

**FATHER [REDACTED] - 11/9/05**

**IN RE: THE CLERGY CASES I**

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<b>SAN DIEGO</b>	<b>SAN FRANCISCO</b>	<b>TEMECULA</b>	<b>RIVERSIDE</b>	<b>COSTA MESA</b>	<b>LOS ANGELES</b>	<b>PHOENIX</b>	<b>FRESNO</b>
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

COORDINATION PROCEEDING SPECIAL	)	
TITLE (Rule 1550(b))	)	
	)	
vs.	)	NO. JCCP 4286
	)	and JCCP 4359
IN RE:	)	NO. BC308555
	)	NO. 01130925
THE CLERGY CASES I & III	)	NO. 01129592
	)	
[REDACTED], [REDACTED],	)	
	)	DEPOSITION OF
Plaintiffs,	)	
	)	FATHER [REDACTED]
vs.	)	
	)	SAN FRANCISCO, CALIFORNIA
DEFENDANT DOE 1, et al.,	)	
	)	WEDNESDAY, NOVEMBER 9, 2005
Defendants.	)	
	)	
[REDACTED],	)	
[REDACTED],	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
ARCHDIOCESE, et al.,	)	
	)	
Defendants.	)	
	)	
[REDACTED],	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
ARCHDIOCESE, et al.,	)	
	)	
Defendants.	)	
	)	

1 JOHN DOE, [REDACTED], [REDACTED], )  
2 Plaintiffs, )  
3 vs. ) NO. BC308365  
4 DEFENDANT DOE 1, et al., )  
5 Defendants. )  
6 \_\_\_\_\_ )  
7 [REDACTED], [REDACTED], [REDACTED], )  
8 Plaintiffs, )  
9 vs. ) NO. 01132360  
10 XAVIER HARRIS, et al., )  
11 Defendants. )  
12 \_\_\_\_\_ )  
13 [REDACTED], )  
14 Plaintiff, )  
15 vs. ) NO. 01129866  
16 XAVIER HARRIS, et al., )  
17 \_\_\_\_\_ )  
18 JOHN DD DOE, )  
19 Plaintiff, )  
20 vs. ) NO. BC307493  
21 DEFENDANT DOE 1, et al., )  
22 Defendants. )  
23 \_\_\_\_\_ )  
24 JOHN ROE 2, )  
25 Plaintiff, )  
26 vs. ) NO. 01132382  
27 ARCHDIOCESE, et al. )  
28 \_\_\_\_\_ )

1	[REDACTED], [REDACTED],	)	
2	Plaintiffs,	)	
3	vs.	)	NO. 01164855
4	ARCHDIOCESE, et al.,	)	
5	Defendants.	)	
6	_____ JOHN DOE 1,	)	
7	Plaintiff,	)	
8	vs.	)	NO. BC308364
9	DEFENDANT DOE 1, et al.,	)	
10	Defendants.	)	
11	_____ [REDACTED],	)	
12	Plaintiff,	)	
13	vs.	)	NO. 01110943
14	DEFENDANT DOE 1, et al.,	)	
15	Defendants.	)	
16	_____ JOHN ROE 3,	)	
17	Plaintiff,	)	
18	vs.	)	NO. 01132999
19	ARCHDIOCESE, et al.,	)	
20	Defendants.	)	
21	_____ JOHN DOE 22,	)	
22	Plaintiff,	)	
23	vs.	)	NO. RG03 105954
24		)	
25		)	

1	PROVINCE OF SANTA BARBARA OF THE	)	
2	ORDER OF PRIESTS MINOR OF THE	)	
3	ROMAN CATHOLIC CHURCH, et al.,	)	
4	Defendants.	)	
5	JOHN DOE 39,	)	
6	Plaintiff,	)	
7	vs.	)	NO. RG03 105954
8	FRANCISCAN FRIARS OF CALIFORNIA,	)	
9	INC., et al.,	)	
10	Defendants.	)	
11	[REDACTED],	)	
12	Plaintiff,	)	
13	vs.	)	NO. BC 307934
14	DEFENDANT DOE 1, et al.,	)	
15	Defendants.	)	
16	[REDACTED], [REDACTED],	)	
17	[REDACTED],	)	
18	Plaintiffs,	)	
19	vs.	)	NO. BC 304904
20	DEFENDANT DOE 1, et al.,	)	
21	Defendants.	)	
22	[REDACTED],	)	
23	Plaintiff,	)	
24	vs.	)	NO. BC 308608
25	DEFENDANT DOE 1, et al.,	)	

1		)	
	Defendants.	)	
2		)	
	_____	)	
3	[REDACTED], [REDACTED],	)	
		)	
4	Plaintiffs,	)	
		)	
5	vs.	)	NO. BC 307919
		)	
6	DEFENDANT DOE 1, et al.,	)	
		)	
7	Defendants.	)	
	_____	)	
8	[REDACTED],	)	
		)	
9		)	
	Plaintiff,	)	
10		)	
	vs.	)	NO. BC 308364
11		)	
	DEFENDANT DOE 1, et al.,	)	
12		)	
	Defendants.	)	
13	_____	)	
		)	
14	[REDACTED],	)	
		)	
15	Plaintiff,	)	
		)	
16	vs.	)	NO. 01132381
		)	
17	DEFENDANT DOE 1, et al.,	)	
		)	
18	Defendants.	)	
	_____	)	
19	JOHN ROE 1,	)	
		)	
20		)	
	Plaintiff,	)	
21		)	
	vs.	)	NO. BC 01132380
22		)	
	DEFENDANT DOE 1, et al.,	)	
23		)	
	Defendants.	)	
24	_____	)	
		)	
25	JOHN ROE 4,	)	
		)	

1                   Plaintiff,                         )  
  )  
2      vs.   ) NO. 01156450  
  )  
3      DEFENDANT DOE 1, et al.,                         )  
  )  
4                   Defendants.                         )

5 \_\_\_\_\_ )  
 6 [REDACTED], )  
 7 Plaintiff, )  
 8 vs. ) NO. 01131929  
 9 DEFENDANT DOE 1, et al., )  
 Defendants. )

10 \_\_\_\_\_ )  
11 [REDACTED], )  
12 Plaintiff, )  
13 vs. ) NO. BC307274  
14 DEFENDANT DOE 1, et al., )  
15 Defendants. )

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Reported by THERESA A. DARNELL, CSR NO. 9966  
PRS Job No. 43-293622

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Deposition of FATHER [REDACTED], taken  
on behalf of Plaintiffs, at One Sansome Street, Suite  
1400, San Francisco, California, beginning at 10:06  
a.m. and ending at 3:25 p.m. on Wednesday, November 9,  
2005, before Theresa Darnell, Certified Shorthand  
Reporter No. 9966.



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14 (None)

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10:05:05 1 San Francisco, California, Wednesday, November 9, 2005

10:05:05 2

10:05:05 3 THE VIDEO OPERATOR: Good morning. My name

10:05:54 4 is William Hanson with Paulson Reporting and

10:05:56 5 Litigation Services located at 44 Montgomery Street,

10:06:00 6 Suite 810, San Francisco, California 94104.

10:06:03 7 This is the deposition of [REDACTED] in

10:06:06 8 the matter of the clergy cases. This deposition is

10:06:09 9 taking place at Lewis, Brisbois, Bisguard and Smith,

10:06:13 10 One Sansome Street, Suite 1400, San Francisco,

10:06:17 11 California. This deposition is being videotaped and

10:06:21 12 audiotaped at all times unless specified to go off the

10:06:24 13 record. This deposition is now commencing at

10:06:28 14 10:06 a.m. on Wednesday, November 9th, 2005.

10:06:32 15 Would all present please identify themselves

10:06:33 16 beginning with the witness.

10:06:33 17 THE WITNESS: I'm [REDACTED], Franciscan

10:06:37 18 priest.

10:06:40 19 MR. HANCE: Bryan Hance of Lewis, Brisbois,

10:06:41 20 Bisgaard & Smith for the deponent and the Franciscan

10:06:45 21 Friars of California and Clergy I.

10:06:46 22 MR. MATIASIC: Paul Matiasic, Lewis,

10:06:46 23 Brisbois, Bisgaard & Smith for the deponent and the

10:06:50 24 Franciscan Friars of California.

10:06:53 25 MR. HABEL: James Habel, Hennigan, Bennett &

10:06:56 1 Dorman for the Archdiocese of Los Angeles and  
10:06:56 2 defendant liaison counsel and Clergy I.

10:07:00 3 MR. TISDALE: John Tisdale, Gilbert, Kelly,  
10:07:01 4 Crowley & Jennett, for the Archdiocese of Los Angeles.

10:07:05 5 MR. WATERS: Rob Waters, the Drivon Law Firm,  
10:07:09 6 for various plaintiffs.

10:07:12 7 MR. NYE: David Nye, Nye, Peabody & Stirling,  
10:07:12 8 various plaintiffs.

10:07:12 9 MR. HALE: Tim Hale, also Nye, Peabody, for  
10:07:12 10 various plaintiffs.

10:07:12 11 MS. SALMON: Susan Salmon, O'Melveny & Myers,  
10:07:12 12 for the Archdiocese of Los Angeles.

10:07:12 13 MR. TERRY: Tom Terry, Sutter, O'Connell &  
10:07:12 14 Farchione, for potential insured -- monitoring a  
10:07:12 15 potential insured -- insurer.

10:07:12 16 MS. SMITH: Audrey Smith for the Law Firm of  
10:07:12 17 Howie & Smith for various alleged perpetrators.

10:07:12 18 THE VIDEO OPERATOR: Thank you. Would the  
10:07:12 19 court reporter please swear in the witness.

10:07:12 20 (The oath was administered.)

10:07:17 21 EXAMINATION

10:07:17 22 BY MR. HALE:

10:07:45 23 Q Good morning, Father [REDACTED].

10:07:47 24 A Good morning.

10:07:48 25 Q Could you -- could you spell your middle and

10:07:49 1 last name for the -- for the record, please?

10:07:52 2 A My middle name would be [REDACTED],

10:07:53 3 [REDACTED]. My last name is [REDACTED],

10:07:58 4 [REDACTED].

10:08:02 5 Q Okay, thanks.

10:08:05 6 MR. HANCE: Tim, as I've done in the past,

10:08:06 7 I'd like to just put on the record an objection to the

10:08:09 8 deposition notice to the --

10:08:09 9 MR. HALE: Sure.

10:08:10 10 MR. HANCE: -- extent it notices Father

10:08:12 11 [REDACTED] as a hierarchy witness.

10:08:16 12 MR. HABEL: Join.

10:08:18 13 MR. HALE: Objections are noted.

10:08:19 14 Q Father [REDACTED], have you ever had your

10:08:23 15 deposition taken before?

10:08:23 16 A No.

10:08:24 17 Q Okay. I'm sure you've discussed the ground

10:08:26 18 rules of the deposition with your attorneys. I'm just

10:08:28 19 going to go over them briefly for the record.

10:08:31 20 First of all, have your attorneys explained

10:08:33 21 the process to you regarding the deposition?

10:08:35 22 A Yes.

10:08:35 23 Q Okay. Do you understand your testimony today

10:08:37 24 has the same force and effect as if you were sitting

10:08:40 25 in a court of law before a judge and a jury?

10:08:42 1 A Yes.

10:08:43 2 Q And you understand you've been placed under  
10:08:45 3 oath by the reporter?

10:08:46 4 A Yes.

10:08:47 5 Q Okay. Have you consumed any alcohol in the  
10:08:49 6 last 12 hours that might somehow impair your ability  
10:08:53 7 to testify?

10:08:53 8 A No.

10:08:54 9 Q What about any drugs in the last 24 hours  
10:08:56 10 that might impair your ability to testify?

10:08:59 11 A I took a couple of Ibuprofens this morning.

10:09:02 12 Q Okay. Is that going to affect your ability  
10:09:04 13 to testify at all?

10:09:06 14 A (Nods negatively).

10:09:07 15 Q Great.

10:09:08 16 A No.

10:09:08 17 Q Is there any reason the deposition cannot go  
10:09:11 18 forward today?

10:09:11 19 A No.

10:09:13 20 Q Any reason you cannot give your best  
10:09:14 21 testimony today?

10:09:15 22 A No.

10:09:16 23 Q Great. Okay. You're doing a great job of  
10:09:19 24 letting me ask my questions before you answer. It's  
10:09:22 25 very important so that we have a clear record that we

10:09:25 1 each -- that we speak one at a time, so when I ask my  
10:09:27 2 question, try and wait for me to finish my question,  
10:09:28 3 even though a lot of the times, you'll probably know  
10:09:28 4 what I'm going to ask you. By the same token, when  
10:09:29 5 you respond to one of my questions, I'll do my best,  
10:09:32 6 and I may screw up here occasionally as well. I'll do  
10:09:35 7 my best to not interrupt your response. Okay?

10:09:38 8 A Okay.

10:09:38 9 Q Great. We don't want you to guess to any --  
10:09:40 10 any of the questions we ask you today. We are  
10:09:44 11 entitled to your best estimate to any of those  
10:09:46 12 questions. Do you understand the difference between a  
10:09:48 13 guess and an estimate?

10:09:51 14 A I -- I think so. Sometimes an estimate may  
10:09:59 15 not be too exact either.

10:10:00 16 Q That's okay as long as you're not guessing.  
10:10:03 17 If I ask a question or if any attorney here asks you a  
10:10:08 18 question, and you don't understand what that question  
10:10:10 19 is, feel free to ask us to rephrase and explain the  
10:10:14 20 question. If you don't -- if you answer a question,  
10:10:16 21 though, I'm going to assume you understood what I  
10:10:19 22 meant by the question. Do you understand that?

10:10:21 23 A Yes.

10:10:21 24 Q Okay. At the end of your testimony today,  
10:10:23 25 it's going to be placed into a typed booklet form that



10:10:26 1 the court reporter is typing out, and you'll be given  
10:10:28 2 a chance to review it and make any changes you think  
10:10:31 3 are necessary, but keep in mind, if you do make any  
10:10:34 4 changes, either myself or any other attorney will be  
10:10:37 5 free to comment on those changes at the time of trial  
10:10:40 6 in this matter, so it's very important that you give  
10:10:42 7 your best testimony today. Do you understand that?

10:10:44 8 A Yes.

10:10:44 9 Q Okay. You're also doing a great job of  
10:10:46 10 responding affirmatively to the questions I ask you.  
10:10:49 11 Just keep that up. What we want to avoid, so we've a  
10:10:54 12 clear record, is avoid nodding the head and avoid  
10:10:57 13 uh-huh and huh-uhs. You're doing a great job of that,  
10:11:00 14 just proceed as you are proceeding. If you need to  
10:11:00 15 take a break at anytime, just let me know. We're not  
10:11:03 16 holding you prisoner here. And do you have any  
10:11:05 17 questions regarding the whole deposition process? Do  
10:11:10 18 you have any questions at all?

10:11:11 19 A No.

10:11:12 20 Q Okay. Great. Did you read any documents in  
10:11:14 21 preparation for your deposition today?

10:11:16 22 A Any documents?

10:11:17 23 Q Uh-huh.

10:11:18 24 A What do you understand by documents?

10:11:21 25 Q Any piece of paper with writing on it.

10:11:24 1 A No.

10:11:25 2 Q Okay. Let's -- I'd like to start by just  
10:11:28 3 getting your educational background and your  
10:11:32 4 employment history with the Franciscans, so let's  
10:11:33 5 start with your education. Did you attend  
10:11:36 6 St. Anthony's seminar?

10:11:37 7 A Yes.

10:11:38 8 Q Okay. Did you attend -- was that a six-year  
10:11:40 9 program at the time?

10:11:41 10 A Yes.

10:11:41 11 Q And what year did you start at St. Anthony's  
10:11:44 12 Seminary?

10:11:46 13 A 1932.

10:11:50 14 Q Okay. And so that would mean you finished in  
10:11:55 15 1938?

10:11:56 16 A That's right.

10:11:57 17 Q Okay. And you received your high school  
10:11:58 18 degree from St. Anthony's?

10:12:00 19 A Yes.

10:12:03 20 Q And those last two years were -- was it your  
10:12:07 21 understanding they were the equivalent of junior  
10:12:10 22 college?

10:12:10 23 A Yes.

10:12:10 24 Q Okay. Great. After that, did you go to San  
10:12:14 25 Luis Rey?

10:12:14 1 A Yes.

10:12:15 2 Q Okay. How many years were you at San Luis

10:12:19 3 Rey?

10:12:19 4 A Three years.

10:12:27 5 Q Okay. So did you finish there in 1941?

10:12:31 6 A Yes. Yes.

10:12:35 7 Q Okay. Did you receive a degree from San Luis

10:12:40 8 Rey? Did you receive the equivalent of a bachelor's?

10:12:43 9 A I don't know. I don't know.

10:12:45 10 Q Okay. That's the same answer Father [REDACTED]

10:12:48 11 gave yesterday, so that's fine, we'll leave it at

10:12:51 12 that. After San Luis Rey, did you go to the

10:12:54 13 Franciscan School of Theology?

10:12:56 14 A I went to Santa Barbara. If you say that's

10:12:59 15 the school of theology, that's where we all went for

10:13:05 16 our four years before ordination.

10:13:06 17 Q Okay. What was it called at the time?

10:13:10 18 A I guess -- I guess Theological -- well, I

10:13:15 19 don't know what you'd call it. Everybody went there

10:13:18 20 for four years, and then we were ordained at the end

10:13:21 21 of the four years.

10:13:23 22 Q But it was a theological seminary?

10:13:26 23 A Sure.

10:13:27 24 Q Okay. And so you say you graduated, so you

10:13:32 25 graduated in 1945?

10:13:34 1 A 1944, I was ordained.

10:13:37 2 Q Okay.

10:13:42 3 A No, I was ordained in '43, and I graduated in  
10:13:45 4 '44.

10:13:54 5 Q And then Father [REDACTED] referred to something  
10:13:56 6 he called a simplex year yesterday. Did you have a  
10:14:00 7 simplex year?

10:14:01 8 A Sure.

10:14:01 9 Q Was that after 1944 or was that the 1944 --

10:14:05 10 A '43, we were ordained.

10:14:08 11 Q Okay.

10:14:08 12 A And then the following year is the simplex  
10:14:11 13 year.

10:14:12 14 Q Okay. Then when you completed your simplex  
10:14:14 15 year, that's when the graduation happened basically,  
10:14:18 16 is that --

10:14:18 17 A Yeah, and they gave you the Cora -- the  
10:14:21 18 ability to hear confessions and preach.

10:14:27 19 Q Okay. After you finished your simplex year,  
10:14:30 20 any further education after that?

10:14:33 21 A Well, I -- here, I'm summarizing in general.  
10:14:39 22 I went for about 16 years at U.S.F.

10:14:45 23 Q Oh.

10:14:46 24 A For summer school.

10:14:48 25 Q Okay.

10:14:49 1 A And then I went one year for my master's in  
10:14:53 2 biology.

10:14:53 3 Q What years were you going to summer school at  
10:14:59 4 U.S.F.?

10:14:59 5 A The whole 16 years after '44, I guess.

10:15:02 6 Q So from approximately '44 to '60?

10:15:05 7 A (Nods affirmatively).

10:15:06 8 Q Why only in the summers?

10:15:08 9 A Because I taught the rest of the year.

10:15:10 10 Q At St. Anthony's?

10:15:12 11 A Yeah.

10:15:13 12 Q Okay. What were you studying at U.S.F. in  
10:15:17 13 those 16 summers?

10:15:19 14 A Basically, whatever was necessary for me to  
10:15:25 15 get my master's in biology.

10:15:29 16 Q Okay. And --

10:15:30 17 A Which means chemistry, algebra and then  
10:15:37 18 some -- some educational courses.

10:15:42 19 Q Okay. And then it sounds like you spent one  
10:15:46 20 full year at U.S.F.?

10:15:48 21 A Yeah.

10:15:48 22 Q When was that?

10:15:50 23 A I'm not sure.

10:15:50 24 Q Roughly, was it after 1960 or was it in that  
10:15:57 25 16-year period?

10:15:59 1 A I guess it was the end of the 16-year period,  
10:16:02 2 I guess. Yeah, I guess somewhere around '6 --  
10:16:07 3 somewhere around '65 -- wait a minute. Somewhere  
10:16:10 4 around '65.

10:16:10 5 Q Okay. Then did that year culminate with your  
10:16:15 6 graduating with a master's from U.S.F.?

10:16:18 7 A Yeah. Let's see. I might have had to go to  
10:16:28 8 summer school one or two summers to fulfill the  
10:16:31 9 requirements for a master's.

10:16:33 10 Q Okay.

10:16:33 11 A If so, I did it at U.S.F.

10:16:37 12 Q Okay. For that one full year you attended  
10:16:40 13 U.S.F., were you -- I take it you were not a member of  
10:16:44 14 the faculty at St. Anthony's?

10:16:47 15 A No.

10:16:47 16 Q Were you in residence somewhere?

10:16:50 17 A St. Anthony's Church.

10:16:51 18 Q Is that in San Francisco or --

10:16:53 19 A Yeah, 3215 Army.

10:17:06 20 Q Okay. So let's go back to '44. You finished  
10:17:10 21 your simplex year, your first assignment, is that  
10:17:14 22 St. Anthony's Seminary in Santa Barbara?

10:17:16 23 A First assignment was four months in Spokane.

10:17:19 24 Q Okay. Where in Spokane?

10:17:23 25 A St. Francis Church.

10:17:48 1 Q And what was your assignment there?

10:17:49 2 A I was assistant pastor.

10:17:53 3 Q Who was the pastor?

10:17:55 4 A Luke.

10:17:56 5 Q What was Father Luke's last name?

10:17:59 6 A Powelson.

10:18:00 7 Q And were there any other assistant pastors?

10:18:06 8 A Yeah, but I forget the name of the person.

10:18:09 9 Q I know it's been a while. Were there any

10:18:12 10 other Franciscans in residence there?

10:18:16 11 A None that I can recall.

10:18:18 12 Q Okay. Were there any other Franciscans who

10:18:20 13 were just helping out there?

10:18:23 14 A Not that I know of.

10:18:24 15 Q Okay.

10:18:26 16 A Not that I can recall, put it that way.

10:18:29 17 Q Okay. At the end of your four months, what

10:18:32 18 was your next assignment?

10:18:33 19 A They sent me to Los Angeles to take some

10:18:39 20 summer courses.

10:18:42 21 Q Was that in 1945?

10:18:44 22 A Yeah.

10:18:47 23 Q Before we leave Spokane, is Saint Francis the

10:18:54 24 only Franciscan -- well, is that a Franciscan run

10:18:57 25 parish, obviously?

10:18:58 1 A Yes.

10:18:59 2 Q Is that the only Franciscan run parish in  
10:19:02 3 Spokane, to your knowledge?

10:19:04 4 A The only one in Spokane, we had another  
10:19:08 5 parish on the outskirts, but I forget the name of it.

10:19:11 6 Q In the State of Washington?

10:19:15 7 A Yeah, it's in the State of Washington,  
10:19:17 8 outside of Spokane.

10:19:19 9 Q So to your knowledge, there were two  
10:19:21 10 Franciscan run parishes in the eastern Washington  
10:19:25 11 area?

10:19:25 12 A Correct.

10:19:26 13 Q And then you said you were sent to L.A. to  
10:19:29 14 take some summer school classes in 1945.

10:19:32 15 A Uh-huh.

10:19:32 16 Q What was the subject of those classes?

10:19:35 17 A Well, the man that I was replacing set me up  
10:19:40 18 for a physics class and a chemistry class. The only  
10:19:47 19 trouble with that was, Father Luke didn't let me go in  
10:19:52 20 Spokane until January -- July, and by that time, I was  
10:19:56 21 no longer eligible to get any credits.

10:20:02 22 Q Okay.

10:20:03 23 A So I -- whatever, I know I took, I guess it  
10:20:07 24 was chemistry, I just -- I audited it.

10:20:13 25 Q Okay. Where was that at, what school?



10:20:16 1 A I think it was U.C.L.A.

10:20:19 2 Q Okay. And were you in residence somewhere  
10:20:22 3 that year?

10:20:26 4 A Yeah, Saint Joseph's.

10:20:29 5 Q Who was the pastor at Saint Joseph's while  
10:20:40 6 you were there?

10:20:41 7 A I don't remember.

10:20:41 8 Q Were there associate pastors?

10:20:43 9 A Oh, sure, there was three or four.

10:20:45 10 Q And do you remember who they were?

10:20:47 11 A No, I can't think of their names.

10:20:49 12 Q Okay. Was Father Austin an associate pastor  
10:20:52 13 there?

10:20:53 14 A Father who?

10:20:55 15 Q Austin?

10:20:55 16 A Not that I know of.

10:20:57 17 Q Okay. Do you know who Edmond Austin is?

10:21:00 18 A Yeah. The name is -- means I ought to know  
10:21:03 19 who he is, but if I want to get a picture in my mind  
10:21:10 20 of who he is, I can't.

10:21:11 21 Q Okay. How long were you at Saint Joseph's?

10:21:14 22 A Saint Joseph's, just for the summer.

10:21:18 23 Q Did you work anywhere else that summer other  
10:21:24 24 than Saint Joseph's?

10:21:25 25 A That was enough.

10:21:27 1 Q Okay.

10:21:27 2 A Between summer courses and weekends.

10:21:31 3 Q Okay. What was your next assignment?

10:21:34 4 A Then I went up to the seminary to teach.

10:21:37 5 Q Okay. And was that still in 1945?

10:21:41 6 A Yeah. 1944, I guess it would be.

10:21:47 7 Q Okay. So summer in L.A. was probably '44,

10:21:51 8 then?

10:21:51 9 A Yeah.

10:21:51 10 Q Okay. How long did the assignment at

10:21:54 11 St. Anthony's last for?

10:21:55 12 A I started in '44, and I ended in '68.

10:22:03 13 Q Okay.

10:22:05 14 A With one year out for my master's at U.S.F.

10:22:10 15 Q And that would have been around 1965?

10:22:13 16 A What?

10:22:14 17 Q For the one year, you're one year away?

10:22:17 18 A I guess so.

10:22:17 19 Q Okay. Somewhere in the early '60s, mid '60s?

10:22:21 20 A Yeah.

10:22:21 21 Q Okay. Fair enough. Why did you break away

10:22:27 22 from your -- it sounded like you had been doing summer

10:22:32 23 school pretty regularly. Why did you decide to take a

10:22:36 24 full year and devote it or did you decide to take a

10:22:40 25 full year and devote it to your master's?

10:22:43 1 A The reason I went was, I practically had to  
10:22:46 2 start from scratch to fill in all the undergraduate  
10:22:52 3 courses, and then I did that for about 12 years, 14  
10:22:54 4 years -- 12 years, something like that, and then I saw  
10:22:56 5 the rector and said, "I need a year out to work for my  
10:23:02 6 master's," and he said, "Okay." So I went for a year.

10:23:05 7 Q Okay. Was there any other reason you wanted  
10:23:07 8 to take a year away from St. Anthony's and go work  
10:23:12 9 your master's?

10:23:14 10 A Yes. It was necessary to get my masters.

10:23:17 11 Q Okay. What was your next assignment after  
10:23:21 12 St. Anthony's in '68?

10:23:27 13 A 1968, St. Anthony's Church San Francisco. I  
10:23:33 14 was assistant.

10:23:40 15 Q How long did that assignment last?

10:23:46 16 A I guess three or four years.

10:23:49 17 Q So around 1968 to 1971, '72?

10:24:00 18 A Around in there, yeah.

10:24:02 19 Q Okay. Who was the pastor there while you  
10:24:05 20 were at St. Anthony's?

10:24:15 21 MR. HANCE: You're talking about the church.

10:24:18 22 MR. HALE: Yeah.

10:24:20 23 THE WITNESS: St. Anthony's Church. I forget  
10:24:22 24 his name. I should know it.

10:24:28 25 BY MR. HALE:

10:24:28 1 Q Okay. Do you remember who the other  
10:24:31 2 assistants -- I assume there were other assistant  
10:24:34 3 pastors?

10:24:34 4 A Yeah, but I don't remember those either. I  
10:24:37 5 imagine there were two or three there.

10:24:38 6 Q Do you remember if there were any Franciscans  
10:24:40 7 in residence at St. Anthony's during that three to  
10:24:44 8 four-year time period?

10:24:47 9 A No.

10:24:48 10 Q Okay. What was your next assignment? Well,  
10:24:54 11 actually before I ask you that, were there any  
10:24:56 12 Franciscans who were just living at St. Anthony's or  
10:25:00 13 just assisting at St. Anthony's?

10:25:02 14 A Maybe Father Christopher.

10:25:06 15 Q What was Father Christopher's last name?

10:25:10 16 A Byrne, B-y-r-n-e.

10:25:16 17 Q Okay. Anyone else?

10:25:17 18 A Nobody else that I can think of.

10:25:18 19 Q Okay. What was your next assignment?

10:25:20 20 A Next assignment -- well, it wasn't strictly  
10:25:22 21 speaking an assignment. We ended up with 80 cents at  
10:25:27 22 the end of one month in our treasury, so I told the  
10:25:32 23 pastor, I said, "I'm in charge of the books and money,  
10:25:35 24 and we've only got 80 cents left, so I'd better go out  
10:25:41 25 and get a job," so I said, "I'm going to look around,

10:25:45 1 and then maybe I'll be able to find something." He  
10:25:48 2 says, "Okay." I saw the provincial, and then I went  
10:25:51 3 over and took three months in -- what do you call  
10:26:00 4 that -- those three -- preparatory for taking --  
10:26:04 5 becoming a chaplain.

10:26:06 6 Q Okay. Okay. Were you still in residence at  
10:26:10 7 St. Anthony's though?

10:26:11 8 A St. Anthony's, yes.

10:26:12 9 Q Okay. What was your first assignment or  
10:26:15 10 first transfer after St. Anthony's?

10:26:17 11 A After St. Anthony's transfer?

10:26:19 12 Q Uh-huh.

10:26:27 13 A I can't think of any. I guess it was to  
10:26:34 14 Mercy Center.

10:26:35 15 Q Where is that at?

10:26:37 16 A That's in 34th Avenue, it's -- it's 3431 Foot  
10:26:48 17 Hill Boulevard.

10:26:50 18 Q Is that a hospital?

10:26:50 19 A No, it's a retirement home.

10:26:55 20 Q Oh, okay. Okay. And what was your  
10:26:58 21 assignment there?

10:26:59 22 A I was retired.

10:27:01 23 Q In '72?

