

CONDENSED TRANSCRIPT OF



Date: February 2, 2006

Case: CLERGY CASES I & III

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

Coordination Proceedings)
Special Title (Rule 1550(b)))
In Re:) No. JCCP 4286 AND
) JCCP 4359
)
THE CLERGY CASES I & III)
_____)

DEPOSITION OF [REDACTED] a Witness, taken on behalf of Plaintiffs, commencing at 10:07 a.m., Thursday, February 2, 2006, at 3850 State Street, Pepper Tree Inn, before MARIA G. RABATIN, CSR #6821, Certified Shorthand Reporter in the County of Santa Barbara, State of California.

--ooOoo--

1 APPEARANCES OF COUNSEL:

2 For Plaintiffs:

3 NYE, PEABODY & STIRLING
4 BY: TIMOTHY C. HALE, ESQ.
5 33 West Mission Street, Suite 201
6 Santa Barbara, California 93101
7 805-963-2345
8 tim@nps-law.com

9
10 For Defendant Franciscan Friars of California in Clergy
11 I and III and the Witness:

12 LEWIS BRISBOIS BISGAARD & SMITH LLP
13 BY: ROBERT FORD, ESQ.
14 One Sansome Street, Suite 1400
15 San Francisco, California 94104
16 415-362-2580
17 ford@lbbslaw.com

18
19 Also Present:

20 Christian Martinez, Videographer
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I N D E X

WITNESS	EXAMINATION BY	PAGE
██████████	MR. HALE	5

QUESTIONS WITNESS WAS INSTRUCTED NOT TO ANSWER:

PAGE	LINE
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E X H I B I T S

(NONE)

1 THURSDAY, FEBRUARY 2, 2006

2 SANTA BARBARA, CALIFORNIA

3 10:07 A.M.

4
5 THE VIDEOGRAPHER: Good morning. This is the
6 videotaped deposition of Father [REDACTED] in the matter
7 of the Clergy Cases I and III. Case pending in the
8 Superior Court of the State of California for the County
9 of Los Angeles Central District. The case numbers are
10 JCCP 4359 and JCCP 4286. Today's date is Thursday,
11 February 2nd, 2006. The location is the Pepper Tree Inn
12 located in Santa Barbara, California, and the time on
13 the video monitor is 10:08 a.m.

14 The certified shorthand reporter is Maria
15 Rabatin. My name is Christian Martinez, a certified
16 legal video specialist and notary public in the State of
17 California. I represent DEPOVISION in Santa Barbara,
18 California.

19 Would counsel please introduce yourselves for
20 the record and state whom you represent?

21 MR. HALE: Tim Hale for plaintiffs.

22 MR. FORD: Robert Ford for the Franciscan
23 Friars of California, Inc.

24 THE VIDEOGRAPHER: Thank you.

25 Would the court reporter please swear in the

1 witness?

2

3

4 a Witness, having been duly administered an oath by the
5 Certified Shorthand Reporter, testified as follows:

6

7 THE VIDEOGRAPHER: You may proceed.

8

9

EXAMINATION

10 BY MR. HALE:

11 Q. Father [REDACTED], again, my name is Tim Hale. I
12 know we have been introduced off the record already.

13 Could you state and spell your full name for
14 the record?

15 A. [REDACTED].

16 Q. Have you ever had your deposition taken before?

17 A. No.

18 Q. I'm sure Mr. Ford has gone over some of the
19 ground rules with you. Just for a clear record, I'm
20 going to repeat some of those again to you.

21 Do you understand that your testimony today has
22 the same force and effect as if we were sitting in a
23 court of law before a judge and a jury?

24 A. I do.

25 Q. Do you understand that you have been placed

1 under oath by the court reporter?

2 A. Yes.

3 Q. Have you consumed any alcohol or drugs in the
4 last 24 hours that might somehow impair your ability to
5 testify today?

6 A. No.

7 Q. You are doing a real good job so far, and I'll
8 try to keep the pace with you. As you can see the
9 reporter is taking down our testimony as we speak. And
10 in order to have a clear record it's very important that
11 you do what you are doing, which is wait until I finish
12 my question, and then you respond. By the same token,
13 I'll do my best not to ask you a question and interrupt
14 an answer that you are giving.

15 Do you understand that?

16 A. Good. Yes.

17 Q. If I ask a question today and you respond to
18 it, I'm going to assume that you understood the
19 question. So it's very important that if you have any
20 questions about -- if you don't understand the question
21 I'm asking you, ask me to rephrase; okay?

22 A. To repeat the question?

23 Q. Yes.

24 Along those same lines, I don't want you to
25 guess to the answer to any question I ask you today. I

1 am entitled to your best estimate.

2 Do you understand the difference between a
3 guess and an estimate?

4 A. Well, a guess is without -- it's a hunch.

5 MR. FORD: Let's start off right now. When you
6 answer a question, if he asks you "yes" or "no," just
7 answer "yes" or "no." Then he will explain it if he
8 needs.

9 Q. BY MR. HALE: I can give you an example, if you
10 need me to. Do you want me to give an example?

11 A. Yes.

12 Q. If I ask you to give me the size of this table,
13 you look at the size of this table, and you can give me
14 an estimate as to what the size of this table is.

15 If I ask you to tell me the size of the desk in
16 my office, presumably you have never been in my office.
17 That would be a pure guess on your part. Does that
18 illustrate the difference between a guess and an
19 estimate for you?

20 A. Right. So there's some foundation for an
21 estimate.

22 Q. Right. Exactly.

23 At the end of your testimony, it's going to be
24 placed into a typed booklet form. You are going to have
25 an opportunity to make any changes to it that you feel

1 are necessary. You just need to keep in mind that if
2 you do make any changes, either myself or some other
3 attorney in this matter will be able to comment on those
4 at the time of trial. For that reason, it's important
5 to give your best testimony today.

6 Do you understand that?

7 A. Yes.

8 Q. You are also doing a real good job of giving
9 affirmative answers. Just keep that up. What we want
10 to avoid is answering by nodding your head or uh-huhs or
11 are nuh-uhs, that kind of thing. Again, that would
12 muddle the record; okay?

13 A. Yes.

14 Q. Do you have any questions?

15 A. No.

16 Q. If you need to take a break at any time this
17 morning or this afternoon, just let me know. I'm not
18 holding you prisoner here; okay?

19 A. Okay.

20 Q. Did you review any documents today in
21 preparation for your deposition today?

22 A. Any documents?

23 Q. Yes.

24 A. Official documents?

25 Q. Anything other than correspondence or --

1 correspondence from your counsel?

2 A. No.

3 Q. I would like to start going over your
4 educational and employment background or employment
5 history.

6 Are you from Santa Barbara?

7 A. No.

8 Q. Where were you born?

9 A. Kansas City, Missouri.

10 Q. What is your date of birth?

11 A. 9-9-28.

12 Q. Did you attend St. Anthony's?

13 A. Yes.

14 Q. And what was your first year at St. Anthony's?

15 A. '42.

16 Q. And was it --

17 A. '41 or '42. I forget.

18 Q. Fair enough.

19 Was it a five-year program at that time?

20 A. Yes.

21 Q. So your last year was either in '46 or '47?

22 A. It was '47.

23 Q. And was Father [REDACTED], [REDACTED], the prefect of
24 discipline while you were at St. Anthony's?

25 A. Yes.

1 Q. After St. Anthony's, did you then go on to San
2 Luis Rey, or did you have your novitiate year?

3 A. Novitiate year.

4 Q. And where was that at?

5 A. In San Miguel.

6 Q. Who was the novice master during that year?

7 A. Father David Temple.

8 Q. How many other novices were there with you
9 during that year?

10 A. At the beginning about -- I guess nine at the
11 beginning.

12 Q. And did all nine make it through the year?

13 A. No, not hardly.

14 Q. How many were still standing at the end of the
15 year?

16 A. I guess -- well, about six or seven, I guess.

17 Q. Were there any Franciscans who were assisting
18 Father Temple?

19 A. Father Paul.

20 Q. Do you remember what his last name was?

21 A. No. It was a Dutch name, I think.

22 Q. Any other Franciscans assisting Father Temple?

23 A. One other one, but he had a speech problem so I
24 didn't have too much to do with him.

25 Q. And who were the other -- so there were a total

1 of nine novices --

2 A. Yes.

3 Q. -- counting you?

4 A. I haven't reviewed that.

5 Q. I'm not trying to cross you up here. Don't
6 worry. I'm not going to examine you based on whether you
7 remember the exact number of novices.

8 Let me ask you this: Who were the other
9 novices while you were in the novitiate program?

10 A. There's only one left, [REDACTED]. He
11 was --

12 MR. FORD: You have answered.

13 Q. BY MR. HALE: Do you remember the names of the
14 others?

15 A. Gee.

16 Q. Just do your best. I don't expect you to
17 remember them all.

18 A. I haven't thought about it, to tell you the
19 truth. A lot of them left afterwards.

20 Q. Okay.

21 A. After they became priests.

22 Q. When you say there's only one left, do you mean
23 there's only one that survived or there's only one that
24 is still a member of the province?

25 A. Only one that is still a member of the

1 province. The other ones I've lost track of.

2 Q. But they haven't necessarily passed away?

3 A. A lot of them have.

4 Q. Do you recall which ones left the province who
5 were novices with you?

6 A. Oh, geez. Some left during the novitiate.

7 Calmus. I forget his name. I haven't reviewed that for
8 a long time. I couldn't tell you right offhand.

9 Q. Was anyone kicked out of the novice program
10 while you were there, or did they leave voluntarily?

11 A. I don't know, to tell you the truth.

12 Q. Was the next step in the process San Luis Rey?

13 A. Yes.

14 Q. You were a novice from basically the '47-'48
15 school year almost?

16 A. Right. A year and a day.

17 Q. And so you started in San Luis Rey in 1948?

18 A. Uh-huh.

19 Q. Was that two years or three?

20 A. Three.

21 Q. Did you graduate with a degree from San Luis
22 Rey?

23 A. Later on they arranged to have a bachelor's
24 degree given. I guess they made it retroactive to
25 include us, but I don't think I graduated with a degree.

1 I think later on it was given to us.

2 Q. Were there counselors for the students at San
3 Luis Rey?

4 A. I guess there were.

5 Q. Were you assigned a counselor, or was it just
6 someone who was available to you?

7 A. It was a confessor, the one that you went to
8 confession to. For me it was a confessor.

9 Q. So a counselor was a father confessor?

10 A. Confessor, right.

11 Q. Did these counselors have any roles other than
12 hearing confessions, to your knowledge?

13 A. Well, teaching.

14 Q. Was there generally one designated counselor,
15 or could anyone serve as -- any faculty member serve as
16 a counselor?

17 A. They let you pick the one you wanted.

18 Q. You had your choice of any faculty member?

19 A. Yes.

20 Q. Were there ever times where you went to your
21 counselor to talk to him for purposes other than
22 confession? Maybe you were having a problem in a class
23 or you didn't like a faculty member.

24 A. No.

25 Q. The sole purpose for going to that counselor

1 was to give confession?

2 A. Yes.

3 Q. Was the next step in the process the School of
4 Theology --

5 A. Yes.

6 Q. -- for you?

7 Did you start there in the '51-'52 school year?

8 A. Yes.

9 Q. How many years did that last?

10 A. Four years.

11 Q. Was that in Santa Barbara?

12 A. Yes.

13 Q. Going back to San Luis Rey, was Father Lyons on
14 the faculty while you were there?

15 A. No.

16 That's Brian Lyons; right?

17 Q. Yes.

18 A. Yes. We usually go by our first names.

19 Q. Okay.

20 What year were you ordained?

21 A. '54.

22 Q. And was '55-'56 your simplex year; is that what
23 it was called?

24 A. Yeah. It was really a half of a year.

25 Q. And did you receive a degree from School of

1 Theology?

2 A. That was another case where I don't think we
3 got a degree at the end, but later on they did arrange
4 to have it so it was transferred to my record.

5 Q. Any education after you finished the School of
6 Theology?

7 A. Yes.

8 Q. Where?

9 A. Loyola University for two summers.

10 Q. What summers? What years were those summers?

11 A. That was '55 -- '56, I guess, and '57.

12 Q. What did you study at Loyola?

13 A. Math, mostly.

14 Q. You are talking about Loyola down in Los
15 Angeles?

16 A. Yes.

17 Q. Did you receive a degree from Loyola?

18 A. No, just the credits.

19 Q. Where were you in residence while you were
20 studying at Loyola?

21 A. St. Joseph's in Los Angeles, Santee Street.
22 The rectory has been moved since.

23 Q. And so your time in residence during those two
24 summers, it was only during those two summers when you
25 were at St. Joseph's?

1 A. Um-hum.

2 Q. Was Father Austin, Edmond Austin, in residence
3 with you during those two summers?

4 A. No.

5 Q. Do you know who he is, though?

6 A. Yes. He's the one that studied -- he taught in
7 Rome for a while. I think he is still there at
8 St. Joe's. Now, it's St. James, I guess. I'm not too
9 familiar with the way they set it now.

10 Q. Any other education beyond Loyola?

11 A. Yeah. Notre Dame University for ten summers.

12 Q. What did you study there?

13 A. Art.

14 Q. When did you begin going to Notre Dame during
15 the summertime? What year?

16 A. That was after Loyola. So that would be what?

17 Q. '58?

18 A. '58, yeah.

19 Q. Did you obtain a degree from Notre Dame?

20 A. I got a Master of Arts.

21 Q. Was that ten consecutive summers that you
22 attended Notre Dame?

23 A. No. One summer I took off and I went back -- I
24 was teaching civics at the time so I went back to take a
25 course in U.S. history at the Catholic U in Washington

1 D.C.

2 Q. So, from '58 to '69 you did summers in Notre
3 Dame, and in between there was one year --

4 A. Yes, one year. I don't remember when.

5 Q. Any other education beyond those -- what we
6 have already talked about?

7 A. No. That was about -- well, yes, there was. I
8 went to Portland U for one summer; took -- what did I
9 take?

10 MR. FORD: He hasn't asked you that.

11 Q. BY MR. HALE: What did you take?

12 A. I don't remember, to tell you the truth.

13 Q. Do you know what year that was?

14 A. That was when I was transferred up to Salem,
15 Oregon, the high school there. That would be after '68.
16 So maybe '69 or '70. Probably '69.

17 Q. Did you obtain a degree from the University of
18 Portland?

19 A. No.

20 Q. Was that just a summer program as well?

21 A. Just the summer.

22 Q. Any other education?

23 A. No.

24 Q. Let's talk about your assignment history. You
25 were ordained in '54. You go through the simplex half

1 year. What is your first assignment after the simplex?

2 A. St. Anthony's Seminary.

3 Q. I assume that you were a member of the faculty
4 there?

5 A. Yes.

6 Q. What did you teach?

7 A. Math, geometry and algebra mostly, and art.

8 Q. I'm sorry. You said that was 1958; correct?

9 A. Yes, '58.

10 Q. How long did that assignment last for?

11 A. Go over that last thing again.

12 Q. How long did that assignment last for? How
13 long were you at St. Anthony's, in other words?

14 A. I went there in '55, not '58. Is that what you
15 have, '58?

16 Q. Yes, I have '58.

17 A. '55.

18 Q. So you started there in '55.

19 A. '55 to '68.

20 Q. And it looks like during those summers -- did
21 you ever spend a summer at St. Anthony's in residence?

22 A. No.

23 Q. You were always off to school somewhere?

24 A. Right.

25 Q. Did school always take up all three months of

1 the summer months?

2 A. Yes. Well, that and vacation.

3 Q. Did you ever return to St. Anthony's during the
4 summer months for any kind of conference or seminar or
5 anything like that?

6 The reason I ask, I think, if I recall
7 correctly, Brother [REDACTED] testified there were usually
8 some kind of summer conferences or seminar for
9 Franciscans at the seminary. Do you recall anything
10 like that?

11 A. I never attended those that recall.

12 Q. Do you recall there being those?

13 A. No, I don't.

14 Q. So is it safe to say that school would end at
15 St. Anthony's --

16 When would school end? May or June?

17 A. June 13th. St. Anthony's Feast Day.

18 Q. And you would be out of there pretty quick, I
19 would imagine?

20 A. Yes.

21 Q. And you would return when?

22 A. Just before it took up again, September.

23 Q. During your entire time at St. Anthony's, did
24 you teach anything other than math and art?

25 A. I taught apologetics. I taught history:

1 American, European, world history, and mainly those two.

2 Q. Did you say "apologetics"?

3 A. Apologetics means the rational defense of the
4 Catholic faith.

5 Q. What other assignments did you have? Let's
6 start with '55. What other assignments did you have at
7 St. Anthony's while you were on the faculty?

