever call you Roger?

14 A I don't remember that.

11:40:41 15 Q Did you ever socialize with him?

16 A No.

17 Q Did you ever meet with him in your office  
18 individually after this meeting?

19 A No.

11:40:59 20 Q Do you remember how long the meeting  
21 lasted with him?

22 A No, I do not.

23 Q Okay. Who else was present?

24 A Then Monsignor Thomas Curry.

11:41:20 25 Q When you -- if you look above that on



11:41:24 1 September 19th, 1986, do you see that? He requested  
2 a meeting with you to talk about his problems?

3 A Yes.

4 Q Okay. Was that a letter?

11:41:43 5 A I don't remember.

6 Q Okay. Did you specifically raise -- let  
7 me ask a different question.

8 When was the priest retreat in 1986?

9 A The custom was that we had three weeks of  
11:41:59 10 June and we had the same retreat director for three  
11 weeks and the priests were then assigned one of the  
12 three weeks.

13 Q Okay. Did you attend all of them at some  
14 point?

11:42:12 15 A I believe I -- I usually attended the  
16 first retreat entirely and then would come up on the  
17 second and third week for maybe mass -- mass and  
18 dinner, I believe, once each of those weeks.

19 Q And where did that retreat, where did they  
11:42:45 20 take place during those years?

21 A Those were always at St. John's Seminary.

22 Q Do you have a specific recollection of  
23 that retreat?

24 A Not specific.

11:42:49 25 Q Do you remember giving a talk where you

11:42:52 1 invited priests who had offended children to come  
2 forward.

3 A Actually, I had invited [REDACTED], an  
4 attorney, down from Stockton to give a brief  
11:43:12 5 overview of these issues and to alert the priests  
6 that we have an obligation as priests to not be  
7 involved in any misconduct of any kind.

8 And the reason I invited him is he  
9 had given this same talk to our priests up in  
11:43:34 10 Stockton quite effectively and so I brought him  
11 down. At the end of his talk, I then said to the  
12 priests, if anybody's having any of these kind of  
13 problems, whether it be alcoholism, whatever it  
14 might be, it's really helpful if you come forward so  
11:43:51 15 we can get you help.

16 Q Did you tell them that if they had done  
17 this to kids, that you were going to call the  
18 police?

19 A No.

11:44:04 20 Q Well, if that was your intent, why didn't  
21 you tell them that?

22 MR. WOODS: He said no.

23 MR. MANLY: Understand.

24 THE WITNESS: Why did I not tell them?  
25

11:44:15

1 BY MR. MANLY:

2 Q In other words, if you had the policy that  
3 you told us that you had established at Stockton  
4 that if you found victims, you'd call the police,  
5 why didn't you tell the priests that?

11:44:23

6 A I -- you lost me.

7 Q Maybe we're miscommunicating. I'm sorry.  
8 Let me start over.

11:44:35

9 Did you tell the priests that if they  
10 had done this, you were going to call law  
11 enforcement?

12 A Did I tell the priests where?

13 Q At the retreat.

14 A Which priests? Fresno -- I mean Stockton?

11:44:47

15 Q Let me start over. This is my fault, not  
16 yours.

17 At the retreat in 1986, you just told  
18 us about where you called [REDACTED] and he came  
19 down from Stockton and talked about these problems.

11:45:00

20 Did you tell the priests at that  
21 retreat, Cardinal, that if you have done this, I'm  
22 going to call the police on you?

23 A No.

24 Q And why didn't you do that?

11:45:13

25 A First of all, those days, the custom was

11:45:16 1 the parents were the ones who would make contact  
2 with police or those who were mandated reporters at  
3 that time.

4 Q You didn't have it a policy in Stockton  
11:45:29 5 that if you found victims, you would call the  
6 police?

7 A Oh, I said, yes, if we had victims, we  
8 did.

9 Q So in your tenure in Archbishop, every  
11:45:44 10 time you found victims you always called the police;  
11 is that your testimony?

12 A Well, let me say it wasn't always myself  
13 who called the police. The three cases in Stockton,  
14 I believe the parents called the police in one of  
11:45:59 15 the cases.

16 I believe that the therapist called  
17 the police in another case. And the third case, I  
18 believe it was the priest or the parish who made the  
19 first contact.

11:46:16 20 Q Cardinal, I just want to be clear, if you  
21 had a case in Los Angeles where victims had come  
22 forward, it was your policy that the police would be  
23 called, either by you or somebody else that worked  
24 for you; is that correct?

11:46:30 25 A Yes.

11:46:31 1 Q And did that always happen?

2 A As far as I know for all mandated  
3 reporters, they followed through.

4 Q You know, I'm just wondering, did you, you  
11:46:45 5 know -- did it matter to you as somebody who's head  
6 of the Archdiocese that was teaching, had hundreds  
7 of thousands of kids going to CCD and schools, did  
8 it matter to you whether somebody that worked for  
9 you was a mandated reporter in terms of calling the  
11:47:05 10 police?

11  
12 A No. The point is that the mandated  
13 reporters were the first line people who normally  
14 found out about these matters.

11:47:13 15 Q Okay. But my point is before 1997, if a  
16 priest who was working at an elder care home found  
17 out that a priest had molested a child, it was your  
18 expectation that they would call the police, right?

19 A That who would call the police?

11:47:38 20 Q The priest.

21 In other words, if a priest found out  
22 a brother priest had molested a child, was it your  
23 expectation prior to 1997, that he would pick up the  
24 phone and dial the police?

11:47:50 25 A I'm just not aware of a case like that.

11:48:00 1 Q What was the protocol in the Archdiocese  
2 between 1986 and 2000 regarding what was to happen  
3 when somebody found out that a priest was abusing a  
4 little boy or a little girl? What was supposed to  
11:48:17 5 happen?

6 A We began in 1986 to develop our written --  
7 excuse me -- a written policies and procedures.  
8 Those were finalized in 1987. And they went out  
9 to -- for the priests to become aware of them and  
11:48:38 10 were formally published thereafter and updated over  
11 the years. And those procedures contained all of  
12 this information, all these facts, what constituted  
13 in those days sexual abuse and how to proceed.

14 Q Okay. The point is, when somebody found  
11:49:00 15 out or had reasonable suspicion that a priest had  
16 molested a child, what were they supposed to do  
17 based on your understanding of your policy between  
18 1986 and 2000?

19 A By anyone? I'm not sure --

11:49:16 20 Q Anybody who worked for the Archdiocese,  
21 they found out someone had --

22 MR. HENNIGAN: Your question is overbroad,  
23 vague and enormously repetitious. But your time  
24 period embraces the change in the law that occurred  
11:49:26 25 in 1997 and I am not sure that you intended to do

11:49:30

1 that.

2

MR. MANLY: Okay. If it would be easier  
3 for you, Cardinal, I would be happy to say 1986 to  
4 1996 and then move to the next one, if that would be

11:49:41

5 easier for you.

6

BY MR. MANLY:

7

Q So from 1986 to 1996, what was the

8

protocol when somebody who worked for the

9

Archdiocese found out that a priest was molesting a

11:49:51

10 little boy or a little girl, what were they supposed  
11 to do?

12

A They were to make a report to Child

13

Services or the police or the county, the Department

14

of Children.

11:50:04

15

Q Did that include you?

16

A We weren't mandated to do it.

17

Q I understand that's your position, but did

18

it matter to you whether you were mandated or not,

19

wouldn't that be the right thing to do?

11:50:18

20

A In virtually every case, I was not the

21

first one to find out. Somebody who was a mandated

22

reporter was the first one and they made the report.

23

Q But the only case you found out directly

24

about was Baker, right?

11:50:29

25

A Yes.

11:50:30 1 Q And you didn't report?

2 A No.

3 Q So let's go back to Exhibit 1. It says  
4 that he molested -- that entry it says, "Meets with  
11:50:50 5 Cardinal Mahony and Vicar for Clergy to discuss his  
6 relationship with two boys from 1978 to 1985;" is  
7 that right?

8 MR. HENNIGAN: That's what it says.

9 BY MR. MANLY:

11:51:04 10 Q Does that refer to [REDACTED]?

11 A I believe so.

12 Q So he told you he touched [REDACTED] on the  
13 genitals for seven years?

14 A No.

11:51:18 15 Q Well, this says 1978 to 1985. That  
16 strikes me as an extraordinarily long period of  
17 time.

18 So my question is, did you understand  
19 that he had allegedly molested two boys over that  
11:51:31 20 time period?

21 A No. When he met with me, he gave me the  
22 impression that this may have happened once or  
23 twice.

24 Q Do you know where these dates come from in  
11:51:42 25 this document?



11:51:43 1 A The 1978 date, I have no idea.  
2 Q Did he tell you, Cardinal, that he had  
3 molested these boys during this time period?  
4 A No.  
11:52:08 5 Q Where was he assigned in 1978, do you  
6 know?  
7 A 1978, it looks like St. Paul of the Cross  
8 in La Mirada.  
9 Q Okay. And then he was assigned to  
11:52:21 10 St. Hilary and then to -- looks like through 1985; is  
11 that the way you read that?  
12 A I don't find the June 1985.  
13 Q I'm just curious because you said he told  
14 you they were illegal aliens. They were certainly  
11:52:43 15 here for a long time, if that was the case, if it  
16 was 1978 to 1985 --  
17 MR. HENNIGAN: He has just testified that  
18 '78 is not his recollection.  
19 MR. MANLY: This is in the People of God  
11:52:54 20 Report, the Addendum.  
21 BY MR. MANLY:  
22 Q So do you have any idea where these dates  
23 came from?  
24 MR. HENNIGAN: He has already said he did  
11:53:00 25 not.

11:53:01 1 MR. MANLY: Okay. Just bear with me. You  
2 can answer.

3 THE WITNESS: I don't know where it came  
4 from.

11:53:05 5 BY MR. MANLY:

6 Q Okay. And this is a total shock to you  
7 that this -- I mean --

8 MR. HENNIGAN: John, you are being  
9 repetitious and you are being argumentative.

11:53:17 10 MR. MANLY: Let me just -- I'm going to  
11 change my question. Okay.

12 BY MR. MANLY:

13 Q From what document does this come from, if  
14 you know?

11:53:28 15 MR. HENNIGAN: You've already asked him  
16 the question.

17 MR. MANLY: No, I haven't.

18 MR. HENNIGAN: Yes, you have.

19 MR. MANLY: Let him answer the question.

11:53:33 20 BY MR. MANLY:

21 Q Do you know what document this comes from  
22 or what this references?

23 A No.

24 Q Is this at odds with your memory of the  
11:53:41 25 incident?

11:53:43 1 A This summary was done by a number of  
2 people looking at a number of things and I don't  
3 know exactly where that date came from.

4 Q If he told you he had molested boys from  
11:53:56 5 1978 to --

6 MR. HENNIGAN: John, stop it.

7 MR. MANLY: Let me finish.

8 MR. HENNIGAN: It's speculative.

9 MR. MANLY: No. No. No.

11:54:02 10 MR. HENNIGAN: You have nothing else to do  
11 today?

12 MR. MANLY: No. No. No. I'm going to  
13 ask my question, you can object and if the judge  
14 wants to rule on it.

11:54:09 15 BY MR. MANLY:

16 Q If he told you that he molested children  
17 from 1978 to 1985, would you have done something  
18 different than you did?

19 MR. HENNIGAN: Complete speculation. You  
11:54:26 20 don't need to answer the question.

21 BY MR. MANLY:

22 Q Did the time period of the molestations  
23 that he told you about matter to you in terms of the  
24 action you took?

11:54:34 25 MR. WOODS: It says relationship, not

11:54:36 1 molestation.  
2 MR. MANLY: That's what you guys call it.  
3 That doesn't mean -- that's not what it is.  
4 MR. WOODS: That's what the words are  
11:54:43 5 there.  
6 MR. HENNIGAN: John, you were doing okay.  
7 Just keep it moving.  
8 MR. MANLY: Cardinal -- I'm sorry. Go  
9 ahead.  
11:54:52 10 MR. HENNIGAN: He's not going to answer  
11 the question.  
12 BY MR. MANLY:  
13 Q So if he told you that he had sexual  
14 contact between 1978 and 1985 with two boys, would  
11:55:01 15 that have impacted your decision on how to handle  
16 the case?  
17 MR. HENNIGAN: John, calls for  
18 speculation, inconsistent with his testimony,  
19 argumentative. He is not going to answer the  
11:55:10 20 question.  
21 MR. MANLY: Mike, that's fine. But just  
22 for the record, this is your document. And this  
23 says he met with Cardinal Mahony and the Vicar for  
24 Clergy to discuss his relationship with two boys  
11:55:21 25 from '78 to '85.

11:55:24 1 MR. HENNIGAN: That's what it says.

2 MR. MANLY: That's what it says.

3 BY MR. MANLY:

4 Q So did he tell you he had a relationship  
11:55:27 5 with those boys between 1978 and 1985, Cardinal?

6 A No. I just told you a few minutes ago  
7 that he said he had contact with them a couple of  
8 times.

9 Q Okay. And just to make sure I've got this  
11:55:46 10 clear, you have no idea as you sit here today where  
11 the information comes from in this line we've been  
12 talking about; is that correct?

13 MR. HENNIGAN: You mean his memory hasn't  
14 been refreshed in the last 10 minutes?

11:55:58 15 MR. MANLY: Yeah. Because you haven't  
16 given me the documents. If you would give me the  
17 documents, maybe we could do that.

18 MR. HENNIGAN: He is not going to answer  
19 the question again.

11:56:07 20 MR. MANLY: Okay. Okay.

21 BY MR. MANLY:

22 Q Then it says he's placed on sick leave  
23 8-31 to 1987 -- I'm sorry -- 8-31-87; is that  
24 correct?

11:56:19 25 MR. WOODS: No, that's not a correct

11:56:22 1 reading of it.  
2 MR. MANLY: Let me read it verbatim,  
3 Mr. Woods.  
4 MR. WOODS: Good.  
11:56:27 5 BY MR. MANLY:  
6 Q "1-1-87. Placed on sick leave through  
7 8-31-87."  
8 MR. MANLY: Is that what it says?  
9 MR. WOODS: Yes.  
11:56:34 10 BY MR. MANLY:  
11 Q Is that accurate?  
12 A I did not personally draw up these  
13 documents.  
14 Q Does that comport with your memory,  
11:56:43 15 Cardinal?  
16 A Approximately.  
17 Q Who placed him on sick leave?  
18 A I did.  
19 Q What was wrong with him?  
11:56:52 20 A Well, again, the word sick leave is not my  
21 word but anyone who was being sent for evaluation or  
22 assessment, it was called administrative leave, it  
23 was called sick leave. Those terms have been  
24 refined now over the years. This was back in 1986.  
11:57:21 25 Q Okay. 1-2-87 it says, "He leaves for

11:57:24 1 evaluation by Servants of the Paraclete Foundation  
2 House in Jemez Springs, New Mexico."

3 Do you see that?

4 A Yes.

11:57:32 5 Q What is an evaluation?

6 A Well, an evaluation is the variety of  
7 professional people, spiritual directors, others  
8 with some type of process to see what his problems  
9 are and what can be done to help them, help the  
10 priests with his problems.

11:57:55

11 Q And what was Father Baker's problem as you  
12 understood it that caused you to send him to the  
13 paracletes?

14 A Well, his volunteering that he had had  
15 inappropriate touches with two boys.

11:58:05

16 Q 1-23-87 it says, "Evaluation report from  
17 Servants of the Paraclete re Baker."

18 Did you ever see that report,  
19 Cardinal?

11:58:20

20 A I don't recall.

21 Q Was it addressed to you?

22 A I don't recall.

23 Q All right. Over the years, have you seen  
24 reports from this facility?

11:58:35

25 A Possibly, yes.

11:58:45 1 Q Who was responsible or who was in charge  
2 of communicating -- actually, let me start a  
3 different way.

4 Who was the point of contact between  
11:58:52 5 the Archdiocese and the Paracletes?

6 A At that time, it was  
7 Monsignor Thomas Curry.

8 Q Okay.

9 THE COURT: May I ask a question?

11:59:03 10 MR. MANLY: Yes, ma'am.

11 THE COURT: What do you all want to do  
12 about lunch? Do you want to take a break or do you  
13 want to keep going through lunch? I'll be working  
14 here. It is okay with me if you stay in.

11:59:12 15 MR. MANLY: I would like to take 30  
16 minutes at 12:30, if that's okay.

17 MR. HENNIGAN: I don't think 30 minutes  
18 can be done.

19 MR. MANLY: I am happy to take a longer,  
11:59:19 20 if you would like.

21 MR. HENNIGAN: I think we'll need a lunch  
22 break.

23 MR. MANLY: 12:30 to 1:30.

24 THE COURT: I just wanted to let you know  
11:59:27 25 that you can stay in because I'll be in.



11:59:30 1 MR. MANLY: What's your preference?  
2 MR. HENNIGAN: Well, probably 12:15 to  
3 1:30.  
4 MR. MANLY: An hour and 15 minutes? I  
11:59:36 5 would like to finish today.  
6 MR. HENNIGAN: There is no place to eat  
7 around here. You are going to finish today.  
8 MR. MANLY: No, not necessarily.  
9 THE COURT: Let's not argue about it.  
11:59:45 10 Okay. So 12:15 will be the break.  
11 THE WITNESS: Your honor --  
12 THE COURT: Yes.  
13 THE WITNESS: -- what is closing time?  
14 THE COURT: Closing time? Whenever I  
11:59:56 15 leave.  
16 MR. WOODS: We could probably get  
17 sandwiches from that room.  
18 THE COURT: I don't care. You can go to  
19 4:30, 5:00. You will be done by then, won't you?  
12:00:10 20 MR. MANLY: I doubt it.  
21 MR. HENNIGAN: He keeps asking the same  
22 question 25 times. Which is --  
23 MR. MANLY: Why are we --  
24 THE COURT: Let's stop there.  
12:00:12 25 MR. MANLY: Why are we going there?

12:00:13 1 THE COURT: Okay. I've interrupted you  
2 all. They actually have -- why don't we go off the  
3 record.

4 THE VIDEOGRAPHER: Off record at  
12:00:19 5 12:00 p.m.

6 (Off the record.)

7 THE VIDEOGRAPHER: Returning to record at  
8 12:01 p.m.

9 MR. MANLY: What was my last question?

12:01:34 10 MR. FINALDI: "Do you want to break at  
11 12:15 for lunch?"

12 MR. MANLY: I deserve that.

13 BY MR. MANLY:

14 Q Did the evaluation report with  
12:01:40 15 Father Baker recommend he be treated for something?

16 MR. HENNIGAN: The evaluation report is  
17 confidential and privileged and you might as well,  
18 if you are going to try to get done today, quit  
19 asking the question.

12:01:51 20 MR. MANLY: I don't agree with you but I'm  
21 just going to ask a few questions to establish the  
22 record and then we can deal with it later.

23 MR. HENNIGAN: Why don't we just stipulate  
24 that you are not going to get any content of any of  
12:02:01 25 these reports until there's a court order, you do so

12:02:06 1 and you don't need to establish a record for it.  
2 MR. MANLY: I'll stipulate to that and  
3 that will shorten some stuff up but I'm still going  
4 to ask some questions. I appreciate the  
12:02:13 5 stipulation.  
6 BY MR. MANLY:  
7 Q And whose decision was it that  
8 Father Baker commence treatment at the Servants of the  
9 Paraclete?  
12:02:22 10 A I thought you already asked that.  
11 Q No.  
12 A I said yes -- me.  
13 Q Okay. And if you'll notice, there's  
14 February 17th, '87, March 20th, '87 and April 23rd,  
12:02:38 15 '87. There are reports from the Servants.  
16 Do you see that?  
17 A Yes.  
18 Q And did the Archdiocese receive those?  
19 A I don't recall.  
12:02:52 20 Q If they are reflected in this document,  
21 presumably there are reports that match those dates,  
22 is that your understanding, Eminence?  
23 A I presume so.  
24 Q Okay. Who from your staff would be most  
12:03:08 25 knowledgable about this proffer?

12:03:13 1 MR. STEIER: By this proffer, again, which  
2 proffer are we talking about? You have given us  
3 two.

4 MR. MANLY: No, I haven't. I have  
12:03:18 5 attached one.

6 MR. STEIER: What's --

7 MR. MANLY: The Addendum to the People of  
8 God Report.

9 THE WITNESS: He's got the earlier one.

12:03:28 10 MR. WOODS: You've got the wrong one  
11 there, Don.

12 MR. STEIER: This is not an Exhibit?

13 MR. WOODS: No.

14 BY MR. MANLY:

12:03:33 15 Q Okay. Cardinal, do you remember the  
16 question?

17 A No.

18 Q Who from your -- from the Archdiocese  
19 would be most knowledgeable about the Baker proffer?

12:03:43 20 A The proffer?

21 Q In other words, what's in front of us  
22 right here.

23 MR. WOODS: This document.

24 THE WITNESS: This document. I imagine

12:03:52 25 the Vicar for Clergy's office and the attorneys who

12:03:56 1 all put it together.

2 BY MR. MANLY:

3 Q Aside from your lawyers, who would be the  
4 person if I wanted to go talk to right now who would  
12:04:04 5 know the most about this particular document?

6 A I think it would probably be  
7 Monsignor Craig Cox.

8 Q All right. It says May 3rd, '87, "Vicar  
9 for Clergy Curry meets with Baker and staff at  
12:04:29 10 Servants of the Paracletes in New Mexico."

11 Was it customary for somebody from  
12 the Archdiocese to meet with the Paracletes  
13 regarding -- at the conclusion of treatment or  
14 during treatment?

12:04:43 15 A It was our practice that if we had a  
16 priest in a treatment center of some kind that we  
17 would send the Vicar for Clergy from time to time to  
18 obtain a progress report.

19 Q Okay. And then on June 4th, '87 it says,  
12:05:02 20 "Fourth and final report from Servants of the  
21 Paraclete re Baker."