10:27:02 24 A No, this was -- let's see. Now, it's --

10:27:07 25 MR. MATIASIC: Counsel, I don't think you

10:27:08 1 asked him the date. You just asked him what his next  
10:27:12 2 assignment was as opposed to the date. I think that's  
10:27:15 3 where the confusion is.

10:27:15 4 BY MR. HALE:

10:27:16 5 Q Okay. My understanding is you were at  
10:27:18 6 St. Anthony's from '68 to '71 or '72?

10:27:19 7 A Then I stayed there and was chaplain for 12  
10:27:22 8 years.

10:27:23 9 Q Okay.

10:27:24 10 A At St. Mary's.

10:27:24 11 Q Okay. St. Mary's in --

10:27:25 12 A Hospital.

10:27:26 13 Q Okay. So you were still in residence at  
10:27:33 14 St. Anthony's?

10:27:34 15 A That's right.

10:27:34 16 Q But you were assigned somewhere else?

10:27:37 17 A That's true.

10:27:38 18 Q So how long were you in residence at  
10:27:40 19 St. Anthony's?

10:27:40 20 A Oh, about 12 years.

10:27:42 21 Q So until about 1980?

10:27:45 22 A Wait a minute. I was -- and then I retired  
10:27:50 23 from being chaplain at St. Mary's, and I was at  
10:27:58 24 St. Anthony's for about two years, and then they  
10:28:00 25 assigned me to Mercy Center.

10:28:02 1 Q So what year do you think you moved from  
10:28:05 2 St. Anthony's, in other words, you were no longer in  
10:28:08 3 residence there, '82?

10:28:10 4 A No longer in residence, you mean when I went  
10:28:13 5 to Mercy Center? A year ago.

10:28:15 6 Q So from 1968 up until a year ago, you've been  
10:28:19 7 in residence ever since?

10:28:21 8 A St. Anthony's, yeah.

10:28:22 9 Q Were you ever in residence in Stockton?

10:28:25 10 A Yeah.

10:28:25 11 Q When was that?

10:28:27 12 A When I left the -- when I -- when the  
10:28:34 13 Provincial moved me from St. Anthony's -- from the  
10:28:39 14 seminary in '68, I went up to Stockton for four years  
10:28:46 15 and taught at St. Mary's High.

10:28:48 16 Q Okay. So let me make sure I'm clear here.  
10:28:52 17 So from 1964 to 1968, you were on the St. Anthony's  
10:28:57 18 Seminary faculty in Santa Barbara?

10:28:58 19 A Would you repeat that again, please?

10:29:00 20 Q Sure. From I'm sorry, 1944 to 1968, you were  
10:29:03 21 on the faculty of St. Anthony's Seminary in Santa  
10:29:07 22 Barbara?

10:29:08 23 A Except for the year I went to study --

10:29:08 24 Q Right. And then from 1968 to '72, you were  
10:29:12 25 in Stockton?

10:29:14 1 A Uh-huh.

10:29:14 2 Q Okay. Where were you at in Stockton?

10:29:18 3 A St. Mary's, I think that's the name of it,  
10:29:21 4 St. Mary's in Stockton.

10:29:25 5 Q And what was your assignment?

10:29:30 6 A I was teacher at St. Mary's High in Stockton  
10:29:35 7 for four years.

10:29:42 8 Q Is that a seminary or is that just a regular  
10:29:47 9 high school?

10:29:48 10 A It's a regular high school, coed high school.

10:29:51 11 Q And were you in residence -- was there a --  
10:29:55 12 that's okay. Were you in residence at a rectory in  
10:29:59 13 St. Mary's?

10:30:00 14 A (Nods affirmatively).

10:30:01 15 Q Is there a rectory at St. Mary's?

10:30:03 16 A Yeah, I was at the parish there at  
10:30:06 17 St. Mary's.

10:30:07 18 Q So there's a parish and a high school?

10:30:10 19 A Well, the parish is downtown, and the high  
10:30:12 20 school is about, oh, a mile and a half, two miles  
10:30:16 21 away.

10:30:17 22 Q Okay.

10:30:18 23 A So every morning I would --

10:30:24 24 MR. HANCE: Father, there's no question  
10:30:27 25 pending.



10:30:30 1 THE WITNESS: Okay.

10:30:32 2 BY MR. HALE:

10:30:32 3 Q Who was the pastor at the parish while you  
10:30:36 4 were at St. Mary's?

10:30:47 5 A I forget his name, but he's left the order  
10:30:51 6 since then.

10:30:52 7 Q Okay. Do you remember who the assistant  
10:30:55 8 pastors were?

10:31:03 9 A I guess it would be Walter Holly.

10:31:06 10 Q Okay. And he was a former seminarian; is  
10:31:10 11 that right?

10:31:11 12 A Who.

10:31:11 13 Q Walter Holly?

10:31:14 14 A No, he's a priest.

10:31:17 15 Q Was he a seminarian while you were on the  
10:31:18 16 faculty?

10:31:20 17 A No.

10:31:20 18 Q Okay. Anyone else?

10:31:36 19 A Father -- I forget his name, but he was a --  
10:31:41 20 he was a -- he was chaplain to one of the -- to the --  
10:31:52 21 to the -- one of the mental hospitals there.

10:31:57 22 Q Okay. Any other assistants?

10:32:06 23 A I don't recall.

10:32:07 24 Q Okay. Fair enough. Were there any  
10:32:09 25 Franciscans in residence there like you?

10:32:13 1 A Just the father, what's his name, the one  
10:32:17 2 that was in charge of the mental hospital, went to the  
10:32:20 3 mental hospital.

10:32:20 4 Q Were there any other Franciscans on the  
10:32:22 5 faculty at St. Mary's High School while you were  
10:32:28 6 there?

10:32:29 7 A Yeah.

10:32:30 8 Q Who was that?

10:32:31 9 A I forget his name. He's present pastor in  
10:32:36 10 San Francisco in a black parish down in Hunter's  
10:32:39 11 Point.

10:32:40 12 Q Okay. Just one other Franciscan on the  
10:32:43 13 faculty while you were at St. Mary's High School?

10:32:46 14 A That was the other one.

10:32:49 15 Q You and the other pastor you just referenced?

10:32:57 16 A That's right.

10:32:58 17 Q Who was the principal? Well, let me ask you  
10:33:00 18 this, was the principal a Franciscan? No?

10:33:05 19 A Wait a minute. I'm not sure. I'm not sure.  
10:33:22 20 I'm not sure.

10:33:22 21 Q Okay. So you were -- and then you were  
10:33:25 22 transferred from St. Mary's in around 1972?

10:33:28 23 A Yeah.

10:33:29 24 Q And then you went to St. Anthony's in  
10:33:31 25 San Francisco?

10:33:31 1 A Yes.

10:33:32 2 Q Okay. And you were at St. Anthony's in

10:33:35 3 San Francisco from 1972 until you retired?

10:33:39 4 A Yeah.

10:33:42 5 Q What year did you retire?

10:33:54 6 A Let's see. I suppose two years ago, two and

10:33:58 7 a half years ago.

10:34:11 8 Q So you retired in 2002?

10:34:14 9 A Yeah.

10:34:15 10 Q Okay.

10:34:16 11 A It might have been 2001.

10:34:17 12 Q Okay. That's all right. And when you first

10:34:20 13 got there, you were an associate pastor?

10:34:24 14 A Where?

10:34:25 15 Q St. Anthony's.

10:34:26 16 A Yeah, for four years before I took the -- the

10:34:32 17 course which would prepare me for being a hospital

10:34:35 18 chaplain.

10:34:36 19 Q Okay. Where'd you take that course at?

10:34:41 20 A St. Mary's Hospital. Wait a minute, no. It

10:34:50 21 was in Oakland in a hospital that's gone out of

10:34:53 22 business since then. They've been assumed by the big

10:34:58 23 hospital that's there now.

10:35:00 24 Q Okay. So after four years as an assistant

10:35:03 25 pastor, you became the chaplain at St. Mary's

10:35:06 1 Hospital?

10:35:07 2 A Yeah. Yes, once I had taken the course. Six  
10:35:14 3 months were preparatory for becoming a chaplain.

10:35:18 4 Q Where is St. Mary's Hospital located? You  
10:35:22 5 don't have to give me the address. Is it in the city?

10:35:25 6 A Yeah, it's right up above the panhandle.

10:35:32 7 Q And how long were you chaplain at St. Mary's?

10:35:35 8 A About 12 years.

10:35:36 9 Q So until around 1988?

10:35:46 10 A Must have been later than that, because now  
10:35:57 11 it's in -- let's see. Subtract three years from now,  
10:36:02 12 that would be when I retired.

10:36:05 13 Q Okay. So you were chaplain at St. Mary's up  
10:36:08 14 until your retirement?

10:36:10 15 A Yeah.

10:36:10 16 Q So around 2002, 2001?

10:36:17 17 A That's right.

10:36:17 18 Q Did you have any other assignments during  
10:36:18 19 that time?

10:36:21 20 A No. Well, if you want to consider it an  
10:36:22 21 assignment, I was chaplain for Immaculate Conception  
10:36:30 22 Convent on Guerrero Street. That means I said mass  
10:36:35 23 there in the morning for each week every day for while  
10:36:38 24 I was there.

10:36:38 25 Q How long did that last, did that go on for?

10:36:41 1 A All the time I was chaplain at St. Mary's.

10:36:44 2 Q So same time period?

10:36:46 3 A Yeah.

10:36:47 4 Q I'm sorry. What was the convent called

10:36:50 5 again?

10:36:51 6 A Immaculate Conception. It's a convent.

10:36:58 7 Q And all this time, you were in residence at

10:37:04 8 St. Anthony's, correct?

10:37:07 9 A Yes.

10:37:07 10 Q And during that time, were you also assisting

10:37:10 11 at St. Anthony's doing parish work?

10:37:13 12 A No.

10:37:14 13 Q Never?

10:37:15 14 A Well, only to this extent, that occasionally

10:37:18 15 I might have taken a mass, but that's about all.

10:37:26 16 Q Any other assignments while you were at

10:37:28 17 St. Anthony's?

10:37:31 18 MR. HANCE: You're talking about the church?

10:37:34 19 THE WITNESS: None that I can recall.

10:37:34 20 MR. HALE: Yeah, the church still.

10:37:37 21 THE WITNESS: None that I can recall.

10:37:38 22 BY MR. HALE:

10:37:38 23 Q Okay. Were you the only chaplain at

10:37:52 24 St. Mary's Hospital during that --

10:37:53 25 A No.

10:37:56 1 Q Who were the other chaplains?

10:37:57 2 A Father Smith.

10:37:58 3 Q Is he a Franciscan?

10:37:59 4 A No.

10:38:00 5 Q Any other Franciscans who were chaplains at

10:38:04 6 St. Mary's Hospital?

10:38:04 7 A No. They had, I think, for one summer,

10:38:10 8 Father Lucias was helping out for three months or so,

10:38:13 9 but on a steady basis, I was the only one.

10:38:17 10 Q Okay. And what about at Immaculate

10:38:21 11 Conception, any other Franciscans that assisted you

10:38:25 12 there?

10:38:25 13 A No.

10:38:26 14 Q All right. When you joined the St. Anthony's

10:38:45 15 Seminary Faculty in Santa Barbara in 1944, was Father

10:38:51 16 [REDACTED] the rector?

10:38:52 17 A That's right.

10:38:53 18 Q And was Father [REDACTED] the prefect?

10:38:54 19 A Father who?

10:38:54 20 Q [REDACTED].

10:38:54 21 A [REDACTED], yeah.

10:38:58 22 Q And was Father [REDACTED] succeeded as rector

10:39:04 23 by --

10:39:05 24 A He was --

10:39:06 25 Q Go ahead. Go ahead.

10:39:11 1 MR. HANCE: Let him finish the question,  
10:39:15 2 please.

10:39:15 3 BY MR. HALE:

10:39:15 4 Q I think you answered it for me. You  
10:39:18 5 definitely anticipated my question correctly. I was  
10:39:19 6 going to say, was he succeeded by Father Harris, but  
10:39:20 7 it sounds like you were going to say he was succeeded  
10:39:20 8 by Father [REDACTED] --

10:39:20 9 A [REDACTED].

10:39:21 10 Q [REDACTED]. Who followed -- who followed  
10:39:22 11 [REDACTED]?

10:39:24 12 A I believe it was Xavier Harris.

10:39:34 13 Q Okay. How long was [REDACTED] the rector?

10:39:42 14 A A year or two.

10:39:50 15 Q So you were under three different rectors  
10:39:52 16 during your approximately 14-year career at  
10:39:55 17 St. Anthony's seminary; is that right?

10:39:58 18 A Four, I believe.

10:39:59 19 Q Who was the fourth?

10:40:16 20 A He's now chairman of the religion department  
10:40:20 21 at -- at --

10:40:22 22 Q At the F.S.T., no?

10:40:25 23 A No, he's down in -- he's down in -- Mercy --  
10:40:29 24 Mercy System, they run a high school down there or  
10:40:32 25 college, and he was chairman of the religion

10:40:35 1 department. Let's see, we got -- I guess that's all I  
10:40:44 2 can do.

10:40:45 3 Q Okay. But you think there was a fourth  
10:40:46 4 rector in there or --

10:40:49 5 A I thought there was a fourth, but I can't  
10:40:51 6 recall.

10:40:52 7 Q Okay. All right. And after -- do you  
10:40:53 8 remember who the prefect was after Father [REDACTED]?

10:40:56 9 A I guess Father Mario Cimmarrusti.

10:41:05 10 Q Was Father McKeon the prefect before Father  
10:41:09 11 Cimmarrusti?

10:41:10 12 A I don't think so. He was assistant, I think.

10:41:13 13 Q Okay. So you think it went from [REDACTED] to  
10:41:32 14 Cimmarrusti as far as the prefect goes?

10:41:34 15 A I think so.

10:41:35 16 Q Okay. Was there an assistant prefect when  
10:41:38 17 you first arrived at St. Anthony's?

10:41:43 18 A Assistant prefect --

10:41:49 19 MR. HANCE: Counsel, just so were clear when  
10:41:51 20 you say St. Anthony's, since St. Anthony's -- he's got  
10:41:54 21 a number of St. Anthony's.

10:41:56 22 MR. HALE: The only thing is, I doubt there  
10:41:58 23 was a prefect at St. Anthony's Parish.

10:42:01 24 Q Was there a prefect at St. Anthony's Parish?

10:42:20 25 A St. Anthony's Parish?



10:42:20 1 Q Right.

10:42:20 2 A Where?

10:42:20 3 Q In San Francisco.

10:42:20 4 A No.

10:42:20 5 Q I mean, I think a prefect is a pretty unique  
10:42:20 6 thing.

10:42:20 7 MR. HANCE: No, I know. I'm just saying for  
10:42:20 8 the future today, maybe we could say the seminary  
10:42:25 9 versus the --

10:42:26 10 MR. HALE: Okay. Just kick me under the  
10:42:29 11 table.

10:42:30 12 THE WITNESS: I can't think of who the  
10:42:30 13 prefect was.

10:42:30 14 BY MR. HALE:

10:42:30 15 Q Were you ever an assistant prefect?

10:42:33 16 A I don't think so. If I was, it's a blur. I  
10:42:36 17 don't -- nothing outstanding about it.

10:42:42 18 Q But is it possible that you were the  
10:42:45 19 assistant prefect, and you've just forgotten?

10:42:50 20 A Possible.

10:42:51 21 Q Okay. Do you know who the infirmarian was  
10:42:55 22 when you first arrived at St. Anthony's Seminary?

10:43:08 23 A Really, there was, I guess, a retired -- I  
10:43:12 24 don't know if it was a doctor or it was a nurse, that  
10:43:15 25 he handled that -- that -- that office. We used to

10:43:22 1 call him Dad. I don't know how long he was there.

10:43:25 2 Q He was the infirmarian?

10:43:29 3 A Oh, he was the one they called upon, yeah.

10:43:31 4 Q Okay. But was he the one the infirmarian  
10:43:35 5 would call if someone needed medical care?

10:43:38 6 A I think so.

10:43:38 7 Q Okay. But he was not the infirmarian?

10:43:41 8 A I don't think so. I can't narrow it down to  
10:43:43 9 that extent.

10:43:44 10 Q Okay. Do you recall, was the infirmarian  
10:43:45 11 usually a student or was it usually the prefect of  
10:43:51 12 discipline or the assistant prefect?

10:43:54 13 A I don't know. Mario Cimmarrusti was there  
10:43:59 14 for quite awhile, and I don't know about the time  
10:44:03 15 frame before that.

10:44:04 16 Q Okay. So you don't remember if it was a  
10:44:07 17 student or if it was a faculty member?

10:44:10 18 A No.

10:44:10 19 Q Do you remember whether you thought it was  
10:44:13 20 unusual that Mario was the infirmarian?

10:44:16 21 A No.

10:44:33 22 Q Okay. I want to go back to the '60s when you  
10:44:36 23 were at St. Anthony's Seminary. At some point, was  
10:44:39 24 there a redemptorist priest who joined the faculty at  
10:44:44 25 St. Anthony's?

10:44:45 1 A There was a redemptorist priest there, and he  
10:44:50 2 came when they moved some redemptorist seminarians to  
10:45:00 3 the seminary.

10:45:00 4 Q Do you know why that happened?

10:45:03 5 MR. HANCE: Calls for speculation.

10:45:03 6 THE WITNESS: No.

10:45:04 7 BY MR. HALE:

10:45:04 8 Q Do you remember how many redemptorist  
10:45:09 9 seminarians transferred to St. Anthony's?

10:45:12 10 A I could guess 10 or 15.

10:45:16 11 Q Okay. Do you remember the priest's name?

10:45:20 12 A (Nods negatively).

10:45:21 13 Q Was it Father [REDACTED]?

10:45:23 14 A Yeah.

10:45:23 15 Q [REDACTED]?

10:45:27 16 A That's right.

10:45:27 17 Q Okay. Do you recall what year it was that  
10:45:30 18 Father [REDACTED] arrived at St. Anthony's Seminary?

10:45:37 19 A No.

10:45:37 20 Q Okay. When he -- did he join the faculty at  
10:45:43 21 St. Anthony's Seminary?

10:45:45 22 A Yeah.

10:45:45 23 Q Did he teach classes?

10:45:49 24 A I don't remember.

10:45:50 25 Q Okay. But he did not become a Franciscan,

10:45:53 1 did he?

10:45:54 2 A No. No. No.

10:45:55 3 Q Was he still there when you left in 1968?

10:45:59 4 A Yeah.

10:46:00 5 Q Okay. Do you recall him attending every  
10:46:04 6 faculty meeting you attended?

10:46:08 7 A I don't recall that he attended any -- any  
10:46:13 8 faculty meetings.

10:46:14 9 Q Okay. Was he considered part of the  
10:46:17 10 St. Anthony's Seminary faculty?

10:46:20 11 A (Nods affirmatively.)

10:46:21 12 Q Is that a yes?

10:46:23 13 A Yeah, sure.

10:46:25 14 Q Do you remember a -- did you know any of the  
10:46:29 15 redemptorist seminarians who transferred to  
10:46:34 16 St. Anthony's?

10:46:35 17 A I may have, but no names come up.

10:46:40 18 Q Okay. Let me run a name by you and see if it  
10:46:43 19 rings any bells. Do you remember a redemptorist  
10:46:47 20 seminarian named Timothy Van Hooten?

10:46:51 21 A No.

10:46:51 22 Q Do you remember a circumstance where a  
10:46:54 23 seminarian ran away from the seminary and stowed away  
10:46:58 24 on a plane and ultimately ended up in Hawaii?

10:47:01 25 A No.

10:47:02 1 Q Would that have been shocking to you if that  
10:47:05 2 had happened?

10:47:06 3 A Yeah.

10:47:06 4 Q Okay. During your time at St. Anthony's  
10:47:17 5 Seminary, did you ever see a priest walk out of a  
10:47:20 6 liturgy before it was over?

10:47:25 7 A No.

10:47:26 8 Q Did you ever see Father [REDACTED] walk out of a  
10:47:29 9 liturgy before it was over?

10:47:31 10 A No.

10:47:39 11 Q While you were on the seminary faculty, did  
10:47:43 12 you have a habit of taking students under your wing if  
10:47:47 13 you observed them having a problem in school such as  
10:47:51 14 integrating with classmates?

10:47:54 15 MR. MATIASIC: Vague and ambiguous.

10:47:55 16 BY MR. HALE:

10:47:55 17 Q Is that a no?

10:47:56 18 A Yeah, no.

10:47:57 19 Q Do you remember a student named [REDACTED]  
10:48:00 20 [REDACTED], [REDACTED]?

10:48:03 21 A [REDACTED]?

10:48:03 22 Q Yes.

10:48:04 23 A Yeah.

10:48:05 24 Q And what do you remember about him?

10:48:07 25 A I remember that he was a very fine student,

10:48:16 1 and he -- he graduated from the seminary, went to  
10:48:25 2 theology, and I think he left just before the  
10:48:35 3 diaconate. I think it was just before he became a  
10:48:40 4 deacon. It may have been after, but I know he left  
10:48:42 5 before he became a priest.

10:48:44 6 Q Okay. Do you recall whether shortly before  
10:48:51 7 he was ordained, he was told that he was going to be  
10:48:56 8 assigned to the faculty at St. Anthony's Seminary?

10:49:01 9 A No.

10:49:01 10 Q No? Did you ever ask him why he left?

10:49:06 11 A No.

10:49:08 12 Q Was it unusual in your experience for someone  
10:49:10 13 to go that far in the process and then quit?

10:49:13 14 MR. HANCE: Vague and ambiguous. You can  
10:49:14 15 answer.

10:49:16 16 MR. MATIASIC: And it's a incomplete  
10:49:18 17 hypothetical.

10:49:18 18 THE WITNESS: No, because that was in the  
10:49:20 19 years of Vatican II, and we lost a number of students  
10:49:27 20 around that time.

10:49:30 21 BY MR. HALE:

10:49:30 22 Q Okay. Do you know why he quit?

10:49:32 23 A No.

10:49:32 24 Q Have you ever heard anyone talk about why he  
10:49:34 25 quit?

10:49:35 1 A No.

10:49:36 2 Q Did it cause any kind of scandal amongst --  
10:49:41 3 in the community -- when I refer to the community,  
10:49:44 4 will you understand that to mean whoever the  
10:49:46 5 Franciscans were living at whatever your place of  
10:49:50 6 assignment was?

10:49:51 7 A No.

10:49:51 8 MR. MATIASIC: Are you asking him to  
10:49:53 9 understand --

10:49:54 10 MR. HALE: Good point.

10:49:55 11 Q Counsel makes a good point. When I refer to  
10:49:56 12 community, what I'm referring to is the Franciscans  
10:50:00 13 who were either in residence or assigned to wherever  
10:50:03 14 you were assigned to at that time. Do you understand  
10:50:06 15 that?

10:50:07 16 A Uh-huh.

10:50:07 17 Q Is that a yes?

10:50:09 18 A Yeah.

10:50:09 19 Q Okay.

10:50:10 20 A Because he was -- he went through legitimate  
10:50:13 21 channels.

10:50:13 22 Q I'm sorry, what?

10:50:14 23 A He went through legitimate channels.

10:50:18 24 Q What were the legitimate channels?

10:50:22 25 A Well, he consulted with the provincial, and

10:50:26 1 he got permission to leave.

10:50:28 2 Q Okay. Did you talk to him before he left?

10:50:33 3 A No.

10:50:33 4 Q Did he ever tell you that he would never go  
10:50:36 5 back to St. Anthony's Seminary to teach?

10:50:40 6 A To teach? No.

10:50:41 7 Q Okay. Did he ever tell you he would never go  
10:50:44 8 back to St. Anthony's Seminary?

10:50:47 9 A No.

10:50:48 10 Q Okay. Did you ever hear that he had said  
10:50:49 11 that?

10:50:50 12 A No.

10:50:55 13 Q What about Vatican II -- do you have an  
10:50:59 14 opinion as to what it was about Vatican II that was  
10:51:02 15 causing this defection of priests?

10:51:05 16 MR. HANCE: Vague and ambiguous.

10:51:06 17 MR. MATIASIC: And misstates his testimony.

10:51:08 18 MR. HALE: You can answer.

10:51:09 19 THE WITNESS: Oh. No, it was just -- just  
10:51:17 20 that I guess -- I don't know exactly why, why -- why  
10:51:35 21 these priests would leave. The only ones that I would  
10:51:39 22 be familiar with would be some of the people that were  
10:51:43 23 at the seminary, went to San Luis Rey, and then left  
10:51:47 24 from there or the Old Mission, and I don't know.

10:51:51 25 BY MR. HALE:



10:51:51 1 Q Okay. When was the last time you spoke to

10:51:55 2 [REDACTED]?

10:51:55 3 A [REDACTED]?

10:51:57 4 Q Uh-huh.

10:51:58 5 A About five years -- I guess about five years  
10:52:01 6 ago.

10:52:01 7 Q He remained a deacon for quite a while,  
10:52:07 8 wasn't that correct?

10:52:09 9 MR. HANCE: Vague and ambiguous.

10:52:09 10 THE WITNESS: No, because I think that when  
10:52:13 11 he was -- got permission to leave, he no longer was a  
10:52:18 12 deacon. Maybe he's still a deacon, I don't know. But  
10:52:25 13 he left went up to Seattle and got married up there.

10:52:30 14 BY MR. HALE:

10:52:30 15 Q Did he maintain some kind of association with  
10:52:33 16 the province after he left?

10:52:34 17 A Not that I know of.

10:52:35 18 Q And how was it that you maintained contact  
10:52:38 19 with him? Was it just on a friendly basis?

10:52:40 20 A Yeah.

10:52:41 21 Q And when you spoke to him five years ago,  
10:52:43 22 what did you talk about?

10:52:45 23 A Nothing. He just -- I'd ask him how he was  
10:52:51 24 coming along with his job up there, how his marriage  
10:52:55 25 was.

10:52:56 1 Q Okay. Since he's left the Franciscans, have  
10:52:59 2 you spoken to him on an annual basis?

10:53:01 3 A No.

10:53:02 4 Q How often have you -- how many times have you  
10:53:04 5 spoken to him since he left the province?

10:53:10 6 A I guess two or three times. I send him a  
10:53:16 7 Christmas card. He sends me one.

10:53:18 8 Q Okay. Do you remember a seminarian named [REDACTED]  
10:53:21 9 [REDACTED]?

10:53:22 10 A Sure.

10:53:23 11 Q What do you remember about [REDACTED]?

10:53:25 12 MR. MATIASIC: Vague and ambiguous. Are you  
10:53:26 13 talking about what he looked like or how he did in  
10:53:29 14 school or -- Counsel, you want to narrow it down at  
10:53:33 15 all?

10:53:34 16 MR. HALE: No.

10:53:35 17 Q You can answer.

10:53:36 18 A He was -- he was a little -- he was somewhat  
10:53:44 19 on the conservative side, and -- and when any changes  
10:53:53 20 were introduced, it took him awhile to accommodate to  
10:53:59 21 'em.

10:54:03 22 Q When you say, "was somewhat on the  
10:54:05 23 conservative side," how did that conservative side  
10:54:09 24 manifest itself so you could observe it?

10:54:12 25 A Well, for instance, normally, we would

10:54:18 1 receive communion in the Catholic church by mouth.

10:54:25 2 Q Okay.

10:54:25 3 A And Vatican II, I forget exactly where it is  
10:54:31 4 in there that it occurs, but they were receiving it in  
10:54:35 5 the hand. You'd put your hand out and receive  
10:54:38 6 communion. And that -- when somebody did that, it  
10:54:47 7 upset him. So I had to tell him that it was okay.

10:54:53 8 Q Okay. Anything else, any other examples you  
10:54:58 9 can think of [REDACTED] conservative side manifesting  
10:55:04 10 itself in a way you observed?

10:55:06 11 A That's about the main thing.

10:55:07 12 Q Okay. Did he used to come and visit you when  
10:55:12 13 you were at St. Anthony's in San Francisco?

10:55:16 14 A Yeah.

10:55:16 15 Q And did he visit you for a while when you  
10:55:20 16 were at St. Mary's in Stockton?

10:55:29 17 A No.

10:55:30 18 Q When you were at St. Mary's in Stockton was  
10:55:33 19 Father Cimmarrusti ever in residence there or staying  
10:55:35 20 there?

10:55:36 21 A No.

10:55:36 22 Q Okay. Was [REDACTED] in any of your classes when  
10:55:41 23 you were on the faculty at the seminary?

10:55:43 24 A [REDACTED]

10:55:45 25 Q Yes.

10:55:45 1 A I guess he was in the -- my biology class.

10:55:51 2 Q Okay. Did you ever counsel him?

10:55:54 3 A No. He'd talk with me occasionally when he  
10:55:59 4 was upset about something.

10:56:00 5 Q What kind of things would you guys talk about  
10:56:03 6 when he was upset about something?

10:56:05 7 A Receiving communion in the hand, for example.

10:56:07 8 Q Okay. Anything else?

10:56:10 9 A No, not that I can recall.

10:56:11 10 Q Okay. Do you recall asking him if he wanted  
10:56:14 11 to change counselors from Father [REDACTED] to you?

10:56:20 12 A [REDACTED]?

10:56:22 13 Q Yes.

10:56:24 14 A I don't think that the individuals had a  
10:56:36 15 counselor or if they had a counselor, that they were  
10:56:40 16 free to change from one to the other. Maybe they  
10:56:44 17 were. Most of the time, we sent them to the spiritual  
10:56:48 18 director.

10:56:49 19 Q Okay. That was an interesting answer, but  
10:57:06 20 you didn't quite answer my question. Did you  
10:57:08 21 recall -- I mean, it sounds like probably you don't,  
10:57:12 22 but do you recollect him asking you or you asking him  
10:57:16 23 if he wanted to change his counselor from Father [REDACTED]  
10:57:21 24 to you?

10:57:21 25 A No. No.

10:57:23 1 Q Do you recall ever asking [REDACTED] if he was  
10:57:27 2 having problems?

10:57:28 3 A No.

10:57:29 4 Q Do you recall ever observing that you thought  
10:57:32 5 he was upset about something?

10:57:35 6 MR. MATIASIC: Other than what he's already  
10:57:36 7 testified to?

10:57:41 8 MR. HALE: Correct.

10:57:42 9 THE WITNESS: The only instance that I can  
10:57:45 10 think of would be receiving communion in the hand.

10:57:48 11 BY MR. HALE:

10:57:48 12 Q Okay. Do you recall telling him that word  
10:57:52 13 had gotten out that he was not doing very well  
10:57:56 14 socially at St. Anthony's Seminary?