8 A. I used to help out in the Valley at Reseda and
9 North Hollywood and Canoga Park.

10 Q. You are talking about the parishes?

11 A. Yes, the parishes. That is to hear confessions
12 and mass.

13 Q. What about at St. Anthony's? In other words,
14 were you assistant -- an assistant prefect of
15 discipline?

16 A. Not until the latter years there.

17 Q. What year did you become assistant prefect?

18 A. I don't remember. As near as I can tell, about
19 the last six years that I was there.

20 Q. Let me see if I can jog your memory a little
21 bit.

22 You think it was during the last six years that
23 you were at St. Anthony's?

24 A. Yes, that is as close as I can come to.

25 Q. I've looked at a few -- what appear to be

1 directories. Your title is listed as "Disciplinarian"
2 or "Discipline II." Does that mean assistant prefect?

3 A. Yes, second.

4 What date was that?

5 Q. The one I've got is '64, but I haven't looked
6 all the way back.

7 A. That would cover it. About the last six years,
8 '63 to '68, or maybe '62 to '68.

9 Q. That would mean you were assistant prefect to
10 two different prefects; correct?

11 A. Yes.

12 Q. Father McKeon first and then Father
13 Cimmarrusti?

14 A. Right.

15 Q. As assistant prefect, what were your duties?

16 A. There was never any bill of particulars. I was
17 just supposed to supervise the boys and their
18 activities. Sports was taken care of by other fathers.

19 Q. Father [REDACTED]?

20 A. Right. [REDACTED]. He was the third
21 prefect.

22 Q. There were actually three prefects?

23 A. For a while, yeah; for the last couple of
24 years.

25 Q. Was that a new development? For instance, when

1 you got to St. Anthony's in '55, were there usually two
2 prefects, "thee" prefect and vice prefect, or had there
3 always been three prefects in your experience?

4 A. There were only two for a while.

5 Q. Do you know why there was a third added?

6 A. No, I don't.

7 Q. Do you recall how many years you assisted
8 Father McKeon as prefect? One or two?

9 A. It was about two. One or two or three. I
10 don't know.

11 Q. And then the last two or three were with Father
12 Cimmarrusti?

13 A. Yes.

14 Q. I'm sorry. We kind of got off track about your
15 duties as prefect. You were watching the boys?

16 A. Watching the boys. I patrolled the junior dorm
17 after the lights were out to see that there wasn't any
18 cutting up or fooling around there. And then I
19 supervised work shifts, and I went on picnics with them
20 to the beach and Tuckers Grove and so forth, but a lot
21 of the discipline -- oh, well.

22 Q. How were your duties? What was your
23 understanding of the difference between your duties and
24 duties of "thee" prefect?

25 A. Well, the prefect would always assign in

1 refectory - that is our dining room - assign jobs to
2 various individuals, and he divvied those out from the
3 tables. He did all of that. I never did that.

4 Q. When you say he dolled those out at the table,
5 you mean the dining room table where the prefect sat
6 during meals with the students?

7 A. Yes. We ate with the students.

8 Q. Was anyone from the prefects from the faculty
9 sit at those dining tables?

10 A. Very, very rarely. Maybe a visitor.

11 Q. It was generally the prefect only and then the
12 students?

13 A. Right.

14 Q. Any other assignments or duties as assistant
15 prefect that we haven't already talked about that you
16 can think of?

17 A. Not that I can think of.

18 Q. When you went on picnics with students to the
19 beach and to Tuckers Grove, would it usually be you and
20 whoever the other prefect was?

21 A. Yeah.

22 Q. Would there be any other faculty members along?

23 A. Sometimes.

24 Q. Would it ever be you and the students?

25 A. No.

1 Q. Were you ever aware of Father Cimmarrusti or
2 Father McKeon being the only faculty members taking the
3 students to the beach or Tuckers Grove or wherever?

4 A. Never. It was always a joint effort.

5 Q. In your time with -- looking back on your time
6 with Father McKeon and Father Cimmarrusti, did you
7 notice any difference in the style in which they
8 conducted themselves as prefect?

9 A. Well, [REDACTED] was always late. Father [REDACTED] was
10 always late.

11 Q. Okay.

12 A. And Father Mario Cimmarrusti was usually on
13 time.

14 Q. Was one of them or harder or softer with the
15 students than the other? In other words, more gruff or
16 more friendly?

17 A. I didn't notice.

18 Q. Did you notice one of them spending more time
19 with students than the other? In other words, I can
20 recall when I was in high school there were certain
21 teachers that students gravitated to, and there were
22 others where there was this dividing line that students
23 weren't going to cross.

24 Did you notice anything like that with Father
25 Cimmarrusti or Father McKeon with regards to those

1 students? And if so --

2 A. No. The idea was that the faculty was
3 separate, and I don't recall much fraternization of
4 either of those.

5 Q. It's your recollection that the two were pretty
6 consistent with regards to how they interacted with the
7 students?

8 A. Right, right.

9 Q. Can you think of anything that you can recall
10 during your time as vice prefect that distinguished
11 their - I don't know if "tenure" is the right word,
12 but - their time as prefects of disciplines or the way
13 they conducted themselves as prefects of discipline?

14 MR. FORD: Other than what he's already said?

15 MR. HALE: Right.

16 MR. FORD: Somewhat vague.

17 Q. BY MR. HALE: Right, other than what we talked
18 about.

19 A. Well, I noticed both of those guys, [REDACTED] and
20 Mario, both spent a lot of time taking care of the sick.

21

22 Q. In the infirmary?

23 A. Right.

24 Q. Was Father McKeon the infirmarian?

25 A. No.

1 Q. Do you recall Father Cimmarrusti becoming the
2 infirmarian?

3 A. No. The official title of infirmarian? No.

4 Q. Was there a student that was infirmarian while
5 Father McKeon was prefect that you recall?

6 A. I don't think so.

7 Q. What about during the time that Father
8 Cimmarrusti was the prefect?

9 MR. FORD: I'm not sure I understand the
10 question. That's vague.

11 Q. BY MR. HALE: Was there a student that was the
12 infirmarian while Father Cimmarrusti was the prefect?

13 A. I don't know.

14 Q. What about when you were a student at
15 St. Anthony's, was there an infirmarian then?

16 A. I never went to the infirmary.

17 Q. Okay. But were you aware of a student having
18 that duty?

19 A. No, I never had -- I had nothing to do with the
20 infirmary.

21 Q. Good for you. I'm sure that's a good thing.

22 How was it you were aware that both Father
23 McKeon and Father Cimmarrusti were spending a lot of
24 time in the infirmary?

25 A. They would talk about it at the table.

1 Q. What would Father McKeon say at the table?

2 A. Just chitchat, who has what and who's sick and
3 who isn't.

4 Q. What about Father Cimmarrusti? How do you know
5 that he had an interest in students?

6 A. He would talk about it, about being in the --
7 going to the infirmary and looking after the boys.

8 Q. Did you ever spend any time in the infirmary?

9 A. No. I avoided it.

10 Q. I understand you did not as a student, but what
11 about when you were vice prefect?

12 A. No, nothing to do with it whatsoever.

13 Q. Did either -- did Father McKeon ever describe
14 for you any kind of treatments he administered to
15 students in the infirmary?

16 A. No.

17 Q. What about Father Cimmarrusti? Did he describe
18 doing anything to the students?

19 A. No.

20 Q. Did you ever hear either one of them describe
21 giving a student an alcohol rub?

22 A. No.

23 Q. Were you aware of any faculty numbers giving
24 students alcohol rubs in the infirmary?

25 A. No.

1 Q. In your time at St. Anthony's, would it have
2 been in your opinion inappropriate for a faculty member
3 to give a student an alcohol rub in the infirmary?

4 MR. FORD: Objection. Lacks foundation, and it
5 calls for speculation, and vague and ambiguous.

6 MR. HALE: Okay.

7 MR. FORD: I think it's intended as a
8 hypothetical question, but it is certainly not complete.

9 Q. BY MR. HALE: You can answer.

10 MR. FORD: If you can.

11 THE WITNESS: What was the question again?

12 Q. BY MR. HALE: If during your time on the
13 faculty at St. Anthony's, in your opinion, would it have
14 been appropriate or can you think of any circumstances
15 where it would have been appropriate for a faculty
16 member to give a student an alcohol rub in the
17 infirmary?

18 MR. FORD: Same objections.

19 THE WITNESS: No, I never thought about it, to
20 tell you the truth.

21 Q. BY MR. HALE: But can you think of any
22 circumstances where it would be appropriate?

23 MR. FORD: Same objections.

24 THE WITNESS: No.

25 Q. BY MR. HALE: And you never -- strike that.

1 Did you ever hear Father McKeon talking about
2 placing a hot compress on the student's chest if the
3 student had a fever or some kind of chest cold?

4 A. I can't recall. He might have. I don't know.

5 Q. You never heard anything like that?

6 A. No. This is a long time ago.

7 Q. I know. I realize that. Just do your best.

8 Remember what you can remember, and we will take what we
9 can get.

10 What about -- just based -- were there
11 occasions where students were disciplined by either
12 yourself or by the prefects of discipline?

13 A. Lots of times.

14 Q. Were there differences between Father McKeon
15 and Father Cimmarrusti with regards to how they
16 approached disciplining students?

17 A. Well, by the time -- I'm not too sure. I don't
18 recall, but I was working on stations of the cross,
19 making them myself, mosaic stations, and that required
20 hauling stones up from the canyon.

21 MR. FORD: I'm not sure this is responsive to
22 his question. Let's go back.

23 THE WITNESS: We are talking about --

24 MR. FORD: Let's repeat the question.

25 MR. HALE: I think I know where he is going.

1 Q. My guess is they were having students come up
2 bringing stones --

3 A. Bring stones up, hauling stones. That was part
4 of discipline. That was punishment.

5 MR. FORD: Let's leave this in a
6 question-and-answer framework.

7 MR. HALE: I think he was responding. I was
8 asking him if there were differences between the way
9 Father McKeon disciplined students versus Father
10 Cimmarrusti.

11 Q. Is your answer "yes"?

12 A. No.

13 Q. There was no difference?

14 A. Not that I noticed.

15 Q. Did Father McKeon or Father Cimmarrusti at some
16 point have students hauling up rocks from --

17 A. I was assigned to supervise hauling up the
18 stones from the canyon, yes. And they used to do that
19 on Wednesday afternoons, which we had off.

20 Q. Was that sometimes an assignment given to
21 students as a form of discipline by Father McKeon or
22 Father Cimmarrusti?

23 A. Yes.

24 Q. Did both of them do that or just Father McKeon?

25 A. I don't know. It was '60 to '63 that I built

1 the stations.

2 Q. It was before Father Cimmarrusti got there.

3 A. Yes. Yes. So it must have been under Marty
4 then.

5 Q. Do you recall, for instance, was one of them
6 more inclined to give manual labor as a discipline task
7 than the other? For instance, like what you described
8 for Father McKeon.

9 A. Well, it was a reasonable thing to enforce
10 discipline in that way as punishment and it was an
11 available thing.

12 Q. I'm not being critical of the punishment.
13 Don't misunderstand my question.

14 Can you think of any other differences that you
15 observed between discipline styles of Father McKeon
16 versus Father Cimmarrusti?

17 A. None come to mind.

18 Q. What were the modes of discipline?

19 MR. FORD: Wait a minute. Are you directing it
20 to Father Cimmarrusti as opposed to Father McKeon?

21 MR. HALE: That he observed.

22 MR. FORD: Across the board?

23 MR. HALE: Once he describes what he observed,
24 then we will figure out who did what.

25 THE WITNESS: I can't tell. I don't know.

1 Q. BY MR. HALE: You described, for instance,
2 there was the manual labor assignment.

3 A. Yes. That's because I was particularly
4 involved in that.

5 Q. Fair enough.

6 What about -- I've heard there was something
7 called dish duty or something to that effect. Do you
8 recall that being a form of discipline?

9 A. Not really.

10 Q. In other words, a student having to work in the
11 cafeteria to clean the dishes. Does that ring a bell to
12 you?

13 A. I do recall some being assigned the dish shift.

14 Q. Dish shift is actually the term I heard.

15 And it's your understanding that was a form of
16 discipline at the seminary?

17 A. I assume that it was. I don't know.

18 Q. Can you think of any other forms of discipline
19 at the seminary while you were on the faculty?

20 A. None come to mind.

21 Q. Were there any guidelines that you were aware
22 of regarding approved or disapproved forms of discipline
23 while you were on the faculty at the seminary?

24 A. No.

25 Q. When you became vice prefect, did anyone

1 discuss with you what were accepted or unacceptable
2 forms of discipline while you were at the seminary?

3 A. No.

4 Q. Did you ever have any discussions with Father
5 Cimmarrusti or Father McKeon about acceptable or
6 unacceptable forms of discipline while at the seminary?

7 A. No.

8 Q. Did you ever observe Father McKeon or Father
9 Cimmarrusti engage in what you believe were unacceptable
10 forms of discipline?

11 A. No.

12 Q. Did you ever hear anyone say that they had
13 believed that Father Cimmarrusti, Father McKeon, was
14 engaging in what they believed were unacceptable forms
15 of discipline?

16 A. You mean boys --

17 Q. Yes.

18 A. -- or faculty?

19 Q. Anyone.

20 A. No.

21 Q. Was corporal punishment, to your knowledge, an
22 acceptable form of discipline while you were on the
23 faculty at St. Anthony's?

24 A. Not to my knowledge.

25 Q. Were you ever aware of any students being

1 subjected to corporal punishment while you were on the
2 faculty?

3 A. No.

4 Q. What about while you were a student at
5 St. Anthony's, were you ever aware of any students being
6 subjected to corporal punishment while you were a
7 student at St. Anthony's?

8 A. No.

9 Q. Did anyone ever tell you, while you were on the
10 faculty, that corporal punishment was not an acceptable
11 form of punishment at St. Anthony's?

12 A. No.

13 Q. Where was your room located when you first got
14 there to St. Anthony's?

15 A. On the second floor of the central building.

16 Q. If we were on the athletic field and we are
17 looking up at the school, there's kind of a main
18 entrance.

19 A. Yes.

20 Q. And if we walked to the main entrance, you were
21 on the second floor above the main entrance?

22 A. Yes.

23 Q. Did you live there in that same room the entire
24 time you were on the faculty at St. Anthony's?

25 A. No.

1 Q. How long were you in that room on the second
2 floor above the main entrance?

3 A. When I was assigned as prefect.

4 Q. From 1955 until --

5 A. No.

6 MR. FORD: Let him finish the question. I
7 think he was asking a different question than you were
8 about to answer.

9 Q. BY MR. HALE: From 1955 until you became
10 prefect, you lived in the second-floor room above the
11 main entrance?

12 A. In the enclosure part. That is on the other
13 side. As you approach it, it's the third to last room
14 on the second floor; that was my room up to the time I
15 was appointed as prefect.

16 Q. Were you appointed -- was Father McKeon the
17 prefect when you were pointed vice prefect?

18 A. Yes.

19 Q. Were you appointed -- that would mean you
20 were -- no.

21 Do you recall if you were appointed vice
22 prefect in the early 1960s, do you think? My
23 recollection is --

24 A. '62 or so.

25 Q. Right. So you lived in that room above the

1 second floor until around '61-'62?

2 A. Yeah.

3 Q. Still focusing on that room, who were your
4 neighbors at that time? In other words, were there
5 Franciscans living around you?

6 A. Which room are you talking about?

7 Q. The one on the second floor above the main
8 entrance.

9 A. Both were the second floor. One was on the
10 right. When I became prefect, I moved outside the
11 enclosure so the students would have access to me.

12 Q. Okay. Let's stick with while you were inside
13 the enclosure.

14 A. Okay, right.

15 Q. Who were your neighbors then?

16 A. Who was it? [REDACTED] was on the end
17 room, and I really can't recall who the other neighbors
18 were.

19 Q. Without recalling their names, do you recall
20 how many other Franciscans were living inside the
21 enclosure around you during that time?

