

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

Coordination Proceeding Special )  
Title (Rule 1550(b)) )  
In Re: ) CASE NUMBER:  
THE CLERGY CASES I & III ) JCCP 4286  
 ) JCCP 4359  
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Volume 2 (pages 85 - 269) of the videotaped deposition of VIRGIL CORDANO, OFM CAP, taken at 10:11 a.m., Wednesday, May 25, 2005, at 1430 Chapala Street, Santa Barbara, California, before Mark McClure, C.S.R. #12203, Certified Shorthand Reporter in and for the State of California.

OUR FILE NO: 62054

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18  
19  
20  
21 ALSO PRESENT:

22 CHAD FRANKS

23 

24 CHRISTIAN MARTINEZ, VIDEOGRAPHER

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1 SANTA BARBARA, CALIFORNIA

2 WEDNESDAY, MAY 25, 2005, 10:11 A.M.

3

4 (Deposition Exhibit A was marked  
5 for identification, a copy which is  
6 attached hereto.)

7 VIDEOGRAPHER: Good morning.

8 This is the videotaped deposition of Father  
9 Virgil Cordano in the matter of the Clergy Cases I and  
10 III, case pending in the Superior Court of the State of  
11 California, for the County of Los Angeles, Central  
12 District. The case number is JCCP 4286 and JCCP 4359.

13 Today's date is Wednesday, May 25, 2005. The  
14 location is 1430 Chapala Street, Santa Barbara,  
15 California, and the time on the video monitor is 10:11  
16 a.m.

17 The certified shorthand reporter is Mark  
18 McClure. My name is Christian Martinez, a certified  
19 legal video specialist and a notary public in the State  
20 of California. I represent DepoVision of Santa Barbara,  
21 California.

22 Would counsel and all present please introduce  
23 yourselves for the record and state whom you represent.

24 MR. HALE: Tim Hale for plaintiffs.

25 MR. FRANKS: Chad Franks, with Freberg &

1 Associates, for plaintiffs.

2 MR. HABEL: Jim Habel, from Hennigan, Bennett &  
3 Dorman for Archdiocese of Los Angeles, and I'm  
4 defendant's liaison counsel.

5 MR. GODFREY: Pete Godfrey, of Gilbert, Kelly,  
6 Crowley & Jennett, for the Archdiocese of Los Angeles.

7 MR. HANCE: Brian Hance for the Franciscan  
8 friars of California and the deponent.

9 MR. MATIASIC: Paul Matiasic, Lewis, Brisbois,  
10 Bisgaard & Smith, representing Franciscan friars and the  
11 deponent in Clergy III.

12 MR. KASPER: Dennis Kasper, with Lewis,  
13 Brisbois, Bisgaard & Smith for the Franciscan friars in  
14 Clergy I and the deponent.

15 MS. LYDDAN: Angela Lyddan, Carroll, Burdick &  
16 McDonough, for the Archdiocese of Los Angeles.

17 MS. SUZUKI: Misasha Suzuki, O'Melveny & Myers,  
18 Archdiocese of Los Angeles.

19 MS. [REDACTED]: [REDACTED],  
20 survivor.

21 VIDEOGRAPHER: Thank you.

22 Would the court reporter please swear in the  
23 witness.

24 ///

25 ///

1 FATHER VIRGIL CORDANO, OFM CAP,  
2 having been sworn, was examined  
3 and testified as follows:  
4

5 EXAMINATION

6 BY MR. HALE:

7 Q. I know I introduced myself last time, but again  
8 my name is Tim Hale. I recall during the last deposition  
9 Tony De Marco discussed some of the rules for a  
10 deposition with you. Do I need to go over those with you  
11 again?

12 A. No, no.

13 Q. That's what I was hoping you would answer.  
14 I recall last time we were here you were  
15 feeling somewhat under the weather. You appear to be  
16 feeling better today; is that correct?

17 A. Yeah, I was sick for three weeks, but I'm okay  
18 now.

19 Q. Have you taken any drugs or consumed anything  
20 that would cause you to not be able to give your best  
21 testimony today?

22 A. No.

23 Q. Great.

24 My recollection is from your last deposition,  
25 or from the last session, you testified that during your

1 career there were times when -- there was a time when you  
2 became, essentially, the Franciscan's PR man. Is my  
3 recollection accurate in that regard?

4 A. I was a PR man, yes, at a certain time.

5 Q. What year did that start?

6 A. I'm not too sure. It's been many years.

7 Q. Maybe in the seventies, or later than that?

8 A. Definitely in the seventies, I can remember  
9 that.

10 Q. So I take it you've been interviewed by the  
11 News-Press too many times to count, probably?

12 A. Yes.

13 Q. Do you generally read the articles for which  
14 you're interviewed? In other words, if --

15 A. When? Read the articles when?

16 Q. If Rhonda Parks Manville calls you and an  
17 article comes out the next day, do you pick up the  
18 News-Press to see if she got it right, as far as what she  
19 said?

20 A. Sometimes.

21 Q. Have they ever misquoted you, to your  
22 knowledge?

23 A. Yes, sometimes.

24 Q. Is that a frequent occurrence or just  
25 occasional?



1 A. Occasional.

2 Q. Did you call them and ever correct the  
3 misquotes when that happened?

4 A. No.

5 Q. Did you ever, for instance, the next time you  
6 spoke to Rhonda say, "Hey, you got it wrong, that's not  
7 what I said"?

8 A. No.

9 Q. Again, I want to touch a few points that  
10 Mr. De Marco touched on last time.

11 Were you on the faculty at UC Santa Barbara at  
12 some point?

13 A. No.

14 Q. Did you ever teach out there?

15 A. No.

16 Q. Were you ever on any faculties in the Santa  
17 Barbara area, other than the theologate?

18 A. Yes, I taught at the Immaculate Heart Novitiate  
19 over at Casa de Maria.

20 Q. Is that out in Montecito?

21 A. Yeah.

22 And a novitiate for the so-called Marymount  
23 nuns in Santa Barbara, and St. John's seminary there in  
24 Camarillo.

25 Q. When were you on the faculty at St. John's?

1 A. I'm not sure of the date.

2 Q. Was it just for one year?

3 A. About three years.

4 Q. Was it in the sixties or the seventies?

5 A. I'm not really sure. I'd be guessing.

6 Q. Okay. I don't want you to guess.

7 How many classes did you teach at St. John's?

8 A. You mean specific classes or how many

9 classes --

10 Q. Yes.

11 A. I taught two classes a week.

12 Q. So you were still in residence at the Mission,  
13 you were just commuting down there?

14 A. Yes.

15 Q. Do you remember what the classes were about?

16 A. They called it "Joe and I in the Literature"  
17 (phonetic), the Gospel of John, the Epistles of John and  
18 the Book of Revelation, or apocalypse.

19 Q. Was that class targeting a specific year of  
20 students at the theologate or was it open to all years?

21 I'm sorry, at St. John's, not the theologate.

22 A. For a particular class.

23 Q. Do you remember which one, what year class, in  
24 other words?

25 A. I can't remember what year.

1 Q. No recollection of whether this was in the  
2 fifties or sixties or seventies?

3 A. The only thing I can say is after 1968.

4 Q. So it's likely your teaching time at St. John's  
5 went into the seventies?

6 A. Maybe.

7 Q. Not into the eighties?

8 A. I'm not certain.

9 Q. Let me ask you this. Was it successive years,  
10 three in a row, in other words?

11 A. Successive years.

12 Q. Did you ever have a student by the name of  
13 Michael Harris?

14 A. I can't recall.

15 Q. How was it you came to serve on the faculty at  
16 St. John's? Were you invited? Did someone ask you, and  
17 if so, who?

18 A. I was invited by the rector, the person in  
19 charge, yes.

20 Q. I think you said you were also on the faculty  
21 for the novitiate at Marymount at one point; is that  
22 correct?

23 A. What they call the novitiate, young girls who  
24 are becoming nuns.

25 Q. Okay. And for Marymount here in Santa Barbara?

1 A. In Santa Barbara.

2 Q. What years did you serve in that capacity?  
3 Just give me your best estimate, if you can, or  
4 approximation. If you can just even narrow it down to a  
5 decade, that would be a good start.

6 A. Let's see. It was before 1968.

7 Q. So before you went to St. John's?

8 A. Before I went to St. John's, yes.

9 Q. How many years did you serve in that capacity?

10 A. Where?

11 Q. I'm sorry, the novitiate for Marymount?

12 A. Maybe two years, maybe.

13 Q. How did that come about? Who invited you to do  
14 that, or asked you?

15 A. The superior at Marymount.

16 Q. Was Marymount associated with the Religious of  
17 the Sacred Heart of Mary?

18 A. Yeah, that's their official name. Their public  
19 name is Marymount.

20 Q. Did you ever know a sister by the name of  
21 Frances Cloak Webb?

22 A. Frances Cloak Webb?

23 Q. Yeah, W-e-b-b.

24 A. It doesn't register.

25 Q. What about, I think you said, you were also on

1 the faculty for the novitiate for the Immaculate Heart in  
2 Montecito at one point. Do you recall, was that prior to  
3 the novitiate for the Sacred Heart of Mary?

4 A. I can't recall.

5 Q. Do you think there's any chance it was after  
6 you were on the faculty for the Religious of the Sacred  
7 Heart of Mary?

8 A. I don't know how the times went.

9 Q. Did you have a recollection of how many years  
10 you served in that capacity?

11 A. At what place?

12 Q. For the Immaculate Heart?

13 A. Yes, generally, anywhere from five to ten  
14 years.

15 Q. Let me see if I can refresh your recollection.  
16 At some point, was there a controversy between the  
17 sisters of the Immaculate Heart and Cardinal MacIntyre,  
18 in the sixties?

19 A. Yes.

20 Q. Were you serving on the novitiate at that time?

21 A. I can't relate the two times.

22 Q. Do you think that occurred before or after your  
23 time with the novitiate of the Immaculate Heart?

24 A. What occurred?

25 Q. In a nutshell, apparently the nuns wanted to

1 dress less conservatively and the cardinal didn't  
2 approve, and basically, my understanding is, kicked them  
3 out of the archdiocese to some extent. Does that refresh  
4 your recollection at all?

5 A. Well, I couldn't agree with that statement,  
6 "kicked them out."

7 Q. Why don't you tell me what your recollection is  
8 of what happened.

9 A. There was a long period that these sisters and  
10 other sisters underwent what is called "updating,"  
11 reform, and the controversy between the sisters and the  
12 cardinal extended over some time. Again, my  
13 understanding was, they finally couldn't agree and so --  
14 whether the initiative of the break was the cardinal or  
15 the sisters, I don't know, but it happened.

16 Q. Was it your understanding that he kicked them  
17 out of the institutions that were owned by the  
18 archdiocese? For instance, schools, parishes, that sort  
19 of thing?

20 MR. KASPER: The question misstates his  
21 testimony.

22 You can answer if you can.

23 THE WITNESS: I don't know the details. I  
24 can't remember the details.

25 BY MR. HALE:

1 Q. Do you know Anita Caspary, C-a-s-p-a-r-y?

2 A. Yes. Not close, not intimately, but I know  
3 her.

4 Q. Does that refresh your recollection at all as  
5 to whether you were serving on the novitiate for the  
6 Immaculate Heart at the time this controversy took place?

7 A. Just a little insert here. You know, as I get  
8 older, it's hard for me to, sometimes, remember the  
9 times, to be honest.

10 Q. Sure, no problem.

11 Were you aware of any scholars locally, other  
12 than Miss Caspary, who would be knowledgeable about what  
13 took place during these events?

14 A. Any kind of what?

15 Q. Any scholars or academics locally who would be  
16 knowledgeable about what happened in this controversy  
17 between the sisters and the archdiocese?

18 A. Scholars from where?

19 Q. You got me; that's why I'm asking you. And  
20 they don't have to be scholars, just maybe an historian  
21 of some sort.

22 (Mr. De Marco joined the deposition.)

23 THE WITNESS: Occasionally I would hear  
24 somebody involved with the controversy, although I wasn't  
25 personally involved. You know, names would be bandied

1 about, but I wouldn't be able to recall.

2 BY MR. HALE:

3 Q. What do you mean by "involved"?

4 A. Well, I mean spoke up.

5 Q. Who?

6 A. They spoke up, had an opinion.

7 Q. Oh, okay, do you recall if Bishop Ward was  
8 involved in this at all?

9 A. I have no evidence of it.

10 Q. I think we marked as Exhibit A last time a  
11 postcard that looked like this (demonstrating).

12 I'll pass this over to the witness.

13 MR. HALE: Dennis, would you object if he  
14 marked where certain locations are, if he can identify  
15 those locations on the card?

16 MR. MATIASIC: What's the date of that?

17 MR. KASPER: Can you identify the card in more  
18 detail?

19 MR. HALE: I pulled it out of a Franciscan gift  
20 shop.

21 MR. MATIASIC: It's the same one?

22 MR. HALE: Yeah, it's the same card, sure.

23 MR. KASPER: If he can identify it, it's okay  
24 if he marks on it.

25 MR. HALE: Okay, good.



1 THE WITNESS: Do you want me to identify it?

2 BY MR. HALE:

3 Q. I'll ask you some questions about it.

4 I think last time you spoke about there was an  
5 expansion for the dorm residents for the theologate at  
6 some point. Did that take place right in that area  
7 (indicating)? Is that where the expansion happened?

8 MR. KASPER: For the record, we're looking a  
9 card which has a photograph in the middle of it and some  
10 buildings in the middle and some buildings in the upper  
11 right-hand corner.

12 Father, the buildings in the middle, do they  
13 represent the Old Mission?

14 THE WITNESS: You mean represent the Old  
15 Mission?

16 MR. MATIASIC: Is this the Old Mission? Is  
17 that what we're looking at?

18 THE WITNESS: This is the Old Mission  
19 (indicating).

20 MR. KASPER: So, now, the question is, where  
21 did the expansion take place that you testified to at the  
22 last session?

23 THE WITNESS: The expansion would be the left  
24 portion right along here (indicating).

25 BY MR. HALE:

1 Q. Could you mark that with a "D"?

2 MR. KASPER: For the record, he's identifying a  
3 line of buildings that runs right through the center of  
4 the photograph.

5 Is that right, Father?

6 THE WITNESS: Yes.

7 MR. KASPER: Are you, then, referring to  
8 buildings that are on either side of that?

9 THE WITNESS: No, no, on the left side.

10 MR. KASPER: On the left side?

11 THE WITNESS: Yes, that building, that building  
12 and that building (indicating).

13 MR. KASPER: So I think what we want to do is  
14 ask you to actually mark, just write on the card, the  
15 buildings that are the new or expanded buildings.

16 BY MR. HALE:

17 Q. Maybe mark it with a "D."

18 These are dormitories; correct, Father? Is  
19 that accurate? Is that what the expansions were for?

20 A. Let me get my bearings there. There's a chapel  
21 there (indicating).

22 Q. I thought you testified last time that the  
23 expansion was right there (indicating), but maybe I  
24 misunderstood you.

25 A. Let's see, the church is there (indicating).

1 It's so hard to -- it's so different than I'm accustomed  
2 to seeing.

3 This is the old section (indicating).

4 MR. KASPER: I think we need to be clear for  
5 the record, because you're pointing to things here.

6 So the old section he's just pointed to is in  
7 the lower-right quadrant of this center picture.

8 THE WITNESS: Well, I would say that the --  
9 this would be -- do you want me -- it would be --

10 BY MR. HALE:

11 Q. That's what I thought you testified to, Father.

12 A. So --

13 Q. If that's the expansion that was for dorm  
14 residences and you put a "D" on it, that would be great.

15 MR. KASPER: Maybe this pen will work better  
16 (handing pen).

17 THE WITNESS: (Witness complies.)

18 MR. KASPER: So he's just put a "D" on the  
19 buildings that are in the upper right quadrant of the  
20 center picture.

21 MR. HALE: Okay.

22 Q. Once --

23 MR. KASPER: Hold on, Counsel.

24 There's also an area that is in the center --  
25 it's buildings that run sort of across the center, which

1 he has put a "D" on.

2 THE WITNESS: Do you want the whole  
3 development, all that was new?

4 BY MR. HALE:

5 Q. Actually, that answers my question right there.  
6 That's enough.

7 MR. KASPER: I think, Father, the question was  
8 where the dorms were that you were --

9 THE WITNESS: Oh, the dorms, I see.

10 MR. KASPER: These are the dorms that we talked  
11 about in your last deposition that were used by the  
12 students.

13 THE WITNESS: These are the new dorms, the  
14 development? That's what you are asking for?

15 BY MR. HALE:

16 Q. Yes.

17 A. Those two sections I've marked "D". Yeah,  
18 those two. I hope I got that right.

19 Q. Thank you.

20 When the school --

21 MR. KASPER: Hold on, Counsel.

22 Father, you just said you hope you were right.  
23 Are you not clear? If you're not sure, just tell us. We  
24 want to be sure your testimony is accurate.

25 THE WITNESS: Yes, that's my judgment.

1 BY MR. HALE:

2 Q. When the theologate was moved to Berkeley, what  
3 became of these dorm rooms? In other words, what were  
4 they used for?

5 A. First of all, they were vacant for a period of  
6 time. We had to decide what to use them for.

7 Eventually they became rooms used for  
8 gatherings of all kinds -- retreats, people who would  
9 stay overnight for some reason or other.

10 Q. So, basically, guest rooms?

11 A. Guest rooms, yes.

12 Q. And if there weren't any guests in the rooms,  
13 obviously, the rooms were vacant; right?

14 A. Yes.

15 Q. From your time at the Mission, can you think of  
16 any reason for a St. Anthony's student to have gone into  
17 one of those rooms?

18 A. It would be odd. It would be unusual, very  
19 unusual.

20 Q. Looking back at the photo again, to the left of  
21 where you marked where the "D" is, do you see the little  
22 blue spot? Is that the Mission pool?

23 A. Yeah, that's the Mission pool, yeah, that  
24 little touch of blue.

25 Q. All right, I don't think we need to mark that.

1 The "touch of blue" takes care of that right there.

2 A. Yeah.

3 Q. If you were coming up behind -- in other words,  
4 if you were coming across the street from St. Anthony's  
5 to the back side of the Mission towards the pool,  
6 immediately to the left of the pool is there a set of  
7 stairs going up to those now-vacant dorm rooms?

8 A. Yes.

9 Q. In your time at the Mission, did you ever see a  
10 Franciscan take a St. Anthony's student up those stairs?

11 A. I never did.

12 Q. Would it have struck you as odd to have seen  
13 that happen?

14 MR. MATIASIC: Objection. Incomplete  
15 hypothetical.

16 THE WITNESS: No, not necessarily.

17 BY MR. HALE:

18 Q. Under what circumstances would it be  
19 appropriate for a Franciscan to be walking up those  
20 stairs with a St. Anthony's student?

21 A. Do you want my judgment?

22 Q. Yes.

23 A. It would be acceptable, in my mind.

24 Q. So you would not have questioned a friar about  
25 what was happening if you saw this?

1 A. I wouldn't.

2 Q. Looking at the postcard again, I think I know  
3 where it is, but can you point to where the parish is,  
4 the main building to the bottom right, is that it?

5 A. Parish church?

6 Q. Yes.

7 A. Yes, uh-huh.

8 MR. KASPER: He's pointing to the building  
9 that's in the bottom right.

10 MR. HALE: With the two -- the towers.

11 MR. KASPER: Yes.

12 BY MR. HALE:

13 Q. Is there only one parish on the Mission  
14 property?

15 A. One parish.

16 Q. Can you point on the picture, does it depict  
17 where the Franciscan brothers reside?

18 A. What do you mean by "brothers"? We have  
19 brothers -- we have priests and brothers. What do you  
20 mean?

21 Q. Do they reside in the same place, in the same  
22 area?

23 A. What do you mean by "brothers"? Brothers and  
24 priests?

25 Q. Do they live in the same location?

1 MR. GODFREY: I think that may be vague and  
2 ambiguous. Aren't there students called brothers and  
3 aren't there also vowed brothers?

4 THE WITNESS: Yeah. We're all brothers and  
5 some are ordained, some are priests.

6 BY MR. HALE:

7 Q. All right, I'll make it simpler.

8 A. What is the question again, then?

9 Q. Can you point to where the Franciscans at the  
10 Old Mission lived in that picture? Did they all live in  
11 the same location?

12 MR. MATIASIC: Currently?

13 MR. KASPER: Yeah, I think you need to work on  
14 the time.

15 MR. HALE: Well, that's what I want to know  
16 first. Then we'll work our way backwards.

17 MR. KASPER: The question, Father, is where do  
18 members of the Franciscan order live currently, if you  
19 can identify that in the picture.

20 THE WITNESS: Yes, all right.

21 This would be what we call the infirmary.

22 MR. KASPER: He's referring to a set of  
23 buildings that run through the center of the quadrant  
24 that's in the lower right-hand side of the center  
25 picture.



1 THE WITNESS: So those who are infirm to  
2 varying degrees --

3 BY MR. HALE:

4 Q. Live there?

5 A. Yes. In fact, when I was sick I spent three  
6 weeks there myself.

7 Then there would be Franciscans --

8 Q. Can you mark the infirmary with an "I"?

9 MR. KASPER: I think you'll have to use this  
10 pen. Put an "I" where the infirmary is.

11 THE WITNESS: So there would be -- this would  
12 be brothers, and this -- this wing here, you want to  
13 designate that in any way?

14 BY MR. HALE:

15 Q. Maybe with an "FR"?

16 A. "FR," okay. And how should we designate that?  
17 If you were to split this in two here, a corridor, there  
18 would be some -- in here (indicating), a corridor.

19 MR. KASPER: Is that corridor facing out onto  
20 the courtyard or facing out onto the parking lot?

21 THE WITNESS: Well, rooms on this side, rooms  
22 on the other side (indicating).

23 MR. KASPER: So they are on both sides of the  
24 corridor?

25 THE WITNESS: Yes, and some would be facing

1 into the garden, others would be facing out front.

2 MR. KASPER: And are they on the second floor  
3 or on the first floor or --

4 THE WITNESS: Second floor, second floor.

5 MR. KASPER: What about the building that's in  
6 the center here? Are those rooms on the second floor or  
7 the first floor or both?

8 THE WITNESS: Second floor, second floor. As  
9 far as rooms, second floor only.

10 BY MR. HALE:

11 Q. Has the infirmary also been in the location at  
12 the Mission where you've marked on Exhibit A, at least as  
13 long as you've been at the Mission?

14 A. What was that question?

15 Q. Has the infirmary always been in that spot  
16 where you've marked on Exhibit A?

17 A. Always? What time are you thinking of?

18 Q. In all your years at the Mission.

19 A. No. No, at one time it was the residence of  
20 students.

21 Q. What you've marked as "I" was a residence for  
22 students?

23 A. Yes.

24 Q. And that was --

25 A. As a matter of fact, I was in residence there.

1 Q. And that was in 1968 and before?

2 A. No, this is, let's see, '68, the students left  
3 for Berkeley. The development was completed, as far as I  
4 can remember, in 1958, 1958, 1954. I'm not certain.  
5 Once that development was achieved, accomplished, the  
6 students then moved into the rooms marked "D" here.