10:58:04 15 A I think we took that for granted because when  
10:58:09 16 we have a faculty meeting that came up, one of the  
10:58:14 17 things that the rector did -- I think it was the  
10:58:18 18 rector, maybe it was the prefect, was talk to the  
10:58:20 19 individual and say, "Okay, you should improve in these  
10:58:23 20 areas."

10:58:24 21 Q Okay. So I want to make sure I understand  
10:58:29 22 your testimony. Is it your testimony that during a  
10:58:31 23 faculty meeting, it was discussed that [REDACTED] was not  
10:58:34 24 doing well socially at the seminary?

10:58:36 25 A (No audible response.)

10:58:37 1 Q Is that a yes?

10:58:38 2 A Yes.

10:58:38 3 Q I'm sorry. We need an affirmative for the  
10:58:41 4 record.

10:58:42 5 Do you remember who brought that up? Did you  
10:58:43 6 bring that up?

10:58:44 7 A I forget. No, I don't believe I brought it  
10:58:47 8 up.

10:58:47 9 Q Okay. Was it Father -- Father Harris?

10:58:57 10 A It's probably the prefect, I guess it would  
10:59:00 11 be Marshall or whoever was the prefect.

10:59:04 12 Q Do you have a recollection of Father  
10:59:06 13 Cimmarrusti bringing up the fact that [REDACTED] was not  
10:59:10 14 integrating socially with the other seminarians?

10:59:15 15 A I just know that it was obvious to the  
10:59:19 16 faculty or to the person who spoke to it that he  
10:59:23 17 wasn't integrating the way he should.

10:59:27 18 Q How was it obvious that he was not  
10:59:29 19 integrating?

10:59:30 20 A I guess -- I guess going to the -- on  
10:59:39 21 picnics, he would more or less go by himself -- go  
10:59:43 22 with one or two other people. He didn't fit in with  
10:59:49 23 the whole group as much as you might like him to.

10:59:53 24 Q And was there any discussion at the faculty  
10:59:55 25 meeting of how to address [REDACTED]'s difficulty in

11:00:00 1 integrating with the other seminarians?

11:00:02 2 A No. That would be up to the prefect to talk  
11:00:06 3 with him and explain that he wasn't getting along  
11:00:09 4 socially, and these were the points where he should  
11:00:13 5 work on.

11:00:14 6 Q Was there any discussion of what might have  
11:00:16 7 caused [REDACTED] struggling to integrate with the other  
11:00:23 8 seminarians?

11:00:25 9 A No.

11:00:25 10 Q Was there any concern that it was a sign of  
11:00:28 11 some sort of problem [REDACTED] was having at the seminary?

11:00:34 12 MR. HANCE: Vague and ambiguous.

11:00:35 13 MR. MATIASIC: You're talking about concern  
11:00:36 14 of the entire faculty or individuals?

11:00:39 15 MR. HALE: Uh-huh.

11:00:40 16 THE WITNESS: Would you repeat the question?

11:00:42 17 BY MR. HALE:

11:00:42 18 Q Was there any discussion at this faculty  
11:00:42 19 meeting where anyone expressed concern about what this  
11:00:46 20 problem signified for [REDACTED]

11:00:49 21 A No.

11:00:50 22 Q Was it common or uncommon for seminarians to  
11:00:54 23 have problems integrating with other seminarians?

11:00:57 24 MR. HANCE: Vague and ambiguous.

11:00:58 25 THE WITNESS: I'd say sporadic, possibly one

11:01:06 1 of the other ones. The only one that I can think of  
11:01:10 2 right offhand would be him.

11:01:12 3 BY MR. HALE:

11:01:12 4 Q Okay. Did the faculty have any specific  
11:01:15 5 steps that they would take if a seminarian was  
11:01:21 6 identified as having problems integrating with other  
11:01:23 7 seminarians?

11:01:23 8 MR. MATIASIC: Other than what he's already  
11:01:25 9 testified to?

11:01:26 10 MR. HALE: Yeah, and the prefect, right.

11:01:27 11 THE WITNESS: No, it would be up to the  
11:01:28 12 prefect, and the prefect would counsel them, and then  
11:01:31 13 maybe send them to the spiritual director. I don't  
11:01:35 14 know.

11:01:35 15 BY MR. HALE:

11:01:35 16 Q So is it your understanding that it was  
11:01:37 17 within the prefect's discretion to determine how to  
11:01:42 18 handle a situation such as [REDACTED]'s regarding his  
11:01:44 19 difficulty in integrating?

11:01:48 20 A Either the prefect or the rector.

11:01:51 21 Q Okay.

11:01:52 22 A But that would be mostly prefect.

11:01:55 23 Q Okay. In light of this discussion about --  
11:02:03 24 this discussion involving [REDACTED] at the faculty meeting,  
11:02:08 25 do you have any recollection of asking [REDACTED] if he was



11:02:10 1 having problems, personally, one on one in other  
11:02:13 2 words?

11:02:13 3 A No.

11:02:14 4 Q Okay. Were there ever any discussions that  
11:02:26 5 [REDACTED] was having some kind of mental problems?

11:02:29 6 MR. HANCE: Vague and ambiguous.

11:02:31 7 THE WITNESS: Not that I can recall.

11:02:33 8 BY MR. HALE:

11:02:33 9 Q Okay. How many times have you spoken with  
11:02:35 10 him since he graduated from the seminary? And you  
11:02:43 11 don't have to give me an exact number, an  
11:02:50 12 approximation is fine.

11:02:51 13 A Maybe two times.

11:02:52 14 Q And those times were when he came to visit  
11:02:55 15 you at St. Anthony's?

11:02:57 16 A No. He wanted to join the third order.

11:03:00 17 Q Okay.

11:03:02 18 A And I referred him to Father -- what's his  
11:03:10 19 name? Anyway, the man that was the head of the third  
11:03:14 20 order.

11:03:15 21 Q Okay. Did he call you or did he come to see  
11:03:18 22 you in person?

11:03:21 23 A I think he wrote a letter.

11:03:23 24 Q Okay.

11:03:41 25 MR. HANCE: How you doing, Father?

11:03:42 1 THE WITNESS: All right.

11:03:45 2 BY MR. HALE:

11:03:45 3 Q Yeah, if you need to take a break, just let  
11:03:50 4 me know.

11:03:51 5 Has he ever discussed with you his  
11:03:54 6 experiences with Father Cimmarrusti?

11:03:56 7 A Who, [REDACTED]?

11:03:58 8 Q Right.

11:03:59 9 A No.

11:03:59 10 Q Are you aware that he says that he was abused  
11:04:03 11 by Father Cimmarrusti?

11:04:03 12 A No.

11:04:04 13 Q You never heard that?

11:04:06 14 A No.

11:04:06 15 MR. MATIASIC: Other than anything he may  
11:04:08 16 have heard from his counsel.

11:04:10 17 BY MR. HALE:

11:04:10 18 Q Other than anything you may have heard from  
11:04:14 19 your attorneys, you've never heard that he says he was  
11:04:20 20 abused by Father Cimmarrusti?

11:04:22 21 A (No audible response.)

11:04:23 22 Q Is that a no?

11:04:28 23 A No.

11:04:30 24 Q Sorry. For the record, we've got to be  
11:04:32 25 clear.

11:04:35 1 Are you aware that he has filed a lawsuit  
11:04:37 2 regarding the abuse by Father Cimmarrusti?

11:04:41 3 A No.

11:04:41 4 Q Does that surprise you?

11:04:46 5 A Yes.

11:04:47 6 Q Why does it surprise you?

11:04:49 7 A I guess primarily because I can't imagine him  
11:04:54 8 getting worked up to the extent that he would take  
11:05:00 9 that step, take steps like that.

11:05:15 10 Q Have you ever spoken with Father Cimmarrusti  
11:05:19 11 about his conduct in the 1960s at St. Anthony's  
11:05:23 12 Seminary?

11:05:23 13 MR. HANCE: Vague and ambiguous.

11:05:24 14 THE WITNESS: No.

11:05:45 15 BY MR. HALE:

11:05:45 16 Q After you were reassigned from -- you were  
11:05:50 17 transferred from St. Anthony's, did you ever write  
11:05:52 18 [REDACTED]?

11:05:53 19 A No.

11:05:53 20 Q Did you ever write him and tell him that the  
11:05:57 21 transfer was the great crisis of your religious life?

11:06:02 22 A No.

11:06:03 23 Q Did you ever tell anyone that the transfer  
11:06:04 24 from St. Anthony's Seminary was the crisis of your  
11:06:08 25 religious life?

11:06:11 1 A No. No, I just mentioned that it was hard to  
11:06:14 2 take.

11:06:14 3 Q Why was it hard to take?

11:06:18 4 A Because I was pretty well set at the  
11:06:25 5 seminary. I had been there for a long, long time,  
11:06:28 6 and -- and -- and then when I was changed -- it was  
11:06:38 7 just hard to take because it -- changing -- I guess --  
11:06:42 8 I guess they had a good reason for changing me, but in  
11:06:45 9 all events, nobody ever sat down and explained why I  
11:06:50 10 was changed.

11:06:51 11 Q Did you ever object when you received notice  
11:06:53 12 of the reassignment?

11:06:55 13 A We didn't do that in those days. Now, it  
11:07:00 14 might be different.

11:07:04 15 Q Did you ever hear anyone -- strike that.

11:07:10 16 Have you ever heard why it was you were  
11:07:12 17 transferred from St. Anthony's Seminary?

11:07:17 18 A (No audible response.)

11:07:17 19 Q And to this --

11:07:19 20 A No, the only -- I would guess that maybe  
11:07:22 21 because --

11:07:25 22 Q Well --

11:07:27 23 MR. MATIASIC: Father, don't guess. If you  
11:07:30 24 know, tell him, but don't guess.

11:07:31 25 BY MR. HALE:

11:07:31 1 Q But have you formed an opinion as to why you  
11:07:34 2 were transferred from St. Anthony's Seminary in 1968?

11:07:38 3 A No. Maybe -- maybe because I'm conservative.

11:07:44 4 Q Okay. So that was something you and [REDACTED] had  
11:07:47 5 in common?

11:07:51 6 A Me and [REDACTED]?

11:07:54 7 Q Being conservative?

11:07:58 8 A I don't know.

11:07:59 9 Q Didn't you testify earlier that he was a  
11:07:59 10 conservative guy?

11:07:59 11 A Yeah.

11:07:59 12 Q Did you get to know [REDACTED] fairly well?

11:08:02 13 A No.

11:08:02 14 MR. HANCE: Vague and ambiguous.

11:08:04 15 THE WITNESS: Well, what do you mean?

11:08:08 16 BY MR. HALE:

11:08:08 17 Q I mean, how many times did you speak with him  
11:08:10 18 while you were at the seminary?

11:08:13 19 A Oh, different times. I'd say maybe -- maybe  
11:08:26 20 once or twice a month, I don't know.

11:08:28 21 Q Okay. Did you have something of a close  
11:08:30 22 relationship -- and the reason I ask is, he continued  
11:08:34 23 to visit you on summer breaks when you left  
11:08:37 24 St. Anthony's, right?

11:08:38 25 A No.

11:08:38 1 Q He did not?

11:08:42 2 A (No audible response.)

11:08:42 3 Q He did not come and visit you at

11:08:46 4 St. Anthony's Parish in San Francisco?

11:08:47 5 A No.

11:08:48 6 Q Okay. And so your only contact with him --

11:08:51 7 it's your testimony that your only contact with him

11:08:54 8 after you left the seminary were the two -- the two

11:08:58 9 communications you had, one was a written

11:09:00 10 correspondence?

11:09:01 11 A Yeah, when he wanted to join the third order.

11:09:05 12 Q And what was the other one about?

11:09:07 13 A Both of those.

11:09:09 14 Q And was the second one a written

11:09:11 15 communication as well?

11:09:12 16 A I forget.

11:09:13 17 Q And aside from those two instances, you've

11:09:16 18 had no further contact with [REDACTED] after you left the

11:09:19 19 seminary?

11:09:19 20 A No.

11:09:20 21 Q And you had no further contact with [REDACTED]

11:09:22 22 during summer school break from -- from St. Anthony's

11:09:27 23 Seminary?

11:09:27 24 A No.

11:09:45 25 Q Do you have an opinion as to whether the

11:09:47 1 abuse allegations by [REDACTED] regarding Father Cimmarrusti

11:09:51 2 are true?

11:09:53 3 MR. HANCE: Calls for speculation.

11:09:54 4 MR. MATIASIC: Calls for speculation.

11:09:56 5 BY MR. HALE:

11:09:56 6 Q You can answer.

11:09:58 7 A I have no idea.

11:09:58 8 Q Okay. Are you familiar with [REDACTED]?

11:10:01 9 A Who's [REDACTED] -- who's [REDACTED]?

11:10:08 10 Q I was asking you. But let's take a break and

11:10:12 11 maybe your counsel can fill you in while we're on a

11:10:19 12 break.

11:10:19 13 A Okay.

11:10:20 14 THE VIDEO OPERATOR: Off the record at

11:10:25 15 11:10 a.m.

11:20:38 16 (Recess.)

11:20:39 17 THE VIDEO OPERATOR: On the record at

11:20:40 18 11:20 a.m.

11:20:42 19 MR. MATIASIC: After listening to Father

11:20:44 20 [REDACTED]'s assignment and work history, the Archdiocese

11:20:49 21 will reiterate its objection to the deposition notice

11:20:54 22 to the extent that the notice purports to notice

11:20:59 23 Father [REDACTED] as a hierarchy witness for the

11:21:03 24 Archdiocese of Los Angeles.

11:21:06 25 MR. HANCE: And also, Counsel, we spoke with

11:21:08 1 Father [REDACTED] on the break, and he wanted to clear up  
11:21:12 2 his testimony. I think he was a little confused by  
11:21:15 3 your questions regarding his contact with [REDACTED]  
11:21:15 4 after the seminary.

11:21:15 5 BY MR. HALE:

11:21:15 6 Q Okay. Father, fire away.

11:21:17 7 MR. HANCE: If you want, Tim, I'll ask him a  
11:21:19 8 question --

11:21:20 9 MR. HALE: Yeah, that's fine.

11:21:20 10 MR. HANCE: -- hopefully it will clear it up.

11:21:22 11 MR. HALE: That's fine.

11:21:24 12 MR. MATIASIC: Father, how many times did you  
11:21:26 13 have contact with [REDACTED] after you left  
11:21:29 14 St. Anthony's in 1968?

11:21:31 15 THE WITNESS: Once, physically.

11:21:32 16 MR. MATIASIC: And that was at St. Anthony's?

11:21:33 17 THE WITNESS: Yeah.

11:21:34 18 MR. MATIASIC: The time that you already  
11:21:36 19 recalled to Mr. Hale?

11:21:37 20 THE WITNESS: Yeah.

11:21:38 21 MR. MATIASIC: Okay. That's all.

11:21:40 22 BY MR. HALE:

11:21:40 23 Q So that was an in-person contact?

11:21:43 24 A Yeah.

11:21:44 25 Q And he came to visit you?



11:21:46 1 A Yeah, he wanted to join the third order.

11:21:49 2 Q Okay. And then was there also one written  
11:21:53 3 contact that you talked about, the letter?

11:21:55 4 A That was before that.

11:21:56 5 Q Okay. So there was two contacts after you  
11:21:59 6 left the seminary between you and [REDACTED]?

11:22:04 7 A Yeah, one contact would be the letter, and  
11:22:06 8 the other contact would be in person.

11:22:08 9 Q Okay. Fair enough. And the last time you  
11:22:22 10 had any communication with him was during whichever  
11:22:26 11 one of those two contacts came last; is that correct?

11:22:32 12 A Yeah.

11:22:33 13 Q Okay.

11:22:35 14 A Yes, uh-huh.

11:22:37 15 Q All right. And actually, Jim's objection  
11:22:43 16 raises a point that I did not get into --

11:22:46 17 MR. HANCE: Which we would join.

11:22:48 18 MR. HALE: Right. Well, let me ask the  
11:22:49 19 questions, and maybe you won't. I don't know.

11:22:51 20 Q Have you ever been on the definitorium?

11:22:54 21 A No.

11:22:54 22 Q And is the definitorium also known as the  
11:22:56 23 provincial counsel?

11:22:58 24 A That's right.

11:22:59 25 Q Okay. Have you ever been on -- is there

11:23:04 1 something called a vocations committee?

11:23:06 2 A No.

11:23:07 3 Q Vocations board?

11:23:08 4 A No.

11:23:08 5 Q Is there any entity within the province that  
11:23:11 6 deals with vocations?

11:23:14 7 A No.

11:23:14 8 Q Okay. Have you ever served on any other  
11:23:17 9 board or committee or elect -- or held an elected  
11:23:22 10 position within the province?

11:23:27 11 A No. When you speak of elected positions,  
11:23:33 12 once when we had a general meeting, the election of  
11:23:38 13 the provincial, there was a vote taken with regard to  
11:23:47 14 people of a certain age to represent them, and I was  
11:23:50 15 chosen then.

11:23:51 16 Q Okay. Did the definitorium -- the  
11:23:55 17 definitors, those are elected positions as well,  
11:24:01 18 correct?

11:24:01 19 A Uh-huh.

11:24:02 20 Q Are there any other elected positions within  
11:24:07 21 the province?

11:24:09 22 A By elected, you mean --

11:24:11 23 Q Voted on?

11:24:12 24 A Voted on?

11:24:13 25 Q Right.

11:24:13 1 MR. MATIASIC: And, Tim, do you mean province  
11:24:15 2 wide elected positions --

11:24:17 3 MR. HALE: Sure.

11:24:17 4 MR. MATIASIC: -- as opposed to local houses  
11:24:20 5 who may vote somebody take out the trash?

11:24:25 6 MR. HALE: Yeah. I'm definitely talking  
11:24:28 7 about some sort of governing body for the province.

11:24:31 8 THE WITNESS: No. When the time comes to  
11:24:33 9 make a change, the provincial and definitors choose  
11:24:42 10 which way they want to go.

11:24:44 11 BY MR. HALE:

11:24:44 12 Q Okay. And is the hierarchy of the province  
11:24:48 13 set up as follows with the provincial, vice provincial  
11:24:52 14 and then the definitors underneath those?

11:24:54 15 A Yes.

11:24:55 16 Q Okay. Is there anything underneath the  
11:24:56 17 definitors?

11:25:00 18 A There may be groups that would advise the  
11:25:06 19 provincial.

11:25:10 20 Q What kind of groups?

11:25:14 21 A Oh --

11:25:18 22 Q Were there formal titles for these groups?

11:25:22 23 A No, just committees. We've got 21  
11:25:24 24 committees -- I think it's 21 committees.

11:25:27 25 Q Have you ever served on any of those

11:25:29 1 committees?

11:25:30 2 A No.

11:25:30 3 Q What's the nature of those committees?

11:25:33 4 A They would discuss what's being taught, I

11:25:42 5 guess, what's being taught. They would discuss the --

11:25:52 6 let's see, what else they would do. Oh, they would

11:25:56 7 talk about the finances of the province or the

11:26:00 8 particular parish. They would talk about --

11:26:07 9 questioning giving up a particular parish. They would

11:26:11 10 talk, I suppose, if there was a question of moving

11:26:20 11 somebody for one reason or another because he would be

11:26:24 12 better in one position because he's very capable in a

11:26:29 13 position, so they would fill that.

11:26:32 14 Q These committees would talk about that?

11:26:34 15 A Yeah.

11:26:34 16 Q Okay. Let me ask you this, was -- did you

11:26:37 17 attend every faculty meeting that took place while you

11:26:41 18 were on the faculty at St. Anthony's Seminary?

11:26:45 19 A Unless I was sick, yeah.

11:26:47 20 Q Were the faculty meetings always conducted by

11:26:51 21 the rector?

11:26:52 22 A Yeah.

11:26:52 23 Q Was curriculum discussed at these faculty

11:26:55 24 meetings?

11:26:59 25 A No.

11:26:59 1 Q Okay. Do you know who decided school

11:27:03 2 curriculum? Was that the rector's duty?

11:27:06 3 A Basically, it would be the rector.

11:27:10 4 Q Did any of the rectors ever come to you and

11:27:14 5 ask for your input regarding school curriculum?

11:27:16 6 A No.

11:27:17 7 Q Was it your understanding that it's a

11:27:20 8 unilateral decision by the rector as far as what

11:27:23 9 curriculum is?

11:27:24 10 A Well, the rector would talk with, I guess,

11:27:27 11 the prefect of studies. He would be the Franciscan in

11:27:33 12 charge of all the studies, and if you wanted to make a

11:27:38 13 change it would make sense that he would see the --

11:27:41 14 see him and talk about it. Of course, there may be a

11:27:43 15 question like German, giving them German.

11:27:50 16 Q Who was the prefect of studies while you were

11:27:53 17 at St. Anthony's Seminary?

11:27:55 18 A There were a number of 'em. The only one I

11:27:58 19 can think of is Alfred, Alfred Boeddeker.

11:28:05 20 Q And that would have been -- he wasn't there

11:28:07 21 in the '60s, was he?

11:28:10 22 A You mean he wasn't there in the '60s in the

11:28:12 23 sense that he was prefective.

11:28:15 24 Q Was he in the St. Anthony's Seminary in the

11:28:20 25 1960s?

11:28:20 1 A No. No.

11:28:24 2 Q Okay. So there are prefects of discipline,  
11:28:28 3 prefects I'm sorry, of academics, is that what you  
11:28:36 4 were referring to?

11:28:36 5 A Prefect of studies.

11:28:39 6 Q Prefect of studies. Were there other prefect  
11:28:43 7 positions?

11:28:43 8 A No.

11:28:44 9 Q Just those two?

11:28:44 10 A Just that one prefect of studies, and the  
11:28:47 11 other one in the case that we're concerned about would  
11:28:50 12 be the rector, something concerning the faculty that's  
11:28:55 13 being taught.

11:28:56 14 Q But as far as prefect goes, there's a prefect  
11:29:01 15 of discipline, and those are the only prefects?

11:29:04 16 MR. HANCE: At what time are we talking  
11:29:11 17 about?

11:29:14 18 BY MR. HALE:

11:29:14 19 Q At any time at St. Anthony's Seminary, to  
11:29:14 20 your knowledge?

11:29:14 21 A Yes, just those two.

11:29:15 22 Q And would the prefect of studies or the  
11:29:18 23 rector have final say regarding curriculum?

11:29:21 24 A I would say, yes.

11:29:22 25 Q Well, which one? Would they vote on it or

11:29:27 1 would the rector have the final determination?

11:29:30 2 A The rector might decide, well, we'll drop  
11:29:35 3 German and introduce a year of Spanish, which makes  
11:29:41 4 more sense.

11:29:43 5 Q And that was a decision the rector could make  
11:29:45 6 unilaterally?

11:29:48 7 A Sure.

11:29:49 8 Q Okay. Who was guardian when you arrived at  
11:29:52 9 St. Anthony's Seminary?

11:29:52 10 MR. MATIASIC: In '44 or when he was a  
11:29:58 11 student?

11:30:01 12 BY MR. HALE:

11:30:01 13 Q '44.

11:30:02 14 A '44. He's a man who taught -- I forget his  
11:30:06 15 name. It slips my mind. He's a good friend of mine.  
11:30:11 16 He became a novice-master after five or six years. I  
11:30:18 17 don't know if you -- I can't think of the name.

11:30:21 18 Q Would someone -- is someone voted to be  
11:30:24 19 guardian or are they assigned to be guardian by the  
11:30:27 20 province?

11:30:27 21 A Assigned in.

11:30:29 22 Q Okay. And when someone is assigned to be  
11:30:32 23 guardian, is there a set number of years that they can  
11:30:36 24 be the guardian?

11:30:37 25 A Three, with the opportunity of reelecting

11:30:38 1 them for three more years or being appointed for three  
11:30:44 2 more years.

11:30:45 3 Q So a maximum of six years?

11:30:46 4 A As I recall, yes.

11:30:47 5 Q How many guardians -- while you were on the  
11:30:51 6 faculty at St. Anthony's, how many guardians were  
11:30:56 7 there?

11:30:56 8 A We had [REDACTED] for quite a while. Then we  
11:31:02 9 had this other man who became the rector for quite  
11:31:05 10 awhile, and then [REDACTED] was guardian for a while, and  
11:31:10 11 those are the only three that I can remember.

11:31:13 12 Q How long was Father [REDACTED] the guardian?

11:31:16 13 A Six years. I think six years.

11:31:18 14 Q Okay. Do you remember who was the rector  
11:31:24 15 before Father [REDACTED]?

11:31:26 16 MR. HANCE: I think he just said --

11:31:28 17 THE WITNESS: No.

11:31:31 18 BY MR. HALE:

11:31:31 19 Q Okay. Are you familiar with the concept of  
11:31:40 20 -- or the term sensitivity training?

11:31:44 21 A Yeah.

11:31:44 22 Q How?

11:31:48 23 A To this extent that we had one or two people  
11:31:59 24 that gave us some talks about sensitivity.

11:32:01 25 Q Okay. Do you recall there being a retreat at



11:32:07 1 the Serra Retreat House regarding sensitivity  
11:32:11 2 training?

11:32:11 3 A Not regarding sensitivity training, but it  
11:32:15 4 was conducted by people who were very much enamored of  
11:32:24 5 the whole sensitivity techniques.

11:32:27 6 Q Okay. Who was that?

11:32:28 7 A [REDACTED] was there, [REDACTED] was there, and  
11:32:35 8 they had somebody else there.

11:32:38 9 Q Did you go?

11:32:39 10 A No.

11:32:43 11 Q When you say [REDACTED], you're referring to  
11:32:46 12 [REDACTED]?

11:32:49 13 A [REDACTED], sure.

11:32:51 14 Q How did you hear about this training going on  
11:32:53 15 at the Serra Retreat House?

11:32:58 16 A This was a retreat.

11:33:01 17 Q Okay.

11:33:02 18 A And so the rector, which is Harris, Xavier  
11:33:07 19 Harris, he mentioned to me that he was going to send  
11:33:13 20 or have the retreat at Malibu, and that [REDACTED] was  
11:33:21 21 going, [REDACTED] was going on, and I forget the name of  
11:33:26 22 the other person, and I told him, well, that's all  
11:33:30 23 right, but I will stay home with another man, and  
11:33:35 24 we'll take care of the first and second years, and all  
11:33:38 25 the rest will go down to --

11:33:41 1 Q Did the third and fourth years go down to the  
11:33:44 2 retreat?

11:33:44 3 A Oh, I guess it was -- yeah, third and fourth,  
11:33:48 4 yeah.

11:33:49 5 Q Was the retreat -- so you're referring to the  
11:33:52 6 third and fourth year St. Anthony's Seminary students?

11:33:55 7 A Yeah.

11:33:56 8 Q Okay. Are you certain whether those third  
11:33:59 9 and fourth years went down to the retreat at Serra  
11:34:03 10 Retreat House or is it possible they did a sensitivity  
11:34:07 11 training retreat at the seminary?

11:34:10 12 A No, the only thing that I know is that they  
11:34:12 13 made the retreat at Malibu by those three people, and  
11:34:18 14 I know the first class did not go down there, and I  
11:34:20 15 guess the other three did, second, third, and fourth.

11:34:23 16 Q So you think sophomores, juniors and seniors  
11:34:27 17 all participated in the sensitivity training?

11:34:29 18 A Yeah -- well, sensitivity, in the sense  
11:34:32 19 that -- not in the training. The conferences that  
11:34:36 20 were given were given by people who were very much  
11:34:39 21 enamored of the sensitivity techniques.

11:34:43 22 Q Okay.

11:34:44 23 A And that -- that was -- that naturally would  
11:34:52 24 impress the students.

11:34:53 25 Q Okay. Do you recall who the people were who

11:34:55 1 gave these conferences, who led the conferences for  
11:35:00 2 the students?

11:35:01 3 A Yeah, what I mentioned.

11:35:04 4 Q Father [REDACTED] and Father [REDACTED]?

11:35:08 5 A And somebody else, I forget the names.

11:35:10 6 Q Father [REDACTED]?

11:35:12 7 A I think he was at the seminary at that time.

11:35:15 8 Q Okay. Father Cordano, did he participate in  
11:35:19 9 this?

11:35:19 10 A No.

11:35:20 11 Q No? Too conservative?

11:35:22 12 A Yeah.

11:35:24 13 Q Yeah. Why did you choose not to  
11:35:29 14 participate in the -- in the conferences?

11:35:34 15 A Because the approach was contrary to what I  
11:35:46 16 liked or felt.

11:35:47 17 Q What about the approach bothered you?

11:35:54 18 A I guess that the idea was that the people who  
11:36:08 19 open up about whatever they felt about things that  
11:36:16 20 were personal, and so when these -- this is just my  
11:36:27 21 impression.

11:36:27 22 Q I understand.

11:36:28 23 A When they open up with these people, I know  
11:36:32 24 when they came back to the seminary, they were pretty  
11:36:36 25 rough to -- very difficult to get 'em to fall into

11:36:41 1 line with the regular seminarian.

11:36:45 2 Q You're talking about the seminarians were  
11:36:47 3 rough to fall into line?

11:36:49 4 A Yeah.

11:36:50 5 Q Before the retreat they went to, was the  
11:36:54 6 faculty at St. Anthony's Seminary given any kind of  
11:36:57 7 conference only on sensitivity training?

11:37:00 8 A No.

11:37:01 9 Q How did you know what was involved? In other  
11:37:07 10 words, you chose not to go. How did you know you  
11:37:10 11 wouldn't like it?

11:37:10 12 A Because I can't figure out who -- who it was  
11:37:16 13 that gave us any talks about the technique of  
11:37:20 14 sensitivity. I can't remember who it was. That's --

11:37:23 15 Q But there was some kind of discussion about  
11:37:25 16 what it was about?

11:37:27 17 A Yeah, so -- you would walk away with the  
11:37:31 18 impression that this is what they're interested in.

11:37:33 19 Q Okay. What went on at the talks? Was it  
11:37:40 20 simply a talk or were there discussion groups or how  
11:37:43 21 did it work?

11:37:44 22 A I don't remember. Talks, I guess.

11:37:45 23 Q Did you find it offensive?

11:37:48 24 A No, I just didn't go along with it.

11:37:50 25 Q Okay. Okay.

11:37:52 1 MR. HANCE: Are we talking about talk at the  
11:37:54 2 retreat at which he was not a participant?