22 A. Let's see, one, two, three, four, five. Maybe
23 six.

24 Q. Was there just a hallway in the enclosure with
25 rooms on each side?

1 A. Yes. But only on the front side facing the
2 ocean.

3 Q. What -- were there rooms on the backside?

4 A. Just one room on the backside.

5 Q. Was it a classroom, or what was it?

6 A. No. The living rooms were here. The
7 recreation room was here. On this corner was a room
8 also.

9 Q. On the ocean side are the living quarters?

10 A. Yes. The other side you had showers, toilets,
11 stuff like that. Storage rooms, so forth.

12 Q. And you referenced the recreation room. Was
13 that in this enclosed area as well.

14 A. Yes.

15 Q. Was that on the mountainside?

16 A. No, the ocean side. It's the main -- it's the
17 central section of the recreation room right above the
18 central arches.

19 Q. Was Father [REDACTED] living in the room immediately
20 next to yours?

21 A. Who?

22 Q. Father [REDACTED], [REDACTED].

23 A. [REDACTED].

24 Q. [REDACTED]. Sorry.

25 A. No. He was on the end room.

1 Q. Were the walls thin? In other words, if your
2 neighbor was snoring, would you hear the snoring?

3 A. The building is a hundred years old. It was
4 built in 1099 -- 1999[sic] So I don't know. I never
5 tested it, but I never heard anything going on in other
6 rooms.

7 Q. If somebody was snoring or raising their voice,
8 you didn't hear it while you were living in the second
9 floor residence above the main entrance?

10 A. Right.

11 Q. Then sometime around '61-'62, you become vice
12 prefect, and that's when you moved out of the enclosure
13 to have access to the students?

14 A. Right.

15 Q. That is on the second floor as well?

16 A. Yes.

17 Q. Is that farther back towards the mountains?

18 A. No. The building is this way. This is the
19 ocean side. On this side is the mountainside.

20 Q. Right.

21 A. Well, the room I had outside the enclosure was
22 on the ocean side.

23 Q. If we are looking at the main entrance, was
24 your room when you were vice prefect to the left or to
25 the right?

1 A. Looking at the main entrance, it was to the
2 left. The end room on the left.

3 Q. Okay.

4 Second floor end room on the left, but that
5 main building?

6 A. Yes.

7 Q. Did you stay at that location from that time
8 until you were transferred from St. Anthony's?

9 A. Yes.

10 Q. Who were your neighbors, assuming that you had
11 any, when were you living in that room?

12 A. Mario Cimmarrusti was next door.

13 Q. What about the third prefect? Was there a
14 third prefect?

15 A. I think he had -- I don't know where he had his
16 room. He wasn't next to us, though, as I recall.

17 Q. Who else -- you said it was to be closer to the
18 students. How close were the students in relation to
19 your --

20 A. The students -- the classrooms were -- the
21 study hall was to the left down below, and the
22 classrooms were above that. So it was - if you want how
23 many paces - it was that you only have to walk a few
24 steps from either the stairs or from the classrooms.

25 Q. The study hall was the first floor --

1 A. First floor, right.

2 Q. -- to the left if we were looking at the main
3 entrance?

4 A. Yes.

5 Q. Above that were the classrooms?

6 A. Classrooms.

7 Q. Where were the student dorms?

8 A. Student dorms were further to the left, the new
9 wing.

10 Q. On what floor?

11 A. On the second floor.

12 Q. Okay.

13 A. And the recreation was on the bottom.

14 Q. Recreation was the first floor?

15 A. Uh-huh.

16 Q. Were all students in dorms to the left or were
17 there just the juniors and seniors?

18 A. No. The juniors were upstairs, the third floor
19 of the main wing, central wing. The senior dorm was
20 over to the left. And I think the juniors and
21 sophomores were to the right, the building to the right.

22 Q. You described sometimes walking through the
23 dorm rooms at night to make sure there wasn't any
24 hikings going on?

25 A. Yes.

1 Q. Did you ever see any Franciscans in there after
2 hours --

3 A. No.

4 Q. -- in the dorm rooms?

5 Did you ever see Father Cimmarrusti in there
6 after hours?

7 A. No.

8 Q. Did you ever walk through the freshman or
9 sophomore dorms?

10 A. I was patrolling the freshman dorm.

11 Q. Did you patrol the sophomore dorms as well?

12 A. No.

13 Q. Did you ever observe students returning from
14 somewhere to the dorms after hours?

15 A. Not freshman, no.

16 Q. What about sophomores?

17 A. I never saw any. Sophomore building was
18 further away.

19 Q. You only patrolled the freshman dorm?

20 A. Yes.

21 Q. Was it your job to patrol the freshman dorm
22 during your entire time as vice prefect?

23 A. Yes, most of the time.

24 Q. Did you ever supervise study hall?

25 A. Yes.

1 Q. How often did you supervise study hall?

2 A. I don't remember.

3 Q. Was it a duty that was split between you and
4 Father Cimmarrusti?

5 A. No; other fathers also.

6 Q. How many -- for instance, how many nights a
7 week on average would you generally supervise study
8 hall?

9 A. I don't remember.

10 Q. Do you recall it was definitely, though, a
11 weekly duty that you held?

12 A. Yes, it was a constant duty. That was part of
13 the job.

14 Q. What were the rules of study hall? Could
15 students come and go as they wanted to?

16 A. No. No. You had to sit at your desk. You
17 couldn't be reading a novel. You couldn't be doing
18 artwork like I used to do.

19 Q. Could they talk amongst each other?

20 A. No.

21 Q. What if a student had to go to the restroom?
22 Would he have to come up and ask permission?

23 A. He would have to ask the guy who's there,
24 whoever is supervising.

25 Q. Were you ever aware of students being asked to

1 leave study hall by a faculty member?

2 A. The rector would call guys to his office.

3 Q. How would he communicate to you that he wanted
4 a student to come to his office?

5 A. They would come in and tell me, send a
6 messenger down and tell me he wants to see so-and-so.

7 Q. So the rector would send a messenger down?

8 A. Yeah, as I recall. Kind of vague on that.

9 Q. Do you recall Father Cimmarrusti ever sending
10 for a student?

11 A. No.

12 Q. Pulling a student out of study hall?

13 A. No.

14 Q. So the rector is the only person you recall,
15 only faculty member you recall, pulling a student out of
16 study hall?

17 A. Well, I know it was done by the rector on
18 certain occasions, but it wasn't all that frequent, as I
19 recall.

20 Q. You don't have a recollection of any other
21 faculty member ever pulling a student out of study hall?

22 A. Maybe [REDACTED] sometimes, Father [REDACTED], who
23 taught biology, would have some guy go down to his lab
24 or something.

25 Q. Do you have a recollection of that happening?

1 A. No. I know it used to happen, but I don't
2 recall any specific times.

3 Q. Would it have been unusual for a faculty member
4 to pull a student out of study hall?

5 A. Yes, pretty unusual.

6 Q. Could that have been done without you, if you
7 were acting as the study hall supervisor, knowing about
8 it?

9 A. Not likely.

10 Q. Was there more than one way in and out of the
11 study hall?

12 A. Yes, lots of ways. All glass doors along one
13 side.

14 Q. If you heard a door open -- if a door was
15 opened, would you have heard that do you think?

16 A. I don't know. It's a big room.

17 Q. Tell me about the recreation room for the
18 Franciscans. Brother [REDACTED] testified last week, or the
19 week before, or maybe it was last week - I'm losing
20 track of time here - that there was usually kind of a
21 half-hour social gathering for the Franciscans before
22 dinner every night in the recreation room. Is that your
23 recollection as well?

24 A. That's not my recollection.

25 Q. What is your recollection of how often the

1 recreation room was used by Franciscans?

2 A. It was used a couple times a week. We had
3 meetings there in the recreation room.

4 Q. You mean faculty meetings?

5 A. Faculty meetings.

6 Q. Okay.

7 A. But then for recreation, card games and stuff
8 like that, was a couple of times a week.

9 Q. You don't have a recollection of kind of a
10 predinner meeting for the faculty before dinner in the
11 recreation room?

12 A. We called that a houstus, get together to have
13 a drink or something before. I never went to those.

14 Q. Did you hear about those happening?

15 A. No, I didn't -- I don't recall.

16 Q. Do you think it's possible that you were not
17 going to those because as vice prefect you were
18 focused on --

19 A. Yes, I had other duties.

20 MR. FORD: Make sure you let him finish the
21 question. You are getting to the point where you are
22 both talking over one another. Wait until he finishes
23 and you answer and visa-versa.

24 Q. BY MR. HALE: The other thing Brother [REDACTED]
25 testified to is that there was kind of a

1 one-night-a-week -- there was sort of a card game.
2 There would be a couple of hours spent in the recreation
3 room?

4 A. Yes, I used to play.

5 Q. Was there a specific night of the week for
6 that?

7 A. I don't recall.

8 Q. Did you generally attend that?

9 A. If they needed a card player, yeah, I was
10 available.

11 Q. Who else do you recall usually attending those?

12 A. You know, I don't even remember who the card
13 players were.

14 Q. Do you recall, would those be after dinner?

15 A. They were after dinner, yes.

16 Q. Do you recall if Father Harris attended those?

17 A. Playing cards?

18 Q. Yes.

19 A. No.

20 Q. Or just these kind of extended times in the
21 recreation room.

22 A. I can't recall.

23 Q. What about Father [REDACTED], [REDACTED]?

24 A. [REDACTED]?

25 Q. Yes.

1 A. Yes, he used to attend.

2 Q. Do you recall who the other card players were?

3 A. I can't think of who they were. I think they
4 were -- I don't -- that's vague. I don't recall.

5 Q. Would there be brothers and priests using the
6 recreation room?

7 A. No. The brothers had their own separate
8 recreation room.

9 Q. Where was that located?

10 A. It was in the back quadrangle, near the canyon,
11 near the chapel.

12 Q. And as long as while you were on the faculty,
13 were there always separate recreation rooms for the
14 brothers and priests?

15 A. At one time there was a move to amalgamate
16 them, to bring them together, but I don't remember if
17 that happened when I was there or not.

18 Q. Other than as prefect and as a faculty member,
19 did you have any other duties during your time at
20 St. Anthony's?

21 A. Voluntary or involuntary?

22 Q. Either one.

23 A. Voluntary, yes. I always spent my time in art.
24 That was my avocation.

25 Q. Did you ever spend time as a spiritual advisor?

1 A. No.

2 Q. What about as a confessor?

3 A. That either. No. The prefects were not
4 supposed to.

5 Q. That's right. I'm sorry. I forgot about that.
6 Any other duties that we haven't talked about
7 during your time on the faculty at St. Anthony's?

8 A. You mean voluntary duties?

9 I used to -- for art I used to make posters for
10 various teams and have a contest to see which one we
11 would produce and we would spend Saturdays running it
12 off on silk screens.

13 Q. What about involuntary duties?

14 A. No.

15 Q. I think I got off track a bit. We were talking
16 about your second living quarters where Father
17 Cimmarrusti was your neighbor.

18 Were there any Franciscans that lived on that
19 floor nearby by you?

20 A. I don't think so. There was a music room
21 there.

22 MR. FORD: The question was -- you already
23 answered the question.

24 THE WITNESS: All right.

25 Q. BY MR. HALE: What else was around you?

1 A. Photo lab, audio/visual lab, music room and
2 some other room. I forget what it was used for. But
3 there were no faculty rooms on that side of the
4 building.

5 Q. The only staff or faculty on that floor with
6 you was Father Cimmarrusti?

7 A. Yes.

8 Q. In fact, no one else was living in that
9 immediate vicinity?

10 A. As far as I recall.

11 Q. Do you recall observing --

12 Now, were your living quarters both your office
13 and your living quarters?

14 A. Yes.

15 Q. Your understanding is his were as well?

16 A. Yes.

17 Q. "His," I mean Father Cimmarrusti.

18 A. Right.

19 Q. Did you spend much time in Father Cimmarrusti's
20 office?

21 A. I never went in there.

22 Q. Were you aware that he had a fish tank in his
23 office?

24 A. No.

25 Q. Did you ever see students going into his

1 office?

2 A. Not that I can recall. Maybe they did, but I
3 don't recall.

4 Q. In your living quarters, was there any kind of
5 divider --

6 A. No.

7 Q. -- between your living space and office?

8 A. No.

9 Q. Simply there's your bed and there's your desk?

10 A. That's right.

11 Q. Did you sometimes have students visit you in
12 your office?

13 A. On special occasions, but very rarely.

14 Q. What would be a special occasion where a
15 student would be in your office?

16 A. They had to discuss something, some art project
17 that they had, or something like that.

18 Q. If a student came to see you in your office,
19 would you -- would they actually come into your office,
20 or would they stand at the door and talk to you?

21 A. I can't recall, to tell you the truth. It
22 didn't happen that often.

23 Q. Were there any rules that you are aware of
24 against a student coming into your office?

25 A. No.

1 Q. If a student came into your office, do you
2 recall if you would have the door opened or closed?

3 A. I don't know. I don't remember.

4 Q. When you arrived at St. Anthony's in '55, was
5 the casa being used by the faculty?

6 A. Yes.

7 Q. For what purposes?

8 A. No; I'm not sure it was the faculty. It was
9 used as a recreation room by fifth-year students.

10 Q. By the fifth-year students?

11 A. Yes, college students.

12 Q. Was it used for any other purpose other than
13 that?

14 A. I hardly went over there, to tell you the
15 truth. They might have used it for something, but I
16 don't recall. I know it was used as a recreation room.

17 Q. Do you recall there being any beds in the casa
18 while you were on the faculty?

19 A. As I said, I hardly went over there.

20 Q. Were you ever aware of Franciscans using the
21 casa for any purpose?

22 MR. FORD: Time frame?

23 MR. HALE: While he was on the faculty.

24 THE WITNESS: While I was on the faculty?

25 Q. BY MR. HALE: Yes.

1 A. No.

2 Q. Would it have been unusual to have seen a
3 Franciscan enter the casa while you were on the faculty?

4 MR. FORD: Calls for speculation. Vague.
5 Ambiguous.

6 Q. BY MR. HALE: You can answer that.

7 A. "Unusual"? I guess I would have noticed it if
8 it happened.

9 Q. In other words, you were on your way to class
10 and you happen to look over and see Father So-So and
11 see --

12 A. Yes, that would be surprising.

13 Q. Were you ever aware of Father Cimmarrusti using
14 the casa as a location to punish students?

15 A. No.

16 Q. Were you ever aware of Father Cimmarrusti
17 spanking students?

18 A. No.

19 Q. Were you ever aware of any Franciscan spanking
20 students? And when I say "any," I'm referring to the
21 time both while you were --

22 A. You mean at the seminary?

23 Q. At the seminary, yes.

24 A. No.

25 Q. Never heard of any Franciscan spanking

1 students?

2 A. No.

3 Q. Have you ever held any elected positions in the
4 province?

5 A. No. Well, I was pastor in Tularosa for six
6 years. That is near Alamagordo.

7 Q. Never served on the definatorium?

8 A. No.

9 Q. Never served on any of the boards or
10 committees.

11 A. Discretas? No. I've had little to do with the
12 administration of the province.

13 Q. Probably a wise move.

14 A. Yeah.

15 Q. When you left St. Anthony's, was it as a result
16 of request by you, or was it a decision made by the
17 provincial?

18 A. I requested to be transferred.

19 Q. Why did you request a transfer?

20 A. Well, it was after Vatican II, and Vatican II,
21 as you may know or may not know, caused tremendous havoc
22 in the church and in the order.

23 Q. Right.

24 A. And I just felt that I wasn't accomplishing
25 very much at the seminary. So I asked to be transferred

1 to Salem, Oregon.

2 Q. What year did Vatican II come out? I know
3 this.

4 A. '63 to '65.

5 Q. When did you first start seeing Vatican II
6 having an impact on life at the seminary?

7 A. About '66.

8 Q. What was the impact you saw Vatican II having
9 that motivated you to say, "I want to be transferred"?

10 A. They started having sensitivity sessions and
11 psychological meetings and gripe meetings, and it just
12 didn't strike me that this was the Franciscan way.

13 Q. You are talking about -- when you say
14 "sensitivity sessions," you are talking about the [REDACTED]
15 [REDACTED] principles?