22 Do you see that?

23 A I do.

24 Q Then it says June 22nd, '87 it says, "He  
12:05:14 25 returned to the Archdiocese;" is that right?

12:05:16 1 A I see that, yes.

2 Q It says that he's staying temporarily at  
3 St. Elizabeth in Van Nuys. Who assigned him there, if  
4 you know, Cardinal?

12:05:25 5 A I imagine it would have been  
6 Monsignor Curry.

7 Q And who has the authority to assign  
8 priests in the Archdiocese to various assignments?

9 A Myself and the Vicar's General and  
10 specialized Vicars like Vicar for Clergy.

12:05:49 11 Q Does that authority rest with you and you  
12 delegate that to them?

13 A The authority to appoint them as pastor is  
14 totally mine but I can delegate them for associate  
15 pastors or for administrators.

12:06:03 16 Q Okay. It says 8-19-97, it reads,  
17 "Ministry restrictions formalized."

18 Do you what that refers to, Cardinal?

19 A Not specifically.

12:06:20 20 Q Did Baker have ministry restrictions?

21 A I imagine this refers to that aftercare  
22 agreement.

23 Q Did you sign it, the aftercare agreement?

24 A The aftercare agreement is signed by the  
12:06:42 25 priest, not me.

12:06:44 1 Q Okay. And did Father Baker to your  
2 knowledge have some restrictions placed upon him for  
3 ministry after he returned from the paracletes by  
4 the Archdiocese?

12:06:55 5 A I believe that he was not to be in a  
6 ministry in which he would have regular contact with  
7 children, such as teaching a class, youth ministry,  
8 some regular contact.

9 Q Was he to be supervised at all times?

12:07:27 10 A I'm not sure he was to be supervised but  
11 he was to continue in therapy, seeing his counselor  
12 and then there was specific projects he was assigned  
13 to like Department on Aging. He would probably be  
14 supervised by the people there.

12:07:44 15 Q Did you make sure somebody from the  
16 Archdiocese makes sure that his counselor was told  
17 that he had molested a child or they had some way of  
18 knowing what his problem was?

19 A I don't remember. I did not do that.  
12:07:56 20 Whether Monsignor Curry talked to them, I do not  
21 know.

22 Q Do you have any explanation if he was  
23 going to counseling with a therapist in California  
24 and his problem had been that he molested children,  
12:08:11 25 why he was not reported to Child Protective Services

12:08:14 1 by his counselor?

2 MR. HENNIGAN: It sounds like to me you  
3 are dealing with pure speculation.

4 MR. MANLY: No, I'm not.

12:08:19 5 MR. HENNIGAN: Where does it say he was  
6 getting counseling in California?

7 BY MR. MANLY:

8 Q Was his counselor in California?

9 A I believe so.

12:08:25 10 Q So were you at all concerned that the  
11 counselor might have an obligation to report him?

12 A No.

13 Q Did he go to counseling for the entire  
14 time he remained in ministry as far as you know?

12:08:41 15 A As far as I know. But, again, I don't  
16 believe anything he said.

17 Q Okay. Did the Archdiocese pay for his  
18 counseling?

19 A I believe so.

12:08:49 20 Q So do you have any understanding as to why  
21 none of those counselors ever reported Michael Baker  
22 to the police or to Child Protective Services?

23 A No, I don't.

24 Q Okay. How many priests were on restricted  
12:09:12 25 ministry in the Archdiocese in or around 1987, if



12:09:16 1 you know?

2 A I don't remember.

3 Q It says, "9-1-87, Assigned to residence at  
4 St. Thomas the Apostle."

12:09:29 5 Do you see that?

6 A Yes.

7 Q Is that in East Los Angeles?

8 A No. St. Thomas the Apostle would be  
9 called the Pico Union District, Central Los Angeles.

12:09:39 10 Q Does it have a school attached to the  
11 parish?

12 A Yes.

13 Q And did he live there?

14 A He lived at the rectory.

12:09:46 15 Q Did anybody think it was not a good idea  
16 to assign Father Baker to a parish that had a school  
17 given that he had molested children?

18 A Well, being in residence, his only contact  
19 with parishioners would -- probably would be on

12:10:03 20 Sunday mass or confessions maybe but he had no  
21 relationship with the school.

22 Q I take it that given that he had molested  
23 children, that the parishioners at St. Thomas the  
24 Apostle were alerted that he had previously molested

12:10:21 25 kids?

12:10:21 1 A Not that I know of.

2 Q Was the pastor told that he had molested  
3 kids?

4 A I don't know.

12:10:27 5 Q Did you have a policy when assigning a  
6 priest who had previously molested children in or  
7 around 1987 to tell the pastor that this man had  
8 committed that crime?

9 A It was I think our beginning practice in  
12:10:43 10 1987 to tell a pastor if the priest was being  
11 assigned in residence who had restrictions.

12 Q Okay. So there was no policy to inform  
13 the pastor that you're aware of?

14 A I'm not sure it was a policy but I think  
12:10:59 15 it was the practice at that time.

16 Q Do you know who would have informed the  
17 pastor at St. Thomas the Apostle?

18 A Monsignor Curry.

19 Q Were the other associates at the parish  
12:11:11 20 told that this man had previously molested children  
21 so they could watch him?

22 A I don't know.

23 Q Was the school principal told that this  
24 man had previously molested children so he or she  
12:11:24 25 could watch out for him?

12:11:25 1 A I don't know.  
2 Q Was he allowed to say mass on Sunday?  
3 A I presume so.  
4 Q Was he allowed to hear confessions?  
12:11:33 5 A I presume so.  
6 Q And in 1987 there were face-to-face  
7 confessions?  
8 A In some parishes, yes.  
9 Q That came about in 1977 or thereabouts, is  
12:11:44 10 that accurate, face-to-face confessions?  
11 A The possibility but we still have parishes  
12 that don't have them.  
13 Q But, you know, there was nothing in  
14 Father Baker's restrictions that prevented him from  
12:11:57 15 having a face-to-face confession with a child; is that  
16 accurate?  
17 A I think that's accurate.  
18 Q Was there anything in the restrictions  
19 that forbid him from teaching CCD?  
12:12:07 20 A Yes.  
21 Q Okay. So if he was teaching CCD at  
22 St. Thomas the Apostle, that would have been a  
23 violation?  
24 A Yes.  
12:12:16 25 Q And what was to happen if there was a

12:12:19 1 violation?

2 A I think he understood that in the other  
3 incident, his future ministry would be at risk.

4 Q Why do you think that?

12:12:34 5 A Because that's usually what the aftercare  
6 agreement says.

7 Q Do you know who his aftercare supervisor  
8 was?

9 A No.

12:13:01 10 Q And what is an aftercare supervisor?

11 A Well, the aftercare program is a joint  
12 effort by the treatment center and by the local  
13 church. It would have been probably the aftercare  
14 folks at Jemez Springs and the Vicar for Clergy's  
15 office.

12:13:17

16 Q Was there a meeting where the pastor was  
17 to attend with the Vicar for Clergy, where the Vicar  
18 for Clergy would explain to the pastor what exactly  
19 Father Baker had done and what he was treated for?

12:13:36 20 A I'm not sure how that was conveyed.

21 Q Was there any policy on making sure given  
22 the gravity of the crime that he had committed that  
23 the pastor was informed?

24 A As I said, it was our practice to inform  
12:13:51 25 the pastor.

12:14:03 1 Q And how do you know that was the practice?  
2 A Because in the 1987, documents that we  
3 were putting together in policies and procedures,  
4 there was reference made to that.

12:14:30 5 Q And so can you say with certainty that the  
6 pastor was told at St. Thomas the Apostle that he  
7 had molested kids?  
8 A I just presume he was.  
9 Q Who do you presume told him that?

12:14:47 10 A It would have been Monsignor Curry.  
11 Q Was there anybody else that you presume  
12 that would be notified?  
13 A I don't recall.  
14 Q Okay. There was no policy in place, for  
15 example, the local police be notified like if it was  
16 any other sex offender?  
17 A No.  
18 Q Okay. Did you think of Father Baker as a  
19 sex offender, Cardinal, when you brought him back?

12:15:13 20 A I did but as somebody who I felt was  
21 really trying to change his life.  
22 Q And what was it about Father Baker that  
23 made you believe that?  
24 A The fact that he came in to self report.

12:15:46 25 Q So if anybody didn't self report, is your

12:15:49 1 testimony then that -- under those circumstances,  
2 you would have called the police?

3 In other words, if you found out from  
4 sources other than the priests themselves that they  
12:16:00 5 had molested, was it your policy then under those  
6 circumstances to call the police?

7 MR. HENNIGAN: That's about the 400th  
8 question on that subject and it's 12:15.

9 MR. MANLY: You can answer.

12:16:13 10 THE WITNESS: As I said before, the first  
11 line reporters were normally the first ones to know  
12 of the problem and they were the ones that contacted  
13 the police.

14 MR. MANLY: Okay. All right. We'll take  
12:16:24 15 a break, so 30 minutes.

16 MR. HENNIGAN: Do the best we can.

17 THE VIDEOGRAPHER: Off record at  
18 12:16 p.m. This concludes tape 1.

19 (Lunch recess.)

01:08:47 20 THE VIDEOGRAPHER: Returning to record at  
21 1:09 p.m. This begins tape 2.

22 (Judge Elias present.)

23 MR. MANLY: Are you okay, Mr. Steier?

24 MR. STEIER: I'm barely.  
25

01:09:47 1 BY MR. MANLY:

2 Q All right. Do you have Exhibit 1 in front  
3 of you?

4 A Yes.

01:09:55 5 Q Now, from basically June of '87 until  
6 roughly April of 2000, Father Baker is assigned to a  
7 variety of parish assignments according to this  
8 document.

9 Is that accurate to your  
01:10:17 10 recollection?

11 A He was actually assigned in residence to a  
12 few but he was also assigned on a temporary basis as  
13 administrator to some parishes. However, I -- they  
14 were short periods of time and I do not know whether  
01:10:41 15 he actually resided there or not.

16 Q Just for the record, when somebody is  
17 assigned as an administrator to a parish in the  
18 Archdiocese of Los Angeles, in other words, a priest  
19 is assigned as an administrator, what does that  
01:10:55 20 mean?

21 A Basically, the short term assignments, it  
22 means somebody who can come in and sign the checks  
23 and leave, basically.

24 Q Okay. But he's effectively the pastor  
01:11:06 25 until he's replaced, right?

01:11:10 1 A Well, not really. These pro tem  
2 assignments for a few months, couple months, two,  
3 three months are primarily to facilitate signing  
4 checks.

01:11:20 5 Q So he didn't say mass there?

6 A I don't know.

7 Q Your understanding, when you assign him as  
8 administrator, he was just going to sign checks, you  
9 certainly didn't think he was going to say mass and  
01:11:31 10 be the pastor of the church, did you?

11 A I suspect each of these was a little  
12 different but I don't know exactly what he did  
13 there.

14 Q Who assigned him as administrator?

01:11:42 15 A That would have been Monsignor Curry.

16 Q Okay. Let me show you a document we'll  
17 mark as Exhibit 2, this is a document previously  
18 marked CIVBAKE 000232. It is a memorandum dated May  
19 24th, 2001 to you from Father Timothy Dyer.

01:12:25 20 (Exhibit 2 was marked by the court  
21 reporter.)

22 BY MR. MANLY:

23 Q Have you ever seen this document before?

24 A Yes.

01:12:27 25 Q Okay. Can you read -- it's a short



01:12:30 1 paragraph. Could you just read that into the  
2 record, Cardinal?

3 A "As you know Monsignor [REDACTED] has left  
4 for Lancaster and we will need a part-time  
01:12:47 5 Administrator or" -- I suspect he means for -- "the  
6 next six-to-eight weeks inasmuch as his associate  
7 Father [REDACTED], is not incardinated, I have  
8 asked Father Michael Baker to fill in -- pending  
9 your approval. Father Baker would spend weekends in

01:13:00 10 the parish and return during this week according to  
11 need. There is also a Redemptorist priest, whom  
12 Monsignor [REDACTED] knows, in residence during this  
13 time."

14 Q Does that refresh your recollection you  
01:13:14 15 were involved in his appointment at lease of that  
16 parish?

17 A Yes.

18 Q And that is your signature at the bottom  
19 of the document?

01:13:24 20 A Yes.

21 Q It says cross, meaning Bishop, RMM, those  
22 are your initials?

23 A Yes.

24 Q And that is your handwriting, sir?

01:13:30 25 A Yes.

01:13:30 1 Q And it says, "I concur. Thanks.  
2 5-25-91," right?  
3 A Yes.  
4 Q When it says -- it appears he's going to  
01:13:47 5 be living at the parish on the weekends?  
6 A I'm not sure about living.  
7 Q It says, "Father Baker would spend  
8 weekends in the parish and return during the week."  
9 Was that okay with you?  
01:13:59 10 A Yes.  
11 Q Is there a school at that parish?  
12 A I'm not sure what -- St. Linus parish,  
13 yes.  
14 Q Do you have any -- when you did this, did  
01:14:16 15 you think about writing, "Remember, he should not  
16 have contact with kids," or appointing somebody to  
17 supervise him or anything of that nature?  
18 A No, because from his return from the  
19 paracletes, he was fulfilling his aftercare  
01:14:38 20 agreement and there were no suspicions.  
21 Q Was anybody told on site at this parish at  
22 St. Linus that he had previously molested a child  
23 and was under restricted ministry?  
24 A I don't know.  
01:14:58 25 Q At least it doesn't appear that that was

01:15:01 1 happening from this document, right?

2 A This document doesn't speak about that.

3 Q Father Timothy Dyer at the time was the  
4 Vicar for Clergy?

01:15:20 5 A Yes.

6 Q Can you tell us, you said he was  
7 fulfilling the terms of his aftercare agreement.  
8 What were those terms?

9 A I don't remember specifically because I  
01:15:29 10 didn't review that recently.

11 Q Was one of the terms he was not to have  
12 unsupervised contact with children?

13 A Again, I didn't review the documents so I  
14 don't know for sure.

01:15:40 15 Q Where is that document?

16 A I presume in his file.

17 Q Okay. So according to Exhibit 1, if you  
18 would move back to that and look at the page of  
19 Exhibit 1, does it appear to you based on that,

01:16:08 20 Cardinal, that he was assigned at St. Linus from  
21 June of '91 to November of '91?

22 A No.

23 Q Okay. Can you tell how long his  
24 assignment at St. Linus lasted from Exhibit 1 or do  
01:16:29 25 you have any independent recollection of it?

01:16:32 1 A I don't remember when that -- when it  
2 ended.

3 Q Normally, when a priest is moved -- well,  
4 let me ask it this way, is it the normal practice in  
01:16:44 5 the Archdiocese when a priest wants to be moved or  
6 is going to be moved, that that goes through the  
7 Priest Personnel Board?

8 A Temporary administrators routinely does  
9 not. The Vicar for the Clergy makes that  
01:16:58 10 determination.

11 Q Was there a policy in the Archdiocese that  
12 priests accused of abuse were not presented to the  
13 Priest Personnel Board for assignment?

14 A Not that I'm aware of.

01:17:13 15 Q The Priest Personnel Board reviews the  
16 priest's file and advises you on suitability for  
17 assignment; is that correct?

18 MR. WOODS: Can I hear the question back,  
19 please?

01:17:24 20 MR. MANLY: I'll ask it again.

21 BY MR. MANLY:

22 Q The Priest Personnel Board's job is to  
23 review a priest's personnel file and possible  
24 assignments and make recommendations to you on  
01:17:36 25 assignments for priests; is that correct?

01:17:38 1 MR. WOODS: I'm going to object as  
2 compound.

3 THE WITNESS: The job of the clergy  
4 Personnel Board is almost always full-time  
01:17:48 5 assignments, full-time pastors, full year long or  
6 more administrators, full-time associate pastors,  
7 not these temporary --

8 BY MR. MANLY:

9 Q Cardinal, who -- I'm sorry. I  
01:17:58 10 inadvertently interrupted you. I'm sorry.

11 A I said not these temporary brief  
12 assignments.

13 Q Cardinal, who in the Archdiocese was aware  
14 that Michael Baker was a child molester prior to  
01:18:13 15 2000?

16 A I really don't know.

17 Q Besides you and the Vicar for Clergy, can  
18 you think of anybody else?

19 A I -- certainly, I imagine the Auxiliary  
01:18:26 20 Bishops were aware. I don't know who else would  
21 have been aware.

22 Q Were you trying to keep it a secret?

23 A Not really.

24 Q Okay. Did any of the associate pastors or  
01:18:46 25 priests that he worked with at St. Linus, were they

01:18:50 1 made aware that he had molested kids?  
2 MR. HENNIGAN: Didn't you already ask that  
3 question?  
4 MR. MANLY: Did I?  
01:18:56 5 BY MR. MANLY:  
6 Q How about at St. Gerard Majella, did  
7 anybody know there? Was anybody advised?  
8 A Not that I am aware of.  
9 Q How about at St. Mary's?  
01:19:12 10 A I simply don't know.  
11 Q Do you have -- do you know if anybody at  
12 St. Lucy's -- was it the custom and practice of your  
13 office to advise priests at parishes where  
14 Father Baker was going to act as administrator that he  
01:19:22 15 had previously offended with a child?  
16 A Again, most of these, he did not reside at  
17 the place and I don't know exactly what the Vicar  
18 for Clergy told them.  
19 Q Was it the custom and practice -- was it  
01:19:34 20 your custom and practice to make sure that somebody  
21 advised priests that were going to serve with  
22 Father Baker at parishes, whether he lived there or not,  
23 that he previously offended with a child?  
24 A I know that they would have been told  
01:19:50 25 something but it was not -- not my job. The Vicar

01:19:53 1 for Clergy is the one who would notify them.

2 Q Ultimately, did you view it as your job to  
3 make sure that kids who went to church were safe?

4 A I'm sorry?

01:20:04 5 Q Ultimately, as the Archbishop or the  
6 Cardinal of the Archdiocese of Los Angeles, did you  
7 view it as your job to make sure that children that  
8 were attending church were safe?

9 A Yes.

01:20:15 10 Q So given that, is there a reason you  
11 didn't advise the parishes and the families who  
12 attended mass that they had a child molester who was  
13 serving as a parish priest?

14 A Well, remember these years that we're  
01:20:35 15 looking at here, the procedures and policies were  
16 being strengthened constantly.

17 And during this period of time that  
18 Michael Baker would have had these temporary  
19 assignments, I don't believe there was a specific  
01:20:49 20 policy about notifying the parish.

21 Q Cardinal, did it ever occur to you that in  
22 order to keep kids safe from a child molester in the  
23 early 90's, that it would be a good idea to let  
24 parents know that a priest who was serving there had  
01:21:10 25 offended with a child?

01:21:14 1 A Well, keep in mind, we deal with these  
2 case by case. In this case, he had come forward,  
3 self admitted, went for treatment and all during  
4 this time, was going to therapy and we had no

01:21:30 5 complaints about him. So my presumption was, is  
6 that whatever his problem was was not reoccurring.

7 Q Very respectfully, my question is a little  
8 different, sir.

9 My question is, did it ever occur to  
01:21:42 10 you at any time with Michael Baker or any other  
11 priest that when a priest offends a little boy or a  
12 little girl and they're going to be put back in a  
13 parish after that, it would be prudent, smart and  
14 safe to let people know that he had done that  
01:21:57 15 before?

16 A Well, in the case of Michael Baker, he was  
17 not put back into a regular parish.

18 Q Okay. Cardinal --

19 MR. MANLY: Your honor, can I get an  
01:22:09 20 answer to my question?

21 THE COURT: Why don't you read the  
22 question back, please.

23 (The record was read as follows:

24 "Very respectfully, my question

01:21:39 25 is a little different, sir.



01:21:40 1 My question is, did it ever occur  
2 to you at any time with Michael  
3 Baker or any other priest that when  
4 a priest offends a little boy or a  
01:21:49 5 little girl and they're going to be  
6 put back in a parish after that, it  
7 would be prudent, smart and safe to  
8 let people know that he had done  
9 that before?)"

01:22:40 10 MR. WOODS: I'll object, it's a  
11 hypothetical. There is no time frame.

12 MR. MANLY: You can answer, Cardinal.

13 THE WITNESS: As I said, he was not  
14 assigned to a parish. That was in your question.

01:22:57 15 BY MR. MANLY:

16 Q Okay. Let's change the question and say  
17 serving in the parish. Let me ask the question so  
18 it is clear.

19 Cardinal, did it occur to you at any  
01:23:08 20 time when allowing a priest to say mass and  
21 otherwise serve in a parish, that it would be  
22 prudent, safe and smart to let the parish know, the  
23 people at the parish know that this priest had  
24 previously offended with a little boy or a little  
01:23:28 25 girl?

01:23:31 1 A As I said, in this time frame, that was  
2 not our normal practice because that kind of priest  
3 would never be put full time into a parish  
4 situation.

01:23:42 5 Q Respectfully, my question is different.  
6 Did you ever think about that? Did you ever think  
7 that might be a good idea?

8 MR. HENNIGAN: I think at this point, he's  
9 answered it, meaning that it was not the situation  
01:23:51 10 and, therefore, it didn't come up.

11 BY MR. MANLY:

12 Q So at no point -- your testimony is at no  
13 point when considering specifically to assign  
14 Michael Baker to serve in parishes and administer  
01:24:02 15 the sacraments to the faithful and to the families  
16 and the boys and girls, did you ever consider the  
17 possibility of it being prudent to let people in the  
18 parish know that he had molested kids?

19 A I'm not sure if I thought about that or  
01:24:18 20 not.

21 Q Now, did you ever go to any of these  
22 parishes while he was assigned there and perform  
23 confirmation services or visit the parish?

24 A I don't recall doing that, no.

01:24:42 25 Q Did you ever go to St. Columbkille while

01:24:45 1 he served there?