11:37:57 3 MR. HALE: No. There was some sort of  
11:37:59 4 training or something that he went to before that.

11:38:02 5 THE WITNESS: The sensitivity.

11:38:03 6 BY MR. HALE:

11:38:03 7 Q You say when the students came back from  
11:38:05 8 their conference, they were difficult. How were they  
11:38:08 9 difficult?

11:38:11 10 A They didn't go much for discipline.

11:38:14 11 Q Okay. Can you give me examples?

11:38:19 12 A Well, they would talk, and the regular rules  
11:38:29 13 keeping quiet didn't mean anything to 'em, and I guess  
11:38:44 14 putting -- I guess that would be the main thing that I  
11:38:47 15 noticed.

11:38:48 16 Q Okay. Were the students more touchy feely  
11:39:02 17 when they came back --

11:39:04 18 A More what?

11:39:06 19 Q More physically interactive, more touchy  
11:39:07 20 feely?

11:39:10 21 MR. HANCE: Vague and ambiguous.

11:39:13 22 BY MR. HALE:

11:39:13 23 Q Is that a yes?

11:39:15 24 A Yeah, I think so.

11:39:15 25 Q What did you observe in that regard?

11:39:18 1 MR. HANCE: Same.

11:39:18 2 THE WITNESS: Nothing, just they were more  
11:39:19 3 open.

11:39:19 4 BY MR. HALE:

11:39:19 5 Q But as far as, did you see them hugging each  
11:39:22 6 other more often or putting their arms around each  
11:39:25 7 other or what did you observe?

11:39:28 8 A I didn't observe that.

11:39:28 9 Q Okay. But you did testify something was  
11:39:30 10 different as far as their physical interaction?

11:39:33 11 A Yeah.

11:39:33 12 Q Can you give me an example what was  
11:39:35 13 different?

11:39:39 14 A The rules of silence didn't bother them at  
11:39:45 15 all.

11:39:45 16 Q Okay.

11:39:45 17 A And when it came to expressing their feelings  
11:39:48 18 that they would like to happen, they were not afraid  
11:39:51 19 to mention it.

11:39:52 20 Q Okay. But what about actual physical  
11:39:55 21 interaction, physical contact?

11:39:57 22 MR. HANCE: Vague and ambiguous.

11:39:59 23 THE WITNESS: I didn't notice anything  
11:40:01 24 special.

11:40:02 25 BY MR. HALE:

11:40:02 1 Q Okay. Among the faculty members -- well,  
11:40:08 2 among the Franciscans who participated in one of these  
11:40:12 3 conferences, did you observe any kind of changes in  
11:40:15 4 behavior regarding physical interaction?

11:40:18 5 MR. HANCE: Vague and ambiguous.

11:40:19 6 THE WITNESS: No.

11:40:20 7 BY MR. HALE:

11:40:20 8 Q Okay. Did you ever discuss with anyone, any  
11:40:23 9 Franciscans -- well, did you ever discuss with Father  
11:40:27 10 [REDACTED] your impression of -- of how the  
11:40:32 11 conferences went?

11:40:34 12 A No. I just -- I felt -- and I'm sure -- I  
11:40:44 13 believe he felt the same way.

11:40:46 14 Q Why do you believe that?

11:40:48 15 A From his attitude.

11:40:50 16 Q Okay. Did he express something to you?

11:40:52 17 A No, I could just feel he wasn't going along  
11:40:57 18 with all this business.

11:40:58 19 Q Okay. When the students returned from this  
11:41:07 20 conference, did you notice that there was more hand  
11:41:09 21 holding amongst the students than there was before?

11:41:14 22 A Not that I can remember or that stands out.

11:41:19 23 Q Okay. Did you notice there was more hugging  
11:41:22 24 amongst the students than there was before the  
11:41:25 25 conference?

11:41:26 1 A I can't recall.

11:41:26 2 Q Okay. But is it possible and you just don't  
11:41:29 3 recall?

11:41:30 4 A Pardon?

11:41:30 5 Q Is it possible that that was occurring and  
11:41:33 6 you just don't recall?

11:41:39 7 A Put it this way, I didn't observe whatever  
11:41:45 8 you -- specific attitudes or specific ways of dealing  
11:41:52 9 with things, that you asked me, I never observed any  
11:41:55 10 of it.

11:41:56 11 Q Okay.

11:41:57 12 A If you say if it's possible --

11:42:00 13 Q Okay. Fair enough. When the students  
11:42:02 14 returned from the conference, did you notice there was  
11:42:05 15 just simply more -- that there was more physical  
11:42:09 16 touching between the students than there was prior to  
11:42:11 17 the conference?

11:42:13 18 MR. HANCE: Vague and ambiguous.

11:42:15 19 THE WITNESS: Not that I noticed.

11:42:17 20 BY MR. HALE:

11:42:17 21 Q Okay. What about between students and  
11:42:20 22 faculty members, did you notice any change in the  
11:42:25 23 physical interaction after the conference?

11:42:27 24 MR. HANCE: Same objection.

11:42:29 25 THE WITNESS: No.



11:42:30 1 BY MR. HALE:

11:42:30 2 Q Did you notice any inappropriate behavior by  
11:42:32 3 the students or faculty after the conference?

11:42:34 4 MR. HANCE: Same objections.

11:42:37 5 THE WITNESS: No.

11:42:37 6 BY MR. HALE:

11:42:37 7 Q Okay. Do you know who William Coulson is?

11:42:42 8 A (No audible response.)

11:42:42 9 Q Have you ever heard anyone blame the clergy  
11:42:46 10 abuse scandal within the province on this -- these  
11:42:51 11 conferences, the conference that took place with the  
11:42:54 12 students?

11:42:55 13 MR. HANCE: Vague and ambiguous.

11:43:00 14 THE WITNESS: No.

11:43:02 15 BY MR. HALE:

11:43:02 16 Q No.? Do you remember a student named Frank  
11:43:04 17 Swendrowski?

11:43:09 18 A The name brings to mind some person that I  
11:43:23 19 think was -- I think it was at the seminary, unless  
11:43:30 20 I'm mistaken, he was a redeptorist.

11:43:33 21 Q A redeptorist seminarian?

11:43:36 22 A Yeah, I think so.

11:43:37 23 Q Do you recall an incident during a liturgy  
11:43:40 24 where he approached Father [REDACTED] and tried to put his  
11:43:43 25 arm around him?

11:43:45 1 A No.

11:43:45 2 Q Do you recall Father [REDACTED] leaving a liturgy  
11:43:48 3 and slamming a door behind him?

11:43:52 4 A (No audible response.)

11:43:53 5 Q That a no?

11:43:54 6 A Yeah, that's a no.

11:43:55 7 Q Did you ever hear about anything like that?

11:43:58 8 A No.

11:43:58 9 Q Would that have been shocking if something  
11:44:00 10 like that took place?

11:44:01 11 A No.

11:44:02 12 Q Was it common for priests to leave liturgies  
11:44:04 13 in mid ceremony?

11:44:08 14 MR. MATIASIC: Incomplete hypothetical.

11:44:09 15 BY MR. HALE:

11:44:09 16 Q In your experience?

11:44:11 17 A It would be uncommon.

11:44:12 18 Q Okay. So if Father [REDACTED] had left in mid  
11:44:15 19 liturgy, would that have been shocking to anyone who  
11:44:18 20 observed it?

11:44:19 21 MR. MATIASIC: Same objection.

11:44:21 22 MR. HANCE: Same objection.

11:44:23 23 BY MR. HALE:

11:44:23 24 Q Would that have been shocking to you?

11:44:25 25 A (No audible response.)

11:44:26 1 Q Is that a no?

11:44:27 2 A Yeah. That would merely tell me that he was  
11:44:31 3 upset about something.

11:44:32 4 Q Okay. If I refer to childhood sexual abuse  
11:44:51 5 during this deposition, do you understand that to mean  
11:44:54 6 the sexual abuse of a child under the age of 18?

11:45:00 7 MR. MATIASIC: Again, Counsel, are you saying  
11:45:01 8 that that's the definition that you are going to use  
11:45:03 9 for the deposition?

11:45:04 10 MR. HALE: No, I'm asking if he will  
11:45:06 11 understand that.

11:45:08 12 MR. MATIASIC: Understand that that's what it  
11:45:10 13 means or just asking him what his understanding of  
11:45:11 14 childhood sexual abuse --

11:45:11 15 MR. HALE: I think the question's clear.

11:45:13 16 Q You can go ahead and answer.

11:45:15 17 A Well, would you repeat this again just so --

11:45:18 18 Q Sure. If I refer to childhood sexual abuse  
11:45:21 19 during the course of this deposition, do you  
11:45:23 20 understand that to mean the abuse of a child under the  
11:45:25 21 age of 18?

11:45:27 22 A Yeah.

11:45:27 23 Q Okay. Do you draw any distinctions  
11:45:31 24 between -- do you draw any distinction between the  
11:45:37 25 sexual abuse of a adolescent and the sexual abuse of a

11:45:41 1 pre adolescent or younger child?

11:45:48 2 MR. HANCE: Vague and ambiguous.

11:45:49 3 THE WITNESS: Are you asking me if -- to what  
11:45:58 4 extent, in my own mind, there would be a difference if  
11:46:03 5 somebody abused a pre adolescent, and then in another  
11:46:08 6 case where they abused a child, is that what you're  
11:46:11 7 saying?

11:46:12 8 MR. HALE: Well, no, I think you twisted my  
11:46:14 9 question. Could you read my question back?

11:46:27 10 (Record read as requested.)

11:46:28 11 MR. MATIASIC: Calls for an expert opinion.

11:46:30 12 MR. HANCE: Yeah, if you're trying -- just  
11:46:32 13 trying to clarify your definition, that's one thing.  
11:46:35 14 If you're truly asking for his opinion.

11:46:38 15 MR. HALE: No. No. No, I'm not trying to  
11:46:39 16 clarify my definition at all.

11:46:42 17 MR. HANCE: Okay. The objection also is that  
11:46:44 18 the Father's opinion is irrelevant, not calculated to  
11:46:45 19 lead to the discovery of admissible evidence.

11:46:49 20 MR. MATIASIC: And it calls for an expert  
11:46:51 21 opinion.

11:46:52 22 MR. HALE: The objection is noted.

11:46:54 23 Q You can answer the question.

11:46:55 24 A In both cases, I would be surprised. I  
11:46:57 25 wouldn't agree with it, and I would think it would be

11:47:01 1 something serious.

11:47:03 2 Q Okay. But do you draw any distinction  
11:47:06 3 between the two cases?

11:47:07 4 MR. MATIASIC: Same objections.

11:47:09 5 MR. HANCE: Same objection.

11:47:11 6 THE WITNESS: Only that of age.

11:47:13 7 BY MR. HALE:

11:47:13 8 Q Okay. And how does age make a difference?

11:47:18 9 MR. MATIASIC: Vague and ambiguous.

11:47:19 10 THE WITNESS: As far as the law is concerned,  
11:47:20 11 it would make a difference, I think.

11:47:23 12 BY MR. HALE:

11:47:23 13 Q What's your understanding of the difference  
11:47:24 14 the law would make?

11:47:26 15 MR. MATIASIC: I'm just going to object again  
11:47:27 16 that I don't understand what the relevance is of what  
11:47:31 17 his opinion of the law --

11:47:33 18 MR. HALE: You've got to be kidding me.

11:47:35 19 MR. MATIASIC: What his opinion of the law  
11:47:35 20 is.

11:47:35 21 MR. HANCE: Or his understanding of the law  
11:47:37 22 for that matter is completely irrelevant.

11:47:40 23 MR. HALE: He stated that it was not his  
11:47:42 24 opinion.

11:47:42 25 MR. MATIASIC: Right. But we objected to the

11:47:44 1 initial nature of the line of the questioning that it  
11:47:47 2 was improper, so we can just object all the way along  
11:47:49 3 then.

11:47:49 4 MR. HALE: You're entitled to make your  
11:47:51 5 record. Like I said yesterday, if you want to  
11:47:53 6 instruct him not to answer, feel free. It's  
11:47:57 7 definitely, absolutely appropriate for a deposition to  
11:47:59 8 ask that question, without a doubt.

11:48:02 9 MR. HABEL: I think it's completely  
11:48:04 10 irrelevant.

11:48:07 11 MR. MATIASIC: You can answer if you want,  
11:48:08 12 Father.

11:48:09 13 BY MR. HALE:

11:48:09 14 Q You can answer the question.

11:48:12 15 MR. MATIASIC: If you can.

11:48:15 16 THE WITNESS: I guess the best way to put it  
11:48:18 17 would be, I don't know.

11:48:19 18 BY MR. HALE:

11:48:19 19 Q Okay. I want to ask you about some -- well,  
11:48:49 20 strike that.

11:49:19 21 Did you ever supervise study hall at  
11:49:22 22 St. Anthony's Seminary?

11:49:23 23 A Yes.

11:49:25 24 Q Was that a regular assignment for you or just  
11:49:30 25 an occasional -- well, strike that.

11:49:31 1 Let me ask you this, did you share that  
11:49:33 2 assignment with other faculty members?  
11:49:37 3 A Yes.  
11:49:37 4 Q Who else?  
11:49:41 5 A Well, [REDACTED].  
11:49:45 6 Q When was Father [REDACTED] on the faculty at  
11:49:48 7 St. Anthony's?  
11:49:49 8 A Pardon?  
11:49:50 9 Q When was Father [REDACTED] on the faculty at  
11:49:53 10 St. Anthony's?  
11:49:54 11 A I don't remember.  
11:49:55 12 Q Was it in the '60s?  
11:49:56 13 A Could be.  
11:49:57 14 Q Did he leave at some point while you were on  
11:50:00 15 the faculty?  
11:50:01 16 A Yeah.  
11:50:02 17 Q Okay. Do you remember if it was in the '50s?  
11:50:04 18 A No.  
11:50:05 19 Q Okay. Who else?  
11:50:11 20 A Well, [REDACTED].  
11:50:12 21 Q Okay.  
11:50:19 22 A There must have been others whose names I  
11:50:22 23 don't recall because that was just a -- a job that was  
11:50:29 24 assigned usually at the beginning of the year, but it  
11:50:34 25 could be changed.

11:50:35 1 Q Okay. Did you -- did you -- were you  
11:50:41 2 assigned that job on more than -- for more than one  
11:50:44 3 year or was it only one year where you had that  
11:50:50 4 assignment?

11:50:51 5 A As I recall, it was probably a year.

11:50:53 6 Q Okay. Did you ever -- were there ever years  
11:50:57 7 where you were not assigned, but sometimes you filled  
11:51:00 8 in for study hall supervision?

11:51:04 9 A No.

11:51:04 10 Q So it was just that one year where you were  
11:51:07 11 the study hall supervisor?

11:51:09 12 A Yeah, I mean, that's the -- yeah, I was a  
11:51:13 13 supervisor for the evening, from 7:00 to -- 7:15 to  
11:51:22 14 8:15 or so, I was in charge of study hall, and I did  
11:51:28 15 that regularly.

11:51:28 16 Q Okay. And it was just that one year?

11:51:31 17 A Oh, no, I did that many years.

11:51:32 18 Q Okay. Did you supervise study hall from 1964  
11:51:37 19 to 1968?

11:51:41 20 A I believe so.

11:51:41 21 Q Okay. What were the duty -- was there only  
11:51:45 22 one Franciscan who would act as the study hall  
11:51:50 23 supervisor, at a specific time in other words?

11:51:53 24 A Yeah.

11:51:54 25 Q So only one would be on duty, so to speak?



11:51:57 1 A Yeah.

11:51:59 2 Q And what were the duties of the study hall  
11:52:05 3 supervisor?

11:52:06 4 A He would walk -- the person in charge of the  
11:52:08 5 study hall would walk around and make sure that the  
11:52:13 6 students studied, and if, for some reason or another,  
11:52:18 7 the prefect, which would primarily be Father [REDACTED],  
11:52:24 8 wanted to see somebody, we would send them out. Or  
11:52:34 9 sometimes, the students would have to practice some  
11:52:39 10 music, they would go out to music. Those are the only  
11:52:58 11 things that I can -- oh, if a student or if a teacher  
11:53:02 12 wanted to talk with a student or instruct them, for  
11:53:06 13 some reason or another, they'd come in with a note,  
11:53:10 14 and I'd tell 'em, "Sure. Go ahead." Or a choir  
11:53:19 15 practice, a lot of times for a choir practice, many  
11:53:24 16 students would be absent for a choir practice.

11:53:28 17 Q Was it common for a Franciscan to come into  
11:53:31 18 the study hall and take the student out with them?

11:53:34 19 MR. HANCE: Vague and ambiguous.

11:53:36 20 MR. MATIASIC: Incomplete hypothetical, vague  
11:53:39 21 and ambiguous.

11:53:40 22 BY MR. HALE:

11:53:40 23 Q No?

11:53:41 24 A Not common. I mean, if it did occur, I'd be  
11:53:45 25 perfectly willing because it was a student to go ahead

11:53:48 1 and take 'em out.

11:53:49 2 Q So if a faculty member walked in while you  
11:53:52 3 were supervising study hall and took a student with  
11:53:54 4 them, that would be acceptable to you?

11:53:59 5 MR. HANCE: Same objection.

11:54:02 6 THE WITNESS: (Nods affirmatively.)

11:54:04 7 BY MR. HALE:

11:54:04 8 Q Okay. Would the faculty member -- do you  
11:54:04 9 recall that happening?

11:54:06 10 A I can't recall a specific instance, but I  
11:54:09 11 believe that it could have happened very easily.

11:54:13 12 Q Okay. If that did happen, would you have  
11:54:16 13 expected an explanation from the Franciscan as to why  
11:54:19 14 he was taking the student out of study hall?

11:54:22 15 A No.

11:54:22 16 Q Do you recall Father Cimmarrusti sometimes  
11:54:26 17 taking students out of study hall?

11:54:29 18 A No, because if he was a prefect, all he'd  
11:54:33 19 have to do would be to say send this person up to me.

11:54:37 20 Q How would -- how would he notify you that he  
11:54:41 21 wanted a student to come see him?

11:54:43 22 MR. MATIASIC: This is during study hall?

11:54:47 23 MR. HALE: Uh-huh.

11:54:49 24 THE WITNESS: I forget. But if he did, and  
11:54:53 25 I'm sure he did, I know he did, I'd send them out

11:54:58 1 because he was the prefect.

11:55:00 2 BY MR. HALE:

11:55:00 3 Q Okay. But were there study hall rules?

11:55:08 4 A Rules in what sense?

11:55:09 5 Q You know, regulations on whether a student  
11:55:12 6 could leave without permission of the supervising  
11:55:15 7 Franciscan?

11:55:17 8 A Sure.

11:55:17 9 Q Whether a student could talk during study  
11:55:21 10 hall?

11:55:22 11 A Yeah, he wasn't supposed to talk.

11:55:24 12 Q Okay. Were the rules written or was it just  
11:55:28 13 common knowledge?

11:55:28 14 A Common knowledge.

11:55:30 15 Q Okay. Were the rules in place when you began  
11:55:33 16 serving as a study hall supervisor?

11:55:37 17 A Sure.

11:55:37 18 Q Did they ever change?

11:55:38 19 A Not that I can recall.

11:55:41 20 Q Okay. Have you ever heard of something  
11:55:50 21 called faculty confrontation at St. Anthony's  
11:55:53 22 Seminary?

11:55:54 23 A What do you understand by faculty  
11:55:57 24 confrontation?

11:55:58 25 Q Well, I don't. I'm asking you. Do you have

11:56:02 1 an understanding of what faculty confrontation was at  
11:56:06 2 St. Anthony's?

11:56:07 3 A No. No.

11:56:17 4 Q And did the students have spiritual advisors  
11:56:23 5 while you were at St. Anthony's?

11:56:25 6 MR. MATIASIC: As a faculty member or as a  
11:56:27 7 student?

11:56:28 8 THE WITNESS: Most of the -- most of the  
11:56:29 9 time, we had the spiritual director.

11:56:31 10 BY MR. HALE:

11:56:31 11 Q Just one person?

11:56:32 12 A Yeah.

11:56:33 13 Q Okay. In the '60s, did the students have  
11:56:38 14 spiritual advisors at St. Anthony's?

11:56:48 15 A No. We had a -- we had the spiritual  
11:56:53 16 director, it was understood that he was the spiritual  
11:56:58 17 advisor. Later on, they allowed the students to pick  
11:57:05 18 a spiritual director, and so they would pick 'em on  
11:57:12 19 the faculty, somebody on the faculty.

11:57:18 20 Q Okay. Do you recall any faculty meetings at  
11:57:26 21 St. Anthony's where there were discussions of methods  
11:57:29 22 of disciplining students?

11:57:36 23 A No, because if a student was a discipline  
11:57:43 24 problem, at least initially, he'd be sent to the  
11:57:49 25 prefect.

11:57:49 1 Q Okay. Were there ever any discussions at  
11:57:52 2 faculty meetings or anywhere while you were on the  
11:57:55 3 faculty at St. Anthony's, regarding approved methods  
11:58:00 4 of discipline that the prefect could utilize?

11:58:05 5 A No.

11:58:05 6 Q Do you know if there were approved methods of  
11:58:09 7 discipline for the prefect to utilize?

11:58:13 8 A No.

11:58:14 9 Q Do you know if there were any disapproved  
11:58:17 10 methods of discipline for the prefect?

11:58:21 11 A No.

11:58:22 12 Q Did you ever hear of Father Cimmarrusti  
11:58:25 13 disciplining any students in any way?

11:58:27 14 A No.

11:58:29 15 Q Did you ever hear of any prefect at  
11:58:31 16 St. Anthony's disciplining any students?

11:58:34 17 A No. Maybe it occurred, but I don't know.

11:58:40 18 Q You weren't aware of it? Okay. When you  
11:58:45 19 were a student at St. Anthony's, was there a prefect  
11:58:51 20 of discipline then?

11:58:53 21 A Sure.

11:58:54 22 Q Were you ever disciplined for anything?

11:58:59 23 A No. No. Well, only -- no, no. Once -- once  
11:59:08 24 I, together with a couple of other people, we got up  
11:59:12 25 at night and read a book or something and the prefect

11:59:17 1 came in and told us to go to bed, but I don't recall  
11:59:21 2 that we were disciplined at all.

11:59:25 3 Q Okay. Could a faculty member ever discipline  
11:59:41 4 a student other than the prefect?

11:59:54 5 A I suppose -- I suppose he could. I can't  
11:59:57 6 think of any particular instance.

12:00:02 7 Q Do you recall any students being disciplined  
12:00:06 8 while you were on the faculty at St. Anthony's  
12:00:11 9 Seminary?

12:00:13 10 A No, but it could be that the prefect of  
12:00:19 11 discipline assigned something, could have been a work  
12:00:21 12 shift or something, I don't know.

12:00:23 13 Q Was that an approved method of discipline,  
12:00:25 14 being assigned to a work shift?

12:00:27 15 A Yeah.

12:00:28 16 Q And what kind of conduct would result in a  
12:00:31 17 student being assigned to a work shift?

12:00:33 18 MR. MATIASIC: Overbroad.

12:00:35 19 THE WITNESS: I don't know. I don't know.

12:00:36 20 BY MR. HALE:

12:00:36 21 Q Did you ever hear of any specific instances  
12:00:37 22 of discipline while you were on the faculty at  
12:00:41 23 St. Anthony's Seminary?

12:00:43 24 A None that I can recall. There may have been  
12:00:44 25 some.

12:00:51 1 Q In your time at St. Anthony's, either as a  
12:00:54 2 student or as a faculty member, were you ever aware of  
12:00:58 3 any students receiving any kind of corporal  
12:01:01 4 punishment?

12:01:02 5 A No.

12:01:05 6 Q To your knowledge, has corporal punishment  
12:01:11 7 ever been acceptable at St. Anthony's Seminary?

12:01:15 8 MR. HANCE: Vague and ambiguous.

12:01:16 9 THE WITNESS: Would you repeat that, please?

12:01:17 10 BY MR. HALE:

12:01:17 11 Q To your knowledge, was corporal punishment  
12:01:21 12 ever acceptable or approved at St. Anthony's Seminary?

12:01:27 13 A I don't think so, no.

12:01:37 14 Q Do you recall any instances where students  
12:01:40 15 were caught cheating on exams during your time on the  
12:01:47 16 faculty at St. Anthony's Seminary?

12:01:49 17 A I don't doubt that it occurred, but I can't  
12:01:51 18 recall a specific instance.

12:02:15 19 Q Did you ever hear of an incident in the 1967,  
12:02:19 20 '68 school year where an entire class of students was  
12:02:23 21 required to take an examination in their underwear  
12:02:25 22 because they'd been caught cheating on a test?

12:02:30 23 A No. No.

12:02:32 24 Q Did you ever see students walk through the  
12:02:35 25 seminary in their underwear?

12:02:38 1 A No.

12:02:38 2 Q Would that ever have been acceptable?

12:02:40 3 A I doubt it.

12:02:41 4 Q Can you think of any circumstances where it  
12:02:44 5 would have been acceptable?

12:02:45 6 A No.

12:03:10 7 Q Where was your room -- well, let me ask you  
12:03:12 8 this. In the time you were at St. Anthony's Seminary,  
12:03:16 9 from I think it was '44 to '68, correct, was your room  
12:03:21 10 located in the same place the entire time?

12:03:25 11 A No.

12:03:26 12 Q How many different rooms did you have over  
12:03:28 13 that 14-year period?

12:03:30 14 A At least four that I can think of.

12:03:32 15 Q Okay. Were they all in the same building?

12:03:35 16 A No.

12:03:36 17 Q Were they all on the same floor?

12:03:38 18 A No. Well, same floor? I can't think of any  
12:03:47 19 time when they weren't on the same floor.

12:03:51 20 Q During your last four years at St. Anthony's  
12:03:54 21 Seminary, from '64 to '68 where was your room located?

12:03:58 22 A As I recall, it's in the building that served  
12:04:03 23 as the dining room, where they had a ref -- a  
12:04:08 24 dormitory on top.

12:04:10 25 Q Okay. So what floor was your room on from



12:04:14 1 '64 to '68?

12:04:15 2 A '64 to '68, there.

12:04:20 3 Q But what floor was that?

12:04:21 4 A Second.

12:04:22 5 Q Second. Okay. Did you have neighbors?

12:04:25 6 A Neighbors in the sense of other Franciscans  
12:04:27 7 or students?

12:04:29 8 Q Oh, anyone who had living quarters

12:04:33 9 immediately --

12:04:34 10 A No, no.

12:04:36 11 Q -- next to or across the hallway from --

12:04:39 12 A Yeah, across the hallway from me were the  
12:04:43 13 dormitories.

12:04:44 14 Q Okay. So there were students living in the  
12:04:46 15 dormitory across the hallway from you?

12:04:49 16 A Yeah.

12:04:49 17 Q What class year was that?

12:04:51 18 A That would have been third and fourth year  
12:04:54 19 students.

12:04:54 20 Q Okay. Did any other Franciscans live on that  
12:04:57 21 floor with you?

12:04:58 22 A No.

12:04:59 23 Q You were the only one?

12:05:00 24 A Yes.

12:05:00 25 Q Okay. Why were you the only one living on

12:05:03 1 that floor, the only Franciscan that is?

12:05:07 2 MR. MATIASIC: Calls for speculation.

12:05:09 3 THE WITNESS: Somebody was supposed to be  
12:05:14 4 roughly in charge of the -- of the area, and you lived  
12:05:23 5 there in that room, you took it for granted that if  
12:05:29 6 any dis -- anything out of the ordinary happened  
12:05:36 7 against discipline, that you were supposed to handle  
12:05:40 8 it.

12:05:42 9 BY MR. HALE:

12:05:42 10 Q So you were responsible for that group of  
12:05:44 11 kids?

12:05:44 12 A (No audible response.)

12:05:45 13 Q And was there a single Franciscan assigned to  
12:05:48 14 each dorm -- let me ask you this, was each dorm, was  
12:05:53 15 that limited to one class year of students?

12:05:56 16 A As I recall, mostly fourth in my dorm, and I  
12:06:08 17 guess second and third in the other dorm, and I guess  
12:06:18 18 first class upstairs.

12:06:21 19 Q But just to be clear, from '64 to '68, you  
12:06:26 20 had no Franciscan neighbors in that hallway, it was  
12:06:29 21 simply your room and then across the hallway was the  
12:06:33 22 dormitories?

12:06:34 23 A Yeah.

12:06:35 24 Q Okay. If a student wanted to leave the  
12:06:37 25 dorms, could they do so without walking by the

12:06:41 1 entrance to your living quarters?

12:06:43 2 A Sure.

12:06:44 3 Q How?

12:06:45 4 A Well, if the door was locked, how would I  
12:06:50 5 know they walked by?

12:06:53 6 Q That wasn't my question, though. Could they  
12:06:58 7 do that without walking by your quarters? I'm not  
12:07:02 8 saying you wouldn't have observed it.

12:07:08 9 A I can't imagine the construction of that --  
12:07:15 10 of that floor where we had these -- whether there was  
12:07:19 11 another way of getting out of the dormitory besides  
12:07:23 12 going by my room.

12:07:27 13 Q Was the entrance to your room directly across  
12:07:30 14 the hall to the entrance to the dorm?

12:07:35 15 A Yeah.

12:07:36 16 Q Okay. What time was lights out from '64 to  
12:07:39 17 '68?

12:07:40 18 A About 9:00 o'clock.

12:07:42 19 Q Okay. Would the dorm room door be closed at  
12:07:48 20 that time or was it open all night?

12:07:49 21 A It was open all night.

12:07:51 22 Q Were students free to come and go after  
12:07:54 23 lights went out?

12:07:56 24 A No. Well, no, we took it for granted that if  
12:08:03 25 things were proceeding normally, they would be in the

12:08:05 1 dormitory and stay there. It may happen that some of  
12:08:14 2 the students were practicing a play, for example, or  
12:08:20 3 practicing music or being -- being engaged with one of  
12:08:30 4 the prefects or one of the student body members.

12:08:36 5 Q Okay. Did you ever spend any time -- wait a  
12:08:40 6 minute.

12:08:41 7 MR. HALE: Could you read that answer back  
12:09:01 8 for me?

12:09:01 9 (Record read as requested.)

12:09:03 10 BY MR. HALE:

12:09:03 11 Q Would a student be engaged with one of the  
12:09:05 12 prefects after lights out?

12:09:08 13 A Sometimes.

12:09:08 14 Q For what purpose?

12:09:09 15 A Music practice, stage practice, possibly  
12:09:18 16 talking with the prefect, prefect of discipline.