16 A. Yes. That's another story.

17 Q. Did you attend the training sessions at Sierra
18 Retreat?

19 A. No. I avoided those.

20 Q. So you were aware that those were going on?

21 A. Yes.

22 Q. Were you aware that some Franciscans continued
23 that training down in Loyola? For instance, [REDACTED]

24 [REDACTED], does that name sound familiar to you?

25 A. The name is familiar to me.

1 Q. Are you aware that Father [REDACTED] and some other
2 Franciscans continued that training down in Loyola?

3 A. No, I wasn't. I didn't know that.

4 Q. Were you asked to attend the sensitivity
5 training at the Sierra Retreat House?

6 A. In those days when the superior said something,
7 you did it, but by that time I was discouraged with what
8 the superiors were asking, so I didn't go.

9 Q. Did you get in trouble for not going?

10 A. No.

11 Q. While you were on the faculty, were there any
12 kind of sensitivity training sessions --

13 A. Yes.

14 Q. -- for --

15 MR. FORD: Let him finish his question.

16 MR. HALE: Believe me, I'll get there.

17 Q. -- for Franciscans in Santa Barbara at the
18 Mission or at St. Anthony's Seminary?

19 A. Yes.

20 Q. Do you recall who led those?

21 A. No.

22 Q. Did you participate in any of those?

23 A. No.

24 Q. Did anyone tell you what was going on at those
25 sensitivity training sessions?

1 A. I attended one and that was enough.

2 Q. Where was the one that you attended?

3 A. I don't remember, but I know I attended one.

4 Q. What was it about the sensitivity training
5 sessions that you didn't like?

6 A. Nonsense. It was a bunch of nonsense.

7 Q. Can you give me any more detail than that?
8 What didn't you like?

9 A. The idea of burying your soul to your conferes
10 and everybody had ears to hear. The whole thing was
11 nonsensical.

12 Q. Were there other faculty members who agreed
13 with you that the [REDACTED] sensitivity training was
14 nonsense? For instance, Father [REDACTED]?

15 A. Yes, he was inclined to be that way. He
16 thought it was nonsense.

17 Q. That's the impression you got?

18 A. And [REDACTED], too, but others were all
19 for it.

20 Q. Was it your impression that Vatican II and
21 sensitivity training kind of produced a changing of the
22 guard at St. Anthony's?

23 A. Yes.

24 Q. And who was it from your impression left as a
25 result of the sensitivity training? Father [REDACTED],

1 yourself, Father [REDACTED]. Anyone else?

2 A. They left after I left.

3 Q. Anyone else?

4 A. No. Those two -- those two frowned upon it,
5 but they are about the only ones that I can recall.

6 Q. Do you recall there being any sensitivity
7 training for the theological students?

8 A. Yes.

9 Q. Did you participate in any of that?

10 A. No.

11 Q. Do you know who led those training sessions?

12 A. No.

13 Q. Do you recall, then, there being training for
14 the seminary students at St. Anthony's?

15 A. No, I don't recall.

16 Q. Did you ever hear that happened after you left,
17 perhaps?

18 A. No, I didn't hear about it.

19 Q. Have you ever heard anyone --

20 Do you know who William Coulson is?

21 C-o-u-l-s-o-n.

22 A. Yes, I've heard of him. Wasn't he in prison or
23 something? Folsom.

24 Q. I don't know about that. He was an assistant
25 to [REDACTED].

1 A. Yeah.

2 Q. Have you ever heard of anyone --

3 MR. FORD: You may be thinking of the
4 president's advisor, President Nixon's advisor.

5 Maybe rephrase your question. He might be able
6 to answer it.

7 MR. HALE: I think he answered it already.
8 It's not that important.

9 Q. Have you heard anyone blame or attribute some
10 of the blame for the whole clergy scandal to the
11 sensitivity training?

12 A. Well, I, myself, have done that, but I haven't
13 discussed it much with other people, because they were
14 not sympathetic to my point of view.

15 Q. Why do you think the sensitivity training
16 contributed to the creation of the scandal? I don't
17 want to put words in your mouth.

18 Do you think the sensitivity training somehow
19 contributed to the scandal happening?

20 MR. FORD: I'm going to object. Calls for
21 expert opinion and lacks foundation.

22 Q. BY MR. HALE: You can answer that.

23 MR. FORD: If you can. He is asking for expert
24 opinion.

25 THE WITNESS: What's the --

1 Q. BY MR. HALE: Do you think the sensitivity
2 training somehow contributed to the scandal occurring at
3 St. Anthony's?

4 A. Oh, yeah. Somehow, yeah.

5 Q. Why do you think that?

6 A. Because it substituted the principals that the
7 church has regarding religious life and the type of life
8 we are supposed to live. It replaces that with
9 psychology; instead of the lives of the saints and the
10 advice of the saints, they pay attention to
11 psychiatrists.

12 Q. How do you think that produced the scandal at
13 St. Anthony's?

14 MR. FORD: Same objection.

15 MR. HALE: Sure.

16 MR. FORD: And vague and ambiguous.

17 THE WITNESS: What is the question?

18 MR. FORD: Overbroad. Calls for expert
19 opinion.

20 Q. BY MR. HALE: How do you think this departure
21 from church doctrine to reliance on psychologists or
22 psychiatrists led the school down the path of the
23 scandal?

24 A. It's substituting principles, psychology, the
25 science of psychology, if you will, replacing the

1 teaching of the church through 2000 years with bogus --
2 I think, bogus ideas.

3 Q. Do you think the teachings of the church, had
4 they remained in place, would have prevented the scandal
5 of St. Anthony's from happening?

6 A. Quite definitely.

7 Q. How would they have stopped the scandal from
8 happening?

9 MR. FORD: Same objection. Calls for an expert
10 opinion.

11 THE WITNESS: How would they have stopped the
12 scandal?

13 MR. HALE: Right.

14 THE WITNESS: By those who perpetrated it
15 adhering to those vows.

16 Q. BY MR. HALE: Do you think that the -- is it
17 your opinion that the sensitivity training gave the
18 perpetrators, in their minds, license to violate their
19 vows?

20 MR. FORD: Same objections.

21 THE WITNESS: Yes, I think it did.

22 Q. BY MR. HALE: Is there anything specific about
23 the training that you recall that somehow communicated
24 that to? Was it the openness that you attribute that
25 fact to?

1 MR. FORD: Same objections.

2 THE WITNESS: Yes. The lid seemed to have come
3 off and anything was allowed now. And with that
4 attitude, you can see why they took the course that they
5 did.

6 MR. HALE: Okay.

7 Q. What was --

8 Actually, we have been going an hour and
9 twenty. Do you want to take a break? Do you want to
10 keep going? It's up to you guys.

11 A. No. Let's keep going.

12 Q. What was your next assignment after
13 St. Anthony's?

14 A. I went to high school in Salem.

15 Q. Let me backtrack for just a second.

16 Did you contact Father [REDACTED] and say, "I want
17 out"? How was it you communicated that you wanted a
18 transfer?

19 A. No. I just asked for a transfer.

20 Q. Did anyone ask you why you wanted a transfer?

21 A. No.

22 Q. Did you discuss with anyone why you wanted a
23 transfer?

24 A. I think it was pretty obvious.

25 Q. What was the high school in Salem?

1 A. Sierra High.

2 Q. And I take it you were on the faculty there?

3 A. Yes.

4 Q. What did you teach?

5 A. I taught yearbook; math, of course; and then
6 art.

7 Q. How long were you there for? Was it the
8 '68-'69 school year that you started there?

9 A. '69, I think -- or, '68, I guess, to '71. Two
10 years.

11 Q. What other Franciscans were on the faculty
12 there with you?

13 A. John de Paemelaere. Krause was his last name.
14 Bernard Stokes, [REDACTED]. Who else?

15 I can't recall the other ones.

16 Q. Who was the principal there?

17 A. John Depalamere.

18 Q. Was it Franciscan faculty only or were there
19 lay faculty as well?

20 A. Mostly Franciscan. It was co-instructional at
21 first. Then it became coed. So I think the women
22 teachers stayed on.

23 Q. Where were you in residence while you were
24 assigned there?

25 A. At the friar's house.

1 Q. Was that on the Sierra campus?

2 A. Yes.

3 Q. Were there any other Franciscans in residence
4 with you there, other than the ones you already
5 identified?

6 A. There were about nine of us.

7 Q. Who were the other Franciscans in residence
8 there?

9 A. Gee, I can't recall. I would have to think
10 about it.

11 Q. It's okay.

12 Any other assignments or duties while you were
13 on the Sierra High faculty?

14 A. No. Just yearbook kept me busy.

15 Q. What was your next assignment?

16 A. Next assignment was St. Mary's High in Phoenix.

17 Q. How long did that last?

18 A. Thirteen years.

19 Q. So, safe to say, you spent a large portion of
20 your career as a Franciscan working in high schools?

21 A. Twenty-eight years. Tell me about it.

22 Q. So from 1971 until 1984?

23 A. '84.

24 Q. And at St. Mary's, was it, again, teaching math
25 and art?

1 A. Art.

2 Q. Anything else?

3 A. Not art at first, but later on I taught art,
4 and yearbook. I taught yearbook there, too. I taught
5 general math and algebra, geometry.

6 Q. What other Franciscans were on the faculty with
7 you there?

8 A. That's it. After 13 years, they shifted
9 around. Let's see. Who was there?

10 Q. Just do your best. Give me the names if you
11 can.

12 A. Joel Scott and Lester Mitchell and Bernard
13 Chritendon for a while. Not Bernard. I don't know
14 about Bernard. Oh. Blaise Cronin was there, and Alonzo
15 Deblase and Warren Rouse. And who else?

16 No other ones come to mind.

17 Q. Who was the principal while were you there?

18 A. It varied. For a while it was Neil -- Joel
19 Scott, and then it was Lester Mitchell, and then it was
20 an Anglo layman.

21 Q. What was your next assignment after St. Mary's?

22 A. I went to a year sabbatical.

23 I forgot to mention ASU. I took a summer course
24 there -- two courses there.

25 Q. In the summertime?

1 A. No. It was a year. One semester it was.

2 Q. That was while you were on the faculty?

3 A. I left the school, and then took a year
4 sabbatical.

5 Q. Around 1984?

6 A. Yes, right.

7 Q. Was attending ASU part of your sabbatical?

8 A. Well, they said you should take some
9 education -- renew your education, update your
10 education. So I took a course in photography and --
11 what was it? Photography. Bronze casting.

12 Q. Where did you take your sabbatical at?

13 A. Right there at St. Mary's.

14 Q. You just stayed in residence at St. Mary's?

15 A. Yes, then drove out to Tempe.

16 Q. Did you have any assignments while you were on
17 your sabbatical?

18 A. No.

19 Q. What was your next assignment?

20 A. I went to Tularosa as pastor.

21 Q. How do you spell that?

22 A. T-u-l-a-r -- tu-la -- r-o-s-a.

23 Q. Is that New Mexico?

24 A. Yes. It's near -- as I say, it's about 14
25 miles north of Alamagordo, near White Sands military

1 base.

2 Q. That was around 1985?

3 A. Yes.

4 Q. What was your assignment there?

5 A. Pastor.

6 Q. You talked about being elected there. In other
7 words, do you mean you were elected by the community to
8 be -- to serve as pastor?

9 A. No, it was assigned by the superior, by [REDACTED]
10 [REDACTED] who was the provincial.

11 Q. Who else was -- how long did that assignment
12 last, first?

13 A. Six years.

14 Q. So '85 to '91?

15 A. Uh-huh.

16 Q. And who else was assigned with you during your
17 six years?

18 A. Peter Verhaggen.

19 Q. Anyone else?

20 A. George Carr, but he lived in Laluz.

21 Brother Gus.

22 Q. Gus Krumm?

23 A. Gus Krumm.

24 Q. Okay.

25 A. No -- yes. I guess it's Gus Krumm.

1 Q. What years was he there?

2 A. He was only there about a year.

3 Q. Was that in the '80s or '91, or '90s?

4 A. '80s.

5 Q. Anyone else in assignment with you there?

6 A. No.

7 Q. Anyone else in residence with you there?

8 A. Well, Peter Verhagen took care of Laluz and
9 Cloudcroft.

10 Q. What?

11 A. Cloudcroft.

12 Q. What's that?

13 MR. FORD: It is a town in Mexico.

14 THE WITNESS: A mountain up above -- mountain
15 town.

16 Q. BY MR. HALE: Were there any limitations on
17 Father Krumm's ministry while he was assigned with you
18 there?

19 A. His name is Gus -- not Gus Krumm. Gus Krumm is
20 a friar from here.

21 Q. Okay.

22 A. No, he was never stationed there.

23 Q. What was your next assignment?

24 A. Let me back up for a second.

25 Q. How many Franciscans on average would be

1 assigned with you at Tularosa?

2 A. Just one.

3 Q. There was no guardian --

4 A. That's right.

5 Q. -- because weren't enough Franciscans to have
6 one?

7 A. Right.

8 Q. Okay.

9 A. But there was one up in -- what is the name of
10 that place? It's an Apache village up in the mountains.
11 There was a priest there for a while.

12 Q. What was your next assignment?

13 A. My next assignment was -- the provincial asked
14 me, "How would you like to do artwork full time?"

15 I said, "I would love to." And that's what I
16 have been doing.

17 Q. Were you in residence somewhere?

18 A. At St. Anthony's Seminary.

19 Q. You have been there ever since?

20 A. I was there for 12 years. Then they sold the
21 place.

22 Q. Are you now at the Mission?

23 A. Yes.

24 Q. At St. Anthony's until last year?

25 A. No, until a couple of years ago.

1 Q. 2003?

2 A. 2000 -- around there, 2003. Maybe 2002.

3 Q. Then you moved over to the Old Mission?

4 A. Yes.

5 Q. And you have been there ever since?

6 A. Right.

7 Q. When you returned to St. Anthony's in '91 - I
8 realize the school was closed obviously but - did you
9 have any assignments or duties?

10 A. No, just do art.

11 Q. Doing art for the province?

12 A. Just because I like to do it.

13 Q. That's not a bad job.

14 Did you help at the parish at the Mission or
15 chapel of St. Anthony's?

16 A. No. Well, I had an assignment to help out at
17 the Poor Clares. I say mass there twice a week unless
18 the Bishop bumps me on Tuesdays and hear confessions.

19 Q. When you say "the Bishop," you are referring to
20 Bishop --

21 A. Curry.

22 Q. Right.

23 And have you been saying mass at the Poor
24 Clares ever since you were assigned --

25 A. Yes.

1 Q. -- in '91?

2 A. Yes.

3 There was a little lag there. It was about '92
4 or '93, I forget which, when I was assigned there.

5 Q. Was there a novitiate community at
6 St. Anthony's when you returned in '91 or '92?

7 A. A novitiate community?

8 Q. Yes. That was being directed by [REDACTED]
9 [REDACTED]?

10 A. Oh, that's right. Yes, there was one.

11 Q. Were they living on the St. Anthony's campus?

12 A. Yes, yes.

13 Q. Were you involved in any way in that?

14 A. No.

15 Q. During your time from '91 until 2003, do you
16 recall who else was in residence with you at
17 St. Anthony's?

18 A. In residence? This is recently, right?

19 Well --

20 Q. Was Father Van Handel still in residence at St.
21 Anthony's?

22 A. Yes. In fact, he was a superior when I went
23 there.

24 Q. He probably left a short time after you got
25 there?

1 A. Yes.

2 Q. Within a year?

3 A. Yes, I think so.

4 Q. Who else?

5 A. Well, there was Leo, Father Leo Sprietsma. He
6 was there. And who else was there?

7 I can't think of who else was there.

8 Q. How about Father [REDACTED]?

9 A. [REDACTED] was there, yeah. He became superior
10 when Van Handel left.

11 Q. Is he still superior?

12 A. He's superior at the Mission now.

13 Q. Is Father Mel still the provincial?

14 A. Mel Jurisich?

15 Q. Yes.

16 A. Yeah.

17 Q. And his term is about to end; isn't it?

18 A. Yes, about to end.

19 Q. There's been a new --

20 A. I don't know. There's been a meeting. I don't
21 know what they decided at the meeting.

22 Q. So you don't know who the new provincial is?

23 A. No.

24 Q. Do you know when his term ends?

25 A. No, I don't. I thought it ended -- it's

1 usually a six-year term.