7 Q. Okay. And then what you've marked with an "I"  
8 then became the infirmary?

9 A. Then became the infirmary.

10 Q. Okay, great.

11 As far as the locations where you've marked  
12 where Franciscans lived, have there been any other  
13 locations where Franciscans lived, in your history, your  
14 time at the Mission? It sounds like at one point you  
15 were living at the location that's marked with an "I,"  
16 for the infirmary right now, were other Franciscans  
17 living there as well?

18 MR. KASPER: Hold on, Counsel. I think that  
19 misstates his testimony. He was a student at one time.

20 MR. HALE: Student? I misunderstood.

21 MR. KASPER: I think you're making a  
22 distinction between students and priests.

23 THE WITNESS: When I became a priest, the year  
24 after I became a priest -- I became a priest -- let me  
25 get this clear. After three years of theology, I still

1 had one year of theology, and I was in the student  
2 residence. Once I completed that fourth year, then I  
3 moved to another residence, would be this front corridor  
4 (indicating).

5 MR. HALE: Okay.

6 MR. KASPER: He's pointing to part of the  
7 picture that's on the front of the center building.

8 BY MR. HALE:

9 Q. During your time at the Mission, other than the  
10 location marked with an "FR," had the Franciscans lived  
11 anywhere else within the Mission?

12 A. Let's see. What period is this again?

13 Q. Your entire time at the Mission.

14 A. I will say possibly. We were crowded. Some  
15 Franciscans -- I'm not certain of this, but I have a  
16 faint inkling of it -- lived in rooms on the first floor,  
17 beneath the upper floor of this "FR" here.

18 MR. KASPER: Which "FR" are you referring to?

19 THE WITNESS: This one in the center here  
20 (indicating).

21 BY MR. HALE:

22 Q. But it sounds like the primary --

23 A. That was rare, that was rare.

24 Q. The primary residence for Franciscans during  
25 your time at the Mission is has been the areas that

1     you've marked?

2           A.     Yes.

3           Q.     Great.  Let's stop with the postcard for now.

4     I've got some other questions for you.  We may come back  
5     to that later.

6           I think you testified during your last session  
7     that some friars, a lot of friars performed Masses at  
8     various parishes around town.  Is that --

9           A.     The ordained friars.

10          Q.     Okay.  Were they paid for this?

11          A.     Usually.

12          Q.     How?  Did the pastor pay the Franciscan after  
13     the Mass was performed or do you know what the manner of  
14     payment was?

15          A.     I'll speak about myself.

16          Q.     Okay.

17          A.     I'll speak about myself.  Ordinarily we'd get a  
18     check mailed to us.

19          Q.     Did that come from the parish or did it come  
20     from the archdiocese or who drafted the check?

21          A.     From the parish, the diocesan parish.

22          Q.     Did Father Van Handel sometimes perform Mass at  
23     other parishes around town, to your recollection?

24          A.     I don't know.  He was at St. Anthony's Seminary  
25     and I was separate.

1 Q. What about Father Carriere?

2 A. Yes, I remember him saying Mass elsewhere.

3 Q. Do you remember if Father Krumm did so?

4 A. Father who?

5 Q. Gus Krumm.

6 MR. GODFREY: Are we asking about San Roque or  
7 any parish?

8 MR. HALE: Any parish in Santa Barbara.

9 THE WITNESS: Well, he wasn't in residence at  
10 the Mission that I know of. I know nothing about his  
11 schedule.

12 BY MR. HALE:

13 Q. Did you know Father Dave Johnson, whether he  
14 actually ever performed Mass around town at different  
15 parishes?

16 A. No.

17 Q. What about Father Cimmarrusti?

18 A. I don't know.

19 Q. Correct me if I'm wrong, but I think you  
20 testified at the last session that the Mission parish was  
21 archdiocesan. What do you mean by that?

22 A. That it was owned by the Franciscans,  
23 designated as a parish by the archdiocese, so they would  
24 function like any other parish, without having ownership  
25 by the archdiocese.

1 Q. So the Franciscans owned the property?

2 A. Yes, that's right, the Mission, but it was  
3 designated as a parish by the archdiocese and we were  
4 subject to archdiocesan regulations for parishes.

5 Q. Do you know when that designation took place?  
6 I mean, as long as you've been at the Mission that's  
7 always been the case?

8 A. It was a parish before I came to the Mission.

9 Q. And it was an archdiocesan parish before you  
10 came to the Mission?

11 A. Yes.

12 Q. Did you ever learn how that came about? Did  
13 you ever learn or study or learn about how that happened?

14 A. No, I don't know just how it came about.

15 Q. At one point was the San Roque parish operated  
16 by Franciscan priests?

17 A. Yes.

18 Q. Was that property ever owned by the  
19 Franciscans?

20 A. My estimation, judgment, it was owned by the  
21 archdiocese, because -- yes, owned by the archdiocese.

22 Q. And Franciscans were simply providing --

23 A. Yes.

24 Q. Do you recall why the Franciscans left San  
25 Roque?

1           A.    I wasn't on the board at the time, but the  
2   general opinion was that we were short of priests, so we  
3   had to pull out.

4           Q.    When you say "the board," are you referring to  
5   the definitorium?

6           A.    Yes.  That was their judgment.

7           MR. KASPER:  Father, do you have any personal  
8   knowledge of what the reasons of the definitorium were  
9   for pulling out of San Roque?

10          THE WITNESS:  I'm just speaking, you know, how  
11   would you say, unofficially here.  It was my  
12   understanding that we should pull out from the parish of  
13   middle class and take over a poor parish, so we took over  
14   a parish in Santa Paula, I believe.  I'm not certain, but  
15   the principle was we primarily served the poor and we had  
16   to give up -- because San Roque was doing well, so we  
17   figured that our men would serve Santa Paula.

18   BY MR. HALE:

19          Q.    What parish in Santa Paula did the Franciscans  
20   take over, if that's the right word, but begin to  
21   operate?

22          A.    Two parishes there.

23          Q.    St. Sebastian?  Was that one of them?

24          A.    And the other one was Guadalupe, Guadalupe.

25          Q.    Are the Franciscans still there?



1 A. No. Once in a while we say Mass there.

2 Q. Going back to the fact the Mission parish is  
3 archdiocesan, when the collection plate is passed around  
4 or a donation is made to the parish, does that money go  
5 to the Franciscans or the archdiocese?

6 A. Archdiocese.

7 Q. Is it split in any way?

8 A. No. We only got salaries for the priests, for  
9 the pastor and assistants. That's all we got.

10 Q. Has there ever been a time when there was an  
11 archdiocesan priest who was the pastor at the Mission  
12 parish instead of a Franciscan, or has it always been a  
13 Franciscan?

14 A. It's always been a Franciscan.

15 Q. Has there ever been an archdiocesan priest at  
16 the Mission parish who was an associate pastor or  
17 assistant pastor, instead of a Franciscan?

18 A. I have no remembrance.

19 Q. Switching gears on you here a little bit, has  
20 the sale of St. Anthony's gone through? Has escrow  
21 closed, do you know?

22 A. I've been told it has been closed or will be  
23 closed shortly. That's what I've been told. I'm not in  
24 the official business.

25 Q. On another topic, I think you testified last

1 time that there were generally somewhere in the  
2 neighborhood of five to ten Franciscan brothers who would  
3 do manual labor at the Mission during your time at the  
4 Mission. Is that correct?

5 A. Sometime during my stay there, yeah.

6 MR. KASPER: This is over the entire time  
7 you've ever been there.

8 BY MR. HALE:

9 Q. Is that approximately about --

10 A. Oh, in my earlier years there were more  
11 brothers doing manual labor, and the number diminished in  
12 time.

13 Q. Okay. So is the five to ten number not  
14 accurate, or --

15 A. You mean presently?

16 Q. In your recollection, in your time at the  
17 Mission, on average, has the number fluctuated between a  
18 low of five and a high of ten, or has it been more or  
19 less than that?

20 A. I can just say it's a general trend. I can't  
21 really specify on that.

22 Q. What about right now? You know what, the  
23 actual number of brothers is not that important. Let me  
24 ask you this. Whichever brothers were responsible for  
25 manual labor tasks at the Mission, for instance,

1    groundskeeping or, I don't know, if there was some sort  
2    of plumbing problem, would those same brothers be  
3    responsible for those same tasks at St. Anthony's or  
4    would there be different brothers responsible for those  
5    tasks?

6            A.    Two different communities.

7            Q.    Completely separate?

8            A.    Yes.

9            Q.    While you were rector at the theologate, did  
10    you have authority over brothers if you had a task to be  
11    performed? Can you order them to do something or do  
12    you --

13           A.    That would be the business of the guardian  
14    superior.

15           Q.    So you would have to direct any request through  
16    the guardian?

17           A.    Yes.

18           Q.    Switching gears again, I assume you're familiar  
19    with the Rule of St. Francis?

20           A.    Uh-huh.

21           Q.    That's a "yes"?

22           A.    Yes.

23           Q.    It's important for the record that we not  
24    respond with "uh-huh" and "unh-unh," so when you do  
25    respond I need a "yes" or a "no" instead of a --

1 A. I know the rule.

2 Q. Just what happened was, when you responded you  
3 said "uh-huh," and for the record, that's not going to  
4 come across as a real clear response. That's the only  
5 reason I'm correcting you. So you're familiar with the  
6 rule.

7 I'll show a document to your counsel.

8 MR. KASPER: Do you want to mark this?

9 MR. HALE: I want to ask him some questions and  
10 then we'll see if we're going to attach it or not.

11 Q. Is it safe to say all Franciscans at some point  
12 in the educational process study the Rule of St. Francis?

13 A. Yes.

14 Q. Is the Rule of St. Francis the guiding tenet,  
15 so to speak, for the Franciscans?

16 MR. MATIASIC: Objection. That's vague and  
17 ambiguous.

18 THE WITNESS: Guiding tenet? What do you mean  
19 by that?

20 BY MR. HALE:

21 Q. Is it the foundation of all Franciscan life?  
22 Does it govern Franciscan life?

23 A. The answer to that is very complex.

24 Q. I'd be interested to hear it.

25 A. Besides the rule, you have what we call

1 constitutions. Constitutions adapt the rule to changing  
2 circumstances, changing times.

3 Q. So the rule is interpreted?

4 A. Yes.

5 Q. But is the rule the starting point --

6 MR. KASPER: Excuse me, Counsel. He said the  
7 answer is complex. He started to give you an answer. I  
8 think we need to let him give you the answer completely.

9 Go ahead, Father.

10 THE WITNESS: Because of changing times --  
11 we're not in the 13th century -- every once in a while  
12 the leaders of the Franciscans get together and come up  
13 with what they call the constitutions, the ongoing modern  
14 applications and adaptations of the rule beyond the rule.  
15 Generally speaking, the rule serves as the spirit, but  
16 the rule as legislation is hardly enforced today because  
17 ongoing, changing constitutions.

18 BY MR. HALE:

19 Q. Are those interpretations of the rule -- you  
20 refer to them as constitutions, are those -- are you  
21 talking about the statutes for the order or is that  
22 something different from the constitutions?

23 A. That would be another term for them, statutes,  
24 various decisions coming out from headquarters in Rome  
25 have different designations.

1 Q. When you say decisions, are you talking about  
2 circumstances where specific facts are applied through  
3 the rule and then there are interpretations of the rule  
4 based on those factual analyses?

5 A. My judgment -- again, there are a lot of  
6 scholars in this -- but this is more the spirit; the  
7 legislation, at times, is quite different.

8 Q. Fair enough.

9 A. Ongoing, updated legislation is quite different  
10 than the particulars of the rule.

11 Q. Can you just take a look at that (passing  
12 document). Does that appear to accurately set forth the  
13 Rule of St. Francis?

14 A. I'd ask where you got this from.

15 Q. I got this off a website called  
16 Catholic-Forum.com.

17 A. At first glance, it's the rule.

18 Q. Okay.

19 MR. KASPER: For the record, this is a  
20 four-page document that was handed to the witness.

21 Go ahead by.

22 MR. HALE: Let's mark this as Exhibit B.  
23 (Deposition Exhibit No. B was marked  
24 for identification, a copy which is  
25 attached hereto.)

1 BY MR. HALE:

2 Q. Have you ever had any papers published related  
3 to the rule?

4 A. I, personally?

5 Q. You, personally.

6 A. No.

7 Q. Have you studied the rule recently or -- well,  
8 have you studied the rule recently?

9 A. I know the rule quite well. I spent more time  
10 studying subsequent legislation.

11 Q. With regards to Roman numeral VII, could you  
12 take a look at that. It's called "Penance to be Imposed  
13 on Sinning Brothers."

14 A. Yes, I'm familiar with that.

15 Q. It says, "If any of the brothers should sin  
16 mortally at the instigation of the enemy . . . ."

17 Who is "the enemy" referring to?

18 MR. MATIASIC: Hold on. I'm going to object.  
19 That's an incomplete hypothetical, lacks foundation. The  
20 document speaks for itself.

21 MR. KASPER: You're asking him his opinion of  
22 what the language means?

23 MR. HALE: Yes, exactly.

24 THE WITNESS: Ordinarily in literature the  
25 "enemy" is the devil.

1 BY MR. HALE:

2 Q. That's what I thought. Are there any modern  
3 interpretations indicating the enemy is something other  
4 than the devil?

5 A. It would take me into profound theology.

6 Q. Sounds fascinating.

7 A. How much time do you have?

8 Q. Not that much time.

9 MR. HABEL: Is that a three-credit course?

10 THE WITNESS: The issue of the devil is -- the  
11 devil is understood differently today than at the time of  
12 St. Francis, and I'll leave it at that.

13 BY MR. HALE:

14 Q. Fair enough. What about where it talks about  
15 instigation? What would constitute instigation? That's  
16 probably -- never mind. That's too broad, obviously,  
17 given what we're talking about.

18 Let me ask you, would childhood sexual abuse be  
19 one of the mortal sins for which recourse is required?

20 MR. KASPER: Again, you're asking his opinion?

21 MR. HALE: His opinion.

22 THE WITNESS: My opinion would be yes.

23 BY MR. HALE:

24 Q. Okay. Would a Franciscan who was reporting he  
25 committed such a mortal sin do so in the context of a



1 confession or would it be a less formal context?

2 MR. GODFREY: Calls for speculation.

3 MR. KASPER: And the question is, are you  
4 asking the question with reference to this rule or just  
5 generally?

6 MR. HALE: Yes. The rule says that they are  
7 going to have to report it to the provincial minister.  
8 My question is, do they have to do that in the context of  
9 a confession or is it more of an informal report to the  
10 provincial minister.

11 MR. KASPER: I'll object to the question as  
12 incomplete and that it lacks foundation. He's already  
13 testified that there are statutes and constitutions that  
14 interpret this document, so I think the question is  
15 incomplete.

16 If there's a way for you to answer the  
17 question, go ahead.

18 THE WITNESS: Put it this way: Our discussion  
19 here proves that there's a need beyond the rule, and  
20 that's taken up in subsequent legislation.

21 BY MR. HALE:

22 Q. Are you aware of any subsequent legislation  
23 that interprets whether this report should be in the  
24 context of a confession versus some sort of less formal  
25 context?

1 A. Not specifically.

2 Q. But do you have a recollection of reading  
3 something related to that issue?

4 A. What issue now? Is this pedophilia?

5 Q. No, simply reporting a mortal sin. Well, yes,  
6 let's limit it to pedophilia.

7 A. For me personally, it's so complex it's hard to  
8 answer. It's different. The rule alone does not give  
9 specifics for problems that come up today. It's not  
10 adequate, in my estimation.

11 Q. Let's say in the broader picture, then, of any  
12 mortal sin. Is that reporting always going to be done in  
13 the context of a confession to the provincial, or is it  
14 potentially a less formal context, simply telling the  
15 provincial about it?

16 A. We're getting into a much broader context. If  
17 I commit a mortal sin, or maybe -- well, I'll say  
18 masturbation. I wouldn't run off to the provincial. I'd  
19 go to confession.

20 Q. But in terms of if someone elected to report a  
21 mortal sin to the provincial, could that be done outside  
22 of the confessional or would it only be done in the  
23 context of a penitential communication.

24 A. Word that again.

25 Q. If someone were to elect to go and report a

1 mortal sin to the provincial, would that only be done in  
2 the context of a penitential communication or could it be  
3 done, potentially, outside?

4 A. Could be done outside. Some of this reporting  
5 could be done outside.

6 Q. Let's take a look at Roman numeral XI.

7 A. Yes, I'm familiar with it.

8 Q. When it refers to a belief of suspicious  
9 meetings or conversations with women, do you have an  
10 understanding that "women" includes minors or is it  
11 merely adult women?

12 MR. KASPER: Same objections as before. You're  
13 asking him about the rule out of the context of any of  
14 the other documents that have interpreted it over the  
15 last 600, 700 years.

16 So I think you can answer the -- if you can  
17 answer the question, go ahead.

18 THE WITNESS: Your question again, please.

19 BY MR. HALE:

20 Q. Sure. Where it refers to avoiding suspicious  
21 meetings or conversations with women, does the term  
22 "women" include within its confines minors?

23 A. Personally, I don't think St. Francis -- I  
24 don't think he considered cases like that.

25 Q. Okay.

1 A. It's not meant to.

2 Q. And then going down to the last sentence where  
3 it says, "nor should they be godfathers of men or women,"  
4 do you have any understanding of why it would be  
5 inappropriate for a Franciscan to be a godfather of men  
6 or women?

7 MR. KASPER: Same objection.

8 MR. HALE: Sure.

9 THE WITNESS: Generally speaking, the situation  
10 today is so different than in the time of St. Francis,  
11 you have to have recourse to modern legislation.

12 BY MR. HALE:

13 Q. Okay.

14 MR. KASPER: Counsel, would this be a good time  
15 to take a break?

16 MR. HALE: Sure.

17 VIDEOGRAPHER: The time is 11:13 a.m. We're  
18 off the record.

19 (A recess was taken from 11:13 a.m.  
20 to 11:28 a.m.)

21 VIDEOGRAPHER: The time is 11:28 a.m. We're  
22 back on the record.

23 MR. HALE: Back on the record.

24 Q. Father Cordano, have you spoken with  
25 Father Harris about his deposition last week?

1 A. No.

2 Q. Have you spoken with anyone other than your  
3 attorneys about Father Harris's deposition last week?

4 A. No.

5 Q. Last week he testified about an old  
6 no-fraternization rule regarding seminarians and  
7 Franciscans. Are you aware of such rule?

8 A. I'm not aware of a specific rule, no specific  
9 rule.

10 Q. Something nonspecific, just that it's not  
11 appropriate for Franciscans to fraternize with  
12 seminarians?

13 MR. KASPER: I think we need to put this into  
14 time context, Counsel, because the testimony last week  
15 was in time context. His testimony referred to the  
16 period of time when the seminary was at the Old Mission.  
17 It may help the witness if you can --

18 THE WITNESS: He testified two different  
19 places, seminarians at St. Anthony's and seminarians at  
20 the Mission.

21 BY MR. HALE:

22 Q. Let's talk about seminarians at St. Anthony's.  
23 At any time are you aware of there being a  
24 no-fraternization rule between Franciscans and  
25 seminarians at St. Anthony's?

1           A.     Between Franciscans -- at what place,  
2     St. Anthony's or at the Mission?

3           Q.     St. Anthony's.

4           A.     Are you --

5           Q.     Let me put it this way.

6           A.     Specify that.

7           Q.     Are you aware of any no-fraternization rule  
8     between seminarians at St. Anthony's and Franciscans from  
9     or at anywhere? In other words, what if a seminarian  
10    wandered over to the Mission. Would there be a  
11    no-fraternization rule in effect for Franciscans at that  
12    location?

13          A.     I'm not aware of any rule.

14          Q.     Have you ever been aware of it being considered  
15    inappropriate for there to be fraternization between  
16    Franciscans and St. Anthony's seminarians?

17          A.     The word "fraternization" is very general.  
18    Personally, if I saw a Franciscan talking to a seminarian  
19    at either place, it wouldn't concern me at all.

20          Q.     What if you saw a Franciscan at either place  
21    hugging a seminarian?

22                 MR. MATIASIC: Objection. Vague and ambiguous,  
23    incomplete hypothetical.

24                 THE WITNESS: It wouldn't bother me.

25    BY MR. HALE:

1 Q. What if you observed a Franciscan wrestling  
2 with a seminarian?

3 MR. MATIASIC: Same objection.

4 MR. KASPER: Same objection.

5 THE WITNESS: Do I have to answer that  
6 question?

7 BY MR. HALE:

8 Q. Yes.

9 A. What period of time are you talking about?

10 Q. Any time during your time at the Mission. Was  
11 there a time when that would have been acceptable and a  
12 time when it would not have been acceptable?

13 A. Where would the wrestling take place?

14 Q. Anywhere on the St. Anthony's property or  
15 anywhere on the Mission property.

16 A. I'd be surprised, but I'd accept it. Two  
17 fools . . .

18 Q. Would there be anywhere on either of those two  
19 properties where such conduct would be unacceptable?

20 A. Speaking of wrestling?

21 Q. Yes.

22 A. The difficulty I have with that question is,  
23 different people consider different things acceptable.

24 Q. What about you, though? I'm only looking for  
25 your perspective on this.

1 A. First of all, I've never seen it.

2 Q. Was there a wrestling team at St. Anthony's,  
3 ever?

4 A. What's that?

5 Q. Was there ever a wrestling team at  
6 St. Anthony's?

7 A. Not that I know of.

8 Q. Okay. So can you think of any circumstance  
9 where it would be unacceptable if you had observed a  
10 Franciscan wrestling with a seminarian at either  
11 location, St. Anthony's or the Mission?

12 A. You mean out in the open?

13 Q. Any location.

14 A. In itself, no, it wouldn't bother me, in  
15 itself, just as a general fact.

16 Q. Would you ask the Franciscan what was going on  
17 if you observed the Franciscan wrestling with a  
18 seminarian?

19 A. This is I. What I would do is, after the  
20 wrestling match, I'd probably -- well, depending on what  
21 my capacity was -- would discuss the matter with the  
22 person.

23 Q. With the Franciscan?

24 A. With the Franciscan.

25 Q. With what end in mind?



1           A.    It would be just for an explanation of what  
2 explains the wrestling.

3           Q.    Would that be because the conduct would be --  
4 you would consider the conduct unusual?

5           A.    Generally, yes.

6           Q.    Would you take any other action?

7           MR. KASPER:  So that I don't have to interrupt  
8 to every question, I have a continuing objection that  
9 this is an incomplete hypothetical, it lacks foundation  
10 and the witness has already testified he never saw any of  
11 this activity happening.