12:09:26 17 Q Okay. So could the prefect of discipline  
12:09:29 18 come and pull a student out of the dormitory at any  
12:09:35 19 time just to simply talk with the student?

12:09:38 20 A Sure. Either that or keep him out when he  
12:09:40 21 was talking with him and then -- and then after he  
12:09:45 22 talked with him, when the student came out, he'd go to  
12:09:50 23 the dorm.

12:09:55 24 Q If a student was called out of the dormitory  
12:09:58 25 by the prefect of discipline after lights out, would

12:10:02 1 the student have to notify you that he was leaving the  
12:10:07 2 dormitory?

12:10:09 3 A No, but I would expect as a matter of  
12:10:14 4 courtesy that that would be done.

12:10:15 5 Q Okay. Was your door usually open or closed?

12:10:21 6 A Closed.

12:10:21 7 Q So you would expect them to knock on your  
12:10:23 8 door and inform you?

12:10:26 9 A (Nods affirmatively.)

12:10:27 10 Q Did you ever spend any time in Father  
12:10:29 11 Cimmarrusti's living quarters?

12:10:30 12 A No.

12:10:30 13 Q Did you ever spend any time in Father  
12:10:33 14 Cimmarrusti's office?

12:10:34 15 A Very rarely. I'd go and look at his fish.

12:10:40 16 Q Okay. Did he have a fish tank next to his  
12:10:43 17 bed?

12:10:44 18 A I don't know whether it was in his bed or  
12:10:46 19 whether it was on the desk.

12:10:47 20 Q And was his -- and was his office also his  
12:10:50 21 living quarters?

12:11:03 22 A As I recall, yes.

12:11:04 23 Q Okay. Do you recall ever walking in and  
12:11:12 24 finding students in Father Cimmarrusti's office?

12:11:15 25 A No. What would happen is, if he was talking

12:11:19 1 with them, the door would be closed.

12:11:21 2 Q Would the door be locked?

12:11:26 3 A I don't know. I don't think so.

12:11:29 4 Q Did you ever see a student walk out of Father  
12:11:31 5 Cimmarrusti's office?

12:11:32 6 A No.

12:11:33 7 Q Did you ever see a student walk into Father  
12:11:36 8 Cimmarrusti's office?

12:11:37 9 A No.

12:11:37 10 Q Are you aware that Father Cimmarrusti had  
12:11:40 11 students in his office?

12:11:41 12 A Yeah, sure.

12:11:43 13 Q How do you know that?

12:11:44 14 A Because he would be talking with them, and --  
12:11:53 15 and -- well, you could hear voices, or I would be  
12:11:57 16 aware of the fact he wasn't in there by himself.

12:12:02 17 Q So if Father Cimmarrusti's door was closed,  
12:12:06 18 and he was having a conversation with someone in his  
12:12:10 19 office, you could hear the conversation?

12:12:14 20 A No.

12:12:15 21 Q But you could hear the voices?

12:12:17 22 A I could get an idea that some talking was  
12:12:20 23 going on.

12:12:22 24 Q All right. I know the -- we need to change  
12:12:26 25 the DVD, so do you guys want to do lunch? What do you

12:12:31 1 want to do?

12:12:32 2 THE WITNESS: Yeah, we can go to lunch.

12:12:34 3 MR. HALE: How long do you want to do it for?

12:12:36 4 MR. HANCE: Let's do an hour.

12:12:38 5 MR. HALE: Okay.

12:12:46 6 MR. HANCE: Is that okay with you guys?

12:12:49 7 MR. HALE: Yeah.

12:12:51 8 THE VIDEO OPERATOR: Off the record at 12:12

12:12:55 9 p.m.

12:12:55 10 (Lunch recess.)

13:18:43 11 THE VIDEO OPERATOR: On the record at 1:18

13:18:53 12 p.m.

13:18:54 13 BY MR. HALE:

13:18:54 14 Q Okay. Father, back on the record. I had a

13:18:57 15 couple things I wanted to clarify. You talked about

13:18:59 16 different orders, and I want to make sure I have an

13:19:02 17 understanding. Tell me if I'm wrong. My

13:19:04 18 understanding is that the first order would be

13:19:06 19 Franciscan priests or brothers?

13:19:09 20 A (No audible response.)

13:19:09 21 Q Is that a yes?

13:19:11 22 A Yes.

13:19:11 23 Q Okay. Second would be nuns?

13:19:13 24 A Yes.

13:19:13 25 Q And the third would be lay people?

13:19:16 1 A Yeah.

13:19:16 2 Q Okay. Thanks. Another question, when you  
13:19:20 3 were living across the hallway from the dorms in the  
13:19:26 4 '60s, would -- would Father Cimmarrusti have needed to  
13:19:29 5 give you a reason if he was seeking to ask a student  
13:19:35 6 to leave the dorm at --

13:19:38 7 MR. HANCE: Calls for speculation. Excuse  
13:19:39 8 me, Counsel.

13:19:40 9 THE WITNESS: No.

13:19:40 10 BY MR. HALE:

13:19:40 11 Q Sure. Okay. And even if that was after  
13:19:43 12 hours?

13:19:43 13 A Yes.

13:19:45 14 Q Okay. So he would not have needed to give  
13:19:49 15 you a reason in those circumstances?

13:19:51 16 A No.

13:19:51 17 Q Okay. Would it ever have been appropriate  
13:19:58 18 for Father Cimmarrusti to have a student in his office  
13:20:01 19 with the door closed?

13:20:03 20 A Sure.

13:20:03 21 Q Okay. Would there ever have been a  
13:20:06 22 circumstance where it would have been appropriate for  
13:20:09 23 any Franciscan to have a student on a Franciscan's  
13:20:11 24 bed?

13:20:13 25 MR. HANCE: Incomplete hypothetical, vague



13:20:15 1 and ambiguous.

13:20:19 2 THE WITNESS: I would say -- would say, no.

13:20:24 3 BY MR. HALE:

13:20:24 4 Q Okay. Did any Franciscan ever tell you that  
13:20:27 5 he observed a student -- a seminary student on another  
13:20:34 6 Franciscan's bed.

13:20:35 7 A No.

13:20:36 8 Q Do you know [REDACTED]?

13:20:38 9 A Pardon.

13:20:39 10 Q [REDACTED], do you know him?

13:20:41 11 A Yeah. He's a friar.

13:20:43 12 Q Okay. Was he on the faculty while you were?

13:20:47 13 A Yes.

13:20:48 14 Q Was it your last year that he arrived?

13:20:50 15 A I don't know if it was last year or -- I  
13:20:52 16 think he was there for two or three years.

13:20:55 17 Q Okay. Did anyone ever tell you that they  
13:21:00 18 observed Father Cimmarrusti sexually assaulting a  
13:21:04 19 student there?

13:21:05 20 A No.

13:21:05 21 Q Did anyone ever tell you that they had  
13:21:07 22 observed Father Cimmarrusti physically assaulting a  
13:21:11 23 student?

13:21:11 24 A No.

13:21:11 25 Q Did anyone ever tell you that they had heard

13:21:14 1 Father Cimmarrusti had sexually assaulted a student?

13:21:17 2 A No.

13:21:17 3 Q Did anyone ever tell you that they had heard

13:21:20 4 Father Cimmarrusti had physically assaulted a student?

13:21:22 5 A No.

13:21:24 6 Q Did you ever see a student or observe a

13:21:26 7 student with bruising on his buttocks or upper thigh?

13:21:32 8 A No.

13:21:32 9 Q Now, you testified earlier that on a few

13:21:35 10 occasions, you heard voices or maybe muffled voices

13:21:39 11 coming from Father Cimmarrusti's office, right?

13:21:41 12 A I took it for granted there was somebody in

13:21:43 13 his office.

13:21:45 14 Q Okay. On those instances when you heard

13:21:48 15 voices, did you hear them when you were at the door?

13:21:50 16 A I was passing by.

13:21:51 17 Q Okay. Did the voices ever sound distressed?

13:21:54 18 A No.

13:21:55 19 Q Did you ever hear any yelling come from his

13:21:57 20 office?

13:21:57 21 A No.

13:21:58 22 Q Did you ever hear any screaming come from his

13:22:00 23 office?

13:22:00 24 A No.

13:22:01 25 Q Do you recall ever, in your time at the

13:22:03 1 faculty at the seminary, do you recall ever hearing  
13:22:06 2 any yelling anywhere?

13:22:08 3 A No.

13:22:08 4 Q What about any screaming?

13:22:10 5 A No.

13:22:10 6 Q Okay. Did anyone ever tell you that they had  
13:22:15 7 heard yelling within the seminary?

13:22:22 8 A No.

13:22:23 9 MR. HANCE: Vague and ambiguous.

13:22:23 10 BY MR. HALE:

13:22:23 11 Q Okay. Did anyone ever tell you that they had  
13:22:25 12 heard screaming coming from within the seminary?

13:22:30 13 MR. HANCE: Same objection.

13:22:31 14 THE WITNESS: No.

13:22:32 15 BY MR. HALE:

13:22:32 16 Q Okay. Did Mario -- did you ever hear Mario  
13:22:37 17 express concern regarding a seminarian's physical  
13:22:41 18 development?

13:22:41 19 A No.

13:22:42 20 Q Did you ever hear Mario express concern  
13:22:45 21 regarding a seminarian's physical maturity?

13:22:47 22 MR. HANCE: Vague and ambiguous.

13:22:49 23 THE WITNESS: No.

13:22:50 24 BY MR. HALE:

13:22:50 25 Q Okay. Was there ever a faculty meeting where

13:22:53 1 Mario proposed to the faculty instituting a program to  
13:22:58 2 assess seminarian's physical development or maturity?

13:23:02 3 MR. HANCE: Same objection.

13:23:04 4 THE WITNESS: No.

13:23:06 5 BY MR. HALE:

13:23:06 6 Q Did you ever hear that at a faculty meeting,  
13:23:11 7 Mario had proposed instituting such a program?

13:23:14 8 A No.

13:23:14 9 Q Did you ever hear that Father Harris had  
13:23:17 10 approved Mario conducting such a program?

13:23:22 11 MR. HANCE: Vague and ambiguous.

13:23:22 12 THE WITNESS: No.

13:23:24 13 BY MR. HALE:

13:23:24 14 Q Have you ever heard of any Franciscan at the  
13:23:26 15 seminary conducting such a program?

13:23:30 16 MR. HANCE: Same objection.

13:23:31 17 THE WITNESS: No.

13:23:39 18 BY MR. HALE:

13:23:39 19 Q In your experience, and I'm talking your  
13:23:42 20 entire experience both as a seminarian and as a  
13:23:46 21 faculty member at St. Anthony's, would it ever have  
13:23:52 22 been appropriate for a Franciscan to bring a child to  
13:23:55 23 St. Anthony's for an overnight visit?

13:23:58 24 MR. HANCE: Incomplete hypothetical, vague  
13:23:58 25 and ambiguous.

13:23:59 1 THE WITNESS: Not that I'm aware of.

13:24:02 2 BY MR. HALE:

13:24:02 3 Q Okay. Did you spend much time in the  
13:24:05 4 infirmary when you were on the faculty?

13:24:08 5 A No.

13:24:09 6 Q Were you aware there was rubbing alcohol in  
13:24:12 7 the infirmary?

13:24:14 8 A Yes.

13:24:15 9 Q How was it you became aware of that?

13:24:17 10 A It's a standard pharmaceutical container  
13:24:24 11 or -- or liquid that is used for all kinds of stuff,  
13:24:32 12 and I would expect it would be there.

13:24:34 13 Q Okay. And what was your understanding of the  
13:24:37 14 purpose of the rubbing alcohol in the infirmary?

13:24:41 15 A For bruises -- I mean for -- for -- I guess  
13:24:50 16 for difficulties with -- with -- okay, bruises or  
13:24:55 17 something like that, yeah.

13:24:57 18 Q Okay. Did you ever observe anyone applying  
13:24:59 19 the rubbing alcohol to a seminarian?

13:25:03 20 A No.

13:25:03 21 Q Did you ever hear about anyone applying the  
13:25:05 22 rubbing alcohol to a seminarian?

13:25:08 23 A No.

13:25:10 24 Q Can you think of any circumstance in your  
13:25:12 25 experience at St. Anthony's where it would have been

13:25:14 1 appropriate for a Franciscan to view a seminarian's  
13:25:22 2 genitals?

13:25:23 3 MR. HANCE: Vague and ambiguous.

13:25:24 4 THE WITNESS: No.

13:25:25 5 BY MR. HALE:

13:25:25 6 Q Can you think of any circumstance where it  
13:25:29 7 would have been appropriate for a Franciscan to touch  
13:25:31 8 a student's genitals?

13:25:33 9 A Not that I know of, no.

13:25:38 10 Q Well, but can you think of any, any  
13:25:40 11 circumstances where that would be -- have been  
13:25:43 12 appropriate, in your mind?

13:25:46 13 A No.

13:25:46 14 Q Okay.

13:25:48 15 A No.

13:25:48 16 Q Can you think of any circumstance where it  
13:25:52 17 would have been appropriate for a Franciscan to take a  
13:25:55 18 seminarian's temperature?

13:25:57 19 A Yeah.

13:25:57 20 Q Okay. What circumstances?

13:25:58 21 A Somebody came in and said they didn't feel  
13:26:01 22 good, feel well, and they put the thermometer in his  
13:26:04 23 mouth and find out if he's got a temperature or not.

13:26:09 24 Q And who would you have expected to take the  
13:26:11 25 seminarian's temperature?

13:26:13 1 A Whoever was in charge of the infirmary.

13:26:14 2 Q So the infirmarian?

13:26:19 3 A Infirmarian, yes.

13:26:21 4 Q Would it ever have been appropriate, in your  
13:26:25 5 experience at St. Anthony's, to take a student's  
13:26:28 6 temperature rectally?

13:26:32 7 A No, I'm not aware of it.

13:26:38 8 Q Did you ever hear that Father Cimmarrusti was  
13:26:44 9 examining student's genitals?

13:26:48 10 A No.

13:26:48 11 Q Did you ever hear that Father Cimmarrusti was  
13:26:51 12 requiring students to take their pants off in front of  
13:26:55 13 him?

13:26:56 14 A No.

13:26:59 15 Q If you had heard that, would you have taken  
13:27:01 16 any action?

13:27:08 17 MR. MATIASIC: Incomplete hypothetical. You  
13:27:10 18 can answer, Father.

13:27:16 19 THE WITNESS: I don't think so because it's  
13:27:18 20 possible if something -- to have poison oak or  
13:27:25 21 something in that area. That's the best I can do.

13:27:29 22 BY MR. HALE:

13:27:29 23 Q So if a student had poison oak in their  
13:27:32 24 genitals, would it have been appropriate for a  
13:27:35 25 Franciscan to require that student to drop his pants

13:27:39 1 so that the Franciscan could examine the student's  
13:27:41 2 genitals?

13:27:41 3 MR. HANCE: Same objection.

13:27:44 4 BY MR. HALE:

13:27:44 5 Q You can answer.

13:27:46 6 A I would suppose. I don't see any difficulty  
13:27:49 7 with that.

13:27:50 8 Q And under those same circumstances, would it  
13:27:54 9 have been appropriate for a Franciscan to touch the  
13:27:56 10 student's genitals?

13:27:57 11 MR. MATIASIC: Same objection.

13:27:59 12 THE WITNESS: It's possible if you've got  
13:28:00 13 poison oak to put the salve or something on it.

13:28:03 14 BY MR. HALE:

13:28:03 15 Q Okay. Did you ever hear of that happening?

13:28:05 16 A No.

13:28:07 17 Q Did you ever hear of Father Cimmarrusti  
13:28:09 18 applying salve to a seminarian's genitals?

13:28:13 19 A No.

13:28:14 20 Q Was it common for students at the seminary to  
13:28:16 21 contract poison oak?

13:28:17 22 A No.

13:28:18 23 Q Did you ever hear of it happening?

13:28:20 24 A Yeah.

13:28:20 25 Q Were you aware of the students treating in



13:28:26 1 the infirmary for their poison oak?

13:28:29 2 A No.

13:28:29 3 Q Were you aware of the students treating  
13:28:33 4 somewhere else for their poison oak?

13:28:36 5 A No, the only case that I can think of was, I  
13:28:41 6 think Peter -- I think it was Peter had poison oak on  
13:28:46 7 his face or something, and somebody came along and put  
13:28:50 8 hot compresses on it, and he had a real big face like  
13:28:54 9 a WATERS melon. That's the only case that I can think  
13:28:56 10 of.

13:28:57 11 Q Okay. Can you think of any other  
13:28:59 12 circumstance where it would be appropriate for a  
13:29:01 13 Franciscan to examine a student's genitals?

13:29:05 14 MR. MATIASIC: Incomplete hypothetical.

13:29:06 15 BY MR. HALE:

13:29:06 16 Q Is that no?

13:29:07 17 A Yeah, it's a no.

13:29:09 18 Q Okay. If the Franciscan that was examining  
13:29:18 19 the student's genitals, and the student had poison  
13:29:22 20 oak, if that Franciscan had no medical training, would  
13:29:25 21 it still be appropriate for that Franciscan to examine  
13:29:29 22 the student's genitals?

13:29:30 23 MR. MATIASIC: Same objection.

13:29:31 24 BY MR. HALE:

13:29:31 25 Q You can answer.

13:29:32 1 A I would suppose so.

13:29:35 2 Q Okay. And would your answer be the same  
13:29:39 3 regarding whether it would still be appropriate for  
13:29:42 4 that Franciscan to touch a student's genitals who had  
13:29:46 5 poison oak?

13:29:46 6 MR. MATIASIC: Same objection.

13:29:47 7 BY MR. HALE:

13:29:47 8 Q Yes?

13:29:48 9 A I think so, yes.

13:29:49 10 Q Same answer?

13:29:51 11 A (No audible response.)

13:29:52 12 Q Is that a yes?

13:29:54 13 A That's a yes.

13:29:55 14 Q Okay. Did you know Father Bryan Lyons?

13:30:12 15 A Yeah.

13:30:14 16 Q Was he on the faculty at San Luis Rey at any  
13:30:20 17 time while you were there?

13:30:21 18 A Sure.

13:30:22 19 Q Okay. Were you ever aware of Father Lyons  
13:30:25 20 ordering students at San Luis Rey to strip naked and  
13:30:34 21 examining the students to determine if they needed to  
13:30:37 22 be circumcised?

13:30:39 23 A Yeah, I heard it in passing.

13:30:41 24 Q Okay. Who did you hear that from?

13:30:44 25 A I don't know.

13:30:45 1 Q When did you hear about that?

13:30:46 2 A Just that that case arose that he had

13:30:50 3 conducted himself in that way.

13:30:51 4 Q How long ago did you hear that?

13:30:53 5 A 30 years ago.

13:30:53 6 Q Okay. Did that happen to you?

13:31:02 7 A No.

13:31:03 8 Q Did it happen to one of your classmates?

13:31:05 9 A Not that I know of.

13:31:09 10 Q Do you know if the province took any action

13:31:11 11 to correct or to stop Father Lyons' conduct in that

13:31:15 12 regard?

13:31:16 13 MR. HANCE: Calls for speculation.

13:31:17 14 THE WITNESS: As far as I know, no.

13:31:18 15 BY MR. HALE:

13:31:18 16 Q Do you know if Father Lyons was disciplined

13:31:20 17 in any way for that conduct?

13:31:22 18 A As far as I know, no.

13:31:23 19 Q Do you know if there were any restrictions

13:31:26 20 placed on Father Lyons' ministry as a result of that

13:31:31 21 conduct?

13:31:31 22 A No.

13:31:32 23 Q Do you recall who you heard that from?

13:31:35 24 A No. It was -- no, I don't recall.

13:31:45 25 Q Okay. And did you hear that before -- did

13:31:49 1 you hear that while you were a student at San Luis Rey

13:31:52 2 or after were you a student at San Luis Rey?

13:31:55 3 A After I was a student at San Luis Rey.

13:32:02 4 Q Okay. Did you hear that while you were a

13:32:04 5 pastor up at the Portland Parish?

13:32:08 6 A No.

13:32:11 7 MR. HALE: Do you need to --

13:32:13 8 MR. MATIASIC: Yeah, if I could.

13:32:16 9 MR. HALE: Okay.

13:32:18 10 MR. MATIASIC: Two minutes, thanks.

13:32:19 11 THE VIDEO OPERATOR: Off the record at 1:32

13:32:22 12 p.m.

13:34:42 13 (Pause in the proceedings.)

13:34:47 14 THE VIDEO OPERATOR: On the record at 1:34

13:34:50 15 p.m.

13:34:51 16 BY MR. HALE:

13:34:51 17 Q Regarding Father Lyons, Father [REDACTED], did

13:34:54 18 you ever report -- when you received notice about what

13:34:58 19 was going on at San Luis Rey, did you report that to

13:35:01 20 anyone?

13:35:03 21 A It was common knowledge.

13:35:06 22 Q Did you ever receive any instruction or

13:35:07 23 training during your time as a Franciscan, regarding

13:35:15 24 reporting incidents or suspected incidents of sexual

13:35:19 25 misconduct by Franciscans?

13:35:22 1 MR. HANCE: Vague and ambiguous.

13:35:23 2 THE WITNESS: No. No. It would be assumed  
13:35:26 3 that somebody in that position, that if something like  
13:35:30 4 that happened, they would report it.

13:35:31 5 BY MR. HALE:

13:35:31 6 Q Okay. Did you have a duty to report any  
13:35:36 7 misconduct or sexual misconduct you observed?

13:35:41 8 MR. MATIASIC: Calls for a legal conclusion.

13:35:42 9 THE WITNESS: Just moral duty.

13:35:44 10 BY MR. HALE:

13:35:44 11 Q Okay. Can you think of any -- again, from  
13:36:02 12 your experience as a seminarian and as a faculty  
13:36:06 13 member at the seminary, can you think of any  
13:36:08 14 circumstance where it would be appropriate for a  
13:36:12 15 Franciscan to have his hands on a student's upper  
13:36:15 16 thighs?

13:36:16 17 MR. HANCE: Incomplete hypothetical, vague  
13:36:17 18 and ambiguous, lacks foundation.

13:36:18 19 THE WITNESS: No. No. No, I can't think of  
13:36:24 20 any.

13:36:25 21 BY MR. HALE:

13:36:25 22 Q Okay. When you were at St. Anthony's  
13:36:31 23 Seminary, was Father DeSilva on the faculty?

13:36:36 24 A Owen?

13:36:38 25 Q Yes.

13:36:38 1 A I was never on the faculty when he was --

13:36:42 2 Q No, when you were at the seminary, when you  
13:36:43 3 were a student?

13:36:44 4 A Yeah.

13:36:45 5 Q He was a faculty member?

13:36:46 6 A He was in charge of the choir.

13:36:48 7 Q That was actually my next question. Did you  
13:36:51 8 ever hear that he was examining a student's genitals  
13:36:54 9 to see if they qualified to be on the choir?

13:36:57 10 MR. HANCE: Vague and ambiguous.

13:36:58 11 THE WITNESS: No.

13:36:59 12 BY MR. HALE:

13:36:59 13 Q Did you ever experience anything like that?

13:37:01 14 A No.

13:37:06 15 Q Can you think of any circumstance where it  
13:37:09 16 would have been appropriate for a Franciscan to give a  
13:37:11 17 child a back rub?

13:37:14 18 MR. HANCE: Incomplete hypothetical, vague  
13:37:15 19 and ambiguous, lacks foundation.

13:37:15 20 BY MR. HALE:

13:37:16 21 Q Let me rephrase that. Can you think of any  
13:37:18 22 circumstance where it would have been appropriate for  
13:37:20 23 a Franciscan to give a seminarian a back rub?

13:37:25 24 MR. HANCE: Same objection.

13:37:27 25 THE WITNESS: I guess if a person were -- had

13:37:32 1 a bad back, and it seemed that a back rub would help  
13:37:37 2 him, it would be given to him.

13:37:40 3 BY MR. HALE:

13:37:40 4 Q Okay. Any other circumstances you can think  
13:37:42 5 of?

13:37:44 6 A No.

13:37:44 7 Q Can you think of any circumstances where it  
13:37:47 8 would have been appropriate for a Franciscan to give  
13:37:48 9 a seminarian -- I'm sorry, to wrestle with a  
13:37:52 10 seminarian?

13:37:52 11 MR. HANCE: Same objection.

13:37:54 12 THE WITNESS: No. No.

13:37:57 13 BY MR. HALE:

13:37:57 14 Q Okay. In your time as a faculty member at  
13:38:01 15 St. Anthony's, were you ever aware of a -- a  
13:38:05 16 Franciscan who was assigned to the mission pulling a  
13:38:08 17 seminary student out of class?

13:38:11 18 A No.

13:38:11 19 Q Can you think of any circumstance where that  
13:38:13 20 would be appropriate?

13:38:15 21 MR. HANCE: Incomplete hypothetical, vague  
13:38:16 22 and ambiguous.

13:38:19 23 THE WITNESS: No, I can't think of anything.  
13:38:24 24 Somebody from the mission pulled somebody out of  
13:38:27 25 the --

13:38:28 1 BY MR. HALE:

13:38:28 2 Q Yes, correct.

13:38:32 3 A Well, maybe a case could occur, but there's  
13:38:37 4 none that I can think of offhand.

13:38:40 5 Q Okay. Was it common for St. Anthony's  
13:38:43 6 seminarians to spend time at the mission while you  
13:38:45 7 were on the faculty?

13:38:49 8 MR. HANCE: Vague and ambiguous, overbroad.

13:38:50 9 THE WITNESS: No. Maybe if they had  
13:38:54 10 something that was -- something to do over there, some  
13:38:58 11 position to fill.

13:39:02 12 BY MR. HALE:

13:39:02 13 Q Was it common for seminarians, while you were  
13:39:05 14 on the faculty, to have some kind of, I don't know,  
13:39:07 15 job or volunteer position at the mission?

13:39:11 16 A No. No.

13:39:12 17 Q Can you ever think of any instances of that  
13:39:15 18 happening?

13:39:17 19 A No.

13:39:18 20 Q Are you familiar with, if we were walking out  
13:39:19 21 of the seminary towards the mission, are you familiar  
13:39:22 22 with the pool which is kind of off to the right?

13:39:27 23 A To the left.

13:39:29 24 Q Well --

13:39:29 25 A The swimming pool is --



13:39:31 1 Q Okay. Let's say this. If we were coming up  
13:39:33 2 the driveway that splits the mission and  
13:39:37 3 St. Anthony's, with St. Anthony's being on your left  
13:39:41 4 and the mission on your right?

13:39:44 5 A Yeah.

13:39:44 6 Q The pool was on your right, correct?

13:39:48 7 A Swimming pool, yes.

13:39:49 8 Q Okay. And then are you familiar with the  
13:39:50 9 stairs going up to the second floor that are just to  
13:39:54 10 the left a little bit of the swimming pool?

13:39:57 11 A To the mission?

13:39:57 12 Q Yes.

13:39:58 13 A Yeah.

13:39:58 14 Q Okay. If you had observed a priest from the  
13:40:02 15 mission taking -- walking with a seminarian up those  
13:40:05 16 stairs, would you have thought it unusual?

13:40:08 17 A No.

13:40:08 18 Q Okay. Can you think of any purpose that a  
13:40:11 19 mission priest would have had to walk a seminarian up  
13:40:15 20 those stairs?

13:40:17 21 MR. HANCE: Incomplete hypothetical, vague  
13:40:19 22 and ambiguous.

13:40:19 23 THE WITNESS: No. No.

13:40:22 24 BY MR. HALE:

13:40:22 25 Q But you wouldn't have thought it unusual?

13:40:26 1 MR. HANCE: Same objection.

13:40:27 2 THE WITNESS: That's right.

13:40:28 3 BY MR. HALE:

13:40:28 4 Q Okay. Was it -- did you ever -- in your time  
13:40:31 5 on the faculty, did you ever -- were you ever aware of  
13:40:34 6 a mission priest taking a seminary student for a walk  
13:40:37 7 off of the seminary campus?

13:40:43 8 MR. HANCE: Vague and ambiguous.

13:40:45 9 THE WITNESS: No.

13:40:55 10 BY MR. HALE:

13:40:55 11 Q Were you involved in the theater productions  
13:40:58 12 at the seminary?

13:40:59 13 A No.

13:41:00 14 Q Did you attend the theater productions at the  
13:41:03 15 seminary?

13:41:04 16 A When they were presented, if they were  
13:41:05 17 presented in the hall and the -- what do you call it,  
13:41:13 18 the hall where all the desks were, they put 'em on  
13:41:19 19 periodically, I would go to 'em, oh, maybe one out of  
13:41:23 20 two or three times.

13:41:24 21 Q Okay. Do you recall the students ever  
13:41:29 22 putting on a parody of some sorts that sort of made  
13:41:33 23 fun of faculty members?

13:41:35 24 A No.

13:41:36 25 Q Do you remember a student named Benny Silva?

13:41:42 1 A Not exactly. The name Silva sort of brings  
13:41:49 2 up a faint recollection, but I can't tie it up with  
13:41:52 3 anything.

13:41:53 4 Q Do you remember that he became a priest after  
13:41:55 5 he left the seminary?

13:41:56 6 A No.

13:41:56 7 Q But not a Franciscan priest?

13:42:00 8 A No.

13:42:00 9 Q Okay. Was it common for students to be  
13:42:03 10 expelled -- well, let me ask you, how often were  
13:42:07 11 students expelled while you were on the faculty?

13:42:12 12 A Very rarely. Maybe two or three times.

13:42:15 13 Q In your -- in your --

13:42:17 14 A Six years, whatever I was there.

13:42:22 15 Q In your 14 years --

13:42:23 16 A Yeah.

13:42:24 17 Q -- only two or three students were expelled  
13:42:26 18 that you know of?

13:42:27 19 A That I know of.

13:42:28 20 Q Were you involved in the two or three times  
13:42:30 21 that the students were expelled, were you involved?

13:42:32 22 A No.

13:42:32 23 Q Do you know who the students were who were  
13:42:35 24 expelled?

13:42:37 25 A No.

13:42:38 1 Q Do you remember what the circumstances were  
13:42:40 2 that led to their expulsion?

13:42:42 3 A No.

13:42:43 4 Q Do you remember if it was maybe drug use  
13:42:44 5 or --

13:42:45 6 A I don't have the slightest idea.

13:42:48 7 Q Do you recall a student be expelled for  
13:42:55 8 smoking marijuana?