2 Q. So you have never served on any of the
3 committees for ordination or for the novitiate or the
4 profession or formation or ongoing formation or anything
5 like that?

6 A. No, nothing.

7 Q. Do you know anything about the St. Anthony's
8 Futures Committee?

9 A. The what?

10 Q. The St. Anthony's Seminary Futures Committee.

11 A. I never heard that title.

12 Q. That answers the question.

13 How about the finance counsel? Did you ever
14 serve on that?

15 A. For what? For the seminary?

16 Q. For anything.

17 A. No.

18 Q. While you were on the faculty --

19 Let me ask you: Do you know who Pat McKinley
20 is?

21 A. Pat McKinley?

22 Q. Yes.

23 A. You want to refresh my memory?

24 Q. If you don't know, that's okay.

25 What about Tom Sneddon?

1 A. Tom Sneddon, the lawyer in town?

2 Q. Yes.

3 A. I've read about him in the paper.

4 Q. Do you recall him spending any time at the
5 seminary while you were on the faculty?

6 A. No.

7 Q. I'm not trying to cross you up here. I just
8 want to know who you know.

9 Do you remember who Father Harris' secretary
10 was while he was rector?

11 A. No.

12 Q. Do you remember him having a secretary?

13 A. No.

14 Are you getting tired?

15 MR. FORD: I'm fine. How about you?

16 THE WITNESS: I'm fine.

17 MR. HALE: Anytime you guys want, just say, and
18 we will take a break.

19 Q. Prior to this deposition, aside from
20 conversations with your counsel, did you discuss any --
21 what was going to happen at your deposition with anyone?

22 A. Yes.

23 Q. Have you discussed with anyone other than your
24 counsel the fact that other Franciscans have been
25 deposed in the last six months?

1 A. Have I discussed with any anybody that?

2 Q. Yes.

3 A. No.

4 Q. Other than your counsel?

5 A. No.

6 Q. Were you aware other Franciscans have been
7 deposed in the last six months?

8 A. Well, I thought Brother [REDACTED] had been deposed,
9 but apparently not.

10 Q. While you were on the faculty, did you ever
11 observe or hear about or somehow learn about a
12 St. Anthony's student having what appeared to be an
13 emotional breakdown of some sort?

14 A. Subsequently I read about a guy who took a trip
15 to -- to Hawaii --

16 MR. FORD: The question was --

17 THE WITNESS: Did I ever hear about it at that
18 time?

19 No, I didn't at that time.

20 Q. BY MR. HALE: Does the name [REDACTED]
21 ring a bell?

22 A. Yes. He was the guy that went on the trip.

23 Q. What did you hear about that?

24 A. He was a stowaway. I read it in the paper
25 several times.

1 Q. The Santa Barbara paper?

2 A. Yes.

3 Q. Back when it happened?

4 A. No, subsequently. It came out with something
5 else. I think one of his relatives was in this thing
6 with the --

7 Q. The Manson family?

8 A. Yes.

9 Q. You recall reading about that in the 1960s?

10 A. Oh, no, much later than that.

11 Q. In the '70s?

12 A. I recall reading about it years ago, when the
13 gal was arrested; was his sister, I guess. I think it
14 mentioned that he had taken that trip, stowed away on a
15 plane or something.

16 Q. So you read about him running away from the
17 seminary?

18 A. Yes.

19 Q. Do you remember him running away from the
20 seminary?

21 A. No, no. I tried to recall. I don't remember.

22 Q. Do you think you were aware of it at some point
23 and have just forgotten, or do you think you never knew
24 about it happening?

25 A. I don't recall knowing about it.

1 Q. Does that surprise you that something like that
2 would have happened and you would not have known about
3 it?

4 A. Yes, I was surprised. I was surprised to hear
5 about it.

6 Q. You don't recall ever having any discussion
7 about it with faculty members while you were at
8 St. Anthony's?

9 A. No.

10 Q. Anybody else, other than Timothy Van Houten,
11 that you heard that about, having some emotional
12 breakdown?

13 A. No, he was the only one that I heard about.
14 There may have been other ones. I don't know.

15 Q. When you returned --
16 And you think it was '91 or '92; right?

17 A. Yes.

18 Q. -- did you participate in any way in the Board
19 of Inquiry investigation?

20 A. No.

21 Q. You were aware that it was going on; correct?

22 A. No.

23 Q. You weren't aware that it was going on?

24 A. No. You mean with Van Handel?

25 Q. With the scandal.

1 Do you know what the Board of Inquiry is?

2 A. Well, I've heard, the Board of Inquiry," and it
3 has to do with the scandal, but I didn't connect it with
4 anybody who was then at the seminary.

5 Q. Did anyone ever from the Board of Inquiry come
6 and interview you about your time on the faculty?

7 A. No.

8 Q. Has any Franciscan ever interviewed you about
9 your time on the faculty regarding whether you observed
10 inappropriate conduct by Franciscans towards students?

11 A. No.

12 Q. I deposed Father [REDACTED] a little over a
13 month ago. He described a meeting that he thought took
14 place sometime after the Board of Inquiry issued this
15 report wherein the provincial came and met with
16 Franciscans in each community and discussed reporting
17 requirements regarding childhood sexual abuse. Do you
18 recall a meeting where a provincial came and talked to
19 the community about that while you were here in Santa
20 Barbara?

21 A. No, I don't recall.

22 Q. Do you recall --

23 A. Does the provincial have a name?

24 A. I believe it was Father [REDACTED] at the time.

25 It was either Father [REDACTED] or Father [REDACTED].

1 A. No.

2 Q. Do you recall there ever being any discussion
3 that you were a part of regarding reporting requirements
4 as to childhood sexual abuse within the province?

5 A. A meeting with that topic?

6 Q. Yes.

7 A. No.

8 Q. Do you recall any memos being disseminated or
9 correspondence being sent to you about reporting
10 requirements regarding childhood sexual abuse?

11 A. Yes.

12 Q. When do you recall that happening?

13 A. Periodically.

14 Q. When is the first time that you recall that
15 happening?

16 A. I don't recall at all.

17 Q. Did those usually come from the provincial or
18 from someone else?

19 A. Well, there are so many of them coming from the
20 dioceses and the province. They are all mixed up in my
21 mind.

22 Q. Is it your understanding that your duty to
23 report any suspicions you have of childhood sexual abuse
24 that that duty is to report it to either your superior
25 or your provincial and let them deal with it?

1 A. Uh-huh.

2 Q. Is that a "yes"?

3 A. Oh. Yes.

4 Q. Sorry. For the record.

5 Do you have any understanding as to whether in
6 addition to them you are also required to report any
7 suspicions to law enforcement, or is it simply directly
8 to your superior or the provincial?

9 A. Well, I think that I'm supposed to report to my
10 superior if I notice anything, and let them take it from
11 there.

12 Q. Okay.

13 Do you recall ever having received an
14 instruction from the province that you were only to
15 report suspicions of childhood sexual abuse to either
16 your superior or the provincial?

17 A. What is the question again?

18 Q. Do you recall ever receiving any instructions
19 from within the province that you were to report
20 suspicions of childhood sexual abuse only to either your
21 superior, in other words, the guardian or the pastor,
22 wherever you are in residence, or the provincial?

23 A. That's personal instructions. To me
24 personally?

25 Q. Yes.

1 A. No.

2 Q. What about an instruction that was sent out to
3 the entire province?

4 A. Well, yeah, I got some of those.

5 Q. Do you recall when you first received that
6 instruction?

7 MR. FORD: Well, the answer was nonresponsive
8 to the question.

9 The answer was you received some instructions,
10 but he asked you specifically what the instructions
11 said.

12 THE WITNESS: You mean -- what's the question
13 again? Start over.

14 Q. BY MR. HALE: Do you recall ever receiving any
15 instructions from within the province, in other words,
16 from some governing body within the province,
17 instructing you to report suspicions of childhood sexual
18 abuse only to either your superior or the provincial
19 minister?

20 A. Not that I can recall.

21 Q. And you have never been at a meeting where such
22 an instruction was given?

23 A. No.

24 Q. And no one has ever told you that such an
25 instruction was being given to all members of the

1 province?

2 A. No.

3 Q. When you were teaching at St. Anthony's, who
4 determined the -- did you get to select which textbooks
5 that you would use and what the subject matter would be
6 of your classes?

7 A. Toward the end I did, yeah. I used Saxton
8 because he was supposed to have a better approach to
9 algebra.

10 Q. When you say "towards the end," it sounds like
11 before you didn't have a say.

12 A. No. I used the textbook that was available.
13 But toward the end of my teaching there, this guy came
14 out -- Saxton came out with this book that was to be so
15 far superior in teaching it. A lot of the texts had to
16 do with number theory, which I don't think you should be
17 teaching high school kids number theory. That's a
18 college course, it seems to me. So I did choose my
19 textbook, yes, toward the end there, toward the last
20 couple years.

21 Q. Prior to being towards the end, was that a
22 decision that was generally going to be made by the
23 rector, though?

24 A. They kind of left it up to the teacher to pick
25 his text.

1 Q. I've been referring at various points in this
2 deposition to "childhood sexual abuse." When I refer to
3 "childhood sexual abuse," do you understand that to mean
4 the abuse of a child under the age of 18?

5 A. Well, it's technically aboulaphilia when they
6 are pubescent.

7 Q. Do you draw a distinction between sexual abuse
8 of an adolescent versus the sexual abuse of a
9 preadolescent or a younger child?

10 A. Technically they do.

11 Q. What's the difference? Do you draw a
12 difference?

13 A. The difference is when they are prepubescent
14 and postpubescent.

15 Q. What is the significance of that age difference
16 to you?

17 A. Well, postpubescent has certain urges that
18 prepubescent don't have, if that has any bearing on it.

19 Q. While you were assistant prefect on the
20 faculty, were you aware of -- were you ever involved in
21 reading student mail before it was sent out or reading
22 student mail before it was given to a student?

23 A. Yes.

24 Q. Was that a duty of the prefect?

25 A. Yes.

1 Q. Was that a duty that you shared with Father
2 McKeon, Father Cimmarrusti?

3 A. Yes.

4 Q. Was that something that took place also while
5 you were a student at St. Anthony's, to your knowledge?

6 A. Yes, they did read the mail. Sure.

7 Q. While we are on the subject matter of your time
8 as a student at St. Anthony's, I previously asked you to
9 compare how Father McKeon was as a prefect as to how
10 Father Cimmarrusti was as a prefect. I've heard - I
11 can't remember who - before, someone testified, that
12 Father Cimmarrusti modeled his duties as a prefect after
13 Father [REDACTED]. Do you recall there being much between
14 their respective styles as to how they conducted
15 themselves as prefects?

16 A. Well, they are obviously different styles,
17 different persons.

18 Q. What was the difference in their styles?

19 A. I'm really hard put to tell you. I don't know.
20 I don't know what would be the difference.

21 Q. For instance, while you were vice prefect, did
22 you think of any things that you experienced as a
23 student while Father [REDACTED] was a prefect that you
24 thought to yourself, "I want to emulate that" or "I
25 don't want to emulate that"?

1 A. Did I think -- you mean as a student there, did
2 I think of being a prefect?

3 Q. No, no. When you became a vice prefect
4 yourself, did you think back on your time as a student
5 and your experiences, whatever they were with Father
6 [REDACTED], and think to yourself, "I would want to emulate
7 how he conducted himself as a prefect," or "I wouldn't
8 want to emulate how he conducted himself a prefect"?

9 A. I never gave it any thought.

10 Q. Did you ever observe Father Cimmarrusti conduct
11 himself in such a way as prefect that you disapproved
12 of?

13 A. No.

14 Q. What about Father McKeon?

15 A. Him either.

16 Q. Did you ever ask a student to rewrite any mail
17 that he was sending out that you had read?

18 A. May have been a case. I don't recall
19 particularly.

20 Q. What was your understanding of the purpose of
21 having the prefect review student mail before it went
22 out?

23 A. To see if they were maybe criticizing the way
24 the place was run or stuff like that or their part in
25 the way it was run. Frankly, I didn't do all that

1 careful a reading of the mail. I just kind of slit the
2 envelopes and put them aside.

3 Q. Can you recall any specific instances or some
4 of the things that you read where you said, "Hey, wait a
5 minute." You went back to the student and you said,
6 "You've got to change this," and you had them rewrite
7 whatever they had written?

8 A. No.

9 Q. Were there ever any instances where you
10 received mail for a student where you didn't deliver the
11 mail to the student because of contents you disapproved
12 of in that mail?

13 A. No.

14 Q. Did any of the prefects ever tell you that they
15 had received a draft letter from a student that the
16 student wanted to send and that prefect had insisted
17 that the student rewrite the letter?

18 A. No.

19 Q. Were you aware of that ever happening?

20 A. Not while I was a prefect.

21 Q. Is it possible that that is something that
22 would have occurred without your knowledge?

23 A. Could have.

24 Q. Were you ever aware of any other prefects not
25 delivering mail to a student for whatever reason?

1 A. I didn't pay any attention to it, to tell you
2 the truth.

3 Q. Did you ever see Father Cimmarrusti give a
4 student a Charley horse, you know, kind of a punch in
5 the arm or anything like that?

6 A. You mean, on the muscle in the shoulder?

7 Q. Right.

8 A. No.

9 Q. Did you ever see him punch a student? I don't
10 mean like clock the guy, just kind of the way guys
11 sometimes do?

12 A. Sparring around?

13 Q. Yes.

14 A. No.

15 Q. Did any faculty member show you mail that was
16 going to be sent out by a student for you to review?

17 A. No.

18 Q. Did any student ever object to you or, to your
19 knowledge -- strike that.

20 Did any student ever object to you reading
21 their mail?

22 A. Not that I am aware of.

23 MR. HALE: Coming up on two hours. You guys
24 okay?

25 THE WITNESS: Yeah.

1 THE REPORTER: I would like a break.

2 MR. HALE: Okay. Fair enough.

3 THE VIDEOGRAPHER: We are at the end of tape
4 number 1. The time is 11:54 a.m., and we are off the
5 record.

6 (Recess.)

7 THE VIDEOGRAPHER: We are at the beginning of
8 tape number 2. The time is 12:07 p.m., and we are back
9 on the record.

10 MR. HALE: Back on the record.

11 Q. Father, do you know [REDACTED]?

12 A. Yes.

13 Q. How do you know him?

14 A. He was a maintenance man at the seminary.

15 Q. Have you seen him since he left the order?

16 A. Yes, a couple of times.

17 Q. In what context? Socializing with him?

18 A. Yes. Usually on social occasions I see him.

19 Q. Does he attend events sometimes at the Mission?

20 A. Yes, he does.

21 Q. When was the last time you saw him?

22 A. I don't remember. I don't know.

23 Q. Within the last five years, do you think?

24 A. Oh, yes.

25 Q. Safe to say, he is still friendly with some

1 Franciscans?

2 A. Oh, yes. Sure.

3 Q. Do you know if he's got any particular
4 Franciscans he is closer friends with? Doesn't sound
5 like you are one of the closer friends.

6 A. No, no.

7 Well, I used to work out there a lot, building
8 my stations especially. I worked out there, out there
9 by the shops.

10 Q. But do you know any Franciscans that he's
11 particularly friendly with?

12 A. Not that I can think of.

13 Q. But since he's left, he certainly hasn't been a
14 stranger around the Mission?

15 A. No.

16 Q. You have seen him on more than one occasion
17 socializing with Franciscans?

18 A. Yes.

19 Q. While you were a student at St. Anthony's, was
20 there ever an instance where a Franciscan engaged in
21 what you felt was inappropriate conduct with you?

22 A. No.

23 Q. Again, while you were a student, did you ever
24 hear of a Franciscan engaging in inappropriate conduct
25 with a student other than yourself?

1 A. No.

2 Q. What about with any minor, in other words,
3 someone other than a student?

4 A. Never heard it.

5 Q. After you left St. Anthony's but before you
6 were ordained, did a Franciscan ever engage in
7 inappropriate conduct with you?

8 A. No.

9 Q. What about did you ever hear of a Franciscan
10 engaging in inappropriate conduct with a student at San
11 Luis Rey, for instance?

12 A. No.

13 Q. Were you ever aware of something called
14 "faculty confrontation" at St. Anthony's?

15 A. Under that title, no.

16 Q. I think we have already talked about spiritual
17 advisor at St. Anthony's. Were you aware of Father
18 Cimmarrusti serving as a spiritual advisor to students?