2 A I don't think so.

3 Q So if my client and his family say they  
4 recall you being there with him while this boy was

01:25:02 5 -- he was serving mass, do you take issue with that  
6 or do you just don't remember?

7 A I just don't remember.

8 Q Let me show you the next document we'll  
9 mark as Exhibit 3.

01:25:50 10 (Exhibit 3 was marked by the court  
11 reporter.)

12 BY MR. MANLY:

13 Q Have you had a chance to read it?

14 A I can't make out all the words.

01:26:49 15 Q I think -- let me tell you what I think it  
16 says and maybe you can follow along with me,  
17 Cardinal.

18 It says, "Roger. Thank you so much  
19 for blessing our priest council area meeting at

01:27:02 20 St. Hilary's. Appreciate mucho being a member of, 'your  
21 parish.' Thought you might be interested in any of the  
22 handouts at today's meeting. Thank you, Mike."

23 Does that look about right?

24 A Yes.

01:27:16 25 Q Do you recall going to a meeting at

01:27:19       1       St. Hilary's?  
                  2            A     No.  
                  3            Q     And do you know why he would address you  
                  4       as Roger?  
01:27:27       5            MR. HENNIGAN:  Who's he?  
                  6            MR. MANLY:  Mike Baker.  
                  7            MR. HENNIGAN:  Any evidence that this is  
                  8       Mike Baker?  
                  9            MR. MANLY:  Uh-huh.  Go ahead.  
01:27:34       10          MR. HENNIGAN:  I'm sorry.  There is no  
                  11       foundation.  
                  12          MR. MANLY:  That's what it's been  
                  13       presented to us as.  It was presented by Mr. Steier  
                  14       and produced as a Cardinal correspondence.  Am I  
01:27:47       15       wrong about that?  
                  16          MR. STEIER:  I doubt if I have ever  
                  17       produced that.  
                  18          MR. MANLY:  Mr. Woods, you've produced it.  
                  19          MR. HENNIGAN:  Let me just say there's no  
01:27:55       20       foundation for the question.  
                  21       BY MR. MANLY:  
                  22            Q     Assuming that this was written by  
                  23       Mike Baker to you, do you know why he would address you  
                  24       as Roger?  
01:28:04       25            A     I have no idea.

01:28:05 1 MR. MANLY: And let me read the Bates  
2 label number as CIVBAKE 000107. Whose Bates number  
3 is that?  
4 MR. STEIER: I believe that's the  
01:28:18 5 personnel file.  
6 MR. MANLY: That's what I thought.  
7 THE COURT: Is there a question?  
8 MR. MANLY: Probably not.  
9 THE COURT: Why don't you go on with the  
01:28:28 10 questions.  
11 BY MR. MANLY:  
12 Q 'So do you know why he would address you as  
13 Roger?  
14 MR. HENNIGAN: Again, there is no  
01:28:33 15 foundation. If the question is why would  
16 Michael Baker address him as Roger, that's a question.  
17 BY MR. MANLY:  
18 Q If this is from him and it was -- I mean,  
19 it was in his personnel file, so I presume it is, do  
01:28:46 20 you know why he would address his Archbishop as  
21 Roger?  
22 MR. HENNIGAN: You can ask the question  
23 without an improper foundation.  
24 MR. MANLY: Okay. You can answer.  
01:28:57 25 THE COURT: I think the question is -- the

01:28:58 1 question he is saying you need to ask is, "Does he  
2 address you by your first name?"

3 MR. MANLY: I've already asked that.

4 BY MR. MANLY:

01:29:06 5 Q Did he address you by your first name,  
6 Cardinal?

7 A I don't remember.

8 Q Now, when was Monsignor Dyer the Vicar for  
9 Clergy, Cardinal?

01:29:30 10 A He was I believe the second Vicar for  
11 Clergy.

12 Q After Curry?

13 A So they were five year -- I think five  
14 year terms, so that would have been '86 to '91. So  
01:29:43 15 '91 to approximately '96, around in there.

16 Q Okay. So if you look at the entry dated  
17 8-1-92, it says, "Assigned to residence at  
18 St. Elizabeth's in Van Nuys."

19 Was that a parish?

01:30:07 20 A Yes.

21 Q And did that have a school?

22 A I believe it does.

23 Q Okay. And who -- who was notified at

24 St. Elizabeth's that Father Baker was a child molester,

01:30:19 25 if anyone?

01:30:21 1 A I don't know.

2 Q Who was responsible for notifying them, if  
3 anyone, that Father Baker was a child molester?

4 A I would suspect the Vicar for Clergy.

01:30:38 5 Q Was it your expectation that  
6 Monsignor Dyer would notify the school principal and/or  
7 the pastor, if Father Baker was going to be assigned  
8 there, that he had previously molested children?

9 A It's my recollection that by 1992, most of  
01:30:58 10 the priests, the Archdiocese knew that he was in  
11 specialized ministry and had gone for treatment and  
12 was in the special assignments. What they knew  
13 about that, I don't know.

14 Q What specialized ministry?

01:31:17 15 A Well, he was working with retired priests.  
16 He worked at catholic charities with the aging.  
17 Again, ministry the sick and retired priests, the  
18 county hospital, those kinds of ministries.

19 Q So are you saying -- when you say most of  
01:31:37 20 the priests knew he was in specialized ministry, are  
21 you telling me most of the priests knew he had  
22 molested children, is that what you mean?

23 A No.

24 Q Well, I asked you who would you expect the  
01:31:49 25 Vicar for Clergy to notify, the pastor, the priest

01:31:55 1 and/or the principal at St. Elizabeth's that he had  
2 previously molested kids. Let me kind of repeat  
3 that question.

4 Would you expect him to do that in  
01:32:05 5 1992?

6 A It would seem to me by 1992, he had been  
7 six years now in treatment and no reports of any  
8 difficulty, any problem and so the assumption most  
9 likely was that he was doing well.

01:32:24 10 Q So I take it --

11 A And no need to notify the people in the  
12 parish.

13 Q So I take it by your answer, there was no  
14 need to do that and you didn't expect he would?

01:32:45 15 A No.

16 Q Okay. Now, if there were reports, they  
17 would be in the file, correct? If somebody had  
18 reported between '86 and 2000, it would be the  
19 Archdiocese's custom and practice to put them in his  
01:33:13 20 confidential file; is that correct?

21 A Yes.

22 Q Are there any reports of boundary  
23 violations or misconduct between 1986 and 2000 in  
24 his file?

01:33:25 25 MR. HENNIGAN: Other than the ones that



01:33:26 1 are listed here in this document.

2 THE WITNESS: Well, there is one listed  
3 here.

4 BY MR. MANLY:

01:33:30 5 Q Okay. So at that point, when he had a  
6 violation, is that the point where the parish is  
7 notified?

8 A He was in one parish at that point.

9 Q Was the parish notified that he was a  
01:33:42 10 child molester at that point?

11 A I don't know.

12 Q Whose job was that?

13 A It would have been the Vicar for Clergy.

14 Q Cardinal, when you were trying to make the  
01:33:58 15 decisions on how to handle Baker, what weight did  
16 you give the risk of harm to kids from being  
17 molested by him? Did that enter your mind that  
18 there was a risk?

19 A The case -- sorry. The case of  
01:34:17 20 Michael Baker is unique. When you have somebody come  
21 forward and self report with the voiced intent of  
22 getting over whatever his problem was, he got the  
23 benefit of the doubt and he was in therapy regularly, no  
24 reports of any difficulty. So in his case, he got the  
01:34:45 25 benefit of the doubt.

01:34:47 1 Q Okay. My question is a little different,  
2 respectfully.

3 My question is, did you ever consider  
4 the gravity of the harm that would be done to kids  
01:34:58 5 if he molested again when you decided to put him  
6 back in a parish?

7 A Well, he was not assigned a full-time  
8 ministry in a parish.

9 Q Cardinal, when you let him back into  
01:35:10 10 parishes and have access to families, just greeting  
11 them in the back of the church after mass, did you  
12 ever consider the possibility that if you were wrong  
13 and he offended again, that a child could be  
14 gravely, gravely hurt?

01:35:29 15 A Well, my understanding was that any of his  
16 presence in a parish would have been in an extremely  
17 public way, not a private way where he could harm  
18 anybody.

19 Q Well, Cardinal, so is the answer you just  
01:35:45 20 didn't think about it?

21 A It isn't that I didn't think about it.  
22 It's that I didn't think he was going to be in a  
23 position where he would have any opportunity to.

24 Q Did you ever think that maybe the proper  
01:36:00 25 thing to do or the right thing to do is give parents

01:36:04 1 that choice rather than making it for them?  
2 MR. HENNIGAN: At this point, he's just  
3 arguing with him.  
4 THE COURT: Sustained. It's also being  
01:36:15 5 repetitive.  
6 BY MR. MANLY:  
7 Q Cardinal, when you decided not to tell --  
8 when you decided -- did you make a -- well, let me  
9 ask it a different way.  
01:36:42 10 Who, if anyone, recommended to you to  
11 allow him to serve in any capacity in a parish? Did  
12 anybody recommend that to you or did you decide that  
13 yourself after --  
14 MR. HENNIGAN: He has already established  
01:36:53 15 that's the Vicar's job several times.  
16 MR. MANLY: Excuse me. After 1986.  
17 MR. HENNIGAN: Several times. Object;  
18 repetitive.  
19 THE COURT: I don't know whether this  
01:37:02 20 question was asked while I was gone --  
21 MR. MANLY: No.  
22 THE COURT: -- whether anybody recommended  
23 it to you.  
24 MR. MANLY: It was never asked.  
01:37:06 25 MR. HENNIGAN: It has been established

01:37:07 1 that the Vicar makes these assignments.

2 THE COURT: The question was, did anybody  
3 recommend it to you? Let's just hear the answer to  
4 this one.

01:37:15 5 THE WITNESS: So, again, what's the  
6 question?

7 BY MR. MANLY:

8 Q Did anybody recommend to you that  
9 Michael Baker be allowed to serve back in a parish in  
01:37:23 10 any capacity after 1986?

11 A Yes, in a limited fashion.

12 Q Who made that recommendation?

13 A Usually, the Vicar for Clergy.

14 Q Do you remember who made it in this  
01:37:35 15 instance?

16 A In what year?

17 Q Any time after 1986.

18 A Well, in 1994 on, we then had the Sexual  
19 Abuse Advisory Board and they were involved in  
01:37:45 20 making recommendations.

21 Q I see. So did they recommend that he be  
22 allowed to serve back in a parish?

23 A When they came into being, he was already  
24 in this partial assignment.

01:37:59 25 Q I don't understand.

01:38:00 1 Did anybody, do you recall whether  
2 the Sexual Abuse Advisory Board, Monsignor Dyer or  
3 anybody else told you or made a recommendation to  
4 you that it would be a good idea to put this man  
01:38:12 5 back in a parish?

6 A Well, he was already in a parish, in  
7 residence.

8 Q At any time, Cardinal, did anybody from  
9 your staff recommend to you that you place  
01:38:27 10 Michael Baker back in a parish after he was a known  
11 molester?

12 A Oh, yes.

13 Q And who was that?

14 A Well, it would have been Monsignor Curry,  
01:38:39 15 Monsignor Dyer, continuing -- as long as he is  
16 fulfilling the terms of his aftercare agreement, he  
17 was allowed to do limited ministry.

18 Q I see. And the Sexual Abuse Advisory  
19 Board was advised, including Judge Byrne, that  
01:39:00 20 Michael Baker was a child molester and had admitted  
21 to molesting children and that you were going to  
22 place him in a limited capacity back in a parish; is  
23 that correct?

24 A He was already in the parish.

01:39:08 25 Q But he had assignments after that,

01:39:10 1 correct?

2 A No. No. After 1995, '96, when he has  
3 that report.

4 Q The advisory board was composed in 1992,  
01:39:26 5 correct?

6 A 1994.

7 Q Okay. All right. And did you ever bring  
8 the Baker case to the advisory board?

9 A I did not personally.

01:39:41 10 Q Did the Vicar for Clergy or somebody else?

11 A I don't know.

12 Q Looking at 6-12-95 it says, "Note re a  
13 breach of restrictions by contact with minors  
14 observed by pastor."

01:39:58 15 Do you see that?

16 A Yes.

17 Q And the pastor was Timothy Dyer?

18 A Yes.

19 Q And Timothy Dyer was the Vicar for Clergy?

01:40:05 20 A Yes.

21 Q Did you know Father Dyer was a classmate  
22 and long time friend of Father Baker?

23 A I did not at the time.

24 Q You didn't know that?

01:40:13 25 A No.

01:40:15 1 Q And was he supervising his friend's --  
2 well, was Dyer supervising Baker?

3 A Yes.

4 Q So do you remember what happened here that  
01:40:26 5 this refers to?

6 A This was the situation where  
7 Monsignor Dyer saw a young man coming down the stairs, I  
8 believe in St. Columbkille rectory.

9 Q And do you now know that young man as my  
01:40:48 10 client who is sitting in this room?

11 A Yes.

12 Q So did they tell you this at the time?

13 A I believe so.

14 Q Did it concern you?

01:40:58 15 A Yes.

16 Q Why?

17 A Well, because he had been doing what I  
18 thought fine all the way along and this was the  
19 first indication that there might be a problem.

01:41:11 20 Q Did you meet with Father Baker regarding  
21 this?

22 A I did not.

23 Q Who did?

24 A I think Father Dyer and maybe

01:41:18 25 Father 

01:41:20

1 Q And that's [REDACTED]?

2 A Yes.

3 Q And what position did he hold in the  
4 Archdiocese?

01:41:27

5 A He was the Associate Vicar for Clergy.

6 Q So they observe Luis coming out of --  
7 coming down the stairs from the living area; is that  
8 correct?

01:41:43

9 MR. STEIER: Objection; misstates the  
10 evidence. I don't know who "they" is.

11 MR. MANLY: I'm sorry. You're right.  
12 BY MR. MANLY:

01:41:53

13 Q Monsignor Dyer observed, told you he  
14 observed a boy, you now know as Luis, coming out of  
15 the living area, down the stairs into the rectory?

16 A Yes.

17 Q And was that a violation of Father Baker's  
18 aftercare agreement?

19 A It was certainly a suspicious activity.

01:42:08

20 Q And there was a suspicion he may have  
21 molested the child, right?

22 A Possibly.

23 Q Okay. So I take it that the police were  
24 called and Child Protective Services were notified?

01:42:21

25 THE COURT: Counsel, don't laugh.



01:42:23 1 THE WITNESS: No, not that I'm aware of.

2 BY MR. MANLY:

3 Q Well, don't you think that was a good  
4 idea?

01:42:32 5 THE COURT: Sustained. Argumentative.

6 BY MR. MANLY:

7 Q Would you expect that if there was a  
8 suspicion that a little boy had been in the bedroom  
9 or in the living area of a known child molester, the  
01:42:43 10 right thing to do was for Monsignor Dyer to call the  
11 police?

12 MR. HENNIGAN: Argumentative.

13 THE COURT: Sustained.

14 BY MR. MANLY:

01:42:51 15 Q Is that your policy, that he should  
16 call --

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

19 MR. HENNIGAN: You finished it 25 times.

01:42:59 20 MR. MANLY: You don't want me to ask the  
21 question.

22 MR. HENNIGAN: I don't want you to ask it  
23 30 times.

24 MR. FINALDI: Policy changed. I think  
01:43:06 25 that's the confusion. The policy changed during the

01:43:08 1 years. Now we're on '97.

2 BY MR. MANLY:

3 Q In 1997, when this happened, did you tell  
4 somebody we need to notify Child Protective

01:43:20 5 Services?

6 MR. WOODS: This is '96?

7 MR. MANLY: Fine. '96.

8 THE WITNESS: When I was told by

9 Father Dyer, I said, "You get someone else and talk to  
10 the young man and see what happened."

01:43:29

11 BY MR. MANLY:

12 Q Did you ever consider, Cardinal, when you  
13 learned about this, that the proper thing to do in  
14 terms of child protection was to notify Child

01:43:42 15 Protective Services?

16 MR. HENNIGAN: Objection; repetitive,  
17 argumentative.

18 THE COURT: Sustained.

19 BY MR. MANLY:

01:43:47 20 Q Okay. Did it ever enter your mind that it  
21 might be appropriate to call Child Protection  
22 Services?

23 MR. HENNIGAN: That's the same question.

24 THE COURT: Counsel, that's the same

01:43:58 25 question.

01:43:59 1 MR. MANLY: What's wrong with the  
2 question?  
3 THE COURT: It is just not worded right.  
4 I can't word it for you but it's just not -- it's  
01:44:05 5 just argumentative. "Did it ever enter your mind"  
6 is just argumentative.  
7 MR. MANLY: Okay.  
8 BY MR. MANLY:  
9 Q Did you direct any of your staff to call  
01:44:14 10 Child Protective Service --  
11 MR. HENNIGAN: Repetitive.  
12 BY MR. MANLY:  
13 Q -- when you learned about it?  
14 THE COURT: On this one instance, is it in  
01:44:22 15 1996?  
16 MR. MANLY: Yes.  
17 THE COURT: You can answer that one.  
18 THE WITNESS: I directed Father Dyer to  
19 get someone else and meet with the young man and  
01:44:31 20 find out what happened.  
21 BY MR. MANLY:  
22 Q Cardinal, my question is different than  
23 that.  
24 Did you, in 1996, when you learned of  
01:44:39 25 this incident, direct your staff, Monsignor Dyer or

01:44:52 1 anybody else to call or notify Child Protective  
2 Services?

3 A No.

4 Q Why not?

01:44:54 5 A I thought the first step is to find out  
6 what had happened.

7 Q Wouldn't in your view -- well, let me ask  
8 this, did you ask if Child Protective Services had  
9 already been notified?

01:45:06 10 A I don't believe so.

11 Q Do you know as you sit here today what --  
12 well, let me ask it a different way.

13 Were you surprised that Child  
14 Protective Services hadn't been called by the time  
01:45:20 15 it got to you?

16 MR. HENNIGAN: This is enough. It's  
17 enough.

18 THE COURT: Counsel, move on to something  
19 else.

01:45:26 20 MR. MANLY: Okay.

21 BY MR. MANLY:

22 Q So you felt the proper first step was to  
23 investigate the matter yourself, you being the  
24 Archdiocese, not you personally?

01:45:40 25 A Well, since a young man was known to the

01:45:43 1 parish and was readily accessible, it would be very  
2 easy to find out whether he was delivering a package  
3 or what. He was seen on the stairway, I was told.  
4 Q Okay. So you had -- who did you have  
01:46:06 5 investigate this?  
6 THE COURT: That's been asked and  
7 answered.  
8 MR. MANLY: No, I don't think it has.  
9 BY MR. MANLY:  
01:46:11 10 Q Who investigated it for the Archdiocese?  
11 A Father Dyer.  
12 Q And what experience did Father Dyer have  
13 in investigating child abuse, if any?  
14 A I'm not sure.  
01:46:24 15 Q Did you think he was the best choice to  
16 investigate it?  
17 A Well, he was very competent Vicar for the  
18 Clergy.  
19 Q How many victims does Michael Baker have,  
01:46:34 20 Cardinal?  
21 A I have no idea.  
22 Q More than 20?  
23 A I have no idea.  
24 Q So do you know what Monsignor Dyer did?  
01:46:51 25 A He and Monsignor ██████████ met with the young

01:46:54

1 man.

2 Q Did they tell his parents?

3 A I don't know.

4 Q Certainly, you would expect if you --

01:47:01

5 certainly, it was your expectation as the

6 Archbishop, if any of your pastors suspected that

7 one of your priests had offended a child, that you

8 would notify the parents, right?

9 MR. HENNIGAN: This is pure argumentative,

01:47:16

10 speculation.

11 THE COURT: Sustained.

12 BY MR. MANLY:

13 Q Did you expect that or anticipate that

14 based on your knowledge and custom and practice in

01:47:25

15 handling these cases, that if somebody was going to

16 ask a child if they had been molested, that they

17 would tell their parents?

18 MR. HENNIGAN: Same question.

19 MR. MANLY: How is that improper? I want

01:47:37

20 to know if it was the custom and practice to ask a

21 child's parents.

22 THE COURT: The question is -- you are  
23 asking him, did you expect, do you do this, do that.

24 Ask him what the policies were, what the procedure

01:47:50

25 was, something that's substantive.

01:47:57

1 BY MR. MANLY:

2 Q Based on your knowledge and custom and  
3 practice, before somebody would ask a child about a  
4 sensitive matter like sexual contact with a priest,  
5 would you expect or would you understand that it was  
6 appropriate to get their parents' permission?

01:48:05

7 MR. HENNIGAN: You tell him to ask the  
8 policy and he goes right back almost word for  
9 word --

01:48:15

10 MR. MANLY: This is not a trial. Okay.  
11 This is a search for the truth. And I am entitled  
12 to ask lots of questions that may not be admissible  
13 at trial.

14 THE COURT: I understand that.

01:48:23

15 MR. MANLY: And what you are doing -- not  
16 you, your honor, but what's happening here is this  
17 is very important and I'm being shutdown.

18 THE COURT: You are not being shutdown.  
19 Your question really I think is, did you tell him to  
20 talk to the parents, do you think the parents should  
21 be contacted?

01:48:34

22 But did you expect somebody to do  
23 something, I mean, it's just so vague that it's  
24 impossible --

01:48:45

25 MR. MANLY: He's their boss. He has

01:48:46 1 expectations of how people are going to act. That's  
2 a perfectly appropriate question, your honor.

3 THE COURT: I don't think that's an  
4 appropriate question but I think it can be phrased  
01:48:56 5 in a way that is appropriate and is answerable.

6 MR. MANLY: Will you mark this portion of  
7 the transcript, please. What is so funny?

8 MR. HENNIGAN: The judge is right here.

9 (Laughter.)

01:49:10 10 MR. MANLY: So what? I'm going to get the  
11 answer to this one way or the other and you can  
12 laugh at this all you want. I don't think this is  
13 the least bit funny.

