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

JOAQUIN AGUILAR MENDEZ,) Case No. BC 358 718
Plaintiff,)
vs.)
CARDINAL ROGER MAHONY, THE)
ROMAN CATHOLIC ARCHBISHOP OF)
LOS ANGELES, a corporation sole,)
et al.,)
Defendants.)

CERTIFIED
COPY

Full Caption on Page 3.

VIDEOTAPED DEPOSITION OF CARDINAL ROGER MAHONY
Los Angeles, California
Thursday, September 13, 2007
(Pages 1 through 205)

Reported by:
Janet M. Taylor, RMR, CSR No. 9463
Certified Realtime Reporter

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

JOAQUIN AGUILAR MENDEZ,) Case No. BC 358 718
Plaintiff,)
vs.)
CARDINAL ROGER MAHONY, THE)
ROMAN CATHOLIC ARCHBISHOP OF)
LOS ANGELES, a corporation sole,)
et al.,)
Defendants.)

Full Caption on Page 3.

Videotaped deposition of CARDINAL ROGER
MAHONY, taken on behalf of plaintiff, at Cathedral of
Our Lady of the Angels, 555 West Temple Street,
Los Angeles, California, beginning at 9:50 a.m. and
ending at 2:49 p.m., on Thursday, September 13, 2007,
before Janet M. Taylor, Certified Shorthand Reporter No.
9463.

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

JOAQUIN AGUILAR MENDEZ,) Case No. BC 358 718
Plaintiff,)
vs.)
CARDINAL ROGER MAHONY, THE)
ROMAN CATHOLIC ARCHBISHOP OF)
LOS ANGELES, a corporation sole,)
CARDINAL NORBERTO RIVERA, THE)
DIOCESE OF TEHUACAN, FATHER)
NICHOLAS AGUILAR, DOES 1-100,)
Defendants.)

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(Appearances Continued . . .)

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Ex. 33

1 APPEARANCES (Cont'd):

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21 Scott LaClair, Legal Videographer
22 Hahn & Bowersock Corporation
23
24
25

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1 I N D E X

2 WITNESS

3 EXAMINATION

4 CARDINAL ROGER MAHONY

5 PAGE

6 By Mr. Anderson

7 13

10 E X H I B I T S

11 EXHIBITS	12 DESCRIPTION	13 PAGE INTRODUCED	14 PAGE MARKED
15 Exhibit A	16 Plaintiff's Amended Notice 17 of Taking Deposition of 18 Cardinal Roger Mahony, dated 19 9/4/07	16	16
20 Exhibit B	21 Documents produced by 22 the witness	15	15
23 Exhibit 19	24 Document, prod. nos. RIV 19 25 and 19a and certification	95	95
26 Exhibit 23	27 Letter dated 1/27/87 to 28 Rogelio Mahony from 29 Norberto Rivera, prod. nos. 30 RIV 23 and 23a and 31 certification	44	44

(Exhibits Continued . . .)

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1 EXHIBITS (Cont'd):

2 EXHIBITS	3 DESCRIPTION	4 PAGE INTRODUCED	5 PAGE MARKED
6 Exhibit 24	7 Letter dated 3/12/87 to 8 Norberto Rivera Carrera from 9 Nicolas Aguilar R. Presbyter, 10 prod. nos. RIV 24 and 24a 11 and certification	103	103
12 Exhibit 26	13 Letter dated 3/23/87 to 14 Rogelio Mahony from Norberto 15 Rivera C., prod. nos. 16 RIV 26 and 26a and 17 certification	111	111
18 Exhibit 29	19 Letter dated 12/20/87 to 20 Norberto Rivera Carrera from 21 Presbyter Nicolas Aguilar 22 Rivera, prod. nos. RIV 29 and 23 29a and certification	187	187
24 Exhibit 30	25 Letter dated 1/11/88 to 26 Norberto Rivera C. from 27 Thomas Curry, prod. no. RIV 30	116	116
28 Exhibit 31	29 Letter dated 2/23/88 to 30 Norberto Rivera C. from 31 Thomas Curry, prod. nos. RIV 32 31 through 35	195	195
33 Exhibit 36	34 Letter dated 3/4/88 to 35 Norberto Rivera Carrera from 36 Roger Mahony, prod. nos. 37 RIV 36 through 39	156	156
38 Exhibit 40	39 Letter dated 3/17/88 to 40 Roger Mahony from Norberto 41 Rivera C., prod. nos. RIV 42 40 through 43	166	166
43 Exhibit 44	44 Letter dated 3/30/88 to 45 Norberto Rivera C. from Roger 46 Mahony, prod. nos. RIV 44 47 through 47	170	170

(Exhibits Continued . . .)

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1 EXHIBITS (Cont'd):

2 EXHIBITS	3 DESCRIPTION	4 PAGE INTRODUCED	5 PAGE MARKED
6 Exhibit 48	7 Letter to F. Nicolas Aguilar 8 Rivera from Rutilio S. Ramos 9 Rico, prod. nos. RIV 10 48 and 48a and certification	180	180
11 Exhibit 77	12 Letter dated 5/20/04 to 13 Mario Espinosa Contreras 14 from Rogelio Cardenal Mahony, 15 prod. nos. RIV 77 and 77a 16 and certification	176	176
17 Exhibit 78	18 Letter dated 6/11/04 to 19 Rogelio Mahony from Mario 20 Espinosa Contreras, prod. nos. 21 RIV 78 and 78a and 22 certification	179	179
23 Exhibit 100	24 Spanish and English versions 25 of Declaration of Defendant 26 Cardinal Norberto Rivera 27 Carrera, etc., dated 2/12/07	182	182
28 Exhibit 101	29 Police report, prod. 30 nos. 1 through 82	142	142
31 Exhibit 102	32 Oath Taken by Cardinals 33 During the Ceremony at which 34 They are Promoted	133	133

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1 Los Angeles, California; Thursday, September 13, 2007
2 9:50 a.m. - 2:49 p.m.
3
4 P R O C E E D I N G S
5
6 THE VIDEOGRAPHER: The date is September 13th,
7 2007. The time is 9:50 a.m. We are taking the
8 deposition of Cardinal Roger Mahony in the matter of
9 Joaquin Aguilar Mendez versus Cardinal Roger Mahony,
10 et al., for the Superior Court of the State of
11 California, for the County of Los Angeles, case number
12 RC358718.
13 My name is Scott LaClair. I represent Hahn &
14 Bowersock, which is located in Costa Mesa, California.
15 This deposition is being taken at Cathedral of our Lady
16 of the Angels, located in Los Angeles.
17 At this time, could all parties please
18 introduce themselves, starting with the witness.
19 THE WITNESS: Cardinal Roger Mahony.
20 MR. WOODS: Donald Woods of the firm of Hennigan,
21 Bennett & Dorman, appearing on behalf of the Cardinal.
22 MR. HABEL: James Habel, Hennigan, Bennett &
23 Dorman, for the Cardinal.
24 MR. SELSBERG: Steve Selsberg, Mayer Brown,
25 Cardinal Norberto Rivera and the Diocese of Tehuacan.

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09:51:23 1 MR. WOOTE: Evan Wooten, Mayer Brown, for
2 Norberto Rivera and the Diocese of Tehuacan, defendants.
3 MR. JIMENEZ: Claudio Jimenez, Mayer Brown, for
4 Norberto Rivera and the Diocese of Tehuacan.
09:51:35 5 MR. GROSS: Martin Gross for the plaintiff.
6 MR. WATERS: Rob Waters, the Drivon Law Firm, for
7 the plaintiff.
8 MR. ANDERSON: And Jeff Anderson for the
9 plaintiff.
09:51:44 10 THE VIDEOGRAPHER: Would the court reporter
11 please swear in the witness.
12
13 CARDINAL ROGER MAHONY,
14 called as a witness and having been first duly
09:51:46 15 administered an affirmation to tell the truth by the
16 Certified Shorthand Reporter, was examined and testified
17 as follows:
18
19 EXAMINATION
09:51:46 20
21 MR. WOODS: Okay. I'd like to make a preliminary
22 statement. By order of the court, this deposition is
23 limited to inquiries of the witness relevant to personal
24 jurisdiction by the State of California over Cardinal
09:52:11 25 Rivera, a Mexican citizen and resident, and the Diocese

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09:52:15 1 of Tehuacan, a Mexican corporation, for the causes of
2 action asserted by plaintiff.
3 Jurisdiction over foreign nationals is
4 permissible in two circumstances. General jurisdiction
09:52:29 5 exists when a person has contacts with the forum which
6 are substantial and continuous. The contacts must be so
7 extensive and wide ranging as to make the defendant
8 virtually living or doing business in the forum.
9 Specific jurisdiction exists when a person
09:52:47 10 sustains personal injuries in the forum that arose out
11 of or related to the foreign defendants' purposeful
12 contacts with the forum. The defendant must
13 purposefully and voluntarily direct his activities
14 toward the forum, and such activities must have caused
09:53:04 15 the plaintiff forum-related injuries.
16 The most common example of specific
17 jurisdiction is when a foreign manufacturer, such as
18 Toyota, sells goods in California, causing injury to a
19 California resident.
09:53:20 20 In view of the court's order limiting the
21 scope of the deposition, the witness has limited his
22 preparation to all contacts, written and oral, between
23 the Archdiocese of Los Angeles and the Mexican
24 defendants over whom jurisdiction is sought.
09:53:39 25 With that in mind, we have gone through the

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14

09:53:45 1 records covered by the request to produce associated
2 with the deposition of the Cardinal and have produced a
3 group of records, which I will now hand to the court
4 reporter.
09:54:02 5 These records that we have culled and
6 produced fall into the limited nature of this inquiry,
7 namely, all written and oral contacts between the
8 Archdiocese of Los Angeles and church officials in
9 Mexico. They either are correspondence to or from the
09:54:28 10 Mexican defendants or they are documents which refer to
11 correspondence or contacts with the specific Mexican
12 defendants.
13 Okay. With that in mind, then, you can
14 proceed with the deposition.
09:54:45 15 MR. ANDERSON: Counsel, before we inquire of the
16 witness, the documents you just produced are intended to
17 be your entire response to our request for production of
18 documents to the notice of deposition; is that correct?
19 MR. WOODS: Yes.
09:55:04 20 MR. ANDERSON: Okay. We'll mark the production
21 that was just made by Mr. Woods Exhibit B.
22 (Whereupon, Exhibit B was introduced and
23 marked for identification by the Certified Shorthand
24 Reporter, a copy of which is attached hereto.)
09:55:14 25 BY MR. ANDERSON:

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09:55:15 1 Q And for the record, Counsel, we'll mark
2 Exhibit A the notice of deposition with the request for
3 production of documents appended to it as Exhibit A.
4 (Whereupon, Exhibit A was introduced and
09:55:25 5 marked for identification by the Certified Shorthand
6 Reporter, a copy of which is attached hereto.)
7 MR. WOODS: Okay. Fine.
8 MR. ANDERSON: And any -- for the record,
9 Counsel, any documents requested in Exhibit A that have
09:55:37 10 not been produced here today, which I have not had an
11 opportunity to examine, but I will, are there any
12 documents that exist responsive to this request that
13 have not been produced or are being withheld pursuant to
14 a privilege or an objection?
09:56:01 15 MR. WOODS: Well, since one of your requests asks
16 for any document that even mentions the name Aguilar
17 Rivera, there's obviously a number of documents that
18 have not been produced because, in our opinion, they are
19 outside the scope of this deposition.
09:56:23 20 And there are no documents within the scope
21 of the deposition as I have interpreted it in my opening
22 statement that have been excluded because of privilege,
23 any kind of privilege. Okay. All the correspondence
24 with Mexican officials and documents referring to it
09:56:42 25 have been produced.

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09:56:44 1 MR. ANDERSON: So any document or file in the
2 possession of the Archdiocese pertaining to Nicolas
3 Aguilar or Nicolas Aguilar Rivera have now been produced
4 in this production; is that correct?

09:57:02 5 MR. WOODS: I think that's a -- if I heard you
6 correctly, that's a broader statement than the one I
7 made. We've produced all documents relating to the
8 jurisdictional issues. We have not withheld any
9 documents in that category because of privilege. But we
09:57:19 10 have excluded -- let me just explain.

11 Father Nicolas Aguilar Rivera has a clergy
12 file -- it's called a clergy file. Okay -- kept by the
13 Archdiocese. And you'll see production numbers on these
14 documents. Those are -- all the documents in the clergy
09:57:43 15 file have been numbered with a production number.

16 You'll see that there's gaps in the numbers.
17 Wherever there's a gap in the number, documents have
18 been withheld because they do not relate to
19 jurisdiction -- the issues relevant to jurisdiction. So
09:58:03 20 there -- there is a file that has 150-some-odd pages in
21 it that is his file, which would cover everything.

22 MR. WATERS: And just for the record, when you
23 say "not responsive to jurisdiction" --

24 MR. ANDERSON: Let me --

09:58:18 25 MR. WATERS: -- "jurisdiction" -- oh, sorry.

17

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09:58:22 1 MR. ANDERSON: Counsel, I'm looking at the
2 production, for example, documents in Exhibit B numbered
3 20 and then there's a gap, 20 -- and the next one is 37
4 as Bates stamped, so there are approximately 17
09:58:38 5 documents there that have been -- that are in the file
6 of Nicolas Aguilar Rivera that you referred to as the
7 clergy file, those documents are being withheld on the
8 basis they are not relevant to the jurisdictional
9 inquiry that's being permitted here?

09:58:55 10 MR. WOODS: Correct.

11 MR. ANDERSON: Isn't the relevancy objection for
12 the court and us to decide? Is that really a proper
13 basis to withhold documentation pertaining to the priest
14 file?

09:59:12 15 MR. WOODS: Well, we may have a dispute about it.
16 But I'm comfortable that the court on a number of
17 occasions in this matter has specifically stated that
18 this should be a short deposition specifically focusing
19 on jurisdictional facts and not getting into the
09:59:32 20 underlying substance or any other issues that might be
21 relevant to the lawsuit, in general, but just
22 jurisdiction.

23 And so with that in mind, the witness has
24 been prepared for that limited type of inquiry, and we
09:59:46 25 have produced documents limited to that inquiry. And

18

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09:59:50 1 it's up to you if you want to take it up with the judge,
2 but -- and we will obviously be guided by his ruling.
3 But we understand that he's already ruled this way.

4 MR. ANDERSON: The purpose of this deposition is
10:00:03 5 to do discovery on jurisdiction. I agree with you on
6 that. I don't agree that it permits you to withhold
7 documents in the clergy file maintained by the
8 Archdiocese pertaining to Nicolas Aguilar Rivera. And
9 so it would be our intention to take that up with the
10:00:23 10 court.

11 As an alternative, I would invite you to
12 consider a sealed production of those documents, that
13 is, a separate production to us of those documents that
14 allows us to review them to determine whether or not
10:00:37 15 there may or may not be something in there that is
16 relevant to the jurisdictional inquiry. And then if
17 there is something we consider relevant to the
18 jurisdictional inquiry, you and I will do a meet and
19 confer and decide whether or not we need to use it.

10:00:52 20 So please consider that proposal, and we'll
21 have time through the course of this morning to do that
22 as an alternative to utilizing the court on this issue.

23 MR. WOODS: Okay.

24 MR. ANDERSON: Because I think it's clear that
10:01:06 25 there is documents that have not been produced on the

19

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10:01:09 1 basis of relevancy.

2 Are there any other -- is there any other
3 basis on which documents in the clergy file of Nicolas
4 Aguilar Rivera have not been produced besides relevancy?

10:01:22 5 MR. WOODS: As I said before, we limit the scope
6 to jurisdictional facts. We have produced all the
7 documents relating to jurisdictional facts. None
8 relating to jurisdictional facts have been withheld
9 because of a privilege.

10:01:39 10 And obviously, just to make it clear, to say
11 the opposite, there are privileged documents in the
12 file, but they don't relate to jurisdiction. So nothing
13 has been withheld from our scope of production because
14 of a privilege.

10:01:58 15 MR. ANDERSON: What privileges do you believe are
16 assertable pertaining to the documents that have been
17 withheld?

18 MR. WOODS: We haven't made an ascertainment. We
19 haven't made a discernment of that because they're
10:02:10 20 totally irrelevant to this proceeding.

21 MR. ANDERSON: If they're in the file of Nicolas
22 Aguilar Rivera, how can they be irrelevant to this
23 proceeding?

24 MR. WOODS: There may be attorney-client
10:02:20 25 communications. There may be psychiatric-patient

20

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10:02:25 1 privilege communications. I don't know. Because we
2 didn't -- we didn't make a discernment of documents that
3 are beyond the scope of this deposition.

4 MR. ANDERSON: Okay. I'm going to ask you to
10:02:39 5 give me an answer to my alternative proposal to the
6 nonproduction before the conclusion of the deposition,
7 obviously, of Cardinal Mahony, and I'll simply advise
8 you that it is our position that you're required to
9 produce the file of Nicolas Aguilar Rivera.

10:02:58 10 If there are privileges that are assertable,
11 they need to be identified as such, and we need to be
12 allowed -- be allowed to inquire as to whether they're
13 relevant or whether they fall within an identifiable
14 privilege. And for --

10:03:15 15 MR. WOODS: Right. Well, I can respond to that
16 right now. I mean it's not appropriate, it's not
17 customary within our discovery procedures to turn over
18 irrelevant or privileged matter to an opponent so that
19 they can determine whether, in their opinion, it's
10:03:30 20 relevant and privileged.

21 We make the determination. And if you want
22 to challenge it, you take it up with the judge, and the
23 judge, if anyone, would make that determination. But we
24 certainly wouldn't give it to our opponent. That would
10:03:43 25 defeat the whole purpose of asserting the objections.

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10:03:47 1 MR. ANDERSON: Counsel, I wasn't suggesting you
2 give us the document on which you're asserting the
3 privilege. I was suggesting you give us -- identify the
4 nature of the document and the privilege on which it's
10:03:58 5 being withheld so that that can be scrutinized. I'm not
6 suggesting you give us the document.

7 As -- as to the documents being withheld on
8 the basis of relevancy pertaining to jurisdiction, I am
9 suggesting, as the alternative proposal, you give us
10:04:12 10 those documents. Do you understand?

11 MR. WOODS: I hear it.

12 MR. ANDERSON: Okay.

13 MR. WOODS: You have my response, and we'll --
14 we'll let the judge decide.

10:04:18 15 MR. ANDERSON: Okay.

16 BY MR. ANDERSON:

17 Q Okay. Now we can go forward, Cardinal. Good
18 morning.

19 A Good morning.

10:04:25 20 Q Would you please give us your full name for
21 the record?

22 A Roger Michael Mahony.

23 Q Okay. Cardinal, you've been through this
24 protocol before. And if there's any questions that I
10:04:37 25 ask you that you don't understand, just let me know, and

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22

10:04:41 1 I'll be happy to try to make it clear to you. Okay?

2 A Fine.

3 Q Anytime you wish to take a break, feel free
4 to, and we'll -- we'll move through this.

10:04:51 5 A Thank you.

6 Q It appears to me that you have now been a
7 priest for over 45 years, maybe 46.

8 A Correct. Forty-five.

9 Q Okay. And when you consider the various
10:05:11 10 positions you have held as bishop, it appears also that
11 you have been a bishop for 32 years.

12 A Correct.

13 Q And it would also appear that you have been a
14 cardinal for 16 -- over 16 years now, cardinal
10:05:37 15 archbishop?

16 A That is correct.

17 Q Okay. And in that time, you've also served
18 as vicar general and chancellor, head of Catholic
19 Charities, and as a parish priest, as well as a number
10:05:48 20 of other capacities, correct?

21 A That is correct.

22 Q Okay. Nicolas Aguilar Rivera was never
23 incardinated into this Archdiocese, was he?

24 A Not to the best of my knowledge, no.

10:06:07 25 Q And he would, then, be described fairly as an

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10:06:11 1 extern priest, at least at the time that he worked here,
2 correct?

3 A Yes. In our terminology, he would be an
4 extern priest.

10:06:22 5 Q And what is an extern priest?

6 A An extern priest is one from some other
7 jurisdiction besides the Archdiocese of Los Angeles,
8 either a diocese or religious community or some other
9 affiliation, who is permitted to come to this
10:06:46 10 Archdiocese, usually for a limited period of time, to
11 function here as a priest.

12 Q And you understand that he was and still may
13 be a priest of the Diocese of Tehuacan?

14 A Correct. Tehuacan, Mexico.

10:07:18 15 Q Yeah. It is also correct to say that in the
16 case of Nicolas Aguilar Rivera, as in the case of any
17 diocesan priest, that that priest takes and makes a vow
18 of obedience to his superior, correct?

19 A Diocesan priests do not make a vow in the
10:07:42 20 same way as religious do in the three --

21 Q They make a promise?

22 A But they make a promise of obedience.

23 Q Okay. It's correct to say they make a
24 promise of obedience?

10:07:52 25 A That's right.

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10:07:52 1 Q Okay. And that promise of obedience from the
2 priest to his superior and his superior's successors and
3 in the case of a priest such as Nicolas Aguilar Rivera
4 means what, Cardinal?

10:08:11 5 A Well, the question asked at ordination is
6 quite broad. It says, "Do you promise respect and
7 obedience to me and my successors?" That's
8 approximately the question, the way it's asked. So it's
9 quite broad.

10:08:26 10 It means, in general, that directives of the
11 bishop or the diocese in which the priest is ordained
12 and serves are to be followed, as well as the directives
13 of the bishop and his lawful superiors.

14 Q And that priest diocesan also makes a promise
15 of celibate chastity, does he not?

16 A Yes. That is actually made at major orders,
17 which is usually the order of deacon.

18 Q And that promise of celibate chastity means
19 what?

10:09:11 20 A That means that he's promising to live a life
21 outside of marriage, not to be married, and to live
22 chastely according to the moral guidance down through
23 our tradition.

24 Q And does that promise include to not engage
10:09:31 25 in any sexual activity with any adult or child?

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10:09:36 1 A Yes. That's correct.
2 Q When in time did you first receive a request
3 that Nicolas Aguilar Rivera be allowed to live and work
4 in the Archdiocese of Los Angeles?

10:10:04 5 A It was sometime near the end of January 1987
6 or early March of 1987.

7 Q And how did you receive that request?

8 A Actually, it would have just been something
9 probably mentioned to me by Monsignor Thomas Curry, the
10:10:30 10 vicar for clergy.

11 Q And do you remember today Monsignor Curry,
12 your vicar for clergy, making mention to you that a
13 priest from Tehuacan, Nicolas Aguilar Rivera, was
14 intending to come here?

15 A No, I do not recall that specifically.

16 Q What makes you think today, then, that
17 Monsignor Curry mentioned it to you?

18 A In our normal course of conversation and
19 especially back in those years, our offices were right
10:11:09 20 next to each other. And from time to time during the
21 week, Monsignor Curry would simply indicate we have
22 these transfers in mind, we have -- this three or four
23 priests have come into the Archdiocese and are looking
24 for assignments, just general update.

10:11:34 25 Q So in the normal course of conversation with

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10:11:37 1 Monsignor Curry, who was then vicar for clergy, it was
2 not unusual for him to mention to you, as the ordinary,
3 that there was a priest who was seeking or another
4 superior who was seeking to have a priest serve as an
10:11:58 5 extern within the Archdiocese?

6 A Could you rephrase it? It's got a couple of
7 negatives.

8 Q Okay. I will. Thank you.

9 It wasn't unusual for Monsignor Curry to take
10:12:11 10 the topic up of having another priest come into the
11 Archdiocese to serve, correct?

12 A Yes. He would routinely do that. But he may
13 not even give me the names. He would just say the --
14 "Myself and the personnel board are reviewing three or
10:12:24 15 four priests who have applied for an assignment."

16 Q Okay. Before Monsignor Curry would have
17 mentioned this one to you in the end of January, do you
18 remember any other priest from Mexico having come or
19 considering allowing any other priest to come into the
10:12:43 20 Archdiocese to work from Mexico?

21 A No. I do not recall specifically another
22 priest in Mexico.

23 Q When Monsignor Curry first mentioned this to
24 you January of '87 --

10:13:04 25 MR. WOODS: If he did.

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10:13:07 1 BY MR. ANDERSON:

2 Q -- did you or do you recall thinking it
3 unusual that a priest from Mexico would be coming or
4 considered to be coming to serve in the U.S.?

10:13:21 5 MR. SELSBERG: Objection; assumes facts not
6 evidence.

7 MR. WOODS: He's just asking if you have a
8 recollection of your feeling at that time.

9 THE WITNESS: My understanding was we had many
10:13:33 10 priests come and serve here for limited periods from
11 Mexico and many other countries over those years,
12 especially from Mexico to Latin America.

13 BY MR. ANDERSON:

14 Q And this Archdiocese has got a heavy or a
10:13:47 15 large Latino population, does it not?

16 A That is correct.

17 Q What do you think the composition is in the
18 Archdiocese of Latino Catholics? Any idea?

19 A You mean in 1987 or today?

10:14:04 20 Q '87.

21 A I would estimate it would be fairly
22 substantial, possibly 50 percent.

23 Q And did you know or do you know whether or
24 not Nicolas Aguilar Rivera speaks English?

10:14:26 25 A No. I do not know.

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10:14:28 1 Q You speak Spanish, do you not?
 2 A Yes.
 3 Q Fluent?
 4 A Well, mas o menos.
 10:14:32 5 Q Okay.
 6 A More or less.
 7 Q Yeah. After Monsignor Curry perhaps
 8 mentioned to you that Nicolas Aguilar Rivera was seeking
 9 to work here and discussed that with you, what, to your
 10:15:10 10 knowledge, is the next thing that happened pertaining to
 11 Nicolas Aguilar Rivera and his work in L.A.?
 12 MR. WOODS: Okay. I object that the question may
 13 call for facts not in evidence and beyond the testimony.
 14 I believe he said that Cardinal -- Monsignor Curry may
 10:15:33 15 have mentioned transfer from Mexico, but he didn't say
 16 he discussed it with him.
 17 But I'll let him answer the question with
 18 that objection.
 19 THE WITNESS: Well, as I said earlier, he would
 10:15:47 20 most frequently say we have a group of priests from
 21 outside seeking assignment. I don't recall him
 22 mentioning the names specifically. So I couldn't recall
 23 if he mentioned that name. I don't recall it at all.
 24 BY MR. ANDERSON:
 10:16:06 25 Q Okay. When is the first time, Cardinal, that

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10:16:09 1 the name Nicolas Aguilar Rivera as a priest either
 2 coming to L.A. or serving in L.A. came into your stream
 3 of consciousness?
 4 A My recollection would be after we learned of
 10:16:31 5 the misconduct.
 6 Q And when did you first learn of the
 7 misconduct?
 8 A I don't remember the exact date, but I do
 9 remember Monsignor Curry telling me as soon as he found
 10:16:51 10 out.
 11 Q And when you say "misconduct," you're
 12 referring to criminal sexual conduct by Nicolas Aguilar
 13 Rivera that is sexual abuse of minors, correct?
 14 A That is correct.
 10:17:05 15 Q Okay. And so the first time you learned that
 16 Nicolas Aguilar Rivera had engaged or was suspected of
 17 engaging in criminal sexual conduct was from Monsignor
 18 Curry?
 19 A That's my best recollection.
 10:17:31 20 Q And it was Monsignor Curry's job as vicar for
 21 clergy if he got that information to bring it to you
 22 immediately as his superior and the Ordinary, correct?
 23 A That is correct.
 24 Q And he did that, as far as you know?
 10:17:45 25 A Yes, as far as I recall.