12                  You can answer the question.  You can proceed.

13           THE WITNESS:  If I were the superior.  If not  
14 superior, I wouldn't probably question it.

15 BY MR. HALE:

16           Q.    So if you were the superior you would question  
17 or you would not?

18           A.    I would question.

19           Q.    If you were not the superior, would you report  
20 that conduct to the superior?

21           A.    I wouldn't.

22           Q.    Have you ever heard of a Franciscan wrestling  
23 with a seminarian?

24           A.    I can't recall hearing that.

25           Q.    Would it ever have been appropriate for a

1 Franciscan to give a seminarian a massage?

2 MR. KASPER: Same objection. It's incomplete  
3 hypothetical and lacks foundation.

4 THE WITNESS: Depends on the circumstances.

5 BY MR. HALE:

6 Q. Under what circumstances would it be  
7 appropriate?

8 MR. KASPER: Same objection.

9 THE WITNESS: Well, circumstances matter so  
10 much it's hard for me to specify if it's here or if it's  
11 there or what circumstances. It's very hard to -- since  
12 I haven't had that experience. Put it this way: Right  
13 now, with what's happened, I'd be very much concerned.  
14 Before that time, I'd be maybe less concerned, maybe less  
15 concerned.

16 BY MR. HALE:

17 Q. What time are you referring to?

18 A. Well, when news broke about what happened.

19 Q. Are you talking about when the board of inquiry  
20 was formed or before that?

21 A. When I first heard of it. I'm not sure of the  
22 exact time, but when it was publicly known.

23 Q. You think that was before or after the board of  
24 inquiry?

25 A. I'm not clear on the development in time, when

1 it first was publicly known by some, and then officially  
2 taken up by the board of inquiry, I don't know that time  
3 very well, the change.

4 Q. Was there a point in time where the Franciscans  
5 became concerned about homosexual priests?

6 MR. MATIASIC: Talking about the Franciscan  
7 order?

8 MR. HALE: The province.

9 MR. MATIASIC: The province?

10 MR. HALE: The province.

11 THE WITNESS: Well, we wouldn't be concerned  
12 about being a homosexual priest. There would be no  
13 concern of being homosexual. We'd be concerned about  
14 homosexual activity.

15 BY MR. HALE:

16 Q. When did that happen? When did that concern  
17 arise?

18 A. Well, it's always been a concern. I mean,  
19 homosexual activity is wrong, so if I knew anything like  
20 that, I'd speak up.

21 Q. Was there a point when concerns were  
22 heightened, when they became increased regarding  
23 homosexual activity?

24 MR. KASPER: The question referring to the  
25 province; is that right?

1 MR. HALE: Right.

2 THE WITNESS: Well, it's always been a concern.  
3 Heightened? I'm in no position to say. Any type of  
4 improper sexual activity would always be our concern.

5 BY MR. HALE:

6 Q. At some point, did the manliness of priests  
7 become a concern for the province?

8 A. Manliness? What do you mean by "manliness"?

9 Q. Well, there are numerous references to  
10 manliness in the personnel files, and I'm wondering if at  
11 some point you became aware of the province becoming  
12 aware of that as a personality trait for priest  
13 candidates.

14 A. Well, I don't know the dates. The dates are  
15 all sort of blurred in the past. It's pretty hard for me  
16 to say at this time or that time. The only times that I  
17 was immediately involved was when I was the rector of the  
18 theological seminary, and that would have been reported  
19 and we would have acted. I had an obligation then.

20 Q. If a client -- sorry, if a candidate was  
21 demonstrating a lack of manliness, you would have acted?

22 A. Yes, if I knew of it.

23 Q. What would have -- what conduct would have  
24 alerted you to a lack of manliness?

25 MR. MATIASIC: Objection. Vague and ambiguous.

1 THE WITNESS: Again, define "manliness" again  
2 for me.

3 BY MR. HALE:

4 Q. There's no definition provided in the documents  
5 we have, so --

6 A. Lack of -- in other words, manliness is in a  
7 positive sense, it's not a pejorative sense.

8 MR. HALE: I misspoke, Father. There is a  
9 definition provided in the documents. I'll provide that  
10 for you in a second.

11 There's a -- this is a document from the  
12 Cimmarrusti personnel file. It's Bates stamped 37. Let  
13 me show this to you. It's the way, apparently, the  
14 province has defined manliness.

15 MR. KASPER: I'm going to object on the basis  
16 of foundation. The document is out of context and it's  
17 not clear exactly where it came from or what it is.

18 MR. GODFREY: With that objection in mind, can  
19 we have it read into the record?

20 MR. DE MARCO: It's a pretty long document.  
21 It's not narrative. It's a table.

22 MR. GODFREY: Oh, it's not?

23 MR. DEMARCO: Yeah.

24 MR. HALE: Under Roman numeral II it says,  
25 "Personal traits" and describes manliness on a scale from

1 1 to 8 with 1 being normally self-reliant; 2 being  
2 virile; 3, sturdy of character; 4, minds his own  
3 business; 5, overly dependent on others; 6, effeminate in  
4 mannerisms; 7, soft; and, 8, gossipy.

5 THE WITNESS: So the one cite here is --

6 MR. KASPER: There's no question pending.

7 BY MR. HALE:

8 Q. Have you ever seen this document before?

9 A. I can't recall.

10 Q. We'll come back to that, Father.

11 Going back to the appropriateness of a  
12 Franciscan giving a massage to a seminarian, you  
13 referenced the fact that there was a distinction between  
14 concern regarding before it became public and after the  
15 scandal became public. Were you less concerned about  
16 it -- would you be less concerned about a massage before  
17 the news became public or would there be no concern of a  
18 massage before the news became public?

19 MR. KASPER: I have the same objections as  
20 before to this entire line of questioning.

21 THE WITNESS: What are you asking me, then?

22 BY MR. HALE:

23 Q. You drew a distinction between, I think, if I  
24 understood you, your level of concern before and after  
25 the scandal became public as far as whether a massage

1 given to a seminarian by a Franciscan would be  
2 appropriate. Before that news -- before the scandal  
3 broke, would you have had no concern about a Franciscan  
4 massaging a student or just a reduced concern?

5 A. I, personally, would like to know about the  
6 ability of anyone, a Franciscan included, to give a  
7 massage, why you'd be doing it. I'd have to inquire into  
8 it, if I were superior. I'd have to know about the  
9 reasons for it.

10 Q. So you would ask of any Franciscan that was  
11 doing that why they were doing that?

12 A. Yeah.

13 Q. Would you report it to the provincial or the  
14 father superior or anyone else?

15 A. If I were superior, I'd take care of it at a  
16 local level, if it called for any correction. I'd have  
17 to come to know the whole context of the thing, the  
18 history of the fellow giving massages and why he was  
19 doing it. It would take a lot of questioning on my part,  
20 if he was known to be a massager. I'd say as superior,  
21 I'd have an obligation to know what's going on.

22 Q. When you say if he was known to be a massager,  
23 you mean someone who was trained to give massages or  
24 someone who was known to give massages on a regular  
25 basis?

1           A.    Well, again, I'd get the facts before I'd act.  
2   I'd get the whole picture, realistically.

3           Q.    But under what -- are there circumstances where  
4   you would have found it to be acceptable for a massage to  
5   be given prior to the scandal being made public?

6           MR. KASPER:   Same objections.

7           MR. HALE:    Sure.

8           THE WITNESS:   If my inquiry would convince me  
9   that there was good reasons for him to massage another  
10   person, fine, but it all depends upon my getting the  
11   facts and making my own judgment.

12   BY MR. HALE:

13          Q.    What would constitute a good reason?   What kind  
14   of facts?

15          A.    If he had done it before, helped a number of  
16   people.   I'd like to know why he's doing it, the  
17   effectiveness of it.   It's pretty hard to speak about  
18   that just in the abstract of theoretically.

19          Q.    Would you want to talk to the student as well?

20          A.    I'd only talk to the student in the case I  
21   wasn't satisfied with the explanation given by the  
22   massager.

23          Q.    Okay.   I'm going switch gears on you here.

24                Regarding educational institutions at  
25   St. Anthony's, in your time -- or at the Mission, in your



1 time at the Mission, it would have been St. Anthony's  
2 until 1987, there's been the theologate until 1968. Has  
3 there been anything else at St. Anthony's or the Mission?

4 A. In what categories, educationally?

5 Q. Yes.

6 A. You can start with education. St. Anthony's  
7 subsequently had two schools move in, but we weren't  
8 running the schools.

9 Q. Right. You make a good distinction. I should  
10 rephrase.

11 Aside from St. Anthony's and the theologate,  
12 have there been any other Franciscan educational  
13 institutions at the Mission or St. Anthony's in the time  
14 you've been at the Mission?

15 A. Besides, again --

16 Q. St. Anthony's and the theologate.

17 A. Educational institutions?

18 Q. Uh-huh.

19 A. There have been occasional speakers and so  
20 forth, but not institutions.

21 Q. Okay. What about, has there ever been a  
22 novitiate house at the Mission or St. Anthony's?

23 A. Not at the Mission. St. Anthony's, over at  
24 St. Anthony's. What part I can't recall. Our novitiate  
25 was there for a while.

1 Q. Do you remember what years that was?

2 A. I don't remember the years.

3 Q. For a long period of time or was it for a brief  
4 period of time?

5 A. Relatively short period of time, considering  
6 the amount of time it was elsewhere.

7 Q. Could that have been in the late seventies,  
8 early eighties, do you think?

9 A. It wasn't my concern, so I didn't check on it.

10 Q. Was there ever a prenovitiate house, or are  
11 those one and the same?

12 A. A prenovitiate would be different.

13 Q. Okay.

14 A. Prenovitiate house? You mean, a gathering of  
15 students before they enter the novitiate?

16 Q. Uh-huh.

17 A. Well, in my time, St. Anthony's Seminary was  
18 prenovitiate for me. It went from there to the novitiate  
19 in San Luis Rey, in my time. This has changed so  
20 often -- it's still changing -- so I'm not too sure of  
21 just when the move from this to that.

22 Q. Why did the prenovitiate move from  
23 St. Anthony's to San Luis Rey?

24 A. No, no --

25 MR. KASPER: I think that misstates the

1 testimony.

2 MR. HALE: I'm sorry.

3 THE WITNESS: In my time, when I was a student,  
4 when you graduated from St. Anthony's Seminary, from  
5 St. Anthony's Seminary, there was no novitiate there.

6 BY MR. HALE:

7 Q. Oh, there was no?

8 A. No novitiate in my time. The novitiate was San  
9 Luis Rey. There was only one novitiate, and that -- San  
10 Luis Rey had moved to San Miguel, it had moved a number  
11 of places, and for a while it moved into the area of --  
12 someplace there at St. Anthony's seminary for a short  
13 time.

14 Q. Why did the novitiate leave St. Anthony's?

15 A. I have no idea. These decisions are made by  
16 the definitorium.

17 Q. Other than the novitiate, the seminary and the  
18 theologate, anything else at the St. Anthony's property  
19 at this time?

20 A. You mean educationally?

21 Q. Yes.

22 A. There might have been a brothers school there.  
23 I'm not certain. There might have been a brothers  
24 school. That would be for the nonordained Franciscans.

25 Q. What would that be called?

1 A. Brothers school.

2 Q. Okay.

3 A. Properly it was called brothers school. It  
4 might have been -- I'm uncertain.

5 Q. Any recollection of whether it was the sixties  
6 or the seventies or the eighties, when that was there?

7 A. No.

8 Q. Anything else at those two locations?

9 A. Not that I can recall.

10 Q. Just a bigger-picture question. When I refer  
11 to "childhood sexual abuse," do you understand that to  
12 mean the abuse of a child under the age of 18?

13 MR. KASPER: Is that what you mean it to mean,  
14 Counsel?

15 MR. HALE: Yes.

16 THE WITNESS: Usually they make distinctions  
17 between the different ages. I'm not too sure. Under 18,  
18 I don't know what the latest last case is. You're  
19 talking, then, about any abuse under 18?

20 BY MR. HALE:

21 Q. Yes.

22 MR. KASPER: I think he's just trying to help  
23 you understand the question.

24 BY MR. HALE:

25 Q. Let me ask you this. Do you draw a distinction

1 between sexual abuse of an adolescent versus sexual abuse  
2 of a preadolescent or younger child?

3 A. Yes, yes, that's right.

4 Q. What's the distinction?

5 A. Well, the question is age, different ages,  
6 yeah.

7 Q. How does age create a difference?

8 A. I'm no psychologist. I don't understand what  
9 that -- the way you're asking.

10 Q. Do you have an opinion that sexual abuse of a  
11 teenager is different from sexual abuse of a  
12 preadolescent or a child?

13 A. It's an abuse.

14 Q. Okay.

15 A. I call it abuse. The particular specification  
16 of it I'm in no position to speak about it.

17 Q. Are you aware there is some distinction?

18 A. Oh, yes.

19 Q. How did you become aware of it?

20 A. Oh, the little reading that I have done.

21 Q. Would you consider abuse of an adolescent less  
22 significant than abuse of a younger child?

23 MR. MATIASIC: Vague and ambiguous.

24 THE WITNESS: Would I consider -- word that  
25 again.

1 MR. HALE: Read that back.

2 (The requested passage was read back  
3 by the court reporter as above recorded.)

4 THE WITNESS: For me, they're all significant.

5 BY MR. HALE:

6 Q. Is one worse than the other?

7 MR. MATIASIC: Same objection.

8 THE WITNESS: "Worse" is vague.

9 BY MR. HALE:

10 Q. In your opinion.

11 A. Yeah, the younger, naturally, the more  
12 abhorrent it is.

13 Q. Why do you say that?

14 A. Just because it's a difference of age. I think  
15 it's the practical judgment. You have less autonomy when  
16 you're very, very young, less self control, you're more  
17 dependent upon adults, maybe more trusting.

18 MR. HALE: Let's mark this as Exhibit C.

19 (Deposition Exhibit No. C was marked  
20 for identification, a copy which is  
21 attached hereto.)

22 BY MR. HALE:

23 Q. This is a photograph. I believe you're in it,  
24 but why don't you tell me that.

25 A. Oh, here, all right. Do you know what year

1 this was taken?

2 Q. I've got a rough idea, but I was wondering,  
3 first of all, do you recognize this photograph?

4 A. I recognize myself. I don't recognize the  
5 photograph. I can't pick -- I recognize my face.

6 Q. So that's you to the right?

7 A. To the right, yes.

8 Q. Do you recognize the altar boy standing at the  
9 front of the procession facing you with the glasses on,  
10 the tall one?

11 A. Altar boy, tall one with glasses facing me,  
12 here (indicating)?

13 Q. Yes.

14 A. I can't identify him.

15 Q. What about the gentleman between you and that  
16 cross-bearer boy. He's wearing a suit and a tie. Do you  
17 see him? Do you recognize him?

18 A. Not clear enough, distinct enough for me.

19 Q. Does the last name Moreno sound familiar to  
20 you, Moreno?

21 A. It doesn't register.

22 Q. My last question about the photo is, do you see  
23 the -- are these altar boys dressed in the red and the  
24 white garb, is that what they would be called?

25 A. Yeah, altar boys or, now, altar servers.

1 Q. Do you see the altar server who is basically  
2 facing the camera and looking up, the shorter one?

3 A. Uh-huh.

4 Q. Is that a "yes"?

5 A. Do I --

6 Q. Do you recognize --

7 A. I wouldn't know the name of him.

8 Q. Have you ever seen him before? Does he look  
9 familiar to you?

10 A. It's too faint for me.

11 Q. Let me give you some names and see if I can  
12 refresh your recollection. Do the names [REDACTED]  
13 [REDACTED] ring any bells?

14 A. I know a [REDACTED] family.

15 Q. Do you remember any of the [REDACTED] boys serving as  
16 altar servers for you?

17 A. Do I have a specific recollection?

18 Q. Do you remember the taller boy was [REDACTED]  
19 serving as a lead altar server, so to speak, for you?

20 MR. KASPER: Are you representing to him that  
21 the taller boy is [REDACTED]?

22 MR. HALE: Yes.

23 Q. Father, I will represent to you that the taller  
24 boy is [REDACTED], the shorter is [REDACTED], the one  
25 facing the camera.



1           A.    Yeah.  I myself would not have recognized them,  
2   but because you told me -- I myself would not say these  
3   are the two [REDACTED] boys.

4           Q.    Do you have a recollection of [REDACTED]  
5   training other altar servers?

6           A.    No recollection.

7           Q.    Do you have any idea what year this photograph  
8   was taken?  Can you tell by looking at it?

9           A.    Let's see, my hair is graying.  There's no time  
10   indicated on the photograph for me.

11          Q.    Do you have any recollection of [REDACTED]  
12   joining the altar servers group in 1988?

13          A.    I have no recollection of him.  Altar boys came  
14   and went, so I -- I wouldn't remember him specifically.

15          Q.    So there were a lot -- -- a fair number of  
16   different altar boys or altar servers?

17          A.    Yeah.

18          Q.    We're done with that photograph for now.  
19                 Did you ever run a kids' Mass while you were  
20   pastor at the Mission?

21          A.    Yes.

22          Q.    When did that start?

23          A.    Anywhere during my time as pastor, which I  
24   think was 17 or 18 years.  I couldn't remember the time,  
25   when I initiated it, I can't recall.

1 Q. But around the time you began as pastor?

2 A. That's right, yes.

3 Q. Was that held in the back chapel there at the  
4 Mission?

5 A. Yes.

6 Q. Can you look at Exhibit A and point where  
7 exactly that would be located?

8 A. This building here (indicating). Do you want  
9 to mark that?

10 Q. Yes, maybe mark it "BC," for back chapel.

11 A. BC.

12 MR. KASPER: He's referring to a building  
13 that's in the --

14 THE WITNESS: It's called the Serra Chapel now.

15 MR. KASPER: Center of the main picture, main  
16 building complex on the left side, center of the left  
17 side.

18 MR. HALE: The front building?

19 Q. Can I see where you've marked? So it's not in  
20 the front building, but in the back?

21 A. No, it's part of the development. It's new,  
22 relatively new.

23 Q. What about when you -- so how new? When you  
24 started as pastor, was that there already?

25 A. I think I commenced the start of it. I started

1 it.

2 Q. You started the construction of that building?

3 A. Oh, no, no.

4 Q. I'm not following. Sorry.

5 A. You're speaking of construction of the  
6 building? The Mass. I started the practice and custom  
7 of a Mass just for children.

8 Q. Was it always in that location, when you  
9 started it, after you started it?

10 A. Yes.

11 Q. That's all I needed.

12 In your time at the Mission, have there been  
13 other children's programs which you've been aware of or  
14 involved in at the Mission?

15 MR. KASPER: During the entire time when he's  
16 been at the Mission, as opposed to during the time when  
17 he was pastor?

18 MR. HALE: Uh-huh.

19 MR. KASPER: Do you understand the question,  
20 Father?

21 THE WITNESS: Yes.

22 Until I became pastor, I had nothing to do with  
23 children's programs.

24 BY MR. HALE:

25 Q. Okay.

1 A. As pastor, yes.

2 Q. Were there CCD programs when you were pastor?

3 A. CCD programs.

4 Q. Where would those be held at? Same location as  
5 the children's Mass or a different location?

6 A. CCD? The Mass was in this chapel. The  
7 classrooms, let's see, as far as I can recall, were --  
8 the old quadrangle, underneath "FR," the round rooms, I  
9 believe most of them were there, and maybe some over here  
10 (indicating). They were down on the bottom floor in the  
11 old quadrangle, where the palm trees are.

12 Q. Okay. Going back to the [REDACTED] brothers, were  
13 you aware that [REDACTED] was a member of the Santa  
14 Barbara Boys Choir, or he joined it in 1989?

15 A. I didn't know anything about the membership of  
16 the boys choir.

17 Q. Did you ever learn that [REDACTED] had joined  
18 the boys choir in 1990, the Santa Barbara Boys Choir?

19 A. No.

20 Q. Do you recall their mother ever telling you  
21 that she was pleased because the boys had finally made it  
22 into the elite priory group for the Santa Barbara Boys  
23 Choir?

24 A. This is Mrs. [REDACTED] the mother?

25 Q. Yes.

1 A. I don't recall her saying that to me.

2 Q. Do you recall ever telling her, and the two  
3 boys, because they were there also, what great  
4 opportunities the boys choir gave the young boys?

5 A. I can't recall telling her specifically that.

6 Q. Is it possible you said something like that?

7 A. It's possible.

8 Q. Have you ever made a statement like that,  
9 praising the boys choir to any other members of the Santa  
10 Barbara Boys Choir or to their parents, that you can  
11 recall?

12 A. It was rather distant from me.

13 Q. Okay. During your time as pastor, were there  
14 others -- were there other members of the Santa Barbara  
15 Boys Choir who served as your altar servers as well,  
16 other than John and Robert?

17 A. I really don't know.

18 MR. GODFREY: That also assumes he knew they  
19 were members of the choir. I think the question assumes  
20 that.

21 MR. HALE: All right.

22 MR. GODFREY: Which I don't think was his  
23 testimony.

24 BY MR. HALE:

25 Q. Did a parent ever ask you for advice as to

1 whether their son should join the Santa Barbara Boys  
2 Choir?

3 A. I can't recall, no.

4 Q. Are you aware of any instances where you or any  
5 other Franciscan told anyone, other than your attorneys  
6 or a priest in the context of a penitential  
7 communication, about a risk to children posed by a  
8 Franciscan?

9 MR. MATIASIC: Vague and ambiguous.

10 THE WITNESS: What was that again? About a  
11 what?

12 BY MR. HALE:

13 Q. A risk to children posed by a Franciscan.

14 A. A risk to children? Again, what was the words  
15 before "risk"? State the whole thing again.

16 MR. HALE: Can you read it over.

17 (The requested passage was read back  
18 by the court reporter as above recorded.)

19 THE WITNESS: No, no.

20 BY MR. HALE:

21 Q. As you sit here today, when you look back over  
22 your career as a Franciscan, are there any instances  
23 where you knew of a risk to children posed by a  
24 Franciscan but you did not tell anyone about that risk?

25 A. Never knew.

1 Q. Are you aware of any instances where you or any  
2 other Franciscan told anyone -- again, other than your  
3 attorneys or to another priest in the context of a  
4 penitential communication -- about suspicions or rumors  
5 of a risk to children posed by a Franciscan?

6 A. Not aware, no.

7 Q. Again, as you sit here today, when you look  
8 back over your career as a Franciscan, are there any  
9 instances where you suspected a risk to children posed by  
10 a friar but you didn't tell anyone about those  
11 suspicions?

12 A. Never had the thought.

13 Q. I want to show you something else.  
14 (Deposition Exhibit No. D was marked  
15 for identification, a copy which is  
16 attached hereto.)

17 BY MR. HALE:

18 Q. This is a Santa Barbara News-Press article. I  
19 will show it to your counsel first.

20 MR. GODFREY: Do you have another copy of that?

21 MR. HALE: I do.

22 MR. GODFREY: Thank you.

23 MR. HALE: Anyone else?

24 THE WITNESS: All right.

25 BY MR. HALE:

1           Q.     This is a January 3, 2003 article in the Santa  
2     Barbara News-Press entitled "Man Files Lawsuit Under New  
3     State Abuse Law." The subject of the article was a  
4     lawsuit filed by [REDACTED], and I've got a question for  
5     you, Father, about the -- your quote in the third  
6     paragraph on the last page.