14 THE COURT: Counsel --

01:49:21 15 MR. MANLY: I have my client here who is  
16 the subject of this. I would appreciate you  
17 wouldn't laugh.

18 THE COURT: Counsel --

19 MR. STEIER: I'm laughing at you, not him.

01:49:27 20 THE COURT: Counsel, that's it. Just ask  
21 a question and just phrase it differently and you  
22 can get your answer and we will move on.

23 BY MR. MANLY:

24 Q Cardinal, based on your custom and  
01:49:41 25 practice and your knowledge of the Archdiocese's



01:49:46 1 policies, was it practice and policy in the  
2 Archdiocese before a child was going to be  
3 interrogated as to whether a priest had molested  
4 them, that a priest would seek the parents'

01:49:57 5 permission to do that?

6 A It was the norm, especially in the  
7 schools, that not only would you seek their  
8 permission but you would have them there.

9 Q Okay. Do you know if that happened here?

01:50:11 10 A I don't know.

11 Q Let me represent to you my client's  
12 testified that nobody spoke to his mother about this  
13 or him.

14 Is that the first you have heard of  
01:50:34 15 this?

16 A I'm sorry?

17 Q Let me represent to you that my client has  
18 testified that Monsignor Dyer never spoke to him  
19 about this matter or his mother and his mother's  
01:50:37 20 testified to the same thing.

21 Does that -- do you have any  
22 indication or have you ever heard about that before  
23 today?

24 MR. WOODS: Heard about the testimony?

01:50:45 25

01:50:45 1 MR. MANLY: Yes.  
2 THE WITNESS: Yes, I heard about the  
3 testimony.  
4 BY MR. MANLY:  
01:50:49 5 Q Did you ask Monsignor Dyer if he talked to  
6 my client?  
7 A I did.  
8 Q And what did he say?  
9 A He said, "Yes, Father [REDACTED] and I met  
01:50:59 10 with him and he categorically denied there was --  
11 anything inappropriate happened."  
12 Q Let me show you exhibit -- what we'll mark  
13 as Exhibit 3. It's a portion of the People of God  
14 Report. 4. Sorry.  
01:51:24 15 (Exhibit 4 was marked by the court  
16 reporter.)  
17 THE COURT: I'm going to leave you all for  
18 five minutes. All right?  
19 MR. MANLY: You may want to wait for this  
01:51:29 20 for five minutes.  
21 MR. HENNIGAN: I have a feeling that I'm  
22 going to object on repetition grounds but we'll wait  
23 until it gets started. 4?  
24 MR. MANLY: Page 3.  
01:51:44 25 MR. HENNIGAN: This is Exhibit 4, right?

01:51:46 1 MR. MANLY: Yes.  
2 MR. HENNIGAN: Page 3 is page 17.  
3 MR. MANLY: Yes.  
4 BY MR. MANLY:  
01:52:05 5 Q I'm going to ask you about the first  
6 paragraph, Cardinal. Could you read that for me and  
7 let me know.  
8 A I've read it.  
9 Q Did [REDACTED] write this?  
01:52:16 10 A No.  
11 Q Did [REDACTED] participate in the  
12 writing of this?  
13 A Not that I know of.  
14 Q Okay. Now, let me look, let me direct  
01:52:30 15 your attention --  
16 MR. MANLY: Could you just restrain  
17 yourself, Mr. Steier. I can hear you.  
18 MR. STEIER: It was Vince.  
19 MR. MANLY: Well, Vince then.  
01:52:40 20 BY MR. MANLY:  
21 Q "Father Michael Baker then approached the  
22 Archbishop to discuss his relationship with two boys  
23 from 1978 to 1985."  
24 The whole paragraph reads,  
01:52:50 25 "Cardinal Mahony has already acknowledged and apologized

01:52:55 1 for the mistakes made in handling Father Michael Baker,  
2 a case that brought many important lessons." Is that  
3 statement true?

4 A Yes.

01:53:04 5 Q "During the 1986 priest's retreat,  
6 Archbishop Mahony advised the priests that anyone  
7 who had engaged in misconduct with minors should  
8 meet with him confidentially, and that the  
9 Archdiocese would provide spiritual and  
01:53:14 10 psychological assistance as necessary;" is that  
11 true?

12 A Yes.

13 Q "Father Michael Baker then approached the  
14 Archbishop to discuss his relationship with two boys  
01:53:24 15 from 1978 to 1985;" is that true?

16 A Not exactly.

17 Q Well, what's not true about it?

18 A Well, 1978 came much later, not with my  
19 meeting with Michael Baker. He only admitted to a  
01:53:42 20 couple incidences, he said with two boys who were  
21 illegal aliens and went to Mexico.

22 Q If you look at Exhibit 1, it says -- at  
23 12-22-86 it says, "Meets with Cardinal Mahony and  
24 Vicar from Clergy to discuss his relationship with

01:54:04 25 two boys from 1978 to 1985," and it says it again

01:54:06 1 here, right?

2 A Yes.

3 Q But you have testified earlier that your  
4 recollection, it was one or two times with illegal  
01:54:14 5 aliens; is that correct?

6 A That's what he told me.

7 Q Okay. Did you read this before it was  
8 published both times?

9 A I did.

01:54:22 10 Q Okay. Why didn't you correct that before  
11 it was published?

12 A Because when I saw it, this was in 2004.  
13 At that time, 2004, I knew there had been other  
14 cases before 1985. I knew it then.

01:54:45 15 So it didn't occur to me that the  
16 sentence should have been referring only to 1985,  
17 '86.

18 Q Nowhere in this report does it say  
19 anything about illegal aliens or people not living  
01:55:00 20 in this country, does it?

21 A No.

22 Q And nowhere in this report is the  
23 substance of what you say happened with  
24 Michael Baker when he first came to you about one or two  
01:55:11 25 times mentioned, is it?

01:55:12 1 A No, because this was a very brief summary.  
2 It's only a page about Michael Baker and  
3 Michael Baker's story is very long.

4 Q Okay. You said that -- you said that he  
01:55:28 5 told you it happened one or two times.

6 Did you take notes of that  
7 conversation?

8 MR. HENNIGAN: We've already asked that.

9 THE COURT: Sustained. I've heard that  
01:55:36 10 before.

11 BY MR. MANLY:

12 Q Do you know of the existence of any  
13 document that can corroborate what you have just  
14 told us about what Baker first told you?

01:55:44 15 A No.

16 Q Do you know where this -- so your  
17 testimony is -- let me be clear -- he never  
18 discussed with you at your initial meeting a  
19 relationship with two boys that he had from '78 to  
01:56:07 20 '85; is that right?

21 A That is correct.

22 MR. MANLY: All right. You can go now.  
23 Thank you, your honor.

24 (Judge Elias exits the room.)  
25

01:56:29

1 BY MR. MANLY:

2 Q When you learned of the '96 aftercare  
3 violation, did you move Father Baker?

01:56:39

4 A I referred the matter to the Sexual Abuse  
5 Advisory Board for fuller investigation.

6 Q Okay. [REDACTED]

7 [REDACTED]?

8 A [REDACTED]

01:56:53

9 Q And, naturally, they reported the incident  
10 to Child Protective Services after they found out  
11 about it?

12 A I don't know.

01:57:13

13 Q Do you know of any instance where anybody  
14 at the Child Protective -- I'm sorry -- do you know  
15 of any instance from 1992 or '94, whenever the SAAB  
16 Board was convened, to 2000 where anybody on that  
17 Board ever called the police or notified Child  
18 Protective Services or law enforcement about sexual  
19 abuse?

01:57:26

20 A Not that I'm aware of.

21 Q Did you know Judge Byrne before he went to  
22 the Board?

23 A Yes.

24 Q How did you know him?

01:57:39

25 A I had seen him at various events, catholic

01:57:43 1 charities and other events.

2 Q Okay. And how is it that he became  
3 Chairman of the Board?

4 A I don't recall except that I thought it  
01:57:59 5 would be good to have somebody with a judicial  
6 background head up this body.

7 Q Why?

8 A Well, because of their experience in  
9 dealing with factual situations and trying to  
01:58:18 10 determine the truth.

11 Q That was their job, to determine the  
12 truth?

13 A I'm sorry?

14 Q Was it their job to determine the truth?

01:58:26 15 A Yes.

16 Q Did they ever recommend to you at any time  
17 that law enforcement be notified about Father Baker?

18 A No.

19 Q Did they ever recommend to you at any time  
01:58:43 20 that you notify the parishes about Father Baker?

21 A Not that I recall.

22 Q So are you saying that never happened or  
23 you just don't remember it?

24 A I don't recall it.

01:58:59 25 Q Okay. Now, in or around 2000,



01:59:08 1 specifically, April of 2000, did you learn that  
2 there had been an allegation against Father Baker by  
3 boys from the Tuscon area?

4 A Yes.

01:59:23 5 Q And how did you come to learn that?

6 A I believe what happened -- from my  
7 recollection was that -- just a minute. I got this  
8 tangled here. Sorry.

9 My recollection was that these two  
01:59:41 10 young men who are now in their twenties, I believe,  
11 were suing Father Baker and -- in Arizona and  
12 Father Baker was not able to pay the amount they were  
13 seeking so they then decided to add the Archdiocese.

14 Q And so at that point, I take it, when you  
02:00:20 15 found this out, there was yet another allegation,  
16 you directed your staff to notify law enforcement?

17 MR. HENNIGAN: Will you stop with it?

18 MR. MANLY: No, I won't.

19 MR. HENNIGAN: It never happened. You  
02:00:29 20 know it never happened. And it's an argumentative  
21 question and it's offensive.

22 MR. MANLY: Yeah, especially if you were  
23 molested by Father Baker.

24 BY MR. MANLY:

02:00:38 25 Q So did you in 2000, when you learned about

02:00:41 1 this, direct your staff to notify Child Protective  
2 Services?

3 A I did not.

4 Q Why?

02:00:51 5 A The two men were adults. They were not  
6 children, so there was no longer suspected child  
7 abuse. These were adults.

8 These were two men very angry at  
9 Father Baker with an attorney who was very angry at  
02:01:08 10 Father Baker in Arizona. And I presumed if they  
11 thought they wanted to call the police, they would  
12 have called everybody in Arizona.

13 Q What was the policy when you had victims,  
14 because you now had two more victims, in the  
02:01:25 15 Archdiocese in or around 2000, regarding notifying  
16 law enforcement if they alleged they had been abused  
17 by a priest?

18 A If we learned of it when they were minors,  
19 then at that point, 1997 on, all of us were mandated  
02:01:47 20 reporters but these men in 2000 were adults. They  
21 weren't children.

22 Q Okay. Cardinal, when you learned in 2000  
23 that he had molested, did anybody ask him if he did  
24 it?

02:02:02 25 A I'm sorry?

02:02:02 1 Q Did anybody in 2000, when the Cadigan  
2 allegations came forward, ask Father Baker if he did  
3 it?

4 A I don't know if they asked him  
02:02:16 5 specifically.

6 Q Okay. Did you suspend him from ministry?

7 A Yes.

8 Q Why?

9 A Because in this lawsuit, he himself had  
02:02:24 10 already put up \$500,000, apparently, to make it all  
11 go away so I presumed he was guilty.

12 Q Now, at that point, I take it that you  
13 went back and notified all the parishes he had  
14 served in and tried to find out if he had offended  
02:02:42 15 other people as well?

16 MR. HENNIGAN: That's purely  
17 argumentative. He knows the answer to the question.

18 THE COURT: Sustained.

19 BY MR. MANLY:

02:02:48 20 Q Did the Archdiocese have a policy in 2000  
21 when it was found that there were credible  
22 allegations of abuse by a priest, that the parishes  
23 would be notified that priest served in?

24 A At that time, we would have if this had  
02:03:06 25 been something fairly recent but remember this is

02:03:09 1 going to be more than 15 years earlier.

2 Q Did you have a policy that required you to  
3 notify the parishes?

4 A Well, we handled every case on an  
02:03:22 5 individual basis depending on whether the abuse  
6 happened in a parish or not.

7 As I said, the first allegation we  
8 had -- we only had three over these years with  
9 Baker.

02:03:37 10 The first, these two men -- Baker had  
11 said these two young men were abused by him. He  
12 would not give any information which we found out  
13 was another one of his lies. He knew where they  
14 were. He knew their names and he knew their  
02:03:58 15 address.

16 And from then on, the next thing we  
17 hear is this situation in St. Columbkille where two  
18 of my finest priests claim they interviewed the  
19 young men and he said nothing happened. There was  
02:04:07 20 no untoward conduct of any kind.

21 And after that, remember, SAAB then  
22 put him on stricter limitations. Do you remember  
23 that? And then 2000, we have this lawsuit. That's  
24 the third one.

02:04:26 25 Q So when you had the lawsuit and you now

02:04:28           1       knew that he lied to you, at that point did you call  
                  2       the police?

                  3           A       I think I explained to you these men were  
                  4       adults. You call the police to report minors either  
02:04:40           5       being abused or in danger of being abused.

                  6           Q       Well, don't you call the police because  
                  7       you want someone prosecuted and put in jail? I'm  
                  8       not going to argue with you.

                  9           MR. WOODS: Thank you.  
02:04:52           10       BY MR. MANLY:

                  11           Q       Is that the only time you call the police  
                  12       in your experience?

                  13           A       I'm sorry?

                  14           Q       Is the only time in your experience and in  
02:05:01           15       your custom and practice, the only time you would  
                  16       ever call the police is if you were being  
                  17       reported -- the report was about somebody who was  
                  18       currently a child; is that right?

                  19           A       Well, to file a suspected child abuse  
02:05:14           20       report, it requires that the victim be a child -- a  
                  21       minor, I mean.

                  22           Q       Did you ever talk to or call Chief Gates  
                  23       or Chief Parks, whoever was the police chief in  
                  24       2000 -- I think it was Chief Parks -- and say, "I  
02:05:35           25       have an allegation here against one of my priests,

02:05:37 1 he did it previously, maybe law enforcement should  
2 investigate this"?

3 MR. HENNIGAN: That's about the 23rd time  
4 we've asked that question.

02:05:45 5 THE COURT: I have heard that question  
6 before.

7 MR. MANLY: Not about 2000.

8 THE COURT: Not about 2000, but you talked  
9 about Chief Parks and Gates, so it was the same time  
10 frame.

02:05:55

11 MR. MANLY: No.

12 MR. HENNIGAN: He's established that no  
13 such call was made.

14 BY MR. MANLY:

02:06:00 15 Q So did you -- did the issue of reporting  
16 this to the police ever enter your mind when the  
17 Cadigan matter came up?

18 MR. HENNIGAN: Purely argumentative.

19 THE WITNESS: I answered that. I told  
02:06:16 20 you, these were adults. They were angry. They were  
21 furious at Baker.

22 They had an attorney that was furious  
23 at Baker. They were in a different state. It  
24 seemed to me if they really wanted to get him, they

02:06:31 25 would have reported it in Arizona.

02:06:34 1 BY MR. MANLY:

2 Q Did you know that he took them here and  
3 molested them here, allegedly?

4 A I did not know at the time.

02:06:46 5 Q Did you call Bishop Moreno about it in  
6 Tuscon?

7 A No.

8 Q Why not?

9 A Because we had taken Baker out of ministry  
02:06:55 10 and Baker, as far as I know, never served in  
11 Arizona.

12 Q To your knowledge, Cardinal, did  
13 Father Dyer take and occasionally travel to Tuscon with  
14 Father Baker?

02:07:08 15 A I am not sure.

16 Q Okay. Do you know what Father Baker was  
17 accused of doing to these two boys?

18 A No.

19 Q So what happened to that case?

02:07:26 20 A The case was settled.

21 Q Okay. Was there a confidentiality  
22 agreement?

23 A I honestly don't remember. There were  
24 very frequently in those years at the request of the  
02:07:40 25 plaintiffs usually.

02:07:41 1 Q So your recollection is the plaintiffs in  
2 this case requested a confidentiality agreement?

3 A I don't remember.

4 Q Okay. How much time elapsed between the  
02:07:54 5 time you learned of the Cadigan allegation and  
6 removing Baker from ministry?

7 A Fairly quickly. I don't know the days but  
8 it happened very quickly. Excuse me. It says here,  
9 "Formally removed 14 days."

02:08:15 10 Q I'm looking at Exhibit 1. It says  
11 8-24-2000, "Report that Baker had performed two  
12 baptisms." Do you see that on Exhibit 1?

13 A Yes.

14 Q At that point, did you consider notifying  
02:08:29 15 the police?

16 A No.

17 Q You had already removed him from ministry  
18 and yet you learned he was performing ministry,  
19 right?

02:08:35 20 A Yes. And that's when we had to push for  
21 him to either petition for laicization or have him  
22 removed from the priesthood.

23 Q And -- well, did you -- did Dyer ever ask  
24 Baker if he had done this to the Cadigan?

02:09:01 25 A I have no idea.



02:09:02 1 Q Did anybody -- did the SAAB Board ask  
2 Baker if he had done this?  
3 A I don't know.  
4 Q Did anybody ask him if he had done this to  
02:09:10 5 other children?  
6 A I don't know.  
7 Q Was this a voluntary laicization?  
8 A Yes, he petitioned.  
9 Q Did anybody sit down with him and try to  
02:09:21 10 get a list of victims to try and help other people  
11 he had hurt?  
12 A At that point, I wouldn't -- I wouldn't  
13 have asked him because he was the consummate liar,  
14 deceiver and he would have said there weren't any  
02:09:38 15 more. You couldn't believe anything Michael Baker  
16 said. Nothing.  
17 Q Were you concerned at that point there may  
18 be many victims between '86 and then?  
19 A I was not because we hadn't heard of  
02:09:55 20 anything. There had never been any -- any people in  
21 parish, nobody had ever said there is anything  
22 suspicious about his special ministry.  
23 Q But you knew from your experience at that  
24 point that it was common for victims not to report  
02:10:17 25 childhood sexual abuse, and this is 2000, right?

02:10:19

1           A     It was increasingly common because more  
2           and more categories of reporters had been added up  
3           to that time and so it was much more widely known.

02:10:33

4           Q     Cardinal, did you not report Baker, is the  
5           reason you didn't direct your staff or you report  
6           Baker to law enforcement because you were concerned  
7           about the scandal?

8           A     No.

9           Q     That never entered your mind?

02:10:42

10          A     No.

11          Q     Okay. Were you at all concerned that you  
12          might have some involvement with the criminal  
13          authorities or some criminal liability yourself if  
14          you had reported it?

02:10:54

15          A     You asked both of those questions this  
16          morning and I said no.

17          Q     I'm asking about 2000.

18          A     No. No.

02:11:07

19          Q     Okay. Did anybody at the Archdiocese or  
20          the SAAB Board or anybody suggest to you that given  
21          the gravity of the harm done here by Father Baker,  
22          that the police should be notified?

23          A     Well, I believe fairly soon, the police  
24          were notified.

02:11:23

25          Q     About a year and a half later?

02:11:25 1 A I don't remember the exact date.

2 Q Who notified the police?

3 A I don't know.

4 Q Did somebody from the Archdiocese notify  
02:11:33 5 the police?

6 A We had a -- I thought a very good working  
7 relationship with the Los Angeles Police Department  
8 special unit and increasingly would give them more  
9 and more names, and so much so that they said,

02:11:51 10 "Don't send any more names of dead priests. Don't  
11 send any more names of people who we can't find."  
12 And so we tried to be increasingly all inclusive in  
13 giving them names.

14 Q Are you telling me you didn't turn  
02:12:07 15 Michael Baker's name over because you didn't think they  
16 wanted it?

17 A No. I said the only opportunity I had was  
18 really 1986 or 1996.

19 Q What about 2000?

02:12:20 20 A The only -- the victims we had were  
21 adults.

22 (Judge Elias left the room.)

23 BY MR. MANLY:

24 Q So did you have child victims by the time  
02:12:27 25 you reported him to the police?

02:12:32 1 A I'm sorry?

2 Q You said eventually you reported him to  
3 the police?

4 MR. HENNIGAN: That's not what he said.

02:12:38 5 THE WITNESS: I said at some point we gave  
6 all of the names in our files to the police.  
7 BY MR. MANLY:

8 Q Why did you do that?

9 A I don't remember.

02:12:50 10 Q Do you know Frank Keating?

11 A Who?

12 Q Governor Frank Keating.

13 A Frank --

14 Q Keating, the Former Governor of Oklahoma,  
02:12:59 15 chairman to the task force on sexual abuse.

16 A I know who you mean.

17 Q Did you ever hear from any source him  
18 describe your handling of the sexual abuse crisis in  
19 Los Angeles?

02:13:11 20 A I believe he said something on one  
21 occasion but I don't remember what.

22 Q Do you remember him comparing your  
23 handling of it to the mafia?

24 MR. HENNIGAN: You are not going to answer  
02:13:22 25 that question.

02:13:23

1 BY MR. MANLY:

2 Q Did you ever see from any -- did you ever  
3 see in the media, that Governor Keating compared  
4 your handling of the clergy abuse crises in Los  
02:13:35 5 Angeles to the mafia?

6 MR. HENNIGAN: We're not going to answer  
7 the question. If you keep up on it, we'll stop it.

8 MR. MANLY: Why?

9 MR. HENNIGAN: It's nonsense.

02:13:41

10 MR. MANLY: He was not the chairman of my  
11 committee. He was the chairman of yours.

12 MR. HENNIGAN: He's not the chairman of my  
13 committee.

02:13:49

14 MR. MANLY: Well, he appointed by the  
15 Bishops, he's the chairman of it and he's making a  
16 comment and I wanted to know if he talked to him  
17 about it.

18 MR. WOODS: The comment was not related to  
19 the Cardinal. Why don't you get the comment?

02:13:57

20 MR. MANLY: Sure.

21 MR. HENNIGAN: Don, stifle it.

22 MR. MANLY: We'll do just what your  
23 counsel suggests. Let's mark this as next in order.

02:14:11

24 (Exhibit 5 was marked by the court  
25 reporter.)