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10:17:47 1 Q As far as you know, as soon as Monsignor
 2 Curry got the information that Nicolas Aguilar Rivera
 3 was suspected of this crime or these crimes, he would
 4 have brought it to you right away as the kind of
 10:18:01 5 information that was important, correct?
 6 A Yes.
 7 Q Okay. Do you have a date that that would
 8 have happened in mind?
 9 A No. I don't recall exactly what that date
 10:18:15 10 was.
 11 Q Have you reviewed any of the documents in
 12 Nicolas Aguilar Rivera's file?
 13 A Yes.
 14 Q Okay. Have you reviewed the file in its
 10:18:25 15 entirety?
 16 A No.
 17 Q Okay. What portions of it have you reviewed?
 18 A I reviewed these documents that were prepared
 19 for this deposition.
 10:18:37 20 Q Okay. And in preparation for this
 21 deposition, have you reviewed any documents other than
 22 those that were just produced here to us today?
 23 A I reviewed briefly the deposition of Cardinal
 24 Norberto Rivera and Bishop Rodrigo Aguilar Martinez.
 10:18:58 25 Q Okay. Have you ever spoken with either

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10:19:04 1 Bishop Martinez or Cardinal Norberto Rivera?
 2 A I spoke with Cardinal Rivera one time when
 3 this whole matter became public and Father Aguilar had
 4 disappeared.
 10:19:27 5 Q When was -- when was that?
 6 A I don't recall the exact date. It may be
 7 referenced in these documents.
 8 Q Okay. We'll go back to that, and that may --
 9 may help refresh your recollection as to a date or time.
 10:19:45 10 Let's go back, then, Cardinal, to the moment
 11 or day in time where you first learned from Monsignor
 12 Curry that Nicolas Aguilar Rivera had been or was
 13 suspected of crimes against children.
 14 What did Monsignor Curry tell you?
 10:20:12 15 MR. WOODS: Okay. I object to the question as
 16 beyond the scope of the limited nature of this
 17 deposition. As my preliminary statement indicated, this
 18 deposition is limited to contacts with the two Mexican
 19 defendants.
 10:20:31 20 Discussions between Monsignor Curry and the
 21 Cardinal about complaints or allegations of misconduct
 22 by Aguilar Rivera do not relate to jurisdiction, and so
 23 I'm going to instruct the witness not to answer that
 24 question.
 10:20:51 25 MR. ANDERSON: Counsel, I'm going to urge you to

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10:20:53 1 reconsider that instruction. It is an inquiry that is
2 essential to the central inquiry here, and that is
3 Monsignor Curry and others could have already been in
4 contact with the foreign defendant here.

10:21:15 5 MR. WOODS: You can ask him that.

6 MR. ANDERSON: No. That doesn't -- that doesn't
7 permit a full inquiry into this, both circumstantially
8 and otherwise. And in order to make a full or fair
9 inquiry into the jurisdiction, it is imperative that I
10 be allowed to inquire as to what the Cardinal heard from
11 Monsignor Curry and anybody else possessed of the
12 knowledge of -- of Nicolas Aguilar Rivera.
13 And if -- if you persist in that, that
14 will -- that will hasten this deposition towards a quick
15 court appearance before Judge Berle.

10:21:57 16 MR. WOODS: Okay. Well, if you persist in
17 thinking and arguing that discussions about the
18 allegations of misconduct has some relevance to
19 jurisdiction over the Mexican defendants, I think you'll
20 have to get an order from the judge. Because, you know,
21 my reading of the case law on jurisdiction does not
22 indicate that that has any relevance whatsoever to
23 jurisdiction.

24 MR. ANDERSON: And so the basis for the
10:22:33 25 instruction to not answer is relevance?

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10:22:37 1 MR. WOODS: Yes.

2 BY MR. ANDERSON:

3 Q Are you going to follow that instruction,
4 Cardinal?

10:22:42 5 A Yes.

6 Q Okay.

7 MR. SELSBERG: Excuse me. Can y'all inquire to
8 the judge whether he's willing to resolve any of these
9 disputes on the scope of the deposition today while
10 we're all here?

10:22:56 11 MR. ANDERSON: Let's see where it goes. No
12 inquiry's been made. I didn't anticipate, frankly, such
13 an objection. So it comes as a surprise to me, so we'll
14 see where it goes.

10:23:10 15 MR. SELSBERG: He was willing to do it with
16 respect to our deposition. Perhaps he'd be willing to
17 do it with respect to this one.

18 MR. ANDERSON: Well, let's see. Let's see.

19 MR. SELSBERG: On behalf of my clients, I'm
10:23:21 20 asking you both to -- to seek relief from -- from the
21 court today as it -- unless -- we would like to finish
22 this deposition and not reconvene or brief the issue.
23 We oppose any delay in the hearing date. So we ask that
24 y'all contact the judge and see if he's willing to do
10:23:43 25 that.

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10:23:44 1 MR. ANDERSON: I think we should ask more
2 questions to formulate the foundation for that, and I
3 have no objection to attempting to make contact with the
4 court.

10:24:13 5 BY MR. ANDERSON:

6 Q How did Monsignor Curry learn that Nicolas
7 Aguilar Rivera was suspected of criminal sexual conduct?

8 MR. WOODS: Same objection.

9 MR. SELSBERG: Objection; calls for speculation.

10:24:28 10 MR. WOODS: And same instruction.

11 BY MR. ANDERSON:

12 Q How long was your conversation with Monsignor
13 Curry?

14 MR. WOODS: Same objection, same instruction.

10:24:56 15 BY MR. ANDERSON:

16 Q At the time that Monsignor Curry communicated
17 this information to you, had he spoken to Nicolas
18 Aguilar Rivera?

19 MR. WOODS: Same objection, same instruction.

10:25:12 20 MR. SELSBERG: Objection; calls for speculation.

21 BY MR. ANDERSON:

22 Q What did you do, Cardinal, responsive to
23 Monsignor Curry immediately bringing this information to
24 you that Nicolas Aguilar Rivera was suspected of
10:25:29 25 criminal sexual conduct?

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10:25:31 1 MR. WOODS: All right. That's a very broad
2 question. I'd ask you to rephrase it to limit it to
3 what did he do in terms of contacting any of the
4 defendant -- Mexican defendants in this case.

10:25:48 5 Inquiry along those lines, I would permit.
6 But any other responses to it are beyond the scope of
7 this jurisdictional deposition, and I would instruct the
8 witness not to answer. And since the question is so
9 broad, it's difficult for a lay witness to deal with
10 those two distinctions.

10:26:02 11 I'm going to instruct him not to answer the
12 question as phrased.

13 BY MR. ANDERSON:

14 Q Did you understand the question, Cardinal?

10:26:12 15 A Yes.

16 Q Okay. What did you do in response to what
17 Monsignor Curry told you about Nicolas Aguilar Rivera?

18 MR. WOODS: Okay. The same objection. That's
19 the same question. It's the same objection I made to
10:26:24 20 the last question, and I'll instruct him not to answer
21 it.

22 MR. ANDERSON: Is the instruction "relevancy"?

23 MR. WOODS: It's -- yes. As I explained, the
24 question is so broad.

10:26:36 25 MR. ANDERSON: Just give me the legal objection

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10:26:37 1 so we can deal with the judge.
 2 MR. WOODS: Just legal. It's relevance --
 3 MR. ANDERSON: Okay.
 4 MR. WOODS: -- as explained when you asked the
 10:26:42 5 same question before.
 6 BY MR. ANDERSON:
 7 Q What next -- did you take any action
 8 responsive to what Monsignor Curry told you?
 9 MR. WOODS: Same objection. The question is so
 10:27:06 10 broad that it includes matter relevant to this inquiry
 11 and matter that isn't relevant to this inquiry. So I'm
 12 going to instruct him not to answer but invite you to
 13 rephrase the question to include relevant matter.
 14 BY MR. ANDERSON:
 10:27:29 15 Q Did Monsignor Curry tell you that Nicolas
 16 Aguilar Rivera was an extern priest serving in the
 17 Archdiocese from Mexico?
 18 MR. WOODS: At any time?
 19 MR. ANDERSON: In this conversation.
 10:27:44 20 THE WITNESS: In the what?
 21 MR. ANDERSON: In the conversation where
 22 Monsignor Curry told you that Aguilar had been suspected
 23 of misconduct.
 24 MR. WOODS: In the very first conversation is
 10:27:54 25 what he's referring back to.

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10:27:56 1 MR. ANDERSON: Yes.
 2 MR. WOODS: Okay. Did he tell you he was an
 3 extern from Mexico?
 4 THE WITNESS: I believe so.
 10:28:00 5 BY MR. ANDERSON:
 6 Q What did he tell you?
 7 A I don't recall exactly.
 8 Q Did he tell you when he had come here?
 9 A I don't recall. It was 20 years ago.
 10:28:13 10 Q Did he tell you the diocese from which he
 11 came?
 12 MR. WOODS: Again, limited to the first
 13 conversation.
 14 MR. ANDERSON: Yes.
 10:28:19 15 MR. WOODS: Okay.
 16 THE WITNESS: Again, I don't recall if he
 17 mentioned the name. He probably mentioned Mexico, but
 18 the diocese I'm not sure.
 19 BY MR. ANDERSON:
 10:28:26 20 Q Did he tell you that he was -- his superior
 21 was Norberto Rivera, the bishop -- then the bishop of
 22 Tehuacan?
 23 A At that time?
 24 Q Yes.
 10:28:38 25 A I don't recall.

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10:28:41 1 Q Did you know Norberto Rivera as the bishop of
 2 Tehuacan at that time?
 3 A I did not.
 4 Q Did he tell you about the circumstances in
 10:28:52 5 which -- in that conversation in which Nicolas Aguilar
 6 Rivera had come to L.A. from Tehuacan?
 7 A I don't recall if he did or not.
 8 Q Did you ever receive information from
 9 Monsignor Curry about the circumstances of Aguilar
 10:29:15 10 Rivera's departure from Mexico and the reasons for it?
 11 A At some point as this was unfolding, I
 12 suspect that that's when he gave me the information.
 13 Q Okay. And is that -- are you referring to
 14 Monsignor Curry?
 10:29:36 15 A I'm referring to Monsignor Curry.
 16 Q How long after that first conversation did
 17 Monsignor Curry give you additional information
 18 concerning the circumstances of Rivera's departure from
 19 Mexico?
 10:29:48 20 A I don't recall exactly.
 21 Q Would it have been days or weeks or months?
 22 A It would have been in the context of the
 23 unfolding of these events in early 1988, but I don't
 24 recall precisely.
 10:30:24 25 Q After you learned that this was -- when

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10:30:43 1 Monsignor Curry brought this information to you as vicar
 2 for clergy, did you direct him to take action responsive
 3 to the situation involving Nicolas Aguilar Rivera?
 4 MR. WOODS: I'm going to object to the form of
 10:31:00 5 the question as beyond the scope of this deposition and
 6 instruct the witness not to answer.
 7 MR. ANDERSON: Relevancy?
 8 MR. WOODS: Yes.
 9 BY MR. ANDERSON:
 10:31:13 10 Q Do you know if Monsignor Curry did take
 11 action responsive to the information he received
 12 concerning the risk posed by Aguilar Rivera?
 13 MR. WOODS: Same objection, same instruction.
 14 BY MR. ANDERSON:
 10:31:27 15 Q Monsignor Curry gave you enough information
 16 to know that Nicolas Aguilar Rivera posed a danger to
 17 children in the Archdiocese, didn't he?
 18 MR. WOODS: Same objection, same instruction.
 19 BY MR. ANDERSON:
 10:31:46 20 Q After the conversation with Monsignor Curry,
 21 when is the next time you received information from any
 22 source that Nicolas Aguilar Rivera posed a risk of harm
 23 to children?
 24 MR. WOODS: Same objection, same instruction.
 10:32:06 25 BY MR. ANDERSON:

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10:32:07 1 Q What did the Archdiocesan officials, acting
2 at your direction, or you, as the Cardinal Archbishop,
3 do to protect the children of the Archdiocese of L.A.
4 and -- and Mexico from the risk of harm posed by Nicolas
10:32:29 5 Aguilar-Rivera?
6 MR. WOODS: Okay. I'm going to object that the
7 question assumes numerous facts not in evidence, is
8 argumentative, and is beyond the scope of the limited
9 nature of this deposition and instruct the witness not
10:32:43 10 to answer.
11 BY MR. ANDERSON:
12 Q In terms of your normal custom and
13 procedures, Cardinal, when a priest comes to the
14 Archdiocese of L.A. or when you served in Stockton or
10:33:04 15 Fresno as -- in position of Ordinary or otherwise, was
16 it customary for bishops or the Ordinaries to exchange
17 information concerning the transfer of priests by -- by
18 telephone before they get transferred?
19 A Normally not. Usually done in writing.
10:33:26 20 Q If a priest is coming into the L.A.
21 Archdiocese, in this case Nicolas Aguilar Rivera, in
22 1987, wouldn't it have been customary for the L.A.
23 Archdiocese to, before he serves as a priest, to get
24 information about his fitness to serve?
10:33:50 25 A That is usually done by a letter of

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10:33:52 1 recommendation from the bishop or the superior.
2 Q And in the case of Nicolas Aguilar Rivera,
3 was a letter of recommendation made by his superior --
4 A Yes.
10:34:02 5 Q -- to the L.A. Archdiocese and you?
6 A Yes.
7 Q Okay. And who made -- who -- who made the
8 recommendation?
9 A The recommendation was made by Bishop
10:34:16 10 Norberto Rivera, bishop of Tehuacan.
11 Q Okay. Are you referring to a document when
12 you answer that? Are you looking at a document?
13 A Yes, I am.
14 Q Is that page 1 of the production that you
10:34:26 15 gave us? Let me see. Okay.
16 A Yes. It's that page you're looking at.
17 Q Okay. And that -- that -- for purpose of the
18 record, this is marked "Exhibit B," and that's page 1 of
19 B. That's Bates stamped 1. Do you see that Bates-stamp
10:34:46 20 number?
21 A Yes.
22 Q Okay. In this document we'll use -- we'll
23 use the Bates-stamp numbers, referring to it as B1, B2,
24 and so forth. That's in Spanish, and I'll cover that
10:34:56 25 with you.

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10:34:58 1 And beyond this Exhibit B1, which is written
2 in Spanish, and a translation is available here, I'll
3 grab it in a moment, did you or the Archdiocese get any
4 other references, recommendations, or information from
10:35:18 5 the Diocese of Tehuacan before receiving him and placing
6 him in a parish here?
7 A Well, we are guided by Canon Law. Canon 271,
8 paragraphs 1, 2, and 3, instruct us that before we
9 recommend somebody for service, that they be fit for
10:35:41 10 ministry. So the presumption is when I would get a
11 letter like this one, that this priest is fit for
12 ministry without problems.
13 Q And so when you received this letter and the
14 Archdiocese received this letter from Diocese of
10:35:59 15 Tehuacan, in effect, this represents to you, as the
16 Ordinary, that this priest is fit for ministry, correct?
17 A Yes.
18 Q And you relied upon this letter when he was
19 allowed to work in this Archdiocese, correct?
10:36:14 20 A That is correct.
21 Q And you believed you could trust the sender
22 of this letter on the letterhead of -- of -- and from
23 the Diocese of Tehuacan?
24 A Yes.
10:36:29 25 Q And is it fair to say, then, that Cardinal --

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10:36:33 1 now Cardinal Rivera, then Bishop Rivera, is the one that
2 certified and -- to you the fitness of Nicolas Aguilar
3 Rivera to serve in this Archdiocese by reason of this
4 letter?
10:36:54 5 MR. SELSBERG: Objection; mischaracterizes
6 testimony, assumes facts not in evidence.
7 BY MR. ANDERSON:
8 Q You can answer that.
9 A Yes. I interpreted this letter to be a
10:37:07 10 letter stating this priest is in good standing and that
11 he has no reason to not give him -- to give me
12 permission to accept him.
13 Q Okay. I'm going to show you -- let's --
14 let's -- I've got a translation of this.
10:37:28 15 And, Counsel, for all of the documents that
16 we're going to use, we've got a certification attached.
17 And just so -- what we did to make it easy is use the
18 Bates-stamp production numbers as the exhibit numbers.
19 And you'll see that the English -- the Bates-stamped
10:37:44 20 production of this letter is 23, so I'm going to mark
21 this Exhibit 23.
22 MR. WOODS: Okay.
23 MR. ANDERSON: And use this as Exhibit 23.
24 (Whereupon, Exhibit 23 was introduced and
10:37:52 25 marked for identification by the Certified Shorthand

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10:37:52 1 Reporter, a copy of which is attached hereto.)
 2 MR. WOODS: Can you make it C-23? Oh, no.
 3 MR. ANDERSON: No.
 4 MR. WOODS: That will --
 10:37:59 5 MR. ANDERSON: No. The English -- the English:--
 6 MR. WOODS: There's going to be -- there may be a
 7 Bates page in here 23.
 8 MR. ANDERSON: Well, we'll deal with that because
 9 that will be B-23.
 10:38:10 10 MR. WOODS: That will -- okay.
 11 MR. ANDERSON: Okay.
 12 MR. WOODS: Yours is plain 23.
 13 MR. ANDERSON: Yes. Yes.
 14 MR. WOODS: Okay.
 10:38:14 15 MR. ANDERSON: And just so you know, and
 16 Mr. Waters is showing you, the first page will be the
 17 Spanish version. The second page will be the
 18 translation.
 19 MR. WATERS: And that's labeled 23A.
 10:38:27 20 MR. ANDERSON: And that will be marked 23A. So
 21 when we're referring to the translation of any one of
 22 these documents, it will have an A following it. So in
 23 this instance, it's 23A. And then attached to it or
 24 appended to it is the official translation. Okay?
 10:38:42 25 MR. WOODS: Okay.

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10:38:42 1 MR. ANDERSON: And Mr. Waters is --
 2 MR. WOODS: Do you have one for the court
 3 reporter? Do you want to give one to the court
 4 reporter?
 10:38:49 5 MR. ANDERSON: Yeah.
 6 MR. WOODS: And this isn't marked.
 7 MR. SELSBERG: You're using documents that were
 8 produced for the deposition or they were produced
 9 earlier and you decided to use them so you got a
 10:38:57 10 translation --
 11 MR. ANDERSON: Yes.
 12 MR. SELSBERG: -- that's certified?
 13 MR. ANDERSON: Yes. These are documents produced
 14 by -- by you.
 10:39:04 15 MR. SELSBERG: Oh, I understand.
 16 MR. WOODS: Okay. So I would ask the court
 17 reporter to now mark that proffered exhibit as --
 18 MR. ANDERSON: It's already been marked.
 19 MR. WOODS: What?
 10:39:15 20 MR. ANDERSON: 23, 23A.
 21 MR. WOODS: Well --
 22 MR. SELSBERG: And let me just say for the record
 23 that I have not reviewed -- we have not reviewed or had
 24 a chance to review the translations that the plaintiff
 10:39:28 25 is offering here today, and so we don't have any idea

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10:39:32 1 whether we agree that those are, in fact, correct
 2 translations or not.
 3 MR. ANDERSON: That's understood.
 4 BY MR. ANDERSON:
 10:39:48 5 Q Okay. Cardinal, I've placed before you what
 6 is the translation that we received that is what we call
 7 an official translation. And as counsel says,
 8 translations may not be perfect, and there may be
 9 disagreements about them. But this is what we have for
 10:40:09 10 now.
 11 And this exhibit, the letter of basically
 12 fitness for ministry pertaining to Nicolas Aguilar
 13 Rivera, this is the letter, isn't it, the English
 14 version of it?
 10:40:29 15 MR. SELSBERG: Do you have a copy for us?
 16 Mr. Anderson, do you have a copy for us?
 17 MR. ANDERSON: Yes.
 18 MR. SELSBERG: Thank you.
 19 MR. WOODS: Well, do you have another one?
 10:40:48 20 MR. WATERS: I have one more copy that's going to
 21 be used in the deposition this afternoon. So I only
 22 have -- I brought three copies.
 23 MR. WOODS: Okay. I'll look over here.
 24 BY MR. ANDERSON:
 10:40:56 25 Q Is this the letter in English?

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10:40:58 1 A Yes. But I already have a problem with the
 2 translation and the emphasis.
 3 Q Okay.
 4 A May I tell you what the problem is?
 10:41:09 5 Q Sure. Why don't you -- sure. Why don't you
 6 start by doing that. We'll make the correction as we
 7 need to.
 8 A Because one of the most important sentences
 9 in the original letter is "No tengo ningun
 10:41:17 10 inconveniente," etc., down to "Iglesia Local."
 11 MR. WOODS: Okay. Hold on. We've got a problem
 12 now.
 13 MR. ANDERSON: She's not going to get that. Why
 14 don't you just say there's a problem at line -- let's
 15 number the letter by line. And the first line begins
 16 with "Warmest greetings." The second line is "Due to
 17 health." The third line in the letter --
 18 MR. WOODS: You're talking about the English
 19 version.
 10:41:43 20 THE WITNESS: Yeah.
 21 MR. ANDERSON: Yes.
 22 THE WITNESS: This is the document I'm relying
 23 on.
 24 BY MR. ANDERSON:
 10:41:49 25 Q Okay. Let's -- let's instead of -- instead

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10:41:51 1 of identifying it that way, why don't you read the
2 document that you're referring to in English.
3 A Okay.
4 Q That will be the way the court reporter can
10:42:02 5 do that. And Cardinal, when you're reading the
6 document, it's important you read it slowly so she can
7 get that down.
8 MR. WOODS: Okay.
9 BY MR. ANDERSON:
10:42:10 10 Q And you'll be reading the Spanish version,
11 and you become the interpreter because you'll be reading
12 this into the record the way you read it when you
13 received it, correct?
14 MR. SELSBERG: Objection as to --
10:42:23 15 THE WITNESS: I'm not an official translator, and
16 I don't think this is necessarily a good translation,
17 so --
18 MR. ANDERSON: No. I'm not asking --
19 (Interruption by the reporter.)
10:42:35 20 MR. SELSBERG: My objection is that if I
21 understood what Mr. Anderson said, that he wants the
22 witness to read it as he -- he -- and understand it as
23 he first read and understand it when he received it. I
24 thought the witness testified that he never heard of
10:42:52 25 this guy Nicolas Aguilar Rivera.

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10:42:57 1 MR. ANDERSON: Give us the legal objection.
2 Don't -- don't give us a characterization of his
3 testimony, Counsel. What's your legal objection? Just
4 give it to us.
10:43:04 5 MR. SELSBERG: Assumes facts not in evidence.
6 BY MR. ANDERSON:
7 Q Okay. Now, Cardinal, here's what we're going
8 to do. Let's keep it simple, and let's keep it clear.
9 What we'll do is you have the Spanish version in front
10:43:15 10 of you. You had a -- you had a problem with the
11 translation that we had done. I respect and understand
12 that.
13 And what we -- what's most important is we
14 get from you how you read this letter. And whether it's
10:43:29 15 a correct translation or not isn't as important as how
16 you would read it or did read it at the time you
17 received it first.
18 The Spanish version of this letter, dated --
19 the date at the right-hand corner is January 27th, 1987,
10:43:46 20 is it not?
21 A Yes.
22 Q And it would have been received by you as
23 Cardinal Archbishop because it's addressed by you
24 presumably some -- some date after it was sent. Do you
10:44:00 25 know when it was received by the -- by you and the

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10:44:03 1 Archdiocese?
2 A No, I don't.
3 Q Okay. In your files, is there a "Received"
4 stamp that shows when it was received?
10:44:13 5 A No.
6 Q Okay. So it's fair to assume, is it,
7 Cardinal, that a received some days -- was it -- was it
8 sent by U.S. mail?
9 A I don't know.
10:44:25 10 Q Okay. Okay. Why don't you read this
11 document, then, beginning with "Dearest Archbishop,"
12 and -- and read what it says.
13 MR. WOODS: In English?
14 MR. ANDERSON: Yes.
10:44:42 15 MR. WOODS: Okay. I -- okay. I think we all
16 understand that the Cardinal is not a certified court
17 interpreter or translator. He obviously has a working
18 knowledge of Spanish.
19 I don't mind him giving a free-form
10:45:13 20 translation. It wouldn't be anything like an official
21 translation, and I don't know that you can really rely
22 on it in any way. But if it -- if it's preliminary to
23 asking him a question, I don't mind it.
24 MR. ANDERSON: Well, look --
10:45:28 25 MR. WOODS: But there are so many documents here

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10:45:30 1 in Spanish, we'll be here for the next week if we do it
2 that way.
3 MR. ANDERSON: Now, we just want to do it the
4 simplest way.
10:45:36 5 BY MR. ANDERSON:
6 Q Cardinal, you said there was a problem with
7 the translation --
8 MR. WOODS: Can I help you out?
9 MR. ANDERSON: So -- no. No. I can do this. I
10:45:42 10 can do this. I don't need your help. Thank you. I
11 appreciate the offer, but I don't need it.
12 MR. WOODS: Okay.
13 BY MR. ANDERSON:
14 Q Cardinal, I think, you know, the best way for
10:45:49 15 us, and I'm asking you, you're the one that relied upon
16 this letter, right?
17 A Yes.
18 Q And you're the one that relied upon the
19 information in the letter, correct?
10:46:02 20 A Yes.
21 Q To allow Nicolas Aguilar Rivera to serve and
22 work in this Archdiocese, right?
23 MR. WOODS: Well, he or his vicar relied on it.
24 BY MR. ANDERSON:
10:46:11 25 Q Well, Cardinal, in the final analysis as the

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10:46:14 1 Ordinary, the Archbishop Cardinal, you're the guy
2 responsible for the assignments, the transfer, and the
3 work done of all the priests of the Archdiocese,
4 correct?

10:46:24 5 A Yes.
6 Q Okay. And you can delegate certain things to
7 your vicars and to your auxiliaries and the like, but
8 ultimately, you're the guy, right?

9 A Yes, except it should be noted that in the
10 assignment of assistant pastors, the associate pastors,
11 that's done entirely by the vicar for clergy, who sends
12 the letters, makes appointment, and everything.

13 Q And you basically delegate that authority,
14 however, to that vicar, do you not?

10:46:53 15 A That's correct.
16 Q So that's a delegated authority from you to
17 the vicar, correct?

18 A (Nonverbal response.)
19 Q Okay. So now we have that clear, let's go
20 back to the letter. And the letter's the one you relied
21 upon. Did you rely upon any other information received
22 from the Diocese of Tehuacan or anybody else other than
23 this letter before or in reliance of Nicolas Aguilar
24 Rivera serving here?

10:47:15 25 A No.

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10:47:16 1 Q Okay. This is it right here?
2 A Correct.
3 Q Okay. So let's have you read for me what you
4 believe the letter says.

10:47:26 5 A It would be a lot faster if I just told you
6 where I thought the errors were.

7 Q If you like to do that, we can -- we can do
8 that.

9 A Yeah. There -- just in that middle
10 paragraph, "Due to health and family reasons" --

11 Q Yes.
12 A -- the second line says "which belongs."
13 That should be "who belongs."

14 Q Oh.
15 A But the -- my main concern is the sentence in
16 that paragraph. "If His Excellency were to accept him,
17 don't have any," I think means "I don't have any," "Yo
18 no tengo."

19 Q Yes. "Yo" is "I," yeah.
20 A But the translation switches the emphasis.
21 The -- the original says -- begins "I do not have any
22 problem or reason in granting you my permission if Your
23 Excellency were to accept him to work in your local
24 church." So that's an important emphasis.

10:48:28 25 Q Yes.

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10:48:30 1 A They've got it reversed.
2 Q Yes.
3 MR. SELSBERG: And actually, I have a translation
4 that's --

10:48:37 5 MR. ANDERSON: Better?
6 MR. SELSBERG: -- comports -- that is -- it's
7 more like the witness's than yours.

8 MR. ANDERSON: Okay. Let's use that one.
9 MR. SELSBERG: I have my notes all over it. I
10 have my attorney notes all over it.

11 MR. ANDERSON: Okay. Well, let's -- let's get --
12 let's get -- does that comport with the one that the
13 Cardinal just did?

14 MR. SELSBERG: Some of it. But it's really --
15 it's different than yours. Go ahead and do what you're
16 doing. I'm just telling you that it is different.

17 MR. ANDERSON: Okay.
18 MR. SELSBERG: We should try to work that out at
19 some point.

10:49:05 20 MR. ANDERSON: Yeah. I think we will. And we're
21 not going to have any difficulty.

22 BY MR. ANDERSON:
23 Q What's -- what's important is what you read
24 and what you believe it says. And so we -- this is an
10:49:12 25 important letter, is it not, Cardinal? Because, look,

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10:49:14 1 this is the basis on which this guy was allowed to serve
2 here, right?