7           That quote reads -- I'm sorry, the second  
8     paragraph on the last page: "'We did our best to  
9     encourage victims to come forward,' said the Rev. Virgil  
10    Cordano, a senior member of the Franciscan order. 'We  
11    did everything we could to publicize it, to get things  
12    settled. I don't know what it means that someone would  
13    wait so long. I am surprised by this. But he must be  
14    heard.'"

15           My question is, first of all, is that quote  
16    accurate? Is that something you said to Rhonda?

17           A.     The idea was what I expressed to her, yeah.  
18    The actual wording -- the substance, yes.

19           Q.     Okay. My main question is related to the  
20    sentence where it says, "I don't know what it means that  
21    someone would wait so long" and "I am surprised by this."  
22    What exactly were you surprised about?

23           A.     That this fellow came up late, whereas others  
24    had come forward earlier, that's all.

25           Q.     So it wasn't that you were surprised that he



1    been abused?

2           A.    No, no, that he had waited so long.

3           Q.    Okay.

4           A.    Waited so long, that someone would wait so  
5    long.

6           Q.    When did you first learn that [REDACTED] had  
7    been abused by Robert Van Handel?

8           MR. KASPER:  The question assumes facts not in  
9    evidence.  If you want to ask him when he first heard it  
10   as an accusation, that's one thing.

11          MR. HALE:  I think it's implicit in his last  
12   answer, but I'll ask.

13          Q.    When did you first learn that [REDACTED] had  
14   been abused by Robert Van Handel?

15          A.    I don't recall specifically.  Someone might  
16   have told me, but I myself can't recall when I came to  
17   know of it; nothing comes to mind right now.

18          Q.    When you say someone might have told you, do  
19   you think might have been a priest or a parent?

20          A.    Well, I don't know, just anybody.

21          Q.    Would that have been a shocking accusation to  
22   you, if you heard that?

23          A.    Oh, yes.

24          Q.    Do you have a recollection at any time between  
25   1980 to January 3, 2002 of anyone ever telling you that

1 [REDACTED] had been abused by Robert Van Handel?

2 A. I can't recall. It's possible, but I can't  
3 recall.

4 Q. Have there been other instances where someone  
5 told you a child was abused by a Franciscan friar, other  
6 than -- a child other than Robert [REDACTED]?

7 MR. KASPER: At any time?

8 BY MR. HALE:

9 Q. At any time.

10 MR. MATIASIC: Excluding anything he's heard  
11 from his attorneys?

12 MR. HALE: Right, right.

13 THE WITNESS: Someone had told me a specific  
14 person abused? I can't recall specifically this person  
15 was told -- the news came in from all sides, and it's  
16 hard for me to screen all that out and say I heard this  
17 and then I heard that. I wouldn't be able to give you a  
18 time on that.

19 MR. HALE: Let's stop now. He's got to switch  
20 his tape.

21 VIDEOGRAPHER: We're at the end of tape number  
22 1. The time is 12:23 p.m. and we're off the record.

23 (Discussion off the record.)

24 VIDEOGRAPHER: We are at the beginning of tape  
25 number 2. The time is 12:24 p.m. We're back on the

1 record.

2 BY MR. HALE:

3 Q. Do you have an office phone at the Mission?

4 MR. KASPER: You mean currently?

5 MR. HALE: Yes.

6 THE WITNESS: I have just an extension. So you  
7 get me by calling the Old Mission number, and then I'm at  
8 extension 131.

9 BY MR. HALE:

10 Q. Do you have a voice-mail or answering machine?

11 A. Voice-mail.

12 Q. How long have you had that voice-mail for?

13 A. They kept changing the phone system. I'd say  
14 it's been a number of years, maybe 10, 15, 20.

15 Q. That you had the voice-mail?

16 A. Yes.

17 Q. So if someone was leaving you a message, they  
18 would have left it on your voice-mail?

19 A. Voice-mail, yeah.

20 Q. Would there ever have been a situation where a  
21 receptionist would have taken a written message for you?

22 A. Yes, that happens now and then.

23 Q. But if someone calls the Mission and asks for  
24 Father Cordano and you're not there, they will generally  
25 put that person through to your voice-mail?

1 A. Generally, yes.

2 Q. With regards to the quote we talked about in  
3 Exhibit D, did anyone ever call you the day after this  
4 article came out, about this quote?

5 A. I can't recall.

6 Q. Did anyone ever leave a message and say that  
7 you were a liar for making this quote?

8 A. I recall the liar, but I can't recall that that  
9 was said in reference to this. It might have been, but  
10 I'm not certain, when I've been called a liar, it was  
11 related to this. It might have been, but I'm not aware  
12 of it.

13 Q. Do you know [REDACTED], [REDACTED]'s father?

14 MR. KASPER: Counsel, I didn't understand the  
15 question. Who is the person you're referring to?

16 MR. HALE: [REDACTED].

17 MR. KASPER: [REDACTED].

18 THE WITNESS: Well, I would say I wouldn't  
19 recognize him. I might have seen him. I meet a number  
20 of people. If I did, it would have been very casual, one  
21 instance.

22 BY MR. HALE:

23 Q. Do you recall ever speaking with [REDACTED]?

24 A. I can't recall. I'm not aware of it. I might  
25 have, but it doesn't come to mind now.

1 Q. Have you ever exchanged voice-mails or messages  
2 with [REDACTED]?

3 A. Again, I have voice-mail from so many people, I  
4 don't know. That particular exchange, if it was so, I'm  
5 not aware of it.

6 Q. Has [REDACTED] ever told you he thought Phillip  
7 Wolfe and Robert Van Handel were pedophiles?

8 A. Again, it's possible. I've been told a lot of  
9 things, but I can't pin it down just to [REDACTED] or anybody  
10 else, any other victim. So I can't clearly -- I'm not  
11 aware of that or any other statement made regarding  
12 anybody at this time, Mr. [REDACTED] or anybody else,  
13 although it's possible, because I've heard a lot of  
14 things, I've been told a lot of things, but I can't  
15 correlate the two right now.

16 Q. So that's been a common occurrence for someone  
17 to call you and tell you that a Franciscan priest was a  
18 pedophile?

19 A. Well, it wouldn't be a common occurrence.  
20 Again, I'll say the same thing, that I can't recall this  
21 specific statement, that someone called me saying that.  
22 It doesn't come to mind.

23 Q. Well, I'll get more specific and see if we can  
24 refresh your recollection.

25 Has [REDACTED] ever spoken with you on the

1 phone and said he thought Phillip Wolfe and Van Handel  
2 were pedophiles?

3 A. I can't recollect it. I can't remember many  
4 phone calls I've had.

5 Q. Has [REDACTED] ever left you a message telling  
6 you that Phillip Wolfe and Van Handel were pedophiles?

7 A. The only thing I can, in all honesty, vaguely  
8 remember, there was some -- one of the other -- a  
9 statement passed on to me regarding that seminary  
10 situation, but I don't know whether it was Mr. [REDACTED] or  
11 Mr. [REDACTED] or who, but I vaguely remember someone saying  
12 something about that, you know, the situation, but I  
13 can't pin it down to Mr. [REDACTED], but generally speaking,  
14 I can recall people passing remarks to me, on to me about  
15 Van Handel and others, but. . .

16 Q. Do you recall what year you began hearing such  
17 remarks?

18 A. What makes it difficult for me is this whole  
19 thing virtually is a complete surprise to me. I'm sort  
20 of, well, naturally, disturbed, saddened, depressed, so I  
21 sort of accepted in global, as it were, but since I was  
22 not myself immediately involved, I just sort of placed  
23 everything into one.

24 Q. So you don't have a recollection of what year  
25 you began hearing allegations like that?

1           A.    Well, when it first broke publicly, that's when  
2   I first came to know of it, whenever that date was.  It  
3   was a surprise.

4           Q.    When you say "when it first broke publicly,"  
5   are you referring to when Father Wolfe was arrested or  
6   when Father Van Handel was arrested?

7           A.    The seminary -- when the news broke.

8           Q.    Any idea what year that was?

9           A.    I have a terrible time whether something  
10  happened 20 years ago or 30 years ago.

11          Q.    Did you ever tell [REDACTED] that other parents  
12  were also making allegations about Father Wolfe and  
13  Father Van Handel, that they were pedophiles?

14          A.    I don't know specifically about him, but  
15  conversation, I can hear myself saying that.  There were  
16  a lot of conversations, but I can't pin it down to this  
17  person or that person.

18          Q.    Did you ever tell [REDACTED] that those  
19  allegations by the other parents about Wolfe and Van  
20  Handel were false?

21          A.    I can't recall saying that.

22          Q.    Did [REDACTED] ever tell you that he believed  
23  Van Handel has molested both of his sons?

24          A.    Again, the only thing I recall that I did hear  
25  from someone or certain people who were -- well, not too

1 many, but one or the other who were parents of the  
2 children abused, either complaining to me, reporting it,  
3 but I'm not certain of the names.

4 Q. What year do you think that was?

5 A. Well, off and on.

6 Q. 1989?

7 A. It would be sporadic. It would be very  
8 sporadic.

9 Q. Do you have any sense for when that began?  
10 Early eighties?

11 A. This is the parents would talk to me?

12 Q. Yes.

13 A. Well, the first time, I think, that I had to  
14 deal with parents was the [REDACTED] family. I knew them very  
15 well.

16 Q. When was the first time that they told you that  
17 their sons were being abused by a Franciscan priest?

18 A. Again, time, I don't know if they told me or  
19 whether I came to know of it, but I did talk to somebody  
20 in the [REDACTED] family on the phone, I believe, and I did  
21 visit either Mr. or Mrs. [REDACTED], or either one of them, up  
22 at their home. Eventually, after the news of the first  
23 child -- there were two boys -- and, you know, tried to,  
24 well, do my best in offering, you know, sympathy and  
25 support and so forth after the first child, but after the



1 second child, they didn't want to talk me.

2 Q. When was the first time you spoke with them  
3 about their children being abused by a Franciscan priest?

4 A. I can't remember the time.

5 Q. Do you think it was before 1990?

6 A. I really don't know.

7 Q. Beginning around 1980, did [REDACTED]  
8 repeatedly call you and either tell you on the phone or  
9 leave you a voice-mail message that Father Van Handel had  
10 molested his son?

11 A. Someone called me repeatedly?

12 Q. [REDACTED].

13 A. I can't recall anybody repeatedly talking to me  
14 about it. That's sort of a surprise to me.

15 Q. Since approximately 1980, has [REDACTED] left  
16 you around 100 messages telling you he thought Father  
17 Wolfe and Father Van Handel were pedophiles?

18 A. A hundred messages?

19 Q. Around.

20 A. I'm not aware of anyone leaving a hundred  
21 messages.

22 Q. Since approximately 1980, has he left, again,  
23 around a hundred messages telling you that Van Handel had  
24 molested both his sons?

25 A. You're sure it's me, not someone else at the

1 Old Mission?

2 Well, I regret that I have no clarity about the  
3 particulars, times, escapes me.

4 Q. Do you have any recollection of [REDACTED]  
5 leaving messages for you about any other subject matter?

6 A. Any other subject matter?

7 Q. Yes.

8 A. No, I'm sorry, I have no recollection.

9 Q. Has anyone ever told you that [REDACTED]  
10 complained to them about Father Van Handel or Father  
11 Wolfe?

12 A. Again, same answer. I bundled everything into  
13 one and I can't recall this specific call or that  
14 specific -- well, there weren't that many. I don't know.  
15 I can't recall many calls about people talking about it.

16 Since I wasn't representative of the  
17 Franciscans in this whole issue, I didn't make it that  
18 much my concern, except, you know, as, personally, as a  
19 Franciscan, it affected me and I regretted it and so  
20 forth, but in fact I was told that anything that came up,  
21 to refer it to headquarters, provincial office.

22 Q. Okay. Well, that leads to my next question  
23 which is, did you ever tell anyone that [REDACTED]'s sons  
24 were abused by Robert Van Handel?

25 A. Telling anyone that --

1 Q. [REDACTED]'s sons had been abused by Robert  
2 Van Handel?

3 A. Well, in conversation among us, once in a  
4 while, we'd say, did you hear that so-and-so was abused,  
5 so-and-so was abused, part of that total picture, but [REDACTED]  
6 [REDACTED], for some reason, doesn't stand out as solitary  
7 or -- I can't deny that we discussed things like that  
8 among ourselves, but unofficially -- "I heard this" and  
9 "I heard that." So it's hard for me to tell specifically  
10 whether it was this family or that family.

11 Q. Okay. So the Franciscans at the Mission did  
12 discuss rumors that were going around about pedophilia?

13 A. Yeah.

14 Q. And about abuse of minors?

15 A. After it broke, yeah.

16 Q. Never before it broke?

17 A. No, no. It was a surprise to all of us.

18 Q. Did you ever tell anyone that [REDACTED] was  
19 telling you that his sons had been molested by Robert  
20 Van Handel?

21 MR. KASPER: The question is specifically about  
22 [REDACTED] telling you something.

23 THE WITNESS: For some reason or other, the  
24 word "[REDACTED]," I can't remember that specifically.  
25 It could have been Mr. [REDACTED] or somebody, but -- again, I

1 can't deny that it's possible that some parent might have  
2 said something, someone said something, but I'm not  
3 aware, clearly, that it was this person or that person  
4 who discussed the matter with me.

5 BY MR. HALE:

6 Q. Did you ever tell [REDACTED] after he called to  
7 complain about the assaults against his son that he  
8 should go to Mass and pray?

9 MR. KASPER: The question assumes something  
10 that's not -- that is inconsistent with what the witness  
11 has testified.

12 Did you ever make the statement, specific  
13 statement to [REDACTED]?

14 THE WITNESS: Well, to tell you the truth, I  
15 can't recall. I don't think I would say that to anybody,  
16 simplistically.

17 MR. KASPER: Would this be a good time to break  
18 for lunch?

19 MR. HALE: Yeah, sure.

20 VIDEOGRAPHER: The time is 12:44 p.m. and we're  
21 off the record.

22 (The lunch recess was taken from 12:44 p.m.  
23 to 1:54 p.m.)

24 VIDEOGRAPHER: The time is 1:54. We're back on  
25 the record.

1 (The requested passage was read back  
2 by the court reporter as above recorded.)

3 BY MR. HALE:

4 Q. When you say "simplistically," is there an  
5 unsimplistic way to say it?

6 A. Well, it's just the wrong way to handle --  
7 wrong thing to advise, from my perspective.

8 Q. Did you continue telling [REDACTED] that the  
9 allegations regarding Wolfe and Van Handel were false  
10 until the board of inquiry released its report in 1983  
11 (sic)?

12 MR. KASPER: The question assumes -- misstates  
13 the witness's testimony so far, and it lacks foundation  
14 and assumes facts that are not in evidence.

15 I don't know whether you can answer the  
16 question or not, but if you can, go ahead.

17 THE WITNESS: I can't recall saying anything to  
18 Mr. [REDACTED].

19 BY MR. HALE:

20 Q. When the board of inquiry report was released  
21 in 1993, did you ever admit to [REDACTED] that he had  
22 been right about Wolfe and Van Handel?

23 MR. KASPER: Same objection.

24 THE WITNESS: Please clarify the time.

25 BY MR. HALE:

1 Q. Well, I believe the board of inquiry report was  
2 released in 1993, so it was sometime after the release of  
3 the report, shortly after.

4 A. When you're asking about him, what time did he  
5 call me after that?

6 Q. Uh-huh, yes.

7 A. So, again, in that setting, what's your  
8 question?

9 Q. When the board of inquiry released its report,  
10 after that happened, did you then admit to him that he  
11 had been right about Wolfe and Van Handel being  
12 pedophiles?

13 A. I can't recall saying anything to him.

14 Q. Did you ever tell [REDACTED] that the board of  
15 inquiry's findings were exaggerated?

16 A. I can't recall.

17 Q. Did you ever tell anyone the board of inquiry's  
18 findings were exaggerated?

19 A. No.

20 Q. Do you believe that the board of -- let me ask  
21 you this. Did you ever believe, have you ever believed  
22 that the board of inquiry's findings were exaggerated?

23 A. No.

24 Q. Did you ever tell [REDACTED] that some of the  
25 minors discussed in the report might have been touched

1 but that such touching was the worst of the abuse?

2 A. No recollection.

3 Q. Do you believe that a Franciscan touching a  
4 child's genitals is not sexual assault, if that's all the  
5 priest does?

6 MR. KASPER: The question lacks foundation.  
7 It's an incomplete hypothetical.

8 If you can answer the question, you can.

9 THE WITNESS: I would just say it's wrong.

10 BY MR. HALE:

11 Q. But do you believe it's not sexual assault?

12 MR. MATIASIC: Argumentative.

13 THE WITNESS: I can't get into terminology,  
14 what is sexual assault and what isn't. It's just wrong.

15 BY MR. HALE:

16 Q. Do you have any understanding of what childhood  
17 sexual assault is?

18 A. Not specifically, as you're indicating.

19 Q. Do you consider touching of a child's buttocks  
20 to be childhood sexual assault?

21 MR. KASPER: Same objection.

22 THE WITNESS: Would you define "sexual assault"  
23 for me?

24 BY MR. HALE:

25 Q. Well, just as one example, a priest touching a

1 child's buttocks, would that be sexual assault, with the  
2 clothes on?

3 MR. KASPER: Same objection.

4 THE WITNESS: Depend on the circumstances.

5 BY MR. HALE:

6 Q. Under what circumstances would you consider  
7 that to be sexual assault?

8 Maybe the better question is, under what  
9 circumstances would you not consider that to be sexual  
10 assault?

11 A. I judge each case. I can't generalize on those  
12 things. It can be done in fun. I can't -- I'd have to  
13 know the circumstances, the context, when and where and  
14 why.

15 Q. Would there be any circumstances where a priest  
16 touching -- a Franciscan touching a minor's breast would  
17 not be sexual assault, in your opinion?

18 A. A minor, is this a boy or a girl?

19 Q. Either.

20 A. It would depend on whether it was a man or  
21 woman's breast, put it that way, or chest, if it's done  
22 by accident, if it's done deliberately. Again, I'd need  
23 some understanding of the situation.

24 Q. Would there be any circumstance where a  
25 Franciscan could touch a child's genitals and it would



1 not be sexual assault?

2 A. Well, hypothetical, if a child came to me and  
3 said, "I feel there's something wrong there. Would you  
4 take a look at it?"

5 Well, I personally would say I'm not the one to  
6 take a look at it. But supposing I did, and my intent  
7 was to help, it could be justified, but I think would be  
8 imprudent.

9 Q. Would it be justified even if you didn't have  
10 any medical training or expertise?

11 MR. MATIASIC: Incomplete hypothetical.

12 THE WITNESS: I find that difficult because  
13 I've never considered it, so I -- it would be the  
14 exception, put it that way. Whether it would justify  
15 would depend on the circumstances.

16 BY MR. HALE:

17 Q. Did you ever tell [REDACTED] there were not as  
18 many victims as was stated in the board of inquiry's  
19 report?

20 A. Again, I'm not aware of what I told [REDACTED].

21 Q. Do you believe that the number of victims  
22 identified by number in the report was inaccurate?

23 MR. KASPER: The question assumes the witness  
24 has read the report.

25 MR. HALE: We'll get to that, Counsel.

1 MR. KASPER: Well, you're asking him questions  
2 without foundation.

3 THE WITNESS: Word that again, please.

4 BY MR. HALE:

5 Q. Do you believe that the number of victims  
6 identified in the board of inquiry's report is  
7 inaccurate?

8 A. I have no reason to. I would give them the  
9 presumption, because they have investigated the  
10 situation, I haven't.

11 Q. Going back to Exhibit D, that News-Press  
12 article, did [REDACTED] call you immediately after the  
13 News-Press article was published?

14 A. I can't recall.

15 Q. Did he leave you a message about your quote  
16 regarding you being surprised about [REDACTED]?

17 MR. KASPER: The question has been asked and  
18 answered.

19 MR. HALE: That question has not.

20 THE WITNESS: What was that again?

21 BY MR. HALE:

22 Q. Did [REDACTED] leave you a message regarding  
23 your quote about you being surprised about [REDACTED]?

24 A. Not aware.

25 Q. Did [REDACTED] ever leave you a message telling

1 you you were a liar when you said you were surprised  
2 about [REDACTED] and the quote?

3 A. Same answer. I'm sorry.

4 Q. Did he remind you in the message that he had  
5 been telling you for years about what had happened to his  
6 sons?

7 A. I can't recall anybody telling me anything  
8 happening over years.

9 Q. Did you ever call [REDACTED] back?

10 A. No recollection.

11 Q. Did you apologize to him for your quote in the  
12 article?

13 A. Again, same.

14 Q. Did you ever admit to him that you, in reality,  
15 were not surprised about [REDACTED] coming forward?

16 A. No awareness.

17 Q. Did you explain to him why you said you were  
18 surprised in the article?

19 A. No recollection.

20 Q. Did you tell him you did not understand why [REDACTED]  
21 [REDACTED] waited so long to come forward?

22 A. No recollection.

23 Q. Did you tell him again that he needed to go to  
24 Mass and pray?

25 A. No recollection.

1 Q. Did you tell him he needed to go to counseling?

2 A. No recollection.

3 Q. Are you aware that [REDACTED] have  
4 filed a lawsuit based on that abuse by Van Handel in the  
5 late eighties and the early nineties?

6 A. I wasn't aware of anything until it broke  
7 publicly.

8 Q. But are you aware of [REDACTED]'s  
9 specific lawsuit?

10 A. No.

11 Q. When the [REDACTED] family came to you and told you  
12 about what had happened to their children, did you tell  
13 anyone or warn anyone about Father Wolfe or  
14 Father Van Handel's propensities?

15 A. No.

16 Q. Have you ever read the 1993 board of inquiry  
17 report?

18 A. Yes.

19 Q. When was the first time you read it?

20 A. I can't recall when I got a copy of it. I  
21 don't know just when I read it.

22 Q. Did you ever tell the board about what the  
23 [REDACTED] family told you about what happened to their sons?

24 A. No.

25 Q. Did you ever give any consideration to telling

1 the board about what the [REDACTED] family told you about what  
2 happened to their sons?

3 A. What was --

4 Q. Did you ever think about going to the board and  
5 telling the board about what the [REDACTED] family told you?

6 A. No, no. I didn't feel I should go to the board  
7 about anything.

8 Q. Why not?

9 A. Because it was being taken care of by other  
10 Franciscans, the whole problem, whole issue.

11 Q. What do you mean, it would have been taken care  
12 of?

13 A. It was being taken care of properly by  
14 Franciscans who were assigned to that task.

15 Q. Were Franciscans who were assigned to that task  
16 interviewing other Franciscans about what they knew or  
17 saw or heard?