02:15:40

1 BY MR. MANLY:

2 Q Have you ever seen this article before,  
3 Eminence?

4 A I'm not sure if I saw this one or another  
5 one.

02:15:45

6 Q You recall now the comments?

7 A Yes.

8 Q Okay. And paragraph three reads, "His  
9 comments drew immediate condemnation from the

02:16:08

10 Archbishop of Los Angeles, Cardinal Roger M. Mahony,  
11 as well as from members of Mr. Keating's own panel,  
12 the National Review Board.

13 The Board was appointed by the United  
14 States Conference of Catholic Bishops to monitor  
15 compliance with anti-abuse policies established a  
16 year ago by the Bishops."

02:16:21

17 Did you ever put pressure within the  
18 Bishops' Conference to get Keating to resign?

19 MR. HENNIGAN: What did the preamble have  
20 to do with the question?

02:16:34

21 MR. MANLY: You can answer.

22 MR. HENNIGAN: You can answer the question  
23 if it's separated from the preamble.

24 BY MR. MANLY:

02:16:41

25 Q Did you ever put pressure on other Bishops

02:16:44 1 or the panel to force Frank Keating to resign  
2 because of the comments he made about your handling  
3 of the sex abuse crisis in Los Angeles?

4 A I don't recall what he said about Los  
02:16:57 5 Angeles in particular.

6 Q Okay. Do you recall at any point him  
7 comparing your handling or the Archdiocese's  
8 handling of the crisis to La Cosa Nostra?

9 MR. HENNIGAN: You are not going to answer  
02:17:13 10 the question. It is not designed to legally  
11 discover admissible evidence. Nope.

12 MR. MANLY: Why not?

13 MR. HENNIGAN: John, do this in front of  
14 somebody who will appreciate it.

02:17:34 15 MR. MANLY: Mike, one of the things we've  
16 alleged is there was a conspiracy here. Okay. And  
17 when the head of the Bishops' Board makes a comment,  
18 rightly or wrongly, about the Cardinal's handling of  
19 it, I think that's fair game so, you know, I'd ask  
02:17:40 20 you to reconsider.

21 MR. HENNIGAN: No.

22 MR. MANLY: Okay. We'll just bring it up.

23 BY MR. MANLY:

24 Q Looking at the quote, "to resist grand  
02:17:52 25 jury subpoenas, to suppress the name of offending

02:17:55 1 clerics, to deny, to obfuscate, to explain away;  
2 that is the model of a criminal organization, not my  
3 church." Do you see that quote?

4 MR. HENNIGAN: We're not going to answer  
02:18:07 5 questions about that.

6 MR. MANLY: Why?

7 MR. HENNIGAN: Because you're just trying  
8 to inflame the situation, John. If there is  
9 something you want to know from the Cardinal that he  
02:18:11 10 knows that he can help you with, we are here to help  
11 you. We're not here to be verbally abused by you.

12 MR. MANLY: I am not verbally abusing  
13 anybody.

14 BY MR. MANLY:

02:18:20 15 Q So did you refuse at any point, Cardinal,  
16 to disclose Michael Baker's name or the names of  
17 other priests that you knew had molested kids to law  
18 enforcement?

19 A Not that I'm aware of.

02:18:34 20 Q So your testimony is at no point did you  
21 decline to give or delay giving law enforcement the  
22 names of molester priests?

23 MR. HENNIGAN: That's what he just  
24 testified to. You only get one question and one

02:18:45 25 answer.



02:18:46 1 MR. MANLY: You can answer.  
2 MR. HENNIGAN: No. He did. He answered.  
3 MR. FINALDI: It's a different question.  
4 MR. MANLY: It's a different question.  
02:18:55 5 MR. HENNIGAN: Not different enough.  
6 MR. MANLY: Okay. Well, I think your  
7 strategy at this point is to just not let him answer  
8 anything because it might be really bad.  
9 MR. HENNIGAN: No.  
02:19:03 10 MR. MANLY: So why don't we take a break  
11 and we'll get the judge back in and let her help us.  
12 Okay.  
13 THE VIDEOGRAPHER: Off record at 2:19 p.m.  
14 (Off the record.)  
02:25:02 15 THE VIDEOGRAPHER: Returning to record at  
16 2:25 p.m.  
17 MR. MANLY: The next exhibit in order will  
18 be the Cardinal's deposition from November 23rd,  
19 2004 and I've given a copy to Mr. Hennigan. If you  
02:25:20 20 would pass those along, I would appreciate it.  
21 MR. HENNIGAN: You are marking it as an  
22 Exhibit? What exhibit is this?  
23 THE COURT REPORTER: 6.  
24 (Exhibit 6 was marked by the Court  
02:25:36 25 Reporter.)

02:25:34 1 THE COURT: Is this the first depo in this  
2 case? I am assuming these exhibits are going to  
3 keep their numbers through all your depos.

4 MR. MANLY: No. We're way into depos in  
02:25:44 5 this case.

6 THE COURT: Way? Okay.

7 MR. HENNIGAN: Would have been nice.

8 THE COURT: It is so much better when they  
9 are numbered once and use that number in all the  
02:25:53 10 depos. It makes it very difficult at trial when you  
11 have all those -- okay.

12 MR. HENNIGAN: This is the deposition that  
13 you took?

14 MR. MANLY: Yeah. Can you turn to page  
02:26:04 15 124, Cardinal. Page 32 of the --

16 THE WITNESS: Which of these numbers is  
17 the page number?

18 MR. WOODS: I think he means page 32 here.

19 THE WITNESS: You mean the small 124 in  
02:26:27 20 the corner?

21 MR. MANLY: Correct.

22 MR. HENNIGAN: What's the --

23 MR. MANLY: Line 6.

24 THE COURT: 32.

02:26:44 25 MR. MANLY: It's November 23rd, 2004.

02:26:46 1 It says, "Do you think you should  
2 have -- if you found out, Eminence,  
3 that a priest had molested a child,  
4 and you believed it, you thought  
02:26:53 5 the right thing to do was call the  
6 cops prior to 1985?  
7 "Answer: That somebody should  
8 report this matter to the police,  
9 correct.  
02:27:00 10 "Question: You directed your staff  
11 and they understood, because you  
12 wanted to protect kids, that what  
13 they should do if that person  
14 molested a child is you do exactly  
02:27:09 15 what you did with Father [REDACTED],  
16 which is call the police, right?  
17 Answer: Right."  
18 Do you recall giving that testimony?  
19 A Yes.  
02:27:18 20 Q And was that your policy in Los Angeles?  
21 A Yes.  
22 Q Let me show you a document we'll mark as  
23 next in order.  
24 (Exhibit 7 was marked by the court  
02:27:43 25 reporter.)

02:27:44 1 MR. HENNIGAN: Are we done with the  
2 Keating stuff?

3 MR. MANLY: No. We'll get back to it.

4 BY MR. MANLY:

02:27:55 5 Q Application for Sabbatical Time, it is  
6 Bates named CIVBAKE 000329. Do you see that,  
7 Cardinal?

8 A Yes.

9 Q What is that document, if you know?

02:28:39 10 A This is an application for sabbatical  
11 time.

12 Q Okay. And it appears to be dated  
13 September of '96; is that correct?

14 A Let's see.

02:29:06 15 Q Oh, he's applying for September of '96.  
16 It's dated October of '94 -- no. I'm not sure  
17 that's part of the document but -- in any event, do  
18 you recall that Baker was given -- put on a  
19 sabbatical in or around September of 1996, Cardinal?

02:29:41 20 A Yes.

21 Q Okay. And why was that?

22 A We have a sabbatical policy and priests  
23 are able to request sabbatical time. It's usually  
24 four months. And these are submitted to the Vicar

02:30:01 25 for Clergy and the Vicar for Clergy normally

02:30:05 1 approves them.

2 Q All right. And did this have anything to  
3 do with the misconduct or boundary violation or  
4 whatever you want to call it that occurred at

02:30:16 5 St. Columbkille?

6 MR. HENNIGAN: I don't know what the  
7 "this" is?

8 MR. MANLY: The application. The exhibit.

9 MR. HENNIGAN: The application is dated

02:30:24 10 '94.

11 BY MR. MANLY:

12 Q Well, he did go on sabbatical from 8-1-96  
13 to 12-31-96, correct, according to Exhibit 1?

14 MR. HENNIGAN: The application was in '94.

02:30:43 15 MR. MANLY: I understand.

16 MR. HENNIGAN: I don't know what the  
17 "this" is?

18 MR. MANLY: Let me clarify.

19 THE COURT: The question has been

02:30:55 20 withdrawn and a new question has been asked. Did he  
21 go on sabbatical from September to December '96, I  
22 think that was your question.

23 MR. MANLY: Correct.

24 THE WITNESS: I don't have that from

02:31:08 25 personal recollection but it says here on this form

02:31:11 1 that he was.

2 BY MR. MANLY:

3 Q Right below that it -- do you derive from  
4 this form that he was placed on sabbatical because  
02:31:18 5 of the allegation or is it just you can't tell?

6 A We don't consider sabbatical for these  
7 kind of purposes.

8 Q Did you notice he went to Seton Hall, in  
9 the application he asked to go to Seton Hall in  
02:31:37 10 paragraph 1?

11 A Yes.

12 Q Is there a treatment facility at Seton  
13 Hall that you are aware of?

14 A No. But Seton Hall offers every summer a  
02:31:44 15 four-week program for priests because during August,  
16 there are no students at the university.

17 Q Okay. Now, it says, "Sexual Abuse  
18 Advisory Board recommendations re Baker." Do you  
19 see that on Exhibit 1?

02:32:01 20 A Yes.

21 Q What were their recommendations, if you  
22 recall, Cardinal?

23 A I would have to review the document but it  
24 was basically reaffirming his -- recall that the  
02:32:17 25 Sexual Abuse Advisory Board had been informed by

02:32:23 1 Father Dyer and Father [REDACTED]; that the young man  
2 had denied any inappropriate activity of any kind  
3 and yet the Board further restricted what he was to  
4 do.

02:32:35 5 Q Okay. Now, if you see -- if you look at  
6 the Sabbatical Application, do you note he says he's  
7 going to travel through Guatemala and El Salvador?

8 A Yes.

02:32:59 9 Q Was he allowed to do this after the  
10 incident at St. Columbkille and given his history?

11 A Well, remember the incident at  
12 St. Columbkille was determined by our people at that  
13 time to have had nothing happen, so there was no need to  
14 impose anything more strict.

02:33:17 15 Q Did Monsignor [REDACTED] and Monsignor Dyer  
16 tell you they talked to the victim's mother?

17 A I don't remember.

02:33:45 18 Q What training did Monsignor [REDACTED] have in  
19 investigating childhood sexual abuse, if you know,  
20 in or around 19 -- in or around 2000 -- I'm sorry --  
21 in or around 1996?

22 A I am not aware of any.

23 Q What about Monsignor Dyer?

24 A No, not aware of any.

02:33:56 25 Q Aside from just simply interviewing the

02:33:58 1 boy, do you know of anything else they did to  
2 determine if Father Baker was actively molesting  
3 kids again?

4 A I don't know.

02:34:13 5 Q Have you ever met with the SAAB -- did you  
6 ever meet with the SAAB Board before it was  
7 reconstituted?

8 A Yes.

9 Q How many times?

02:34:23 10 A I don't remember.

11 Q Let me read to you some items from  
12 Monsignor Loomis' deposition taken in this case.

13 Have you had an opportunity to see  
14 that deposition, Cardinal?

02:34:58 15 A No.

16 MR. MANLY: Do you have a copy for him?

17 MR. FINALDI: Which one?

18 MR. MANLY: Loomis. We've only got one  
19 copy. Let me read it to you.

02:35:17 20 MR. WOODS: Page?

21 MR. MANLY: Page -- let me see. I was  
22 going to start at 129, but I think it starts earlier  
23 than that. There is so many objections, it's hard  
24 to find out where the testimony begins.

02:35:54 25 Okay. Here we go. 126, line 21:



02:35:59 1 "Have you ever discussed with the  
2 Cardinal whether or not the police  
3 or other law enforcement should  
4 have been called when Father Baker  
02:36:05 5 came in and brought the Cadigan  
6 letter to you?  
7 "Answer: By way of memo, I  
8 reported it to the Cardinal.  
9 Again, at the time the training  
02:36:13 10 that we had received is that  
11 adults -- it was my understanding  
12 both of these men were adults -- it  
13 was their call whether they would  
14 call the police."  
02:36:22 15 Did you report -- did you receive a  
16 memo regarding the Cadigan allegations from  
17 Monsignor Loomis?  
18 A I don't recall it.  
19 Q Question at page 127, line 10:  
02:36:41 20 "Has there ever been an effort to  
21 conceal the Baker allegation? Was  
22 there ever a time based on your  
23 knowledge as an officer of the  
24 Archdiocese that there was an  
02:36:49 25 effort to conceal the Baker

02:36:49 1 allegation from parishioners?  
2 "Answer: At the time the Cadigan  
3 allegation came in, I wanted to  
4 follow our regular policy and to  
02:37:00 5 make announcements in the parishes  
6 where Father Baker had been  
7 assigned and I was instructed that  
8 we were not going to that because  
9 the lawsuit was still under process  
02:37:09 10 of settlement. The second time was  
11 when we heard about the baptisms.  
12 I wanted to make announcements  
13 again. I was told again because  
14 the handwritten letter from  
02:37:19 15 Father Baker had come in asking for  
16 laicization, we were not going  
17 to do that. We were going to  
18 wait until after he was laicized.  
19 "Question: Who made those  
02:37:29 20 decisions?  
21 Answer: Cardinal Mahony."  
22 Is he testifying truthfully there?  
23 A I think so.  
24 Q So you decided you were not going to call  
02:37:47 25 the parishes until after Father Baker was laicized?

02:37:49 1 A Yes. And there is a reason for that.  
2 Q And then looking at page 129:  
3 "Question: Monsignor" -- line 5 --  
4 "Question: Monsignor, what  
02:38:07 5 training did you receive, if any,  
6 from Archdiocese personnel on  
7 Archdiocesan policy on how to  
8 respond to the allegations of  
9 sexual misconduct with minors by  
02:38:18 10 priests?  
11 "Answer: I studied the policies  
12 number one because they were  
13 written policies and Monsignor Dyer  
14 and I discussed them at  
02:38:25 15 considerable length. I had a  
16 discussion with Monsignor Dyer on  
17 which [REDACTED] sat in.  
18 Page 129, line 24:  
19 "I think you testified earlier the  
02:38:38 20 normal practice when there was an  
21 allegation that someone was  
22 suspended from ministry was to make  
23 an announcement at the parish?  
24 "Answer: That's correct.  
02:38:46 25 "And that wasn't done in the Baker

02:38:48 1 case?  
2 Answer: That's correct.  
3 "Did you ever find out why the  
4 Cardinal decided to deviate from  
02:38:54 5 the norm in the Baker case?  
6 "Answer: The Cardinal never told  
7 me why."  
8 Is that truthful?  
9 A No.  
02:39:01 10 Q So you are saying Monsignor Loomis is  
11 lying there?  
12 A I'm saying he doesn't recall our  
13 conversation.  
14 Q What doesn't he recall?  
02:39:12 15 A I told him at the time, I said, there's a  
16 lawsuit with a confidentiality agreement underway  
17 and that we don't want to do anything to interfere  
18 with the settlement of this lawsuit.  
19 And, secondly, that the earliest  
02:39:33 20 knowledge we had of an actual -- of any victims was  
21 not in a parish but it was back in 1986 with these  
22 two illegal aliens. And, therefore, there was no  
23 parish to go to to report.  
24 Q So he understood that?  
02:39:59 25 A I thought so.

02:40:00 1 Q Okay. And your testimony here is today,  
2 you specifically recall having a discussion with him  
3 about that?

4 A Yes, I do.

02:40:13 5 Q And so you told him why you were going to  
6 deviate in the Baker case?

7 A It really wasn't a deviation because we  
8 did not have a current case of a parish. The only  
9 thing we had until the -- was two young men -- the  
02:40:34 10 only thing we had was his admission to me of these  
11 two boys from Mexico.

12 Q Did you know Monsignor Loomis wanted to  
13 tell the parishes?

14 A Yes.

02:40:44 15 Q Did you know he was upset with you that  
16 you wouldn't?

17 A I don't recall him being upset because I  
18 told him, yes, we will be notifying the parishes but  
19 we have to let this lawsuit get settled or it may  
02:40:59 20 not get settled because there's a confidentiality  
21 agreement.

22 Q But the lawsuit wasn't settled when you  
23 were talking to Monsignor Loomis about this, right?

24 A I don't have that in front of me, so I  
02:41:10 25 don't know the dates and the context.

02:41:12 1 Q You told me earlier you weren't sure  
2 whether there was a confidentiality agreement in the  
3 lawsuit or not -- in the Settlement Agreement or  
4 not?

02:41:19 5 A What I said is there usually were in those  
6 years.

7 Q So the reason you didn't tell the parishes  
8 about Michael Baker molesting children is because  
9 you were worried about a confidentiality agreement?

02:41:31 10 A I was worried -- not worried. I wanted to  
11 get that lawsuit settled.

12 Q Why?

13 A For the sake of these men, these victims.

14 Q So you weren't worried about other victims  
02:41:43 15 coming forward, you were trying to help the boys?

16 A I told Monsignor Loomis and I'll tell you  
17 again, I had no verifiable report of Baker molesting  
18 any minor up to that point in a parish.

19 Q Sorry, Cardinal. Go ahead.

02:42:06 20 A I said none.

21 Q I thought you were continuing. I'm sorry.  
22 Let me read to you a little bit more  
23 from Monsignor Loomis' deposition, page 130. Let me  
24 start at line 6, because I think it puts it in  
02:42:19 25 context.

02:42:19 1 "Did you ever find out why the  
2 Cardinal decided to deviate from  
3 the norm in the Baker case?  
4 "Answer: The Cardinal never told  
02:42:27 5 me why.  
6 "Question: Did you ask?  
7 "Answer: No.  
8 "Question: Did you ever discuss  
9 that with any of your colleges?  
02:42:33 10 "Answer "Monsignor [REDACTED]. He knew  
11 I wanted to do it and I had been  
12 told that I was not to."  
13 Did you tell Monsignor Loomis either  
14 directly or through your staff that he was not to  
02:42:43 15 notify the parishes?  
16 A I told him -- again, because he had not  
17 been in a parish, in a regular assignment for over  
18 15 years and I said, "Given that, we're going to  
19 wait until these matters are settled."  
02:42:57 20 Q Did you tell Monsignor Loomis not to tell  
21 the parishes, Cardinal?  
22 A I don't recall ever telling anyone not to  
23 tell the parishes.  
24 Q Who told him not to, if you know?  
02:43:08 25 A I don't know.

02:43:08 1 Q So if he said says you told him not to  
2 tell the parishes either directly or indirectly,  
3 that's not true?

4 A That's not my recollection at all.

02:43:25 5 Q Is that you don't remember or he's not  
6 telling the truth?

7 A My recollection is we discussed it and I  
8 said we need to wait because these -- these were not  
9 reports recent of any parish in the Archdiocese.

02:43:34 10 Q Okay.

11 "Tell me about that conversation."

12 This is page 129, continuing at line 15.

13 "Answer: Basically that I was  
14 venting that I was upset.

02:43:45 15 "And what did he say?"

16 He being Monsignor [REDACTED]

17 "Answer: It was more of a personal  
18 conversation where he was trying to  
19 be helpful because I was so upset.

02:43:53 20 "Question: And why were you upset?

21 "Answer: I was upset because I  
22 felt we should have made the  
23 announcements.

24 "Question: Why?

02:44:00 25 "Answer: Because it was the right



02:44:01 1 thing to do. It was in our policy.  
2 It was clearly stated in the policy  
3 and I thought we should have  
4 followed it. "

02:44:08 5 Do you remember that being  
6 Monsignor Loomis' position?

7 A I can't recall or not.

8 Q Was it in the policy that the parishes  
9 should be notified?

02:44:23 10 A It was in the policy but that had to do  
11 with violations in the parish and we had no instance  
12 of a violation in a parish in those 15 years.

13 Q "Did you ever personally "-- I'm sorry.

14 Page 131, line 3:

02:44:42 15 "Did you ever personally develop an  
16 opinion --

17 And then he interrupts me and says,  
18 "Answer: You asked something  
19 previously about a reason. Okay.

02:44:49 20 "Question: Yeah.

21 "Answer: And the reason is  
22 the first time I was told that  
23 settlement process was still  
24 underway as I told you so we

02:44:57 25 were going to wait. And then

02:44:59 1 we heard about the baptisms  
2 and I wanted to do it then but  
3 that's when the handwritten  
4 letter from Father Baker

02:45:05 5 asking to be laicized came and  
6 I was instructed we were not  
7 going to do that until after  
8 the process was finished. Those  
9 are the reasons I was given."

02:45:12 10 Is that accurate?

11 MR. HENNIGAN: Here's the mischief of  
12 Mr. Manly reading a transcript that he hasn't provided  
13 to the rest of us because --

14 MR. MANLY: I would be happy to copy it  
02:45:20 15 right now.

16 MR. HENNIGAN: Had we had it, we would  
17 have read on when he was suggesting that  
18 Monsignor Loomis was lying, instead a page or two later  
19 he remembers the very conversation that the Cardinal has  
02:45:31 20 just recalled --

21 MR. MANLY: Okay. Are you done? I'm  
22 happy to make a copy.

23 MR. WOODS: I don't have the transcript in  
24 front of me. It is my recollection there never was  
02:45:45 25 a conversation. It was done by a memo.

02:45:47 1 MR. HENNIGAN: Don.

2 MR. WOODS: His portraying that there was  
3 a conversation is inaccurate.

4 MR. MANLY: Can I have the memo? You  
02:45:55 5 wouldn't give me the memo. You have objected to the  
6 memo. Let's have the memo.