3 A Correct.
4 Q You know, and so we got to get this -- we got
10:49:21 5 to get what you were told by Cardinal -- now Cardinal
6 Rivera, then Bishop Rivera, about this guy's fitness.
7 Because basically, it's correct to say that -- that
8 then-Bishop Rivera certified to you that this was a
9 priest that was both safe and celibate to serve in your
10 Archdiocese, right?

11 MR. SELSBERG: Objection. That assumes facts not
12 evidence and mischaracterizes the witness's testimony.
13 Is that a question?

14 THE WITNESS: My understanding was it was meeting
10:49:50 15 the provisions of Canon 271.

16 MR. ANDERSON: Yes.
17 THE WITNESS: He was fit for ministry.
18 BY MR. ANDERSON:
19 Q And this letter sent by him to you, in
10:49:58 20 effect, certified to you, represented to you, that
21 Nicolas Aguilar Rivera was both safe and celibate and
22 fit to serve as a priest in your Archdiocese, correct?

23 MR. SELSBERG: Objection.
24 MR. WOODS: I'm going to object that it's
10:50:18 25 compound.

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10:50:18 1 MR. SELSBERG: Assumes facts not in evidence.
 2 MR. WOODS: Oops. I'm sorry. Go ahead, Steve.
 3 MR. SELSBERG: Go ahead.
 4 MR. WOODS: I'm going to object that it's
 10:50:26 5 compound. There's a string of things there. Maybe you
 6 want to take them one at a time.
 7 MR. ANDERSON: Okay. I'd be happy to.
 8 BY MR. ANDERSON:
 9 Q Cardinal, does this letter sent to you by the
 10 Diocese of Tehuacan and Norberto Rivera in effect make a
 11 representation to you through the U.S. mail -- did it
 12 make a representation to you through the U.S. mail?
 13 MR. WOODS: Okay.
 14 MR. SELSBERG: Objection; assumes facts not in
 10:50:53 15 evidence. Vague, mischaracterizes testimony.
 16 MR. WOODS: Right. He's already testified he
 17 doesn't know if it came through the mail.
 18 BY MR. ANDERSON:
 19 Q Well, how do you think this letter got to
 10:51:03 20 you?
 21 MR. SELSBERG: Objection; calls for speculation.
 22 MR. WOODS: Okay. Do you know how the letter got
 23 to you?
 24 MR. ANDERSON: Don, I don't need the --
 10:51:11 25 MR. WOODS: You don't want him to speculate.

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10:51:13 1 MR. ANDERSON: I asked him the question. You
 2 repeated the question. Just -- let's just keep it
 3 simple.
 4 MR. WOODS: Okay.
 10:51:17 5 MR. ANDERSON: I don't need you to repeat my
 6 question.
 7 MR. WOODS: Okay. Ask it again. I'll object.
 8 BY MR. ANDERSON:
 9 Q How did the letter get to you?
 10:51:23 10 MR. SELSBERG: Objection; calls for speculation.
 11 THE WITNESS: I don't know.
 12 BY MR. ANDERSON:
 13 Q Is there any way it could have gotten to you
 14 but other than by mail?
 10:51:32 15 MR. SELSBERG: Objection; calls for speculation.
 16 MR. WOODS: Same objection, but you can answer.
 17 THE WITNESS: Yes.
 18 BY MR. ANDERSON:
 19 Q How?
 10:51:39 20 A The priest brought it with him.
 21 MR. SELSBERG: Objection; calls for speculation.
 22 BY MR. ANDERSON:
 23 Q Do you have some reason to believe that the
 24 priest brought this letter with him?
 10:51:46 25 A No.

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10:51:47 1 Q Okay. Do you have -- have you received any
 2 information in connection with this case that leads you
 3 to believe that the priest presented this letter in
 4 person to you and the Archdiocese?
 10:52:09 5 A No.
 6 Q Do you believe that this letter was sent
 7 before permission was granted him to serve and work
 8 here?
 9 A I just don't know.
 10:52:21 10 Q Okay. In any case, other than by hand
 11 delivery, is there any other way for this to have been
 12 received by you other than the U.S. mail or
 13 hand-delivery?
 14 MR. SELSBERG: I'm sorry. Could you repeat
 10:52:34 15 that -- read that back, please?
 16 BY MR. ANDERSON:
 17 Q Is there any way for you to have received
 18 this other than by U.S. mail or hand-delivery by the --
 19 by the priest?
 10:52:45 20 A Not that I'm aware of.
 21 Q Okay. You weren't using faxes back then,
 22 were you?
 23 A I believe fax machines were being used in
 24 those years, yeah.
 10:53:12 25 Q Could have been faxed then, too?

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10:53:16 1 A Possibly.
 2 Q If it had been, would your -- would your file
 3 copy reflect that it would have been received by a fax
 4 machine?
 10:53:23 5 A I don't remember the capability of our fax
 6 machine in 1987, but they normally print something along
 7 the top.
 8 Q Right. Okay. So how do you think you
 9 got this -- how do you think this letter was sent?
 10:53:37 10 By -- by hand delivery or by U.S. mail?
 11 MR. SELSBERG: Objection; calls for speculation.
 12 BY MR. ANDERSON:
 13 Q That's why I'm asking what you think.
 14 A I just don't know.
 10:53:45 15 Q Okay. Besides you, who -- who might know
 16 that?
 17 MR. SELSBERG: Objection; calls for speculation.
 18 BY MR. ANDERSON:
 19 Q Who is in the best position to know that?
 10:53:56 20 A Probably then Monsignor Curry.
 21 Q Okay. He's coming up. We'll ask him.
 22 Let's go, then, to the letter. But before I
 23 do, I need to finish the question that I began. This
 24 letter certified Nicolas Aguilar Rivera -- Rivera's
 10:54:15 25 fitness to you, and you relied upon then-Bishop Norberto

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10:54:23 1 Rivera, correct?
2 MR. SELSBERG: Objection; assumes facts not in
3 evidence.
4 MR. WOODS: Yeah. You keep inserting "you" in
10:54:30 5 when he's made it, I thought, fairly clear that the
6 vicar for clergy was the one who handled this by
7 delegation.
8 MR. ANDERSON: Counsel -- no.
9 MR. WOODS: So you --
10:54:43 10 MR. ANDERSON: Let him answer the question.
11 MR. WOODS: All right.
12 MR. ANDERSON: He can tell me if he doesn't
13 understand it.
14 BY MR. ANDERSON:
10:54:46 15 Q You're the one this letter is addressed to,
16 right?
17 A Yes.
18 Q And you're the one responsible ultimately for
19 the placement of and the permission of Nicolas Aguilar
10:55:00 20 Rivera to work in L.A. Archdiocese, correct?
21 A Yes.
22 Q Okay. And it is you, then, as the Ordinary
23 that relied upon Bishop Rivera when he certified the
24 fitness of Nicolas Aguilar -- Nicolas Aguilar Rivera to
10:55:25 25 serve.

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10:55:27 1 MR. SELSBERG: Objection; assumes facts not in
2 evidence and mischaracterizes his testimony.
3 MR. WOODS: It's -- it's a very difficult
4 question because --
10:55:34 5 MR. ANDERSON: What's the objection?
6 MR. WOODS: The word "you" is confusing.
7 BY MR. ANDERSON:
8 Q You in your capacity as Archbishop, Cardinal.
9 Do you understand that, Cardinal?
10:55:43 10 MR. WOODS: No. That's confusing. I mean --
11 MR. ANDERSON: It's not confusing to him. This
12 witness has given testimony before. He understands the
13 question. He understands the question as well as I
14 understand the protocol. He is the Ordinary. He is the
10:56:00 15 one responsible. If he doesn't understand it, he can
16 tell me. I don't need you to tell me that.
17 MR. WOODS: Well, it's also the jury that will
18 hear this testimony if taken out of context. The "you"
19 that you're proposing to him is a delegated
10:56:20 20 responsibility that he, "you," accepts. He's accepted
21 that several times. He told you he accepts
22 responsibility. But he may not have even seen this
23 letter, and I think he said that too.
24 So I mean I think you have to be clear in
10:56:39 25 your question to prevent -- prevent some kind of misuse

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10:56:43 1 of it down the line.
2 BY MR. ANDERSON:
3 Q Okay. Cardinal, every question that I'm
4 asking you is in your capacity as the Archbishop
10:56:53 5 Cardinal. And in your capacity as the Archbishop
6 Cardinal, it's correct to say that you relied upon the
7 certification given in this letter in permitting Nicolas
8 Aguilar Rivera to work in the L.A. Archdiocese?
9 MR. WOODS: Okay.
10:57:17 10 MR. SELSBERG: Objection; assumes facts not in
11 evidence and mischaracterizes his testimony.
12 MR. WOODS: Yeah. I think if you said "Did you
13 personally" versus "you accepting the" -- the -- the --
14 MR. ANDERSON: Don't tell me how -- let him
10:57:32 15 answer the question.
16 MR. WOODS: Okay. But the question --
17 MR. ANDERSON: Don't tell me how to ask it. I
18 don't need your help.
19 MR. WOODS: It's confusing. It's confusing for
10:57:38 20 the reasons I've stated, so I'm going to instruct him
21 not to answer it because I think you can rephrase it.
22 MR. ANDERSON: Unless the Cardinal says it's
23 confusing, Don, let's not waste time on this.
24 BY MR. ANDERSON:
10:57:47 25 Q This is -- you know, Cardinal, do you

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10:57:49 1 understand the question?
2 A I think the best thing is to repeat what I
3 said a while ago. That is, I delegated Monsignor Curry,
4 as vicar for the clergy, to handle all cases involving
10:58:02 5 externs and their assignments.
6 So I personally was not given this letter.
7 Bishop Curry would not have said "We're going to assign
8 him because we have this letter."
9 Q Okay. Would it be correct, then, to say it's
10:58:16 10 the Archdiocese of L.A.? Would that be a more correct
11 way to ask the question? Is it correct to say, then,
12 that the Archdiocese of Los Angeles relied upon this
13 letter in determining whether or not Nicolas Aguilar
14 Rivera was fit to be assigned here?
10:58:40 15 A Yes.
16 Q Okay. I'll use the Archdiocese. That will
17 be easier. Because it could be you. It could be
18 authority delegated to Monsignor Curry. Does that work?
19 Does that work with you, Counsel?
10:58:50 20 MR. WOODS: That would be much better.
21 MR. ANDERSON: That's much better. Okay.
22 BY MR. ANDERSON:
23 Q Let me -- let me just rephrase those
24 questions, then. It's correct, then, to say that the
10:58:59 25 Archdiocese of L.A. relied upon Norberto Rivera in his

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10:59:07 1 representation that Nicolas Aguilar Rivera was safe to
2 serve and work in the Archdiocese of L.A.?
3 MR. SELSBERG: Objection; assumes facts not in
4 evidence.
10:59:23 5 THE WITNESS: I'll respond as I did before, that
6 he met the requirements of Canon 271.
7 BY MR. ANDERSON:
8 Q And that means fit for ministry?
9 A Fit for ministry.
10:59:30 10 Q And fit for ministry means safe?
11 A Well, it doesn't delineate a whole list of
12 words. I just say "fit for ministry."
13 Q Well, if you're a child molester, you're not
14 fit for ministry, are you?
10:59:43 15 A No.
16 Q And -- and so this represents to the
17 Archdiocese of L.A., does it not, that Norberto Rivera
18 is -- is making an affirmative representation that
19 Nicolas Aguilar Rivera is not a child molester?
11:00:13 20 MR. SELSBERG: Objection; assumes facts not in
21 evidence.
22 BY MR. ANDERSON:
23 Q Correct?
24 A The letter is stating that he's a priest in
11:00:22 25 good standing, being recommended for ministry here.

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11:00:26 1 Q And what does that mean to the Archdiocese in
2 Canon Law and common parlance?
3 A There are a whole list of qualities from the
4 seminary, to be ordained, and they're all listed in the
11:00:41 5 Code of Canon Law. So it's just a global endorsement.
6 Q And that means that he's fit to be trusted by
7 the community of faith?
8 A Yes.
9 Q It means he's fit to serve as a shepherd of
11:00:54 10 community of faith?
11 A Yes.
12 Q It means that he's fit to minister the
13 sacraments?
14 A Yes.
11:00:59 15 Q It means that he's fit to care for the
16 welfare and the safety of the children of the
17 Archdiocese?
18 A Yes.
19 Q It means that he's fit to be a priest?
11:01:09 20 A Yes.
21 Q To wear a collar?
22 A Yes.
23 Q To hold himself out as being safe and
24 celibate?
11:01:16 25 A Yes.

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11:01:42 1 Q Let's -- let's go to the letter, then, and
2 have you read the letter as you have translated or --
3 into the record as you read the letter. It's a brief
4 letter.
11:02:00 5 A Well, I find that a bit awkward. You're
6 really asking me to take somebody else's translation and
7 try to comport it to -- I prefer to stay with the
8 Spanish.
9 Q Okay. Well --
11:02:17 10 MR. WOODS: I think he --
11 BY MR. ANDERSON:
12 Q So then -- so then I need to know what it is
13 that you think it says. If you take the -- the English
14 translation, you would make -- the only corrections you
11:02:29 15 would make would be at the fourth line down,
16 providing -- excuse me -- third line down, you would
17 supplant or substitute "who" with the word -- instead of
18 the word "which"; is that correct?
19 A Yes.
11:02:47 20 MR. SELSBERG: I object to the witness's
21 competency to translate the letter.
22 BY MR. ANDERSON:
23 Q And then the next correction that you would
24 be making would be at the fourth line, beginning with --
11:02:58 25 with "If His Excellency"?

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11:03:09 1 MR. SELSBERG: Same objection.
2 THE WITNESS: Well --
3 BY MR. ANDERSON:
4 Q Why don't you read that line for me as you
11:03:05 5 read it from the Spanish version...
6 A I'm going to give you my translation from the
7 Spanish. I'm not going to --
8 Q That's what I'm asking you to do.
9 A I'm not going to rely on this.
11:03:16 10 Q Yes. Read the Spanish version.
11 A "I do not have any reason or basis to not
12 grant permission if Your Excellency were to accept him
13 for work in your local church."
14 Off the record, if we could.
11:03:53 15 MR. ANDERSON: Sure.
16 THE VIDEOGRAPHER: Off the record, the time is
17 11:03.
18 (Discussion held off the record from
19 11:03 a.m. until 11:04 a.m.)
11:04:13 20 THE VIDEOGRAPHER: On the record, the time is
21 11:04.
22 BY MR. ANDERSON:
23 Q I was trying to write that down, Cardinal.
24 And the last part of it is "you are to accept him for
11:04:24 25 work in the church." Is that the way --

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11:04:28 1 A "If Your Excellency were to accept him
2 for" -- "that he might work in your local church."
3 Q Did this letter give you -- excuse me. Did
4 this letter give the Archdiocese any warning that this
11:04:46 5 guy shouldn't be put -- put in ministry?
6 MR. SELSBERG: Objection; assumes facts not in
7 evidence and calls for speculation.
8 THE WITNESS: Well, the letter and the language
9 that's before me is a letter of recommendation.
11:05:20 10 MR. WATERS: This is one that's been marked.
11 MR. ANDERSON: Cardinal, we're going to put
12 before you now the declaration that has been filed in
13 this case by now Cardinal Norberto Rivera. We will mark
14 this for identification as Exhibit 100A.
11:05:42 15 MR. WATERS: No. The Spanish translation is
16 Exhibit 100, the English translation which immediately
17 follows it is 100A, and the certificate of translation
18 is attached to the English translation.
19 THE WITNESS: Yes.
11:05:54 20 BY MR. ANDERSON:
21 Q Now, this is a translation that was done, I
22 think, by you folks.
23 MR. SELSBERG: We did do one. I don't know what
24 you're using, but --
11:06:01 25 MR. ANDERSON: Okay. And we're using the one

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11:06:03 1 that was supplied to us and submitted to the court.
2 MR. SELSBERG: Okay.
3 MR. ANDERSON: So there's no objection to this
4 translation, I assume.
11:06:09 5 MR. SELSBERG: I'm sorry. I don't have the
6 document. But if what you're saying is --
7 MR. ANDERSON: It's the one that's on file.
8 MR. SELSBERG: Okay.
9 BY MR. ANDERSON:
11:06:18 10 Q So, Cardinal, what we have here is a Spanish
11 and an English version. I'm going to use the English
12 version. Okay?
13 Have you seen this?
14 A This document?
11:06:28 15 Q Yeah.
16 A No.
17 Q Okay. You'll see that this is at page 7 --
18 excuse me -- at page 6 is signed by Cardinal Norberto
19 Rivera Carrera. Do you see that?
11:07:00 20 A Yes.
21 Q And I'll represent to you this is a
22 declaration that he has made in this case and that he,
23 through his lawyers, has been placed into the record on
24 this -- on this case. Okay?
11:07:12 25 A Yes.

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11:07:14 1 Q And the declaration is -- is a statement made
2 by him under oath to be used by us here. Okay?
3 A Yes.
4 MR. SELSBERG: To be used by us here? It's to be
11:07:25 5 used in the case.
6 MR. ANDERSON: In the case. We're here on this
7 case, Counsel.
8 MR. SELSBERG: Gotcha.
9 BY MR. ANDERSON:
11:07:36 10 Q You'll see at number 9?
11 MR. WOODS: Paragraph 9?
12 MR. ANDERSON: Yes.
13 THE WITNESS: Excuse me. You're using numbers
14 along this side? Okay.
11:07:49 15 MR. ANDERSON: Yes. Yes.
16 BY MR. ANDERSON:
17 Q And that's page 2.
18 A Yes.
19 Q It states, "In 1986, in my capacity as Bishop
11:07:56 20 of Diocese of Tehuacan, I learned that defendant, Father
21 Nicolas Aguilar, then parish priest at the Parish of
22 San Sebastian, had been assaulted at his parish
23 residence on August 7th, 1986."
24 My question to you, Cardinal, is do you know
11:08:33 25 anything about the circumstances of that assault?

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11:08:39 1 A I do not.
2 Q The next sentence states, "Because there were
3 rumors that grown men stayed overnight at the church
4 where Father Aguilar lived, I suspected that a
11:09:02 5 homosexual incident had precipitated the assault on
6 Father Aguilar."
7 My question to you first, Cardinal, is do you
8 know anything about what -- about these rumors that he
9 is referring to here?
11:09:21 10 A I do not.
11 Q Before you read this declaration, have you
12 read or heard anything about what he is referring to
13 here --
14 MR. WOODS: Okay. I just want to object.
11:09:32 15 BY MR. ANDERSON:
16 Q -- other than with counsel?
17 MR. WOODS: I just want to object to the form of
18 the question in that the question assumes he's read the
19 declaration, and, in fact, he's testified that he's
11:09:42 20 never seen it before.
21 MR. ANDERSON: You didn't listen to the question.
22 I said --
23 MR. WOODS: Just take the preamble off, and he'll
24 answer the question.
11:09:50 25 BY MR. ANDERSON:

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11:09:50 1 Q Okay. Do you know anything about this?
 2 A No.
 3 Q It states there were grown men stayed
 4 overnight and homosexual incident that precipitated the
 11:10:16 5 assault on Father Aguilar.
 6 Would the Archdiocese of L.A. accepted this
 7 priest if it and you had known that in August of '86,
 8 grown men had stayed overnight and there had been a
 9 homosexual incident that precipitated the assault?
 11:10:40 10 MR. SELSBERG: Objection; assumes facts not in
 11 evidence.
 12 MR. WOODS: Okay. Also, it read from the
 13 document incorrectly as -- by way of a preamble. So
 14 could you just ask him the question? I object that it's
 11:10:56 15 confusing. Instruct him not to answer. Just ask him if
 16 they would accept under these circumstances.
 17 BY MR. ANDERSON:
 18 Q Did you hear the question, Cardinal?
 19 A I'm confused now. Could you repeat the
 11:11:11 20 question?
 21 Q Okay. Would you have accepted or would the
 22 Archdiocese have accepted this priest for work in the
 23 L.A. Archdiocese if it and you had known that grown men
 24 had stayed overnight at the church where Father Aguilar
 11:11:30 25 lived and that there had been a homosexual incident that

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11:11:38 1 precipitated an assault upon him?
 2 MR. SELSBERG: Objection. That assumes facts not
 3 in evidence, and it calls for speculation.
 4 THE WITNESS: I would prefer to answer it in --
 11:11:57 5 you've asked two pieces of it. The first part you said
 6 rumors that grown men stayed overnight at the church.
 7 It could very well happen that a brother of
 8 his would come and stay there or some other person that
 9 he -- a family member stayed at the rectory. That, in
 11:12:18 10 itself, I would not see as prohibitive. But certainly,
 11 any suspicion of homosexual activity, absolutely.
 12 BY MR. ANDERSON:
 13 Q If there had been -- so -- so that I
 14 understand your answer, if there had been suspicion by
 11:12:36 15 Cardinal, then Bishop, Rivera of homosexual activity,
 16 would you have accepted or permitted Nicolas Aguilar
 17 Rivera to have worked in the Archdiocese of L.A.?
 18 MR. SELSBERG: Objection; calls for speculation.
 19 MR. WOODS: Okay. The -- the question is also
 11:12:59 20 compound in that it talks about if there were suspicions
 21 or knowledge.
 22 So I'll let you answer it. You can deal with
 23 it.
 24 THE WITNESS: If we had been given that factual
 11:13:08 25 information, we would not have accepted him.

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11:13:11 1 BY MR. ANDERSON:
 2 Q The next sentence states, "At the same time,
 3 Father Aguilar's performance at the parish had caused
 4 controversy and some resentment in some members of the
 11:13:35 5 community because he had removed some persons that were
 6 selling goods in the church entrance and courtyard." Do
 7 you know anything about that?
 8 A I do not.
 9 Q It then states, "Thus, I was not sure if the
 11:13:49 10 rumors were true or were instead motivated by
 11 resentment."
 12 It then states, "There was no evidence to
 13 suggest that the incident involved any minor children
 14 nor was the involvement of minor children ever alleged."
 11:14:11 15 Did I read that correctly?
 16 MR. SELSBERG: I'm sorry. I didn't hear the
 17 question because of the noise with the tape. What was
 18 the question?
 19 BY MR. ANDERSON:
 11:14:22 20 Q Did I read that correctly?
 21 MR. SELSBERG: Oh.
 22 THE WITNESS: So stipulated.
 23 BY MR. ANDERSON:
 24 Q Cardinal, what does the Spanish term
 11:14:35 25 "chamaco" mean to you?

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11:14:38 1 MR. WOODS: I'm going to object to the question
 2 as beyond the scope of this deposition, which is limited
 3 to jurisdictional issues, and instruct the witness not
 4 to answer.
 11:14:48 5 MR. SELSBERG: I object to the competency of the
 6 witness to answer that question.
 7 BY MR. ANDERSON:
 8 Q Cardinal, if you -- in Exhibit 23, the letter
 9 of fitness from Cardinal Rivera to you upon which you
 11:15:09 10 relied, it said that Nicolas Aguilar was suspected of
 11 homosexual incidents with chamacos, what would that have
 12 meant to you?
 13 MR. SELSBERG: Objection. That calls for
 14 speculation.
 11:15:32 15 MR. WOODS: I'm going to object that it's not --
 16 sorry.
 17 MR. SELSBERG: And it assumes facts not in
 18 evidence.
 19 MR. WOODS: I'm going to object that it's
 11:15:39 20 hypothetical, facts not in evidence. It's not the facts
 21 that were presented, and it's beyond the scope of this
 22 deposition. And I'll instruct the witness not to
 23 answer.
 24 BY MR. ANDERSON:
 11:16:01 25 Q If Cardinal Rivera had represented to you

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11:16:05 1 that youngsters or kids had been involved in the
2 incidents referred to in this declaration as opposed to
3 grown men, would you have accepted him for work in the
4 Archdiocese?
11:16:20 5 MR. SELSBERG: Objection. That calls for
6 speculation and assumes facts not in evidence.
7 MR. WOODS: I'll let him answer it as further
8 explanatory of an earlier answer.
9 THE WITNESS: No. We would not have accepted
11:16:33 10 him.
11 BY MR. ANDERSON:
12 Q When Monsignor Curry brought the information
13 regarding Rivera -- Nicolas Aguilar Rivera first to you,
14 you knew that his -- he was suspected of sexual abuse of
11:16:46 15 youngsters or kids?
16 MR. SELSBERG: Objection; assumes facts not in
17 evidence.
18 THE WITNESS: When you said first brought the
19 information about Father Aguilar, you mean when he first
11:16:58 20 came?
21 BY MR. ANDERSON:
22 Q Yes. When Monsignor Curry first came to you
23 and said Nicolas Aguilar Rivera has been suspected of --
24 of misconduct.
11:17:09 25 A Oh, this is the following year.

11:17:11 1 Q Yeah. The following year. You knew that
2 involved kids or youngsters?
3 MR. WOODS: I'm confused now. Could you give us
4 a clean question?
11:17:19 5 BY MR. ANDERSON:
6 Q When Monsignor Curry first brought the
7 information to you about Nicolas Aguilar Rivera and
8 involved in misconduct, it was sexual misconduct
9 involving kids, was it not?
11:17:35 10 A That's right.
11 Q Okay. In the exhibit, there's reference to
12 family and health reasons.
13 MR. SELSBERG: Are you talking about the
14 declaration or the letter or --
11:18:05 15 MR. ANDERSON: The letter.
16 BY MR. ANDERSON:
17 Q What does the letter say about the reasons
18 Nicolas Aguilar was sent here?
19 A The -- the letter says that because of family
11:18:17 20 reasons and reasons of health, he wishes to come to
21 serve in the Archdiocese for one year.
22 Q When the phrase "family and health reasons"
23 was used in this letter and is used, is that code, or
24 does that provide a warning to the Archdiocese that this
11:18:55 25 priest suffers from some sort of problem?

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11:19:00 1 MR. SELSBERG: Objection; compound.
2 THE WITNESS: Absolutely not.
3 BY MR. ANDERSON:
4 Q I'm going to refer you to the declaration of
11:19:10 5 Cardinal Rivera at paragraph 11, numbered 11. You'll
6 see it begins with "After I obtained a replacement on
7 January 27th --
8 A Yes.
9 Q -- Father Aguilar tendered me his irrevocable
11:19:37 10 resignation from San Sebastian Martir Parish." He's
11 corrected that, but that's not important now. And it
12 states, "and indicated his intention to move to
13 Los Angeles, California."
14 "That same day, at Father Aguilar's request
11:20:01 15 and as was customary in the church, I wrote a letter
16 introducing him to Cardinal Roger Mahony, then
17 Archbishop of Los Angeles." This would refer to the
18 exhibit that we've already identified, correct?
19 A Yes.
11:20:17 20 Q And that is correct to say that that was a
21 customary way to introduce him to you?
22 A Yes.
23 Q He says "introduction." And in his
24 deposition, he claims that the letter that he sent was a
11:20:32 25 simple introduction and not a recommendation. What do

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11:20:34 1 you say to that, Cardinal?
2 A Well, I interpret this as a very clear letter
3 of recommendation.
4 Q And when he says it's an introduction and you
11:20:47 5 say it's a recommendation, in -- in -- in the parlance
6 of the church, how can there be a difference between the
7 two, you and he?
8 MR. SELSBERG: Objection; calls for speculation.
9 MR. WOODS: I agree it calls for speculation and
11:21:07 10 instruct him not to answer.
11 BY MR. ANDERSON:
12 Q Okay. Go to line 24 in paragraph 11. You'll
13 see at line 24, it states, "nor did I recommend him for
14 such duties." Do you see that?
11:21:31 15 A Yes.
16 Q Cardinal Rivera has asserted in this
17 declaration and under oath at no time did he recommend
18 Nicolas Aguilar Rivera to this Archdiocese for duties.
19 What do you say to that?
11:21:54 20 MR. WOODS: I'm going to object to the form of
21 the question. It's not a question. And I'll instruct
22 him not to answer. Are you asking him does he agree or
23 disagree? Is that the question?
24 BY MR. ANDERSON:
11:22:07 25 Q You can answer the question as asked.