13:42:56 9 A No.

13:42:57 10 Q Do you recall a student being expelled for  
13:43:00 11 being too effeminate?

13:43:05 12 MR. MATIASIC: Vague and ambiguous.

13:43:05 13 MR. HANCE: Vague and ambiguous.

13:43:06 14 THE WITNESS: No.

13:43:07 15 BY MR. HALE:

13:43:07 16 Q Did the faculty ever have discussions wherein  
13:43:11 17 concern was expressed about a student being too  
13:43:14 18 effeminate?

13:43:16 19 MR. HANCE: Same objection.

13:43:20 20 THE WITNESS: No. The only thing would be if  
13:43:25 21 a person was thought to be too effeminate, and the  
13:43:31 22 faculty was concerned about it, then it would be up to  
13:43:35 23 either the rector or the -- or the primary  
13:43:39 24 disciplinarian to follow it up.

13:43:44 25 BY MR. HALE:

13:43:44 1 Q And how would they follow it up?

13:43:46 2 A I guess they'd talk with the person.

13:43:49 3 Q And why was that a concern?

13:43:52 4 A Well, just the fact they were afraid of  
13:43:55 5 particular friendships too -- getting out of hand.

13:43:58 6 Q Okay. And why -- are -- what is the  
13:44:02 7 connection between effeminate behavior and particular  
13:44:06 8 friendships?

13:44:07 9 MR. HANCE: Vague and ambiguous.

13:44:08 10 THE WITNESS: I suppose the supposition was  
13:44:11 11 that one would lead to the other.

13:44:18 12 BY MR. HALE:

13:44:18 13 Q Okay. Do you recall any students ever being  
13:44:25 14 expelled for performing -- putting on some kind of  
13:44:31 15 performance where faculty members were parodied?

13:44:35 16 A No. No.

13:44:36 17 Q Do you recall ever -- were you ever aware of  
13:44:40 18 a performance where there was a parody by seminarians  
13:44:45 19 of Father Cimmarrusti spanking students?

13:44:49 20 A No.

13:44:50 21 Q Did you ever hear of Father Cimmarrusti  
13:44:52 22 spanking students?

13:44:54 23 A No.

13:44:56 24 Q Did you ever hear about a parody by these  
13:44:59 25 students of Father Cimmarrusti spanking Fern Sayobitz?

13:45:04 1 A No.

13:45:04 2 Q Do you know who that is?

13:45:07 3 A Yeah.

13:45:07 4 Q Okay. Do you remember a seminarian named [REDACTED]

13:45:17 5 [REDACTED]?

13:45:17 6 A I remember the name, and I think I can

13:45:22 7 picture, okay.

13:45:25 8 Q Do you recall him being expelled?

13:45:27 9 A No.

13:45:27 10 Q What do you remember about Tim?

13:45:30 11 A I just remember the name, and that he was a

13:45:33 12 seminarian, and he was, I guess in the lower grades,

13:45:40 13 second or third or fourth, second or third.

13:45:45 14 Q Okay. Do you recall him being expelled for

13:45:48 15 low grades?

13:45:49 16 A (No audible response.)

13:45:50 17 Q Is that a no?

13:45:51 18 A That's right.

13:45:53 19 Q I'm sorry. For the record, I've got to get

13:45:55 20 you down.

13:45:56 21 A I know.

13:45:58 22 Q Do you -- did you know [REDACTED]? And --

13:46:02 23 let me strike that.

13:46:03 24 What I really should had ask you, since

13:46:05 25 they're twins, do you know [REDACTED], the

13:46:09 1 twin [REDACTED] brothers?

13:46:11 2 A Just that their names are such that I  
13:46:16 3 should -- that must have been at the seminary at the  
13:46:21 4 same time I was there.

13:46:22 5 Q Okay.

13:46:23 6 A But to put 'em in context, I can't do it.

13:46:27 7 Q Okay. Do you remember a seminarian named  
13:46:31 8 [REDACTED]?

13:46:42 9 A No.

13:46:42 10 Q Did you ever observe a seminarian who you  
13:46:46 11 believe was having some kind of emotional breakdown?

13:46:50 12 A No.

13:46:51 13 Q Did you ever hear or were you aware of a  
13:46:53 14 seminarian having what appeared to be an emotional  
13:46:57 15 breakdown?

13:46:59 16 A No, not that I can recall.

13:47:00 17 Q Do you remember a student named [REDACTED]?

13:47:04 18 A The name means I should remember him. The  
13:47:09 19 name is familiar, but that's about as far as it goes.

13:47:16 20 Q Okay. Did you generally attend morning  
13:47:18 21 prayers?

13:47:21 22 A No. See, the morning prayers were in the --  
13:47:28 23 in the chapel, and the fathers had their own place on  
13:47:33 24 the side up there.

13:47:36 25 Q Did a Franciscan attend the students' -- the

13:47:39 1 seminarians' morning prayers?

13:47:41 2 A The prefect.

13:47:44 3 Q The prefect did. Anyone else?

13:47:46 4 A Not that I know of.

13:47:47 5 Q Okay. Did you ever hear about a student at a  
13:47:50 6 morning prayer launching into a tirade against the  
13:47:56 7 Franciscans?

13:47:57 8 MR. HANCE: Vague and ambiguous.

13:47:58 9 THE WITNESS: No.

13:47:59 10 BY MR. HALE:

13:47:59 11 Q Did you ever hear of a student being expelled  
13:48:01 12 because he launched into a tirade at morning prayer?

13:48:10 13 MR. HANCE: Same objection.

13:48:11 14 THE WITNESS: No.

13:48:20 15 BY MR. HALE:

13:48:20 16 Q I'm skipping over all this stuff just trying  
13:48:24 17 to get through this thing.

13:48:29 18 MR. HANCE: Thank you, Counsel.

13:48:32 19 Mr. MATIASIC: But he's scrolling up, not  
13:48:38 20 down.

13:48:40 21 MR. HALE: Not true. Not true.

13:48:54 22 Q In order for a priest to be ordained or for a  
13:48:58 23 candidate to be ordained, did the candidate -- did the  
13:49:03 24 province have to assure the ordaining Diocese or the  
13:49:07 25 Archdiocese that the student had completed their



13:49:10 1 course work and had good moral fitness?

13:49:17 2 A I don't think so, just let the Bishop know.

13:49:20 3 The Bishop would be necessary to ordain them.

13:49:22 4 Q Okay. But would there have to be any

13:49:26 5 assurances given to the Bishop regarding the

13:49:30 6 student's -- the candidate's qualifications?

13:49:31 7 A That would be taken for granted. They would

13:49:35 8 not be offered to be ordained if he was lacking in

13:49:38 9 some area.

13:49:40 10 Q Okay. Do you recall that ever happening

13:49:42 11 where a student was not offered to the Bishop because

13:49:45 12 the province concluded that he was lacking in some

13:49:49 13 area?

13:49:49 14 A I don't doubt that that happened, but I --

13:49:52 15 I'm not aware of any instance in which that happened.

13:49:54 16 Q Okay. Did the faculty ever send a report to

13:49:58 17 the provincial while you were there regarding a

13:50:01 18 student's qualifications or against a student's

13:50:06 19 qualifications to be ordained?

13:50:09 20 A No, because by the time they're ordained,

13:50:10 21 they've gone through San Luis Rey, they've gone

13:50:15 22 through the mission and would be far removed from us.

13:50:18 23 Q Got it.

13:50:19 24 A And we wouldn't see it.

13:50:22 25 Q Got it. Since you've left St. Anthony's,

13:50:35 1 have you returned to visit occasionally?

13:50:40 2 A One or the other time, I've passed through  
13:50:42 3 it.

13:50:44 4 Q Only once?

13:50:45 5 A I guess -- I guess two or three times. I  
13:50:55 6 passed by there once or twice, and then once I was --  
13:51:00 7 they had a celebration 25 years of one of the  
13:51:07 8 students -- or one of the priests and some of the  
13:51:10 9 students came back, and so I was there for the  
13:51:12 10 celebration.

13:51:12 11 Q Okay. Well, let me ask you this. Since you  
13:51:15 12 left Santa Barbara, how many times have you returned  
13:51:24 13 and spent the night at either the mission or  
13:51:26 14 St. Anthony's Seminary?

13:51:28 15 A Maybe three times.

13:51:29 16 Q What's the process -- and on those three  
13:51:30 17 times, did you stay at the mission or St. Anthony's?

13:51:33 18 A The mission.

13:51:33 19 Q And what's the process for staying at the  
13:51:35 20 mission? Do you have to make a reservation?

13:51:37 21 A You let the pastor or the guardian know you  
13:51:41 22 would like to stay that night, and he would say, okay.

13:51:44 23 Q And then when you arrive, do you have to  
13:51:46 24 check in?

13:51:47 25 A Sure.

13:51:47 1 Q And who do you check in with?

13:51:50 2 A You check in with the -- with the -- first  
13:51:55 3 thing you do would be check in with the person in  
13:51:59 4 charge of the accommodations.

13:52:02 5 Q And who would that be?

13:52:03 6 A Oh, I don't know. That would vary, change  
13:52:05 7 from month to month, six months to six months.

13:52:10 8 Q Would it be the guardian or would it be the  
13:52:13 9 pastor?

13:52:14 10 A No, you'd check in with the person in charge  
13:52:16 11 of assigning rooms, and then let the superior know and  
13:52:21 12 tell 'em you're going to be there the night, if it's  
13:52:24 13 all right, and he says, "Sure."

13:52:26 14 Q Okay. And is there an office at the mission  
13:52:28 15 where that person is located, the one who checks you  
13:52:30 16 into the room?

13:52:32 17 A Sure.

13:52:32 18 Q Okay. And where is that?

13:52:37 19 A I don't know how familiar you are with the  
13:52:41 20 mission, but at the -- you've got the sacred gardens,  
13:52:48 21 and then on the -- on the corner of the sacred gardens  
13:52:53 22 is a stairway coming down from the second floor of the  
13:52:57 23 mission itself --

13:52:58 24 Q Okay.

13:52:58 25 A -- to the bottom, and then when you came to

13:53:00 1 the bottom of the stairway on the left-hand side,

13:53:03 2 there's an office, and that was in there --

13:53:06 3 Q Okay. Is there a -- is there a guest book

13:53:07 4 you have to sign or is there any kind of sign-in book?

13:53:12 5 A No, at least not when I was there. I imagine

13:53:14 6 the man that says, "Okay. You can have this room,"

13:53:19 7 would have to indicate that someplace.

13:53:22 8 Q Did you ever observe him writing down your

13:53:25 9 name when you came in?

13:53:26 10 A No, no.

13:53:27 11 Q Did you have to sign any paperwork or

13:53:30 12 anything for that to happen?

13:53:32 13 A No.

13:53:32 14 Q Have you ever heard there's a record kept of

13:53:35 15 every visitor that the mission receives?

13:53:38 16 A No. No.

13:53:39 17 MR. MATIASIC: Tim, are you distinguishing

13:53:41 18 between Franciscan visitors overnight, regular lay

13:53:44 19 people who go to --

13:53:46 20 BY MR. HALE:

13:53:46 21 Q Yeah, definitely Franciscans. Have you ever

13:53:49 22 heard there's a record kept of anyone who stays

13:53:52 23 overnight at the mission?

13:53:53 24 A I suppose there is one.

13:53:54 25 Q But you've never heard of that?

13:53:57 1 A I've never heard of it.

13:53:58 2 Q Okay. While you were on the faculty at  
13:54:01 3 St. Anthony's, were any Franciscans disciplined by the  
13:54:04 4 guardian?

13:54:05 5 A They may have been told, privately, "The way  
13:54:12 6 you're conducting your class is pretty undisciplined.  
13:54:18 7 You let the kids talk all they want, and they can  
13:54:21 8 wander -- or they can read, and you don't bother them.  
13:54:26 9 Let's get on with it or change it." That's the only  
13:54:28 10 thing I can think of.

13:54:30 11 Q Was that after the sensitivity training?

13:54:35 12 A I guess so. I don't know. I would imagine  
13:54:38 13 before.

13:54:39 14 Q Okay. While you were on the faculty, were  
13:54:43 15 any -- to your knowledge, were any Franciscans  
13:54:44 16 disciplined by the Provincial?

13:54:50 17 A No. If it occurred, I don't know about it.

13:54:52 18 Q Okay. While you were assigned to St. Mary's  
13:55:29 19 and St. Anthony's, did you spend any time at the  
13:55:33 20 Franciscan School of Theology in Berkeley?

13:55:42 21 A No.

13:55:43 22 Q Did you ever hear that in the early '70s,  
13:55:47 23 there was a controversy about priest candidates openly  
13:55:53 24 discussing their sexuality and their interest in  
13:55:59 25 sexual activity?

13:56:01 1 MR. MATIASIC: Vague and ambiguous. Go

13:56:03 2 ahead, Father.

13:56:06 3 THE WITNESS: No.

13:56:06 4 BY MR. HALE:

13:56:06 5 Q You never heard anything like that?

13:56:08 6 A No, I suppose it occurred, but personally, I  
13:56:10 7 never heard of it.

13:56:12 8 Q Why do you suppose it occurred?

13:56:13 9 A Because at the GTU, they discuss a lot of  
13:56:18 10 things, morals, dogma, pros and cons, I suppose that  
13:56:25 11 could have occurred in there somewhere.

13:56:28 12 Q But did you have any -- have you ever  
13:56:31 13 heard of -- do you have any awareness of anything like  
13:56:34 14 that happening?

13:56:36 15 A No. No.

13:56:37 16 Q How do you know at GTU there's these  
13:56:40 17 discussions of so many different topics?

13:56:43 18 A Because the men that teach there are all  
13:56:53 19 Ph.D.'s, and they look at a -- at a subject and talk  
13:56:58 20 about it, the pros and cons, and the students are  
13:57:03 21 there, so I guess on their part, they carry that out.

13:57:13 22 Q But do you have any personal experience where  
13:57:16 23 you've either observed or been made aware of such open  
13:57:22 24 discussions of these subject matters at the GTU?

13:57:26 25 A No. No.

13:57:45 1 Q Has there ever been a controversy within the  
13:57:49 2 province, since you've been a Franciscan, where priest  
13:57:53 3 candidates were openly discussing their sexuality or  
13:57:58 4 their interest in sexual activity?

13:58:01 5 MR. HANCE: Vague and ambiguous.

13:58:02 6 THE WITNESS: Not that I'm aware of.

13:58:04 7 BY MR. HALE:

13:58:04 8 Q Did the sensitivity training in the late '60s  
13:58:07 9 cause any change in -- to your knowledge, in how  
13:58:11 10 candidates discussed sexuality and sexual activity?

13:58:16 11 MR. HANCE: Same objection.

13:58:17 12 THE WITNESS: No.

13:58:39 13 BY MR. HALE:

13:58:39 14 Q Did you ever return to St. Anthony's when  
13:58:44 15 were you spending your summers at U.S.F.?

13:58:50 16 MR. HANCE: Seminary?

13:58:51 17 THE WITNESS: No.

13:58:52 18 BY MR. HALE:

13:58:52 19 Q Yes, that's a good qualification, and I'm  
13:58:55 20 referring to the seminary, not to the parish in  
13:58:57 21 San Francisco.

13:58:58 22 A Yeah, no, I wasn't --

13:59:08 23 Q Are you familiar with the Los Angeles  
13:59:11 24 Archdiocese Advisory Board of Education?

13:59:14 25 A No.

13:59:15 1 Q Did you ever hear of it?

13:59:16 2 A I guess it exists because you told me the  
13:59:18 3 name of the thing, but I don't know anything about it.

13:59:21 4 Q Okay. Do you know any of the -- are you  
13:59:23 5 familiar with the position Vicar-general for Religion  
13:59:25 6 in the Archdiocese of Los Angeles?

13:59:29 7 A I suppose there was one, but, no, I never had  
13:59:32 8 immediate contact with it.

13:59:35 9 Q Are you familiar with the Auxiliary Bishop  
13:59:41 10 John Ward?

13:59:42 11 A I believe -- if I have him pegged properly, I  
13:59:46 12 think he came to the mission to ordain some clerics  
13:59:54 13 through I guess the diaconate.

13:59:56 14 Q Okay. When was that?

14:00:00 15 A It's pretty hard for me to tie that down. I  
14:00:03 16 don't know. I don't know. I can't --

14:00:06 17 Q Have you ever had any other contact with  
14:00:08 18 Bishop Ward?

14:00:09 19 A No.

14:00:09 20 Q Have you ever heard of Bishop Ward  
14:00:12 21 disciplining any Franciscans?

14:00:14 22 A No. No. I know he was strict liturgical  
14:00:20 23 when he had the -- what do you call it? The  
14:00:26 24 ordination at -- what do you -- what's the name of  
14:00:34 25 that place where we gave -- San Rookey.



14:00:37 1 Q Okay, how do you know that?

14:00:39 2 A There wasn't a -- there wasn't a maniple  
14:00:39 3 there, which is -- and they didn't have a maniple --  
14:00:43 4 maniple for him, so he -- he wanted that -- to be  
14:00:49 5 wearing that maniple before he started the ceremony.

14:00:51 6 Q Okay. And was that while the Franciscans  
14:00:54 7 were running San Rookey?

14:00:56 8 A Yeah.

14:00:56 9 Q Okay. And how'd you hear about that, or did  
14:01:00 10 you personally observe it?

14:01:02 11 A No, I didn't personally observe it. I heard  
14:01:03 12 a remark from people that were concerned about picking  
14:01:06 13 up the maniple.

14:01:08 14 Q What is a maniple?

14:01:10 15 A It's a article of dress, an article that the  
14:01:16 16 priest used to put on his right hand, they put it  
14:01:20 17 there, and the maniple is not used anymore. But at  
14:01:25 18 that time, this was before Vatican II, 1965 I guess,  
14:01:29 19 he -- he -- he was pretty strict with regard to the --

14:01:36 20 Q Did he insist that it be used?

14:01:38 21 A Well, he insisted that he have it when he --  
14:01:42 22 when he carried the ordination ceremony. He wanted to  
14:01:47 23 make sure that it was there, that he was wearing it.

14:01:51 24 Q How did you hear about this? Was it from  
14:01:55 25 another Franciscan that was working at San Rookey?

14:01:58 1 A Yeah. A Franciscan that was in the -- in the  
14:02:01 2 congregation.

14:02:02 3 Q Okay. Do you remember who that was?

14:02:04 4 A No.

14:02:04 5 Q Do you recall any other instances of Bishop  
14:02:07 6 Ward participating or supervising the liturgy in Santa  
14:02:12 7 Barbara?

14:02:13 8 A That was the only one I can think of.

14:02:15 9 Q Have you ever been aware of a Franciscan  
14:02:21 10 serving Santa Barbara without faculties from the  
14:02:25 11 Archdiocese?

14:02:27 12 A No. No.

14:02:30 13 Q When you were ordained, did you have to take  
14:02:35 14 a loath of loyalty -- and oath of loyalty?

14:02:40 15 A What do you mean by an oath of loyalty in --  
14:02:43 16 when you're ordained, you make -- you make your solemn  
14:02:48 17 vows when you -- when you become a Franciscan, and  
14:02:58 18 then when you -- when you're ordained, you take it for  
14:03:03 19 granted that you're going to be celibate, and the  
14:03:07 20 other point is, that you're -- that you're -- that  
14:03:12 21 you're under the Bishop, just like you're under the  
14:03:16 22 ministers.

14:03:18 23 Q And that's when you're ordained?

14:03:20 24 A Yeah.

14:03:20 25 Q Okay. Do you recall what exactly the vow is

14:03:24 1 with regards to the Bishop, what the wording is?

14:03:28 2 A No.

14:03:28 3 Q Okay.

14:03:29 4 A I'm sorry.

14:03:29 5 Q Okay. What about when you -- when you obtain  
14:03:41 6 faculties, is there any kind of oath or vow taken?

14:03:47 7 A No.

14:03:47 8 Q Nothing like that?

14:03:49 9 A They present you to the Bishop and say, "This  
14:03:54 10 man deserves faculties," and the Bishop would  
14:04:01 11 presuppose that the people that were offering the  
14:04:08 12 faculties know what they're doing.

14:04:09 13 Q Have you ever been aware of a Franciscan  
14:04:11 14 having his faculties removed by the Archdiocese of  
14:04:16 15 Los Angeles?

14:04:16 16 A I would say that probably it has occurred,  
14:04:19 17 but I can't think of a individual in which -- which  
14:04:23 18 that happened -- to whom that happened.

14:04:25 19 Q Do you remember Father [REDACTED] having his  
14:04:28 20 faculties removed by the Archdiocese of Los Angeles?

14:04:32 21 A It could be. It could be.

14:04:34 22 Q Do you recall Father Harris being summoned to  
14:04:39 23 Bishop Ward's office in Los Angeles because Father  
14:04:42 24 Harris gave communion to a non Catholic?

14:04:49 25 A No, I don't. I cannot -- I do not remember

14:04:52 1 that particular instance under those particular  
14:04:57 2 circumstances.

14:04:57 3 Q Okay. Can you recall any Franciscan ever  
14:05:00 4 being summoned down to Los Angeles to meet with  
14:05:05 5 someone from the Archdiocese?

14:05:10 6 A I suppose it has happened.

14:05:12 7 Q Okay.

14:05:13 8 A But I can't think of any, point out and say,  
14:05:16 9 "This happened to this person or that person."

14:05:20 10 MR. HABEL: Move to strike as speculation  
14:05:23 11 other than "I can't think of it."

14:05:51 12 BY MR. HALE:

14:05:51 13 Q While you were on the faculty at  
14:05:54 14 St. Anthony's, was -- well, during the entire time you  
14:05:57 15 were on the faculty at St. Anthony's, was mass  
14:06:01 16 performed within the chapel?

14:06:03 17 A Two -- two -- two chapels. You've got the  
14:06:06 18 chapel reserved for the -- for the house chapel where  
14:06:09 19 we said the altars, that was one place where mass was  
14:06:13 20 said, and then you've got the big -- the big seminary  
14:06:17 21 chapel, the big one with the rear doors.

14:06:22 22 Q Okay. Was the public invited to mass at  
14:06:32 23 either of those chapels?

14:06:43 24 A Usually not to the house chapel unless it was  
14:06:47 25 some particular circumstance, for example, if a priest

14:06:52 1 was celebrating a number of years in the priesthood,  
14:06:54 2 or you wanted to -- somebody was celebrating a 50th  
14:06:57 3 wedding anniversary or something like that, he might  
14:07:01 4 say, "Okay. Let's go into our little chapel."

14:07:06 5 Q In those circumstances, would the province  
14:07:08 6 have needed -- or would the community have needed to  
14:07:10 7 get permission from the Archdiocese to allow the  
14:07:12 8 public into that ceremony in the chapel?

14:07:18 9 A No.

14:07:19 10 Q Okay. Was there a change in the way masses  
14:07:27 11 were performed in the late '60s at St. Anthony's?

14:07:33 12 MR. MATIASIC: Vague and ambiguous.

14:07:33 13 THE WITNESS: You mean -- now, you're  
14:07:35 14 speaking of after Vatican II?

14:07:39 15 BY MR. HALE:

14:07:39 16 Q Right.

14:07:40 17 A One of the things that was encouraged at  
14:07:43 18 Vatican II was concelebration, the priests, as a  
14:07:48 19 group, would say mass together.

14:07:49 20 Q Okay.

14:07:50 21 A And instead of each one saying individually  
14:07:53 22 on the side altars. So -- so the way they did it is,  
14:08:00 23 they would have the concelebrated mass for the  
14:08:04 24 students, I don't know precisely what time, but --

14:08:08 25 Q Do you recall different music beginning to be

14:08:12 1 utilized in masses after Vatican II?

14:08:16 2 A I can't think of a specific instance, but I  
14:08:19 3 wouldn't be at all surprised if -- if popular music or  
14:08:26 4 semipopular music became part of the ceremony.

14:08:31 5 Q Are you familiar with the term agape,  
14:08:35 6 A-g-a-p-e?

14:08:35 7 A Yeah.

14:08:36 8 Q And what does that mean to you?

14:08:37 9 A Agape would mean basically the sharing of  
14:08:43 10 communion with a priest -- with the priest, yeah.  
14:08:51 11 Agape would be part of the celebration, the mass, in  
14:08:57 12 which -- what was emphasized was that there was a  
14:09:02 13 sharing and a sign of the fact that they were of the  
14:09:08 14 same faith and the same -- on the same -- very much  
14:09:16 15 aware of the concern of God for his people.

14:09:20 16 Q Do you recall Father Harris beginning to  
14:09:22 17 refer to the masses as agapes in the mid to late '60s?

14:09:28 18 A He could have. I don't know. But when he  
14:09:30 19 said mass, I guess it would be -- that would come up  
14:09:38 20 when he gave the sermon, and the talk of the homily  
14:09:42 21 would be -- normally, they had it at the Sunday mass,  
14:09:48 22 and it could be that he gave a short homily at any  
14:09:52 23 time he had mass in the big chapel.

14:10:02 24 Q Do you recall popular music being introduced  
14:10:05 25 to mass at the seminary at any time while you were

14:10:08 1 there?

14:10:09 2 A No. I wouldn't be surprised if it were.

14:10:11 3 Q Okay. Do you recall something referred to as  
14:10:13 4 rock music masses happening while you were at the  
14:10:17 5 seminary?

14:10:17 6 A Not especially, but I wouldn't be surprised  
14:10:19 7 if that did happen.

14:10:21 8 Q Okay. Did you ever hear anything about rock  
14:10:23 9 music masses?

14:10:24 10 A (No audible response.)

14:10:24 11 Q That's no?

14:10:25 12 A No.

14:10:26 13 Q Did you ever hear of Bishop Ward instructing  
14:10:29 14 the Franciscans to stop conducting masses in a certain  
14:10:33 15 way?

14:10:34 16 A Wouldn't surprise me at all, but I don't  
14:10:37 17 recall.

14:10:37 18 Q Okay.

14:10:38 19 A It probably -- I don't know.

14:10:42 20 Q Okay.

14:10:43 21 MR. MATIASIC: Father, do you want to take a  
14:10:45 22 break, five minutes?

14:10:47 23 THE WITNESS: Okay. Get a drink of WATERS or  
14:10:49 24 something. I'll be back briefly.

14:10:53 25 MR. HALE: Sure.

14:10:54 1 THE VIDEO OPERATOR: Off the record at 2:10

14:11:05 2 p.m.

14:21:09 3 (Recess.)

14:21:13 4 THE VIDEO OPERATOR: On the record at 2:21

14:21:15 5 p.m.

14:21:15 6 BY MR. HALE:

14:21:16 7 Q Okay. Father, back on the record. While you  
14:21:18 8 were -- sorry about that. I didn't mean to kick your  
14:21:21 9 feet. While you were on the faculty at St. Anthony's,  
14:21:25 10 were there ever any faculty meetings where there were  
14:21:28 11 discussions regarding students -- students or a  
14:21:31 12 student having an undescended testicle?

14:21:35 13 A No.

14:21:37 14 Q Did you ever hear of that term while you were  
14:21:39 15 at St. Anthony's seminary?

14:21:40 16 A As a biology teacher, yes.

14:21:42 17 Q That's the only context in which you heard  
14:21:44 18 it?

14:21:45 19 A (No audible response.)

14:21:45 20 Q Same question, while you were on the faculty,  
14:21:48 21 did you ever attend any faculty meetings where you  
14:21:50 22 heard discussions regarding students' pubic hair not  
14:21:54 23 growing quickly enough?

14:21:56 24 A No.

14:21:56 25 Q Any discussions regarding a student's pubic



14:21:59 1 hair?

14:21:59 2 A No.

14:21:59 3 Q Did you ever attend any faculty meetings  
14:22:04 4 where you heard discussions regarding students' voices  
14:22:05 5 not changing?

14:22:06 6 A No.

14:22:06 7 Q Did you ever attend any faculty meetings  
14:22:09 8 where you heard discussions regarding students being  
14:22:10 9 too effeminate?

14:22:14 10 MR. HANCE: Vague and ambiguous.

14:22:15 11 THE WITNESS: No, just to the extent that  
14:22:19 12 they were concerned about somebody displaying what  
14:22:26 13 normally we considered effeminate traits.

14:22:30 14 BY MR. HALE:

14:22:31 15 Q Who raised those concerns?

14:22:34 16 MR. HANCE: Same objections.

14:22:36 17 THE WITNESS: I guess it was -- I couldn't  
14:22:38 18 think of who it was precisely --

14:22:42 19 BY MR. HALE:

14:22:43 20 Q Okay.

14:22:43 21 A -- who mentioned it -- who mentioned it.  
14:22:47 22 Somebody on the faculty.

14:22:49 23 Q Okay. While you were at St. Anthony's on the  
14:22:52 24 faculty, do you ever recall hearing any discussions  
14:22:54 25 anywhere of a student or students having undescended

14:22:57 1 testicles?

14:22:59 2 A No.

14:23:00 3 Q Same question, but regarding pubic hair?

14:23:03 4 A No.

14:23:03 5 Q Same question, but regarding changing of a  
14:23:07 6 student's voice?

14:23:09 7 A No. We took it for granted a change in voice  
14:23:12 8 was going to occur around puberty.

14:23:20 9 Q Was there any aspect of your Franciscan  
14:23:23 10 education or training that encouraged you not to  
14:23:26 11 report an act of childhood sexual abuse by another  
14:23:30 12 Franciscan?

14:23:32 13 MR. HANCE: Vague and ambiguous, incomplete  
14:23:33 14 hypothetical, lacks foundation.

14:23:33 15 THE WITNESS: Would you repeat that, please?

14:23:34 16 BY MR. HALE:

14:23:34 17 Q Sure. Was there any aspect of your  
14:23:36 18 Franciscan education or training that encouraged you  
14:23:38 19 not to report an act of childhood sexual abuse by  
14:23:42 20 another Franciscan?

14:23:43 21 A No.

14:23:44 22 Q Was there any aspect of your Franciscan  
14:23:46 23 education or training that encouraged you not to  
14:23:48 24 report an act of childhood sexual abuse to law  
14:23:54 25 enforcement?

14:23:55 1 MR. HANCE: Same objection.

14:23:56 2 THE WITNESS: No.

14:24:03 3 BY MR. HALE:

14:24:03 4 Q Did you, while you were at the seminary, did  
14:24:06 5 you perform mass at parishes within the Santa Barbara  
14:24:13 6 community?

14:24:13 7 A Just on Sundays.

14:24:15 8 Q Okay. Was that a monthly thing, a weekly  
14:24:18 9 thing?