18 A. I was never in on what they were doing in  
19 detail.

20 Q. Did you understand the board to be a  
21 fact-finding investigative entity?

22 A. They were fact-finding? I'll have to reflect  
23 on that.

24 My limited understanding was they were  
25 recipients of reports from, say, the victims or others.

1 I'm not aware of they being a fact-finding -- taking the  
2 initiative.

3 Q. Do you know if the [REDACTED] boys ever went and  
4 testified in front of the board?

5 A. Ever went what?

6 Q. Spoke to the board?

7 A. I'm not aware.

8 Q. In your opinion, would the fact the [REDACTED] boys  
9 were abused by Franciscans be relevant, would that have  
10 been relevant to the board's investigation?

11 A. Yes.

12 Q. If [REDACTED] had been telling you for years  
13 about what had happened to his sons as far as the abuse  
14 by Van Handel goes, would you have conveyed that to the  
15 board?

16 A. Well, the significance is unreal.

17 Q. Okay, but if.

18 MR. KASPER: Well, the question misstates the  
19 testimony, it lacks foundation, and it calls for  
20 speculation. It's not something that the witness has --  
21 the witness has testified it didn't happen.

22 BY MR. HALE:

23 Q. Again, you can answer the question.

24 A. Word it again.

25 (The requested passage was read back

1 by the court reporter as above recorded.)

2 THE WITNESS: Yes.

3 BY MR. HALE:

4 Q. Who were the other Franciscans that you thought  
5 would take care of the [REDACTED] report of abuse?

6 A. I don't know the specifics, but I know the  
7 provincial, Father [REDACTED], had arranged for a  
8 procedure to go about this, but I didn't know about the  
9 specifics of it and who was involved.

10 Q. The copy of the report that you had -- you did  
11 have possession of the report at one time and read it?

12 A. Yes.

13 Q. Was that the redacted or unredacted copy?

14 MR. MATIASIC: Lacks foundation.

15 THE WITNESS: It's been so long, I don't know.

16 BY MR. HALE:

17 Q. Do you recall reading a report which contained  
18 the names of specific friars in it?

19 A. I can't recall any report with specific names.

20 Q. Have you ever discussed with anyone, other than  
21 your attorneys, friars identified within the unredacted  
22 report?

23 A. Discussing friars --

24 Q. Who were identified within the unredacted  
25 report?

1           A.     Just someone who mentioned some name and all,  
2     but I, myself, didn't know just a listing of those  
3     accused. I wasn't certain.

4           Q.     Did you ever see a listing of those accused?

5           A.     No.

6           Q.     Did you ever try and find out who the accused  
7     friars were?

8           A.     No. I figured it was none of my business.

9           Q.     Did you ever wonder if you were living with any  
10    of the 11 friars identified as perpetrators within the  
11    report?

12           MR. KASPER: The question assumes facts not in  
13    evidence.

14           THE WITNESS: No, it didn't come to mind. It  
15    wasn't a concern of mine.

16    BY MR. HALE:

17           Q.     Did you ever wonder if you were working with  
18    any of the 11 friars identified as perpetrators within  
19    the report?

20           MR. KASPER: Same objection.

21           THE WITNESS: No.

22    BY MR. HALE:

23           Q.     Did you ever wonder if you knew any of the 11  
24    friars who were identified within the report?

25           MR. KASPER: Same objection.



1 THE WITNESS: I didn't wonder. I figured I'd  
2 know in time.

3 BY MR. HALE:

4 Q. And did you ever find out?

5 A. Not clearly.

6 Q. Who did you find out was in the report?

7 A. I never was told officially the names of those  
8 in the report.

9 Q. Did someone tell you unofficially?

10 A. Well, you talk here and there, and thought this  
11 person and thought that person.

12 Q. Who was it that you have heard as rumors were  
13 identified in the report? Is that a safe way to put it,  
14 rumors of who was identified in the report?

15 A. It was very fragmentary. I just wasn't -- I  
16 just wasn't clearly told just who the perpetrators were,  
17 except as I got it out of the paper or something of that  
18 type.

19 Q. Did anyone ever tell you the names of any of  
20 the 11 perpetrators identified in the report?

21 A. Occasionally one of the other friars would --  
22 Franciscans would mention a name, yeah.

23 Q. What names did you hear?

24 A. I don't know who, when. It was over a number  
25 of years, since it broke. It's hard for me to line that

1 up, who, when and by whom. Nothing officially was told  
2 me by headquarters.

3 Q. Right, I understand that. I don't even need to  
4 hear at this point when you were told and who told you,  
5 I'm just looking for the names that you were told of  
6 friars who were identified within the report.

7 A. Well, I don't know whether they were names in  
8 the report or someone was surmising or guessing that this  
9 Franciscan was involved.

10 Q. Okay. Well, did anyone ever tell you that they  
11 thought that specific Franciscans were identified in the  
12 report, and, if so, which Franciscans?

13 A. As far as I can recall, they never refered to  
14 the report as revealing any of the names, it was just  
15 what was being said by someone casually, but no one  
16 ever -- I can't recall anyone saying these names were on  
17 the report.

18 Q. Did anyone ever say, "I think this Franciscan  
19 is one of the people talked about in the report"? And,  
20 if so, who, who were the Franciscans talked about in the  
21 report, according to this person?

22 A. Again, I don't know -- I heard names, possibly,  
23 but I never heard anybody give a name as being in the  
24 report.

25 Q. Okay. We're kind of crossing in the night. I

1 understand not in the report, but someone who said, "I  
2 think that this name --

3 A. Yeah, that was -- once in a -- rarely, rarely,  
4 but it would come up now and then, but I don't know who,  
5 when, yeah.

6 Q. But what names was it that were thought might  
7 be in the report?

8 A. As I recall names, let's see.

9 Q. Father Cimmarrusti?

10 A. Somewhere down the line, yes, uh-huh, yeah. Of  
11 course, Van Handel.

12 Q. Van Handel. How about Gus Krumm?

13 A. Krumm, yeah. That was very late.

14 Q. Okay.

15 A. David Carriere, Sam Cabot.

16 Q. David Johnson?

17 A. Yeah, that was very, very late.

18 Let's see. Oh, the fellow who committed  
19 suicide.

20 Q. Phillip Wolfe?

21 A. Yeah, Phillip Wolfe.

22 Q. All right, that's seven.

23 Joseph Progno?

24 A. No, I never heard --

25 Q. [REDACTED]?

1 A. No, not [REDACTED], no.

2 Q. [REDACTED]?

3 A. [REDACTED], yes.

4 Q. Martin McKeon?

5 A. When I first came to know that was when I read  
6 it in the paper. There was a listing released by the  
7 Archdiocese of Los Angeles. That's the first I came to  
8 know of Martin McKeon.

9 Q. How about Ed Byrum?

10 MR. MATIASIC: Again, Counsel, are you asking  
11 whether or not he heard these names were included in the  
12 report or whether he heard about abuse allegations?

13 MR. HALE: Whether these names were included in  
14 the report.

15 THE WITNESS: No, no, the report -- whatever I  
16 heard was not related to being in the report.

17 BY MR. HALE:

18 Q. Okay, so we're only talking about abuse  
19 allegations right now.

20 A. But now they were in the report, that they were  
21 guilty or accused of.

22 Q. Did anyone ever say to you that they thought  
23 any of these names that we've just ticked off, starting  
24 with Cimmarrusti and ending with Byrum were names that  
25 were included within the board of inquiry report?

1           A.    No, I never heard anyone link them to the names  
2   in the report.

3           Q.    When did you first hear about Sam Cabot being  
4   accused of childhood sexual abuse?

5           A.    Offhand, I can't think of the time.

6           Q.    Within the last five years, within the last ten  
7   years?

8           A.    It's relatively late, you know, considering the  
9   time. So this is after, what, 1989, '90, something like  
10   that, so we have 10, 15 years.

11          Q.    Was it before or after the board of inquiry  
12   report that you first heard of Cabot being accused of  
13   childhood sexual abuse?

14          A.    Well, I don't know when names were in the  
15   report, in the report of the board of inquiry. The copy  
16   I had of the report didn't have any names, it just had  
17   what the problem was, but I can't recall seeing a listing  
18   of names in any report.

19          Q.    Okay. But when did you first hear about Sam  
20   Cabot being accused of childhood sexual abuse? And maybe  
21   we can place it in time. Do you think it was before or  
22   after the report issued? Not because he was in the  
23   report, but just so we can frame it --

24          A.    Well, after the report.

25          Q.    You think was before or after the year 2000?

1 A. Not certain. I'd be guessing.

2 Q. Do you remember who told you about the  
3 accusations against Sam Cabot?

4 A. I can't recall who told me, how I got to know  
5 it.

6 Q. Let's go back to the board of inquiry report.  
7 After the report was released, did you ever sit and try  
8 to think about, based on your knowledge, which priests  
9 might be part of the 11 identified in the report?

10 A. No.

11 Q. Did you ever think about anything that you saw  
12 that made you think that maybe a priest you knew or a  
13 Franciscan you knew was identified in the board of  
14 inquiry report?

15 A. Oh, complete surprise.

16 Q. Did it ever cross your mind after the report  
17 was issued that families from your parish might have been  
18 sending their children to spend time with some of these  
19 men either as students at St. Anthony's or as part of the  
20 boys choir?

21 A. No, that wasn't my task.

22 Q. There are children within your parish; correct?

23 A. Yeah, but since I didn't -- I wasn't told  
24 clearly about anything, I couldn't make any comment.

25 Q. Were you ever worried that some of these

1 children might have been abused either as members of the  
2 boys choir or later as students at St. Anthony's?

3 A. Well, for me, there was no reason to worry  
4 because I believed it was being taken care of.

5 Q. Did you ever feel like you wanted to or needed  
6 to make sure the children from your parish were safe?

7 A. Oh, again, I thought that the procedure was  
8 adequate and I had no obligation to get involved.

9 Q. Do you recall Phillip Wolfe was convicted of  
10 child sexual abuse in 1989?

11 A. Well, when did I know it?

12 Q. Do you recall that?

13 A. When? You mean what time -- what time I heard  
14 Phillip Wolfe? I don't know.

15 MR. KASPER: The question is, did you know that  
16 that happened?

17 THE WITNESS: Yeah, I knew it happened some  
18 time or other. Yeah, I knew that happened, yeah.

19 BY MR. HALE:

20 Q. After Wolfe was convicted, are you aware of the  
21 friars taking any steps to make sure there were no other  
22 perpetrators other than Wolfe at St. Anthony's or the  
23 Mission?

24 A. The friars? What do you mean by the "friars"?

25 Q. The province, the province?

1 A. The province? Word that again for me.

2 Q. After Wolfe was convicted in 1989, are you  
3 aware of whether the province took any steps to make sure  
4 there were no other perpetrators either at St. Anthony's  
5 or at the Mission? I mean Franciscan perpetrators.

6 MR. MATIASIC: Are you talking about other than  
7 the board of inquiry?

8 MR. HALE: Yeah.

9 THE WITNESS: My understanding was that the  
10 province wanted to know the names so that they might be  
11 of assistance to them. That was my understanding.

12 BY MR. HALE:

13 Q. But what I'm getting at, in other words, aside  
14 from the board of inquiry and after Wolfe was convicted  
15 in '89, did the province take any steps to conduct an  
16 investigation as to whether there were other perpetrators  
17 at St. Anthony's or the Mission?

18 A. "Investigation" is a word that I -- I don't  
19 know that -- they did what they could to have people come  
20 forth and tell them of being abused.

21 Q. Aside from the board of inquiry, are you aware  
22 of any steps the Franciscans, the province took after the  
23 Wolfe conviction to make sure there were no other Wolfe  
24 victims that had not come forward?

25 A. I don't know the follow-through.



1 Q. Who would know about that?

2 A. The provincial.

3 Q. That was [REDACTED] at the time?

4 A. [REDACTED], yeah.

5 Q. Aside from conversations with your counsel,  
6 have you ever discussed with anyone warning members of  
7 the community in which a Franciscan who was a threat to  
8 children was transferred?

9 A. Repeat that, please.

10 Q. Actually, never mind.

11 Excluding conversations with your attorneys,  
12 have you ever discussed with anyone warning a community  
13 into which a Franciscan who was a threat to children was  
14 transferred?

15 A. Discuss with them that -- what was the end of  
16 this sentence? Discuss with them about a friar being  
17 transferred?

18 Q. No, no. Have you ever discussed with another  
19 Franciscan the possibility of warning members of a  
20 community into which a Franciscan perpetrator has been  
21 transferred?

22 A. No, no.

23 MR. KASPER: The question assumes --

24 THE WITNESS: No.

25 MR. KASPER: The question --

1 THE WITNESS: A warning? Again, it just keeps  
2 coming back to the same thing. I sort of kept to myself  
3 and I believed that other Franciscans were taking better  
4 care of it than anything I could do.

5 BY MR. HALE:

6 Q. Have you ever heard another Franciscan talking  
7 about whether the province should be warning communities  
8 into which Franciscan perpetrators have been transferred?

9 MR. KASPER: The question assumes that  
10 Franciscan perpetrators were in fact transferred into  
11 communities, and lacks foundation.

12 If you can answer the question, you can  
13 proceed.

14 BY MR. HALE:

15 Q. I'll back up.

16 Are you aware that Gus Krumm was transferred to  
17 St. Francis in 2003 in Sacramento, for instance?

18 A. Subsequently, when it finally broke publicly.

19 Q. And you are aware that he had been accused of  
20 childhood sexual abuse before he was ever transferred;  
21 correct?

22 A. No, when the news broke, it was a surprise to  
23 me, the public news.

24 Q. But when he was transferred in 2003, you had  
25 already heard that he had been accused of childhood

1 sexual abuse, hadn't you?

2 A. I can't recall when I -- just when I first  
3 heard that he had this problem. I recall hearing that I  
4 think the instance that, I believe it's St. Anthony's  
5 Seminary, that he was cleared by the board of inquiry,  
6 and then I -- subsequent information came rather late to  
7 me.

8 Q. Were you aware that in summer of 2002 that the  
9 province filed a report with the Oakland law enforcement  
10 regarding the fact that Gus Krumm had abused four  
11 St. Anthony's students prior to that report?

12 A. No.

13 Q. Never heard about that?

14 A. No.

15 Q. You were -- were you aware when Gerald Chumik  
16 was transferred to the Mission?

17 A. I was there when he came, but when he came, I  
18 really didn't know why he came there.

19 Q. At some point did you learn that he had been  
20 accused of childhood sexual abuse?

21 A. At some time, yes, yeah.

22 Q. Have you ever heard any Franciscan discussing  
23 warning a community into which the province had  
24 transferred that Franciscan where the Franciscan had been  
25 previously accused of childhood sexual abuse?

1 MR. MATIASIC: Asked and answered.

2 THE WITNESS: No.

3 BY MR. HALE:

4 Q. To your knowledge, has the province ever  
5 considered warning communities where a Franciscan who was  
6 a threat to children was transferred?

7 A. I'm ignorant of warnings coming from the  
8 province. That would be headquarters. I'm not aware of  
9 the -- of that, when and under what circumstances.

10 Q. I'm not looking for the actual warnings, I'm  
11 just interested in if there were ever any discussions  
12 about the possibility of issuing such warnings?

13 A. No, I wasn't into that.

14 Q. You never heard of anything like that being  
15 discussed?

16 A. No.

17 Q. I'm going to switch gears on you big time here.  
18 Did you do a doctoral thesis at Catholic  
19 University?

20 A. Yes, uh-huh.

21 Q. What was that on?

22 A. The unforgiven -- the unforgivable sin in  
23 Matthew, Mark and Luke, the sin against the Holy Spirit  
24 that would not be forgiven.

25 Q. I'm afraid I'm not up on my Bible studies.

1 What was that unforgivable sin?

2 A. Let's see, in the context, Jesus had worked a  
3 miracle and the -- and he disagreed with some, some of  
4 the Jewish leaders -- I have to be very careful of the  
5 Jewish people, Jewish leaders -- and he says, in effect,  
6 that they resisted the prompting of the Holy Spirit. It  
7 was quite evident that the Holy Spirit was at work in  
8 Jesus, and that sin will never be forgiven.

9 Now, my thesis is not to be taken literally.  
10 It gets into technical scriptural talk about what is  
11 called eschatology. It's very technical.

12 Q. We don't need to go there. That's fine.

13 Let me ask you a few questions about Sam Cabot.  
14 Have you met Sam Cabot?

15 A. Well, of course I knew him. When? What time  
16 are you thinking of?

17 Q. When did you meet him?

18 A. Well, he was stationed at the Old Mission. I  
19 don't know what the years were that he was the handyman,  
20 the repairman type of thing, take care of electricity and  
21 plumbing and all that type of thing. I don't know the  
22 years he was there.

23 Q. Is there a basement in the Mission? Is there a  
24 subterranean level?

25 A. It's a lower floor. It's not beneath the level

1 of the ground, it's below the archive library. There are  
2 three stories. This section is called the basement, the  
3 lowest level; archive library; and then another library  
4 on top of that, so it's the bottom floor.

5 Q. So it's called the basement but it really isn't  
6 a basement?

7 A. It's not a basement, no.

8 Q. Could you just look at Exhibit A and point to  
9 me where on Exhibit A it is?

10 A. Let's see where that would be here.

11 Q. Just the general location.

12 A. If you're going in, at the end of this  
13 building, this front building (indicating), going in  
14 there, you'd walk into the so-called basement, the bottom  
15 floor.

16 Q. Okay.

17 A. That was -- yeah, that's where it would be.

18 Q. How far back does it extend?

19 A. Well, I would say -- well, how many feet, I  
20 don't know. There's an approach and then there are rooms  
21 off it. Maybe 20, 30 yards, or less than that.

22 Q. Can you just mark that area with a "B."

23 A. That would be -- you've got all those trees  
24 there. I guess just right over the green here  
25 (indicating).

1 Q. So basically behind the trees where the "B" is  
2 marked?

3 A. Yes.

4 Q. Are laypeople allowed in the basement? Let me  
5 ask you this. Have laypeople ever been allowed in the  
6 basement?

7 A. Oh, yeah, yeah, yeah.

8 Q. Any layperson at all could go in there?

9 A. Well, the people who are working there, people  
10 bringing books down from the archive library or somebody  
11 wandering about, if the door is open, you know. It  
12 wasn't always locked.

13 Q. So basically anybody can go in there?

14 A. Yeah. Well, I mean, I've seen all sorts of  
15 people down there.

16 Q. Has anyone ever had living quarters in the  
17 basement?

18 A. Not that I know of.

19 Q. Did Sam Cabot ever have living quarters in the  
20 basement?

21 A. Not that I know of.

22 Q. Would it have been possible for him to have  
23 living quarters and you not be aware of it, in the  
24 basement?

25 A. It would be a surprise to me.

1 Q. How would you describe your relationship with  
2 Cabot? Was it strictly supervisor-employee or were you  
3 friends with him, was it a social relationship?

4 A. Well, I knew him. You know, I wasn't close to  
5 him or intimate, you know. I wouldn't call him a friend.  
6 He was pleasant enough, but I didn't spend that much time  
7 with him.

8 I ceased to be guardian in 1973, so I don't  
9 know when Sam Cabot was there.

10 Q. And you described his duties as being the  
11 Mission's handyman?

12 A. Yes.

13 Q. Did he do anything else?

14 A. That was his assigned task.

15 Q. To your knowledge, did his duties change over  
16 the years at all?

17 A. I really don't -- didn't know him that well.

18 Q. While he was assigned to the Mission, were you  
19 ever in his living quarters?

20 A. What was that again?

21 Q. While he was assigned to the Mission, were you  
22 ever in his living quarters?

23 A. No.

24 Q. Have you ever been in his living quarters  
25 anywhere other than the Mission? For instance, when he



1 was assigned at Serra retreat house?

2 A. No, no.

3 Q. Did you ever hear that he had photo albums in  
4 his living quarters?

5 A. That's new to me.

6 Q. In your time at the Mission, did you ever see  
7 him in the company of young children?

8 A. Well, not anything that would merit a second  
9 look, or it wasn't -- I've seen a number of people with  
10 children, whether I saw him or not, but I never -- I  
11 can't recall specifically seeing Sam Cabot with children,  
12 although I presume he saw them now and then. So it's a  
13 possibility, but I can't recall seeing him with children.

14 Q. Did you ever see him with children in a car?

15 A. No.

16 Q. Would it ever have been appropriate for Sam to  
17 have taken children with him into the basement of the  
18 Mission?

19 A. It would be accepted.

20 Q. Would it have been any cause for concern, if  
21 you had seen that?

22 A. No, it wouldn't be a concern to me.

23 Q. If you had a task for Sam, how did you contact  
24 him?

25 A. Well, he was approached by anybody who needed

1 anything. If it was a leaking faucet or something like  
2 that, anybody would approach him. I don't know whether I  
3 was superior at the time that he was working there as  
4 maintenance man. I don't know whether I, as superior --  
5 I can't recall that.

6 Q. Whether you assigned tasks for him, or assigned  
7 him to perform a task?

8 A. Well, his task -- the maintenance man, they  
9 were giving him -- it would be carryover from the  
10 previous man, and in a way he had to be open to anybody  
11 seeking help by way of maintenance.

12 Q. So the request for assistance from him did not  
13 have to be done through the father superior?

14 A. No.

15 Q. Do you recall it ever being difficult to find  
16 Sam at times?

17 A. I can't recall that, no.

18 Q. Do you recall anyone complaining about it being  
19 difficult to find Sam?

20 A. I can't recall.

21 Q. I assume you new Alfred Boedeker?

22 A. Oh, yes.

23 Q. Did you know some of his relatives?

24 A. I knew his brother and family, yeah.

25 Q. Did you know the brother who lived right near

1 the Mission, or relatively near the Mission?

2 A. I knew, I think it was, Frank very well. His  
3 brother was -- I think it was Frank. Yeah, I knew him.  
4 Yeah, I'd see him now and then.

5 Q. Did Father Alfred have relatives with a house  
6 within walking distance of the Mission?

7 A. I don't know where Frank lived, and then he had  
8 a number of children.

9 Q. Okay.

10 A. I don't know where they lived. I wasn't a -- I  
11 wouldn't know.

12 Q. Did you ever call the Boedeker home trying to  
13 find Sam Cabot?

14 A. I never did, no.

15 Q. Did you ever hear of another Franciscan talking  
16 about having to call the Boedeker home to find Sam Cabot?

17 A. No, I can't recall that.

18 Q. Were you ever aware that Sam Cabot was spending  
19 a lot of time at the Boedeker home?

20 A. Yeah, that was common knowledge.

21 Q. How did you learn of that?

22 A. Just common knowledge. I mean, everybody knew  
23 that he was -- that he was friends of the Boedeker  
24 family. It was just known and accepted.

25 Q. Did you understand that he spent the night

1 there sometimes, at the Boedeker home?