7 THE COURT: Okay. I think the bottom line  
8 is we don't read from things without giving other  
9 people copies.

02:46:05 10 MR. MANLY: I agree. Can we make a copy  
11 of this real quick?

12 THE COURT: No.

13 MR. MANLY: You won't let me use the  
14 court's copy machine to make a quick copy?

02:46:14 15 THE COURT: The court has no money.

16 MR. MANLY: Go to Kinkos. We'll just  
17 continue.

18 THE COURT: We cannot copy a whole depo.  
19 We can't do that.

02:46:24 20 MR. MANLY: It's a condensed transcript.  
21 We'll go do it at Kinkos. It's fine.

22 THE COURT: I can't copy a whole  
23 transcript.

24 MR. MANLY: Okay.

02:46:34 25 THE COURT: There is photocopy machines

02:46:36 1 downstairs.

2 MR. MANLY: Let's move on to the next  
3 exhibit. We'll come back to the deposition.  
4 (Discussion out of the hearing of the  
02:46:44 5 court reporter.)

6 THE COURT: Did you all get a break?  
7 MR. STEIER: No --  
8 MR. MANLY: We took a break right before.  
9 Do you want to take a break? Are you all right?

02:46:44 10 THE COURT REPORTER: I'm okay right now.  
11 MR. HENNIGAN: I'd like to finish.  
12 MR. MANLY: We're not going to finish  
13 today. I've mean, I've got probably four hours  
14 left.

02:47:14 15 MR. HENNIGAN: This is a lot like a  
16 filibuster --  
17 MR. MANLY: You have taken my guys' depos  
18 for days.  
19 MR. HENNIGAN: Not me. I have taken one  
02:47:22 20 deposition in my career that lasted longer than a  
21 day.  
22 MR. MANLY: Your firm has.  
23 THE COURT: All right. Everybody settle  
24 down. I just thought you maybe needed a break but  
02:47:33 25 if everybody has had a break, that's wonderful and

02:47:36 1 just keep going.

2 MR. WOODS: Do we have an exhibit number?

3 THE COURT REPORTER: 8.

4 (Exhibit 8 was marked by the court

02:47:59 5 reporter.)

6 BY MR. MANLY:

7 Q Do you know what this document is,  
8 Cardinal?

9 A Yes.

02:48:02 10 Q What is it?

11 A It's the decree returning Michael Baker to  
12 the laicise state.

13 Q Okay. And who is it signed by?

14 A Signed by Cardinal Medina Estevez --

02:48:21 15 excuse me. It's not signed by anybody.

16 Q It's stamped anyway.

17 A No. There is no name stamped on it.

18 Q Okay. What does this document mean in  
19 layman's terms, if you would?

02:48:34 20 A This is the official notification that his  
21 petition for laicization has been granted and this  
22 document grants it.

23 Q Okay. Let me show you the -- so in other  
24 words, he's voluntarily defrocked, right?

02:48:48 25 A Yes.

02:48:49 1 Q Let me show you the next in order which  
2 will be Exhibit 9.

3 (Exhibit 9 was marked by the court  
4 reporter.)

02:49:03 5 BY MR. MANLY:

6 Q Before I get to that, did you ever enter  
7 into an agreement or anybody on your behalf enter  
8 into an agreement with Michael Baker where you  
9 agreed you would not notify the police if he agreed  
02:49:16 10 to reduce himself or voluntarily request  
11 laicization?

12 A No. In fact, at this time, I think he  
13 actually had an attorney.

14 Q Do you -- you know, in the --  
02:49:32 15 Michael Baker paid several hundred thousand dollars of  
16 the Cadigan settlement, is that your recollection?

17 A Yes.

18 Q How did he get all that money, do you  
19 know?

02:49:42 20 A My personal opinion, the consummate  
21 con-artist, lied to everybody, manipulated  
22 everybody, including psychologists, psychiatrists,  
23 priests, Bishops, rich widows, everyone.

24 Q But he didn't manipulate the police  
02:50:10 25 because they didn't know, right?

02:50:11 1 A Well, the only instance we know of him and  
2 the police was in 1988.

3 Q What happened there?

4 A Apparently, his therapist reported him to  
02:50:16 5 the police -- we don't know which department -- and  
6 the police went to the house and the mother was very  
7 upset and did not pursue it.

8 Q His therapist reported it?

9 A A therapist of a victim, apparently.

02:50:34 10 Q When did you find that out?

11 A Sometime in the early 1990's, but it's  
12 specified specifically in a letter from a  
13 [REDACTED] to Jeff Anderson in 2002.

14 Q Did you ever meet [REDACTED]?

02:50:53 15 A I don't think so.

16 Q Do you know when he was molested by  
17 Michael Baker?

18 A No.

19 Q Looking at Exhibit 9, again, this was in  
02:51:07 20 Baker's file. It says, [REDACTED]  
21 "This is Father Mike Baker's key to the door at  
22 Immaculate Conception end of the Chancery building."  
23 He says it will not work and needs a replacement for  
24 it. Could you handle, since [REDACTED] is away?

02:51:27 25 Replacement should come back to me and I will get it

02:51:27 1 to Father Baker. Many thanks. [REDACTED]"  
2 Do you know what that refers to?  
3 A No, I don't.  
4 Q How many chancery buildings were in the  
02:51:34 5 Archdiocese in 1992?  
6 A There were a number of buildings in the  
7 complex, several. Maybe four, five.  
8 Q Okay. Was he residing there?  
9 A No.  
02:51:45 10 Q Okay. Do you know why?  
11 A There were no residences there.  
12 Q Do you know why he needed a key to that?  
13 A No, except that when he was working for  
14 the Vicar for the Clergy taking care of retired  
02:52:02 15 priests, he would come and see the Vicar about  
16 priests who were retired.  
17 Q Let me show you a document we'll mark as  
18 next in order which is Exhibit 10. This is a letter  
19 from you to a victim's family dated December 5,  
02:52:42 20 1992. Here is an extra one.  
21 (Exhibit 10 was marked by the court  
22 reporter.)  
23 BY MR. MANLY:  
24 Q Have you read it?  
02:53:48 25 A Yes.



02:53:49 1 Q Did you author this document?

2 A Yes.

3 Q And does this refer to meetings you had  
4 with victims in November of 1992?

02:53:57 5 A That's my early reference, correct.

6 Q I would like to direct your attention to  
7 the fifth paragraph down.

8 A Yes.

9 Q It says, "Please be assured that I and my  
02:54:11 10 chief collaborators take every single allegation of  
11 any misconduct seriously, that we move swiftly to  
12 protect all possible victims and their families, and  
13 that we remove every priest guilty of misconduct.  
14 No priest is allowed to minister in the Archdiocese  
02:54:29 15 of Los Angeles unless we are morally certain he will  
16 be able to minister properly."

17 Does that statement accurately  
18 reflect the policy of the Archdiocese of Los Angeles  
19 in December of 1992?

02:54:43 20 A Yes.

21 Q When you wrote and when you say, "protect  
22 all possible victims," what does that refer to,  
23 known and unknown?

24 A I would suspect, yes.

02:55:07 25 Q When you learned in 2000 that Baker had

02:55:13 1 molested other children, what steps, if any, did the  
2 Archdiocese take to identify any additional victims?

3 A Well, after he was laicized we in fact did  
4 notify, we had announcements made in all those  
02:55:35 5 parishes. And the best of my recollection is that  
6 we got no new victims from that -- those notices.

7 Q How do you know that?

8 A No one came forward.

9 Q And who made the announcements?

02:55:52 10 A I don't remember. There was a regular  
11 form that we read at the masses or at the end of  
12 mass and exactly who read it, the pastor or someone  
13 else, I don't remember because it was all the  
14 parishes prior to 1996.

02:56:14 15 Q Have you ever had a meeting with the  
16 District Attorney's Office, you personally  
17 specifically on the Baker case?

18 A Not that I am aware of.

19 Q Have you ever discussed the Baker case  
02:56:24 20 personally with anybody at the District Attorney's  
21 Office?

22 A No.

23 Q Have you ever testified in front of a  
24 grand jury, Eminence?

02:56:34 25 A No.

02:56:37 1 Q Are you currently under subpoena with any  
2 grand jury?

3 A No.

4 Q Have you ever expressed concern at any  
02:56:45 5 point to any member of your staff about testifying  
6 in front of a grand jury?

7 A No.

8 Q Was your handling of the Baker case and  
9 the delay in reporting it in any way influenced by a  
02:57:04 10 concern involving you having to testify in a civil  
11 or criminal matter?

12 A No. You asked that this morning. The  
13 answer was no then and it is no again.

14 Q Okay. Who interviewed Father Baker -- let  
02:57:27 15 me go back a little bit.

16 When the [REDACTED] allegation came  
17 up, how did you learn about that?

18 A Which allegation?

19 Q I'm sorry. Strike that. Cadigan  
02:57:37 20 allegation came up in 2000, how did you find out  
21 about it?

22 A Is Cadigan the name --

23 Q Cadigan's the lawyer in Tuscon.

24 A I believe that it was the Archdiocesan  
02:58:00 25 attorney who got a copy of this and maybe a

02:58:01 1 complaint, I'm not sure what it was, but that was  
2 probably the person who told me.

3 Q And at that point, did you direct your  
4 staff to do anything?

02:58:10 5 A Well, that's when we first found out about  
6 Baker's misconduct and that's when all of those  
7 things that occurred on that page started happening,  
8 taking out of ministry, SAAB, laicization, all of  
9 those things.

02:58:26 10 Q Cardinal, when you're talking about the  
11 Baker case, you have said many times and you said in  
12 the People of God Report that you have made mistakes  
13 with regard to Baker. Do you remember that?

14 A Yes.

02:58:37 15 Q What mistakes do you acknowledge you made?

16 A Basically, I believed him. I believed him  
17 all along that he was making progress, that he was  
18 going to the therapist. There were no new offenses.

19 And I just believed that he -- he  
02:58:52 20 really intended to reform. And we found out later  
21 that he lived a huge lie all those years.

22 Q Do you think it was a mistake not to call  
23 the police in 1986?

24 A Call the police when?

02:59:10 25 Q In 1986.

02:59:11 1 A Well, I told you this morning a few times,  
2 that we had no victims to call the police.

3 Q I'm just asking you if you think it was a  
4 mistake when you say you acknowledge mistakes, do  
02:59:22 5 you think that was a mistake?

6 A No.

7 Q Do you think it was a mistake not to call  
8 the police or notify Child Protective Services in  
9 1996 when he was found in the rectory with my  
02:59:35 10 client?

11 A No, because he allegedly said nothing  
12 happened.

13 Q Do you think it was a mistake not to call  
14 the police immediately in 2000, when the Cadigan  
02:59:50 15 complaint first came in?

16 A As I testified two or three times today,  
17 they were adults, they were upset with him, their  
18 attorney was upset with him. They were in the state  
19 of Arizona and it was their responsibility.

03:00:06 20 Q Has the police ever told you they don't  
21 want complaints from adults?

22 A That's not the way the law's written.

23 Q I'm asking a different question. Have the  
24 police or the District Attorney ever told you that  
03:00:20 25 they don't want complaints from adults?

03:00:22 1 A I don't recall.

2 Q When you say that's not the way the law's  
3 written, are you referring to the reporting statute?

4 A Yes.

03:00:28 5 Q Okay. Obviously, if somebody has -- do  
6 you remember how old the boys were, the Cadigan  
7 boys?

8 A It seems to me mid [REDACTED], around there.

9 Q Were you in any way by not calling the  
03:00:51 10 police trying to protect Father Baker?

11 A Absolutely not.

12 Q Were you in any way trying to protect the  
13 Archdiocese by not calling the police?

14 A No.

03:01:05 15 Q Were you in any way trying to conceal from  
16 other possible victims the fact that Baker was a  
17 molester in order to avoid claims?

18 A No.

19 Q Did that enter your mind?

03:01:12 20 A No.

21 Q The possibility of civil litigation and  
22 civil liability for Father Baker ever enter your  
23 mind?

24 A No.

03:01:23 25 Q Have you ever heard from the police on --

03:01:26 1 or the D.A. on what they think about -- have you  
2 ever read or heard from the D.A.'s office -- let me  
3 ask it a different way.

4 The police never told you they wanted  
03:01:43 5 you to do their investigations for them, right?

6 A No.

7 Q Let's go back to the Keating allegation or  
8 the Keating allegation -- the Keating statement.  
9 What exhibit was that?

03:02:09 10 (Several parties have a discussion.)

11 MR. HENNIGAN: This is a news report where  
12 Governor Keating alleged -- analogized certain  
13 catholic bishops as equivalent of the La Cosa Nostra  
14 and he was either resigned or dismissed from his job  
03:02:41 15 as the head of the National Review Board.

16 And the questions before, when you  
17 weren't here, were quoting from that and asking  
18 Cardinal to deny basically that he's similar to La  
19 Cosa Nostra.

03:03:03 20 MR. MANLY: I didn't do that.

21 THE COURT: We'll wait and see what the  
22 questions are.

23 BY MR. MANLY:

24 Q Cardinal, you recall that -- do you recall  
03:03:19 25 Governor Keating comparing you and other Bishops

03:03:22 1 handling of allegations of sexual abuse in or around  
2 2000, 2003 -- between 2002 and 2004 to La Cosa  
3 Nostra?

4 MR. HENNIGAN: I'm not going to let him  
03:03:35 5 answer that question.

6 THE COURT: Sustained. I don't know how  
7 that will lead to any discoverable evidence either.

8 MR. MANLY: Well, it's a commentary on --  
9 wait a minute, Judge. Let me at least make my  
03:03:48 10 record. Mr. Keating and the others were tasked by  
11 the U.S. Conference of Catholic Bishops to advise  
12 the Bishops and to investigate this.

13 He comes -- he gets to the Los  
14 Angeles situation. He's a former federal prosecutor  
03:04:05 15 and makes a comment and then the media reports are  
16 that the Cardinal --

17 THE COURT: Okay.

18 MR. MANLY: Wait. The Cardinal puts  
19 pressure on his fellow Bishops to get Keating to  
03:04:13 20 resign.

21 THE COURT: Do you have a question to ask  
22 though? That question is objectionable. Do you  
23 have a question that you can ask that might elicit  
24 testimony?

25



03:04:29 1 BY MR. MANLY:

2 Q Did you put pressure on your fellow  
3 Bishops to get Keating to resign because he was  
4 critical of the way you handled the scandal?

03:04:32 5 MR. HENNIGAN: This question was asked and  
6 answered.

7 MR. MANLY: I don't think it was.

8 THE COURT: Was this question asked?

9 THE WITNESS: It was and I answered no.

03:04:37 10 BY MR. MANLY:

11 Q Did you make any phone calls or contact  
12 anybody to try and get Keating to resign after he  
13 had criticized you publically?

03:04:47 14 MR. HENNIGAN: First of all, there's no  
15 evidence that he criticized the Cardinal publically.  
16 His comments --

17 (Laughter.)

18 THE COURT: We're not laughing.

03:04:55 19 MR. MANLY: Sorry. I mean, I read the  
20 article in the Times, but we'll just do it that way.

21 MR. WOODS: Is this the article?

22 MR. MANLY: No. That's in the New York  
23 Times.

03:05:03 24 THE COURT: All right. The question needs  
25 to be rephrased, so ask the question again.

03:05:09 1 BY MR. MANLY:  
2 Q Did you at any time contact anybody within  
3 the hierarchy of the church in an attempt to get  
4 Governor Keating to resign?  
03:05:22 5 A No, never.  
6 THE COURT: I assume you mean, just for  
7 clarification, from this church panel, not to resign  
8 as governor?  
9 MR. MANLY: He wasn't the governor --  
03:05:32 10 THE COURT: Or whatever job he had.  
11 MR. MANLY: Right. That's what I meant.  
12 Okay.  
13 BY MR. MANLY:  
14 Q Let's go to the next exhibit which is 11,  
03:05:57 15 a copy of an LA Times article. Let me know after  
16 you read it, Cardinal.  
17 MR. FINALDI: Can you hand me that extra  
18 copy over there?  
19 (Exhibit 11 was marked by the court  
03:08:33 20 reporter.)  
21 BY MR. MANLY:  
22 Q Have you ever seen this before?  
23 A I don't remember but most likely I did.  
24 Q Okay. Looking at paragraph 3 of that  
03:08:41 25 letter -- I'm sorry. It says, "Mahony's spokesman,

03:08:47 1 Tod Tamberg, said the Cardinal stands by his  
2 February 21 pastoral statement, agreeing to abide by  
3 a California law mandating that priests, counselors,  
4 nurses and teachers report sexual abuse of minors to  
03:09:02 5 police. 'He's a mandated reporter as well.'"

6 Do you agree with that statement as  
7 of the date of that article?

8 A Yes.

9 Q Did you, had you -- as of March 5, 2002,  
03:09:10 10 had the Archdiocese given the names to the police?

11 MR. HENNIGAN: I'm sorry. Too vague.

12 MR. MANLY: Given the names of alleged  
13 abusive priests to the police.

14 THE WITNESS: Let's see, this is  
03:09:30 15 March 2002. I'm not sure that we had subsequently  
16 given names that the police already had.

17 The police already had names of  
18 people who reported themselves or who had mandated  
19 reporters like teachers or psychologists reported.

03:09:53 20 Whether we reported in addition, I simply don't  
21 remember.

22 BY MR. MANLY:

23 Q The paragraph -- fifth paragraph says,  
24 "But as of Monday, the Los Angeles Police

03:10:03 25 Department, the Los Angeles County Sheriff's

03:10:06 1 Department, as well as sheriff's departments of in  
2 Ventura and Santa Barbara counties, said they had  
3 received no such referrals from the Los Angeles  
4 Archdiocese, which covers these three counties."

03:10:17 5 Do you see that?

6 A Yes.

7 Q Do you believe that's accurate?

8 A I believe they refer to the Archdiocese as  
9 our office, not schools and where people would  
10 normally be reporting.

03:10:25 11 Q Did you delay in giving the police the  
12 priests' names, Cardinal, in 2002?

13 A No.

14 Q So as soon as you had the names, you gave  
15 them to the cops; is that right?

03:10:40 16 A Well, each case we handled depending what  
17 department, for example, it was the county, was it  
18 an incorporated city, wherever it was, we tried to  
19 get the information to them.

03:10:53 20 Q Did the District Attorney ask you for the  
21 names of abusive priests in 2002?

22 A Not that I remember.

23 Q Okay. Looking at the second page of the  
24 three on Exhibit 11, there is a paragraph that  
03:11:17 25 begins, "Overall." Do you see that paragraph,

03:11:19 1 Eminence?

2 A Yes.

3 Q "Overall, there were about 50 cases of  
4 sexual misbehavior reported to the Archdiocese in  
03:11:27 5 the last five years, diocesan attorney  
6 [REDACTED] of Los Angeles wrote in a letter to  
7 an expert witness in a case late last year. Not all of  
8 these cases were believed to involve children."  
9 Is that accurate?

03:11:39 10 A Yes.

11 Q How many of those cases were reported to  
12 the police by the Archdiocese?

13 A I don't know because many of these would  
14 be religious orders. I think reported to the  
03:11:53 15 Archdiocese is probably not the right phrasing.  
16 The Archdiocese was informed. For  
17 example, all the religious orders handled all their  
18 own reporting themselves.

19 Q Can you think of one of those cases that  
03:12:05 20 was reported to the police?  
21 A All the Franciscan cases.

22 Q Okay. Well, they were reported in 1992?  
23 A I'm not sure when.

24 Q So your recollection is that as of 2002,  
03:12:23 25 from '97 until 2002, there were 50 cases of abuse,

03:12:27 1 is that the way you read that?

2 MR. WOODS: Is that how he reads? It is  
3 that the question?

4 MR. MANLY: Not necessarily. Involving  
03:12:37 5 children. I want to make sure I understand it  
6 because it is your Archdiocese, not mine.

7 MR. HENNIGAN: Counsel, it's the LA Times.

8 THE WITNESS: I'm reading the newspaper  
9 reporter. This is not a document --

03:12:54 10 BY MR. MANLY:

11 Q Cardinal, I read it to you and you said it  
12 was accurate. So I'm asking you, were there about  
13 50 cases, is that your recollection?

14 A To my recollection, yes.

03:12:58 15 THE VIDEOGRAPHER: One minute.

16 MR. MANLY: Okay. Let's take a break and  
17 change the tape.

18 THE VIDEOGRAPHER: Off record at 3:13 p.m.  
19 This concludes tape 2.

03:22:44 20 (Off the record.)

21 THE VIDEOGRAPHER: Return to record  
22 3:24 p.m. This begins tape 3.

23 BY MR. MANLY:

24 Q Cardinal, do you remember a priest by the

03:24:08 25 name of Father [REDACTED], a [REDACTED]

03:24:16

1 [REDACTED] ?

2 A Do you remember what years that would have  
3 been?

03:24:22

4 Q He would have been on the SAAB -- he was  
5 on the SAAB Board and worked for the Archdiocese I  
6 believe in the mid 90's, '94 to '98.

7 A Yes. Yes, I do now.

8 [REDACTED]

9 [REDACTED]

03:24:39

10 MR. GASPARI: Lacks foundation.

11 THE COURT: Are you asking whether he  
12 heard it without saying it's true?

13 BY MR. MANLY:

03:24:44

14 Q Let me represent to you that  
15 Monsignor Loomis told me he was terminated [REDACTED]

16 [REDACTED] so I'm wondering if you have any  
17 recollection.