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11:22:09 1 MR. WOODS: Okay. I instruct him not to answer.
2 BY MR. ANDERSON:
3 Q Do you agree that -- with Cardinal Rivera in
4 his declaration under oath that he did not recommend
11:22:23 5 Nicolas Aguilar for duty to you -- to the Archdiocese?
6 A I would just say I consider this a very
7 positive letter of recommendation, and that is my
8 interpretation of it.
9 Q Let's go to the phrase "family and health
11:22:52 10 reasons."
11 Before I do that, let's go to the next line.
12 And let me read from this first, and then I'll ask you a
13 question.
14 A Excuse me. Which line?
11:23:13 15 Q I'm going -- I'm going to back it up a little
16 bit so that we can get some context here.
17 MR. WOODS: Okay. We're back in Exhibit 100.
18 BY MR. ANDERSON:
19 Q And we're at Exhibit 100, page 3, paragraph
11:23:29 20 11. And line 18, I will read -- excuse me -- line 17, I
21 will read. "That same day, at Father Aguilar's request
22 and as was customary in the church, I wrote a letter
23 introducing him to defendant Cardinal Roger Mahony, then
24 Archbishop of Los Angeles Archdiocese. In that letter,
11:23:54 25 I explained that Father Aguilar planned to travel to

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11:24:00 1 Los Angeles."

2 Does that letter explain that, that he was

3 planning to travel to Los Angeles?

4 MR. SELSBERG: Objection; calls for speculation.

11:24:15 5 THE WITNESS: Well, again, I like to go back to

6 the Spanish, Cardinal Rivera's Spanish version. Because

7 he says "I wrote a letter," "presentandolo." That

8 doesn't mean introducing as if "Here's Mr. Smith. Meet

9 Mr. Brown." "Presentandolo," in that sense, means

11:24:41 10 presenting, offering him in a more positive sense. So

11 that's why I keep looking back and forth here. So --

12 BY MR. ANDERSON:

13 Q No. That's fair, Cardinal. I think that's

14 important. "Presentandolo" to you means --

11:24:55 15 A More than introducing.

16 Q -- more than a presentation. It's a

17 recommendation.

18 A Yeah.

19 Q Is that right?

11:24:59 20 A For me, I interpreted more than the word

21 "introduce."

22 Q Okay. And then let's go back, then, to what

23 Cardinal Rivera says in his declaration about that.

24 Line 19, "In that letter, I explained that Father

11:25:16 25 Aguilar planned to travel to Los Angeles because I did

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11:25:22 1 not know whether the rumors of Father Aguilar's

2 homosexuality were true or instead motivated by

3 resentment within the community, I was uncertain as to

4 whether Father Aguilar was fit to continue in service as

11:25:38 5 a priest."

6 At any time, did Cardinal Rivera, then Bishop

7 Rivera, by that letter or otherwise signal to you that

8 he was uncertain as to whether Aguilar was fit to

9 continue in service as a priest?

11:26:03 10 A No.

11 Q And you wouldn't have ever put him in service

12 in the Archdiocese as a priest had he so signaled to

13 you, correct?

14 MR. SELSBERG: Objection; calls for speculation.

11:26:15 15 THE WITNESS: That's correct. I would not have.

16 BY MR. ANDERSON:

17 Q He goes on to state under oath, "As such, I

18 did not grant a license to Father Aguilar to take up

19 priestly duties in Los Angeles, granting such licensure

11:26:33 20 was beyond my authority as bishop of the diocese in any

21 event, nor did I recommend him for such duties."

22 Is this the first time you've read this?

23 A Yes.

24 Q Okay. He's saying that -- what is your

11:27:04 25 response to your reading of that?

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11:27:06 1 MR. WOODS: Okay. I'm going to object. That's

2 not even a question, really.

3 MR. HABEL: It's argumentative.

4 MR. WOODS: Instruct not to answer.

11:27:15 5 Argumentative.

6 BY MR. ANDERSON:

7 Q Well, when you read what the Cardinal has

8 written under oath about this letter and his

9 representations to you and how he characterizes it, what

11:27:32 10 is your reaction to that?

11 MR. SELSBERG: Objection. That

12 mischaracterizes -- I mean that mischaracterizes the

13 document that you're reading from.

14 MR. WOODS: It's also compound because you

11:27:45 15 read -- read fairly complex sentences, and it's

16 confusing to a lay witness to just say "What do you" --

17 "What's your reaction to it?" I mean it's not a proper

18 question.

19 BY MR. ANDERSON:

11:27:58 20 Q Okay. Well, when he says "I was uncertain as

21 to whether he was fit to serve as a priest and I did not

22 recommend him for duty as a priest to the Archdiocese,"

23 what is your reaction to that?

24 A Again, my reading of the January 27th, 1987,

11:28:15 25 letter is the opposite.

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11:28:30 1 Q When did you first learn from any source that

2 Cardinal, formerly Bishop, Norberto Rivera was asserting

3 in this case or otherwise that he had not recommended

4 this priest for fitness to serve in the Archdiocese?

11:28:54 5 MR. WOODS: I'm going to let you answer that, but

6 please exclude any conversations of a privileged nature

7 with your attorneys. So if you heard about it in the

8 newspaper or any other place, you can answer it.

9 THE WITNESS: Now, would you repeat the question

11:29:09 10 and make sure I got --

11 BY MR. ANDERSON:

12 Q When did you first learn that Cardinal Rivera

13 was asserting that he had not recommended Aguilar Rivera

14 to the Archdiocese of L.A.?

11:29:19 15 A I don't recall the exact date, but it was

16 sometime after this matter became public when we learned

17 about it in the newspaper articles, sometime in that

18 area.

19 Q Okay. What year would that have been,

11:29:34 20 Cardinal?

21 A That would have been 1988.

22 Q Going back to the declaration at line 26, he

23 states, "However, because I suspected that Father

24 Aguilar might be homosexual, I cautioned that the

11:29:53 25 motivation for Father Aguilar's trip to Los Angeles was,

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11:29:59 1 quote, family and health reasons, unquote. The phrase,
2 quote, family and health reasons, unquote, was used
3 within the church to warn when the priest suffers from
4 some sort of problem."

11:30:22 5 My question to you is does the phrase "family
6 and health reasons" used in the context here signal a
7 warning that a priest suffers from some sort of problem?

8 A That's the first time I've ever heard that.

9 Q He goes on to state, "I anticipated" -- at
11:30:57 10 page 4 -- I am now line 1. He states, "I anticipated
11 that Cardinal Mahony would request a more detailed
12 account of Father Aguilar's history and problems if he
13 decided to consider Father Aguilar as an employee of the
14 Los Angeles Archdiocese."

11:31:27 15 My question to you is did he ever tell you
16 that he anticipated or expected you to get more
17 information before considering him for employment?

18 MR. SELSBERG: Objection; calls for speculation,
19 assumes facts not in evidence, and is vague.

11:31:46 20 MR. WOODS: The "he" is then-Bishop Rivera?

21 MR. ANDERSON: Yes.

22 MR. WOODS: Did he ever tell you?

23 THE WITNESS: No.

24 BY MR. ANDERSON:

11:31:56 25 Q And so when is the first time that you

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11:32:01 1 learned from any source, apart from reading this today,
2 that Cardinal Rivera is asserting or has asserted that
3 he expected or anticipated that you would make further
4 inquiry before employing or placing this priest?

11:32:23 5 A It would be in that same time zone back in
6 1988. I don't recall exactly when, but shortly after
7 all of this blew up.

8 Q Okay. It's correct that at all times,
9 Nicolas Aguilar Rivera was a priest at the Diocese of
11:32:38 10 Tehuacan?

11 A Yes.

12 Q In order for him to serve in the Archdiocese
13 of L.A., Cardinal Rivera has to -- has to recommend him
14 and assert about his fitness under Canon Law, correct?

11:32:51 15 A Yes, that's correct.

16 Q And it's also correct to say that when and if
17 he's -- he's allowed to serve in the Archdiocese of L.A.
18 as he was, you, as the Ordinary, give him permission to
19 serve and grant him faculty to serve in the Archdiocese?

11:33:11 20 A That's correct.

21 Q And the only thing you do is give him
22 permission to serve here, correct?

23 A Yes.

24 Q And to minister all of the faculties of a
11:33:20 25 priest, the full faculties of a priest, correct?

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11:33:23 1 A Yes.

2 Q He at all times while serving here remains a
3 priest of the Diocese of Tehuacan?

4 A Correct.

11:33:29 5 Q And under his promise of obedience to his
6 superior, then Bishop Rivera, correct?

7 A Correct.

8 Q He has an obligation to you, however, because
9 you've given him permission to serve here, to -- to make
11:33:43 10 sure that he conducts himself in accord with his
11 obligations as a priest, correct?

12 A Yes.

13 Q While he's serving in the Archdiocese of L.A.
14 as a priest -- and you know he's served here for --
11:33:58 15 worked here for nine months. Did you know that?

16 A Yes.

17 Q While he worked here for nine months,
18 Cardinal Rivera remained his superior, did he not?

19 A Correct.

11:34:10 20 Q And Cardinal Rivera remained his ultimate
21 supervisor, did he not?

22 A Yes.

23 Q And he could not come to the U.S. and be --
24 and even work as a priest here without the express
11:34:22 25 permission and recommendation of Cardinal Rivera,

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11:34:24 1 correct?

2 A Yes.

3 Q It was Cardinal Rivera -- did you in any way
4 facilitate his transfer here through immigration or
11:34:33 5 transportation or anything like that?

6 A Of Father Aguilar Rivera?

7 Q Yes.

8 A Yes.

9 Q How -- how -- how did that happen?

11:34:41 10 A It's customary when a priest comes, who has
11 the proper visa, to -- and we are going to receive him
12 for a limited period of time, to get his status
13 regularized while he's here.

14 Q Did -- as far as you know, was Rivera --
11:34:59 15 Nicolas Aguilar Rivera in compliance with immigration
16 when he -- when he came here?

17 A As far as I know, yes.

18 Q Did he have a visa or permission to work?

19 A I don't know. Bishop Curry would have been
11:35:14 20 the one to look into those matters with him.

21 Q Okay. Have you ever discussed that with
22 Curry or received any information from any source
23 whether or not he was or was not in compliance with the
24 immigration laws?

11:35:27 25 A I don't recall ever discussing with him, no.

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11:35:43 1 Q Cardinal Rivera in this declaration reasserts
2 that he never recommended him to you or the Archdiocese.
3 At line 19, page 4 -- I'd like to direct your attention
4 to that.

11:36:04 5 Line 19, he states, "Nonetheless, I never
6 recommended Father Aguilar for pastoral work in the
7 Los Angeles Archdiocese in that letter, as Father
8 Aguilar had requested, as I was uncertain whether he was
9 fit for such work."

11:36:27 10 MR. SELSBERG: Is that a question?
11 MR. ANDERSON: Whether he was --
12 MR. SELSBERG: It's a different -- it's a
13 different letter, isn't it? I think it's referring to a
14 different -- can you clarify? It's vague and ambiguous.

11:36:38 15 MR. ANDERSON: Yeah. Yeah.
16 MR. SELSBERG: If you can just clarify --
17 MR. ANDERSON: Yeah. I think I will.

18 BY MR. ANDERSON:
19 Q Let me ask you this, Cardinal. Was it
11:36:50 20 customary for you to receive a priest from outside the
21 diocese on a letter such as that sent by bishop -- then
22 Bishop Rivera to you?
23 MR. SELSBERG: Objection; ambiguous, vague.
24 THE WITNESS: Yes. Particularly when it stated
11:37:15 25 this is for a one-year term.

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11:37:18 1 BY MR. ANDERSON:
2 Q And then whose decision would it have been
3 for him to continue here after the expiration of that
4 year? It would have been up to his Ordinary, his
11:37:29 5 superior, would it not?
6 A That's right.
7 Q And if he had been allowed to continue beyond
8 that year, the Ordinary would have requested permission
9 of you to see if he could continue, correct?
10 A Yes.
11 Q That's the custom and practice?
12 A Yes.
13 Q Why don't we take a short break here, just a
14 few minutes, ten minutes or something.
11:37:56 15 MR. WOODS: Okay.
16 THE WITNESS: Sure.
17 THE VIDEOGRAPHER: Off the record, the time is
18 11:38.
19 (Recess taken from 11:38 a.m. until
11:38:00 20 11:48 a.m.)
21 THE VIDEOGRAPHER: On the record, the time is
22 11:48.
23 BY MR. ANDERSON:
24 Q All right. Cardinal, let's go back to this
11:48:38 25 phrase "family and health reasons." Referring to the

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11:48:41 1 declaration 100A and in the English version, which is
2 100A, page 3, line 27, Cardinal Rivera states, "I
3 cautioned that the motivation for Father Aguilar's trip
4 to Los Angeles was family and health reasons."

11:49:14 5 My question to you is was there anything in
6 what Cardinal Rivera communicated to you or how he
7 communicated it in custom or in practice within the
8 church that would send you a caution or a warning or a
9 clue that this priest was not fit for ministry?

11:49:47 10 MR. SELSBERG: Objection; compound.
11 THE WITNESS: No.
12 BY MR. ANDERSON:
13 Q Nothing at all?
14 A Nothing.
11:49:52 15 Q This guy -- in other words, he gave this guy,
16 as far as -- as far as the Archdiocese was concerned, a
17 clean bill of health. "You can" -- "You can let him
18 work here, you can let him serve here, and you can put
19 him in charge of the community of faith here?"

11:50:06 20 MR. SELSBERG: Objection; assumes facts not in
21 evidence.
22 THE WITNESS: Well, again, the language of the
23 letter to me is a very positive recommendation.
24 BY MR. ANDERSON:
11:50:14 25 Q Okay. And is there anything in that same

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11:50:19 1 letter or from any other source coming from Norberto
2 Rivera, then Bishop, that would cause you to pause or
3 require you to investigate further his fitness, that is,
4 Aguilar -- Aguilar -- Nicolas Aguilar's fitness to
11:50:40 5 serve?
6 A No.
7 Q Let's go to -- to the declaration again. And
8 in the declaration, 100C at page 3, line 3, and you'll
9 see in the English version, it says "Because there were
11:51:13 10 rumors that grown men stayed overnight." That's what it
11 says.
12 A Yes.
13 Q Look at 100, the Spanish version, at line 5,
14 page 3. In the Spanish version in that sentence, the
11:51:42 15 term "hombres adults" is used, is it not?
16 A Yes.
17 Q If the term "chamacos" had been used there,
18 would that have a different meaning for you as a reader?
19 MR. SELSBERG: Objection; calls for speculation,
11:51:58 20 and I object to the competency of this witness to do
21 translations.
22 BY MR. ANDERSON:
23 Q You can answer.
24 MR. WOODS: I also object that it's a
11:52:08 25 hypothetical, not conforming with the facts presented

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11:52:14 1 here, and instruct the witness not to answer.
 2 MR. ANDERSON: On the basis of? What's the legal
 3 objection --
 4 MR. WOODS: You're asking --
 11:52:25 5 MR. ANDERSON: -- for the instruction?
 6 MR. WOODS: You're asking him for an expert in
 7 translation of the Spanish language. You're asking him
 8 as expert in church law.
 9 MR. ANDERSON: No, I'm not. Is it relevancy, or
 11:52:37 10 is it --
 11 MR. WOODS: All of those things I've mentioned.
 12 MR. ANDERSON: Just give me the legal objections
 13 so we can deal with it in court. Relevancy or what?
 14 MR. WOODS: Okay. It calls for an expert
 11:52:46 15 opinion. He's not been designated or being asked to
 16 testify here as an expert. It calls for translation.
 17 He's not here as an expert in translation. It assumes
 18 facts not in evidence and is argumentative and is
 19 confusing, and it's not relevant to the jurisdictional
 11:53:08 20 issue.
 21 MR. HABEL: Hypothetical.
 22 MR. WOODS: It's a hypothetical.
 23 BY MR. ANDERSON:
 24 Q I'm going to --
 11:53:30 25 MR. WOODS: Let me just --

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11:53:31 1 MR. ANDERSON: Just a minute.
 2 MR. WOODS: Okay.
 3 MR. ANDERSON: We're going to go to court over
 4 this.
 11:53:34 5 MR. WOODS: Fine.
 6 MR. ANDERSON: If you want to let him answer now,
 7 that's fine. If you don't, we're fighting this thing.
 8 MR. WOODS: Okay.
 9 MR. ANDERSON: I just want you to know so, you
 11:53:42 10 know, if you want to reconsider, that's fine.
 11 MR. SELSBERG: I ask that you all do that today.
 12 MR. ANDERSON: Well, look, we've got questions to
 13 ask. If we can do it, we will. But we've got other
 14 questions to ask, and you've already made it difficult
 11:53:57 15 enough and used enough time making what I consider
 16 frivolous objections that -- you know, we're going to
 17 try to use the time to get to the substance of this.
 18 BY MR. ANDERSON:
 19 Q I'm going to show you now what we've marked
 11:54:09 20 Exhibit 19, Cardinal. The translation would be 19A and
 21 then the certification of the translation.
 22 (Whereupon, Exhibit 19 was introduced and
 23 marked for identification by the Certified Shorthand
 24 Reporter, a copy of which is attached hereto.)
 11:54:24 25 MR. WOODS: I'm going to need a copy.

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11:54:31 1 BY MR. ANDERSON:
 2 Q And I will represent to you that this has
 3 been produced in this -- in this litigation by Cardinal
 4 Rivera's lawyers and the Diocese of Tehuacan. It is a
 11:54:51 5 police report of the Puebla State Police in 1986. Okay.
 6 It pertains to Nicolas Aguilar Rivera and the incident
 7 in August that preceded his departure from Tehuacan.
 8 Okay.
 9 And so that we can be somewhat brief here, 15
 11:55:34 10 lines down in the English version, I'm going to read --
 11 because you speak Spanish, you might be able to help me.
 12 But in the English version at 15 lines down, it says "I
 13 work here at the service of the parish in the afternoon.
 14 A youngster wearing a green suit and tennis shoes" -- do
 11:56:10 15 you see that line on the English version I just read?
 16 A Yes.
 17 Q Now look at the Spanish version and track
 18 that line.
 19 A Boy, this is very difficult to read. This --
 11:56:34 20 okay. "Yo trabajo aqui," "I work here at the service of
 21 the parish," all right, "in the afternoon."
 22 Q Okay.
 23 A All right.
 24 Q And -- yes. And then go ahead and read what
 11:56:43 25 it says.

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11:56:46 1 A I have to do it in Spanish, you mean?
 2 MR. WOODS: Just read it to yourself, he means.
 3 BY MR. ANDERSON:
 4 Q No. As you read it, beginning with "I work
 11:56:52 5 here at the service of the parish in the afternoon."
 6 Why don't you read what the Spanish version says to you
 7 as you read it.
 8 MR. WOODS: Okay. I'm going to object to the
 9 question. It's calling for a translation, which has
 11:57:04 10 nothing to do with jurisdiction. This is a document
 11 that never was communicated from Mexico to United
 12 States. It has nothing to do with any purposeful
 13 activity by the Mexican defendants in doing business in
 14 California. It never was presented.
 11:57:26 15 You're now going -- what you're trying to do
 16 is get a translation of a specific word or a sentence.
 17 That's not his job to do translations. You can hire a
 18 person to do a translation. He's not here to do
 19 translations.
 11:57:42 20 MR. ANDERSON: Counsel, it -- it is central to
 21 the inquiry.
 22 MR. WOODS: It's central to your case --
 23 MR. ANDERSON: No.
 24 MR. WOODS: -- not central to jurisdiction.
 11:57:49 25 MR. ANDERSON: This is -- this is what -- this is

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11:57:50 1 what Bishop Norberto knew about the fitness of this guy
2 to serve as ministry.
3 MR. WOODS: I'm not sure that's true.
4 MR. ANDERSON: He knew --
11:57:59 5 MR. SELSBERG: Counsel, it's very clear in the
6 deposition transcript --
7 MR. ANDERSON: I'm not going to argue with you.
8 I'm going to address his objection. He gave me a legal
9 objection. And if you have a legal objection, I'm going
11:58:07 10 to let you make it.
11 MR. SELSBERG: You're not asking a question.
12 MR. ANDERSON: Just a moment.
13 MR. SELSBERG: You just mis- --
14 MR. ANDERSON: Counsel --
11:58:12 15 MR. SELSBERG: Okay. I'll let you finish.
16 MR. ANDERSON: Make a legal objection.
17 MR. SELSBERG: Go ahead.
18 BY MR. ANDERSON:
19 Q Okay. Don, I'm going to -- I'm going to
11:58:22 20 simply ask him to read it as he reads it, and -- and it
21 is probative to this inquiry.
22 MR. HABEL: To what end?
23 MR. WOODS: Wait. I was going to ask the same
24 question. I mean to what -- how can his translation of
11:58:39 25 this sentence have anything to do? A sentence never

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11:58:43 1 communicated to him, never communicated to anyone in the
2 church in Los Angeles, how can this have anything to do
3 with jurisdiction over these defendants?
4 MR. ANDERSON: It has to do with Norberto
11:58:52 5 Rivera's knowledge of fitness and a misrepresentation
6 concerning it to the Archdiocese of L.A.
7 MR. SELSBERG: And I'd like to state for the
8 record --
9 MR. ANDERSON: And -- and why it is jurisdiction
11:59:04 10 lies here, because they knowingly sent the priest here
11 knowing that he had abused chamacos, youngsters, and
12 kids.
13 MR. SELSBERG: And I'd like to state for the
14 record that that's a gross mischaracterization of
11:59:20 15 Cardinal Rivera's testimony. It's crystal-clear in this
16 deposition transcript, at least two places, that he
17 testified unequivocally that he never --
18 MR. ANDERSON: Give -- state your objection.
19 MR. SELSBERG: There's no question.
11:59:31 20 -- that he never saw this police report.
21 Okay? So what you said is grossly unfair.
22 MR. ANDERSON: Okay.
23 MR. SELSBERG: There's no question, so I can't
24 give a legal objection. My legal objection to him -- to
11:59:43 25 the witness testifying about Spanish to English

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11:59:46 1 interpretations is that he's not competent to do that.
2 MR. WOODS: And I'm going to instruct him not to
3 answer the question. So why don't you move on, and
4 we'll take it up with the judge in due course.
11:59:58 5 BY MR. ANDERSON:
6 Q Cardinal, you do see that the word "chamaco"
7 is referred to here in the police report?
8 A Yes.
9 Q Okay. And later on, looking at the English
12:00:10 10 version, four lines down, it states "this youngster had
11 not had, that the maid of the priest Nicolas Aguilar
12 Rivera, who could also affirm under oath that they come
13 from several areas." Do you see the word "chamaco"
14 appearing for "youngster" there also?
12:00:36 15 MR. SELSBERG: I object. It assumes facts not in
16 evidence. This interpretation is not the interpretation
17 that we have, so we do not agree that this is a correct
18 interpretation of the document from Spanish to English.
19 MR. WOODS: This is just asking someone to
12:00:52 20 interpret something. It's not the purpose of this
21 deposition. The witness isn't qualified to make a
22 court-type interpretation, and it's got nothing to do
23 with jurisdiction. I'm going to instruct him not to
24 answer.
12:01:05 25 BY MR. ANDERSON:

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12:01:05 1 Q Cardinal look at the exhibit. And as you
2 read further, it states, "the youngster arrived between
3 11:00 a.m. and 1:00 in the afternoon and faced the
4 priest and talked to him, ate with him, and gave him
12:01:22 5 shelter in his bedroom. He was asked about if in the
6 past he had seen kids from other areas, and the reply
7 was yes."
8 It goes on to state at the third to the last
9 sentence, "this youngster that was here yesterday told
12:01:40 10 me his name," and it goes on to refer at that same line
11 that he had -- that Aguilar had hosted them in his
12 bedroom.
13 My question to you, Cardinal, is that if you
14 had known or been told or signaled that Nicolas Aguilar
12:02:01 15 had youngsters in his bedroom, staying overnight, or as
16 is reflected in the English or Spanish version of this
17 document, this information, would you have received
18 Nicolas Aguilar in the Archdiocese?
19 MR. SELSBERG: Objection; calls for speculation
12:02:22 20 and assumes facts not in evidence.
21 MR. WOODS: I think he's answered the substance
22 of this question a number of times. I'm going to object
23 to the question. It starts out with a long preamble,
24 reading bits and pieces from a document the witness
12:02:37 25 never received. It reads them in English, not in the

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12:02:41 1 original Spanish, requires the witness to make a
2 translation, which he's really not qualified to do.
3 It's argumentative, and it's repetitive of testimony
4 he's already said.

12:02:51 5 .If you want to ask him specifically if -- the
6 question you want, which is already answered, you know,
7 I would let him answer that. But I'm not going to let
8 him answer this rambling argumentative-type question.
9 BY MR. ANDERSON:

12:03:06 10 Q If you had known that Nicolas Aguilar --
11 MR. WOODS: That --
12 BY MR. ANDERSON:

13 Q -- had been --
14 MR. WOODS: Would you have accepted a priest who,
15 in fact, did whatever you want to say?
16 MR. ANDERSON: Counsel, I'm just trying to get
17 through it. If that's what you prefer, I'll put it that
18 way.
19 MR. WOODS: Okay.

12:03:25 20 BY MR. ANDERSON:

21 Q Would you have accepted a priest or this
22 priest if you had been informed or had been signaled
23 that he had had youngsters, youth, or kids in his
24 bedroom in the rectory as was -- as is -- as is
12:03:44 25 reflected in this report?

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12:03:45 1 MR. SELSBERG: Objection; calls for speculation
2 and assumes facts not in evidence.
3 MR. WOODS: I'm going to let him answer this for
4 the last time because I think he's answered it under
12:03:54 5 numerous phraseologies already. But I'll let him answer
6 it one more time.
7 THE WITNESS: No.
8 BY MR. ANDERSON:

9 Q Okay. And if you had the benefit of this
12:04:01 10 police report or had been informed of this police report
11 or its existence or the information contained in it,
12 would that have influenced your decision and that of the
13 Archdiocese to have accepted this priest?
14 MR. SELSBERG: Objection. That calls for
12:04:16 15 speculation.
16 MR. WOODS: Same objection. It's a hypothetical.
17 It wasn't presented to him. It's not even relevant to
18 the inquiry, and I instruct him not to answer that.
19 MR. ANDERSON: Let's look at 24.
20 (Whereupon, Exhibit 24 was introduced and
21 marked for identification by the Certified Shorthand
22 Reporter, a copy of which is attached hereto.)
23 BY MR. ANDERSON:

24 Q Cardinal, I'm going to be showing you here in
12:05:00 25 a minute what we marked as 24, Again, 24A being the

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12:05:04 1 English version or translation and --
2 MR. WOODS: I don't want to lean into the
3 picture, so that's why it's helpful if I have one.
4 MR. WATERS: I appreciate that.

12:05:24 5 BY MR. ANDERSON:

6 Q Cardinal, what I placed before you and marked
7 24 and 24A, the English translation, is a letter from
8 Nicolas Aguilar to Bishop Rivera, stating that he met
9 with Monsignor Curry, and Curry wants to know more about
12:05:47 10 why Nicolas Aguilar sought work in Los Angeles.
11 Have you -- have you read or reviewed this
12 letter before?
13 A Yes.
14 Q Did you know it was being sent and -- before
12:06:02 15 it was sent?
16 A Give me the time frame.
17 Q Did you have a hand in this letter?
18 A No.
19 Q Essentially, Nicolas Aguilar is communicating
12:06:18 20 to his bishop, is he not? He's writing to his bishop?
21 A Yes.
22 Q And he's essentially saying that "I have now
23 been in the chancellery of Los Angeles," and "I was seen
24 by Monsignor Thomas Curry, general vicar of the clergy,"
12:06:38 25 right?