2 A. That I didn't know.

3 Q. Does that surprise you?

4 A. No. He's very close to them. No, it doesn't  
5 surprise me.

6 Q. Would you consider that appropriate or  
7 inappropriate?

8 A. Well, I'd say it's acceptable.

9 Q. Would you consider it unusual for a Franciscan  
10 to be spending so much time in a parishioner's home?

11 MR. MATIASIC: Vague and ambiguous, lacks  
12 foundation, incomplete hypothetical.

13 THE WITNESS: What was that?

14 MR. MATIASIC: Go ahead, you can answer.

15 BY MR. HALE:

16 Q. He's just making a record. You can go ahead  
17 and answer the question.

18 A. Word that again.

19 Q. Sure. In light of the fact that -- you did  
20 testify you were aware that Sam --

21 A. He spent a lot of time there, yes, uh-huh.

22 Q. Do you consider it unusual for a Franciscan to  
23 be spending so much time in a parishioner's home?

24 MR. MATIASIC: Same objections.

25 THE WITNESS: Not unusual, because you --

1 people have friends, and you acknowledge it.

2 BY MR. HALE:

3 Q. Are you aware of any other Franciscans who were  
4 spending the night or staying overnight at parishioners'  
5 houses?

6 A. I'm not aware of it.

7 Q. Is Sam the only Franciscan that you're aware of  
8 who was spending the night at a parishioner's house?

9 A. Well, only because you're telling me.

10 Q. So you had no knowledge of this?

11 A. No, I had no knowledge.

12 Q. You simply knew that he was spending a lot of  
13 time at the Boedekers'?

14 A. Yeah.

15 Q. If you had learned while you were Father  
16 superior that a Franciscan was spending the night at a  
17 parishioner's home, would you have taken any action?

18 MR. MATIASIC: Counsel, when you say  
19 "Franciscan," are you talking about ordained priests or  
20 brothers --

21 MR. HALE: Any Franciscan.

22 THE WITNESS: Any in general, yeah.

23 Well, I would -- let's see. These things are  
24 so hypothetical.

25 We were very accepting and trusting of one

1 another, so I'd say, as Father superior, it's none of my  
2 business.

3 MR. KASPER: Counsel, would this be a good time  
4 to take a break?

5 MR. HALE: Sure.

6 VIDEOGRAPHER: We're at the end of tape number  
7 2. The time is 2:58 p.m. and we're off the record.

8 (A recess was taken from 2:58 p.m.  
9 to 3:05 p.m.)

10 VIDEOGRAPHER: We are at the beginning of tape  
11 number 3. The time is 3:05 p.m. and we're back on the  
12 record.

13 BY MR. HALE:

14 Q. Father, we've been talking about the fact that  
15 Sam Cabot was spending time at the Boedeker house. Do  
16 you remember that being the house owned by Bob and Kathy  
17 Boedeker on Olive Street? Does that sound correct?

18 A. Yes. They were there. I wasn't too sure which  
19 houses he was going to most of the time, but I know he  
20 was close to them and I thought he was close to the  
21 others.

22 Q. So you knew it was definitely at a Boedeker  
23 house, though?

24 A. Yeah, yeah.

25 Q. Did you know Bob and Kathy?

1 A. Yes. You know, not close friends.

2 Q. What about Carol and Tom Boedeker? Did you  
3 know them?

4 A. Yeah, I know the Boedekers, but they have  
5 never -- I don't know -- it might have been that I was  
6 once in the home, the one there close to the Mission,  
7 but, generally speaking, I didn't go to their homes.

8 Q. But you were aware that Sam was going to their  
9 homes; correct?

10 A. Yes.

11 Q. How did you become aware of that? How did you  
12 learn of that?

13 A. Well, everybody was aware of it.

14 Q. Just common knowledge?

15 A. Yes.

16 Q. Within the last couple of years, have you gone  
17 to an appreciation party for Carol and Tom Boedeker at  
18 Tucker's Grove? Do you recall that?

19 A. Appreciation?

20 Q. Some kind of party?

21 A. What year would that have been?

22 Q. Either 2002 or 2003.

23 A. Well, I didn't -- unless there was -- I want to  
24 make sure that -- there was some other gathering. I  
25 can't remember,

1 Q. That's okay. It's not a big deal.

2 A. I don't know if it was Boedekers. See, there's  
3 intermarriage there and it was a gathering of a big clan  
4 at Tucker's Grove that I went to, but I don't know -- I  
5 think it was more than just specifically the Boedekers,  
6 if the Boedekers were behind it.

7 Q. Do you remember a former Franciscan named Mark  
8 Day?

9 A. Mark Day, yeah.

10 Q. How well do you know him?

11 A. I had him as a student, and from then on I had  
12 very little contact with him.

13 Q. Are the Franciscans involved in any adoption  
14 services in Mexico?

15 A. Not that I know, formally or officially.

16 Q. What about informally?

17 MR. MATIASIC: Counsel, you mean the province  
18 or the Franciscan order?

19 MR. HALE: Province.

20 THE WITNESS: I'm not aware of it. I doubt it,  
21 but I'm not aware of it.

22 BY MR. HALE:

23 Q. For the sake of the record, when I refer to  
24 "the Franciscans" in the context of this deposition, do  
25 you understand that I'm referring to the province of



1 Santa Barbara?

2 A. Yeah, okay, the province, headquarters.

3 Q. Let me run some names by you and see if that  
4 rings any bells.

5 Have you ever heard of the Casa De Los Pueblos?

6 A. Where is that?

7 Q. It's in Mexico.

8 A. No.

9 Q. How about Casa De Los Nitos?

10 A. I might have heard it in passing, but they  
11 don't register.

12 Q. Are you familiar with something called Casa  
13 Franciscana?

14 A. I hear these names, maybe, now and then, but  
15 they don't mean anything to me.

16 Q. Did you ever know one of the Boedeker children  
17 named [REDACTED] Boedeker?

18 A. Let me get this right. [REDACTED]? I knew an  
19 adopted child of the Boedekers, yeah. I think her name  
20 was [REDACTED], yeah.

21 Q. How did you learn that she was adopted?

22 A. Well, it was common knowledge, but no one told  
23 me specifically. Just she was Hispanic looking, so it's  
24 one of these things that, you know, everybody knows.

25 Q. Were you aware that Sam was involved in the

1 adoption, or assisted in the adoption?

2 A. That I didn't know.

3 Q. Did you ever talk with Sam about [REDACTED]?

4 A. No, no.

5 Q. What about [REDACTED], behind me?

6 Did you ever know her? Have you ever met her before?

7 A. I've seen her here and there, but I don't  
8 know -- I don't know much about her. She probably knows  
9 more about me than I know about her.

10 Q. Do you recall ever seeing [REDACTED] or [REDACTED] with  
11 Sam when they were children at the Mission?

12 A. Nothing that would take a second look from me.  
13 I'd see a number of children there, so I don't -- I  
14 wasn't aware just of Sam with children, other Franciscans  
15 with children.

16 Q. I'm not sure if I follow your answer.

17 So do you have a recollection of seeing Sam  
18 with children?

19 A. I don't have a clear recollection, no.

20 Q. Do you have any recollection of seeing Sam with  
21 [REDACTED] or [REDACTED] when they were children?

22 A. No clear recollection. No, it didn't register,  
23 no.

24 Q. Okay.

25 A. I probably saw them, but it didn't mean

1 anything to me.

2 Q. Maybe a broader question will help you recall.  
3 Do you recall seeing Sam in the company of any Boedeker  
4 children at the Mission over the course of your career?

5 A. No.

6 Q. Do you recall ever telling any of the Boedeker  
7 children in Sam's company to stop running through the  
8 halls of the Mission?

9 A. No.

10 Q. Do you recall seeing any of the Boedeker  
11 children, including [REDACTED] and [REDACTED], in Sam's company in  
12 parts of the Mission where the laity were generally not  
13 observed -- or, I'm sorry, generally not allowed?

14 A. No, I can't recall seeing that.

15 Q. Were you aware that before Sam was assigned to  
16 the Mission, he had been assigned to the Philippines?

17 A. Yes, I knew that, yeah.

18 Q. Do you know why he was transferred from the  
19 Philippines to Santa Barbara?

20 A. No.

21 Q. Are you aware that Sam has had heart surgery?

22 A. I can recall hearing about it, yes. I don't  
23 know when and so forth, the circumstances, but I remember  
24 it. Somewhere along the line, I knew Sam had had heart  
25 surgery.

1 Q. Within the last five years?

2 A. I don't know when.

3 Q. Do you recall if it was open-heart surgery?

4 A. No details, no.

5 Q. When was the last time you spoke with Sam?

6 A. It was the meeting of Franciscans down at Serra  
7 retreat maybe one or two months ago, and I met him there.

8 Q. What did you --

9 A. Saw him there.

10 Q. What did you guys talk about?

11 A. Nothing except -- I needed something. I was  
12 assigned a room of some Franciscan who was away, and he  
13 either showed me to the room or opened the room for me.  
14 He did something that took care of something that I  
15 needed while I was there.

16 Q. So was he basically doing a handyman role again  
17 at Serra retreat house, as he was at the Mission?

18 A. I don't know what he's doing there.

19 Q. Did you talk with him?

20 A. Thanked him for what he did. Short  
21 conversation.

22 Q. Did he tell you he was having any kind of  
23 health problems?

24 A. He talked to me nothing -- nothing about his  
25 own personal --

1 Q. Have you heard that he's having any health  
2 problems?

3 A. I can't recall, no.

4 Q. Do you have any recollection of when you -- you  
5 have heard he's been accused of childhood sexual abuse;  
6 correct?

7 A. Yes.

8 Q. Do you recall when that was that you heard  
9 that? Was it after 2000 or before 2000?

10 A. I'm not certain.

11 Q. You don't know if he was identified as a  
12 perpetrator in the board of inquiry report?

13 A. No, I don't know anything about the board of  
14 inquiry's role, no.

15 MR. HALE: I don't want to be a hog, so I'm  
16 going to turn the mike over to Mr. De Marco, although I  
17 do have more questions.

18 MR. DE MARCO: I won't take too long. I don't  
19 think I'll take up the rest of the time today.

20

21 FURTHER EXAMINATION

22 BY MR. DE MARCO:

23 Q. Father, trying to make sure I had an accurate  
24 record of what years that you were teaching at the Old  
25 Mission theologate, what is the best recollection you

1 have of the years --

2 A. Okay, all right.

3 Q. Why don't I ask a little more narrow question.

4 Do you recall whether you were teaching there for 1955-56  
5 school year?

6 A. '55-56? Let's see, I was back in Washington  
7 when -- let's see. Came back in '50, went back for a  
8 year in Washington to defend my thesis, so I don't know  
9 whether that was '55 to '56 or '54 to '55. About that  
10 time. So I'm not sure exactly -- I was away for a year  
11 just to follow on my thesis.

12 Q. How about the '56-57 school year? Were you at  
13 the Old Mission theologate then?

14 A. I believe I was, yeah.

15 Q. How about the '57-58?

16 A. I was there, yes, from then on.

17 Q. The '56-57 school year, were you involved in  
18 faculty evaluations of students that year?

19 A. Again, I'm not too sure if I was in Washington  
20 from '55 to '56. I think it was '55 to '56. If I went  
21 back, I'd be involved in students' evaluations, yes.

22 Q. Whatever times you were at the Mission  
23 theologate?

24 A. Yeah, yeah.

25 Q. And I think you mentioned you're not sure yet

1 whether you were back at Catholic University for the  
2 '54-55 school year or the '55-56 school year?

3 A. Yeah.

4 Q. But you're pretty certain, is it correct, that  
5 you were there at the Old Mission theologate for the  
6 '56-57 school year?

7 A. I'm not absolutely certain.

8 Q. I'm sorry?

9 A. Not absolutely certain.

10 Q. Uh-huh. It wouldn't surprise you, though, if  
11 the Catholic Directory listed you as being at the Old  
12 Mission theologate in 1957?

13 A. The Catholic Directory?

14 Q. Yeah, published by Kennedy & Sons.

15 A. Yes, yes, they would list me because there was  
16 no -- yeah. I presume I would be listed, but I'm not  
17 certain. I presume I was listed there.

18 Q. Okay. Do you recall, '56-57 school year, what  
19 courses you would have taught?

20 A. Biblical studies, Bible; possibly homiletics,  
21 preaching. You know, in a sermon, the service is called  
22 a homily. They teach young fellows how to give homilies  
23 and teaching them how to say Mass, but mostly biblical  
24 studies.

25 Q. You had a full teaching schedule, though?

1 A. Yes.

2 Q. Did you also serve as a spiritual adviser for  
3 any students?

4 A. I was spiritual director from '50 to '55.

5 Q. Uh-huh.

6 A. After that, I wasn't officially a director.  
7 Some people would come in, maybe, to speak with me.

8 Q. My question wasn't whether you were a spiritual  
9 director, because I understand there may be a distinction  
10 between spiritually advising an individual and being the  
11 spiritual director, so my question is, in that '56-57  
12 school year, do you recall whether or not you served as a  
13 spiritual adviser for any students there at the  
14 theologate?

15 A. I don't recall any specific instance that I was  
16 the adviser of so-and-so and so-and-so.

17 Q. Do you recall that you did serve as a spiritual  
18 adviser?

19 A. I was available.

20 Q. You just don't recall to whom?

21 A. No. I was available.

22 Q. Okay. How many years were the students there  
23 at the theologate when you -- how many year program was  
24 it for them there?

25 A. It was four years.



1 MR. MATIASIC: Counsel, are you talking about  
2 in the fifties?

3 MR. DE MARCO: Yes, thank you, Counsel.

4 Q. So it was a four-year program?

5 A. It's always four years.

6 Q. At the conclusion of what year in the program  
7 would a student be admitted into the subdiaconate?

8 A. Not the first year. Well, that's ancient  
9 history. The progression was subdiaconate, diaconate,  
10 priesthood. I don't know what particular year. It's  
11 either second or third year.

12 Q. Okay. Now, for a student to -- is it fair to  
13 say someone being admitted into the subdiaconate, or --  
14 do you understand what I'm suggesting when I ask that  
15 question?

16 A. Yeah.

17 Q. For someone to be admitted into the  
18 subdiaconate, was there some sort of approval they had to  
19 get?

20 A. Yes, we would -- the faculty would vote.

21 Q. Were there any forms that were utilized for  
22 that voting?

23 A. You mean written forms?

24 Q. Yeah.

25 A. No, it was all vocal. There would be a

1 discussion and we had white and black little balls. So  
2 here's, you know, Robert Smith, whatever it was. You had  
3 a little box, and so you'd put your ball -- without  
4 knowing how you voted -- white or black. Black was a  
5 vote against the fellow, white to accept him. So we'd  
6 have a good, lengthy discussion, and then you'd open the  
7 box and just see whether they got more white balls than  
8 black balls.

9 Q. Were there any forms utilized in that process  
10 of evaluating whether someone should be admitted into the  
11 subdiaconate?

12 A. I'm not aware of any forms.

13 Q. Let me finish the question, Father.

14 Were there any documents utilized that had  
15 various categories of characteristics of the candidate  
16 listed?

17 A. I can't recall any forms.

18 Q. Okay. Have you ever had an occasion to look at  
19 a personality record of a candidate?

20 A. Yes.

21 Q. On what occasions did you view that?

22 A. The record of that candidate, at least from San  
23 Luis Rey, if not the minor seminary, would come up.  
24 There was a record that followed him, and we would look  
25 at that and that would be part of our discussion.

1 Q. Was there a personality record prepared for the  
2 candidate at the theologate also?

3 A. Well, this is at the theologate that I'm  
4 speaking of, you're asking. Me, I'm working only in the  
5 theologate.

6 Q. I understand. Would there be a form that would  
7 be utilized or a personality record that would be filled  
8 out by the theologate for a candidate?

9 MR. KASPER: I think -- I want to be clear  
10 between the witness and you, Counsel, that you're talking  
11 about a specific document which is a personality record?  
12 Is that correct?

13 MR. DE MARCO: Right.

14 THE WITNESS: Proffered through the theologate?  
15 BY MR. DE MARCO:

16 Q. Yeah, absolutely, filled out by the theologate.

17 A. It was so long ago, I'm not sure, since we  
18 discussed things orally, whether there was any written  
19 document, other than those that came from the place where  
20 he was before.

21 Q. So you, yourself, you cannot recall, or can  
22 you, reviewing a personality record of a candidate  
23 prepared by the theologate?

24 A. I can't recall.

25 Q. Do you recall if one of the characteristics

1 that would be looked to regarding any candidate to the  
2 subdiaconate would be their candor?

3 A. Candor?

4 Q. Yeah.

5 A. It was a thorough discussion, but I don't know  
6 what categories were used. I can't recall.

7 Q. Would you have felt it important that a  
8 subdiaconate candidate display good candor?

9 A. Yes.

10 Q. And if they didn't, would that be a mark  
11 against them, in your mind?

12 A. Well, I know what the word "candor" means,  
13 but --

14 Q. Well, what does the word "candor" mean to you?

15 A. Well, open, up front, not hiding, concealing.

16 Q. So the converse of that would presumably be, if  
17 someone doesn't have good candor, they may conceal  
18 things, they may not be up front; correct?

19 A. Yes. If we knew the lack of candor, but . . .

20 Q. Let me ask a different question, Father.

21 Would there have to be a faculty evaluation of  
22 every student before that student would be admitted into  
23 the subdiaconate?

24 A. Yes.

25 Q. Would all of the faculty at the theologate be

1 involved in that evaluation?

2 A. Yes.

3 Q. Even those that might have spiritually advised  
4 that candidate?

5 A. Even though --

6 Q. Even someone who might have been the spiritual  
7 adviser for the candidate?

8 A. Yes, but our understanding would be, if the  
9 spiritual adviser knows something in confidence, like  
10 maybe in confession and so forth, he would not be free to  
11 disclose that.

12 Q. Where would the students go for confession at  
13 the theologate?

14 A. Anyone they wanted.

15 Q. Was maturity something that was looked to in  
16 candidates for the subdiaconate or for the priesthood?

17 A. Yes.

18 Q. What indicia would you look to to see whether  
19 the person showed maturity or a lack thereof?

20 A. Well, there is spoken judgment of things; their  
21 actions; whether they took into consideration the  
22 concerns of others, not just their own selfish concerns;  
23 whether they thought of the common good rather than their  
24 own personal needs. Things along that line.

25 Q. If someone were regarded as -- or there were

1 suspicions a person might be homosexual, would that  
2 indicate immaturity?

3 A. I can't recall anyone who was suspected of  
4 homosexual, personally.

5 Q. Your entire time at the Mission theologate,  
6 there was never one instance of your being made aware  
7 that a student might be suspected of being homosexual?

8 A. You mean in orientation or in activity?

9 Q. Either.

10 A. It wasn't an issue. As to that, I'd have to go  
11 into a little exposition of the change in seminary  
12 education.

13 Q. Please do.

14 A. When I was at seminary, life was very secluded,  
15 no outside contacts to speak of. You couldn't go off the  
16 grounds without permission, so there wasn't much  
17 opportunity for a student to give evidence of his  
18 weaknesses along that line, no women around. It's all  
19 changed today.

20 So the system was -- it's a question of  
21 confinement, and so I don't know of any instances of any  
22 homosexual activity that would be revelatory of the  
23 homosexuality of a person.

24 Q. The question was whether either activity or in  
25 demeanor someone was ever a student, you ever --

1 A. I can't recall, I can't recall.

2 MR. KASPER: Father, it's important that you  
3 wait until the question is completed.

4 THE WITNESS: Pardon me, pardon me.

5 BY MR. DE MARCO:

6 Q. Is it inaccurate to say that as long as you've  
7 been either a seminary student with the Franciscans or a  
8 Franciscan priest that weeding out possibly homosexual  
9 priests from entering the Franciscan priesthood was  
10 something to be guarded against?

11 MR. MATIASIC: Vague and ambiguous.

12 THE WITNESS: Well, we were aware of the issue;  
13 if any evidence of it, we'd act.

14 BY MR. DE MARCO:

15 Q. So from the time that you started in the  
16 seminary, you were aware -- as a student, you were aware  
17 that that was something that folks would be conscious of,  
18 to guard against?

19 A. Yes, just because it's a moral issue.

20 Q. Again, among the student body, whether a  
21 particular student candidate might exhibit signs of  
22 homosexuality was something in the earliest times that  
23 you were exposed to the Franciscans was something that  
24 was a concern. Is that accurate?

25 A. Of concern to whom?

1 Q. To the faculty.

2 A. Yes, it would be of concern to the faculty,  
3 sure.

4 Q. You were aware of that from the earliest times  
5 that you were exposed to the Franciscans?

6 MR. MATIASIC: Asked and answered.

7 THE WITNESS: You mean minor seminary on?

8 BY MR. DE MARCO:

9 Q. Yes.

10 A. Well, my understanding -- minor seminary, I  
11 wasn't on the faculty, I was a student, and I was a  
12 student until I, was, you know, started in theological  
13 seminary, so I don't know what the faculty was doing --  
14 the faculty under which I studied, what they were  
15 thinking of doing.

16 Q. You never became aware directly or indirectly  
17 that was something that was considered in evaluations of  
18 students when you were a seminarian?

19 A. Well, I can't recall any instances with which  
20 the faculty -- I didn't know what the faculty was doing.

21 Q. Let me give you an example. You don't have to  
22 observe that someone was stealing to know that the  
23 faculty may not like folks who might be stealing. Would  
24 that be a fair statement?

25 A. Yes.



1 Q. So would it be also a fair statement that from  
2 the earliest times that you were in the seminary as a  
3 student, you were aware that the faculty frowned upon  
4 homosexual activity amongst the student body?

5 MR. MATIASIC: Asked and answered.

6 THE WITNESS: Yes.

7 BY MR. DE MARCO:

8 Q. As a faculty member, not as a student now, what  
9 measures were you aware of that were taken to, so to  
10 speak, weed out prospective priests, Franciscan priests  
11 that might be homosexual?

12 A. It was up to the members of the faculty, their  
13 contact with the students in theology, to bring to our  
14 attention that they believed that so-and-so had any  
15 sexual problem.

16 Q. How did they know that? How did they know they  
17 had that obligation? Do you know?

18 A. Oh, I mean, it's a moral theology. Something  
19 that is possibly sinful is, you know, was our concern.

20 Q. Homosexual activity being sinful?

21 A. Activity of any kind, sexual activity.

22 Q. How about homosexual demeanor? Would that be  
23 something that faculty would look at as indicative of  
24 someone being susceptible to committing homosexual  
25 activity? Again, this is during the time -- entire time

1 that you've been on the faculty of the seminary or  
2 theologate.

3 A. I can't recall specific cases where someone  
4 said -- it might have come up that so-and-so had certain  
5 homosexual characteristics. I'm sure it did come up, but  
6 I can't recall any specific cases.

7 Q. You do recall it coming up?

8 A. Yeah, yeah, it was a concern of ours.

9 Q. Was it a regular concern?

10 A. Yeah, yes, sure.

11 Q. Was something that in faculty evaluations would  
12 be discussed?

13 A. Yes, if there were instances, some reason to  
14 bring it up.

15 Q. If someone showed effeminate traits, would that  
16 be something that would be discussed at faculty  
17 evaluations of that student?