14:24:18 10 A Weekly.

14:24:19 11 Q And did you ever receive a stipend for  
14:24:21 12 performing mass at those parishes?

14:24:24 13 A No, I suppose that a stipend was given to the  
14:24:30 14 seminary.

14:24:31 15 Q But you don't have any personal knowledge of  
14:24:33 16 that happening?

14:24:34 17 A No.

14:24:36 18 Q Did you ever hear of that happening?

14:24:37 19 A No.

14:24:38 20 Q Was there one parish in particular you spent  
14:24:43 21 more time at in the community?

14:24:46 22 MR. HANCE: Vague and ambiguous.

14:24:47 23 THE WITNESS: I can't think of the name of  
14:24:49 24 it, but, yeah.

14:24:51 25 BY MR. HALE:

14:24:51 1 Q Let me run a few names by you. San Rookey?

14:24:54 2 A No, I never went to San Rookey.

14:24:58 3 Q Okay. St. Rayfields?

14:25:00 4 A The church was the one on La Mesa.

14:25:02 5 Q Okay.

14:25:08 6 A And the one at the end of --

14:25:08 7 Q Our Lady of Guadalupe.

14:25:10 8 A I don't think that was the one.

14:25:12 9 Q No?

14:25:12 10 A I forget the name of that one.

14:25:16 11 Q Okay. Holy Cross?

14:25:19 12 A (No audible response.)

14:25:21 13 Q No?

14:25:21 14 A I don't know. Holy Cross I think became the

14:25:23 15 one that was on La Mesa, I think.

14:25:27 16 Q Right.

14:25:28 17 A Maybe -- maybe -- maybe the one on -- the one

14:25:31 18 that we went to normally, maybe that parish, when the

14:25:37 19 one on La Mesa became functional, they closed this one

14:25:43 20 down and absorbed the --

14:25:50 21 Q Oh, right. Right. Right. Yeah, I remember.

14:25:52 22 Okay. Were you aware of other Franciscans who were

14:25:59 23 assisting in performing masses around the community?

14:26:02 24 A (Nods affirmatively.)

14:26:04 25 Q Were you aware of any of your fellow

14:26:07 1 Franciscans who were not assisting in performing  
14:26:10 2 masses around the community?

14:26:12 3 A Yeah. On Sundays, they may have been free.

14:26:16 4 Q Okay. Well, would you say that the majority  
14:26:17 5 of Franciscans at the seminary assisted at one time or  
14:26:21 6 another in performing masses around the community?

14:26:24 7 A Or Los Angeles.

14:26:26 8 Q Okay. Did you ever know a Jesuit named  
14:26:31 9 Eugene Maio, M-a-i-o?

14:26:33 10 A No.

14:26:35 11 Q Did you ever perform mass at Our Lady of  
14:26:39 12 Guadalupe over near Milpas?

14:26:42 13 A Milpas.

14:26:44 14 Q It was a hispanic parish.

14:26:46 15 A I did perform mass regularly, I guess it  
14:26:50 16 was -- it was -- I think it was a Mexican parish down  
14:26:54 17 in that section -- that section of the city. That was  
14:26:58 18 the one that closed, they closed it, and then they --

14:27:03 19 Q It's different, we're not thinking about the  
14:27:05 20 same parish. Did you know Father Matthew Kelly?

14:27:09 21 A No.

14:27:10 22 Q Have you ever heard his name?

14:27:11 23 A No.

14:27:17 24 Q Before you arrived -- before you worked with  
14:27:21 25 him at St. Anthony's, had you worked with Father

14:27:25 1 Cimmarrusti anywhere else?

14:27:26 2 A No.

14:27:28 3 Q Had he ever studied under you?

14:27:31 4 A Yes.

14:27:32 5 Q Was he a student at St. Anthony's while you

14:27:35 6 were on the faculty?

14:27:37 7 A (No audible response.)

14:27:38 8 MR. HALE: You have to answer audibly,

14:27:40 9 Father.

14:27:41 10 THE WITNESS: What?

14:27:42 11 MR. MATIASIC: You have to answer audibly.

14:27:44 12 THE WITNESS: Yes.

14:27:45 13 MR. HALE: Thank you.

14:27:46 14 Q Did you first meet him when he was a student

14:27:49 15 at St. Anthony's?

14:27:50 16 A Yes.

14:27:52 17 Q Was he in your classes?

14:27:53 18 A Yes.

14:27:54 19 Q Did you have a close relationship with him?

14:27:55 20 A No. No. He was interested in biology. As a

14:28:02 21 result, we had a common --

14:28:04 22 Q Common interest.

14:28:07 23 MR. MATIASIC: You answered the question.

14:28:13 24 BY MR. HALE:

14:28:13 25 Q Do you consider yourself friends with Father

14:28:16 1 Cimmarrusti?

14:28:16 2 A Yeah.

14:28:17 3 Q When was the last time you spoke with him?

14:28:25 4 A Maybe six months ago.

14:28:27 5 Q Okay. Has he ever told you he's been

14:28:34 6 interviewed for newspaper articles?

14:28:36 7 A No.

14:28:38 8 Q Did you ever hear he's been interviewed for

14:28:41 9 newspaper articles?

14:28:43 10 A I know articles have appeared in the paper.

14:28:46 11 I don't know whether they interviewed him for that. I

14:28:48 12 don't know.

14:28:49 13 Q While Father Cimmarrusti was a student at

14:28:52 14 St. Anthony's, did you ever observe any behavior by

14:28:55 15 him that you thought was inappropriate?

14:28:56 16 A No.

14:28:57 17 Q Did you ever hear anyone say they observed

14:28:58 18 behavior by him they thought was inappropriate?

14:29:01 19 A No.

14:29:02 20 Q What about when you were on the faculty with

14:29:04 21 him, did you ever observe any behavior by him that you

14:29:06 22 thought was inappropriate?

14:29:07 23 A No.

14:29:07 24 Q Did you ever hear anyone say that they had

14:29:09 25 observed behavior by him that they thought was

14:29:09 1 inappropriate?

14:29:09 2 A No.

14:29:09 3 Q Did you ever hear anyone say that they had  
14:29:11 4 received a complaint of abuse by Father Cimmarrusti?

14:29:15 5 A No. No.

14:29:28 6 Q We've talked about students who were expelled  
14:29:31 7 from St. Anthony's. Was it common for students to  
14:29:35 8 suddenly quit during your time on the faculty at  
14:29:40 9 St. Anthony's?

14:29:40 10 A Unusual.

14:29:41 11 Q But it did happen?

14:29:42 12 A It happened.

14:29:43 13 Q How many times do you think it happened while  
14:29:45 14 you were on the faculty?

14:29:47 15 A Two or three times.

14:29:48 16 Q Okay. Do you remember [REDACTED]?

14:29:51 17 A Yeah.

14:29:51 18 Q Do you remember when he quit?

14:29:53 19 A No.

14:29:53 20 Q Were you aware he quit?

14:29:55 21 A I just know he didn't come back.

14:29:57 22 Q Did it surprise you when he quit?

14:30:00 23 A No.

14:30:00 24 Q Did you ever ask Father Harris why [REDACTED] quit?

14:30:04 25 A No.



14:30:04 1 Q Did you ever ask anyone why [REDACTED] quit?

14:30:07 2 A No.

14:30:07 3 MR. MATIASIC: Counsel --

14:30:09 4 MR. HALE: Aside from your attorney, sorry.

14:30:11 5 MR. MATIASIC: But also, Counsel, I would

14:30:13 6 like to lodge an objection, it misstates his

14:30:14 7 testimony. He said he wasn't aware that he had quit,

14:30:16 8 but he just knew that he didn't come back.

14:30:22 9 THE WITNESS: That's true, didn't come back.

14:30:24 10 BY MR. HALE:

14:30:24 11 Q When you talked to Father Cimmarrusti six

14:30:27 12 months ago, what'd you guys talk about?

14:30:29 13 A Nothing. I went over to Danville with one of

14:30:32 14 the other -- with Father Francisco, and Father

14:30:36 15 Francisco was interested in seeing what Danville was

14:30:40 16 like. He was thinking of retiring there, and I said

14:30:44 17 hello to Cimmarrusti. He said he was taking care of

14:30:47 18 the people over there, and that was it. He was doing

14:30:51 19 cooking, so --

14:30:52 20 Q Have you ever asked Mario if he did any of

14:30:54 21 the things he's accused of at St. Anthony's?

14:30:58 22 A No.

14:31:00 23 Q Do you know anyone who's ever asked Mario if

14:31:03 24 he did the things he is accused of at St. Anthony's?

14:31:03 25 MR. HANCE: Lacks foundation.

14:31:05 1 THE WITNESS: Would you repeat that, please?

14:31:06 2 BY MR. HALE:

14:31:06 3 Q Do you know anyone who's asked -- have you  
14:31:07 4 ever talked to anyone who said that they asked Mario  
14:31:10 5 if he did the things he's accused of at St. Anthony's?

14:31:15 6 A No. No.

14:31:16 7 Q Do you remember [REDACTED]?

14:31:20 8 A [REDACTED]?

14:31:21 9 Q [REDACTED], [REDACTED]?

14:31:24 10 A Maybe I should, but I don't.

14:31:26 11 Q Okay. Did any Franciscans ever tell you that  
14:31:30 12 a student had told them they were being abused by --  
14:31:35 13 strike that.

14:31:36 14 Did any -- any priest ever tell you that a  
14:31:40 15 student had told them they were being abused by Mario  
14:31:46 16 Cimmarrusti?

14:31:46 17 A No.

14:31:47 18 Q Did any brothers ever tell you that a student  
14:31:50 19 had told them they were being abused by Mario  
14:31:54 20 Cimmarrusti?

14:31:55 21 A No.

14:32:01 22 Q Have you ever spent any time in Guaymas?

14:32:05 23 A Guaymas, no.

14:32:07 24 Q Were you aware Father Cimmarrusti was  
14:32:10 25 transferred to Guaymas?

14:32:13 1 MR. MATIASIC: Lacks foundation.

14:32:14 2 THE WITNESS: I think he was there, yeah.

14:32:17 3 BY MR. HALE:

14:32:17 4 Q How did you learn that?

14:32:19 5 A Because he moved from the seminary, and I'd  
14:32:24 6 say, "Where did he go." They'd say, "Guaymas."

14:32:27 7 Q Have you ever heard why Father Cimmarrusti  
14:32:30 8 was transferred from Guaymas?

14:32:32 9 A No.

14:32:32 10 Q Have you ever heard there were allegations of  
14:32:35 11 childhood sexual abuse by Father Cimmarrusti at  
14:32:38 12 Guaymas?

14:32:39 13 A No.

14:32:41 14 Q To your knowledge, did Father Cimmarrusti  
14:32:43 15 have any medical training?

14:32:45 16 A No.

14:32:50 17 Q Does the province run any orphanages?

14:33:01 18 A No, as far as I know, no, unless there's an  
14:33:03 19 orphanage connected with Guaymas in one sense or  
14:33:10 20 another, but I don't know.

14:33:10 21 Q Do you know whether there's any nuns in  
14:33:13 22 Guaymas who run an orphanage that's owned by the  
14:33:16 23 Franciscans?

14:33:19 24 A No.

14:33:19 25 Q Have you ever heard anything about a

14:33:21 1 Franciscan orphanage in Guaymas?

14:33:28 2 A It could be, but I couldn't pinpoint it.

14:33:56 3 Q Do you know Father Dave Johnson?

14:33:58 4 A Yeah.

14:33:59 5 Q How do you know Father Johnson?

14:34:02 6 A I believe I taught him.

14:34:05 7 Q At St. Anthony's?

14:34:06 8 A Yeah.

14:34:09 9 Q Were you close with him when he was a

14:34:11 10 student?

14:34:12 11 A No.

14:34:13 12 Q Were you close with him when you became a

14:34:16 13 Franciscan?

14:34:18 14 A No.

14:34:19 15 Q Did you first meet him when he was a student

14:34:22 16 at St. Anthony's?

14:34:23 17 A Yeah.

14:34:24 18 Q Have you ever been assigned anywhere with

14:34:26 19 him?

14:34:27 20 A No.

14:34:27 21 Q Was he one of the students -- did you ever

14:34:30 22 hear him discussed at a faculty meeting?

14:34:33 23 A No.

14:34:38 24 Q Are you familiar with the board of inquiry?

14:34:40 25 A No.

14:34:42 1 Q Have you ever heard of the -- did you hear  
14:34:44 2 about it in 1993 when the province created this  
14:34:47 3 independent board of inquiry, are you familiar with  
14:34:50 4 that?

14:34:51 5 A No. Could be that they created the board, I  
14:34:56 6 might have heard it in passing, but it doesn't mean  
14:35:00 7 anything to me.

14:35:01 8 Q Okay. Has anyone other than your attorneys  
14:35:03 9 ever called you and asked you about your time at  
14:35:05 10 St. Anthony's Seminary from 1964 to 1968?

14:35:08 11 A No.

14:35:09 12 Q Has anyone other than your attorneys ever  
14:35:11 13 interviewed you about your time at St. Anthony's  
14:35:15 14 Seminary from 1964 to 1968?

14:35:18 15 A No.

14:35:19 16 MR. HANCE: Let him finish. Overbroad.

14:35:23 17 BY MR. HALE:

14:35:23 18 Q Have you ever seen the board of inquiry's  
14:35:26 19 report?

14:35:28 20 A No. Unless it was incorporated in what's his  
14:35:32 21 name's -- Father Provincial, he wrote the pamphlet,  
14:35:40 22 [REDACTED].

14:35:42 23 Q Okay. What pamphlet are you referring to?

14:35:48 24 A A pamphlet about the allegations and which  
14:35:51 25 attitude you should take towards it.

14:35:53 1 Q When was that -- when was that -- when was  
14:35:54 2 that provided to you?

14:35:56 3 A I don't know, a long time ago.

14:35:58 4 Q And was that circulated to all Franciscans?

14:36:00 5 A Yeah.

14:36:02 6 Q Would that have been around '92 or '93, do  
14:36:05 7 you think?

14:36:05 8 A I don't know. I don't know.

14:36:06 9 Q And what did the pamphlet say about the  
14:36:09 10 attitude Franciscans should take regarding the  
14:36:13 11 scandal?

14:36:14 12 A I don't recall.

14:36:19 13 MR. HANCE: Objection.

14:36:19 14 THE WITNESS: I read it, but nothing comes to  
14:36:21 15 my mind about it.

14:36:23 16 BY MR. HALE:

14:36:23 17 Q Do you still have a copy of it?

14:36:25 18 A No.

14:36:26 19 Q Did all Franciscans receive a copy of it?

14:36:27 20 MR. HANCE: Calls for speculation.

14:36:27 21 THE WITNESS: Every house did, I think.

14:36:29 22 BY MR. HALE:

14:36:29 23 Q How did you receive a copy, was it mailed to  
14:36:32 24 you, was it given --

14:36:33 25 A It was mailed to the guardian.

14:36:35 1 Q So you received a copy from the guardian?

14:36:38 2 A The guardian received a copy from the  
14:36:41 3 Provincial, and it was available to anybody that  
14:36:43 4 wanted to read it.

14:36:45 5 Q Okay. Did it identify Franciscans who were  
14:36:50 6 accused of childhood sexual abuse?

14:36:57 7 A I don't think so.

14:36:59 8 Q Have you ever heard that any of the  
14:37:00 9 Franciscans who were on the faculty with you at  
14:37:03 10 St. Anthony's had been accused of childhood sexual  
14:37:10 11 abuse?

14:37:10 12 MR. HANCE: Other than from his attorneys?

14:37:12 13 BY MR. HALE:

14:37:12 14 Q Other than from your attorneys?

14:37:16 15 A No. No.

14:37:19 16 Q How many -- and how many -- was this a full,  
14:37:22 17 normal page-sized pamphlet that you received? Was it  
14:37:31 18 smaller than that?

14:37:32 19 A I'd say it was about half the size of that  
14:37:34 20 and about ten, 15 pages.

14:37:37 21 Q Okay. And it's your understanding that  
14:37:39 22 Father [REDACTED] wrote it?

14:37:54 23 A Uh-huh.

14:37:58 24 MR. WATERS: Is that a yes?

14:38:01 25 THE WITNESS: Huh?

14:38:02 1 MR. WATERS: You need to talk.

14:38:03 2 MR. HALE: Is that a yes?

14:38:04 3 THE WITNESS: Yes.

14:38:06 4 MR. HALE: Sorry, we're just trying to get a  
14:38:06 5 clear record. I know you're saying yes, but when she  
14:38:06 6 types out her booklet, it will not be apparent that  
14:38:06 7 you're saying yes.

14:38:06 8 Q Do you know Father David Carriere?

14:38:08 9 A Yeah.

14:38:09 10 Q How did you know Father Carriere?

14:38:12 11 A I'd have to say when he went through the  
14:38:15 12 seminary. Could be I taught him very easily.

14:38:18 13 Q Okay. Do you have a recollection of teaching  
14:38:20 14 him?

14:38:21 15 A No. He must have been in a class, though.

14:38:24 16 Q Did this pamphlet discuss reporting  
14:38:27 17 obligations by Franciscans if they observed childhood  
14:38:31 18 sexual abuse?

14:38:32 19 A I don't know. I don't know. I don't  
14:38:33 20 remember.

14:38:33 21 Q Okay. Did you read the entire pamphlet?

14:38:37 22 A I guess I did, but I read it in a hurry, and  
14:38:40 23 I says, "phooey."

14:38:43 24 Q Okay. Why did you say, "phooey"?

14:38:45 25 A Because it was concerning material which was,



14:38:49 1 I don't know the term to use, but it was concerning  
14:38:53 2 material about sexual abuses that the friars  
14:38:59 3 committed, and I wasn't too anxious to read about it.

14:39:04 4 Q Did it discuss sexual abuse at St. Anthony's?

14:39:08 5 A I don't know. I don't remember. It must  
14:39:11 6 have.

14:39:12 7 Q Were you concerned at all that any of the  
14:39:14 8 students who studied under you were abused while they  
14:39:20 9 were at St. Anthony's?

14:39:21 10 A I didn't know which ones were abused. I only  
14:39:23 11 found out after --

14:39:24 12 Q No, I understand that, but were you worried  
14:39:26 13 at all that any of the students who studied under you  
14:39:30 14 were abused as students at St. Anthony's?

14:39:33 15 A No.

14:39:33 16 Q Why not?

14:39:35 17 MR. MATIASIC: Argumentative.

14:39:36 18 THE WITNESS: Well, because -- because --  
14:39:40 19 well, I figure it was something that happened and --  
14:39:45 20 and me getting all worked up about it, it was a very  
14:39:51 21 unfortunate episode in itself, maybe a number of  
14:39:54 22 episodes, and all I could do is pray with regard to  
14:40:02 23 it.

14:40:02 24 BY MR. HALE:

14:40:02 25 Q Okay. Were you curious at all if any of the

14:40:06 1 Franciscans who you worked with at St. Anthony's were  
14:40:08 2 accused of being perpetrators?

14:40:11 3 MR. MATIASIC: At the time he read the  
14:40:12 4 pamphlet?

14:40:13 5 MR. HALE: Right.

14:40:14 6 THE WITNESS: No.

14:40:15 7 BY MR. HALE:

14:40:15 8 Q Did you ever ask anyone if they knew whether  
14:40:18 9 any of the Franciscans you worked with at  
14:40:23 10 St. Anthony's were accused of being perpetrators?

14:40:26 11 A No. I let it be.

14:40:28 12 MR. MATIASIC: Father, you answered the  
14:40:29 13 question.

14:40:30 14 BY MR. HALE:

14:40:30 15 Q Did anyone ever ask you if you suspected that  
14:40:34 16 any of the people you worked with at St. Anthony's  
14:40:37 17 were perpetrators?

14:40:40 18 A No.

14:40:41 19 Q Was there any talk in the pamphlet about  
14:40:48 20 reporting instances of childhood sexual abuse to law  
14:40:52 21 enforcement?

14:40:53 22 A I don't remember the pamphlet that well. I  
14:40:55 23 just -- I read it, and I thought -- that was a long  
14:40:59 24 time ago.

14:40:59 25 Q Okay. And so you think you met Father

14:41:06 1 Carriere at the seminary?

14:41:08 2 A I taught him, I think. I think.

14:41:10 3 Q Have you ever been assigned anywhere with

14:41:13 4 Father Carriere?

14:41:14 5 A No.

14:41:14 6 Q Was he ever discussed at any faculty meetings

14:41:17 7 that you can recall?

14:41:20 8 A No. No.

14:41:22 9 Q Do you know if he was identified as a

14:41:24 10 perpetrator at St. Anthony's Seminary?

14:41:27 11 A No.

14:41:27 12 Q Do you know if he was identified as a

14:41:29 13 perpetrator at the Old Mission?

14:41:31 14 A No.

14:41:31 15 Q And when I say the Old Mission, do you

14:41:33 16 understand I'm referring to the Old Mission

14:41:37 17 Santa Barbara?

14:41:38 18 A Yeah, sure.

14:41:39 19 Q Are you familiar with the service of the

14:41:40 20 Paraclete?

14:41:42 21 A With what?

14:41:43 22 Q The service of the Paraclete?

14:41:44 23 A Not too well, no.

14:41:47 24 Q But you've heard of it before?

14:41:49 25 A Yeah, heard the name.

14:41:51 1 Q How have you heard the name?

14:41:53 2 A Well, it's mentioned -- the Paraclete is  
14:42:01 3 mentioned that it is an organization, and I think  
14:42:06 4 they're strict, but -- but I didn't -- that's about  
14:42:13 5 the sum total of --

14:42:15 6 Q Okay. What's your understanding of the  
14:42:17 7 services that the Paracletes provide?

14:42:19 8 A I don't have the slightest idea. I don't  
14:42:22 9 know.

14:42:22 10 Q Where have you -- it sounds like you've read  
14:42:25 11 about them or you've seen their name in writing  
14:42:28 12 somewhere?

14:42:29 13 A (No audible response.)

14:42:30 14 Q Is that a yes?

14:42:31 15 A Yeah.

14:42:31 16 Q Okay. Where did you hear about them?

14:42:34 17 A I guess it occurred in America.

14:42:36 18 Q Is that a publication?

14:42:39 19 A That's a magazine.

14:42:40 20 Q America?

14:42:41 21 A Yeah.

14:42:41 22 Q Okay. And when did you think you first read  
14:42:44 23 about the service of the Paraclete?

14:42:47 24 A Some time ago. I don't know.

14:42:48 25 Q Have you ever heard of the St. Luke

14:42:50 1 Institute?

14:42:51 2 A No.

14:42:52 3 Q Never heard of it? What about the House of  
14:42:56 4 Affirmation?

14:42:57 5 A It should bring up some -- some idea or some  
14:43:03 6 mental image, but I don't know.

14:43:05 7 Q Okay. Have you ever heard of there being  
14:43:07 8 treatment centers for priests with psychological  
14:43:10 9 problems?

14:43:11 10 A No.

14:43:11 11 Q Never heard of that?

14:43:13 12 A (No audible response.)

14:43:15 13 MR. MATIASIC: Asked and answered.

14:43:17 14 MR. HALE: Today?

14:43:18 15 MR. MATIASIC: Just two seconds ago, you  
14:43:24 16 said, "Did you ever hear of it?" And he said, "No,"  
14:43:26 17 and you asked it again.

14:43:39 18 BY MR. HALE:

14:43:39 19 Q When's the first time you heard of a priest  
14:43:44 20 being accused of childhood sexual abuse?

14:44:02 21 MR. MATIASIC: Any priest or Franciscan?

14:44:03 22 MR. HALE: Any priest.

14:44:04 23 THE WITNESS: I don't know. I can't think of  
14:44:07 24 any specific instance.

14:44:08 25 BY MR. HALE:

14:44:08 1 Q Within the last ten years, within the last 20  
14:44:12 2 years?

14:44:14 3 A I'd say past 15.

14:44:16 4 Q Okay. So that was the first time you heard  
14:44:19 5 of a priest being accused of childhood sexual abuse,  
14:44:24 6 about 15 years ago?

14:44:25 7 A Yeah. Yes.

14:44:44 8 Q Do you recall the -- the publicity that  
14:44:49 9 St. Anthony's received in the early '90s about the  
14:44:51 10 scandal there, were you aware of that publicity?

14:44:56 11 A Yeah, I was aware of it, in general, yes.

14:45:00 12 Q Okay. And did you first hear about a priest  
14:45:03 13 being accused of childhood sexual abuse before that  
14:45:11 14 publicity came out?

14:45:21 15 A I guess I was aware that it had happened, in  
14:45:24 16 general, but I couldn't think of any instance you  
14:45:26 17 asked me when you referred to it, no.

14:45:30 18 Q Okay. Do you recall specific priests who you  
14:45:33 19 heard the allegations about for the first time?

14:45:36 20 A No. Just seminary.

14:45:38 21 Q Okay.

14:45:38 22 A And -- what's his name? Who is the man that  
14:45:42 23 was running the choir?

14:45:44 24 Q Father DeSilva?

14:45:49 25 A No.

14:45:50 1 Q Oh, Father Van Handle?

14:45:54 2 A Van Handle, yeah.

14:46:19 3 Q Do you have any awareness of allegations of

14:46:24 4 childhood sexual abuse by Father Carriere?

14:46:26 5 A No. No.

14:46:31 6 Q Did you teach Robert Van Handle at the -- at

14:46:38 7 St. Anthony's?

14:46:38 8 A I must have.

14:46:39 9 Q Was that the first time you had met Robert

14:46:42 10 Van Handle?

14:46:44 11 A Yeah. Yes.

14:46:45 12 Q Do you have any recollection of him being one

14:46:46 13 of your students at St. Anthony's?

14:46:49 14 A No.

14:46:55 15 Q Do you recall him ever being discussed in a

14:46:58 16 faculty meeting at St. Anthony's?

14:47:04 17 A No.

14:47:04 18 Q Was there any -- was sex education a

14:47:07 19 component of any of your biology classes?

14:47:13 20 MR. MATIASIC: The ones that he taught?

14:47:15 21 MR. HALE: Uh-huh.

14:47:16 22 THE WITNESS: Not as such, because I left

14:47:22 23 that to the religion teacher, and [REDACTED] I think was

14:47:32 24 a little bit -- a little bit, what shall we say,

14:47:41 25 unsure or a little bit wary of somebody handling that

14:47:47 1 topic as part of biology and says it would be handled  
14:47:53 2 by the religion teacher.

14:47:55 3 BY MR. HALE:

14:47:55 4 Q Did you ever have any students approach you  
14:47:57 5 with questions about sexuality after one of your  
14:48:03 6 biology classes?

14:48:04 7 A No.

14:48:05 8 Q Did you ever have students approach you with  
14:48:07 9 questions about sexuality?

14:48:11 10 A No.

14:48:12 11 Q Did you discuss with Father Marshall about  
14:48:15 12 whether sexuality should be taught in a biology class  
14:48:19 13 or in the spirituality class?

14:48:23 14 A No.

14:48:23 15 Q But did he say something to you about it?

14:48:27 16 A No, that's the way I felt. If I had  
14:48:30 17 indicated to him that in any way I was handling that  
14:48:33 18 subject, he would not have been happy with it.

14:48:37 19 Q Okay.

14:48:37 20 A So I stayed away from it, I kept that at a  
14:48:41 21 distance.

14:48:42 22 Q Were you ever assigned anywhere with Father  
14:48:44 23 Van Handle?

14:48:46 24 A No. No.

14:49:00 25 Q Do you know if he's still a friar?



14:49:06 1 A Van Handle. He was the one -- the choir  
14:49:10 2 director?  
14:49:13 3 Q Uh-huh, yes.  
14:49:14 4 A No, he's not a friar.  
14:49:26 5 Q Do you know Sam Cabot?  
14:49:29 6 A No.  
14:49:29 7 Q Never heard the name before?  
14:49:31 8 A Maybe I should have, but I don't -- it  
14:49:34 9 doesn't mean anything.  
14:49:39 10 Q Have you ever heard he's been accused of  
14:49:42 11 childhood sexual abuse?  
14:49:43 12 A No.  
14:49:43 13 Q Have you ever been assigned anywhere with  
14:49:45 14 him?  
14:49:46 15 A No.  
14:49:59 16 Q Was [REDACTED] on the faculty with you when  
14:50:02 17 you were at St. Anthony's?  
14:50:04 18 A Yes.  
14:50:04 19 Q When did he join the faculty at  
14:50:08 20 St. Anthony's?  
14:50:09 21 A He wasn't, strictly speaking, a member of the  
14:50:13 22 faculty, I don't think. He was in charge of the  
14:50:15 23 press.  
14:50:16 24 Q The Serra Press?  
14:50:17 25 A Yeah, but he did not -- he was not --

14:50:22 1 didn't -- he was not a part of any faculty meetings.

14:50:26 2 Q Did he become a student class moderator

14:50:29 3 while you were on the faculty?

14:50:33 4 A Who, [REDACTED]?

14:50:35 5 Q Yes.

14:50:37 6 A No. That happened after I was gone.

14:50:40 7 Q Can you think of any circumstance where it

14:50:42 8 would be appropriate for a Franciscan to be buying a

14:50:45 9 seminarian gifts?

14:50:47 10 MR. HANCE: Incomplete hypothetical, vague

14:50:53 11 and ambiguous.

14:50:55 12 MR. MATIASIC: Lacks foundation.

14:50:56 13 THE WITNESS: Generally speaking, no, nine

14:51:00 14 tenths of the time.

14:51:04 15 BY MR. HALE:

14:51:04 16 Q But in the one tenth of the time, can you

14:51:07 17 think of the circumstance where it would be

14:51:09 18 appropriate?

14:51:10 19 MR. HANCE: Same objection.

14:51:12 20 THE WITNESS: Only if he was special friends

14:51:14 21 of the parents.

14:51:16 22 BY MR. HALE:

14:51:16 23 Q Okay. If you'd learned that a faculty member

14:51:20 24 had purchased a camera for a seminarian, would that

14:51:25 25 have been a cause for concern?

14:51:27 1 MR. HANCE: Same objection.

14:51:28 2 THE WITNESS: I would think so.

14:51:30 3 BY MR. HALE:

14:51:30 4 Q Would you have taken any action if you'd  
14:51:33 5 learned that?

14:51:33 6 A Personally, no.

14:51:35 7 Q Why not?

14:51:38 8 A It wasn't my -- my -- it wasn't my domain.

14:51:44 9 Q Would you have told anyone about that?