19 A. No.

20 Q. While you were on the faculty, did you ever
21 hear of a student's sexual maturity being questioned?

22 A. No.

23 Q. Did you ever hear that sexual maturity was a
24 important criteria for allowing a student to continue on
25 after the seminary?

1 A. Yes, I heard of one case.

2 Q. What case was that?

3 A. It was a case of a friar who was deemed not as
4 mature as he should be.

5 Q. Was that candidate allowed to go on and become
6 a Franciscan?

7 A. Yes.

8 Q. Was that while you were on the faculty?

9 A. You are talking about when I was a faculty at
10 St. Anthony's?

11 Q. Yes.

12 A. No. That didn't happen at St. Anthony's. That
13 happened later on.

14 Q. Where was that?

15 A. I don't know. One of the other places I was.

16 Q. Who was the candidate who's sexual maturity
17 was questioned?

18 MR. FORD: Objection. I think -- I think we
19 are invading some people's privacy rights, and --

20 THE WITNESS: That's right.

21 THE REPORTER: (Addressing the Witness) Hold
22 on.

23 THE WITNESS: That's right.

24 MR. FORD: Don't answer. I'm going to instruct
25 you not to answer that.

1 MR. HALE: Well, if -- certainly if it was one
2 of the perpetrators in these cases, that's notice of it
3 right there. Unless it came up in the context of a
4 penitential communication, I think it's discoverable.

5 MR. FORD: Well, I disagree, because I think it
6 violates an individual's privacy rights, and it also
7 violates not only the order but the spirit of the order,
8 that Judge Sabaw gave with respect to the discovery in
9 this case as opposed to other cases. I'm going to
10 instruct him not to answer that.

11 MR. HALE: I thought the order was that there
12 could not be direct contact with a witness without it
13 being through --

14 Is that the order that you are referring to?

15 MR. FORD: No. I'm referring to the fact that
16 the discovery in the Clergy III cases will be limited to
17 material relevant to Clergy III cases, and I don't see
18 how this is something that fits into that category.

19 MR. HALE: I think this is a good time for us
20 to -- I'll make a record and you can make your yours.

21 The knowledge regarding other perpetrators is
22 directly relevant to this case on a number of different
23 levels. The first being, one, we know we have got a
24 motion for punitive damages that is on file. If that's
25 granted, knowledge by this defendant of propensities of

1 other perpetrators is going to be directly critical to
2 our establishing evidence to support that claim. In
3 fact, I'm sure, given that you are based in Northern
4 California, I'm sure you are aware of what happened in
5 the [REDACTED] trial, and that there were punitive damages
6 in the [REDACTED] claim and in the [REDACTED] case, and that
7 punitive damages case was not proved solely by evidence
8 regarding the perpetrator in that case, Father
9 Ponciroli, which is P-o-n-c-i-r-o-l-i. That trial
10 included evidence regarding perpetrators within the
11 diocese, other than Father Ponciroli, and I think the
12 same -- I know for a fact the same is going to apply in
13 this case if our punitive damage motion is granted. We
14 are going to have the right to bring in evidence
15 regarding knowledge of any other Franciscan perpetrators
16 showing a consistent pattern of conduct that justifies
17 punishment of this defendant for that pattern of
18 conduct.

19 Therefore, knowledge regarding other
20 perpetrators and notice to this defendant of other
21 perpetrators is directly relevant and it's obstructing
22 legitimate discovery if I'm not allowed to explore.

23 Now, if the motion for punitive damages is
24 denied, obviously, then that does not become relevant
25 unless there's a rebuttal case necessary to respond to

1 something that you guys raise at trial such as, "We have
2 changed our ways." But I think the remedy for that is
3 you file a motion in liminae and say, "Your Honor, it's
4 inappropriate because the punitive damage motion was
5 denied for plaintiffs' counsel to raise anything
6 regarding other perpetrators." That solves the problem
7 right there.

8 MR. FORD: I'm going to stand on my objection.
9 I'm going to stand on my instruction, and I'm going to
10 add to my objection the question lacks foundation. It's
11 vague. It's overbroad, and also for the previously
12 described objection. So we have both made our record.

13 MR. HALE: If it makes any difference, I can
14 provide you with portions of the [REDACTED] transcript -
15 when we break for lunch, I can bring it back to you -
16 and show you the sections where evidence was introduced
17 from witnesses regarding perpetrators other than Father
18 Ponciroli in that trial, and it was used to support that
19 punitive damages.

20 MR. FORD: That won't be necessary. I'm
21 familiar with the [REDACTED] trial, and this is a separate
22 case and a separate-fact situation and --

23 MR. HALE: Certainly --

24 I'm sorry.

25 MR. FORD: -- not necessary for you to provide

1 to me.

2 MR. HALE: Certainly the evidence is going to
3 be necessary to prove the punitive damages claim is not
4 any different.

5 MR. FORD: You have made your record. I've
6 made mine.

7 MR. HALE: Fair enough. And just for the
8 record, we are going to have to seek an order to shorten
9 time and pursue a motion to compel. I don't want to do
10 that. I don't want to put this in front of the judge,
11 but I think this is the obstruction of very legitimate
12 discovery. You guys have been raising this objection,
13 at least since Paul started defending these depositions.
14 I think it's inappropriate. Anyway, we have made our
15 record.

16 Anything else you want to --

17 All right.

18 Q. Were you involved in any of the athletic teams
19 at the school?

20 A. When? As a student?

21 Q. As a faculty member. Did you coach?

22 A. No.

23 Q. Did you ever have occasion to see students
24 coming out of the shower, for instance, or anything like
25 that?

1 A. No.

2 Q. Did you ever see a student with a bruising or
3 injury to his buttocks or upper thigh?

4 A. (Witness shakes head.)

5 Q. Is that a "no"? Sorry. We need an audible --

6 A. The question is what again?

7 Q. Did you ever see a student with injury to his
8 upper buttocks or thighs, bruising?

9 A. No.

10 Q. Did you hear any Franciscan or any lay faculty
11 member ever tell you they observed an injury to a
12 student's upper buttock or thigh while you were on the
13 faculty?

14 A. No.

15 Q. Could anyone other than the prefect or the
16 assistant prefect discipline students while you were on
17 the faculty?

18 A. No, I don't think so.

19 Q. Can you take me through what was your typical
20 daily routine when you were on the faculty? What time
21 would the morning start with you usually?

22 A. We started at -- I can recall when I was on the
23 faculty -- they rearranged it from when we were students
24 there, so I don't remember exactly whether we used to
25 get up, then we used to have a study hall in the

1 morning, then we used to go to mass. That is when I was
2 a student there.

3 Q. Okay.

4 A. When I was a teacher there, I don't recall how
5 they did it.

6 Q. Do you recall there being morning prayers?

7 A. Morning prayers, yes.

8 Q. And breakfast?

9 A. Yes. It was mornings prayers, then mass and
10 then breakfast.

11 Q. Then you would commence teaching classes?

12 A. Right.

13 Q. Then I assume there would be a lunch break?

14 A. Yes.

15 Q. And would there be more classes taught in the
16 afternoon?

17 A. Yes.

18 Q. What time would your work day as far as being a
19 teacher goes, teaching classes end?

20 A. About 3:30.

21 Q. From 3:30 until what time would you spend --
22 would you spend grading papers and that kind of thing?

23 A. Sports practice and stuff like that. They were
24 out on the field. I had to kind of supervise, keep an
25 eye on them as a prefect.

1 MR. HALE: Can we just break for one second? I
2 need to take this. Sorry.

3 THE VIDEOGRAPHER: Time is 12:20 p.m. We are
4 off the record.

5 (Discussion off the record.)

6 THE VIDEOGRAPHER: Time is 12:20 p.m. We are
7 back on the record.

8 Q. BY MR. HALE: So you're teaching classes up
9 until about 3:30?

10 A. Hum-hmm.

11 Q. Then are your responsibilities as a teacher
12 finished at that point, or are you still grading papers
13 and doing that kind of thing in your office?

14 A. I usually graded them at night.

15 Q. So from 3:30 until -- is the next thing that
16 happens dinner?

17 A. No. Five o'clock was study hall.

18 Q. What would you do from 3:30 until 5:00,
19 normally?

20 A. Sports, usually. They played sports. I
21 usually did my artwork.

22 Q. Five o'clock study hall starts?

23 A. Yes.

24 Q. How long does that last for?

25 A. An hour.

1 Q. Sometimes you would supervise study hall?

2 A. Yes.

3 Q. If you didn't supervise study hall, what would
4 you do with your time usually?

5 A. Artwork.

6 Q. And then at six o'clock is dinner?

7 A. Yes, yes.

8 Q. You and Father Cimmarrusti or Father McKeon
9 would join the students for dinner?

10 A. Yes.

11 Q. And you would sit on the elevated table?

12 A. Yes.

13 Q. And dinner would last for another hour?

14 A. Usually 45 minutes.

15 Q. What happens after dinner?

16 A. After dinner there's a break, and then another
17 study hall.

18 Q. Sometimes you would supervise that as well?

19 A. Yes.

20 Q. How long does study hall last for?

21 A. Until 9:00. Prayers about 8:30.

22 Q. We talked about that one night a week where
23 there would be a rec room card-playing game?

24 A. Yes.

25 Q. What time would that usually be?

1 A. That would be after they -- after I supervised
2 their retirement in the dorm.

3 Q. So it would be much later in the evening?

4 A. Yes.

5 Q. What time would they be sent to bed in the dorm
6 rooms?

7 A. After night prayers, about 9:15 or so.

8 Q. What times would lights be expected to be out?

9 A. About 9:30 or so.

10 Q. Do you ever -- did you know Father -- do you
11 know Father [REDACTED], [REDACTED], [REDACTED]?

12 A. I know the last name. I don't know whether he
13 still has the first name or not. I know [REDACTED].

14 Q. Was he on the faculty while you were on the
15 faculty at St. Anthony's?

16 A. I don't think so.

17 Q. You think he came after you, maybe?

18 A. I think so.

19 Q. Were you ever aware of -- did you ever hear of
20 Father Cimmarrusti giving an exam to students while
21 insisting the students take the exam in their underwear?

22 A. No.

23 Q. Never heard of anything like that?

24 A. I never heard while I was there. Years later I
25 did hear about it, yes.

1 Q. Who did you hear about it from?

2 A. I don't know. It was just casual remarks
3 someone did.

4 Q. Did you hear it from another Franciscan,
5 though?

6 A. I think it was a Franciscan. Yes, it must have
7 been a Franciscan.

8 Q. Do you think -- when you say "years later," are
9 we talking in the '70s, in the 1980s?

10 A. I was away for all those years. I would never
11 set foot on the seminary grounds for 20 years, 21 years.
12 I think it was after I came back I heard that somebody
13 was talking about how he gave tests requiring the
14 students to be in their underwear.

15 Q. So you think sometime after 1991 is when you
16 first heard about that?

17 A. I think so. It was quite a bit later.

18 Q. If you heard about that while you were on the
19 faculty, would you have reported that happening to
20 anyone?

21 MR. FORD: Objection. Calls for speculation.
22 Lacks foundation. Vague. Incomplete hypothetical.

23 Q. BY MR. HALE: You can answer that.

24 MR. FORD: Well, maybe he can.

25 THE WITNESS: If I had heard what? If I heard

1 that he had did that, I would have been surprised, yes.

2 Q. BY MR. HALE: Would you have reported it to
3 anyone?

4 MR. FORD: Same objections.

5 MR. HALE: Sure.

6 THE WITNESS: If he had done it, I would have
7 at least discussed it with somebody, because I thought
8 it was untoward that he was doing it.

9 Q. BY MR. HALE: For instance, would you have
10 discussed it with the rector or with --

11 A. Probably with the rector. Somebody who could
12 do something about it.

13 Q. In your -- I'm sorry. I know you said. How
14 many years have you been serving on high school
15 faculties?

16 A. Twenty-eight.

17 Q. In your 28 years, have you ever encountered a
18 situation where a faculty member had a class of students
19 take an exam in their underwear?

20 A. No. I was shocked to hear that he did this.

21 Q. Did you and Father Cimmarrusti get along while
22 you were on the faculty?

23 A. Well, he did his job, and I did mine.

24 Q. Did you ever have any disagreements over how
25 the job of prefect should be done?

1 A. No.

2 Q. Did you ever have any conflicts with Father
3 Cimmarrusti?

4 A. Conflicts?

5 Q. Yes.

6 A. Not that I can recall.

7 Q. Were you aware of anyone else on the faculty
8 while you were on the faculty having conflicts with
9 Father Cimmarrusti?

10 A. No.

11 Q. Can you recall any instance while you were on
12 the faculty where you observed students walking through
13 seminary halls in their underwear?

14 A. No.

15 Q. Can you think of any circumstance while you
16 were on the faculty where that would have been
17 appropriate?

18 MR. FORD: Objection. Lacks foundation. Vague
19 and ambiguous.

20 THE WITNESS: Can I think of any circumstance
21 where -- no.

22 Q. BY MR. HALE: Did you ever walk in on Father
23 Cimmarrusti with a student in his room?

24 A. No.

25 Q. Did you ever hear of anyone walking in on

1 Father Cimmarrusti with a student in his room?

2 A. No.

3 Q. Did any Franciscan ever tell you that they
4 observed a student on another Franciscan's bed in their
5 living quarters?

6 A. No.

7 Q. Can you think of any circumstances where it
8 would have been appropriate for a student to be on a
9 Franciscan's bed?

10 MR. FORD: Objection. Lacks foundation.
11 Vague, ambiguous. Calls for speculation.

12 Q. BY MR. HALE: You can answer that.

13 A. Not unless he was sick or something.

14 Q. When you heard about Father Cimmarrusti giving
15 that exam to students in their underwear, do you think
16 you heard about that after the Board of Inquiry report
17 was issued or before it was issued?

18 I'll represent to you the Board of Inquiry
19 report came out, to my recollection, in 1993.

20 A. 1993, the Board of Inquiry? I wasn't even
21 aware of this.

22 Q. My question is do you think -- remember, you
23 said you heard about the underwear exam incident
24 sometime after 1991. Do you think you heard about it
25 before the Board of Inquiry report came out or after the

1 Board of Inquiry report came out?

2 A. I don't remember.

3 Q. I've asked you about students being on a
4 Franciscan's bed. Was it common for a student to be in
5 a Franciscan's living quarters while you were on the
6 faculty at the seminary?

7 A. No. I might add all of the living quarters
8 were all inside the enclosure, and they were not allowed
9 in the enclosure.

10 Q. That enclosure being -- is that also the called
11 cloister?

12 A. Cloister, yes.

13 Q. But the exception to that rule were you and
14 Father Cimmarrusti being outside?

15 A. Yes, outside. And the rector had his office
16 downstairs.

17 Q. Do you remember a student named [REDACTED],
18 [REDACTED]?

19 A. Yes.

20 Q. What do you remember about [REDACTED]?

21 A. If it's the [REDACTED] I'm thinking of, he was a
22 good pitcher.

23 Q. Did Father Harris ever tell you that [REDACTED]
24 [REDACTED] had come to him and told him, Father Harris,
25 that Father Cimmarrusti was sexually abusing him?

1 A. No.

2 Q. Have you heard that [REDACTED] was abused by
3 Father Cimmarrusti?

4 A. No.

5 Q. Do you remember [REDACTED] quitting school?

6 A. A lot of guys quit. I don't remember him
7 particularly.

8 Q. It wasn't an uncommon occurrence for a student
9 to quit St. Anthony's?

10 A. No.

11 Q. Did you know a student named [REDACTED],
12 [REDACTED]?

13 A. Name is not familiar.

14 Q. Did you ever hear Father Harris discuss a
15 student coming to him and reporting sexual abuse by
16 Father Cimmarrusti?

17 A. No.

18 Q. Were you ever aware for any other reason of a
19 student coming reporting to Father Harris sexual abuse
20 by Father Cimmarrusti?

21 A. I heard about it years later.

22 Q. How many years later?

23 A. About 20, when I came back from Tularosa.

24 Q. Sometime after '91 is when you heard about it?

25 A. Yes.

1 Q. Were you ever friends with Father [REDACTED]?

2 A. When we were on good terms, yeah.

3 Q. Did he ever tell you he walked in or observed a
4 student on Father Cimmarrusti's bed?

5 A. No.

6 Q. Did you ever -- during your time on the
7 faculty, did you ever hear loud voices coming from
8 Father Cimmarrusti's bedroom or office?