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12:06:39 1 A Yes.
2 Q Did you know Monsignor Curry had met with
3 Nicolas Aguilar at about this time?
4 A I didn't know, but I suspect that he did.
12:06:46 5 Q Okay. It was kind of protocol for a
6 priest -- an extern priest such as this coming from
7 Mexico to meet with the vicar?
8 A Yes.
9 Q Okay. And so this would have been kind of an
12:06:57 10 ordinary meeting?
11 A Yes.
12 Q Okay. He goes on to state, "I delivered to
13 him the letter that you, the bishop, sent to him. Now
14 Monsignor Thomas Curry wants another letter that would
12:07:13 15 include the following: Monsignor Curry himself dictated
16 to me, and I will transcribe it as follows."
17 It states, "A confidential letter from the
18 Ordinary of your place, addressed to Archbishop Mahony,
19 with a copy to Monsignor Curry."
12:07:35 20 Why, if such a letter was being requested or
21 more information was being requested, would it be
22 confidential?
23 MR. SELSBERG: Objection; calls for speculation.
24 And again, this is a translation that differs from the
12:07:49 25 translation that we have. It's clearly in error. It

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12:07:54 1 has "an recommending" when obviously the Spanish version
2 says "y recommending." It's clearly -- it's a different
3 translation. So to the extent it's not a correct
4 translation, I object to questions about it.

12:08:10 5 THE WITNESS: Could you give me the question
6 again?

7 MR. ANDERSON: Yeah, sure.

8 BY MR. ANDERSON:

9 Q I guess did you know that Monsignor Curry
10 was -- was requesting more information?

11 A No, but that's not unusual.

12 Q Okay. And that leads to the next question
13 is -- is that would it be a confidential kind of request
14 to be sent confidentially?

12:08:32 15 A Not necessarily.

16 MR. SELSBERG: Objection; calls for speculation.

17 BY MR. ANDERSON:

18 Q If, in fact, it was to be a confidential
19 request, in other words, "We want more information about
12:08:43 20 this guy, Nicolas Aguilar, but we want it to be
21 confidential from the bishop to you," what does that
22 mean that -- that it's a confidential request? Does it
23 have significance?

24 A Not particularly. And I -- and I don't know
12:09:05 25 whether Bishop Curry asked for that or not.

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12:09:08 1 Q Okay. Well, there is a history and a
2 protocol for keeping certain matters confidential or
3 somewhat secret, is there not?

4 A Yes.

12:09:17 5 Q Matters involving scandals such as sexual
6 abuse?

7 A Yes.

8 Q Canon 489 requires matters involving scandal
9 such as sexual abuse to be kept sub secreto, in secret
10 files, does it not?

11 MR. WOODS: I'm sorry. What was the number you
12 said?

13 MR. ANDERSON: Canon 489.

14 MR. HABEL: 489.

12:09:38 15 MR. ANDERSON: 489.

16 MR. HABEL: 489.

17 THE WITNESS: Yes. Yes.

18 BY MR. ANDERSON:

19 Q So do you think that this may be -- if this
12:09:42 20 were a confidential letter being requested, that this is
21 a potential for some -- Monsignor Curry requesting some
22 confidential information that might signal something
23 sensitive or perhaps scandalous?

24 MR. SELSBERG: Objection; calls for speculation.

12:10:00 25 THE WITNESS: I really don't know.

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12:10:02 1 BY MR. ANDERSON:

2 Q The word "confidential" does mean some- --
3 something particular as opposed to a letter sent in the
4 ordinary course, correct?

12:10:15 5 A Yes.

6 Q At this point in time, 1987, it's fair to say
7 that having served as bishop and auxiliary and, you
8 know, priest for many years, that -- that the problem of
9 sexual abuse had become at least known to the clergy and
10 to the hierarchy in the U.S.?

11 A At the time of this letter?

12 Q 1987.

13 A Yes.

14 Q Yes. And you, for example, attended the
12:10:57 15 Conference -- the Catholic Conference of Bishops and the
16 National Catholic Conference of Bishops at St.
17 John's where the --

18 (Interruption by the reporter at 12:10 p.m.)

19 BY MR. ANDERSON:

12:11:10 20 Q You were aware by reason of presentations
21 made and discussions among the clergy that the problem
22 with sexual abuse of minors, at least, had become known
23 prior to 1987?

24 A Yes.

12:11:23 25 Q Okay. Did Monsignor Curry ever tell you that

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12:11:45 1 he was making the request identified in this letter for
2 more information?

3 A No.

4 Q Okay. Do you know why Curry, if he was
12:11:58 5 making such a request, would go through Nicolas and not
6 just go directly to the bishop in Tehuacan?

7 A No. I don't know.

8 Q Does that sound odd or does that sound
9 ordinary?

12:12:13 10 A I -- I just don't know.

11 Q Okay. Fair enough. When you have an extern
12 priest such as this, wouldn't it have been ordinary for
13 you, as the -- the Archbishop Cardinal, to have
14 communicated directly with Bishop Rivera as opposed to
12:12:37 15 through Monsignor Curry or Nicolas Aguilar himself?

16 MR. WOODS: Can I hear the question, please? I
17 missed the first part.

18 MR. ANDERSON: I can ask a better question, Don.

19 MR. WOODS: Okay.

12:12:51 20 BY MR. ANDERSON:

21 Q If there's something you want confidentially
22 communicated, wouldn't the practice have been in 1987
23 for you to have asked for confidential information
24 directly from the bishop who -- who is in charge of the
12:13:07 25 priests that you're -- you're seeking more information

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12:13:12 1 about?

2 A I'm just not aware of the practice that

3 then-Monsignor Curry was using.

4 Q Okay. You had been Cardinal -- you had

12:13:22 5 actually been Archbishop at this time for a couple

6 years, I guess?

7 A Yes.

8 Q Yeah. Okay. Let's go to -- is this the

9 first time you've seen this letter, or have you reviewed

12:13:50 10 this before?

11 A I believe I've seen this before, although I

12 can't remember where.

13 Q Have you ever discussed it or -- with

14 Monsignor Curry and asked him about it or why he sent it

12:14:01 15 or asked -- excuse me -- why he would have -- if he did,

16 ask Nicolas Aguilar to get more information from his

17 bishop?

18 A No.

19 Q Okay. So if Monsignor Curry asked for a

12:14:16 20 confidential letter from Bishop Rivera, you don't know

21 why that would have been?

22 A That's correct.

23 Q And before I go to the next exhibit, is it

24 fair, then, to say that you know nothing about the

12:15:00 25 meeting between Monsignor Curry and Nicolas Aguilar

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12:15:03 1 that's been referred to in the last exhibit?

2 A That's correct.

3 Q Okay. Let's go to Exhibit 26, then, again, a

4 Spanish version with English translation. This is the

12:15:19 5 March 23 letter.

6 (Whereupon, Exhibit 26 was introduced and

7 marked for identification by the Certified Shorthand

8 Reporter, a copy of which is attached hereto.)

9 BY MR. ANDERSON:

12:15:37 10 Q This is a letter that -- when did you first

11 see this letter? Have you ever seen this letter --

12 well, let me start by saying -- asking you have you seen

13 this letter before?

14 A Yes.

12:15:49 15 Q And when did you first see it, Cardinal?

16 A It seems to me it was in the last two or

17 three years.

18 MR. SELSBERG: Sir, are you asking about the

19 Spanish or the English, Counsel?

12:16:08 20 MR. ANDERSON: The Spanish.

21 MR. SELSBERG: Okay. Again, I just want to state

22 that this English translation is different than the one

23 we have. But to the extent that it's not right, it's

24 not correct, we object to the questions.

12:16:19 25 MR. ANDERSON: Counsel, to save time, I'm going

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12:16:21 1 to give you a continuing objection that any translation,

2 you know -- okay. I gave it at the start. I'll repeat

3 it.

4 You don't have to continue objecting. If you

12:16:29 5 don't like the translations, you can have a continuing

6 objection. I am not here to claim that they're perfect,

7 but they are the best we have, they are official, and

8 that's what we're going to use. Okay? And we can sort

9 it out later, but don't take any more time objecting to

12:16:42 10 it. Okay? Do you agree --

11 MR. SELSBERG: I'm --

12 MR. ANDERSON: -- to the continued objection on

13 translations?

14 MR. SELSBERG: Yeah. I'm not -- I'm fine with

12:16:50 15 that, as long as it's okay under California practice. I

16 just don't know if you can get a continuing objection.

17 MR. WOODS: So stipulated.

18 MR. ANDERSON: Thank you, Don. I appreciate the

19 courtesy.

12:17:03 20 BY MR. ANDERSON:

21 Q Cardinal, when in time, then, would you -- I

22 got distracted -- is the first you actually saw the

23 letter?

24 A My recollection was in the last two or three

12:17:22 25 years.

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12:17:28 1 Q When did you first become aware that Norberto

2 Rivera was claiming to have sent a letter to you and

3 this letter, in particular?

4 A In early February, March of 1988.

12:17:49 5 Q And how did you learn that he had claimed to

6 have sent this letter to you?

7 A In a response to my letter about Father

8 Aguilar and the problems, he wrote back and made

9 reference to this letter.

12:18:09 10 Q Okay. Why don't you tell us what led to you

11 writing a letter to him about Aguilar?

12 A Well, we informed him right away when these

13 charges were made and he was taken out of ministry of

14 the serious problems he was having.

12:18:24 15 Q Okay. So as soon as you received information

16 that Nicolas Aguilar posed a risk of harm to children

17 and had been suspected of abusing, did you inform

18 Norberto Rivera?

19 A Yes.

12:18:42 20 Q And did you call him?

21 A I don't recall if I called him before I sent

22 the letter or not, but sometime in that short span, I

23 did.

24 Q Certainly, when you learned that Rivera had

12:18:53 25 abused kids or was suspected of abusing kids and you

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12:18:57 1 knew Nicolas Aguilar Rivera was not your priest and he
2 was Norberto Rivera's priest, you called him right away
3 because that was urgent information?
4 A I'm not sure whether I called him that day or
12:19:11 5 when he disappeared. I just don't remember. It was in
6 that area. I sent him a letter right away, but I
7 don't -- I know I called him after he had disappeared
8 from here.
9 Q Okay. But you're not sure if you called him
12:19:24 10 before?
11 A That's what I can't recall.
12 Q Okay. It would have been, you know, your --
13 wouldn't it have been your practice, though, as the --
14 as the Archbishop, to, upon receiving any information
12:19:41 15 about an extern priest being a child molester, to call
16 his superior immediately? Wouldn't you have done that,
17 Cardinal?
18 A Normally, yes. But let me just say that some
19 of these more rural areas of Mexico or the Philippines,
12:19:58 20 you -- you can never get anybody. You can't get to
21 these offices. It just simply doesn't work. It's
22 better now, obviously. But very often sending something
23 in writing by Special Delivery or Express Mail is a more
24 sure way.
12:20:15 25 Q Okay. So do you remember trying to call him

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12:20:18 1 right away upon receiving the information that you had a
2 molester?
3 A No. I don't recall whether I did or
4 Monsignor Curry called the chancellery office there. I
12:20:30 5 just don't recall what happened right away.
6 Q Do you remember directing that Curry try to
7 get ahold of Norberto Rivera, his superior, and say
8 "Hey, we got a molester here"?
9 A I don't recall.
12:20:45 10 Q You were concerned, weren't you? I mean it
11 was alarming information that this Aguilar had molested
12 kids?
13 MR. WOODS: I'm going to object. His concern has
14 got nothing to do with jurisdiction over these
12:20:57 15 defendants. It's argumentative, and I'm going to
16 instruct him not to answer.
17 MR. ANDERSON: It does have to do with whether he
18 would communicate it and the communications between them
19 by interstate and otherwise --
12:21:09 20 MR. WOODS: Well, questions about what --
21 MR. ANDERSON: Just -- Don, let me finish.
22 It does have to do with jurisdiction because
23 the Cardinal's concern about him having a molester from
24 another jurisdiction goes to jurisdiction. And the
12:21:20 25 Cardinal's concern about that, both what he did and what

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12:21:23 1 his practice would have been, is probative to this.
2 MR. WOODS: I don't believe that's accurate, so
3 I'm going to instruct him not to answer.
4 MR. ANDERSON: Okay.
12:21:39 5 BY MR. ANDERSON:
6 Q You do remember having sent a letter?
7 A Yes.
8 Q And -- I've got a letter from -- from Curry.
9 I presume that would be the letter you're referring to.
12:22:38 10 It was a letter at your direction sent? I'll show it to
11 you.
12 MR. WOODS: Exhibit 20 of our package you might
13 look at.
14 MR. ANDERSON: I think it's -- I think it's
12:22:53 15 Exhibit 30.
16 (Whereupon, Exhibit 30 was introduced and
17 marked for identification by the Certified Shorthand
18 Reporter, a copy of which is attached hereto.)
19 MR. WATERS: And it's in English. Any objections
12:23:11 20 to the translation?
21 MR. HABEL: Theirs is different.
22 MR. ANDERSON: Yeah.
23 BY MR. ANDERSON:
24 Q Cardinal, I'm showing you what --
12:23:23 25 MR. WOODS: Now, we're going to have a problem

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12:23:25 1 here. There's two letters that are identical except for
2 a signature. One is RIV 30, and one is our CIVAGUIL 20.
3 So --
4 MR. ANDERSON: Well, we haven't had a chance to
12:23:39 5 review your production. What's different about them?
6 Why don't you tell us?
7 MR. WOODS: Well, just by looking at them, one
8 bears the signature of Monsignor Curry. Then the other
9 looks like a file copy without his signature on it. One
12:23:51 10 obviously came from the file of Bishop Rivera. The
11 other is from our files.
12 So other than that, I don't think there's
13 probably any difference. But I just -- because you keep
14 referring to numbers, you're going to get confused here
12:24:06 15 real fast.
16 MR. ANDERSON: I'm not confused. I think I
17 understand what you're saying. The letter we're
18 referring to that we marked RIV 30 is the one that was
19 produced by the Diocese of Tehuacan, okay, and actually
12:24:26 20 bears the signature of Curry. The letter produced by
21 you doesn't bear that signature because it's a file
22 copy. Is that clear?
23 MR. WOODS: Got it.
24 BY MR. ANDERSON:
12:24:36 25 Q Okay. Cardinal, why don't you just tell us

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12:24:39 1 what this letter is -- it's dated January 11, 1988 --
 2 and the circumstances under which you understood it was
 3 sent.
 4 MR. WOODS: Okay. He wants you to look at
 12:24:49 5 RIV 30.
 6 THE WITNESS: And I'm sorry. The question is?
 7 BY MR. ANDERSON:
 8 Q Do you see the letter?
 9 A Yes.
 12:25:10 10 Q You've seen it before?
 11 A Yes.
 12 Q Did you direct that it be sent?
 13 A Yes.
 14 Q Okay. And your purpose in having it sent
 12:25:21 15 was?
 16 A To notify Bishop Rivera of the problems with
 17 Father Aguilar.
 18 Q Okay. And you may have called him before
 19 this by phone, but you're not sure?
 12:25:30 20 A I cannot recall.
 21 Q Okay. And this letter is dated January 11th.
 22 How long before this letter was directed to have been
 23 sent did you and Monsignor Curry learn that you had a
 24 molester in Aguilar Rivera?
 12:25:54 25 A I don't recall, but it was within a couple of

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12:25:56 1 days.
 2 Q This letter speaks for itself, but it is
 3 correct to say that this letter acknowledges that the
 4 Archdiocese of L.A. has now received a credible report
 12:26:16 5 of sexual abuse, in effect?
 6 A Yes.
 7 Q It acknowledges that you knew that this had
 8 to be reported, and you were reporting it to his
 9 superior, Bishop Rivera, correct?
 12:26:40 10 MR. WOODS: Okay. So what's the question? Was
 11 he reporting it to his superior?
 12 MR. ANDERSON: Yes.
 13 MR. WOODS: Okay. Were you reporting it to
 14 Aguilar Rivera's superior?
 12:26:48 15 THE WITNESS: Yes.
 16 BY MR. ANDERSON:
 17 Q And you're not sure if this was the first
 18 report to Bishop Rivera or not, correct?
 19 A That's correct.
 12:26:58 20 Q Do you know if Monsignor Curry had actually
 21 spoken with -- or tried to speak with Cardinal, then
 22 Bishop, Rivera?
 23 A No, I do not.
 24 Q And at the time this letter was sent, what
 12:27:23 25 report had been made to civil authorities?

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12:27:26 1 MR. WOODS: I will object to the question as
 2 beyond the scope of the jurisdictional issues which are
 3 the purpose of this deposition and instruct the witness
 4 not to answer.
 12:27:43 5 BY MR. ANDERSON:
 6 Q When you first and Monsignor Curry first
 7 received information that this priest was a child
 8 molester, was there a desire by you and/or Monsignor
 9 Curry to keep this secret and among you and his
 12:28:12 10 superior?
 11 MR. WOODS: Object to the form of the question as
 12 argumentative, beyond the scope of jurisdiction, and I
 13 will instruct the witness not to answer.
 14 BY MR. ANDERSON:
 12:28:25 15 Q The letter states at the second paragraph,
 16 "According to the civil law here, the accusations must
 17 be reported to the authorities." You told that to
 18 Norberto Rivera, correct?
 19 MR. WOODS: In this letter?
 12:28:40 20 MR. ANDERSON: Yes. Through Monsignor Curry.
 21 THE WITNESS: Yes.
 22 BY MR. ANDERSON:
 23 Q Okay. Who was to report this to civil
 24 authorities, Norberto Rivera or you?
 12:28:49 25 MR. SELSBERG: Objection; calls for speculation.

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12:28:52 1 MR. WOODS: And also is a confusing question
 2 because there are numerous other possibilities. Those
 3 are not the only two --
 4 MR. ANDERSON: Let him answer it.
 12:29:04 5 MR. WOODS: Okay. But it's confusing, so I will
 6 instruct him not to answer. It's also irrelevant to
 7 jurisdictional issues.
 8 BY MR. ANDERSON:
 9 Q Cardinal, it is written "According to the
 12:29:15 10 civil law here, the accusations must be reported to the
 11 authorities."
 12 My question to you, as this is written to
 13 Norberto Rivera, who is supposed to report this to civil
 14 authorities?
 12:29:35 15 MR. WOODS: I'm going to object to the question
 16 as calling for legal conclusion, irrelevant to the
 17 jurisdictional issue, and instruct him not to answer.
 18 BY MR. ANDERSON:
 19 Q What was then the procedure in 1988
 12:29:58 20 pertaining to educators and the Archdiocese reporting
 21 suspected sexual abuse to civil authorities?
 22 MR. WOODS: Objection; calls for a legal opinion,
 23 it's beyond the scope of this jurisdiction, and I
 24 instruct the witness not to answer.
 12:30:24 25 MR. ANDERSON: Counsel, he's the one who's

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12:30:25 1 writing to -- to the foreign defendant saying this must
2 be reported.
3 MR. WOODS: Okay.
4 MR. HABEL: Actually, it's Curry.
12:30:33 5 MR. ANDERSON: Well, it's him through Curry.
6 MR. WOODS: It's the same issue.
7 MR. ANDERSON: Does your instruction stand not to
8 answer?
9 MR. WOODS: Huh?
12:30:44 10 MR. ANDERSON: Does your instruction stand not to
11 answer?
12 MR. WOODS: Yes.
13 BY MR. ANDERSON:
14 Q The next paragraph states, "I spoke to Father
12:30:55 15 Aguilar Rivera on Saturday, January 9th." Did you know
16 that Monsignor Curry was speaking to Aguilar before he
17 went to do so?
18 MR. WOODS: Object to the question as beyond the
19 scope of the jurisdictional issues and instruct him not
12:31:19 20 to answer.
21 BY MR. ANDERSON:
22 Q What do you know about the conversation that
23 Monsignor Curry had with Nicolas Aguilar referenced in
24 this letter?
12:31:30 25 MR. WOODS: Same objection, same instruction.

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12:31:36 1 BY MR. ANDERSON:
2 Q The letter states, "I spoke to Father Aguilar
3 on Saturday, January 9th, and told him that until a full
4 investigation has taken place, he may not serve in this
12:31:52 5 Archdiocese and that his faculties have been withdrawn."
6 It is correct to say that you are the one
7 that is authorized to withdraw Nicolas Aguilar's
8 faculties in this Archdiocese, and as of this date, you
9 did?
12:32:12 10 MR. WOODS: You're saying he's the only one who
11 can do it?
12 MR. ANDERSON: Yes.
13 MR. WOODS: As opposed to Curry?
14 MR. ANDERSON: Yes.
12:32:18 15 MR. WOODS: Okay.
16 THE WITNESS: I am not the only one.
17 BY MR. ANDERSON:
18 Q Isn't Curry's abilities delegated -- his
19 authority delegated by you?
12:32:26 20 A Yes.
21 Q Yes. So it's under your delegation. So
22 under Canon Law and in practice, in fact, any revocation
23 or suspension of faculties or withdrawal of them, in
24 effect, is -- is vested in the power of the Ordinary?
12:32:43 25 A Or his delegate.

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12:32:44 1 Q Or his delegate.
2 So it's correct, then, to say that it was you
3 or through your delegate that the faculties of Nicolas
4 Aguilar were withdrawn?
12:32:57 5 A Yes.
6 Q Did you ever tell Curry to withdraw Nicolas
7 Aguilar's faculties on this date?
8 A I don't recall, but I didn't have to.
9 Q Why do you say that?
12:33:15 10 A Because that's his delegated responsibility.
11 Q Okay. And so you don't recall Curry
12 discussing this with you before he told Nicolas Aguilar
13 that he had withdrawn his faculties?
14 A No. I don't recall that discussion.
12:33:38 15 Q The next paragraph states, "I believe he
16 plans to stay with some family members here and then
17 return to Mexico."
18 That means that as of January 11th, Nicolas
19 Aguilar was here in L.A., but you and Monsignor Curry
12:34:02 20 knew that he was intending to return to Mexico, correct?
21 MR. WOODS: Okay. Asks for numerous facts to be
22 certified all in one question. It's compound. But
23 I'll -- I'll let him try to answer it.
24 Every fact in his question requires a "yes"
12:34:23 25 or "no" certification.

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12:34:28 1 THE WITNESS: I'm lost. What is the question
2 exactly?
3 BY MR. ANDERSON:
4 Q Okay. I'm referring to the paragraph that
12:34:36 5 states, "I believe he plans to stay with some family
6 members here." "Here" refers to Los Angeles, does it
7 not?
8 A I presume.
9 Q Okay. And then it states, "and then return
12:34:48 10 to Mexico," correct?
11 A That's what it says here.
12 Q What do you know about Nicolas Aguilar's
13 intention, as -- as expressed here, to return to Mexico?
14 MR. SELSBERG: Objection; calls for speculation.
12:35:10 15 MR. WOODS: It's a confusing question. I mean
16 what does he know other than what the letter says?
17 MR. ANDERSON: Yes.
18 MR. WOODS: Do you know -- do you know something
19 other than what the letter says? That's what you want
12:35:21 20 to know?
21 MR. ANDERSON: Yes.
22 MR. WOODS: Okay.
23 THE WITNESS: I know nothing more than what's
24 here.
12:35:25 25 BY MR. ANDERSON:

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12:35:32 1 Q Did you or anybody, including Monsignor Curry
2 from the Archdiocese, tell Aguilar to stay here until a
3 full investigation can be done?
4 MR. WOODS: I'm going to object to the form of
12:35:46 5 the question as beyond the scope of the jurisdictional
6 issues and instruct him not to answer. I think it can
7 be rephrased, though, to get an answer.
8 MR. ANDERSON: I'm open to suggestions, given
9 your objection. You're the one objecting, and I can't
12:36:12 10 understand it. So help me understand or give me the
11 question. I want to get the answer.
12 MR. WOODS: I don't see --
13 MR. ANDERSON: Give me the question, Don. What
14 is it?
12:36:23 15 MR. WOODS: Read -- you want the question read
16 back?
17 MR. ANDERSON: No. No. You said there's a way
18 to ask the question, and you're not going to object.
19 MR. WOODS: The question, as phrased, in terms of
12:36:31 20 a communication, perhaps, to Aguilar Rivera to
21 then-Bishop Rivera requesting that or making
22 something -- I -- I would allow that. But a mere
23 discussion that's not going to be communicated to church
24 officials in Mexico has got nothing to do with
12:36:55 25 jurisdiction. It wouldn't be a jurisdictional contact.

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12:37:03 1 BY MR. ANDERSON:
2 Q Did you tell Cardinal Rivera or anybody from
3 the Archdiocese tell Cardinal Rivera that you were going
4 to conduct a full investigation?
12:37:12 5 A Did I?
6 Q Well, through Monsignor Curry.
7 A I did not personally.
8 Q Well, this letter says that you're going to.
9 A That says that --
12:37:20 10 MR. WOODS: I'm going to object that it's
11 argumentative. It doesn't say who's going to do the
12 investigation.
13 BY MR. ANDERSON:
14 Q Well, okay. The letter says, "I spoke to
12:37:27 15 Father Aguilar Rivera on Saturday, January 9th, and told
16 him that until a full investigation has taken place, he
17 may not serve in this Archdiocese."
18 Who is to conduct the full investigation,
19 Cardinal?
12:37:44 20 A Well, by this time, January 11th, the police
21 department's involved, so they're doing theirs, and then
22 our canonical investigation would begin.
23 Q So the Archdiocese of L.A. and the LAPD,
24 correct?
12:38:01 25 A Yes.

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12:38:01 1 Q And my question, then, is did you direct or
2 have Monsignor direct that Nicolas Aguilar stay here so
3 that you could do the full canonical investigation and
4 the LAPD could do theirs?
12:38:18 5 MR. WOODS: Object to the form of the question.
6 Or sorry. Let me start all over again. I object to the
7 question as beyond the scope of the jurisdictional
8 issues which are the subject of this deposition and
9 instruct the witness not to answer.
12:38:33 10 What the Archdiocese did in terms of
11 investigating, what the police did in terms of
12 investigating are not relevant to jurisdiction over the
13 Mexican nationals.
14 BY MR. ANDERSON:
12:38:52 15 Q It is correct to say -- let me rephrase this.
16 Bishop Rivera had the authority at this time
17 to keep Nicolas Aguilar here in L.A. so that a full
18 investigation could be done by the Archdiocese and the
19 LAPD?
12:39:18 20 MR. SELSBERG: Objection; assumes facts not in
21 evidence, calls for speculation.
22 MR. WOODS: It's really calling for an expert
23 opinion of the role of an Ordinary with a priest
24 incardinated to him. I assume it's preliminary to some
12:39:33 25 other questions, and I'll allow him to answer it.

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12:39:37 1 THE WITNESS: Did Bishop Rivera do what?
2 BY MR. ANDERSON:
3 Q Bishop Rivera had the authority over Nicolas
4 Aguilar Rivera, correct?
12:39:47 5 MR. SELSBERG: Objection; vague.
6 THE WITNESS: Yeah. The ultimate authority.
7 BY MR. ANDERSON:
8 Q Yes. And he had the ultimate authority to
9 have him stay in L.A. so that the Archdiocese of L.A.
12:39:57 10 could do an investigation, correct?
11 MR. SELSBERG: Objection; calls -- assumes facts
12 not in evidence, calls for speculation.
13 THE WITNESS: Yes.
14 BY MR. ANDERSON:
12:40:05 15 Q And he also had the authority to have him
16 stay in L.A. so the L.A. Police Department could
17 complete an investigation, correct?
18 MR. SELSBERG: Objection; assumes facts not in
19 evidence and calls for speculation.
12:40:20 20 THE WITNESS: Yes.
21 BY MR. ANDERSON:
22 Q And in order to exercise that authority, all
23 he would have had to have done, as the Ordinary, was
24 call Nicolas Aguilar and say "Stay there. There's an
12:40:42 25 investigation?"