14:51:47 10 MR. MATIASIC: It's still an incomplete  
14:51:49 11 hypothetical, same objection.

14:51:50 12 THE WITNESS: No, I don't think so.

14:51:51 13 BY MR. HALE:

14:51:51 14 Q Okay. Why not?

14:51:54 15 A I didn't think it would be a major concern.

14:51:56 16 Q Okay. Would it ever be appropriate for a  
14:52:04 17 Franciscan to take a student out to dinner?

14:52:08 18 MR. HANCE: Same objection.

14:52:12 19 THE WITNESS: I don't know, possibly.

14:52:16 20 BY MR. HALE:

14:52:16 21 Q Under what circumstances would it be  
14:52:18 22 appropriate?

14:52:19 23 MR. HANCE: Same objection.

14:52:21 24 THE WITNESS: I don't know. I can't think of  
14:52:24 25 anything in the immediate -- immediate concern.

14:52:30 1 BY MR. HALE:

14:52:30 2 Q If you had learned that a Franciscan was  
14:52:32 3 taking -- had taken a student out to dinner, would you  
14:52:36 4 have reported that to anyone?

14:52:39 5 MR. HANCE: Same objection.

14:52:41 6 THE WITNESS: I don't think so.

14:52:42 7 BY MR. HALE:

14:52:42 8 Q Would you have spoken with the Franciscan  
14:52:43 9 about that?

14:52:45 10 A Not necessarily.

14:52:45 11 Q Okay. Is [REDACTED] still alive?

14:52:50 12 A Yeah.

14:52:51 13 Q Do you know where he is?

14:52:52 14 A At our place in --

14:52:56 15 Q Is he in Malibu?

14:53:05 16 A No, it's -- Los Angeles, same place at --  
14:53:08 17 same place as a couple other priests -- I can't think  
14:53:13 18 of the place where he is, but it's --

14:53:15 19 Q St. Joseph's?

14:53:19 20 A No, no. It was a parish that we took over a  
14:53:22 21 long time ago. I forget what -- I should know the  
14:53:26 22 name.

14:53:27 23 Q Do you know if he's having any health  
14:53:29 24 problems?

14:53:30 25 A Yeah, oh, yeah.

14:53:35 1 Q What are his health problems?

14:53:39 2 A I think the membrane on his heart, around his  
14:53:42 3 heart is inflamed.

14:53:45 4 Q Has he been hospitalized, do you know?

14:53:48 5 A I imagine so. He's all right now, I think,  
14:53:50 6 since I've seen him, but for a while, he had that  
14:53:53 7 health problem. Whether he ended up in the hospital  
14:53:57 8 or not, I don't know. I would say probably, yes.

14:54:00 9 Q Do you know if his life's at risk?

14:54:07 10 A What?

14:54:08 11 Q His life is threatened by this condition?

14:54:11 12 A I don't know.

14:54:12 13 Q Do you know Gus Crum?

14:54:13 14 A No.

14:54:14 15 Q Do you know who he is?

14:54:15 16 A I've heard the name.

14:54:16 17 Q Okay.

14:54:16 18 A I should know who he is, but I don't.

14:54:19 19 Q Okay. Was he a student under you at  
14:54:23 20 St. Anthony's?

14:54:23 21 A No.

14:54:23 22 Q Have you ever been assigned anywhere with  
14:54:27 23 him?

14:54:27 24 A No.

14:54:28 25 Q Have you ever heard he's been accused of

14:54:30 1 childhood sexual abuse?

14:54:31 2 A I'm not sure, but I think so.

14:54:32 3 Q Where did you hear that?

14:54:35 4 A I suspect when I was at St. Anthony's

14:54:39 5 sometime. I think. I don't know where -- where he

14:54:42 6 was appointed to.

14:54:44 7 Q Okay. But you think you heard about that

14:54:47 8 back when he was at -- when you were at St. Anthony's?

14:54:51 9 A No. No.

14:54:51 10 Q You think he was accused of it while he was

14:54:54 11 at St. Anthony's?

14:54:55 12 A No.

14:54:55 13 Q Okay. I'm not following you here. Where did

14:54:58 14 you hear he was accused of childhood sexual abuse?

14:55:00 15 MR. MATIASIC: Other than any

14:55:01 16 conversations --

14:55:02 17 BY MR. HALE:

14:55:02 18 Q Other than conversations with your attorney.

14:55:05 19 A Huh?

14:55:06 20 Q Other than conversations with your attorney,

14:55:08 21 where did you hear that he was accused of childhood

14:55:12 22 sexual abuse?

14:55:13 23 A I guess in passing at St. Anthony's, somebody

14:55:15 24 may have mentioned it.

14:55:17 25 Q Oh, you mean St. Anthony's up here?

14:55:20 1 A St. Anthony's in San Francisco.

14:55:21 2 Q Somewhere up here, you heard that he was

14:55:24 3 accused of --

14:55:25 4 A Not a discussion. A remark.

14:55:27 5 Q Okay. Do you recall who made that remark?

14:55:29 6 A No.

14:55:29 7 Q Do you recall when that was?

14:55:30 8 A No.

14:55:31 9 Q Was it early in your stay at St. Anthony's or

14:55:33 10 later?

14:55:33 11 A I don't know. I don't know.

14:55:39 12 Q Since you've been back in Northern

14:55:41 13 California, have you had any contact with [REDACTED]?

14:55:45 14 A He was at St. Bonifas, and I think I probably

14:55:49 15 said hello to him one or the other time.

14:55:53 16 Q Did you attend mass -- were you assigned to

14:55:56 17 St. Bonifas?

14:55:58 18 A No.

14:55:58 19 Q What were you doing at St. Bonifas?

14:56:00 20 A Just dropped in to visit -- what's his name?

14:56:04 21 Q Father [REDACTED]?

14:56:06 22 A Not [REDACTED], [REDACTED].

14:56:09 23 Q Okay. Is Father [REDACTED] still alive?

14:56:13 24 A Yeah.

14:56:13 25 Q Do you know if he's having any health

14:56:15 1 problems?

14:56:16 2 A I don't know exactly, but he had a lot of  
14:56:19 3 trouble with his heart. I think he had -- his heart  
14:56:24 4 primarily, and he's undergone a couple of rigorous  
14:56:32 5 procedures, special procedures for -- for a man with  
14:56:36 6 heart problems.

14:56:37 7 Q Has he been hospitalized?

14:56:39 8 A Oh, he was operated on, sure.

14:56:42 9 Q How recent was that?

14:56:45 10 A I'd say ten years ago.

14:56:49 11 Q What about any hospitalizations recently that  
14:56:52 12 you're aware of?

14:56:54 13 A No. No. No, he -- he goes down to Stanford  
14:56:58 14 regularly, and -- I think it's Stanford. Anyway, he  
14:57:02 15 goes to specialists who got a program just for people  
14:57:07 16 with his condition.

14:57:08 17 Q Okay. So he's under a doctor's care, though?

14:57:11 18 A Yeah.

14:57:17 19 Q Have you been assigned anywhere with Father  
14:57:20 20 [REDACTED]?

14:57:20 21 A No.

14:57:21 22 Q Did you ever talk to Father [REDACTED] when you  
14:57:24 23 were at St. Bonifas?

14:57:26 24 A No. I might have said hello in passing.

14:57:30 25 Q When did you encounter Father [REDACTED] at



14:57:33 1 St. Bonifas, how recent was that?

14:57:36 2 A Five years, ten years ago.

14:57:39 3 Q Do you know where Father [REDACTED] assigned  
14:57:42 4 now?

14:57:43 5 A He was out in the -- out in the church out in  
14:57:50 6 San Francisco someplace. I don't know, but I think  
14:57:54 7 he's just recently been okayed to becoming  
14:58:01 8 incardinated as a Diocesan priest.

14:58:06 9 Q Into Oakland or San Francisco?

14:58:09 10 A San Francisco.

14:58:10 11 Q So he's no longer a Franciscan?

14:58:12 12 A I don't think so. Not if he's incardinated.

14:58:17 13 Q Have you ever supervised him anywhere?

14:58:19 14 A No.

14:58:20 15 Q Was he ever a student of yours?

14:58:22 16 A No.

14:58:22 17 Q Have you ever heard that he's accused of  
14:58:25 18 childhood sexual abuse?

14:58:25 19 A No.

14:58:26 20 Q Have you ever talked with Father Harris about  
14:58:29 21 Father [REDACTED]?

14:58:31 22 A No.

14:58:31 23 Q Have you ever spent any time at St. Williams  
14:58:34 24 in Los Altos?

14:58:37 25 A No.

14:58:51 1 Q Did you know Berard Connelly?

14:58:57 2 A Berard Connelly. I should, but nothing

14:59:01 3 immediate comes to mind.

14:59:06 4 MR. HANCE: Yes or no, Father.

14:59:07 5 THE WITNESS: No.

14:59:08 6 BY MR. HALE:

14:59:08 7 Q You never heard the name?

14:59:10 8 A Oh, yeah.

14:59:12 9 Q Have you ever been assigned anywhere with

14:59:13 10 him?

14:59:14 11 A No.

14:59:14 12 Q Did you ever spend any time with him in the

14:59:17 13 State of Washington?

14:59:18 14 A No.

14:59:18 15 Q Have you ever heard that he was accused of

14:59:21 16 childhood sexual abuse?

14:59:21 17 A No.

14:59:33 18 Q Do you know Father Joseph Prochnow,

14:59:35 19 P-r-o-c-h-n-o-w?

14:59:37 20 A Sure. He's a student of mine.

14:59:40 21 Q Have you ever heard that he's been accused of

14:59:43 22 childhood sexual abuse?

14:59:44 23 A Uh-huh.

14:59:45 24 Q When did you hear that?

14:59:46 25 MR. HANCE: Other than anything he's heard

14:59:48 1 from his attorneys.

14:59:50 2 MR. HALE: I'm sorry. I keep forgetting

14:59:50 3 that.

14:59:50 4 Q Aside from anything you've heard from your

14:59:52 5 attorneys, where did you hear that from?

14:59:55 6 A I guess from the friars.

14:59:57 7 Q Okay. When did you hear that?

15:00:01 8 A Five or ten years ago.

15:00:02 9 Q Okay. And do you know where he was accused

15:00:05 10 of committing sexual childhood abuse?

15:00:10 11 A No. I guess --

15:00:12 12 MR. MATIASIC: Don't guess, Father.

15:00:14 13 BY MR. HALE:

15:00:14 14 Q Yeah, don't guess.

15:00:15 15 A Do I know, no. No.

15:00:19 16 Q Do you know where he's assigned currently?

15:00:22 17 A Danville.

15:00:23 18 Q At San Damiano?

15:00:28 19 A Uh-huh.

15:00:28 20 Q Do you know what his assignment there is?

15:00:32 21 A He -- he works with AIDS patients in a -- in

15:00:39 22 a villa or a special set up. I forget the name of the

15:00:44 23 valley that he works in. He does that, and I think

15:00:48 24 he -- I think he's interested in gardening.

15:00:55 25 Q Okay. Does he have a parish assignment?

15:00:58 1 A No.

15:00:59 2 Q Do you know if there's restrictions on his

15:01:04 3 ministry?

15:01:04 4 A No.

15:01:04 5 Q You don't know?

15:01:08 6 A I don't know.

15:01:08 7 Q Do you know if he was accused of abuse in

15:01:14 8 Santa Barbara?

15:01:15 9 A No.

15:01:15 10 Q Do you know where he was -- do you know if he

15:01:19 11 was accused of abuse in Northern California?

15:01:23 12 MR. MATIASIC: Other than anything he may

15:01:27 13 have learned from his attorneys.

15:01:30 14 MR. HALE: Sorry.

15:01:41 15 THE WITNESS: No.

15:01:48 16 BY MR. HALE:

15:01:48 17 Q Do you know Sister [REDACTED],

15:01:49 18 [REDACTED], [REDACTED]?

15:01:55 19 A No. No.

15:01:57 20 Q When was the last time you spoke with [REDACTED]

15:02:00 21 [REDACTED]?

15:02:04 22 A Ten, 15 years ago.

15:02:06 23 Q Is he still alive?

15:02:07 24 A Yeah.

15:02:08 25 Q Do you know, is he having any health

15:02:12 1 problems?

15:02:13 2 A [REDACTED]

15:02:13 3 Q [REDACTED]?

15:02:17 4 A [REDACTED].

15:02:23 5 Q Where'd you hear that?

15:02:25 6 A From friars that are acquainted with him

15:02:32 7 where he lives in Los Angeles.

15:02:35 8 Q [REDACTED]

15:02:40 9 [REDACTED]?

15:02:44 10 A I don't know.

15:02:44 11 Q [REDACTED]

15:02:47 12 [REDACTED]?

15:02:49 13 A [REDACTED]

15:02:51 14 [REDACTED] --

15:02:55 15 MR. MATIASIC: Father, he asked you who told  
15:02:56 16 you.

15:02:57 17 THE WITNESS: I don't know.

15:02:58 18 BY MR. HALE:

15:02:58 19 Q What Franciscans are in Santa Barbara -- or  
15:03:01 20 in Los Angeles right now?

15:03:03 21 MR. MATIASIC: The entire Los Angeles area?

15:03:06 22 BY MR. HALE:

15:03:06 23 Q Well, let's exclude the Serra -- is he at the  
15:03:10 24 Serra Retreat House?

15:03:11 25 A No.

15:03:11 1 Q Is he at St. Joseph's?

15:03:14 2 A No.

15:03:15 3 Q Where in Los Angeles?

15:03:16 4 A The place where --

15:03:17 5 Q The place you were trying to remember before?

15:03:21 6 A No.

15:03:21 7 Q Another place?

15:03:23 8 A Yes. [REDACTED] is there, [REDACTED]

15:03:27 9 is there, and --

15:03:29 10 MR. HANCE: Father, he's asking you what the

15:03:31 11 name of the place is.

15:03:32 12 THE WITNESS: The name of the place, I should

15:03:34 13 know, but I don't.

15:03:36 14 BY MR. HALE:

15:03:36 15 Q Okay. All right. Let's take a break, five

15:03:40 16 minutes, and then I think we're looking good.

15:03:45 17 THE VIDEO OPERATOR: Off the record at 3:03

15:03:47 18 p.m.

15:11:23 19 (Recess.)

15:11:30 20 THE VIDEO OPERATOR: On the record at

15:11:33 21 3:11 p.m.

15:11:34 22 EXAMINATION

15:11:34 23 BY MR. WATERS:

15:11:35 24 Q Good afternoon, Father. My name's Rob

15:11:38 25 Waters. I work for the Drivon Law Firm and we

15:11:42 1 represent various plaintiffs in these matters. I have  
15:11:45 2 some questions I'm going to ask you regarding  
15:11:49 3 allegations of childhood sexual abuse. The same  
15:11:51 4 ground rules apply, if you don't understand a question  
15:11:55 5 which I ask, please let me know, and I'll try to  
15:11:58 6 rephrase it in such a manner that you understand.

15:12:00 7 A All right.

15:12:00 8 Q If I do ask you a question, and you provide a  
15:12:03 9 response, we're all going to assume that you  
15:12:06 10 understood my question, and your response was  
15:12:08 11 responsive to the question. Do you understand that?

15:12:11 12 A Yeah.

15:12:11 13 Q Okay. When's the first time that you ever  
15:12:14 14 heard of allegations of childhood sexual abuse  
15:12:17 15 occurring at St. Anthony's Seminary?

15:12:21 16 MR. MATIASIC: I think this is --

15:12:25 17 MR. HANCE: Asked and answered.

15:12:25 18 MR. WATERS: No.

15:12:25 19 MR. MATIASIC: You're limiting it  
15:12:27 20 specifically to St. Anthony's Seminary?

15:12:30 21 MR. HALE: (No audible response.)

15:12:31 22 MR. MATIASIC: I think the first time he  
15:12:33 23 heard about any priest was 15 years ago.

15:12:37 24 MR. HALE: For what it's worth, I don't think  
15:12:38 25 I asked that specific question. I asked broader

15:12:42 1 questions.

15:12:43 2 THE WITNESS: I would say when I was five or  
15:12:45 3 ten years into being a chaplain at St. Mary's  
15:12:51 4 Hospital.

15:12:53 5 BY MR. WATERS:

15:12:54 6 Q Okay. And you testified this morning that  
15:13:00 7 you were a chaplain at St. Mary's --

15:13:04 8 A Uh-huh.

15:13:05 9 Q -- back starting in approximately 1976; is  
15:13:15 10 that correct?

15:13:15 11 A Let me see, I think -- I think so. I think  
15:13:19 12 so.

15:13:19 13 Q And so five or ten years into being a  
15:13:22 14 chaplain, so sometime between 1981 and 1986 is when  
15:13:27 15 you first heard of childhood sexual abuse  
15:13:30 16 allegations --

15:13:31 17 A I would suppose.

15:13:32 18 Q -- at St. Anthony's?

15:13:34 19 A Oh, I heard of that at St. Anthony's Church.

15:13:40 20 Q Okay. And do you recall how you heard of  
15:13:43 21 those allegations of childhood sexual abuse?

15:13:48 22 A No.

15:13:48 23 Q Do you recall if it was a conversation with a  
15:13:49 24 past seminary student?

15:13:51 25 A No.



15:13:53 1 Q Do you recall if it was a conversation with  
15:13:55 2 any faculty members?

15:13:56 3 A Or something that a faculty member -- that a  
15:13:59 4 member of the parish, an assistant mentioned in  
15:14:05 5 passing.

15:14:07 6 Q And a member of a parish, that would be  
15:14:10 7 St. Anthony's --

15:14:11 8 A St. Anthony's, yeah.

15:14:14 9 Q Here in San Francisco?

15:14:15 10 A Yeah.

15:14:16 11 Q Do you recall the name of the parishioner  
15:14:18 12 that mentioned it in passing?

15:14:20 13 A Not a parishioner, it must have been a  
15:14:23 14 priest.

15:14:23 15 Q Do you recall the name of the priest?

15:14:23 16 A No.

15:14:23 17 Q And do you recall if the priest mentioned a  
15:14:25 18 specific alleged perpetrator?

15:14:28 19 A No, just the fact that it occurred.

15:14:30 20 Q Did this priest mention in passing the nature  
15:14:33 21 of the allegations?

15:14:35 22 A No.

15:14:39 23 Q Did you do anything with the information that  
15:14:41 24 the priest mentioned to you?

15:14:44 25 A No.

15:14:45 1 MR. MATIASIC: Vague and ambiguous.

15:14:50 2 BY MR. WATERS:

15:14:50 3 Q When was the next time, if you can remember,  
15:14:52 4 that you heard of allegations of childhood sexual  
15:14:55 5 abuse occurring at St. Anthony's?

15:14:56 6 A I don't know.

15:14:58 7 Q Did you ever read any news articles regarding  
15:15:01 8 the allegations of childhood sexual abuse at  
15:15:04 9 St. Anthony's?

15:15:05 10 A I -- I think so.

15:15:07 11 Q Do you recall in which publication or  
15:15:11 12 periodical you read those articles?

15:15:13 13 A News Press Santa Barbara.

15:15:17 14 Q Do you recall when you read those?

15:15:19 15 A No.

15:15:20 16 Q Do you recall whether or not the nature of  
15:15:25 17 alleged abuse was discussed in the articles?

15:15:29 18 A No. No.

15:15:32 19 Q Do you recall whether the names of any  
15:15:34 20 alleged perpetrators were discussed in the articles?

15:15:37 21 A No.

15:15:38 22 Q Do you recall whether the name of any of the  
15:15:40 23 alleged victims were discussed in the news article?

15:15:47 24 A No.

15:15:48 25 Q Have your ever had any conversations with any

15:15:52 1 provincials of the province regarding childhood sexual  
15:15:56 2 abuse allegations at St. Anthony's?

15:15:58 3 A No.

15:16:00 4 Q When's the first time you heard of childhood  
15:16:04 5 sexual abuse allegations alleged against Father  
15:16:08 6 Cimmarrusti?

15:16:21 7 A I don't know. I can't tell.

15:16:24 8 Q Was it more than five years ago?

15:16:28 9 A Yes.

15:16:29 10 Q Yes? Do you believe it was more than ten  
15:16:31 11 years ago?

15:16:32 12 A I would suppose so.

15:16:34 13 Q More than 15 years ago?

15:16:38 14 A (No audible response.)

15:16:39 15 Q What I'm looking at is if you can give me an  
15:16:45 16 estimate of when you believe you first heard of  
15:16:49 17 childhood sexual abuse allegations regarding Father  
15:16:51 18 Cimmarrusti?

15:16:51 19 A 15 years ago -- I guess 15 would be a good  
15:16:56 20 number.

15:16:57 21 MR. HANCE: Do you know, Father?

15:16:59 22 THE WITNESS: No.

15:17:00 23 BY MR. WATERS:

15:17:00 24 Q Is that your best estimate?

15:17:01 25 A Uh-huh.

15:17:02 1 Q Approximately 15 years ago?

15:17:04 2 A (No audible response.)

15:17:05 3 MR. MATIASIC: You have to answer audibly.

15:17:07 4 THE WITNESS: Yes. Yes.

15:17:09 5 MR. HANCE: They don't want you to guess.

15:17:11 6 BY MR. WATERS:

15:17:11 7 Q I just want your best estimate. So your best

15:17:13 8 estimate is in approximately 1990 is when you first

15:17:17 9 learned of allegations of childhood sexual abuse by

15:17:20 10 Father Cimmarrusti, correct?

15:17:23 11 A Yeah. Yeah. Yes.

15:17:27 12 Q Do you recall how you learned of those

15:17:30 13 allegations?

15:17:30 14 A No.

15:17:32 15 Q Have you read any news articles regarding

15:17:36 16 alleged abuse by Father Cimmarrusti?

15:17:39 17 A Yeah.

15:17:40 18 Q Do you recall the periodical or publication

15:17:44 19 in which you read those articles?

15:17:47 20 A It was in the News Press.

15:17:49 21 Q Santa Barbara?

15:17:50 22 A But when I don't know.

15:17:54 23 Q Have you ever spoken with any seminary

15:17:59 24 students that claim that they were sexually abused by

15:18:04 25 Father Cimmarrusti?

15:18:05 1 A No. I -- I spoke with -- in general, Friar  
15:18:12 2 O'Connell, but just saying, "Hello, I'm glad to see  
15:18:17 3 you," and let it go at that.

15:18:19 4 Q Did you discuss Father Cimmarrusti at all  
15:18:22 5 with that individual?

15:18:24 6 A No. No.

15:18:33 7 Q And just so I'm right, you were never  
15:18:36 8 contacted by the independent board of inquiry?

15:18:40 9 MR. MATIASIC: Asked and answered.

15:18:41 10 BY MR. WATERS:

15:18:41 11 Q Is that correct?

15:18:42 12 A Yes.

15:18:42 13 Q You were not contacted?

15:18:44 14 A No.

15:18:45 15 MR. MATIASIC: Asked and answered.

15:18:45 16 BY MR. WATERS:

15:18:45 17 Q Are you aware of Father Cimmarrusti's current  
15:18:48 18 status with the order?

15:18:50 19 MR. MATIASIC: Vague and ambiguous. What are  
15:18:52 20 you talking of, Counsel?

15:18:54 21 BY MR. WATERS:

15:18:54 22 Q Do you know what his current assignment is  
15:18:57 23 with the order?

15:18:58 24 A Current assignment?

15:18:59 25 Q Yes.

15:19:00 1 A Is Danville.

15:19:02 2 Q Do you know what his official duties are?

15:19:05 3 MR. MATIASIC: Vague and ambiguous.

15:19:06 4 THE WITNESS: He's taking care of the retired  
15:19:08 5 people up there.

15:19:09 6 BY MR. WATERS:

15:19:09 7 Q Is it your understanding that he has  
15:19:12 8 restrictions on his faculties?

15:19:14 9 A I don't know. I don't know.

15:19:15 10 Q Have you ever been -- have you ever heard  
15:19:18 11 that Father Cimmarrusti has had his faculties  
15:19:22 12 restricted?

15:19:22 13 A No.

15:19:23 14 Q You've never heard that?

15:19:25 15 A (No audible response.)

15:19:25 16 Q Is that correct?

15:19:26 17 A Yeah. Correct that I never heard.

15:19:33 18 Q Do you know if Father Cimmarrusti's current  
15:19:36 19 assignment deals with providing spiritual aid to  
15:19:43 20 children?

15:19:49 21 MR. HANCE: Vague and ambiguous.

15:19:50 22 MR. MATIASIC: And I think he testified he  
15:19:51 23 takes care of the elderly people there, but go ahead.

15:19:54 24 THE WITNESS: Just the retired priests.

15:19:56 25 BY MR. WATERS:

15:19:56 1 Q So to your knowledge, he is not providing  
15:20:03 2 spiritual aid to children?

15:20:06 3 MR. HANCE: Same objection.

15:20:08 4 THE WITNESS: No.

15:20:09 5 BY MR. WATERS:

15:20:09 6 Q Have your ever had any conversations with  
15:20:10 7 Father Cimmarrusti regarding the allegations of  
15:20:14 8 childhood sexual abuse?

15:20:14 9 A No.

15:20:15 10 Q Have your ever had any conversations with  
15:20:17 11 Father Cimmarrusti regarding this deposition?

15:20:19 12 A No.

15:20:19 13 Q I believe you testified that you last spoke  
15:20:21 14 with Father Cimmarrusti about six months ago, correct?

15:20:26 15 A Yeah.

15:20:26 16 Q During that conversation, did the issue of  
15:20:30 17 childhood sexual abuse ever come up?

15:20:31 18 A No.

15:20:32 19 Q During that conversation, did the issue of  
15:20:34 20 St. Anthony's ever come up?

15:20:36 21 A No.

15:20:48 22 Q Do you recall a seminary student by the name  
15:20:52 23 of [REDACTED], [REDACTED]?

15:20:58 24 A Vaguely.

15:20:58 25 Q What do you recall regarding --

15:21:02 1 A Just the name.

15:21:03 2 MR. MATIASIC: Vague and ambiguous.

15:21:04 3 BY MR. WATERS:

15:21:04 4 Q Just the name? Does a picture come to your  
15:21:09 5 mind when I mention his name?

15:21:11 6 A No.

15:21:12 7 Q Do you recall if you taught him in any of  
15:21:15 8 your classes?

15:21:15 9 A No.

15:21:16 10 Q Do you know any conversations which you had  
15:21:17 11 with him?

15:21:18 12 A No.

15:21:18 13 Q Do you know if you had any conversations with  
15:21:20 14 him after you left St. Anthony's?

15:21:22 15 A No.

15:21:22 16 Q Do you recall the seminary student [REDACTED]  
15:21:28 17 [REDACTED]?

15:21:29 18 A No.

15:21:32 19 Q To your recollection, have you ever had any  
15:21:34 20 conversations with [REDACTED]?

15:21:36 21 A With who?

15:21:39 22 Q [REDACTED]?

15:21:40 23 A No.

15:21:41 24 Q Do you recall the seminary student, [REDACTED]  
15:21:47 25 [REDACTED]?



15:21:48 1 A Just the name.

15:21:50 2 Q Do you recall if you taught him at the  
15:21:52 3 seminary? Do you recall if you taught him at the  
15:21:56 4 seminary?

15:21:56 5 A No. I could have. I don't remember.

15:21:59 6 Q Do you recall any conversations with him?

15:22:03 7 A No. No.

15:22:08 8 Q Would it be appropriate for a Franciscan to  
15:22:11 9 give a seminary student alcohol?

15:22:17 10 MR. HANCE: Incomplete hypothetical, vague  
15:22:18 11 and ambiguous, lacks foundation.

15:22:19 12 THE WITNESS: I would say, no, it's not --  
15:22:21 13 not appropriate.

15:23:16 14 BY MR. WATERS:

15:23:16 15 Q When is the last time you saw Father  
15:23:20 16 Cimmarrusti in person?

15:23:23 17 A About six months ago.

15:23:25 18 Q That was --

15:23:26 19 A Danville.

15:23:26 20 Q In Danville. What was the nature of you guys  
15:23:31 21 getting together?

15:23:35 22 MR. MATIASIC: Asked and answered.

15:23:36 23 THE WITNESS: I was -- I was taking a priest  
15:23:39 24 who was thinking of retiring at Danville.

15:23:44 25 BY MR. WATERS:

15:23:44 1 Q That's right.

15:23:45 2 A And he wanted to see what the place looked  
15:23:47 3 like, so I took him up there, and while we were  
15:23:50 4 showing him around, Mario talked for a while with us,  
15:23:53 5 you know.

15:23:55 6 Q Your counsel's right, it was asked and  
15:23:57 7 answered. Now I remember that response.

15:23:59 8 How long did this meeting last?

15:24:01 9 A How long did the meeting last?

15:24:03 10 Q Yeah.

15:24:04 11 A About an hour at the most.

15:24:14 12 Q When you were walking around the facility,  
15:24:16 13 did you notice any children?

15:24:18 14 A No.

15:24:52 15 MR. WATERS: That's all the questions I have.

15:24:55 16 MR. HALE: Done. Same stipulation as  
15:24:57 17 yesterday okay with everyone?

15:25:00 18 MR. MATIASIC: That's fine.

15:25:00 19 MR. HALE: Okay.

15:25:06 20 THE VIDEO OPERATOR: This concludes today's  
15:25:08 21 deposition of [REDACTED]. The master video tape  
15:25:10 22 will be maintained by Paulson Reporting and Litigation  
15:25:15 23 Services. We are off the record at 3:25 p.m.

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Penalty of Perjury

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I, FATHER [REDACTED], do hereby declare  
under penalty of perjury that I have read the  
foregoing transcript; that I have made any corrections  
as appear noted, in ink, initialed by me, or attached  
hereto; that my testimony as contained herein, as  
corrected, is true and correct.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
200\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_.  
(City) (State)

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[REDACTED]

REPORTER'S CERTIFICATION

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I, the undersigned, a Certified Shorthand  
Reporter of the State of California, do hereby  
certify:

That the foregoing proceedings were taken  
before me at the time and place herein set forth; that  
any witnesses in the foregoing proceedings, prior to  
testifying, were placed under oath; that a verbatim  
record of the proceedings was made by me using machine  
shorthand which was thereafter transcribed under my  
direction; further, that the foregoing is an accurate  
transcription thereof.

I further certify that I am neither  
financially interested in the action nor a relative or  
employee of any attorney or any of the parties.

IN WITNESS WHEREOF, I have this date  
subscribed my name.

Dated: \_\_\_\_\_

\_\_\_\_\_  
THERESA A. DARNELL  
CSR No. 9966