9 A. No.

10 Q. Did you ever hear screams from Father
11 Cimmarrusti's office?

12 A. Never.

13 Q. Did you ever hear a slapping sound coming from
14 Father Cimmarrusti's office?

15 A. No.

16 Q. Did anyone ever tell you that they heard
17 screams coming from Father Cimmarrusti's office?

18 A. No.

19 Q. Have you ever heard of anyone hearing about
20 hearing screams coming from Father Cimmarrusti's office?

21 A. No.

22 Q. How often did you -- did you attend all faculty
23 meetings?

24 A. Yes.

25 Q. How often were there faculty meetings?

1 A. Once a month usually.

2 Q. You said those would be in the rec room you
3 think?

4 A. Right, right.

5 Q. Would it be priests only or would brothers
6 attend those also?

7 A. No. Brothers never attended.

8 Q. Do you recall faculty ever missing those
9 meetings, in other words, individual faculty members not
10 attending?

11 A. If they were in town, they were usually there.

12 Q. And Father Harris always led those meetings?

13 A. Yes. When he was rector, yeah.

14 Q. You said they were once a month about?

15 A. Yes.

16 Q. What was usually discussed at those meetings?

17 A. The grades of the students, the beatitudes. We
18 had the beatitudes. You know about those?

19 Q. Okay.

20 Anything else?

21 A. Well, it was talking about particular
22 friendships, which means unseemingly relationships
23 between students.

24 Q. Was that something Father Harris would lecture
25 you on telling you --

1 A. He would make a point of it and bring it up.

2 Q. Would he bring it up in response to a specific
3 incident, or was it a continuing reminder that it was
4 inappropriate?

5 A. I don't remember.

6 Q. But you recall that being discussed during
7 faculty meetings?

8 A. Yes, quite a bit.

9 Q. Do you recall any particular faculty members
10 having comments regarding the inappropriateness of
11 particular friendships being addressed to them?

12 A. No.

13 Q. Do you recall that being a problem with any
14 specific faculty members more than others?

15 A. No, I don't recall.

16 Q. Were there ever discussions about student
17 health concerns at these faculty meetings?

18 A. Yes, it came up once in awhile about who was
19 seeing the doctor and so forth.

20 Q. When you say "the doctor," are you referring to
21 Dr. [REDACTED]?

22 A. Yes.

23 Q. Who would raise those concerns?

24 A. I don't know; various faculty members.

25 Q. Did you hear Father Cimmarrusti raise them?

1 A. I don't recall.

2 Q. Father Harris, I'll represent to you, has
3 testified that Father Cimmarrusti raised concerns at one
4 meeting regarding the physical development of students.
5 Do you remember that being discussed?

6 A. No.

7 Q. Do you remember Father Cimmarrusti expressing
8 concerns about students have undistended testicles?

9 A. No.

10 Q. Do you remember Father Cimmarrusti expressing
11 concerns about students' voices not changing?

12 A. No.

13 Q. Do you remember Father Cimmarrusti discussing
14 at a faculty meeting concerns that, for instance, their
15 pubic hair wasn't beginning to grow?

16 A. No.

17 Q. Do you remember any discussion -- do you
18 remember the faculty approving of a program suggested by
19 Father Cimmarrusti to assess each freshman student's
20 physical maturity?

21 A. No.

22 Q. Do you remember anything that would involve
23 Father Cimmarrusti -- any discussion at a faculty
24 meeting involving Father Cimmarrusti assessing a
25 student's physical development?

1 A. No.

2 Q. Do you remember discussions about having
3 Dr. [REDACTED] come in and assess students' physical
4 development?

5 A. No.

6 Q. In your experience as a high school faculty
7 member, have you ever been assigned somewhere where
8 there was a program wherein a faculty member performed
9 an assessment of freshman students' or any students'
10 physical maturity or development?

11 MR. FORD: Objection. Vague and ambiguous.

12 THE WITNESS: As a high school student?

13 Q. BY MR. HALE: No, no, no.

14 In your time as a high school teacher, have you
15 ever been anywhere where at the school there was a
16 program in place where individual faculty members or
17 member assessed students' physical maturity or
18 development?

19 MR. FORD: Same objection.

20 THE WITNESS: No.

21 You're talking about a program for that?

22 Q. BY MR. HALE: In other words --

23 A. Somebody assigned that job?

24 Q. Yes.

25 A. No, I haven't.

1 Q. And you weren't aware of anything like that
2 ever at St. Anthony's?

3 A. No.

4 Q. Have you ever heard of anything like that at
5 St. Anthony's?

6 A. No.

7 Q. Is it possible something like that was going on
8 at St. Anthony's and you have simply forgotten about it,
9 or is that something you think you would have remembered
10 if it existed?

11 A. I would have remembered it if it was in place.
12 I certainly never partook of anything like that.

13 Q. I'm not talking about you being involved in the
14 program.

15 MR. FORD: Belated objection. It calls for
16 speculation.

17 THE WITNESS: Okay.

18 Q. BY MR. HALE: I'm simply talking about there
19 being a discussion at a faculty meeting --

20 A. Right. No, there wasn't.

21 Q. -- such a program by Father Cimmarrusti?

22 Were you aware -- do you recall -- did you
23 attend student plays and productions, theater
24 productions of that sort?

25 A. Yes, required to.

1 Q. Were you involved in those?

2 A. Well, with painting the sets for the stage.

3 Q. Any other involvement?

4 A. No, just be on hand for the performance.

5 Q. Do you remember a student named [REDACTED]?

6 A. [REDACTED], I recognize. [REDACTED], I don't know
7 whether -- could you fill in the details, who he was.
8 What year was he there?

9 Q. It was around '66.

10 A. '66?

11 Q. Yes.

12 Do you remember a student named [REDACTED] who
13 wanted to go on and become a priest?

14 A. No.

15 Q. Do you recall the students at St. Anthony's
16 while you were there ever putting on a theater
17 production that parodied faculty behavior, kind of made
18 fun of the faculty?

19 A. No.

20 Q. Do you recall any students ever being expelled
21 from St. Anthony's for the contents of a play that they
22 put on?

23 A. No.

24 Q. Do you recall students being expelled from
25 St. Anthony's in general?

1 A. Yes.

2 Q. Was that a common or uncommon occurrence?

3 A. It was -- I don't know whether to say it was
4 common or uncommon, but when their grades were low or
5 they failed a lot of the aptitudes, attitudes, yes, that
6 was sufficient reason for expulsion.

7 Q. Any other reasons for expulsion that you
8 recall?

9 A. Well, insubordination. I don't know. Unable
10 to get along with their fellow students.

11 Q. Anything else?

12 A. Not that I can think of.

13 Q. Do you ever recall any instance where students
14 parodied Father Cimmarrusti's spanking students?

15 A. No.

16 Q. Do you recall any instances where Father --
17 where students parodied Father Cimmarrusti spanking
18 anyone?

19 A. No.

20 Q. Did you ever spend a summer at St. Anthony's?
21 Sounds like you were gone every summer.

22 A. Every summer.

23 Q. Was it your understanding -- did you have any
24 understanding as to whether there would ever be students
25 on campus in the summertime?

1 A. I never paid any attention to it.

2 Q. You just don't know?

3 A. Yes, I was busy about my business.

4 Q. While you were on the faculty, did you ever
5 hear of any reports of harassment by one student against
6 another?

7 MR. FORD: Vague and ambiguous.

8 THE WITNESS: I can't think of any.

9 Q. BY MR. HALE: Did you ever hear of any reports
10 of sexual harassment or inappropriate sexual behavior by
11 one student against another?

12 A. No.

13 Q. Prior to your returning to Santa Barbara around
14 1991, had you ever heard of any reports of inappropriate
15 behavior by a Franciscan towards a St. Anthony's
16 student?

17 A. No.

18 Q. When was the first time you heard allegations
19 of childhood sexual abuse by a Franciscan?

20 MR. FORD: Objection. Overly broad. Vague and
21 ambiguous.

22 THE WITNESS: When did I hear about -- I
23 heard -- well, maybe when I was teaching at St. Mary's
24 in Phoenix, I might have heard something about this guy
25 Burke, who subsequently committed suicide. I might have

1 heard about it then.

2 Q. BY MR. HALE: Burke or Philip Wolfe?

3 A. Wolfe is the name.

4 Q. Who did you hear that from?

5 A. I don't know. It was passing conversation.

6 Q. What did you hear about regarding the abuse by
7 Wolfe?

8 A. Well, that he had been engaged in it with
9 certain relatives of a superior.

10 MR. FORD: Hold on a second. I find that very
11 hard to understand how this has to do with the Clergy
12 III, and instruct you not to answer any more about that.

13 MR. HALE: Okay. Again, I don't want to repeat
14 our --

15 MR. FORD: We don't need to.

16 MR. HALE: The one thing I do want to add is I
17 fail to see how a punitive damages case in a clergy
18 abuse case is going to be any different as far as
19 proving it goes from [REDACTED] to this case. The
20 elements are the same. The supporting evidence
21 isn't going to be -- granted, the names -- the players
22 are going to change, but the conduct we are going to be
23 talking about, the pattern of conduct that is attempted
24 to be changed through the punitive changes claim it is
25 the same.

1 MR. FORD: I strongly disagree. And you have
2 made your record, and I've made mine, but I can only say
3 that I strongly disagree with that.

4 MR. HALE: Fair enough.

5 Just so it's clear that our prior discussion on
6 that issue, it stands here as well.

7 MR. FORD: It does.

8 Q. BY MR. HALE: Do you remember a student named
9 [REDACTED].

10 A. [REDACTED]?

11 Q. [REDACTED].

12 A. No, not that I recall.

13 Q. Never heard his name before?

14 A. Not that I recall.

15 Q. Okay.

16 How about [REDACTED], [REDACTED]?

17 A. There are a lot of students that went through.

18 Q. I know.

19 A. Thirteen years.

20 MR. FORD: If you don't know --

21 Q. BY MR. HALE: If you don't know, you don't
22 know.

23 A. I don't.

24 Q. I'm just asking. Answer the best as you can.

25 How about [REDACTED]?

1 A. They were brothers, [REDACTED]?

2 Q. [REDACTED].

3 A. I know there were some brothers there. I guess
4 their name was [REDACTED].

5 Q. Have you heard any Franciscan accusing a
6 seminarian, either current or former, of having
7 emotional problems? Actually, strike that. It couldn't
8 be a current seminarian, obviously.

9 Have you ever heard any Franciscan accusing a
10 former seminarian of having emotional problems?

11 MR. FORD: Objection. Vague and ambiguous.

12 THE WITNESS: I should answer that?

13 MR. HALE: Yes.

14 MR. FORD: If you can.

15 MR. HALE: Your counsel, he'll tell you. When
16 he doesn't want you to answer it, he'll say so.

17 THE WITNESS: What was the question again?

18 Q. BY MR. HALE: Have you ever heard any
19 Franciscan refer to any seminarian as having emotional
20 problems?

21 A. No, I can't recall.

22 Q. You never heard a Franciscan question a
23 student's mental stability or sanity?

24 A. Well, it's kind of playing. "The guy is crazy"
25 or, "He's off his rocker," but nothing serious.

1 Q. In other words, did you ever hear a Franciscan
2 attempt to discredit a seminarian by saying, "Oh, he's
3 nuts," or "He has mental problems"?

4 A. No.

5 Q. How about a student named [REDACTED],
6 [REDACTED]?

7 A. I get him mixed up with [REDACTED].
8 [REDACTED], the name is familiar, but I can't
9 place his face.

10 Q. How about a student named [REDACTED], [REDACTED]?

11 A. The name is familiar. I have a hard time
12 placing his face.

13 Q. Let me see if I can refresh your recollection.
14 The seminarian would start each day with
15 morning prayers; right?

16 A. Yes.

17 Q. Then it often involved a seminarian reading
18 some sort of meditation?

19 A. I don't recall that.

20 Q. Do you ever recall a seminarian standing up
21 during morning prayers and launching into a tirade
22 against the Franciscans instead of reading a meditation?

23 A. No.

24 Q. Never heard about anything like that?

25 A. Never heard about it.

1 Q. Never heard a seminarian being kicked out of
2 St. Anthony's for launching into a tirade during morning
3 prayers?

4 A. No.

5 Q. Was it common or uncommon while you were on the
6 faculty for Franciscans from the Mission to come over
7 and spend time at the seminary?

8 A. I think -- when I was teaching there, I think
9 there was a period there where a couple of guys came
10 over to teach Spanish or something.

11 Q. What about coming over, for instance, maybe to
12 have dinner with the seminarian Franciscans or
13 socialize?

14 A. No. Not much.

15 Q. Do you recall there ever being Franciscans from
16 the Mission that -- at the rec-room activities?

17 A. No. They were more or less separate, those two
18 places.

19 Q. Separate communities?

20 A. Yes.

21 Q. So it would have been uncommon to see a
22 Franciscan from the Mission?

23 A. Yes, you would have noticed it.

24 Q. Was it common for seminarians to spend time at
25 the Mission?

1 A. No, never.

2 Q. That would have been uncommon as well?

3 A. Very uncommon.

4 Q. Tell me about the redemptorist. I understand
5 there was a redemptorist on the faculty --

6 A. Yes.

7 Q. -- towards the end of your time at St.
8 Anthony's?

9 A. [REDACTED].

10 MR. FORD: Wait until he asks the question.

11 THE WITNESS: Okay. Sorry.

12 Q. BY MR. HALE: You knew the next question. Yes,
13 it was Father [REDACTED].

14 A. Yes.

15 Q. Did you know Father [REDACTED]?

16 A. Yes.

17 Q. I believe that's [REDACTED].

18 A. Yes.

19 Q. When did he get to the seminary?

20 A. I don't remember.

21 Q. It was a few years before you left?

22 A. Yes, it was, just a few years.

23 Q. Do you know what the relationship was between
24 the redemptorist and the Franciscans that resulted in
25 Father [REDACTED] joining the faculty?

1 A. No. I have no idea.

2 Q. Did you ever talk to him about why a
3 redeemptorist was on the faculty at a Franciscan
4 seminary?

5 A. No.

6 Q. Were you friends with Father [REDACTED]?

7 A. No.

8 Q. Did he ever tell you that a student had come to
9 him and reported childhood sexual abuse by Father
10 Cimmarrusti?

11 A. No.

12 Q. Have you ever heard that he told anyone that a
13 student had come to him and reported childhood sexual
14 abuse by Father Cimmarrusti?

15 A. No.

16 Q. Have you ever heard of any student reporting
17 childhood sexual abuse by a Franciscan to a Franciscan
18 at the seminary?

19 A. No.

20 MR. HALE: Why don't we break here. I'm moving
21 along pretty good. We can take as long as you want or
22 as short as you want. Thirty minutes? Sixty minutes?
23 Hour an a half?

24 THE WITNESS: I just as soon continue if you
25 are game.

1 MR. FORD: I don't have any reason to take a
2 break, other maybe than use the restroom in a few
3 minutes.

4 THE VIDEOGRAPHER: You want to go off the
5 record right now?

6 MR. FORD: Yes, let's go off the record.

7 THE VIDEOGRAPHER: Time is 12:51 p.m. We are
8 off the record.

9 (Recess.)

10 THE VIDEOGRAPHER: Time is 1:03 p.m. We are
11 back on the record.

12 MR. HALE: Back on the record.

13 Q. While you were on the faculty, was it ever
14 acceptable for Franciscans to bring minors other than
15 students -- strike that.

16 Was it ever acceptable for Franciscans to bring
17 minors onto the campus for overnight visits?

18 A. Not that I know of.

19 Q. Were you ever aware of that happening?

20 A. No.

21 Q. Were you ever aware of any kind of recruiting
22 trips or anything like that where a prospective student
23 was brought in and spent the night?

24 A. Well, there were times, as I recall, that they
25 brought in a bunch of guys to see whether they wanted to

1 become seminarians.