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12:40:44 1 MR. SELSBERG: Objection.
 2 BY MR. ANDERSON:
 3 Q Right?
 4 MR. SELSBERG: Calls for speculation.
 12:40:49 5 THE WITNESS: I just don't know.
 6 BY MR. ANDERSON:
 7 Q Well, if it was one of your priests, you
 8 would have had the authority to do that?
 9 A I could have advised him to do that. I
 12:40:57 10 couldn't guarantee he would do it.
 11 Q Well, they're operating under a promise of
 12 obedience. That carries some weight with a priest,
 13 doesn't it?
 14 A It should, yes.
 12:41:09 15 Q Okay. Do you know if any official of the
 16 Archdiocese of L.A. or Tehuacan ordered Nicolas Aguilar
 17 Rivera to stay in L.A. so that a full investigation
 18 could be done by the police and the L.A. Archdiocese?
 19 MR. WOODS: Okay. Object to the question as
 12:41:54 20 beyond the scope of jurisdiction over the defendants and
 21 instruct him not to answer.
 22 BY MR. ANDERSON:
 23 Q Did the Archdiocese ever do any -- any kind
 24 of full investigation canonically, as you referred?
 12:42:15 25 MR. WOODS: Object. Beyond the scope of the

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12:42:16 1 jurisdictional issues and instruct the witness not to
 2 answer.
 3 BY MR. ANDERSON:
 4 Q Norberto Rivera's under the same canonical
 12:42:24 5 provisions of investigation that -- that you and the
 6 L.A. Archdiocese are, correct?
 7 A Yes.
 8 Q Do you know if Norberto Rivera did any full
 9 investigation?
 12:42:37 10 A No.
 11 Q Do you know if they did or you don't -- do
 12 you have any knowledge of whether or not they did, or do
 13 you believe they did no investigation?
 14 A I have no knowledge.
 12:42:51 15 Q Okay. Did you ever ask?
 16 A No.
 17 Q Why not?
 18 MR. WOODS: I'm going to object to the form of
 19 the question and to the question as beyond the scope of
 12:43:03 20 the jurisdictional issues. The contacts, what he did
 21 ask for or what he did say, relevant. What he could
 22 have done or might have done or should have done,
 23 irrelevant.
 24 MR. ANDERSON: Instruct not to answer?
 12:43:21 25 MR. WOODS: Instruct him not to answer.

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12:43:40 1 BY MR. ANDERSON:
 2 Q In this letter, Exhibit 30, he states, "I
 3 spoke to Father Aguilar Rivera on Saturday,
 4 January 9th." The police records -- do you know whether
 12:43:57 5 a police report was made?
 6 MR. WOODS: I'm going to -- hold on. I'm going
 7 to object to the question as beyond the scope of the
 8 jurisdictional issues and instruct the witness not to
 9 answer.
 12:44:06 10 BY MR. ANDERSON:
 11 Q Are you aware, Cardinal, that Monsignor Curry
 12 went to Nicolas Aguilar and told him he was under
 13 investigation before the police received the report and
 14 could investigate?
 12:44:26 15 MR. WOODS: Object to the question as beyond the
 16 scope of the jurisdictional issues and instruct the
 17 witness not to answer.
 18 BY MR. ANDERSON:
 19 Q Are you -- do you have any knowledge that
 12:44:38 20 Monsignor Curry went and alerted Mon- -- went and
 21 alerted Nicolas Aguilar to the fact that a police
 22 investigation was under way?
 23 MR. WOODS: Object to the question as beyond the
 24 scope of jurisdiction and instruct the witness not to
 12:44:59 25 answer.

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12:45:07 1 BY MR. ANDERSON:
 2 Q Are there provisions in the Canon law
 3 protocols under which you operate as a bishop that
 4 requires you and others to keep matters that are
 12:45:17 5 scandalous secret?
 6 MR. WOODS: I object to the question as beyond
 7 the scope of jurisdiction and instruct the witness not
 8 to answer.
 9 BY MR. ANDERSON:
 12:45:26 10 Q Is there a requirement of secrecy involving
 11 matters of scandal, such as sexual abuse, that would
 12 also apply to Norberto Rivera as then a bishop and now a
 13 cardinal?
 14 MR. WOODS: Same objection, same instruction.
 15 BY MR. ANDERSON:
 16 Q Is it correct to say that when you are
 17 installed as a cardinal, that you take -- are made to
 18 take an oath of secrecy to the Vatican or the Holy See?
 19 MR. WOODS: Same objection, same instruction.
 12:46:12 20 MR. ANDERSON: I'm going to show you what we have
 21 marked Exhibit 102.
 22 (Whereupon, Exhibit 102 was introduced and
 23 marked for identification by the Certified Shorthand
 24 Reporter, a copy of which is attached hereto.)
 12:46:21 25 BY MR. ANDERSON:

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12:46:21 1 Q And is this an oath taken by cardinals during
2 a ceremony at which they are installed or promoted to
3 the position of cardinal?
4 MR. WOODS: I object to the form. I object to
12:46:34 5 the question as beyond the scope of the jurisdictional
6 issues and instruct the witness not to answer.
7 BY MR. ANDERSON:
8 Q And if this is the oath, in the middle of it,
9 I'll direct your attention to the provision that says "I
12:46:51 10 am not to reveal to anyone what is confided to me in
11 secret nor divulge what may bring harm or dishonor to
12 the Holy Church."
13 Is it correct to say, Cardinal, that a sexual
14 abuse by a priest and public knowledge of it could and
12:47:13 15 would bring harm or dishonor to the Holy Church?
16 MR. WOODS: Object to the question as beyond the
17 scope of the jurisdictional issues and instruct the
18 witness not to answer.
19 BY MR. ANDERSON:
12:47:41 20 Q To your knowledge, have any agents of the
21 Diocese of Tehuacan or any agents of the Archdiocese of
22 L.A. ever gotten information from the Los Angeles Police
23 Department about the activities of Nicolas Aguilar while
24 he -- while he worked here?
12:48:13 25 MR. WOODS: Okay.

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12:48:16 1 THE WITNESS: I'm not certain about the Diocese
2 of Tehuacan, but we did have conversation and
3 collaborate with the Los Angeles Police Department in
4 this matter.
12:48:26 5 BY MR. ANDERSON:
6 Q Who is "we"?
7 MR. WOODS: No, no. He said during the time he
8 was working here --
9 THE WITNESS: Oh.
12:48:31 10 MR. WOODS: -- which would have been --
11 THE WITNESS: Prior.
12 MR. WOODS: -- before January 9.
13 THE WITNESS: I'm sorry. I'm sorry. I
14 misunderstood. No. I had no -- no knowledge of that
15 whatsoever.
16 BY MR. ANDERSON:
17 Q Are you aware that the law enforcement
18 detectives that were investigating Nicolas Aguilar on
19 the report made of sexual abuse would have arrested him
12:49:03 20 immediately based on the information given them?
21 MR. SELSBERG: Objection; calls for speculation.
22 MR. WOODS: I agree it calls for speculation. I
23 also object as beyond the issues of jurisdiction and
24 instruct the witness not to answer.
12:49:16 25 BY MR. ANDERSON:

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12:49:18 1 Q Are you aware, Cardinal, that the police
2 received enough information on January 8th and
3 immediately thereafter from more than one source enough
4 to have -- excuse me.
12:49:42 5 When do you -- when do you believe the police
6 were -- were notified?
7 MR. WOODS: Object to the --
8 MR. ANDERSON: -- of the information that
9 Monsignor Curry or other employees of the Archdiocese
12:49:55 10 had concerning this?
11 MR. WOODS: Object to the question as beyond the
12 scope of jurisdiction and instruct the witness not to
13 answer.
14 BY MR. ANDERSON:
12:50:02 15 Q What do you know about who reported it to the
16 police?
17 MR. WOODS: Same objection, same instruction.
18 BY MR. ANDERSON:
19 Q What do you know about who reported it to his
12:50:10 20 superior, Norberto Rivera?
21 MR. WOODS: What do you know about -- I missed a
22 word right there. What do you know about something.
23 MR. ANDERSON: "Who." "Who."
24 MR. WOODS: "Who"?
12:50:23 25 MR. ANDERSON: Yes.

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12:50:25 1 MR. SELSBERG: What do you know about who
2 reported the information to his superior, Norberto
3 Rivera, was the question.
4 MR. WOODS: Okay. Do you know anything other
12:50:31 5 than what you've already testified to?
6 THE WITNESS: No.
7 BY MR. ANDERSON:
8 Q So as far as you know, this letter before
9 you, Exhibit 30, is the only communication, that you're
12:50:46 10 aware of, that was sent to Norberto Rivera concerning
11 the -- the sexual abuse?
12 MR. WOODS: I'm not sure that's what he said, but
13 go ahead. You can answer that.
14 THE WITNESS: I know about the letter. I'm not
12:50:59 15 sure what other communication took place.
16 BY MR. ANDERSON:
17 Q What -- what other communication took place
18 or do you have reason to believe took place?
19 A No. I just said I don't know what other
12:51:10 20 communication took place.
21 Q Were you trying to keep this information or
22 under your direction was Monsignor Curry trying to keep
23 this information from Aguilar's superior?
24 A Not that I'm aware of.
12:51:33 25 MR. WOODS: There's some confusion because I

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12:51:35 1 think your questions are understood by the witness as
2 relating to this immediate report. If you look at the
3 documents we've produced, you'll see quite a few reports
4 to Bishop Rivera subsequent.

12:51:55 5 MR. ANDERSON: After he's left the country.
6 MR. WOODS: Subsequent to this date here.
7 BY MR. ANDERSON:
8 Q When did Nicolas Aguilar leave the country,
9 Cardinal?

12:52:04 10 MR. WOODS: I don't know --
11 MR. WATERS: You're sworn. I don't think that --
12 MR. WOODS: Yeah. Okay. What's the question?
13 BY MR. ANDERSON:
14 Q Cardinal, when did Nicolas Aguilar leave the
15 Archdiocese of L.A.?

12:52:12 16 MR. WOODS: I object to the question as beyond
17 the scope of jurisdiction and instruct the witness not
18 to answer.
19 BY MR. ANDERSON:
20 Q When did Nicolas Aguilar return to Mexico?
21 MR. WOODS: Same obstruction, same answer.
22 Same -- same objection, same instruction. Why don't you
23 ask him if he knows when he left.
24 BY MR. ANDERSON:
25 Q Who facilitated or aided him in his return

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12:52:35 1 from L.A. to Mexico?

2 MR. WOODS: I object to the question as beyond
3 the scope of the jurisdictional issues and instruct the
4 witness not to answer.

12:52:45 5 MR. HABEL: It's argumentative.
6 MR. SELSBERG: And it assumes facts not in
7 evidence.
8 BY MR. ANDERSON:
9 Q What was Monsignor Curry's role in -- beyond
10 advising him that he was under suspicion and a full
11 investigation was to be taking place, role in Aguilar's
12 departure from L.A.?

13 MR. WOODS: Same objection, same instruction.
14 BY MR. ANDERSON:
15 Q Was Auxiliary Bishop or Father Stephen Blaire
16 involved in Nicolas Aguilar's departure in any way?
17 MR. WOODS: Same objection, same instruction.
18 BY MR. ANDERSON:
19 Q Did you ever discuss with Stephen Blaire the
20 suspicions of sexual abuse by Nicolas Aguilar?

12:53:28 21 MR. WOODS: Same objection, same instruction.
22 BY MR. ANDERSON:
23 Q Did Stephen Blaire -- was Stephen Blaire at
24 this time in residence at St. Bernadette's?
25 MR. WOODS: Same objection, same instruction.

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12:53:53 1 BY MR. ANDERSON:
2 Q Was he involved in this in any way?
3 MR. WOODS: Same objection, same instruction.
4 BY MR. ANDERSON:
5 Q Do you know if Stephen Blaire or -- or any
6 other official had any other conversations with -- or
7 made any attempts to contact the Mexican authorities?
8 MR. WOODS: Mexican police authorities or Mexican
9 church authorities?

12:54:22 10 MR. ANDERSON: Mexican church authorities.
11 MR. WOODS: I will let him answer that.
12 THE WITNESS: Not that I'm aware of, but I don't
13 know.
14 BY MR. ANDERSON:
15 Q Was there any attempt to -- by Archdiocesan
16 officials to contact Mexican police authorities?
17 MR. WOODS: Object to the question as beyond the
18 scope of this deposition and instruct the witness not to
19 answer.
20 BY MR. ANDERSON:
21 Q Was there any attempt by you or anybody at
22 your request to keep Aguilar in the country so he would
23 not go back to Mexico?
24 MR. WOODS: Argumentative, beyond the scope of
25 jurisdiction, instruct the witness not to answer.

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12:54:54 1 BY MR. ANDERSON:
2 Q Did the Archdiocesan officials advise the
3 police that he was staying with -- that Nicolas Aguilar
4 was staying with members -- with members of his family
5 and had an intention to return to Mexico?
6 MR. WOODS: Same objection, same instruction.
7 BY MR. ANDERSON:
8 Q Did Archdiocesan officials of L.A. advise
9 Norberto Rivera or his people that Nicolas Aguilar was
10 here and intending to return to Mexico and seek their
11 help in keeping him here?
12 MR. WOODS: Other than this letter,
13 Exhibit RIV 307
14 MR. ANDERSON: Yes.
15 THE WITNESS: I just don't know.
16 BY MR. ANDERSON:
17 Q On January 11th, police records indicate that
18 Sister Renee reported to police. Are you aware of that?
19 MR. WOODS: Object to the question as beyond the
20 scope of jurisdiction and instruct the witness not to
21 answer.
22 BY MR. ANDERSON:
23 Q I'm going to hand you Exhibit 101. This is a
24 compilation of police investigative records and files
25 and -- in connection with Nicolas Aguilar and ask you a

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12:56:21 1 few questions about it.
 2 (Whereupon, Exhibit 101 was introduced and
 3 marked for identification by the Certified Shorthand
 4 Reporter, a copy of which is attached hereto.)
 12:56:23 5 BY MR. ANDERSON:
 6 Q First, have you ever reviewed any police
 7 records pertaining to this matter?
 8 A No.
 9 Q Okay. So if I show you any of these, it will
 12:56:31 10 have been the first time you saw any of them?
 11 A That's correct.
 12 Q Okay. Why don't I direct you to the last
 13 page of this one.
 14 MR. WOODS: It's Exhibit 101.
 12:56:42 15 MR. ANDERSON: Page 61, last page.
 16 MR. WOODS: Last page is a Hotmail message, which
 17 bears the number 62 on it.
 18 MR. ANDERSON: No. Page 61.
 19 MR. WOODS: Oh, I'm sorry. Page 61, Okay.
 12:57:08 20 BY MR. ANDERSON:
 21 Q This is from the police reports. And there
 22 was some complaints appended to it, so this is from the
 23 police reports, page 61 in the police reports.
 24 MR. WOODS: You're representing this is from the
 12:57:20 25 a -- LAPD police report?

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12:57:28 1 MR. ANDERSON: Yes.
 2 MR. WOODS: Okay.
 3 BY MR. ANDERSON:
 4 Q Do you have page 61 before you, Cardinal?
 5 A I do.
 6 Q It states, "On January 8th, 1988, Mrs.
 7 "blank" contacted Our Lady of Guadalupe Church and
 8 revealed the allegations of molestation. The pastor,
 9 Father McClean, immediately notified Monsignor Curry."
 12:57:51 10 Did you know that to have been the case?
 11 MR. WOODS: Object to the question as beyond the
 12 scope of jurisdiction or with Mexican nationals who are
 13 defendants and instruct the witness not to answer.
 14 BY MR. ANDERSON:
 12:58:03 15 Q To your knowledge, did anybody --
 16 MR. WOODS: You know, to save time, I'll
 17 stipulate that all questions as to what happened --
 18 MR. ANDERSON: No. I don't want you to
 19 stipulate. I want to get the answer.
 12:58:10 20 MR. WOODS: -- are beyond the scope of this
 21 deposition.
 22 BY MR. ANDERSON:
 23 Q On the same date, Cardinal, did anybody from
 24 the L.A. Archdiocese contact or attempt to contact
 12:58:22 25 Norberto Rivera Aguilar, Nicolas Aguilar's superior?

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12:58:29 1 MR. WOODS: On what date, again?
 2 MR. ANDERSON: January 8th.
 3 THE WITNESS: I'm not aware.
 4 BY MR. ANDERSON:
 12:58:36 5 Q Then it goes on to state, "On January 9th,
 6 1988, Monsignor Curry confronted Father Aguilar with the
 7 allegations."
 8 On January 9th, did anybody from the L.A.
 9 Archdiocese contact Norberto Rivera or attempt to
 12:59:02 10 contact Norberto Rivera or anybody in his diocese to
 11 advise them of these allegations before meeting with
 12 Father Nicolas Aguilar?
 13 A I'm not aware.
 14 Q It goes on to state, "and he relieved him of
 12:59:25 15 priestly duties pending an investigation."
 16 It then goes on to state, "Later that day,
 17 January 9th, 1988, the suspect told a cousin that he had
 18 to go to Mexico immediately due to a sick family member
 19 and asked "blank" to drive him to the Tijuana airport."
 12:59:56 20 Do you know how Father Aguilar got to the
 21 airport and out of the country?
 22 A No.
 23 Q Who in the L.A. Archdiocese may know that?
 24 MR. WOODS: I'm going to -- hold on. I'm going
 01:00:12 25 to object to the question as beyond the scope of the

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01:00:14 1 jurisdictional issues and instruct the witness not to
 2 answer. It also calls for speculation.
 3 BY MR. ANDERSON:
 4 Q I'm going to direct your attention to page 24
 01:00:34 5 of this document. Page 24 is handwritten.
 6 MR. WOODS: Okay. I'm just trying to see where
 7 this report starts.
 8 BY MR. ANDERSON:
 9 Q Okay. Directing your attention to the top of
 01:01:26 10 it, in handwriting, it says "Los Angeles Archdiocese.
 11 Curry said Aguilar stated he was going to return to
 12 Mexico at the first of the week," period.
 13 Did you or Monsignor Curry inform anybody in
 14 Mexico, Norberto Rivera, or in Tehuacan of Aguilar's
 01:01:56 15 expressed intention to return to Mexico?
 16 MR. WOODS: Other than RIV 30?
 17 THE WITNESS: No. Just the letter.
 18 BY MR. ANDERSON:
 19 Q Did you or anybody at your direction request
 01:02:24 20 Norberto Rivera, the bishop, to intervene here so that a
 21 full investigation could be done?
 22 MR. WOODS: I'm sorry. I was reading this thing.
 23 I wasn't paying attention.
 24 BY MR. ANDERSON:
 01:02:35 25 Q Did you or anybody at your request contact

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01:02:39 1 Norberto Rivera so that a full investigation could be
2 done before Nicolas Aguilar leaves the country?
3 MR. HABEL: Asked and answered, but --
4 MR. WOODS: It's -- the question assumes that he
01:02:57 5 knows when he did leave the country, and so it's nearly
6 impossible to answer.
7 MR. ANDERSON: Well, let's let the witness
8 answer, Don. Okay?
9 MR. WOODS: Okay. So --
01:03:13 10 BY MR. ANDERSON:
11 Q Do you understand the question, Cardinal?
12 A I don't.
13 Q Okay. It says here, "Curry said Aguilar
14 stated he was going to return to Mexico at the first of
01:03:20 15 the week." Do you see that?
16 A I see that.
17 Q Okay. Aguilar says to Curry "I'm going to
18 leave for Mexico the first of the week." We know he's
19 under investigation.
01:03:31 20 My question to you is did anybody from the
21 Archdiocese notify Tehuacan that they should keep him
22 here so that a full investigation could be done by L.A.
23 Archdiocese and the police?
24 MR. WOODS: Okay. I will object to all the
01:03:45 25 argumentative parts of that question.

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01:03:47 1 Okay. I will let you answer the question did
2 anyone from the Archdiocese, to your knowledge, contact
3 anyone from the Diocese of Tehuacan to ask them to
4 instruct this priest to stay until there was an
01:04:03 5 investigation?
6 THE WITNESS: Not that I'm aware of.
7 BY MR. ANDERSON:
8 Q Go back to page 61 of the police
9 investigation. At the second paragraph, it says,
01:04:23 10 "During this investigation, several reporters of the
11 news media reported the allegations against Father
12 Aguilar to the public. One of the reporters, Ann Curry,
13 of KCBS-TV contacted detectives and stated she called
14 Father Aguilar's diocese in Mexico and spoke with a
01:04:47 15 Bishop Norberto Rivera.
16 "Bishop Rivera reportedly confronted Father
17 Aguilar about the allegations, and Father Aguilar
18 reportedly resigned from the priesthood."
19 My question to you is are you aware that Ann
01:05:09 20 Curry called up Tehuacan and actually talked to Norberto
21 Rivera as reported by the police?
22 MR. WOODS: Objection. Object to the
23 question as --
24 MR. SELSBERG: Objection; assumes facts not in
01:05:23 25 evidence.

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01:05:24 1 MR. WOODS: Object to the question as beyond the
2 scope of jurisdiction and instruct the witness not to
3 answer.
4 BY MR. ANDERSON:
01:05:34 5 Q At this time on January 8th through
6 January 11th, 1988, were you laboring under the belief
7 that Norberto Rivera was not accessible to you and your
8 designees by telephone?
9 MR. WOODS: I'm going to object to the question
01:05:54 10 as beyond the scope of jurisdiction and instruct the
11 witness not to answer.
12 BY MR. ANDERSON:
13 Q Was there something, Cardinal, that kept you
14 from making the call that Ann Curry made as reflected in
01:06:07 15 this report to Norberto Rivera?
16 MR. WOODS: I object to the question as beyond
17 the scope of jurisdiction and instruct the witness not
18 to answer.
19 BY MR. ANDERSON:
01:06:15 20 Q Was there something that kept Monsignor Curry
21 from making the call?
22 MR. WOODS: Same objection, same instruction.
23 MR. ANDERSON: Let's take a break.
24 THE VIDEOGRAPHER: Off the record. The time is
01:06:39 25 1:06.

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01:06:39 1 (Recess taken from 1:06 p.m. until
2 1:17 p.m.)
3 THE VIDEOGRAPHER: On the record. The time is
4 1:17.
5 BY MR. ANDERSON:
6 Q Let's go back to the declaration of Norberto
7 Rivera, 100A. Do you have it there?
8 A Yes.
9 Q Okay. At page 4, number 14, line 25, he
01:17:50 10 states, "Never did I, quote, transfer, unquote, Father
11 Aguilar to the Los Angeles Archdiocese."
12 How would you describe, using your words and
13 under your understanding of Canon Law and procedure,
14 what was -- if it wasn't a transfer, what was the
01:18:15 15 movement of Nicolas Aguilar from Tehuacan to Archdiocese
16 of L.A. if it wasn't a transfer?
17 A He was recommending him for temporary service
18 here.
19 Q So you wouldn't use the word "transfer"?
01:18:37 20 A No, I would not.
21 Q Okay. You would use the term what to
22 describe the movement and reassignment of him from
23 Tehuacan to L.A.? A reassignment?
24 A No. I think it would be a release from
01:18:58 25 Tehuacan to serve temporarily for a year in Los Angeles.

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01:19:03 1 Q Okay. He then states, "As bishop of the
2 diocese, under the Code of Canonical Law, I did not have
3 the authority to transfer Father Aguilar or any priest
4 outside of Tehuacan."
01:19:16 5 He did have authority, did he not, to
6 authorize his assignment in this diocese with your
7 permission?
8 A Yes.
9 Q And without Bishop Rivera -- Rivera
01:19:44 10 specifically requesting and authorizing it, he could not
11 legitimately serve in your Archdiocese, correct?
12 MR. SELSBERG: Objection; assumes facts not in
13 evidence, calls for speculation.
14 MR. WOODS: Okay. There's two parts there.
01:20:00 15 MR. ANDERSON: Yeah. I think you're looking at
16 that and not listening to the question.
17 BY MR. ANDERSON:
18 Q Is that correct?
19 A No. You had two -- two pieces of --
01:20:07 20 Q Okay. Let me just -- is it -- it's correct
21 that Nicolas Aguilar could not serve in a parish in L.A.
22 and you would not allow him to serve in a parish in L.A.
23 unless Cardinal Rivera specifically requested and
24 authorized it?
01:20:28 25 MR. SELSBERG: Objection; assumes facts not in

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01:20:29 1 evidence.
2 THE WITNESS: Well, I'm not sure requested and
3 asked. I think it's recommended --
4 BY MR. ANDERSON:
01:20:38 5 Q Recommended. Okay. Recommended.
6 A Yes.
7 Q Unless Bishop Rivera recommended it?
8 A Yes.
9 Q Okay. And is that another word for
01:20:48 10 "authorize," "recommend"?
11 MR. SELSBERG: Objection.
12 BY MR. ANDERSON:
13 Q I mean it's under his authority that the
14 priest is serving. Bishop Rivera is the one that has
01:20:57 15 authority to make the recommendation, correct?
16 A Yes.
17 MR. SELSBERG: Objection; vague, misleading.
18 BY MR. ANDERSON:
19 Q Is that correct, Cardinal?
01:21:05 20 A That's correct.
21 Q He goes on to state, "Rather, I granted
22 Father Aguilar permission to serve in Los Angeles on the
23 condition that Cardinal Mahony first accept him for said
24 service, and I warned Cardinal Mahony of my suspicion
01:21:27 25 that Father Aguilar suffered from homosexual problems."

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01:21:39 1 At any time, did he warn you that Aguilar
2 suffered from homosexual problems before he was
3 permitted to serve here?
4 A No.
01:21:49 5 Q If he had warned you of homosexual problems,
6 would you have permitted him to serve?
7 MR. SELSBERG: Objection; calls for speculation.
8 THE WITNESS: No.
9 BY MR. ANDERSON:
01:21:59 10 Q Why not?
11 A Because, first of all, we don't accept
12 priests with -- who are not our own, from outside, with
13 any kind of blemish or problems as a matter of course.
14 MR. WOODS: At that time?
01:22:17 15 THE WITNESS: At that time, yes.
16 BY MR. ANDERSON:
17 Q At paragraph 17 of the declaration, it states
18 in -- Cardinal Rivera states, "I did not attempt to
19 facilitate Father Aguilar's return to Mexico. Even if I
01:23:15 20 had desired Father Aguilar's return, I did not have the
21 authority to force him to return."
22 In your experience and -- both Canon Law and
23 the authority given an Ordinary, it is correct that the
24 Ordinary can, under the Canons, direct that a priest go
01:23:42 25 to any given location, be it a parish, a school, or a

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01:23:47 1 country, correct?
2 A Yes, he can direct.
3 Q It is his authority?
4 A Yes.
01:23:53 5 Q And the priest, under Canon Law and as a part
6 of his obligations to his bishop, is required to follow
7 that instruction, is he not?
8 A Yes.
9 Q And if he doesn't follow such an instruction,
01:24:11 10 the priest can and would under Canon Law be subject to
11 sanctions, including complete removal of all faculties
12 to minister?
13 MR. WOODS: I'm going to object. It's compound.
14 "Could" and "would" are two different -- very different
01:24:28 15 things.
16 THE WITNESS: The bishop could sanction the
17 priest.
18 BY MR. ANDERSON:
19 Q And for noncompliance with an order?
01:24:41 20 A Yes.
21 Q And if -- at the time of the discovery of the
22 sexual molestation by Nicolas Aguilar, did the L.A.
23 Archdiocese have the authority to order him back to
24 Mexico?
01:25:22 25 A No.

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01:25:26 1 Q Did Norberto Rivera?
 2 MR. SELSBERG: Objection; assumes facts not in
 3 evidence.
 4 BY MR. ANDERSON:
 01:25:31 5 Q As -- as his Ordinary?
 6 A He could order him to be returned.
 7 Q Did Norberto Rivera also have authority to
 8 order him to stay pending investigation?
 9 A Yes.
 01:25:51 10 Q And if he refused to stay and comply with
 11 such an order, is it also correct that Norberto Rivera
 12 had the authority to revoke all of his faculties to
 13 minister as a priest anywhere?
 14 A He would have authority to take away his
 01:26:14 15 faculties from Tehuacan.
 16 Q As a priest of Tehuacan?
 17 A Yes.
 18 Q And the only faculties that -- that Aguilar
 19 Rivera has are faculties given to him by his home
 01:26:29 20 diocese Tehuacan?
 21 A Plus some generic ones from Code of Canon
 22 Law.
 23 Q Yeah. But in effect, the bishop has the
 24 authority to revoke the faculties of any priest under
 01:26:43 25 his -- his control?