18 MR. MATIASIC: Vague and ambiguous.

19 THE WITNESS: Well, I think we were wise  
20 enough, say, you could have effeminate traits and they  
21 may be misleading, or you can look like a big football  
22 linebacker and be homosexual. So we were aware that it  
23 wasn't -- that the judgment, the -- how to be assured  
24 that someone was homosexual didn't depend on just  
25 external traits, we were aware of that, and it would be a

1 concern, yeah.

2 BY MR. DE MARCO:

3 Q. They would be warning signs, perhaps?

4 A. Yeah.

5 Q. And if someone did display those warning signs,  
6 would that, in your experience, ever have been labeled  
7 immaturity?

8 MR. GODFREY: Can you clarify warning signs of  
9 what?

10 MR. DE MARCO: Warning signs. We just talked  
11 about effeminate characteristics, for instance, or other  
12 things that might be viewed as tending to mean someone is  
13 homosexual.

14 MR. GODFREY: Are those warning signs of  
15 immaturity? Is that the question?

16 MR. DE MARCO: Can you read back the question.

17 (The requested passage was read back  
18 by the court reporter as above recorded.)

19 THE WITNESS: You're asking me to go back many  
20 years. I have trouble with the question.

21 BY MR. DE MARCO:

22 Q. What trouble do you have with the question,  
23 sir?

24 A. Because a person is homosexual doesn't mean the  
25 person is immature.

1 Q. I didn't say that.

2 A. But you wanted to relate it to maturity.

3 Q. I'm asking you if -- I'm sorry to be  
4 argumentative; I'm not trying to be, I just want to  
5 clarify. I'm not asking if every time someone was  
6 labeled immature that it was because they were  
7 homosexual. That's not my question.

8 My question is, in your experience, was there  
9 ever a time that someone who displayed homosexual traits  
10 was labeled, because of that, immature?

11 MR. MATIASIC: Vague and ambiguous, lacks  
12 foundation.

13 THE WITNESS: We wouldn't use the word  
14 "immature."

15 BY MR. DE MARCO:

16 Q. What would you use?

17 A. "Homosexual traits," period.

18 Q. So do you ever recall observing any student in  
19 all your years on the faculty at the theologate that  
20 displayed homosexual traits, among those being  
21 effeminacy?

22 A. Well, it was rare. I can't recall  
23 specifically.

24 Q. But you -- it was rare, but it did occur? You  
25 did, while you were on the faculty at the theologate, at

1 least once observe a student with homosexual traits?

2 A. Yes, although I -- all right, yes.

3 Q. Do you recall how that -- was that specifically  
4 spelled out in that person's evaluation?

5 A. At that time I can't recall specifically at  
6 that time -- things are different now -- what we did  
7 about it. I can't recall.

8 Q. When you're saying "that time," what time are  
9 you referring to?

10 A. The time I was on the faculty, theological  
11 faculty, up to 1968.

12 Q. What measures were implemented, if any, to  
13 guard against homosexual students becoming priests,  
14 again, at your theologate?

15 MR. MATIASIC: Vague and ambiguous.

16 THE WITNESS: Say that again.

17 BY MR. DE MARCO:

18 Q. What measures, if any, were taken to guard  
19 against any homosexual students at the theologate  
20 becoming priests?

21 MR. MATIASIC: Same objection.

22 MR. KASPER: And the question misstates the  
23 testimony to this point.

24 If you can answer the question . . .

25 THE WITNESS: I can't recall specific measures

1 taken in that case. Some were taken, but I don't recall  
2 what they were.

3 BY MR. DE MARCO:

4 Q. It would be fair to say that some measures were  
5 taken, you just don't recall what they were?

6 A. It was discussed. Everything was discussed.

7 Q. Were there any policies or practices regarding  
8 fraternization between the faculty at the theologate and  
9 the student body?

10 MR. MATIASIC: Asked and answered.

11 THE WITNESS: They were quite separate,  
12 fraternization.

13 BY MR. DE MARCO:

14 Q. Was fraternization discouraged?

15 A. I'm trying to find something to use that is  
16 quite unique. In the theologate, there was quite a  
17 separation between, say, priests, you know, ordained and  
18 active, the students, who were called "fathers," and then  
19 the brothers who were not ordained, and they had  
20 separate -- what we used to call recreation rooms. Their  
21 lives were quite separated.

22 Q. Would it be fair to say that up until 1968 the  
23 lives of the students were fairly regimented during the  
24 school year?

25 A. Yes.

1 Q. They were kept pretty close track of?

2 A. Yeah, yeah, that's right.

3 Q. By the faculty?

4 A. That's right.

5 Q. We've heard testimony, I'll represent to you,  
6 by Father Xavier Harris that one of the reasons behind  
7 discouraging fraternization between the priests and the  
8 student body, at least at the seminary level, was to  
9 discourage the possibility of homosexual activity.

10 Would you agree that that was one of the  
11 reasons why fraternization was discouraged at the  
12 theologate?

13 A. No, the separation was just an accepted,  
14 established, old, established trait.

15 Q. No reason for that policy?

16 A. No. I'm not aware of homosexuality being a  
17 factor, a consideration.

18 Q. Do you recall Mario Cimmarrusti being a student  
19 at the theologate while you were on the faculty there?

20 A. Yes, uh-huh.

21 Q. For more than one year?

22 A. I'm trying to recall what years he was there.  
23 I was away in '55-56. I can't recall what year he was  
24 ordained. I personally was not aware of anything --

25 Q. Father, my question was, how many years he was

1     there? More than one year while you were there?

2             A.     He was there four years in the theologate.

3             Q.     How many of those years, to your recollection,  
4     were you also there at the theologate?

5             A.     I have to know just when he was ordained,  
6     because I was away one year.

7                     MR. KASPER: So you don't remember?

8     BY MR. DE MARCO:

9             Q.     So you don't remember?

10            A.     No.

11            Q.     But you do recall that for at least one year he  
12     was a student there and you were on the faculty?

13            A.     Yeah, yeah, yeah.

14            Q.     Do you recall anyone complaining or mentioning  
15     that he displayed signs of immaturity?

16                     MR. MATIASIC: Vague and ambiguous.

17                     THE WITNESS: I don't recall.

18     BY MR. DE MARCO:

19            Q.     That is a vague phrase, though, isn't it?

20            A.     Yeah. I don't recall. Ask me something --  
21     you're asking me about something that happened 40, 50  
22     years ago.

23            Q.     Father, when someone says in the context that I  
24     just did that a person is somewhat immature, it's pretty  
25     vague. Would that be a fair statement?



1 A. Yes, all right.

2 Q. But yet, were there certain things that when  
3 someone was described as immature that the faculty took  
4 from that or understood to be meant or that you  
5 understood to be meant?

6 A. Again, I'm not too clear about just what exact  
7 categories were used to evaluate at that time.

8 Q. Would it be accurate to say, though, that you  
9 recall maturity or a lack thereof being a consideration  
10 for whether a student should be graduated?

11 A. Oh, yes.

12 Q. And some of the things I think you mentioned  
13 earlier regarding maturity or whether they had good  
14 judgment -- yes?

15 MR. KASPER: The record speaks for itself. He  
16 testified already what he thought maturity meant.

17 MR. DE MARCO: Yes, Counsel, thank you.

18 Q. I think you listed about four things, and I can  
19 go over them again to refresh your recollection, if you  
20 need that.

21 A. But I'm not certain that I had that  
22 understanding of maturity at that time. I'm talking  
23 presently. I think it was at that time I can't recall.

24 Q. Do you recall if one of the common assignments  
25 for students graduating from the theologate was to teach

1 at other schools?

2 A. Yes, I'd say a good number received, as a first  
3 assignment, a teacher in one of our high schools. Yes,  
4 that was a somewhat common policy.

5 Q. Would it be fair to say that for the majority  
6 of students that was the recommendation? If you'd like,  
7 I can narrow the time frame down for you. Let's look at,  
8 like, the late 1950s.

9 A. It's hard for me to recall what was going on in  
10 the fifties and sixties, seventies relative to the  
11 differences among them. It's hard to recall that, but I  
12 would say generally when I was in on it, we favored the  
13 discipline of being -- discipline, I might say the hard  
14 work of being a teacher in a high school, a good way to  
15 get started in your Franciscan priesthood. That was  
16 commonly considered, yeah.

17 Q. What were some of the other common initial  
18 assignments for priests coming out of the theologate?

19 A. Let's see, parish work. Some would be sent off  
20 to higher studies, as I was, got a doctorate or MA. It  
21 was primarily high school, parish work. Retreat houses,  
22 you'd have to have a little experience for that. Those  
23 would be the main placements for fellows coming out.

24 Q. Would students in relatively good standing in  
25 their class be given a recommendation to do any of those

1 and given their choice, or no?

2 A. Early in my presence the faculty, you weren't  
3 given any choice. Later, and I don't know when, they  
4 were able to suggest this or that. But generally it was  
5 you accepted, as like in the army, the assignment given  
6 you.

7 Q. So, for instance, a student that had been  
8 selected for parish work might not have a recommendation  
9 to do teaching at a high school? They wouldn't, say, be  
10 recommended for either one and then be assigned  
11 somewhere. Is that accurate? I can rephrase that, if  
12 you would like.

13 A. Please.

14 Q. You mentioned a moment ago one of the common  
15 assignments would be someone assigned to do parish work.

16 A. Yeah.

17 Q. If they were assigned to do parish work, would  
18 it be typical for them only to be recommended by the  
19 faculty to do parish work?

20 A. Well, to begin with, the provincial and his  
21 board would make the assignments, not we. We would just  
22 make recommendations.

23 Q. I'm asking you about recommendations. The  
24 faculty, however, did make recommendations as to what  
25 sort of work was most suitable for the graduate. Would

1 that be a fair statement?

2 A. I hesitate to say a simple yes. I'd say "yes,"  
3 but with -- I'm not too sure of our opinion,  
4 recommendation regarding a student, how much baggage it  
5 had.

6 Q. That wasn't my question, Father. My question  
7 was whether the faculty made recommendations as to what  
8 sort of work the graduate would be most suitable for or  
9 would be suitable for.

10 A. There was no general practice. There was no --  
11 I think, again, as best as I can recall, quite often, I  
12 think, the faculty just let the top brass assign the  
13 people.

14 Q. Father, would it surprise you to learn that the  
15 faculty did in fact make recommendations?

16 A. Oh, no, oh, no, no, they would make  
17 recommendations.

18 Q. Would it surprise you to learn that the faculty  
19 made recommendations for only specific types of work be  
20 available for a candidate?

21 A. I can't recall how we worded the  
22 recommendation. I can't recall just -- I'm not avoiding  
23 answering the question, but the -- we had no experience  
24 of what kind of activity students who become priests are  
25 suited for because they are just students. We had no

1 knowledge what their talents were, what we would call  
2 ministry.

3 Q. Okay. So for graduates, they have gone through  
4 the full theologate program, you don't recall specific  
5 recommendations being made as to what type of work they  
6 were suitable for?

7 MR. MATIASIC: Asked and answered.

8 MR. KASPER: Also misstates the testimony.

9 MR. DE MARCO: I didn't state his testimony. I  
10 asked him a question.

11 Q. You can answer, if you can, sir.

12 A. To be honest with you, I'm not too clear on  
13 just what we passed on to the assigning group. I'm not  
14 too sure.

15 Q. Okay. Was mission work something that was ever  
16 recommended?

17 A. Most often the individual friar would volunteer  
18 for the missions. They would take people who volunteered  
19 rather than impose what was considered an extraordinary  
20 task, to go to a foreign country.

21 Q. So the faculty never made that kind of  
22 recommendation?

23 A. Not that I can recall.

24 Q. Do you recall that the faculty would ever say  
25 that someone was not well suited for teaching, a graduate

1 was not well suited for teaching?

2 A. I can't -- see, the problem I have is I can't  
3 remember just how we worded the report that was sent on  
4 to the people who would decide the first assignment.

5 Q. Father, I'm going to show you a copy of four  
6 pages we've taken from the personnel file given to us by  
7 counsel for the Franciscans.

8 I only made three copies of it, so if counsel  
9 wants to see it . . .

10 Take a look at that for just a moment.

11 A. To tell the truth, I --

12 MR. KASPER: Wait.

13 MR. HALE: Whenever we get to it, I'll mark  
14 this document as Exhibit E, but I'll wait until we finish  
15 up with questions on it.

16 BY MR. DE MARCO:

17 Q. Father, the first page of this is Bates stamped  
18 number 0048. I'd like to look at, under Roman numeral  
19 III. Numeric 2, it says "candor." Do you see that?

20 A. Uh-huh.

21 Q. And across the page it's got a series of  
22 letters, A, B, C, D, E and F?

23 A. Yes.

24 Q. You see that the letter C is circled?

25 A. Yes.

1 Q. Do you have any recollection as to why it was  
2 that Father Cimmarrusti received only a C grade for  
3 candor?

4 MR. KASPER: I have an objection. First of  
5 all, the question lacks foundation. We don't really know  
6 what this document is, where it came from and whether the  
7 witness has ever seen it. There's no foundation for what  
8 the grading scale is, so the characterization of only a C  
9 is purely a characterization.

10 BY MR. DE MARCO:

11 Q. You can answer the question, if you can, sir.

12 MR. MATIASIC: And calls for speculation.

13 THE WITNESS: I have very little recommendation  
14 (sic) regarding the specified evaluation of the students  
15 coming out in the fifties. I have no recollection of why  
16 he was given this C.

17 BY MR. DE MARCO:

18 Q. Let me ask you a separate question, Father.  
19 You're now looking down the page here and you note, do  
20 you not -- and there's how many categories here? It  
21 looks to be 21. There's 15 plus 5, so there's 20  
22 categories here with corresponding letters on the other  
23 side of the page.

24 I note for all but two of those there's  
25 reflected either an A or a B circled for each category.

1 Is that a fair statement? This is on the first page,  
2 sir.

3 MR. KASPER: It speaks for itself.

4 BY MR. DE MARCO:

5 Q. So it's accurate to say that you have no  
6 recollection as to why the letter C was circled in  
7 relation to candor?

8 MR. KASPER: Same objection. There's no  
9 foundation for the document, and the question calls for  
10 speculation.

11 BY MR. DE MARCO:

12 Q. You can answer, if you can, sir.

13 A. No recollection.

14 Q. Thank you, Father.

15 Going to the second page, Father, the Roman  
16 numeral -- excuse me, Bates stamp number 0049, line 20,  
17 numeric number 20 says, "Does any fault need particular  
18 attention?" and, handwritten, "Immaturity."

19 Father, do you have any understanding or  
20 recollection as to what was meant by "immaturity" there?

21 MR. KASPER: Same objection.

22 THE WITNESS: (No audible response.)

23 MR. KASPER: You have to answer orally.

24 THE WITNESS: No, I have no recollection.

25 BY MR. DE MARCO:



1 Q. Towards the bottom of the page at Roman numeral  
2 VII it reads, "Judgment, guardian, master and faculty."

3 On the same page, handwritten, I believe it  
4 says, "Still somewhat immature." Do you see that?

5 A. Yes.

6 Q. Do you have any understanding or recollection  
7 as to what was meant by that?

8 MR. KASPER: Same objection.

9 THE WITNESS: I have no recollection of a  
10 number of things, what immaturity, at that time, in that  
11 setting and how that applied to Mario Cimmarrusti, I have  
12 no recollection.

13 BY MR. DE MARCO:

14 Q. Thank you, Father.

15 Turning to the next page, Bates stamped number  
16 0050, Roman numeral II reads "Fitness for particular  
17 assignments," top right corner, page 17.

18 I'm reading from Roman numeral II. It says  
19 "Fitness for particular assignments." Do you see that,  
20 Father?

21 A. Yes, uh-huh.

22 Q. Underneath that, number one says "graduate  
23 work"; number 2, "literary, scientific or musical";  
24 number 3 says "teaching"; and number 4 says "missions."  
25 Do you see all that?

1 A. Yes, uh-huh.

2 Q. Next, underneath the "graduate work" area, do  
3 you see where it says, "Seminary faculty in philosophy,  
4 faculty in theology, faculty in theology, faculty in" --  
5 moving to the right, at "Seminary faculty," you see "No  
6 recommendation"?

7 A. Yes.

8 Q. Two lines under that you see quotation marks.  
9 Do you have any recollection of what those quotation  
10 marks were intended to mean?

11 MR. KASPER: Same objection.

12 THE WITNESS: No recommendation.

13 MR. KASPER: I'm sorry, Father. I have the  
14 same objection. Now you can go ahead and answer.

15 THE WITNESS: My interpretation, it means no  
16 recommendation.

17 BY MR. DE MARCO:

18 Q. Do you have any specific recall of that?

19 A. Of what?

20 Q. Of the theology faculty giving no  
21 recommendation for graduate work?

22 A. (No audible response.)

23 MR. KASPER: Father, you have to answer  
24 verbally.

25 THE WITNESS: No.

1 BY MR. DE MARCO:

2 Q. Thank you, Father.

3 Under two, "literary scientific," we see sort  
4 of the same, on the first line, "no recommendation," and  
5 then the succeeding line, quotation marks. Do you have  
6 any understanding as to the theology faculty, what those  
7 quotation marks were intended to mean?

8 MR. KASPER: Same objection.

9 THE WITNESS: No.

10 BY MR. DE MARCO:

11 Q. Okay. And "teaching." Do you see where it  
12 says "The theology faculty," that line? This says  
13 "Number 3, teaching," and then, "Theology faculty,"  
14 question, and it reads, "Ability for teaching  
15 questionable, seminary work worth a try."

16 Father, do you have any recall as to why the  
17 ability for teaching of Mario Cimmarrusti was  
18 questionable?

19 A. No.

20 MR. KASPER: Same objection.

21 THE WITNESS: No.

22 BY MR. DE MARCO:

23 Q. And do you see under 4, "missions," it says  
24 next "Mexico," and then "Home missions, Mexican, Indian,  
25 Negro?" and then it says "Mexican." Do you see that?

1 A. Yes.

2 Q. Do you have any understanding whatever is meant  
3 by the listing "Mexican" there on this line?

4 MR. KASPER: Same objection.

5 THE WITNESS: No.

6 BY MR. DE MARCO:

7 Q. Do you recall whether Mario Cimmarrusti  
8 volunteered for mission work in Mexico?

9 A. No.

10 Q. The next page, last page, Bates stamped number  
11 0051.

12 At Roman numeral IV it reads, "Is there a  
13 special, faulty or dangerous tendency?" And typewritten  
14 in there reads, "Somewhat immature -- tendency to  
15 childishness hasn't improved."

16 Do you see that, Father?

17 A. Yes.

18 Q. Do you have any understanding as to what was  
19 meant by that?

20 MR. KASPER: Same objection.

21 THE WITNESS: No.

22 BY MR. DE MARCO:

23 Q. And lastly on this document, Roman numeral VII,  
24 very last typewritten line, or, first, it's Roman numeral  
25 VII and then it reads "Judgment of verity of master,

1 guardian and faculty (stress reliability, judgment,  
2 prudence, ability to speak, et cetera.)"

3 And the last line under that section says  
4 "Recommended to junior faculty. Needs guidance."

5 MR. KASPER: Sorry, it says, "Junior Seminary."

6 Thank you, Counsel.

7 BY MR. DE MARCO:

8 Q. "Recommended to junior seminary. Needs  
9 guidance."

10 Do you have any understanding, Father, as to  
11 what was meant by that line?

12 MR. KASPER: Same objection.

13 THE WITNESS: No.

14 BY MR. DE MARCO:

15 Q. Before I showed you this document, had you ever  
16 seen the form of document, not necessarily filled out in  
17 this particular way?

18 A. I could recall that. Once shown me, then I  
19 remember it.

20 Q. Where do you remember seeing that?

21 A. I can't recall that we had that form when I was  
22 there. This is a long time ago and I just --

23 Q. You do you recall seeing this form before  
24 today?

25 A. Now that you've shown it to me, yes, but before

1 that I would have had no . . .

2 Q. Do you recall ever seeing this form in  
3 connection with faculty evaluation of a student? Again,  
4 I'm not talking about the specific one, the way it's  
5 filled out, but the form that was utilized. Do you  
6 recall ever seeing one of these forms in connection with  
7 a student evaluation?

8 A. I can't recall seeing it before this time.

9 Q. I'm sorry, Father?

10 A. I can't recall seeing it -- clearly recall  
11 seeing this form until you presented it today.

12 Q. You did testify a moment ago that before today  
13 you do recall that you had seen this form. Is that not  
14 accurate?

15 A. Wait a minute.

16 Q. Do you recall ever seeing this form before  
17 today?

18 MR. MATIASIC: Asked and answered.

19 MR. DE MARCO: I know.

20 THE WITNESS: Let's see now. I must have --  
21 let's see how to put this honestly.

22 Until I saw this form, I knew there was some  
23 way of evaluating, so there was some way, but I couldn't  
24 recall this particular form.

25 BY MR. DE MARCO:

1 Q. Father, if another faculty member of the  
2 theologate were to testify that they do recall seeing  
3 this form in connection with student evaluations, would  
4 that surprise you?

5 A. No. If they testified, fine. I told you, I'm  
6 87 and my memory isn't that clear.

7 Q. And I'm sorry, Father.

8 Father, do you remember a Franciscan by the  
9 name of Terrence Crohin, C-r-o-h-i-n?

10 A. No. I know --

11 Q. Do you recall a Franciscan friar by the name of  
12 Terrence Cronin?

13 A. Yes.

14 Q. Do you recall what sort of positions he  
15 occupied within the Franciscans, within the province?

16 A. In any position? He was provincial for a  
17 number of years.

18 Q. Do you recall if he was provincial in, say, the  
19 mid-sixties?

20 A. I can recall that he was provincial sometime in  
21 the sixties, yes.

22 Q. Have you ever heard the name of a Father Claude  
23 Riffel?

24 A. Yes.

25 Q. What do you recall about Father Riffel?

1 A. He was a teacher at St. Anthony's Seminary.

2 That's about the only thing I can recall about him.

3 Q. Any understanding as to when he was a teacher  
4 there?

5 A. No idea.

6 Q. How about Father Carroll Tageson. Do you  
7 recall him?

8 A. Yes. He was a professor at San Luis Rey.

9 Q. Do you recall what he thought there?

10 A. Psychology.

11 Q. While you were at the theologate, did you ever  
12 become aware of any faculty that needed counseling of any  
13 nature?

14 A. Recall of any faculty?

15 Q. Meaning any of the priests, any of the teachers  
16 there at the theologate that needed counseling of their  
17 own?