18 THE COURT: The last question of whether  
19 [REDACTED] does lack foundation.

03:24:56

20 BY MR. MANLY:

21 Q Was he terminated, if you know, for  
22 [REDACTED] ?

23 A My recollection of Father [REDACTED] is that

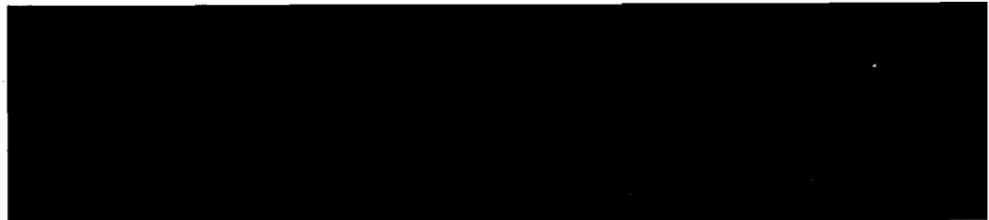
24 [REDACTED]

03:25:12

25 [REDACTED]

03:25:16

1  
2  
3  
4



03:25:29

5

He was helping us in addition to his duties.

6

Q Okay.

7

A So that those be cutback.

8

Q And how did he come to the Archdiocese, if you know?

9

03:25:42

10

A I have no idea.

11

Q Was he involved in the aftercare plan or supervision of sex offender priests within the Archdiocese?

12  
13

14

A Seems to me he



03:26:00

15

and I don't remember whether he gave advice or didn't give advice to Vicar for the Clergy. I simply don't recall.

16

17

18

It may have been involving religious priests who were having problems but I don't recall specifically seeing him very often.

19

03:26:22

20

21

Q Let me show you a document that is next in order. It's an Article from America, which is a Jesuit publication which I'm sure you are familiar with and it's by Father

22

23

24



April of 2002.

03:27:08

25

I'm only going to ask you, Eminence,



03:27:11 1 about the last heading, "Return to Ministry," on the  
2 back page, but you are entitled to read the entire  
3 article.

4 A I am not sure how I will be able to  
03:27:20 5 respond to the last page if I don't know what he  
6 said in advance, so I would like to take a moment to  
7 acquaint myself with the whole article.

8 (Exhibit 12 was marked by the court  
9 reporter.)

03:34:54 10 (Pause in the proceedings.)

11 BY MR. MANLY:

12 Q Cardinal, could you look at the last page  
13 of the exhibit under the heading, Return to  
14 Ministry.

03:35:06 15 Specifically, the last paragraph, it  
16 says, "Treating priest sexual offenders means coming  
17 to terms with the fact that the problem is complex,  
18 tenacious and that promises of rapid solutions are  
19 not likely to be fulfilled. Treatment and

03:35:20 20 rehabilitation are ambitious undertakings, requiring  
21 consistency of purpose and sustained mobilization of  
22 social resources. The required degree of  
23 cooperation between the criminal justice and mental  
24 health systems has rarely been achieved. To send

03:35:40 25 people who seek treatment for their sexual disorders

03:35:44 1 to the criminal justice system is ineffective and  
2 inhumane. So-called zero tolerance policies can  
3 lead to conduct unbecoming a loving Christian  
4 community."

03:35:56 5 Do you see that?

6 A Yes.

7 Q Did you know that was Father [REDACTED]'s  
8 view -- do you know if that was Father [REDACTED]'s view  
9 when he worked at the Archdiocese?

03:36:08 10 A I honestly don't know but that was not the  
11 policy of the Archdiocese.

12 Q Okay. What's different about that than  
13 the policy of the Archdiocese?

14 A 1994 on, the SAAB Board came in existence.  
03:36:25 15 The determination was made that anyone, any priest  
16 found to be guilty of the sexual abuse of a minor  
17 would never be returned to ministry.

18 Q Is that the way it happened?

19 A 1994 on.

03:36:44 20 Q So how do you explain Michael Wempe?

21 A I'm sorry?

22 Q Wasn't Michael Wempe ministering after  
23 1994 at Cedars-Sinai Hospital?

24 A That group that Michael Wempe, [REDACTED]  
03:36:56 25 those who were in partial ministry in SAAB. And I

03:37:01 1 admitted later, agreed that we did not go  
2 retrospective, just prospectively, because we  
3 thought they were all functioning fairly well in  
4 ministry.

03:37:12 5 Q So in other words, if you had been caught  
6 molesting kids prior to 1994, you didn't get kicked  
7 out but only after, is that it?

8 A No. In those cases where it had been  
9 determined that it would be -- they would be helped  
03:37:31 10 pastorally and personally and would not reoffend, to  
11 the best of our knowledge, they were kept in limited  
12 ministry.

13 Q Okay. Do you know that Judge Byrnes'  
14 deposition has been taken in this case? Did you  
03:37:47 15 know that?

16 A I believe someone told me.

17 Q Okay. Have you talked to him lately?

18 A Sometime in September, maybe.

19 Q Let me represent to you that Judge Byrne  
03:38:03 20 testified in the case and told us a number of  
21 things, one of which is that -- well, there were two  
22 boards, SAAB and then another board after 2002; is  
23 that right?

24 A Correct.

03:38:14 25 Q What was the second board called?

03:38:16 1 A It's called the Clergy Misconduct  
2 Oversight Board.  
3 Q Okay. And also known as CMORP?  
4 A CMOB.  
03:38:27 5 Q CMOB. Okay.  
6 And the Sexual Abuse Advisory Board  
7 was sometimes called SAAB; is that right?  
8 A Yes.  
9 Q And Judge Byrne was the chairman and there  
03:38:43 10 were [REDACTED] and  
11 [REDACTED] on the SAAB Board and several priests.  
12 Does that comport with your  
13 <sup>Na:</sup> understanding?  
14 A Yes.  
03:38:51 15 Q Okay. And is it your understanding that  
16 [REDACTED] and [REDACTED] were [REDACTED]  
17 [REDACTED]?  
18 A Which ones?  
19 Q [REDACTED] and [REDACTED].  
03:39:06 20 A Yes.  
21 Q Okay. He also told us that his  
22 recollection is that all of the cases that were  
23 brought before them were brought under the name of  
24 Father Fred, so they weren't actually told the name  
03:39:22 25 of the priest. Did you know that?

03:39:24 1 A Yes.

2 Q And then later, he said on the new board,  
3 they still don't know the name of the priest, they  
4 are called Father X. Are you aware of that?

03:39:32 5 A Yes.

6 Q And is that the case, is that true?

7 A Well, what happens is if the -- first of  
8 all, the chairman, vice chairman know who the priest  
9 is and have read the file, so the SAAB Chair or the

03:39:48 10 CMOB Board actually have seen the file. And it's  
11 really up to them to determine whether it's useful  
12 or helpful in their process to give the name.

13 Q So if Judge Byrne testified he had never  
14 seen the files and didn't know the names of the  
15 priests in this case, that would not be accurate,  
16 correct?

03:40:08 17 A In which case?

18 Q In the cases from '92 to the end of SAAB?

19 A I'm not sure how SAAB functioned. I'm  
03:40:21 20 sorry. I don't recall the policy. I just know the  
21 way CMOB functions.

22 Q So do you know in the context of SAAB,  
23 were the Chairman and Vice Chairman allowed to see  
24 the file?

03:40:34 25 A I don't remember.

03:40:46 1 MR. MANLY: Okay. Can I have his  
2 testimony read back where he explained like two  
3 questions back.

4 (The record was read as follows:  
03:41:40 5 "Well, what happens is if the --  
6 first of all, the chairman,  
7 vice chairman know who the  
8 priest is and have read the  
9 file, so the SAAB Chair or  
03:41:40 10 the CMOB Board actually have  
11 seen the file. And it's really  
12 up to them to determine whether  
13 it's useful or helpful in  
14 their process to give the name.")

03:41:43 15 BY MR. MANLY:

16 Q And why is it helpful to do that, to give  
17 the name?

18 A Well, for example, if there has been a  
19 story in the newspaper about this priest, it  
03:41:54 20 obviously makes no sense to say, well, we don't --  
21 we're not going to give the name. It's father  
22 whoever.

23 I mean, when you have all the  
24 circumstances of the case and the case has been  
03:42:06 25 reported publically in the media, then there's no

03:42:09

1 reason not to.

2 Q Cardinal, whose idea was it to call the  
3 alleged molester Father Fred?

4 A I have no idea.

03:42:17

5 Q Whose idea was it in the new board to call  
6 the alleged offending priest Father X?

7 A I don't know.

8 Q You have no idea?

9 A No.

03:42:25

10 Q Was the reason that was done [REDACTED]  
11 [REDACTED] ?

12 A Absolutely not.

13 Q Do you have any explanation as to why that  
14 was done?

03:42:41

15 Let me ask you this, did you approve  
16 that?

17 A It seemed to me when the SAAB Board was  
18 established, that is the procedure they themselves  
19 came up with.

03:42:53

20 Q So the SAAB Board and it's follow on board  
21 CMORE --

22 MR. HENNIGAN: CMOB.

23 MR. MANLY: Okay. I don't know how you  
24 put that on the record but fine.

03:43:06

25 MR. HENNIGAN: C-M-O-B.

03:43:08 1 MR. MANLY: CMOB. Is that C-MOB? Okay.

2 BY MR. MANLY:

3 Q Somebody on that board gets access to the  
4 file, is that right, Chairman or the Vice Chairman?

03:43:24 5 A Yes.

6 Q And why don't all the members get access  
7 to the file?

8 A It's their procedure that they worked out,  
9 CMOB developed this procedure.

03:43:39 10 Q Who appoints the members of CMOB and its  
11 predecessor board SAAB?

12 A I do.

13 Q Okay. How were [REDACTED] identified  
14 to serve on the Board, who helped you find those  
15 people, if anybody?

03:43:57 16 A I don't recall with [REDACTED], how  
17 she came to be on the Board. [REDACTED]

18 [REDACTED]  
19 [REDACTED]. I don't remember exactly.

03:44:23 20 We wanted somebody who [REDACTED]  
21 [REDACTED], I remember that, and a woman and who was [REDACTED]

22 [REDACTED]  
23 [REDACTED]

24 Q Was the SAAB Board and the CMOB Board  
03:44:40 25 aware that it was your policy never to report to the



03:44:43 1 police unless the allegation involved a child, in  
2 other words, it was reporting?

3 A I don't understand the question.

4 Q Sure. Let me rephrase it.

03:44:56 5 You told us earlier that you didn't  
6 report the Baker case in 2000 because the people  
7 that came forward at that time were [REDACTED] years  
8 old and were adults?

9 MR. HENNIGAN: He said [REDACTED].

03:45:12 10 MR. MANLY: Fine. [REDACTED]. Do you  
11 remember that?

12 THE WITNESS: Yes, I said I didn't report  
13 in 1986 because we didn't have anyone to -- any  
14 children for them to go interview. 2002, they were

03:45:26 15 [REDACTED].

16 BY MR. MANLY:

17 Q Was the Board aware, in terms of its  
18 advisory role to you, that that was your view, in  
19 other words, you would never report unless you had a  
03:45:41 20 child reporting abuse to the Archdiocese?

21 A Again, I don't understand what --

22 Q Did the Board understand that it was your  
23 view and the Archdiocese's policy that the  
24 Archdiocese would not notify law enforcement or

03:45:56 25 Child Protective Services if anybody other than a

03:46:00 1 minor reported abuse?

2 A Well, as I said earlier, by Archdiocese, I  
3 guess you are referring to me and my people, but  
4 because these reports were always made at the local  
03:46:13 5 level by the reporters before we found out about it.

6 Q Okay. Well, Cardinal, I'm just trying to  
7 establish what the policy was. Okay. And you've  
8 explained that you didn't report immediately to law  
9 enforcement within 36 hours or whenever -- actually,  
03:46:36 10 let me strike that.

11 You explained to us earlier that you  
12 delayed reporting in the 2000 Cadigan matter because  
13 the boys reporting were then adults, even though  
14 they had been molested as children.

03:46:50 15 And my question is, did the Board  
16 understand that was your policy to never report an  
17 adult allegation of childhood sexual abuse to the  
18 police?

19 A I don't remember if I discussed that with  
03:47:02 20 the Board, but this involved another state and  
21 adults. It didn't involve California or Los Angeles  
22 or this area.

23 Q Did that matter to you?

24 A Adults are capable of reporting  
03:47:19 25 themselves.

03:47:20 1 Q Okay. In terms of the two boys, did you  
2 understand they were adults when Father Baker  
3 reported that to you in 1986 or did you understand  
4 they were still children?

03:47:39 5 A I understood that they were young --  
6 teenagers.

7 Q Okay. Under 18?

8 A As far as I know, yes.

9 Q Okay. So in that instance, why didn't you  
03:47:50 10 report?

11 UNIDENTIFIED SPEAKER: He just explained  
12 that his policy --

13 MR. HENNIGAN: You have asked him why he  
14 didn't report 20 times.

03:47:59 15 MR. MANLY: He just made a distinction.  
16 He said I only reported when I knew they were  
17 children or knew they were minors.

18 He just testified that he thought  
19 they were minors so my question is, why didn't you  
03:48:10 20 report if that was your policy.

21 THE COURT: Do you want to object?

22 MR. HENNIGAN: Object.

23 THE COURT: It has already been answered.  
24 I could answer it.

25

03:48:18 1 BY MR. MANLY:

2 Q All right. Did you ever discuss with  
3 Judge Byrne the Baker case?

4 A I would meet periodically with CMOB and  
03:48:44 5 they would review for me a number of cases that were  
6 before them. The Baker case -- actually, he was  
7 laicized before CMOB was actually established. He  
8 was laicized in 2000. CMOB was established in 2002.

9 Q So the SAAB Board was in effect when he  
03:49:10 10 was laicized, correct?

11 A Yes.

12 Q Did the Baker case come before the SAAB  
13 Board to discuss it?

14 A I don't remember whether it came before  
03:49:18 15 them, but we acted so fast to get him out of  
16 ministry and get him laicized that -- and they  
17 concurred, obviously. They too felt they had been  
18 duped by him.

19 Q Did Baker ever appear and meet with the  
03:49:33 20 SAAB Board?

21 A It's not their practice to actually  
22 personally meet with people.

23 Q Why not?

24 A Because they don't consider themselves to  
03:49:46 25 be a court or that -- so we have professional

03:49:53 1 investigators who they then mandate to go and do the  
2 investigations and report back to them.

3 Q Okay. Now, if in 1996, Monsignor Dyer  
4 told you he learned from Father Baker that he was  
03:50:12 5 going places alone with Luis and/or other children,  
6 was it your understanding that was a violation of  
7 his aftercare agreement?

8 MR. HENNIGAN: There's no foundation.

9 MR. MANLY: You can answer.

03:50:30 10 THE COURT: No.

11 BY MR. MANLY:

12 Q Were you ever advised by Monsignor Dyer  
13 that Luis had told Dyer and/or others that he had  
14 been taken on outings by Baker alone?

03:50:45 15 A No.

16 Q Okay. If you learned, had you learned in  
17 1996 that he was taking minors alone, would that  
18 have been enough to take him out of ministry?

19 MR. HENNIGAN: Calls for pure speculation.

03:51:21 20 MR. MANLY: Based on the policy of the  
21 Archdiocese.

22 THE WITNESS: It would have --

23 THE COURT: I don't know if you can answer  
24 that.

03:51:29 25 THE WITNESS: It would have been -- again,

03:51:30 1 it would have been a violation of his aftercare  
2 agreement.

3 BY MR. MANLY:

4 Q Okay. Was international travel either  
03:51:49 5 alone -- was international travel alone to -- by  
6 Father Baker a violation of his aftercare agreement?

7 A No.

8 Q Okay. So he could go anywhere, any  
9 country he wanted, Thailand, Nepal, Guatemala.  
03:51:58 10 El Salvador, that would be fine?

11 A As far as I knew, there was no restriction  
12 on countries.

13 Q What was the nature of the restriction in  
14 terms of his contact with young people, if you know,  
03:52:12 15 in the aftercare agreement?

16 A I would have to refresh my memory. I  
17 don't have it in front of me.

18 MR. MANLY: I don't have it at all. Could  
19 we get that?

03:52:23 20 MR. WOODS: I'm not being deposed, John.  
21 The matter has all been litigated. It's coming up  
22 for a ruling.

23 MR. MANLY: Okay.

24 BY MR. MANLY:

03:52:47 25 Q Did you ever meet or direct your staff to

03:52:48 1 meet with Father Baker's therapist in or around 1996  
2 when they saw Luis coming out of that residential  
3 area in the rectory?

4 A No, not as far as I recall.

03:53:05 5 Q Did anybody to your knowledge consult with  
6 his therapist to determine if there had been some  
7 change or some issue with him?

8 A I don't know.

9 Q Okay. Now, let's go back to Monsignor  
03:53:22 10 Loomis and let me pass out the portion of the  
11 deposition I'm going to ask about. Why don't we  
12 mark it as next in order. And this is the  
13 deposition of Monsignor Richard Loomis dated  
14 September 15, 2009.

03:54:04 15 MR. WOODS: Exhibit 13, right.  
16 (Exhibit 13 was marked by the court  
17 reporter.)

18 BY MR. MANLY:

19 Q Let me direct your attention to page 118  
03:54:28 20 of the deposition. It's the second page of the  
21 document you have in front of you, Cardinal. I'm  
22 looking at line 15:

23 "When you realized at some point,  
24 did you personally come to the  
03:54:47 25 conclusion that Father Baker had,

03:54:49 1 in fact, molested this boys?  
2 "Answer: The only thing I had is  
3 what I saw in the opening pages of  
4 the lawsuit.  
03:54:55 5 "Question: Okay.  
6 "Answer: I saw no later  
7 information.  
8 "Question: Were you concerned at  
9 all given the allegations that were  
03:55:01 10 raised in the Cadigan claim that  
11 Baker had in fact -- may have, in  
12 fact, molested the two boys when  
13 they were just -- to use your  
14 term -- boundary violations?  
03:55:15 15 "Answer: Yes.  
16 "Question: Did anybody go back and  
17 revisit that at that time?  
18 "MR. WOODS: Revisit what?  
19 "MR. MANLY: The other two boys  
03:55:24 20 that Baker had boundary violations  
21 with.  
22 "THE WITNESS: I went back to the  
23 file and tried to look up the two  
24 families. There was unfortunately  
03:55:34 25 no contact information. I got



03:55:36 1 in touch with Monsignor Dyer  
2 because he was in the parish where  
3 supposedly these people -- at  
4 least one of them had lived  
03:55:44 5 at the time. And there was no way  
6 to track them, either through phone  
7 or parish restrictions or  
8 anything of that type.  
9 "Question: There was no name in  
03:55:53 10 the file?  
11 "There was a name and that was it.  
12 Question: What about Monsignor  
13 Dyer, did Monsignor Dyer have a way  
14 to track them?  
03:56:00 15 "I asked him to try. Sorry, I  
16 talked over you.  
17 "It's okay.  
18 "I asked him to try and he called  
19 me back after about 24 hours and  
03:56:04 20 told me he had not been able to  
21 find the families again.  
22 "Question: Did the Archdiocese  
23 hire a private investigator to try  
24 and find them?  
03:56:11 25 "Answer: Not to my knowledge.

03:56:12 1 "Question: What files did you look  
2 at?  
3 "I looked in the C file.  
4 "And where was the C file kept at  
03:56:17 5 that time.  
6 "Answer: In the Vicar for Clergy  
7 office in a locked office, in a  
8 locked cabinet.  
9 "Describe what the file looked  
03:56:26 10 like, color, et cetera.  
11 "It was in a manila folder.  
12 "What color?  
13 "Manila folder, same usual color."  
14 Cardinal, do you ever recall  
03:56:36 15 discussing with Monsignor Loomis the possibility of  
16 trying to find the other two children Monsignor --  
17 I'm sorry -- Father Baker had boundary violations  
18 with between '86 and the Cadigan complaint?  
19 A I am not sure who you are referring to.  
03:56:53 20 Q There were two instances of boundary  
21 violations that are mentioned in the People of God  
22 Report that we talked about today, one involving my  
23 client and Father Baker.  
24 What this refers to is a search for  
03:57:06 25 those boys. Okay. Did you direct any of your staff

03:57:10 1 to try and go back and find the boys he had boundary  
2 violations with after you learned of the Cadigan  
3 allegation?

4 A I'm lost on which boys.

03:57:25 5 Q Okay. Let's just --

6 A You said there are two.

7 Q Let's just deal with Luis. I think it's  
8 simpler.

9 Did you direct your staff to go back  
03:57:34 10 and try to locate Luis -- Luis C. who's here in this  
11 room -- and revisit that case or that allegation or  
12 incident after the Cadigan allegation came up?

13 A You mean following the meeting with  
14 Monsignor [REDACTED] and Dyer with him where he said  
03:57:57 15 nothing happened?

16 Q No.

17 A Referring to that?

18 Q I'm referring to when you received the  
19 Cadigan complaint and the allegations of the two  
03:58:07 20 boys from Mexico and Arizona, okay, did you then  
21 go -- think it wise or did you go back and try to  
22 locate Luis who was seen coming out of the residence  
23 area where Baker lived in 1996?

24 A You mean four years after he said nothing  
03:58:34 25 happened?

03:58:34 1 Q Right.

2 A Didn't occur to me.

3 Q Okay. Did you ever learn the police were  
4 trying to locate Luis?

03:58:36 5 A At some point, I did, yes.

6 Q Did you ever hear from any source other  
7 than your counsel an allegation by the police that  
8 the Archdiocese intentionally concealed Luis' name  
9 and made it very difficult to find him?

03:58:51 10 A Well, Monsignor Dyer made it very clear  
11 that there were two different last names, Spanish  
12 names being used and he was familiar with one of  
13 them and he was not familiar with the other one.

14 Q Cardinal, did you ever hear from any  
03:59:06 15 source that the police accused the Archdiocese of  
16 misleading the D.A.'s office and the police by  
17 giving them the wrong name?

18 A I heard that but it was clarified when  
19 they found out there were two different Spanish last  
03:59:22 20 names.

21 Q Did you direct your staff or were you  
22 aware that your staff was intentionally misleading  
23 the police by giving them the wrong name of Luis  
24 when they were looking for him?