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01:26:44 1 A Yes.
 2 Q And short of removal from the clerical state,
 3 it is the bishop that has the ability to tell him what
 4 to do and when to do it, where to go and how -- how to
 5 get there?
 6 A Yes.
 7 Q Okay. At line -- okay. At line 24, it
 8 states, "To my knowledge, Father Aguilar remains in
 9 Mexico." And there is evidence that Father Aguilar, on
 01:27:25 10 his departure from L.A., continues to this day in
 11 ministry and continued at least for years in ministry
 12 in -- in Mexico.
 13 If Norberto Rivera, based on the information
 14 you gave him in your letter, didn't want him to continue
 01:27:52 15 in ministry, it was Norberto Rivera's obligation to
 16 revoke his faculties to minister, correct?
 17 MR. WOODS: Okay. That was quite a question.
 18 There's a long preamble, and the question wanders a bit.
 19 Do you want to rephrase it, make it nice and concise?
 01:28:12 20 MR. ANDERSON: Yes.
 21 BY MR. ANDERSON:
 22 Q If -- if -- if Nicolas Aguilar continued in
 23 ministry after his departure from L.A., it was the
 24 responsibility of his bishop to revoke his faculties,
 01:28:27 25 was it not?

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01:28:28 1 A Yes.
 2 Q And the responsibility of his bishop to
 3 continue his faculties if he so choose?
 4 A Yes.
 01:28:50 5 Q When Nicolas Aguilar first served, it was at
 6 Our Lady of Guadalupe? He went to Our Lady of Guadalupe
 7 and then was moved to St. Agatha's. What do you know
 8 about that?
 9 MR. WOODS: Object. The question is beyond the
 01:29:05 10 scope of jurisdiction over Mexican nationals and
 11 instruct the witness not to answer.
 12 MR. SELSBERG: I object. It's vague.
 13 BY MR. ANDERSON:
 14 Q Why don't we look at -- I'm going to show you
 01:29:50 15 Exhibit 38.
 16 MR. WATERS: Thirty-six, thirty-seven,
 17 thirty-eight.
 18 MR. ANDERSON: And it's actually appended, 36,
 19 37, and 38. Thirty-eight would be the English
 01:30:01 20 translation received from Tehuacan lawyers, I presume.
 21 (Whereupon, Exhibit 36 was introduced and
 22 marked for identification by the Certified Shorthand
 23 Reporter, a copy of which is attached hereto.)
 24 BY MR. ANDERSON:
 01:30:14 25 Q And this is a letter from you, is it not, to

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01:30:19 1 Norberto Rivera?
 2 A It is.
 3 Q And this is sent by you in your official
 4 capacity as the Ordinary --
 5 A Yes.
 6 Q -- to him in his official capacity as the
 7 Ordinary?
 8 A Yes.
 9 Q And why did you write the letter, Cardinal?
 01:30:50 10 MR. WOODS: I'm going to object to the form --
 11 strike that.
 12 I'm going to object to the question as beyond
 13 the scope of the jurisdictional issues and instruct the
 14 witness not to answer. His state of mind has nothing to
 01:31:05 15 do with jurisdiction.
 16 BY MR. ANDERSON:
 17 Q At this point in time, do you know what
 18 Cardinal Rivera did in response to this letter?
 19 A No.
 01:31:29 20 Q At the time that you wrote this letter,
 21 Nicolas Aguilar was under the exclusive control of
 22 Bishop Rivera as his Ordinary, was he not?
 23 MR. SELSBERG: Objection; assumes facts not in
 24 evidence.
 01:31:45 25 MR. WOODS: I'm going to object that it's beyond

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01:31:47 1 the scope of the jurisdictional issues and instruct the
2 witness not to answer.
3 BY MR. ANDERSON:
4 Q Did you write this letter knowing that Bishop
01:31:59 5 Rivera had the power to order Nicolas Aguilar back to
6 the U.S. for investigation?
7 A Yes.
8 Q And you're aware that you wrote this letter
9 to get him to get Nicolas Aguilar back here so the
01:32:19 10 investigation could continue, correct?
11 A As well as contacting his relatives, yes.
12 Q Yes. And at this point in time that you
13 wrote the letter or at any time before this, was there
14 anything that prevented from Nicolas -- excuse me --
01:32:41 15 that prevented Bishop Rivera from sending such a letter
16 to the other bishops in Mexico warning them that this
17 guy was a molester?
18 MR. WOODS: I'm going to object to the question
19 as beyond the scope of the jurisdictional issues and
01:32:56 20 instruct the witness not to answer.
21 BY MR. ANDERSON:
22 Q Is there anything under Canon Law that
23 prevented Bishop Rivera from cooperating with the
24 extradition of Nicolas Aguilar back to the U.S. for
01:33:17 25 prosecution?

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01:33:18 1 MR. WOODS: Same objection, same instruction.
2 BY MR. ANDERSON:
3 Q In the letter, you state at the third
4 paragraph, second sentence, "This priest must be
01:33:39 5 arrested and returned to Los Angeles to suffer the
6 consequence of his immoral actions," correct?
7 A I'm not -- the word -- I didn't use
8 "arrested." I used "detained and returned."
9 Q My copy says "arrested."
01:34:04 10 MR. WATERS: No. He wrote in Spanish.
11 BY MR. ANDERSON:
12 Q Oh, you wrote in Spanish?
13 A I wrote the letter in Spanish.
14 Q I'm sorry. Oh, yeah.
01:34:09 15 A I'm looking at the Spanish version.
16 Q I got you. Okay. "Detained" instead of
17 "arrested."
18 A Yeah.
19 Q Okay. And, in fact, there's a number of
01:34:21 20 things that Bishop Rivera could do that you didn't have
21 the power to do to both get this guy back here and to
22 prevent other kids from being harmed in Mexico?
23 MR. WOODS: Objection.
24 MR. SELSBERG: Objection; calls for speculation
01:34:43 25 and assumes facts not in evidence.

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01:34:45 1 MR. WOODS: Object. Beyond the scope of the
2 jurisdictional issues and instruct the witness not to
3 answer.
4 BY MR. ANDERSON:
01:34:55 5 Q Bishop, as -- as an Ordinary, you have the
6 ability to locate priests under your control, do you
7 not?
8 MR. WOODS: Same objection, same instruction.
9 BY MR. ANDERSON:
01:35:07 10 Q And to investigate both their whereabouts and
11 their activities, at least the priests under your
12 control, correct?
13 MR. WOODS: Same objection, same instruction.
14 BY MR. ANDERSON:
01:35:17 15 Q At the time you wrote this letter, you were
16 urging Norberto Rivera to take actions to prevent other
17 kids from being harmed, were you not?
18 A Yes.
19 Q And at this time, besides the civil
01:35:35 20 authorities, Bishop Rivera was the one who had the most
21 control over Nicolas Aguilar because he was a priest of
22 Tehuacan?
23 MR. SELSBERG: Objection; calls for speculation.
24 MR. WOODS: I agree. Calls for speculation.
01:35:54 25 It's also beyond the scope of jurisdictional issues and

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01:35:57 1 instruct the witness not to answer.
2 BY MR. ANDERSON:
3 Q Prior to this letter, had you had any
4 telephone conversations with Norberto Rivera?
01:36:19 5 A I recall talking to him once about this
6 matter.
7 Q Okay. Tell us about that. Did you call him?
8 A I called him. I can't remember. It was
9 sometime during when all this was becoming public.
01:36:33 10 Q It was 1988?
11 A Yes.
12 Q And you reached Amedes (phonetic) chancellery
13 in Tehuacan?
14 A Whatever the number was given to us, yes.
01:36:46 15 Q In the Catholic directory, if I want to call
16 the bishop, it's right -- the number of the chancellery
17 is listed there in the Official Catholic Directory,
18 isn't it?
19 A Well, this is -- yes. The worldwide one.
01:36:56 20 Q And the -- that's where I was going. There's
21 a worldwide directory. If you want to call a
22 chancellery or a bishop or his secretary, there's always
23 a number right there. You can just look it up, right?
24 A Yes.
01:37:06 25 Q And I presume that's what you did when you

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01:37:08 1 contacted him?
 2 A Yes.
 3 Q You looked it up or had somebody look it up
 4 for you?
 01:37:11 5 A Yes.
 6 Q And you reached him on telephone, right?
 7 A Yes.
 8 Q And you talked to him in Spanish?
 9 A Yes.
 01:37:17 10 Q And what did you say to him?
 11 A Basically, our concern for the harm that he
 12 has caused here, our great desire to find him and to get
 13 him returned to Los Angeles to face the charges.
 14 Q And did you basically express to him the same
 01:37:43 15 sentiments and information contained in the letter of
 16 March 4th, 1988, here?
 17 A Yes.
 18 Q And was this conversation before March 4th of
 19 '88 or after, Cardinal?
 01:37:59 20 A It's my recollection that it was before.
 21 Q Okay. And is that what prompted you to write
 22 the letter, because you didn't get a satisfactory
 23 response from him?
 24 MR. SELSBERG: Objection; mischaracterizes his
 01:38:11 25 testimony.

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01:38:15 1 THE WITNESS: No. I just wanted to make sure it
 2 was in writing, that he knew exactly what I was asking
 3 for.
 4 BY MR. ANDERSON:
 01:38:21 5 Q Okay. When you explained to him what you
 6 just did, that there was a serious problem and the
 7 information that's contained in this letter by
 8 telephone, what was his response to you, Cardinal?
 9 A He seemed quite disturbed and upset by it.
 01:38:41 10 Q Did you ask him to take action?
 11 A He -- before he asked -- before I could ask
 12 that, he told me he didn't know where he was.
 13 Q Did you tell him that you can find him?
 14 A No.
 01:39:01 15 Q And when he told you that he didn't know
 16 where he was, did you consider that satisfactory
 17 information under the circumstances?
 18 A I explained to him -- because I did it in the
 19 letter -- "Then if you don't know where he is, can you
 01:39:17 20 get us names and addresses of relatives of his?"
 21 Q And did he do that?
 22 MR. SELSBERG: Objection; calls for speculation.
 23 THE WITNESS: No.
 24 BY MR. ANDERSON:
 01:39:32 25 Q And if he didn't know where he was at this

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01:39:34 1 point in time as the bishop of Tehuacan, he could have
 2 written to other bishops in Mexico and said "I've got a
 3 priest who I'm trying to locate" and seek information
 4 from the other -- the bishops in Mexico the same way you
 01:39:48 5 wrote this letter to him, right?
 6 MR. WOODS: Object that it goes beyond the scope
 7 of the jurisdictional issues and instruct the witness
 8 not to answer.
 9 BY MR. ANDERSON:
 01:40:06 10 Q In fact, on March 4th, 1988, the same date,
 11 you -- Exhibit 53 that you produced here --
 12 MR. WATERS: That's B-53, for the record.
 13 MR. ANDERSON: B-53. Let's go to that. Do you
 14 have a copy -- okay. This is B -- this would be B-53.
 01:40:36 15 We didn't have a copy of this, so this would be the
 16 first time we got this. But do you have a clean copy,
 17 Don, that we can use for -- and mark as an exhibit?
 18 MR. WATERS: In English.
 19 MR. WOODS: What?
 01:40:50 20 MR. ANDERSON: In English.
 21 MR. WOODS: What? I have -- I probably have
 22 another set. Let's see.
 23 MR. HABEL: No. He wants an English version of
 24 53.
 01:40:57 25 MR. WOODS: Oh, English version. No.

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01:41:00 1 MR. ANDERSON: No.
 2 MR. WOODS: I don't.
 3 MR. ANDERSON: Don't have it. Okay.
 4 BY MR. ANDERSON:
 01:41:02 5 Q Well, let's look at what we called B-53,
 6 Cardinal. This is actually a letter from you to the
 7 bishop in Cuernavaca, is it not?
 8 A Correct.
 9 Q And that's another diocese in Mexico.
 01:41:29 10 A Yes.
 11 Q Is it not?
 12 And, in fact, in March of 1988, you took it
 13 upon yourself to write another bishop, warning him that
 14 this priest was a molester. And what is your -- why did
 01:41:53 15 you write to this bishop?
 16 MR. WOODS: Okay. All right. There's a long
 17 preamble, some conclusions, some arguments, then the
 18 question. So the question, you should understand it and
 19 answer only why did you write --
 01:42:07 20 BY MR. ANDERSON:
 21 Q I'll just -- why did you write to the bishop?
 22 That's the question.
 23 MR. WOODS: Okay. Why did you write to the
 24 bishop of Cuernavaca?
 01:42:13 25 THE WITNESS: Because we had heard that he had

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01:42:15 1 relatives there and, therefore, might go there.
 2 BY MR. ANDERSON:
 3 Q Okay. And you did not cc this to Norberto
 4 Rivera. Is that because you already told him that?
 01:42:35 5 A : I -- I don't recall why I didn't cc him.
 6 Q And -- and then Exhibit 54 --
 7 A Some of these are duplicates.
 8 Q Okay.
 9 MR. WATERS: That was our confusion, as well,
 01:42:55 10 Cardinal. Thanks.
 11 MR. ANDERSON: It looks like on March 4th, 1988,
 12 Exhibit 55 and 56B is the one that we were already
 13 talking about. Okay.
 14 BY MR. ANDERSON:
 01:44:07 15 Q Cardinal, I'm putting before you what was
 16 marked under the production documents Exhibit 42?
 17 MR. WATERS: Actually, it's 40 through 43.
 18 MR. ANDERSON: Yes.
 19 (Whereupon, Exhibit 40 was introduced and
 01:44:21 20 marked for identification by the Certified Shorthand
 21 Reporter, a copy of which is attached hereto.)
 22 BY MR. ANDERSON:
 23 Q And I direct your attention to the one that
 24 is marked 42 and 43, which would be an English
 01:44:29 25 translation, I believe, provided by Tehuacan.

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01:44:38 1 Is that correct, Counsel?
 2 MR. SELSBERG: I don't know what you're talking
 3 about.
 4 MR. ANDERSON: Is this the translation?
 01:44:42 5 MR. SELSBERG: What are you talking about, what
 6 document?
 7 MR. WATERS: The documents produced with Bates
 8 numbers RIV numbers, are those the documents that were
 9 produced by either Tehuacan or Cardinal Rivera in
 01:44:52 10 response to discovery requests?
 11 MR. SELSBERG: Yeah. If they were marked RIV,
 12 it's one of the two. But I don't know what -- what do
 13 you mean by "the English translation."
 14 MR. WATERS: This document is a letter dated
 01:45:05 15 March 17th.
 16 MR. SELSBERG: We didn't -- we didn't have those
 17 translations done. They were in a file.
 18 MR. ANDERSON: Okay. So the English -- the
 19 English version, Exhibit 42 and 43, were in the file
 01:45:19 20 intact. This is not a translation done by you?
 21 MR. SELSBERG: It's not the one that we did.
 22 MR. ANDERSON: Okay.
 23 MR. WOOTEN: And that would hold for the last
 24 one, as well, 36 through 39.
 01:45:31 25 MR. ANDERSON: Okay. Okay. For the record,

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01:45:33 1 apparently the same is the case for Exhibit 36 through
 2 39, Counsel?
 3 MR. WOOTEN: Correct.
 4 MR. ANDERSON: Thank you.
 01:45:42 5 BY MR. ANDERSON:
 6 Q Okay. Cardinal, this is dated March 17th,
 7 1988. This came from the file of Tehuacan, obviously.
 8 And it's marked "Confidential" right under the address
 9 to you, correct?
 01:46:02 10 A Yes.
 11 Q And you did receive this letter?
 12 A I did.
 13 Q Are there any letters that -- other than the
 14 one that you referred to that you did -- you -- you
 01:46:17 15 claim not to have received from Norberto Rivera? Are
 16 you aware of any correspondence other than one letter
 17 that you didn't get from Norberto Rivera that he claims
 18 to have sent?
 19 A No.
 01:46:37 20 Q Okay. Looking at this one, it says, "Upon
 21 receiving your letter today, I'm responding immediately
 22 to thank you for the information regarding Father
 23 Nicolas Aguilar Rivera. It's been very painful for me
 24 to receive this information from the Curia." What is a
 01:46:58 25 Curia?

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01:47:00 1 A Curia. They use that word for -- in Mexico
 2 particularly for chancellery office.
 3 Q Okay.
 4 A Bishop's office.
 01:47:08 5 Q That doesn't refer to the office of the Holy
 6 See, then?
 7 A No.
 8 Q Okay. "And from U.S. and Mexican press."
 9 At the last paragraph on this -- on this full
 01:47:28 10 paragraph on this page beginning with "The priest's
 11 parents," I'd like you to go down and address the
 12 sentence -- I'll read it to you, then ask you a
 13 question.
 14 It states, "You will understand that I'm not
 01:47:44 15 in a position to find him, much less force him to return
 16 and appear in court."
 17 Cardinal, is it correct to say that as a
 18 bishop, he is in a position to attempt to locate them
 19 through his resources, and if he does, order him to
 01:48:18 20 return to the U.S. and appear in court?
 21 MR. SELSBERG: Objection; compound, calls for
 22 speculation.
 23 MR. WOODS: I am going to object to the question
 24 as beyond the scope of the jurisdictional facts and
 01:48:34 25 instruct the witness not to answer. Plus, we've plowed

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01:48:38 1 this territory about a hundred times already.
 2 BY MR. ANDERSON:
 3 Q Do you have any knowledge of Norberto Rivera
 4 making any effort to either locate him or cause him to
 01:49:05 5 return to the U.S. and answer for his crimes?
 6 MR. WOODS: Any effort other than reflected in
 7 these letters?
 8 MR. ANDERSON: Yes.
 9 THE WITNESS: No.
 01:49:13 10 BY MR. ANDERSON:
 11 Q The next one is -- that we'll be showing you
 12 here, Cardinal, is Exhibit 44 and the second page, 45,
 13 being the English version, and 46 and 47, the Spanish.
 14 (Whereupon, Exhibit 44 was introduced and
 01:50:17 15 marked for identification by the Certified Shorthand
 16 Reporter, a copy of which is attached hereto.)
 17 MR. ANDERSON: And this English version would be
 18 in the file of Tehuacan?
 19 MR. SELSBERG: Correct.
 01:50:27 20 MR. ANDERSON: Thank you.
 21 BY MR. ANDERSON:
 22 Q And referring to the English version because
 23 it's sent -- you -- you sent it -- did you send it in
 24 Spanish or English?
 01:50:39 25 A I sent it in Spanish.

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01:50:40 1 Q Okay. Did you need help to send it in
 2 Spanish, or are you fluent enough to have communicated
 3 this fully without help in Spanish?
 4 A No. I did this myself.
 01:51:09 5 Q What's your purpose in sending this letter to
 6 Norberto Rivera in March of '88?
 7 A This is my response to the letter you just
 8 went through from him, dated March 17th, 1988, and that
 9 very last -- next to last paragraph.
 01:51:36 10 Q What do you mean "the next to last
 11 paragraph"?
 12 A "En la carta de presentacion" -- let's see
 13 the English version here. "In the letter of
 14 presentation," that sentence.
 01:51:54 15 Q Okay. Yeah. And so you're responding to
 16 his -- to his letter?
 17 A Yes.
 18 Q Okay. And in the first paragraph here at the
 19 last sentence, you state --
 01:52:14 20 MR. WOODS: It's not going to be the first
 21 paragraph, I don't think.
 22 BY MR. ANDERSON:
 23 Q Well, the second paragraph, the last
 24 sentence, you state, "I would like to tell you that I
 01:52:23 25 have not received any letter from you dated March 23rd,

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01:52:28 1 1987, nor any other information concerning, quote, the
 2 homosexual problems of the past, unquote."
 3 A Of the priest.
 4 Q Of the priest. Excuse me.
 01:52:42 5 A Correct.
 6 Q When had you learned that a March 23rd, 1987,
 7 letter had been claimed to have been sent?
 8 MR. SELSBERG: Objection; asked and answered.
 9 MR. WOODS: Do you understand the question?
 01:53:19 10 THE WITNESS: Yes.
 11 MR. WOODS: Okay.
 12 THE WITNESS: It was that letter of March 17,
 13 1988.
 14 BY MR. ANDERSON:
 01:53:25 15 Q That was your first knowledge of such a
 16 letter by Norberto?
 17 A Yes.
 18 Q Okay. You state here, "I would like to tell
 19 you I have not received any letter nor any other
 01:53:37 20 information." The next -- actually, the last full
 21 paragraph beginning with "I'm very confused," I'm going
 22 to read that and ask you a question.
 23 "I'm very confused because in your letter of
 24 January 27, '87, you did not mention any other personal
 01:54:00 25 problem concerning Father Aguilar." It must be "If you

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01:54:06 1 had written me that Father Aguilar had some homosexual
 2 problem, I assure you that we haven't received that in
 3 the Archdiocese. We have here in the Archdiocese of
 4 Los Angeles quite a clear plan of action: We do not
 01:54:25 5 admit priests with any homosexual problems."
 6 At this point in time, where had it been
 7 written that there was a plan of action in the
 8 Archdiocese that you do not admit any priests with any
 9 homosexual problem?
 01:54:47 10 MR. WOODS: I'm going to object to the question
 11 as beyond the scope of jurisdiction and instruct the
 12 witness not to answer.
 13 BY MR. ANDERSON:
 14 Q The next page -- or before that -- let's go
 01:55:13 15 to the next page. The first full paragraph of the next
 16 page begins by stating "I must stress that we now have a
 17 more serious situation."
 18 When you say "we," who are you referring to?
 19 A I'm presuming all of us here in the
 01:55:38 20 Archdiocese of Los Angeles.
 21 Q And when you say "now have a more serious
 22 situation," it's more serious than what? What do you
 23 mean by that?
 24 A Basically, that we thought we were receiving
 01:56:09 25 a priest who was well recommended, and we discovered we

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01:56:14 1 have a very bad priest.
2 Q Is it fair to say that it had become more
3 serious because it now had become public and, thus, a
4 scandal?
01:56:28 5 A No.
6 Q Is it fair to say, Cardinal, that as an
7 Ordinary, as a Cardinal Archbishop, you are required to
8 avoid scandal under the Canons and the protocols you
9 operate?
01:56:45 10 MR. WOODS: I'm going to object -- I'm going to
11 object to the question as beyond the scope of the
12 jurisdictional issues and instruct the witness not to
13 answer.
14 BY MR. ANDERSON:
01:56:51 15 Q Is it fair to say that the sexual molestation
16 by a priest is considered under the church protocols to
17 be scandalous and kept -- to be dealt with by church
18 authorities alone?
19 MR. WOODS: Object to the question as beyond the
01:57:15 20 scope of the deposition and instruct the witness not to
21 answer.
22 BY MR. ANDERSON:
23 Q In 1987 and 1988, was there a protocol in
24 place that required priests and, in particular,
01:57:29 25 Ordinaries to avoid scandal and keep accusations of

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01:57:35 1 sexual molestation among themselves?
2 MR. WOODS: I'm going to object to the question
3 as beyond the scope of jurisdiction and instruct the
4 witness not to answer.
01:57:48 5 BY MR. ANDERSON:
6 Q Are you familiar with the 1962 document
7 solicitation and a confessional promulgated by the
8 Vatican that establishes a protocol for keeping matters
9 of sexual abuse secret and among church authorities?
01:58:10 10 MR. WOODS: I object to the question as beyond
11 the scope of the jurisdictional issues and instruct the
12 witness not to answer.
13 BY MR. ANDERSON:
14 Q If such a Vatican -- document had been issued
01:58:20 15 by the papal office and the congregation of the doctrine
16 in 1962 and issued to all of the Ordinaries across the
17 world, it would have applied to you, as an Ordinary, as
18 well as Norberto Rivera?
19 MR. WOODS: Objection.
01:58:41 20 MR. SELSBERG: Objection; calls for speculation,
21 assumes facts not in evidence.
22 MR. WOODS: Object to the question as compound,
23 confusing, and beyond the scope of the jurisdictional
24 issues and instruct the witness not to answer.
01:58:57 25 MR. ANDERSON: Okay. It looks like we got --

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01:58:58 1 we're done with the tape. We got to change tapes.
2 THE VIDEOGRAPHER: Off the record. The time is
3 1:59.
4 (Recess taken from 1:59 p.m. until
01:59:40 5 2:06 p.m.)
6 THE VIDEOGRAPHER: Back on the record, the time
7 is 2:06.
8 BY MR. ANDERSON:
9 Q Cardinal, we're handing you now what's marked
02:07:02 10 77.
11 MR. WOODS: Thank you.
12 (Whereupon, Exhibit 77 was introduced and
13 marked for identification by the Certified Shorthand
14 Reporter, a copy of which is attached hereto.)
02:07:26 15 BY MR. ANDERSON:
16 Q This is a letter dated May 20th, 2004, is it
17 not?
18 A Yes.
19 Q And this is sent by you to the Diocese of
02:07:44 20 Tehuacan, is it not?
21 A Correct.
22 Q And you're asking them to send you the letter
23 that Norberto Rivera claimed to have sent you at the
24 time you received Nicolas Aguilar into this diocese,
02:08:10 25 correct?

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02:08:10 1 A Yes.
2 Q Why did you wait till 2004 to make this
3 request?
4 MR. WOODS: I'm going to object that the
02:08:20 5 question's argumentative and assumes facts not in
6 evidence.
7 BY MR. ANDERSON:
8 Q Actually, on March 30th, 1988, you -- you
9 asked him, Norberto Rivera, and you stated "It is urgent
02:08:44 10 that you send me a copy of the letter dated March 23rd,
11 1987," correct?
12 A Yes.
13 Q And you never got a response from him, did
14 you?
02:08:52 15 A No.
16 Q Do you know why?
17 A No.
18 Q In that same letter, you said, "We have not
19 received it, and it's a grave situation because you knew
02:09:07 20 on the 27th of January '87 that Father Aguilar had
21 homosexual problems, and you did not inform me or any
22 officials of this Archdiocese in your first letter."
23 That's what you wrote, isn't it?
24 A Yes.
02:09:26 25 Q And you wrote to -- that in Spanish to him,

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02:09:31 1 and I read from the English version, correct?
 2 A Yes.
 3 Q And what response did you get from him?
 4 A To the best of my knowledge, I never received
 02:09:47 5 any response.
 6 Q And in the absence of a response in 1988,
 7 what caused you, then, to write Exhibit 77 on May 20th,
 8 2004?
 9 A I believe this was a time when we discovered
 02:10:09 10 there were some lawsuits involving this matter and that
 11 we had still never seen the letter of March 23rd, 1987.
 12 Q Did you think that that letter was lost or
 13 not sent by him?
 14 MR. SELSBERG: Objection; calls for speculation.
 02:10:26 15 MR. WOODS: Calls for speculation and beyond the
 16 scope of the jurisdictional issues. Instruct the
 17 witness not to answer.
 18 BY MR. ANDERSON:
 19 Q Is it correct to say that Norberto Rivera
 02:11:43 20 never sent you the March 23rd, 1987, letter?
 21 MR. SELSBERG: Objection; calls for speculation.
 22 MR. WOODS: That -- personally? He personally
 23 didn't send it?
 24 BY MR. ANDERSON:
 02:11:58 25 Q What's your response to that question?