18 A. Are you speaking of a member of the faculty?

19 Q. Yeah.

20 A. I can't recall any member of the faculty when I  
21 was -- who I considered needing help, counseling, no.

22 Q. Do you ever recall hearing of any member of the  
23 faculty seeking out such help?

24 MR. MATIASIC: Counsel, when you say  
25 "counseling," do you mean counseling of any kind?



1 MR. DE MARCO: Yeah. It's a pretty broadly  
2 phrased question.

3 THE WITNESS: Let's see. Are you saying  
4 needing and not receiving?

5 MR. KASPER: The question was somebody who  
6 asked for or sought counseling.

7 THE WITNESS: I'm not aware.

8 BY MR. DE MARCO:

9 Q. During your entire time as a Franciscan friar,  
10 ever aware of any priest, Franciscan priest of the  
11 province, going to counseling?

12 A. You're saying of the province?

13 Q. Yes, a Franciscan priest of the province. Not  
14 just in the faculty.

15 MR. MATIASIC: Vague and ambiguous, overbroad.

16 THE WITNESS: Nothing comes to mind, no.

17 BY MR. DE MARCO:

18 Q. Were you ever aware of any Franciscan friar  
19 going to Father Carroll Tageson -- I hope I'm pronouncing  
20 that correctly -- for counseling sessions?

21 MR. MATIASIC: Same objections.

22 THE WITNESS: No, I'm not aware of it.

23 BY MR. DE MARCO:

24 Q. Father, do you know of a --

25 Better yet, you know, I'm just going to show

1 this to counsel and I'm going to ask an extraordinarily  
2 narrow question. I'm just hoping to identify the  
3 signature at the bottom, see if he had any idea.

4 Father, do you have any understanding as to who  
5 that is the signature of at the bottom of the page?

6 A. Yes.

7 Q. Who?

8 A. Blaise Cronin.

9 Q. Who is Blaise Cronin?

10 A. He was, let's see, a class ahead of me, and  
11 spent most of his time, as far as I can recall, at our  
12 high school, St. Mary's, in Phoenix, Arizona.

13 Q. Okay. Thank you, Father.

14 Father, did you ever serve as a spiritual  
15 adviser for Mario Cimmarrusti?

16 A. I'm not aware.

17 Q. While he was a student at the theologate, did  
18 you have any social relations with him?

19 MR. MATIASIC: Vague and ambiguous.

20 THE WITNESS: We were quite separate.

21 BY MR. DE MARCO:

22 Q. Did you have him in any of your classes? Did  
23 he attend any of your classes at the theologate?

24 A. Oh, yes.

25 Q. Which ones, do you recall?

1           A.    Well, definitely what we call sacred scripture  
2   and biblical study, definitely.  The others I'm not  
3   certain of.

4           Q.    But you do recall having him in more than one  
5   class of yours?

6           A.    I can't remember him specifically.  I'm just  
7   saying, since he was there at a particular time, I  
8   presume he was in my class.

9           Q.    So you don't specifically recall him being in  
10  the biblical scriptures class?

11          A.    I can't recall just exactly which students back  
12  in the fifties, nearly 50 years ago, at what time were in  
13  my class.  I just -- since their dates run parallel to  
14  mine, I just presume and assumed he was in the class, but  
15  I didn't focus attention on him.

16          Q.    Father, when you first heard of Mario  
17  Cimmarrusti being accused of molesting children  
18  approximately ten-plus years ago, did that cause you to  
19  think back, gosh, what do I remember of Mario?

20          A.    I can't recall anything in his life, as a  
21  member of the student body.

22          Q.    Father, that wasn't my question.  My question  
23  was, when you first heard, ten, whatever, years ago, that  
24  he had been accused of molesting children -- minors, I  
25  should say -- did you at that time search your mind for

1 what you remembered about him?

2 A. I can't recall searching my mind, no.

3 Q. Okay. I'm not sure if I asked this in our last  
4 session, but how frequently would there be faculty  
5 evaluations of students?

6 MR. KASPER: Counsel, at what time?

7 MR. DE MARCO: While was on the faculty at the  
8 theologate.

9 THE WITNESS: How frequent?

10 BY MR. DE MARCO:

11 Q. How frequent would these faculty evaluations of  
12 student take place?

13 A. I don't know how frequently, but definitely  
14 before an advancement.

15 Q. So at least once a year?

16 A. Yes, subdiaconate, diaconate, priesthood, yes.

17 Q. Father, I'm going to run down a list of names  
18 for you just to see some very basic details about them.

19 Basil Kelly. Do you know whether or not Father  
20 Kelly is still alive?

21 A. He's dead.

22 Q. Dominick Gallardo?

23 A. He's passed away.

24 Q. Phillip Baldonado?

25 A. He's dead.

1 Q. [REDACTED]?

2 A. He's still living.

3 Q. Do you have any idea as to how old he is?

4 A. Maybe upper seventies, 80.

5 Q. Do you have any idea as to his health, whether  
6 he's in good, poor health?

7 A. I think he has some ailment now. I think he  
8 has vertigo, as I have.

9 Q. Vertigo. Does he have any further ailments  
10 that threaten his life, do you know?

11 A. Not that I know of.

12 Q. Do you have any idea as to whether he's still a  
13 priest? Is he still a priest?

14 A. He's still a priest.

15 Q. [REDACTED]?

16 A. Uh-huh.

17 Q. Is he still living?

18 A. Yes.

19 Q. Do you have any idea as to how old he is?

20 A. I will throw out the word 80.

21 Q. Any idea whether he's in poor health or okay  
22 health?

23 A. He's no longer a priest. I don't know.

24 Q. Do you have any idea to his whereabouts?

25 A. He lives in Santa Barbara.

1 Q. [REDACTED]. Is he still living?

2 A. Yes.

3 Q. Any idea as to how old he is? I'm sorry, my  
4 questions are going to be very repetitive. I apologize.

5 MR. HABEL: We were picking up a pattern.

6 MR. DE MARCO: For very obvious reasons.

7 THE WITNESS: Again, maybe in his seventies.

8 BY MR. DE MARCO:

9 Q. I won't hold you to it.

10 A. He's advanced in years.

11 Q. I know you're not his physician and haven't  
12 looked at his birth certificate, but at least in his  
13 seventies?

14 A. He's one of the older priests.

15 Q. All right. John Otterstedt?

16 A. Long dead.

17 Q. How about Maynard Geiger?

18 A. Dead.

19 Q. Noel Moholy?

20 A. Dead.

21 Q. Angelus Bold?

22 A. Dead.

23 Q. Claude Riffel?

24 A. Dead.

25 Q. Carroll Tageson?

1 A. I don't know. He's a former priest.

2 Q. Sure. Gerald Ryan?

3 A. Dead.

4 Q. Eric O'Brien?

5 A. Dead.

6 Q. Thomas Schneider?

7 A. Dead.

8 Q. Sylvanus Matulich?

9 A. Dead.

10 Q. Cyprian De Granoff?

11 A. Dead.

12 Q. Stanislaus Altman?

13 A. Dead.

14 Q. Florian Guest?

15 A. Dead.

16 Q. Pamphilus Stahl?

17 A. Dead.

18 Q. Albin Schwarze?

19 A. Dead.

20 Q. Steven Mahoney?

21 A. Dead.

22 Q. David Temple?

23 A. Dead.

24 Q. Father, you were around the theologate from  
25 around '58-59. I think we've established that.

1 A. Yes, uh-huh.

2 Q. Do you recall there being any kind of hubbub  
3 out of St. Anthony's at the time that the brothers there  
4 were being given greater roles?

5 MR. KASPER: The question is awfully vague.

6 MR. DE MARCO: Well, I'll lay the foundation.  
7 I think Father testified at the last deposition that for  
8 the most part the brothers at the theologate had, let's  
9 just say, ministerial roles, nothing of an administrative  
10 or teaching --

11 THE WITNESS: You're speaking of nonordained  
12 Franciscans or the ordained?

13 BY MR. DE MARCO:

14 Q. I'm just seeing them referred to as brothers at  
15 the time. I'm not sure whether they were ordained or not  
16 ordained.

17 My question is whether you heard any rumblings  
18 or any major brouhahas coming out of St. Anthony's at the  
19 time that, hey, wait a second, these brothers here at the  
20 seminary are being given too much of a role?

21 A. Well, that depends on the term "brothers."

22 Q. I'll break it down. Were you aware of such a  
23 brouhaha regarding religious order brothers?

24 MR. MATIASIC: Same objection.

25 THE WITNESS: Pardon me, but the classification



1 is not clear.

2 BY MR. DE MARCO:

3 Q. Okay. Ordained versus nonordained?

4 A. That's right, yeah.

5 Q. Were you aware of any -- I'll just use the word  
6 brouhaha -- I know I'll get the objection -- but  
7 rumblings, whatever, people complaining about ordained  
8 brothers being given more of a role at the seminary at  
9 that time, again '58-59?

10 A. I don't know what that means, more of a role.  
11 It's vague for me.

12 Q. Okay. How about at the theologate, were  
13 ordained brothers ever utilized as counselors?

14 A. They were available.

15 Q. Does the term "ex professo counselors" have any  
16 meaning for you?

17 A. Ex professo? What it means to me --

18 Q. What does it mean to you, sir?

19 A. Assigned.

20 Q. Okay.

21 A. So officially assigned.

22 Q. Did you hear any word -- any people talking  
23 from St. Anthony's in the late fifties about ordained  
24 brothers being allowed at that time to be ex professo  
25 counselors?

1           A.    I know very little about the inner workings at  
2   St. Anthony's.

3           Q.    Did you ever hear of something called the  
4   "senior class moderator," again referring to  
5   St. Anthony's?

6           A.    I don't know.

7           Q.    In your experience, while you were at the  
8   theologate there, did the students at the theologate mix  
9   at all socially with the students of the seminary?

10          A.    I'm not aware of any mixing. I'm not aware of  
11   any intermingling of the students at one place with the  
12   other.

13          Q.    Would it surprise you to learn that they were  
14   intermingling or that they were socializing with each  
15   other, the student body, members of the student bodies?

16          A.    It would surprise me if a large group. It  
17   could be individual, but generally speaking it was not  
18   the case.

19          Q.    They ate separately?

20          A.    Oh, yes, they were two separate institutions.

21          Q.    But there is only a street separating the two?

22          A.    Yeah, but it's a big street.

23          Q.    No crosswalks?

24          A.    (Witness laughs.)

25          Q.    Your office at the theologate, did it have any

1 windows?

2 MR. KASPER: At what time, Counsel?

3 BY MR. DE MARCO:

4 Q. You had different offices, I take it, during  
5 the years that you were there?

6 A. Yeah. Most of the -- I'd say all the rooms I  
7 was in had windows, yes.

8 Q. Did they look out generally towards the same  
9 area?

10 A. No, because I moved around.

11 Q. All right. Did any of the windows of your  
12 offices ever look out on that street separating the two  
13 campuses?

14 A. The only one I can think of, when I was -- '50  
15 to '55, I was what they call "master of clerics." That  
16 was the technical name. I had a room, corner. There was  
17 a window, but I don't know which way -- which side the  
18 windows were. If they were on both sides, I'd be able to  
19 look out through one window and at some distance see the  
20 seminary.

21 MR. KASPER: Counsel, I think we're at the  
22 place where we need to break.

23 MR. DE MARCO: Okay.

24 VIDEOGRAPHER: The time is 4:39 p.m. and we're  
25 off the record.

1 (Discussion off the record.)

2 VIDEOGRAPHER: The time is 4:46 p.m. We're  
3 back back on the record.

4 BY MR. DE MARCO:

5 Q. Father, I think when we got together a number  
6 of weeks ago you testified that some of the reasons you'd  
7 be sometimes going over to St. Anthony's would be for  
8 social gatherings, like anniversaries?

9 A. Yeah.

10 Q. What sort of anniversaries are you referring to  
11 or were you referring to?

12 A. Anniversaries of profession, how many years you  
13 profess, anniversaries of ordination, also what they call  
14 feast days.

15 Q. How about anniversaries for how long a priest  
16 might have been at St. Anthony's?

17 A. I can't recall that.

18 Q. Do you recall there being a ten-year  
19 anniversary party for Mario Cimmarrusti at St. Anthony's?

20 A. That I can't recall.

21 Q. Do you recall learning at the time or learning  
22 in the late sixties of Father Cimmarrusti leaving  
23 St. Anthony's? If my question is unclear I'm certainly  
24 happy to rephrase it.

25 A. Okay, yeah.

1 Q. Do you recall hearing in the late 1960s that  
2 Father Cimmarrusti was leaving St. Anthony's?

3 A. I don't recall that.

4 Q. Did anyone from the board of inquiry contact  
5 you regarding the inquiry?

6 A. No.

7 Q. At no time?

8 [REDACTED], did he ever contact you  
9 regarding the inquiry?

10 Q. Never asked you your experiences with Mario  
11 Cimmarrusti?

12 A. No.

13 Q. Do you recall there being a sporting event  
14 field at St. Anthony's?

15 A. What kind of sporting event?

16 Q. I don't know, some kind of field where sporting  
17 events were held?

18 MR. KASPER: You mean an athletic field?

19 MR. DE MARCO: Yeah.

20 THE WITNESS: There were many.

21 BY MR. DE MARCO:

22 Q. Were you typically present at the Old Mission  
23 or at the theologate during summers?

24 MR. KASPER: You're asking that during the time  
25 the theologate was there?

1 MR. DE MARCO: Yes.

2 THE WITNESS: Are you asking while I was  
3 teaching at the theologate?

4 BY MR. DE MARCO:

5 Q. Yeah, while you were at the theologate, were  
6 you there typically during the summers or were you gone  
7 most of the summers?

8 A. I was there most of the summers.

9 Q. Do you recall seeing sporting events taking  
10 place during the summer at those fields?

11 A. At St. Anthony's?

12 Q. Yes.

13 A. Sponsored by whom?

14 Q. That was going to be my next question. So the  
15 first question is, do you recall seeing any kind of  
16 organized sporting event taking place at any of those  
17 fields during the summers?

18 A. There are many events going on over there.

19 Q. So the answer is yes?

20 A. Yes.

21 Q. Do you recall any particular ones?

22 MR. KASPER: The time frame, Father, is still  
23 during the time that you were at the theologate.

24 BY MR. DE MARCO:

25 Q. Let me ask you this. Do you recall any kind of

1 football camps?

2 A. No, no recollection, don't recall it.

3 Q. Do you recall any priests supervising any of  
4 the sporting events any of the summers on those fields?

5 A. No.

6 Q. I think you testified earlier that one of the  
7 things you specialized in over the years is moral  
8 theology.

9 A. No.

10 Q. No? Have you taught moral theology?

11 A. No.

12 Q. How frequently, while you were at the  
13 theologate, would you speak with Xavier Harris?

14 A. Rarely.

15 Q. What would be the subject matter of your  
16 discussions?

17 A. Social visit.

18 Q. Did he visit you, you visit him, both, one or  
19 the other?

20 A. Well, we'd go over there, he'd come over to our  
21 place and we'd have a social visit, these feast days.

22 Q. When you'd go visit him, where would you visit,  
23 what part of the grounds?

24 A. We'd meet in a second floor, sort of a social  
25 room of theirs.

1 Q. Would any of the other faculty be present, any  
2 of the other St. Anthony's faculty be present?

3 A. Yes.

4 Q. Do you recall if Mario Cimmarrusti would be  
5 present?

6 A. I can't recall who was on the faculty at the  
7 time.

8 Q. Is that the SAS recreation room, do you recall?

9 A. I'm not too sure of the designation.

10 Q. That's okay. Did you ever have conversations  
11 with Mario Cimmarrusti while he was faculty at  
12 St. Anthony's?

13 A. No.

14 Q. Do you recall a Franciscan priest by the name  
15 of [REDACTED]?

16 A. Yes.

17 Q. Is he someone who was assigned at the Mission?

18 A. He was. When I was pastor, he was my  
19 assistant.

20 Q. Okay. Would that have been in the late  
21 seventies?

22 A. Well, let's see. 10, 12, 13 years ago I ended,  
23 so I was pastor for about 17, 18 years. Definitely in  
24 the eighties. I don't know the beginning and the end of  
25 it.



1 Q. Okay. Do you ever recall having any  
2 conversations with Father [REDACTED] about Father Donald  
3 Patrick Roemer?

4 A. No.

5 Q. Do you recall hearing the name?

6 A. Yes.

7 Q. Do you recall hearing it in connection with  
8 abuse allegations?

9 A. Yes, but when, I don't know. I knew there were  
10 abuse allegations against him.

11 Q. Do you recall that he had been criminally  
12 convicted of abusing children?

13 A. Yes, and he was in a prison someplace.

14 Q. Did you ever have any personal dealings with  
15 Father Roemer?

16 A. No.

17 Q. Never ran into him at San Roque?

18 A. I might have run into him, but it would be  
19 rare.

20 Q. You think you did?

21 A. Well, I don't know. I wasn't close to the  
22 fellow, so . . .

23 Q. Ever run into him at St. Raphael?

24 A. Could have been in a clergy meeting, something  
25 like that.

1 Q. Deanery meetings?

2 A. Deanery meetings, yeah.

3 Q. You had faculties in the Los Angeles  
4 archdiocese, did you not?

5 A. Yes.

6 Q. Throughout the time period you were in the  
7 theologate?

8 A. Yes.

9 Q. And through the time period you had been at the  
10 Mission?

11 A. Yes.

12 Q. Five minutes left.

13 Father, I think you mentioned before, when you  
14 were rector, you would have expected the priests to  
15 report suspicious behavior, like massages, to you.

16 What measures did you put in place to alert the  
17 various priests there that they should report such things  
18 to you?

19 A. I can't recall any measures.

20 Q. But you assume that they knew?

21 A. Yes.

22 Q. Why do you assume that?

23 A. At the faculty meetings, we were to be honest  
24 in saying whatever we thought was pertinent to the  
25 continuation of that student towards the priesthood.

1 Q. So it wouldn't have been unusual to hear  
2 complaints about a student voiced at a faculty meeting.  
3 Is that a fair statement?

4 A. Yeah, that's right.

5 Q. What would some of the complaints be that you  
6 would hear? What would some of the complaints be that  
7 were made about students at those faculty meetings?

8 A. By whom?

9 Q. By the faculty.

10 A. Oh, the faculty.

11 Q. I'm presuming those were the only folks that  
12 were in the faculty meetings.

13 A. Yeah. Some of the complaints?

14 Q. Give me the nature of the complaints, is what  
15 I'm looking for.

16 A. Mostly observance of rules and regulations.

17 Q. One of the rules and regulations being  
18 fraternization?

19 A. Fraternization with whom?

20 Q. With faculty.

21 A. It was not an issue.

22 Q. Have you ever heard of a facility run by the  
23 Servants of Paraclete in Jemez Springs, New Mexico?

24 A. Yes.

25 Q. When did you first learn of that facility?

1 A. Over many years. When, I don't know.

2 Q. 1950s?

3 A. I probably knew of it then, yes.

4 Q. What was your understanding as to what was the  
5 nature of treatment at that facility?

6 A. My understanding was they provided assistance  
7 to any priest who had personal problems, whatever they  
8 may be.

9 Q. Ever aware of any Franciscan of the province  
10 going there. Broad time frame now. Ever aware?

11 A. Nothing comes to mind.

12 Q. How about St. Luke's in Maryland? Did you ever  
13 become aware of that facility?

14 A. I've heard of it.

15 Q. When is the first time you heard of it?

16 A. Well, I knew the place. Just beginning when, I  
17 don't know.

18 Q. Let me back up. On the Servants of the  
19 Paraclete facility, do you remember how you learned about  
20 that, initially?

21 A. It was common knowledge to priests back in the  
22 fifties. It was common knowledge there, and I would say  
23 generally speaking, most priests knew of places where  
24 priests with problems would be cared for.

25 Q. The Servants of the Paraclete facility at Jemez

1 Springs, when do you think it became common knowledge  
2 among the priests that the facility existed?

3 A. I don't know. I don't know.

4 Q. Sometime in the 1960s?

5 A. I really don't know.

6 MR. DE MARCO: Not that I don't want more time,  
7 but I do want to honor your -- I will let you know that  
8 we will be filing a motion for additional time because  
9 there is quite a bit more to ask.

10 MR. KASPER: I understand.

11 MR. DE MARCO: But we'll take that up. So we  
12 will not conclude the deposition at this point. I don't  
13 know, we can keep the same stipulation we had last time,  
14 avoid the need for filing a motion for protective order  
15 until, at least, we get the issue of whether we get more  
16 time resolved.

17 MR. KASPER: Yeah, I appreciate that.

18 MR. GODFREY: The transcript is sealed. No  
19 need for --

20 MR. DE MARCO: But we will, obviously,  
21 stipulate that a copy of the transcript can be utilized  
22 for whatever motions we need to file.

23 MR. KASPER: Yes, we agree.

24 VIDEOGRAPHER: This concludes today's  
25 deposition of --

1 MR. HABEL: Wait a minute. If you're going to  
2 attach an entire copy of the transcript as an exhibit  
3 either to the motion or to the opposition, please do it  
4 under seal.

5 MR. DE MARCO: Understood. And we'll make sure  
6 the court reporter has instructions that any exhibits  
7 that we've identified as coming from the personnel file  
8 of Mario Cimmarrusti are to remain under seal as pursuant  
9 to the stipulation we worked out.

10 MR. GODFREY: At this point the entire  
11 transcript is under seal, is not being disclosed to any  
12 member of the public.

13 MR. HALE: And let's mark this.

14 (Deposition Exhibit E was marked  
15 for identification, a copy which is  
16 attached hereto.)

17 VIDEOGRAPHER: This concludes today deposition  
18 of Father Virgil Cordano, Volume 2. The number of  
19 videotapes used was three. The time is 5:00 p.m. and  
20 we're off the record.

21 (The deposition concluded at 5:00 p.m.)

22 --oOo--

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25

1 DEPONENT'S DECLARATION

2

3 I, FATHER VIRGIL CORDANO, hereby declare:

4 I have read the foregoing deposition  
5 transcript and identify it as my own and approve same.

6 I declare under penalty of perjury under  
7 the laws of the State of California that the foregoing  
8 testimony is true and correct.

9 Dated this \_\_\_\_\_ day of  
10 \_\_\_\_\_, 2005, at \_\_\_\_\_,  
11 California.

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15 \_\_\_\_\_  
FATHER VIRGIL CORDANO

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## 1 REPORTER'S CERTIFICATE

2  
3 I, MARK McCLURE, CSR NO. 12203, a Certified  
4 Shorthand Reporter for the County of Santa Barbara, do  
5 hereby certify:

6 That, prior to being examined, the witness  
7 named in the foregoing deposition was by me duly sworn to  
8 testify the truth, the whole truth, and nothing but the  
9 truth;

10 That said deposition was taken down by me in  
11 shorthand at the time and place therein named, and  
12 thereafter reduced to typewriting by computer-aided  
13 transcription under my direction.

14 I further certify that I am not interested in  
15 the event of the action.

16 WITNESS my hand this \_\_\_\_ day of  
17 \_\_\_\_\_, 2005.

18  
19 \_\_\_\_\_  
20 Certified Shorthand Reporter in and for the  
21 County of Santa Barbara, State of California  
22  
23  
24  
25