03:59:34 25 A Monsignor Dyer said repeatedly, he always

03:59:39 1 thought this was the last name. He did not know  
2 that the family used another last name as well.

3 Q Okay. Did you intentionally -- did the  
4 Archdiocese, to your knowledge, either through you  
03:59:51 5 or others intentionally mislead the Los Angeles  
6 Police Department when they were trying to find  
7 Luis C.?

8 A No.

9 Q Where did you hear that the police  
04:00:05 10 department believed you misled them?

11 A I don't remember when that came up but I  
12 heard it -- in some discussion, eventually  
13 Monsignor Dyer explained what had happened.

14 The family, if I remember his  
04:00:27 15 discussion, said that even in the religious ed  
16 program and in the school, the children had  
17 different last names.

18 Q Who told you that the family went by two  
19 names?

04:00:40 20 A Monsignor Dyer.

21 Q And did he know the two names?

22 A He found out later when they started  
23 checking their records, apparently, that some of the  
24 children had one last name and the other had the  
04:00:56 25 other but both were using both names.

04:00:57 1 Q When who checked what records?  
2 A Monsignor Dyer.  
3 Q Checked who's records?  
4 A Luis.  
04:01:03 5 Q What records are you referring to?  
6 A Well, I think -- if I -- again, this is a  
7 long time ago and -- ten years ago. Seems to me  
8 that in trying to assist the police, Monsignor Dyer  
9 went to the parish records and the school records  
04:01:20 10 and the religious education records and found that  
11 members of that family had, in fact, been using two  
12 different names, last names.  
13 Q Did he give that information to the  
14 police?  
04:01:32 15 A Yes.  
16 Q How did he give it to them?  
17 A I have no idea.  
18 Q How did you know the police were looking  
19 for another Baker victim?  
04:01:46 20 A I did not know they were looking for  
21 another Baker victim.  
22 Q Have the police ever requested an  
23 interview with you?  
24 A No, not to my recollection.  
04:02:00 25 Q Would you be willing to give one?

04:02:02 1 MR. HENNIGAN: Stop it. Stop it. Stop  
2 it. No.

3 MR. MANLY: What's wrong with that?

4 MR. HENNIGAN: It's not likely to lead to  
04:02:10 5 the discovery of admissible evidence. It's  
6 offensive.

7 THE COURT: Sustained.

8 BY MR. MANLY:

9 Q Do you ever recall discussing with the  
04:02:26 10 SAAB Board the issue of when it was appropriate as a  
11 matter of policy to report priests to law  
12 enforcement who had offended kids?

13 A I don't recall having that discussion.

14 Q Do you recall having that discussion with  
04:02:40 15 any of your staff at any point just as a policy  
16 matter when it would be appropriate to report  
17 priests to law enforcement who had offended kids?

18 A Well, as we were approaching January 1st,  
19 1997, we sent out directives to the priests again  
04:03:04 20 reminding them that they were mandated reporters  
21 after that date and what to do, I think maybe even  
22 in copies of the form and I think they were quite  
23 well informed of that.

24 Q Do you know as you sit here today,  
04:03:23 25 Cardinal, how much time elapsed between the time

04:03:27 1 Baker was reported and the time the Archdiocese made  
2 the accusation public in 2000?

3 Let me be clear. Do you know how  
4 much time elapsed between the time the Cadigan  
04:03:44 5 complaint came forward and the time the Baker  
6 allegation was publically disclosed?

7 A No.

8 Q Was it more than a year?

9 A I presume when the complaint was -- I just  
04:04:02 10 don't know legally whether the complaint was filed  
11 here by a Miss Cadigan, that it would have been a  
12 public record from that point on.

13 Q Is it your recollection that a complaint  
14 was actually filed?

04:04:19 15 A I've seen a copy of it, the complaint.

16 Q Did anybody else in the Archdiocese, any  
17 priest, any member of the SAAB Board, any member of  
18 your staff, anybody other than Richard Loomis ask  
19 you to notify the parishes immediately?

04:04:39 20 A No.

21 Q Okay. Did any member of your staff, any  
22 member of the SAAB Board, any member of the  
23 Archdiocese, any priest, anybody within the  
24 Archdiocese ever suggest to you personally that, be

04:04:58 25 it from 1986 to 2002, that the police ought to be



04:05:02 1 called about Father Baker?

2 A No.

3 MR. HENNIGAN: I'm going to count up on  
4 this transcript how many times that question was  
04:05:16 5 answered.

6 THE COURT: Okay.

7 BY MR. MANLY:

8 Q Let me show you a document we'll mark as  
9 next in order. Which is what? 12?

04:05:51 10 THE COURT REPORTER: 14.

11 MR. MANLY: 14. Why don't you take a look  
12 at that article, Eminence.

13 (Exhibit 14 was marked by the court  
14 reporter.)

04:07:59 15 THE WITNESS: Where is the ad?

16 MR. MANLY: I have no idea.

17 BY MR. MANLY:

18 Q Do you recall blocking an ad from a  
19 survivor's group in or around 1994 in The Tidings,  
04:08:13 20 Eminence?

21 A I do not.

22 Q Have you ever seen this article before?

23 A I honestly don't remember.

24 Q You don't remember but you don't have any  
04:08:25 25 independent recollection of -- the Tidings is the

04:08:28 1 Archdiocese's newspaper?

2 A It is.

3 Q You don't have any independent

4 recollection of not allowing the Tidings to publish

04:08:38 5 an article about priest sex abused victims?

6 A An article?

7 Q Un-huh.

8 MR. HENNIGAN: It is not about an article.

9 THE WITNESS: It is about an ad.

04:08:47 10 MR. MANLY: An ad. Sorry. An ad.

11 THE WITNESS: No.

12 BY MR. MANLY:

13 Q Okay. Do you remember Monsignor Fleming

14 speaking with you about that ad as reflected in the

04:08:58 15 article?

16 A I honestly do not. We have all kinds of  
17 groups taking out ads in The Tidings.

18 Q As you sit here today, do you know how  
19 many people have accused Michael Baker of molesting

04:09:24 20 them between 1986 and 2000?

21 MR. HENNIGAN: Asked and answered.

22 THE COURT: Sustained.

23 MR. MANLY: No. I asked how many people  
24 made complaints against Baker. I didn't ask that

04:09:33 25 specific question because Baker was ordained in '74.

04:09:36 1 And there were plenty of complaints before '86, so  
2 that's the question I'm asking.

3 THE COURT: The answer was 20.

4 MR. MANLY: I don't think he gave an  
04:09:45 5 answer to that.

6 BY MR. MANLY:

7 Q Do you know the answer, Cardinal?

8 A I don't have a final answer. I think the  
9 document did say 20. I think the judge is correct.

04:09:55 10 Q Okay. Did the Archdiocese enter, to your  
11 knowledge, into any confidentiality agreement on a  
12 Baker case between 19 -- did the -- strike that.

13 Did the Archdiocese have any claims  
14 involving Michael Baker for damages between 1986 and  
04:10:18 15 2000?

16 A Other than the Cadigan?

17 Q Other than the Cadigan complaint, yes.

18 A I am not aware of any.

19 Q So your testimony is you know of nobody  
04:10:31 20 that came forward between 1986 and 2000, other than  
21 the two boys in the Cadigan case and said that  
22 Michael Baker had molested them prior to 1986?

23 A Well, I thought your original question had  
24 to do with lawsuits or action.

04:10:48 25 Q Okay. I'm asking a different question

04:10:50 1 now.

2 A Could you repeat that?

3 Q Sure.

4 Are you aware of anybody that came

04:10:55 5 forward between 1986 and 2000, and told the

6 Archdiocese that they had been molested by

7 Michael Baker prior to 1986?

8 A No.

9 Q Okay. And if that happened, you would

04:11:11 10 know about it, correct?

11 A Yes.

12 Q All right. Let me show you another  
13 document that will be next in order which is 15.  
14 Let me know when you are finished, Your Eminence.

04:13:19 15 A All right.

16 (Exhibit 15 was marked by the court  
17 reporter.)

18 BY MR. MANLY:

19 Q Okay. Cardinal, it says here that you

04:13:23 20 adopted a zero-tolerance police. Do you see, "At

21 the Mass, attended by more than 100 priests and  
22 deacons, he promised to remove anyone accused of

23 impropriety in the 287 parishes he oversees. He

24 said he was 'outraged and found in incomprehensible'

04:13:40 25 that priests would harm children, and he vowed to

04:13:44 1 enforce a zero-tolerance policy toward sexual abuse  
2 in the clergy."

3 A Yes, but it says enforce not adopt. The  
4 policy was adopted in 1994.

04:13:54 5 Q Okay. Well, did that policy change at  
6 some point to encompass the priests who had molested  
7 kids before 1994?

8 A As I answered just a few minutes ago,  
9 unfortunately, SAAB and I did not include those  
04:14:08 10 priests prior to 1994.

11 Q My question is, when did that change, if  
12 ever?

13 A Well, eventually, those men were taken out  
14 of any ministry or CMOB determined them fit for  
04:14:27 15 ministry and they returned to ministry.

16 Q Was there some event that forced you or  
17 caused you to remove the pre '94 molesters from  
18 ministry?

19 A I think that the whole resurgence of this  
04:14:44 20 matter, we felt that it would be -- to make sure  
21 that our policy was firm, that we felt that those  
22 who had been in limited ministry prior to 1994,  
23 should now be completely taken out of ministry and  
24 we did that.

04:15:00 25 Q But my question is, was there some event

04:15:03 1 or action that caused you to do that?

2 Was there something you said, I saw  
3 this, you know, happened and, therefore, I'm going  
4 to do it?

04:15:12 5 Was it the Boston scandal? What was  
6 it? Was it the DiMaria case?

7 A I think this started in 2000, 2001 as  
8 there were more -- more attention being made to  
9 these cases, so we ourselves decided to go back and  
04:15:33 10 look at our own cases and make a decision how we  
11 should respond here.

12 Q So there was no legal settlement or  
13 anything like that that required you to adopt a  
14 zero-tolerance policy that applied to all molesters?

04:15:43 15 A No.

16 Q Was there any failure -- how many of the  
17 molesters that you allowed to remain in ministry  
18 after 1994, how many of them offended?

19 MR. HENNIGAN: Later?

04:16:03 20 MR. MANLY: Yeah.

21 THE WITNESS: That was one of the ironies,  
22 that the men who were in restricted ministry  
23 pursuing their -- their treatment program, we had no  
24 reports of anyone.

25

04:16:22 1 BY MR. MANLY:  
2 Q What about Michael Baker?  
3 A Except 1996 and that was not proven to be  
4 accurate.  
04:16:29 5 Q Okay. Well, my question is, how many  
6 claims did you get after '94 involving those people?  
7 MR. HENNIGAN: Ever?  
8 MR. MANLY: Ever.  
9 THE WITNESS: None.  
04:16:41 10 BY MR. MANLY:  
11 Q Okay. Let me show you the next article,  
12 the next exhibit in order which is number 16.  
13 (Exhibit 16 was marked by the court  
14 reporter.)  
04:18:35 15 BY MR. MANLY:  
16 Q Have you read it, Cardinal?  
17 A Yes.  
18 Q Do you see the line that says, "Mahony has  
19 said that Baker's case is one that 'troubles me the  
04:18:46 20 most' "?  
21 A Yes.  
22 Q Did you say that?  
23 A Yes.  
24 Q What does that mean?  
04:18:51 25 A Well, it means that I put my full trust

04:18:56 1 and confidence in what he told me and that he was  
2 doing everything he was supposed to do under the  
3 terms of his treatment, aftercare program.

4 Q Did Baker have -- to your knowledge have a  
04:19:13 5 home in Palm Springs?

6 A I don't know.

7 Q Did Baker to your knowledge have a home in  
8 Long Beach?

9 A I don't know.

04:19:24 10 Q Cardinal, do you know how -- well, let me  
11 ask you this, what was the salary of a priest in the  
12 mid 90's under the Archdiocese of Los Angeles?

13 A Oh, I would say, mid 90's, maybe \$1200 a  
14 month, \$1300 a month.

04:19:46 15 Q And they're living -- and their room and  
16 board are taken care of and they get car insurance  
17 an health insurance, right?

18 A Yes.

19 Q Do you know how somebody that was making  
04:19:58 20 that little like Father Baker would have the means  
21 to travel internationally quite frequently?

22 A No.

23 Q Okay. Are you aware that he was -- are  
24 you now aware that he was doing that?

04:20:12 25 A I am now but not during this time.



04:20:14 1 Q Has anybody from the Archdiocese ever  
2 looked into where he was getting those resources?

3 A The only part of it that I have any  
4 awareness is that when he was -- he was -- my  
04:20:32 5 liaison to the retired priests, he was talking some  
6 of these retired priests into either giving him  
7 money or putting him in their wills which is part of  
8 his whole con-artist modus operandi.

9 Q When did you find that out?

04:20:54 10 A After he was removed from ministry.

11 Q Which time? '86 or 2000?

12 A 2000.

13 Q Okay. Do you know a priest by the name of  
14 Monsignor [REDACTED]?

04:21:13 15 A Yes.

16 Q Who is he?

17 A Father [REDACTED] is a priest from a  
18 diocese in [REDACTED] but I don't remember which one.

19 Q Okay. Was it the Diocese of [REDACTED]?

04:21:28 20 A I'm sorry but I don't know.

21 Q Did you ever have him to the Archdiocese  
22 to conduct a workshop on priest sexual abuse or  
23 priest sexual misconduct?

24 A Yes.

04:21:37 25 Q When was that?

04:21:39 1 A Excuse me?  
2 Q When was that?  
3 A I don't recall what year that was.  
4 Q And why did you have him here to do that?  
04:21:55 5 A The conference actually was not on sexual  
6 abuse as such. It was on human development and  
7 human sexuality for priests and it was done over in  
8 Sierra Madre, I believe, at the retreat house.  
9 Q Which retreat house?  
04:22:22 10 A Sierra Madre.  
11 Q Is that a parsonage retreat house?  
12 A Yes.  
13 Q Is the Archdiocese required to provide  
14 counsel to Father Baker under any agreement that you  
04:22:36 15 are aware of?  
16 A Required?  
17 Q Right.  
18 Is there some contractual requirement  
19 that the Archdiocese pay for Father Baker's lawyer  
04:22:48 20 given that he is no longer a priest?  
21 A Not that I'm aware of.  
22 Q Is the Archdiocese paying for  
23 Father Baker's lawyer?  
24 A I honestly don't know.  
04:23:00 25 Q Well, given what Father Baker's done, is

04:23:03 1 it your view that as the Cardinal and the Archbishop  
2 of this diocese, that he should be getting his legal  
3 team, his --

4 MR. STEIER: It would be worse if he got  
04:23:19 5 competent legal work, you know.

6 BY MR. MANLY:

7 Q Is it your opinion that that should be  
8 happening?

9 A I honestly don't know the arrangement.  
04:23:27 10 I've never talked to Father Baker nor to his legal  
11 counsel about it.

12 MR. STEIER: Also calls for a legal  
13 conclusion of this witness who is not prepared to  
14 respond to that.

04:23:44 15 BY MR. MANLY:

16 Q Do you know whether [REDACTED] is being  
17 paid by your Archdiocese?

18 A I have no idea.

19 Q Let me show you a document we'll mark as  
04:24:00 20 next in order and this is a SAAB agenda from Friday  
21 November 10th, 1995, along with a cover letter from  
22 Mr. Woods. I can't put my hands on. It must be  
23 someplace.

24 Okay. Mark that as next in order  
04:24:41 25 which is 17. This is marked as ADLALC00657. The

04:25:02 1 letter is dated November 23rd, 2009. It is a SAAB  
2 agenda.

3 (Exhibit 17 is marked by the court  
4 reporter.)

04:26:03 5 BY MR. MANLY:

6 Q Have you had an opportunity to read that,  
7 Cardinal?

8 A Yes.

9 Q Have you ever seen this document before?

04:26:07 10 A No.

11 Q Okay. Have you ever seen a SAAB agenda  
12 before?

13 A This agenda?

14 Q Have you ever seen an agenda, a SAAB  
04:26:16 15 agenda before?

16 A Regularly, no.

17 Q Okay. Do you recognize the handwriting as  
18 that of Judge Byrne?

19 A I don't know his handwriting.

04:26:35 20 Q Do you see where it says, "Mike Baker"?

21 A Yes.

22 Q Do you have any idea why Judge Byrne would  
23 have written "Mike Baker" on that document?

24 A No.

04:26:43 25 Q Okay. Thank you.

04:26:50 1 Well, let me ask you this, was Father  
2 Baker discussed -- was Father Baker under police  
3 investigation in November of 1995?  
4 A Not to my knowledge.

04:27:02 5 Q Okay. Was any priest under police  
6 investigation?  
7 A I honestly don't know.

8 Q How would I find out who that is?  
9 A Ask somebody who knows. Maybe Judge Byrne  
04:27:19 10 would know. I don't know.  
11 Q Well, if the Archdiocese had somebody  
12 under -- a pastor under police investigation in  
13 1995, who would be the person that we should speak  
14 to about who that was to identify that person?

04:27:35 15 A Well, it would seem to me that this is a  
16 SAAB item that Judge Byrne and the Vicar for Clergy  
17 in 1995 would be the appropriate ones.

18 Q That would mean Monsignor Dyer and  
19 Judge Byrne, right?

04:27:50 20 A Yes.  
21 MR. MANLY: How much time have we got,  
22 Mr. Hennigan?  
23 MR. HENNIGAN: I think you have none.  
24 THE COURT: I have five minutes.

04:28:11 25 THE WITNESS: I have two.

04:28:12 1 MR. HENNIGAN: Your watch is slow. 4:28.

2 THE WITNESS: I have 4:28.

3 THE COURT: My phone says 4:28. You have  
4 two minutes.

04:28:21 5 BY MR. MANLY:

6 Q Did the Archdiocese retain a public  
7 relations firm in any manner, shape or form to deal  
8 either in whole or part with the Baker case?

9 A Not that I'm aware of.

04:28:31 10 Q Did the Archdiocese ever retain [REDACTED]  
11 [REDACTED]?

12 A Not that I'm aware of.

13 Q So the Archdiocese has never retained  
14 [REDACTED]?

04:28:44 15 A Not that I'm aware of.

16 Q Have you ever received advice from [REDACTED]  
17 [REDACTED] on the handling of these cases?

18 MR. HENNIGAN: That invades the  
19 attorney-client privilege. [REDACTED] was

04:28:57 20 hired by my law firm.

21 MR. MANLY: Okay. Can we -- well, we'll  
22 have that discussion off the record. I think there  
23 is a way to verify that is pretty easy.

24 MR. HENNIGAN: You mean besides me telling  
04:29:12 25 it to you?

04:29:12 1 MR. MANLY: Yeah.  
2 THE COURT: Looks like a good time to  
3 stop.  
4 MR. MANLY: Okay.  
04:29:29 5 THE COURT: Okay.  
6 MR. MANLY: This will conclude Volume I of  
7 the deposition of the Cardinal.  
8 MR. HENNIGAN: The final volume.  
9 MR. MANLY: No, I'm not going to agree to  
04:29:37 10 conclude the deposition.  
11 MR. HENNIGAN: And I'm not going to agree  
12 to continue it.  
13 MR. MANLY: I have a stack of documents  
14 here --  
04:29:43 15 MR. HENNIGAN: Then you should have gotten  
16 to them. My point, your honor --  
17 MR. MANLY: What is this, Judge? Who does  
18 he think he is?  
19 THE COURT: Everybody calm down.  
04:29:50 20 MR. HENNIGAN: We will review the  
21 transcript and make a record on the repetitiveness,  
22 the dilatory nature of this interrogation, the  
23 number of times that the same questions were asked  
24 over and over again and largely a waste of the day.  
04:30:04 25 And if you decide that we've got come back for

04:30:07 1 another day, then we will.  
2 MR. MANLY: That's fine but, Judge,  
3 there's a variety of documents I haven't gotten to.  
4 THE COURT: I understand but -- and I can  
04:30:16 5 see where you may want more, but it's got to go in  
6 at a faster pace.  
7 MR. MANLY: That's fine.  
8 THE COURT: And have a time limit on it.  
9 MR. MANLY: That's fine with me too. I  
04:30:27 10 probably need three hours.  
11 THE COURT: A morning?  
12 MR. MANLY: That's fine.  
13 THE COURT: Okay. Start at 9:30 -- start  
14 at 9:00, you'll be done at noon.  
04:30:36 15 MR. MANLY: Okay.  
16 THE COURT: It's not that the objections  
17 are holding it up. There haven't been objections,  
18 so three hours really ought to be able to --  
19 MR. MANLY: That's absolutely fine with  
04:30:43 20 me.  
21 THE COURT: Can you agree to three hours?  
22 MR. HENNIGAN: Avoid making a motion and  
23 we'll do it for three hours.  
24 THE COURT: Okay. So now you want to come  
04:30:51 25 back -- we can go off the record on the rest of



04:30:54

1 this.

2

THE VIDEOGRAPHER: Off record at 4:30.

3

(Off the record.)

4

MR. MANLY: This will be Volume I of the

04:32:41

5

deposition; that the Cardinal will read the

6

transcript, sign it under penalty of perjury, that

7

the original will be forwarded to Mr. Hennigan.

8

He will give it to the Cardinal, get

9

him to read it and sign. Notify all parties within

04:33:01

10

10 days of any changes and that you will retain

11

possession of the original -- I'll retain possession

12

of the original and produce it for any and all

13

legitimate purposes in connection with the action.

14

In the event the original is not

04:33:11

15

available, would pose a certified copy can be used

16

for any and all purposes in the case.

17

MR. HENNIGAN: Sounds like a stipulation

18

to me.

19

(Volume I of the deposition was concluded

04:33:20

20

at 4:33 p.m.)

21

(Deposition to be signed under penalty of

22

perjury.)

23

(Exhibits 1 through 17 were marked by the

24

Certified Shorthand Reporter during the proceedings.)

04:33:20

25

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