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02:12:00 1 A The question, again, is --
 2 Q Is it your belief that --
 3 MR. WOODS: No.
 4 BY MR. ANDERSON:
 02:12:06 5 Q -- the March 23rd, 1987, letter, was never
 6 sent?
 7 MR. WOODS: Object to the question as calls for
 8 speculation and beyond the scope of the deposition and
 9 instruct the witness not to answer.
 02:12:53 10 MR. ANDERSON: This is Exhibit 78.
 11 (Whereupon, Exhibit 78 was introduced and
 12 marked for identification by the Certified Shorthand
 13 Reporter, a copy of which is attached hereto.)
 14 MR. WOODS: Okay. It's not a complete document
 02:13:02 15 because it refers to an attachment, but I'll show it to
 16 him.
 17 MR. ANDERSON: In the production that you gave
 18 us, did you give us the complete one?
 19 MR. WOODS: Yes.
 02:13:13 20 MR. ANDERSON: Okay. Well, this is -- this is
 21 the copy we got from Tehuacan, so that's why we have it
 22 this way.
 23 MR. WOODS: Okay.
 24 MR. ANDERSON: So -- and again, we haven't
 02:13:23 25 reviewed the production you gave today, but I'll trust

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02:13:26 1 that, you know --
 2 BY MR. ANDERSON:
 3 Q You know, it's incomplete, but for our
 4 purposes, what is this, Cardinal?
 02:13:40 5 A This is the response of my letter -- fax
 6 letter of May 20th, 2004, to Bishop Espinosa, the
 7 then-bishop of Tehuacan.
 8 Q And he attached the letter that you had now
 9 requested again in 2004, correct?
 02:14:01 10 A Yes.
 11 Q Okay. I'm showing you what has been marked
 12 48 now.
 13 (Whereupon, Exhibit 48 was introduced and
 14 marked for identification by the Certified Shorthand
 02:15:14 15 Reporter, a copy of which is attached hereto.)
 16 BY MR. ANDERSON:
 17 Q This one is dated December 17th, 1993. This
 18 has been produced to us by Tehuacan and -- from the
 19 Archdiocese -- excuse me -- from Monsignor Rico, Vicar
 02:15:45 20 General, to Nicolas Aguilar Rivera, on Archdiocese of
 21 Mexico stationery, as I read it.
 22 And have you seen it before?
 23 A No.
 24 Q Okay. I read this to be an Archdiocese of
 02:16:10 25 Mexico document stating that Nicolas Aguilar is going to

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02:16:14 1 be at a parish, and it also notes that he will need
 2 permission from his bishop to serve in such a parish.
 3 Do you read this letter that way?
 4 MR. WOODS: I'm going to object to the question
 02:16:32 5 as beyond the scope of the jurisdictional issues and
 6 instruct the witness not to answer. It also calls for
 7 speculation, the document speaks for itself.
 8 BY MR. ANDERSON:
 9 Q In terms of Nicolas Aguilar's immigration
 02:17:26 10 status, when he arrived and began to work in L.A. in
 11 1987, as far as you know, was he legal or illegal when
 12 working here in L.A.?
 13 A As far as I know, he was here legally.
 14 Q And what leads you to that belief?
 02:18:00 15 A I'm not sure, but -- but most likely
 16 Monsignor Curry sent a notice to Immigration about him,
 17 and he would have had some evidence of some kind of a
 18 temporary residency, at least.
 19 Q In Mexico, there is a registration of some
 02:18:29 20 kind for priests in which they are required to be
 21 registered and/or to work. Are you aware of that
 22 and/or -- first, are you aware of that?
 23 A No.
 24 Q Okay.
 02:18:45 25 MR. SELSBERG: Assumes facts not in evidence.

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02:19:06 1 BY MR. ANDERSON:
2 Q Cardinal Rivera, in his declaration, asserts
3 at page 3 --
4 MR. WATERS: This is Exhibit 100A, for the
02:19:38 5 record.
6 (Whereupon, Exhibit 100 was introduced and
7 marked for identification by the Certified Shorthand
8 Reporter, a copy of which is attached hereto.)
9 MR. ANDERSON: I'll let you get that, Cardinal.
02:19:42 10 THE WITNESS: 100A. All right. I have it.
11 MR. ANDERSON: I'm just looking for something.
12 Give me a moment.
13 BY MR. ANDERSON:
14 Q Okay. I'll direct your attention to the
02:20:26 15 bottom of page 3. And I have a couple more questions,
16 then I think I'm done. At line 26, I'll read from it,
17 then ask you some questions.
18 "However, because I suspected that Father
19 Aguilar might be homosexual, I cautioned that the
02:20:57 20 motivation for Father Aguilar's trip to Los Angeles was,
21 quote, family and health reasons, unquote. The phrase
22 'family and health reasons' was used within the church
23 to warn that a priest suffers from some sort of
24 problem."
02:21:21 25 Cardinal, in your experience as a bishop, as

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02:21:23 1 a vicar general, as chancellor, as Archbishop, have you
2 ever seen "family and health reasons" used or problems
3 revolving -- involving family or health reasons to be
4 used as -- as code or signal to another bishop that
02:21:48 5 there is a problem with a priest?
6 MR. SELSBERG: Objection; assumes facts not in
7 evidence. And the counsel's using a document -- reading
8 from a document and then inserting words that are not
9 there.
02:22:01 10 MR. ANDERSON: Okay. Let me -- let me use it,
11 then.
12 BY MR. ANDERSON:
13 Q When we -- when the phrase "family and health
14 reasons" is being used by Norberto Rivera and asserted
02:22:17 15 that that is a warning that he suffers from some sort of
16 problem, my question to you, Cardinal, is are you aware
17 of that language ever being used by church officials to
18 signal a warning of a problem with a priest?
19 MR. SELSBERG: Same objection to the word
02:22:47 20 "signal."
21 MR. HABEL: Asked and answered.
22 THE WITNESS: No.
23 BY MR. ANDERSON:
24 Q When and if he wrote that he had some
02:23:11 25 homosexual problems, does the term "homosexual problems"

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02:23:17 1 in the course and custom of the hierarchy of the church
2 in '87 signal that it is more than homosexual problems,
3 but rather, problems relating to sexual abuse?
4 MR. WOODS: Sexual abuse of --
02:23:36 5 MR. ANDERSON: Minors.
6 THE WITNESS: I can't answer for all the
7 hierarchy as your question asks.
8 BY MR. ANDERSON:
9 Q In your experience, though, Cardinal, is that
02:23:45 10 right?
11 A In my experience in those years, the
12 expression "homosexual," "homosexual activity" would
13 have referred to adults.
14 Q And is your testimony, in any case, that if
02:24:07 15 Cardinal Rivera had signaled to you that Nicolas Aguilar
16 had homosexual problems with adults alone, that would
17 have been enough for you to have not allowed him to --
18 to work here?
19 MR. SELSBERG: Objection; asked and answered.
02:24:25 20 THE WITNESS: Yes.
21 BY MR. ANDERSON:
22 Q And it's your testimony at no time you ever
23 received warning from the Diocese of Tehuacan, any
24 official there, including the bishop there, that this
02:24:39 25 priest was in any way unfit to serve here?

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02:24:43 1 MR. SELSBERG: Objection; asked and answered.
2 MR. WOODS: Before the allegations came forward
3 here.
4 MR. ANDERSON: Yes.
02:24:54 5 THE WITNESS: Now I forgot whether you asked -- a
6 question answered in "yes" or "no," but --
7 BY MR. ANDERSON:
8 Q That's okay. It's correct to say that at no
9 time the Diocese of Tehuacan or any official in it gave
02:25:05 10 you a warning that this priest was unfit before you
11 allowed him to serve?
12 MR. SELSBERG: Objection; asked and answered.
13 MR. WOODS: That's kind of like a double
14 negative.
02:25:13 15 THE WITNESS: Yeah.
16 MR. WOODS: Did you get any warning before the
17 allegations came forward?
18 THE WITNESS: No.
19 BY MR. ANDERSON:
02:25:17 20 Q Of any kind.
21 A No.
22 Q And if Monsignor Curry or any one of your
23 subordinates had received such a warning from the
24 Diocese of Tehuacan, it was their responsibility to
02:25:31 25 bring that to you?

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02:25:31 1 MR. WOODS: A warning about child abuse or
2 homosexuality?
3 MR. ANDERSON: Any warning about -- about Nicolas
4 Aguilar's unfitness.
02:25:42 5 THE WITNESS: Yes. They would have brought it to
6 my attention.
7 BY MR. ANDERSON:
8 Q And it was their responsibility in their
9 practice, protocol, and law to bring it to your
02:25:48 10 attention so you could do something about it?
11 MR. WOODS: What were those three things?
12 Protocol -- could --
13 MR. ANDERSON: Practice and law.
14 MR. WOODS: Law?
02:26:00 15 MR. ANDERSON: Canon Law.
16 MR. WOODS: If you can answer those three.
17 Consider them individually, would you?
18 THE WITNESS: If I could answer it this way, over
19 the years in my experience here, a lot of priests around
02:26:18 20 the world write and ask to come here. And a lot of
21 times those are screened, and I never hear about them
22 because they're told right off no.
23 So I -- I don't come into contact with all of
24 those. Most of them or many of them are just simply
02:26:34 25 screened out.

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02:26:35 1 BY MR. ANDERSON:
2 Q And in the case of Nicolas Aguilar, the
3 bishop's assertion that he was fit was sufficient
4 screening for you to accept and place him?
02:26:51 5 MR. SELSBERG: Objection; assumes facts not in
6 evidence, mischaracterizes testimony.
7 THE WITNESS: Yes. For this one-year term.
8 MR. ANDERSON: I've got two more I didn't cover.
9 I'll cover them quickly.
02:27:19 10 BY MR. ANDERSON:
11 Q Cardinal, this is 29 and 29A.
12 (Whereupon, Exhibit 29 was introduced and
13 marked for identification by the Certified Shorthand
14 Reporter, a copy of which is attached hereto.)
02:27:31 15 BY MR. ANDERSON:
16 Q And December 20th, 1987, from Nicolas Aguilar
17 to St. Agatha's -- excuse me -- to Norberto Rivera on
18 the stationery of St. Agatha's. And he is, in effect,
19 requesting to stay beyond the year time frame that he
02:27:59 20 had been given by his bishop and you, correct?
21 A Yes.
22 Q At the second paragraph, he says "As my
23 permission to provide services to the Archdiocese of
24 Los Angeles is about to end, I am pleading with his
02:28:23 25 Excellency to grant me an extension for an indefinite

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02:28:28 1 period of time to remain in the same and specifically
2 the Archdiocese of Los Angeles."
3 This writing by Nicolas Aguilar to his
4 bishop, in effect, is -- is the formal protocol and
02:28:46 5 request that, if granted, would allow him to stay,
6 correct?
7 MR. SELSBERG: Objection; calls for speculation.
8 MR. WOODS: Okay. I'm going to object that it
9 calls for an expert opinion, it's an incomplete
02:29:06 10 hypothetical, it has nothing to do with jurisdiction in
11 this case.
12 Do you understand the question? I'm going to
13 instruct him not to answer.
14 BY MR. ANDERSON:
02:29:19 15 Q Okay. Well -- okay. Let me -- let me read
16 from the letter.
17 It states, "As my permission to provide
18 services to the Archdiocese of L.A. is about to end, I
19 am pleading with his Excellency to grant me an extension
02:29:32 20 for an indefinite period of time to remain in the same
21 and specifically the Archdiocese of Los Angeles."
22 Did I read that correctly, at least from the
23 English version?
24 A Yes, except it should be "pleading with your
02:29:50 25 Excellency" because that's the one he's pleading with.

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02:29:53 1 Q So he's pleading to his bishop?
2 A Yes.
3 Q Who is now an Archbishop as -- it says
4 "Dearest Archbishop." That's wrong.
02:29:59 5 A That's a bad translation.
6 Q Yeah. It's supposed to be "bishop."
7 A Yeah.
8 Q I got it.
9 Next paragraph says, "His Right
02:30:09 10 Excellency" -- that might be a bad translation.
11 It says, "We implore that no mention be made
12 of the previous one-year permit or about the renewal of
13 the permit because this permit was not brought up to the
14 Embassy."
02:30:33 15 MR. WOODS: Okay. Wait for a question.
16 BY MR. ANDERSON:
17 Q Did I read that correctly?
18 A You read the translation correctly.
19 Q Okay. And does the Spanish version read that
02:30:44 20 way?
21 MR. SELSBERG: Objection; competence.
22 MR. WOODS: Yeah. Again, I object that you're
23 asking him to do a translation. I mean I'll, you
24 know --
02:30:58 25 MR. ANDERSON: To save -- he's been corresponding

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02:31:01 1 with Norberto.
 2 MR. WOODS: I'm going to let him. Okay? I'm
 3 going to let him do it, but I'm objecting that it's
 4 whatever translation he comes up with is irrelevant and
 02:31:09 5 meaningless. This also has nothing to do with
 6 jurisdiction. It's a letter from a Mexican national to
 7 a Mexican national. But I'm going to let him answer.
 8 Maybe --
 9 BY MR. ANDERSON:
 02:31:24 10 Q This is a letter sent from the U.S. and his
 11 parish here in the U.S., is it not? St. Agatha's is the
 12 Archdiocese of L.A.?
 13 A Yes.
 14 Q Okay. And it's sent to Norberto Rivera, then
 02:31:36 15 the bishop, by his priest Nicolas Aguilar Rivera,
 16 correct?
 17 A Yes.
 18 Q I'm just going to ask you to read, looking at
 19 the Spanish version, the third paragraph and ask you to
 02:31:46 20 do so slowly with the understanding that, you know,
 21 you're not a translator.
 22 MR. WOODS: Okay. Same objection about
 23 translating and irrelevance, but I'm going to let him
 24 answer it because it is a correspondence to Mexico.
 02:32:09 25 BY MR. ANDERSON:

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02:32:09 1 Q Would you read it, please?
 2 A Read the second sentence.
 3 Q Third paragraph in its entirety.
 4 A Where "His Right Excellency"?
 02:32:23 5 Q Yes.
 6 A "We implore that no mention be made of the
 7 previous one-year permit or about the renewal of the
 8 permit because this permit was not brought up to the
 9 Embassy. The next permit will be requested as the first
 02:32:41 10 request and as a recommendation for parochial work in
 11 the Archdiocese. Address to Reverend Monsignor
 12 Thomas J. Curry, Vicar of the Clergy."
 13 Q Before you read this, Cardinal, did you know
 14 or had you heard from any source that the first permit
 02:33:04 15 granted him had not been brought up to the Embassy?
 16 A No.
 17 Q So does this now lead you to believe that he
 18 was here illegally or not in full compliance with the
 19 immigration laws?
 02:33:30 20 MR. WOODS: Okay. I'm going to object to the
 21 question as beyond the scope of jurisdictional issues
 22 and instruct the witness not to answer, calls for
 23 speculation, calls for expert opinion.
 24 BY MR. ANDERSON:
 02:33:42 25 Q Well, in any case, the fact that he didn't

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02:33:44 1 have a permit when he came here the first time, it's
 2 clear that his bishop knew he didn't have it, correct?
 3 MR. WOODS: No. Hold on. I'm going to object to
 4 the continual speculative nature of the question. It
 02:34:02 5 assumes a speculated situation. It has nothing to do
 6 with jurisdiction, and I instruct the witness not to
 7 answer.
 8 MR. ANDERSON: I'll take that one.
 9 There's -- there's a full line of questions
 02:34:23 10 about this and his -- but I'm going to have the judge
 11 decide it.
 12 MR. WOODS: Okay.
 13 MR. ANDERSON: I'm not going to --
 14 MR. WATERS: Just so the -- just so the record's
 02:34:35 15 clear, continual inquiry regarding the immigration
 16 status of Aguilar Rivera will be blocked and instruction
 17 not to answer based upon the relevance objection?
 18 MR. WOODS: Do you know anything about his
 19 immigration status?
 02:34:50 20 THE WITNESS: No.
 21 MR. WOODS: I mean I'll let him answer some
 22 questions, but I'm not going to let him just sit here
 23 and speculate.
 24 BY MR. ANDERSON:
 02:35:01 25 Q To your knowledge, did the L.A. Archdiocese

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02:35:03 1 ever do any checking on whether he had a permit to work
 2 in L.A.?
 3 MR. WOODS: You're assuming such is required? I
 4 mean is there some permit you're talking about as
 02:35:19 5 opposed to what this letter is referring to? I mean --
 6 BY MR. ANDERSON:
 7 Q The question stands. Do you know anything
 8 about it?
 9 A I'm not familiar with anything to do with
 02:35:32 10 that.
 11 Q Now, "permit" could be interchanged with
 12 "visa." As you read the Spanish version, would you
 13 interpret that as "permit" or "visa"? What -- how does
 14 that read?
 02:35:54 15 MR. SELSBERG: Objection. That's misleading.
 16 BY MR. ANDERSON:
 17 Q I don't know. I'm asking. This is a -- this
 18 is a discovery deposition. I'm trying to find out what
 19 you know. How do you read that in Spanish?
 02:36:09 20 A Unfortunately, the word "permiso" could mean
 21 a lot of things.
 22 Q So it could mean "permission"?
 23 A It could mean "permission." It could mean
 24 "document." It could mean a lot of things. So I don't
 02:36:18 25 know what he's referring to here.

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02:36:21 1 Q Okay. So let's use the word "permission,"
2 and let's read it again to see what this, on its face,
3 may mean and, in turn, what you may or may not know.
4 "His Excellency, we implore that no mention
02:36:43 5 be made of the previous one-year permission or about the
6 renewal of the permission because this permission was
7 not brought up to the Embassy."
8 Reading it that way, what embassy is being
9 referred to here? Do you know?
02:37:06 10 A I don't.
11 Q I read that to be the U.S. Embassy, don't
12 you?
13 MR. WOODS: I object. That calls for
14 speculation.
02:37:14 15 BY MR. ANDERSON:
16 Q When a priest came from Mexico in 1987, did
17 the Archdiocese do any effort to -- to make sure that
18 they were in immigration compliance, or did you and the
19 Archdiocese rely upon the bishop sending him to make
02:37:33 20 sure he was in compliance?
21 MR. WOODS: Or any other possible situation.
22 THE WITNESS: My recollection is that the
23 immigration office and Catholic Charities work closely
24 with the vicar for the clergy to deal with all the
02:37:53 25 immigration status of foreign priests. I'm just not

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02:37:56 1 aware of the particulars.
2 MR. ANDERSON: Okay. One final document, and
3 this one is 31. It's dated February 23, 1988, a letter
4 to Norberto Rivera as bishop from Thomas Curry,
02:38:40 5 Monsignor.
6 (Whereupon, Exhibit 31 was introduced and
7 marked for identification by the Certified Shorthand
8 Reporter, a copy of which is attached hereto.)
9 BY MR. ANDERSON:
02:38:42 10 Q Did you instruct him to send this letter and
11 enclose the articles attached?
12 A I don't recall, actually.
13 Q In any case, this letter was intended to
14 convey to Norberto Rivera that there's a huge problem
02:39:11 15 here, and 19 out of some 30 kids have been confirmed as
16 having been abused by Father Nicolas Aguilar Rivera.
17 MR. WOODS: Okay. I'm going to object to all the
18 facts that are thrown into that as asking him to confirm
19 all those facts. If you want to have him break -- if
02:39:31 20 you want to break those down into specific questions,
21 were there 19 kids, were there this, whatever you want
22 to do, I'll let him --
23 BY MR. ANDERSON:
24 Q Well, let me put it -- let me put it this
02:39:39 25 way. Tell me what you know about what investigations

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02:39:43 1 Archdiocese conducted to find out how many kids were
2 actually abused by Nicolas Aguilar --
3 MR. WOODS: Okay.
4 BY MR. ANDERSON:
02:39:52 5 Q -- while he worked in the Archdiocese of L.A.
6 or before he came here.
7 MR. WOODS: Okay. We object to the question as
8 beyond the scope of this deposition and instruct the
9 witness not to answer. Also, it's compound and
02:40:07 10 confusing.
11 BY MR. ANDERSON:
12 Q Okay. I'm going to refer you to B-13 in one
13 of the documents produced here today by you, Mr. Woods.
14 And we've already incorporated this as part
02:40:40 15 of the record, so this would be B-13, Cardinal.
16 This was given at Los Angeles this 22nd day
17 of October, 1987, and it appears to be signed by the
18 vicar for clergy, and I don't have a signed copy. That
19 might have been Curry. He was the vicar for clergy,
02:41:16 20 correct?
21 MR. WOODS: He was the vicar for clergy, so
22 stipulated.
23 BY MR. ANDERSON:
24 Q Do you know if he signed it? Okay.
02:41:22 25 MR. WOODS: We don't have a signed copy.

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02:41:24 1 BY MR. ANDERSON:
2 Q Okay. It states, "We verify that Reverend
3 Nicolas Aguilar Rivera, a priest of the Archdiocese of
4 Tehuacan, is in possession of the ordinary faculties and
02:41:34 5 has permission to celebrate Mass in any church or chapel
6 of this Archdiocese with the consent of the pastor or
7 chaplain until October 1st, 1988."
8 MR. WOODS: Thirty-first.
9 MR. ANDERSON: Excuse me. Thirty-first.
02:41:47 10 "However, it is recognized that this same
11 Reverend Father is not a permanent resident of this
12 Archdiocese. Therefore, he remains incardinated in his
13 own diocese or order and is obliged to return to it at
14 the wish of his own diocesan bishop or superior or the
02:42:08 15 Ordinary of his Archdiocese."
16 MR. WOODS: "Of this Archdiocese."
17 MR. ANDERSON: "Of this Archdiocese."
18 BY MR. ANDERSON:
19 Q What is the purpose of this?
02:42:24 20 A The faculties of all extern priests expire in
21 October automatically every year, and they must reapply
22 to have their faculties extended. And if they are, it's
23 for a maximum until the next October.
24 Q And he was intending to extend his faculties.
02:42:45 25 Do you have information about whether or not he -- that

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02:42:50 1 you knew that he was intending to extend his faculties?
 2 A Well, they would have expired October 31st,
 3 '87. And he was going to be here a year, which would
 4 have been in the first part of '88. So this would have
 02:43:10 5 taken his faculties to that point.
 6 Q And this is a one-year extension?
 7 A This is a form for everybody who is renewing
 8 their faculties.
 9 Q And so this is a form for him to renew and
 02:43:24 10 extend the faculties he had already been given, correct?
 11 A Yes.
 12 Q Okay. The document that is marked 156 in
 13 Exhibit B, and my quick review of this is that you wrote
 14 this letter on July 8th, 2006, to the bishop or
 02:44:17 15 Archbishop of Xalapa.
 16 A Xalapa.
 17 Q Xalapa.
 18 A Xalapa.
 19 Q And -- and your purpose in writing this was?
 02:44:35 20 A The paragraph "Today" -- beginning "Today," I
 21 was having one of my regular meetings with victims, and
 22 this was with Judge McCoy. And the victim stated that
 23 he had heard somewhere that Father Aguilar was working
 24 as a priest somewhere in the greater Veracruz area of
 02:44:59 25 Mexico.

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02:44:59 1 Q And so you sent this letter to warn this
 2 bishop?
 3 A And so I told the victim that I was going to
 4 send the letter. I sent the letter to the Archbishop of
 02:45:10 5 Xalapa to include the whole province. Veracruz is one
 6 diocese in the province. So as the Metropolitan
 7 Archbishop, I asked him to then send the letter to all
 8 the suffragan diocese, which is the next paragraph.
 9 Q And at the time you sent this letter,
 02:45:28 10 Norberto Rivera is the cardinal of the metropolitan in
 11 Mexico, the Archdiocese, is he not?
 12 A That's correct.
 13 Q And he could have sent the same letter to all
 14 the suffragan dioceses in Mexico that you sent to this
 02:45:40 15 guy.
 16 MR. SELSBERG: Objection; calls for speculation.
 17 BY MR. ANDERSON:
 18 Q Couldn't he have?
 19 MR. WOODS: I'm going to -- I mean obviously
 02:45:47 20 anything is possible. You could send a letter to
 21 anybody you want to. I don't think that's what you're
 22 trying to ask.
 23 So what you're asking is whether the
 24 Archbishop of Mexico City has jurisdiction to send a
 02:45:59 25 letter to those in the Xalapa province, which is calling

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02:46:03 1 for an ecclesiastical expert opinion. I'm going to
 2 instruct him not to answer. It's irrelevant.
 3 MR. ANDERSON: Well, that's not what I'm asking.
 4 BY MR. ANDERSON:
 02:46:14 5 Q I'm asking -- the fact is you sent this
 6 letter because you were concerned, right?
 7 A I sent the letter because that very day, I
 8 had received this, although second hand, information
 9 that possibly he was in that area. So I sent the
 02:46:28 10 letter.
 11 Q And -- and -- and Archbishop Cardinal
 12 Norberto Rivera is the metropolitan in Mexico City, is
 13 he not?
 14 A Yes.
 02:46:40 15 Q And he is able to send the same letter, if he
 16 so chooses, to all the other diocese in Mexico or
 17 wherever Nicolas Aguilar Rivera is known to be, correct?
 18 MR. WOODS: Calls --
 19 MR. SELSBERG: Objection; assumes facts not in
 02:46:57 20 evidence.
 21 MR. WOODS: And not relating to jurisdiction.
 22 Instruct the witness not to answer.
 23 BY MR. ANDERSON:
 24 Q If you were Cardinal Rivera and this was your
 02:47:11 25 priest that was sent to another jurisdiction and sexual

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02:47:14 1 abuse was discovered as it was here, tell me all the
 2 things you could have done to protect children to get
 3 him back to the U.S. after you learned he left.
 4 MR. WOODS: Okay.
 02:47:29 5 MR. SELSBERG: Objection. That calls for
 6 speculation.
 7 MR. WOODS: I object to the question as beyond
 8 the scope of jurisdiction over these two particular
 9 Mexican nationals and instruct the witness not to
 02:47:41 10 answer.
 11 MR. ANDERSON: That's all I have.
 12 MR. WOODS: Okay. Let's eat lunch.
 13 THE VIDEOGRAPHER: Off the record --
 14 MR. WATERS: That's subject to the instructions
 02:47:50 15 not to answer being resolved with the court upon proper
 16 law-and-motion practice.
 17 MR. WOODS: Sure.
 18 MR. WATERS: So pending the resolution of those
 19 issues.
 02:48:02 20 MR. ANDERSON: Yes. I'm keeping the deposition
 21 open. Obviously, I advised counsel that I'm not
 22 satisfied, that the objections and the instructions
 23 given the witness not to answer and the withholding of
 24 certain documents in the priest's file that have not
 02:48:15 25 been produced are deficient. And so it's our ten- --

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02:48:19 1 it's our contention to keep the deposition open, seek
2 immediate court relief, and we will. Thank you.
3 Thank you, Cardinal.
4 THE WITNESS: Thank you.
02:48:27 5 THE VIDEOGRAPHER: Off the record. The time is
6 2:48.
7 THE REPORTER: As far as the original, who do I
8 send the original to?
9 MR. HABEL: Tom Woods.
02:48:41 10 THE REPORTER: Is that agreeable to everyone?
11 MR. WOODS: We didn't ask these guys if they have
12 any questions. Do you have any questions to ask?
13 MR. SELSBERG: Oh, no questions.
14 (Discussion held off the record from
02:48:53 15 2:48 p.m. until 2:49 p.m.)
16 MR. WOODS: I would stipulate that the original
17 be sent to me. I will present it to the Cardinal. He
18 will review it and make any changes he feels are
19 necessary, which we will send in a letter to the
02:49:08 20 parties. And if the original isn't signed by the time
21 of trial, a copy may be used.
22 MR. WATERS: At the time of trial or any law and
23 motion.
24 MR. WOODS: Or any law-and-motion practice.
02:49:19 25 MR. WATERS: So stipulated.

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02:49:20 1 MR. ANDERSON: Thank you.
2 MR. HABEL: And relieve the court reporter of her
3 other duties under the code. Now we're off the record.
4
5 (End of videotaped deposition at 2:49 p.m.
6 Declaration under penalty of perjury attached hereto.)
7
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1 ***
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5
6 I do solemnly declare under penalty of perjury
7 that the foregoing is my deposition under oath; that
8 these are the questions asked of me and my answers
9 thereto; that I have read same and have made the
10 necessary corrections, additions, or changes to my
11 answers that I deem necessary.
12 In witness thereof, I hereby subscribe my name
13 this _____ day of _____, 20____.

WITNESS SIGNATURE

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1 Certificate
2 of
3 Certified Shorthand Reporter
4
5 The undersigned certified shorthand reporter
6 of the State of California does hereby certify:
7 That the foregoing proceedings was taken
8 before me at the time and place therein set forth, at
9 which time the witness was duly sworn by me;
10 That the testimony of the witness and all
11 objections made at the time of the proceedings were
12 recorded stenographically by me and thereafter
13 transcribed, said transcript being a true copy of my
14 shorthand notes thereof.
15
16 I further certify that I am neither
17 financially interested in the action nor a relative or
18 employee of any attorney of any of the parties.
19 In witness whereof, I have subscribed my name
20 this date, September 16, 2007.

Janet M. Taylor
Janet M. Taylor
Certified Shorthand Reporter
Certificate Number 9463

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