2 Q. Would those include overnight stays?

3 A. I would guess so. I don't know.

4 Q. You don't know?

5 A. No.

6 Q. Did you ever see a circumstance where there was
7 an overnight stay where it was just one minor?

8 A. No.

9 Q. It was always a group, if there was one?

10 A. Yes.

11 Q. Now, I know [REDACTED] was one of the
12 guardians while you were at -- strike that.

13 Was [REDACTED] one of guardians while you were
14 at the seminary?

15 A. Only as a substitute, as I recall. I don't
16 think he was ever the rector.

17 Q. Were you ever aware of --

18 A. The guardian, you say?

19 Q. Yes.

20 A. -- of the friars?

21 Q. Of the community there, yes.

22 A. I don't remember. I don't think he was. Maybe
23 he was.

24 Q. While you were at the seminary, were you ever
25 aware of the guardian, whoever that may have been,

1 disciplining any of the Franciscans on the faculty?

2 A. No.

3 Q. Before you left was there a change in process
4 of eliminating the prefects and going to class
5 moderators, or did that come afterwards?

6 A. That came afterwards.

7 Q. Did you become aware of that happening somehow?

8 A. No, I didn't.

9 Q. But you have heard about it happening since?

10 A. Just now.

11 Q. Don't take my word for it.

12 Do you recall there ever being any discussion
13 within the province about eliminating prefects of
14 discipline?

15 A. No.

16 Q. Do you know [REDACTED]?

17 A. Yes.

18 Q. When was the last time that you spoke to
19 [REDACTED]?

20 A. Years ago.

21 Q. Ten years ago? Twenty years ago?

22 A. Well, probably just before he left.

23 Q. Did you ever read his book?

24 A. No.

25 Q. Have you heard about his book?

1 A. I know he's married.

2 MR. FORD: The question is, have you heard
3 about his book?

4 THE WITNESS: What's his book's title?

5 MR. FORD: Sounds like you haven't heard about
6 the book.

7 THE WITNESS: Yeah, yeah.

8 MR. FORD: Just listen to the question and
9 answer.

10 Q. BY MR. HALE: Have you had any discussions with
11 any Franciscans about Father -- about [REDACTED]
12 writing a book about his life as a Franciscan?

13 A. (Witness shakes head.)

14 Q. No?

15 A. Yes -- no.

16 MR. FORD: You have answered the question.

17 Q. BY MR. HALE: I'll represent that he did, and
18 it sounds like you don't know anything about it, and we
19 can move on.

20 A. That's right.

21 Q. Did you ever spend any time at the School of
22 Theology when it was moved to Berkley in the '70s?

23 A. No.

24 Q. Bear with me one second.

25 During your time on the faculty, were you ever

1 involved in evaluating a student's candidacy for the
2 priesthood?

3 A. Well, regularly on the faculty, yeah, we used
4 to discuss whether we thought they would make it or not.

5 Q. As the prefect -- or as the vice prefect --
6 Was that the title, vice prefect?

7 A. Well, that was part of it. I was on the
8 faculty before that.

9 Q. Did you have to prepare any reports regarding
10 the students as the vice prefect, or was that a duty of
11 that was Mario's responsibility?

12 A. Yes, it was the prefect's.

13 Q. Did you ever assist Father Cimmarrusti in
14 preparing reports in that regard?

15 A. No.

16 Q. Did you ever send a report to the provincial
17 recommending a candidate not be allowed to continue down
18 the path of priesthood?

19 A. No.

20 Q. Were you ever aware of any Franciscan
21 submitting such a report regarding a candidate?

22 A. No.

23 Q. Did you ever have any discussions during a
24 faculty meeting regarding recommending a candidate not
25 be allowed to continue down the path of the priesthood?

1 A. Well, we used to discuss it at the faculty
2 meetings.

3 Q. But a specific --

4 A. Specific person, no.

5 Q. What I mean was recommending against a
6 candidate being allowed to continue.

7 A. Well, it was customary for the rector to make
8 that kind of a decision.

9 Q. Would the rector be the only one that made that
10 decision?

11 A. Well, we usually left it up to him.

12 Q. You gave him your opinion, but ultimately he
13 made the final call?

14 A. Right, right.

15 Q. From your perspective, while you were on the
16 faculty, was it a democracy or was it clearly the rector
17 who was running the show at St. Anthony's?

18 A. Well, in the order, we take the vow of
19 obedience, and that usually spills over not just to our
20 religious superior but to whatever job we have. We do
21 what he asks us to do. It was hardly a democracy, I
22 would say, but it was a benevolent dictatorship, you
23 might say.

24 Q. Fair enough.

25 Were you ever aware of a Franciscan buying a

1 student a gift?

2 A. No.

3 Q. Would it have been appropriate for a Franciscan
4 to buy a seminarian a gift?

5 MR. FORD: Objection. Vague and ambiguous.

6 THE WITNESS: I don't think so. Would it be
7 objectionable?

8 I want to clarify the question.

9 Q. BY MR. HALE: Can you think of any circumstance
10 where it would be okay for a faculty member -- for a
11 Franciscan to buy a student a gift?

12 A. No.

13 MR. FORD: Same objections.

14 THE WITNESS: It wasn't done.

15 Q. BY MR. HALE: Do you remember a brother named
16 Justin Honda, H-o-n-d-a?

17 A. Justin Honda? I remember a father named Justin
18 Moncrief.

19 Q. No, that's not who I'm talking about.

20 How about a brother named Simon Walsh?

21 A. Simon Walsh? No, I don't remember.

22 Q. A Brother Clete, C-l-e-t-e, Degnan,
23 D-e-g-n-a-n?

24 A. Could it be "Degnan"?

25 Q. I may be pronouncing it incorrectly. It could

1 be Degnan.

2 A. I still don't remember him.

3 Q. What about Arturo, A-r-t-u-r-o, Noyes?

4 A. Yes, the name is familiar.

5 Q. Do you remember him being on the staff while
6 you were at the seminary?

7 A. No.

8 Q. Do you remember a Brother Ivo, I-v-o?

9 A. Very well.

10 Q. Is he still a Franciscan?

11 A. He's dead.

12 Q. Was there anything in writing about that
13 particular friendship?

14 A. No, not by anybody on the faculty. There was a
15 lot of writing in books about training seminarians.

16 Q. There wasn't like, for instance, some kind of a
17 memorandum circulating --

18 A. No, no.

19 THE REPORTER: Hold on.

20 (Record read.)

21 Q. BY MR. HALE: -- about particular friendships
22 on the faculty level or in the --

23 Go ahead.

24 A. Not a written memorandum, no.

25 Q. It was just something that was discussed --

1 A. It was oral.

2 Q. -- at faculty meetings?

3 MR. FORD: Try to wait until he finishes before
4 you answer for her benefit.

5 Q. BY MR. HALE: Have you ever heard of a
6 Franciscan ordering a student to strip naked and
7 examining their genitals to determine if they needed to
8 be circumcised?

9 A. No.

10 Q. Did you ever observe a Franciscan giving a
11 student a massage while you were on the faculty?

12 A. No.

13 Q. Can you think of any circumstance that would
14 have been appropriate?

15 MR. FORD: Objection. Vague and ambiguous.
16 Overly broad. Calls for speculation. Incomplete
17 hypothetical.

18 Q. BY MR. HALE: You can answer that.

19 A. The question again?

20 Q. Can you think of any circumstance where it
21 would have been appropriate while you were on the
22 faculty for a Franciscan to give a student a massage?

23 MR. FORD: Same objection.

24 THE WITNESS: No.

25 Q. BY MR. HALE: Can you think of any circumstance

1 while you were on the faculty where it would be
2 appropriate for a Franciscan to have his hands on a
3 student's thighs?

4 MR. FORD: Same objections.

5 THE WITNESS: No.

6 Q. BY MR. HALE: Did Father Cimmarrusti ever
7 discuss with you taking a student's temperature?

8 A. I don't remember.

9 Q. Were you ever aware of any Franciscan taking
10 any student's temperature?

11 A. Well, I assume they may have --

12 MR. FORD: He's not asking you to assume. He
13 is asking were you aware.

14 THE WITNESS: I was not aware, no.

15 Q. BY MR. HALE: Can you think of any circumstance
16 where it would have been appropriate for a Franciscan to
17 take a student's temperature rectally?

18 MR. FORD: Calls for speculation. Vague and
19 ambiguous.

20 Q. BY MR. HALE: You can answer.

21 A. Take their temperature rectally?

22 Q. Right.

23 A. I guess if they were concerned about his
24 health.

25 Q. So that would be --

1 A. That's about the only reason that I would
2 assume that they would do it.

3 Q. You understand what I mean by rectally;
4 correct?

5 A. Yes, sure.

6 Q. I don't want to argue with you. But wouldn't
7 you expect in such circumstance the temperature being
8 taken orally instead of rectally?

9 MR. FORD: Asked and answered.

10 You don't have to answer that. You already
11 answered it.

12 MR. HALE: Are you instructing him --

13 MR. FORD: I'm instructing him not to answer
14 that. You should have grown up in the '60s.

15 MR. HALE: On what -- well, okay. I did grow
16 up in '60s, but I'm not sure if that's a ground to
17 instruct him not to answer.

18 What is the grounds for the instruction.

19 MR. FORD: It's been asked and answered.

20 MR. HALE: That question definitely was not
21 asked and answered.

22 MR. FORD: Okay. Then ask it again, and I'll
23 listen to it and see --

24 Q. BY MR. HALE: Would you have expected a
25 Franciscan who was taking a student's temperature to do

1 that orally as opposed to rectally?

2 MR. FORD: Same objections on every ground.
3 Calls for speculation. Vague and ambiguous. Lacks
4 foundation. Calls for an expert opinion.

5 MR. HALE: Are you going --

6 MR. FORD: I think I'm finished with all the
7 objections I can think of for that.

8 Q. BY MR. HALE: You can answer that.

9 A. I'm not interested in medicine, so I couldn't
10 even speculate about that, how it's to be done. I don't
11 know what the advantage is of one over the other.

12 MR. FORD: You have answered.

13 Q. BY MR. HALE: Did you ever observe faculty
14 members hugging students while you were on the faculty?

15 A. No.

16 Q. Would that have been appropriate for a --

17 (Mr. Ford sneezes.)

18 (Addressing Mr. Ford) Bless you.

19 Would it have been appropriate for a faculty
20 member to hug a student during that time while you were
21 on the faculty?

22 MR. FORD: Objection. Vague and ambiguous.
23 Lacks proper foundation.

24 THE WITNESS: I don't know. I never noticed
25 it.

1 Q. BY MR. HALE: If you had seen that, would it
2 have been any cause for concern by you?

3 MR. FORD: Same objection.

4 THE WITNESS: I don't know. It depends on the
5 circumstances.

6 Q. BY MR. HALE: While you were on the faculty,
7 did you observe a minor sitting on a Franciscan's lap?

8 A. No.

9 Q. Can you think of any circumstances where that
10 would have been appropriate in your experience?

11 MR. FORD: Same objections.

12 THE WITNESS: I don't think so.

13 Q. BY MR. HALE: Were you ever aware of a
14 Franciscan examining a student's genitals to determine
15 if they should be in the choir or not? Strike that.

16 Was there a choir --

17 A. There was a choir, yeah.

18 Q. Were you ever aware of any Franciscan examining
19 any students' genitals to determine if they should be in
20 the choir or not?

21 A. No.

22 Q. Did you ever hear anything about -- like that
23 happening, involving any Franciscan regarding a student
24 wanting to be in the choir?

25 A. No.

1 Q. Did you ever see a faculty member -- sorry.

2 Did you ever see a Franciscan give a student a
3 back rub --

4 A. No.

5 Q. -- while you were on the faculty?

6 Did you ever see a Franciscan wrestle with a
7 student while you were on the faculty?

8 A. You mean just horseplay?

9 Q. Right.

10 A. I didn't even see that.

11 Q. Was there a wrestling team at the seminary?

12 A. No.

13 Q. Can you think of any circumstances where it
14 would have been appropriate for a Franciscan to wrestle
15 with a student?

16 MR. FORD: Objection. Calls for speculation.
17 Vague and ambiguous.

18 THE WITNESS: I just don't recall it being
19 done. Never came up.

20 Q. BY MR. HALE: If you had seen that, would you
21 have just went, "Whatever. No big deal," or would it
22 have been something where you went, "Hey, that's
23 inappropriate. I need to talk to that person about what
24 is happening"?

25 MR. FORD: Same objections.

1 THE WITNESS: Depends whether it was horseplay
2 or whether it was really serious wrestling. Just
3 fooling around. I don't know.

4 Q. BY MR. HALE: What if you judged it to be just
5 fooling around? Would that have been something you
6 would have reported to the rector?

7 A. No, I wouldn't have reported that to the
8 rector. That was just horseplay.

9 Q. Did you ever see that going on, though?

10 A. No.

11 Q. Can you think of any circumstances where it
12 would have been appropriate for a Franciscan from the
13 Mission to pull a student out of a class at the
14 seminary?

15 A. No.

16 Q. During your training and education as a
17 Franciscan, were you taught the importance of not
18 bringing scandal to the church?

19 A. Quite definitely.

20 Q. Was there any aspect of your Franciscan
21 training or education that discouraged you from
22 reporting an act of childhood sexual abuse by another
23 Franciscan?

24 A. Never came up.

25 Q. But was there any aspect of your training that

1 would have discouraged you, for instance, from reporting
2 an act of abuse by a Franciscan to law enforcement?

3 A. What is the question again?

4 Q. Was there any aspect of your education or
5 training as a Franciscan that discouraged you from
6 reporting an act of childhood sexual abuse by another
7 Franciscan?

8 A. No, there wasn't.

9 Q. When did you first meet Father Cimmarrusti?

10 A. I guess when he first came on the faculty --
11 well, I met him probably in theology.

12 Q. Was he a classmate of yours?

13 A. No, he was two behind, two or three years
14 behind me.

15 Q. So you attended the School of Theology at the
16 same time?

17 A. We were there four years. So he must have been
18 a freshman when I was a senior.

19 Q. Did you ever observe any behavior by him during
20 that time that you thought was inappropriate?

21 A. No.

22 Q. Did you ever hear of any behavior by him during
23 that time that you thought was inappropriate?

24 A. No.

25 Q. Aside from your attorneys -- strike that.

1 Have you heard -- aside from your attorneys,
2 have you heard of a behavior by Father Cimmarrusti that
3 you believe was inappropriate? And excluding what we
4 talked about regarding the underwear exam.

5 A. No, I never have heard it.

6 Q. When the Board of Inquiry issued this report,
7 did you receive a copy of the report?

8 A. I don't think so.

9 Q. Have you ever read the report?

10 A. I don't believe I have.

11 Q. Have you ever discussed with anyone who the 11
12 Franciscans in the report -- discussed with anyone the
13 identities of the 11 Franciscans in the report?

14 A. Our superiors never told us who they were.
15 I've gotten information by speculation, by guessing and
16 so forth, but I still don't have a complete list.

17 Q. Have you discussed that with other Franciscans?

18 A. No.

19 Q. Is it your understanding that Father
20 Cimmarrusti is one of the Franciscans discussed in that
21 report?

22 A. I assume so, but I don't know so.

23 Q. Have you ever discussed with anyone whether
24 Father Cimmarrusti is one of the Franciscans discussed
25 in that report?

1 A. No.

2 Q. What is your understanding of who the
3 Franciscans are who are discussed in that report?

4 MR. FORD: Objection. Calls for speculation.
5 He hasn't read the report.

6 THE WITNESS: I don't know who they are unless
7 you want to give me a list.

8 Q. BY MR. HALE: I think you testified a second
9 ago that you had discussed with others as to --

10 A. No, no. I said by speculation and guessing --

11 Q. Okay.

12 A. -- I can make up some kind of a list, but I
13 don't think it's complete.

14 Q. Have you ever discussed with some of your
15 faculty members from that time period who was identified
16 in that report?

17 A. No.

18 Q. Aside from St. Anthony's, have you ever been
19 assigned anywhere else with Father Cimmarrusti?

20 A. No.

21 Q. Did he ever study under you?

22 A. No.

23 Q. When was the last time that you spoke with him?

24 A. Must have been about 30 years ago.

25 Q. Have you heard that he's been accused of

1 childhood sexual abuse?

2 A. Yes.

3 Q. When was the first time that you heard that?

4 MR. FORD: I presume excluding any
5 conversations --

6 MR. HALE: Right.

7 MR. FORD: -- he's had with any of the
8 attorneys that are representing the friars.

9 THE WITNESS: I guess I heard it when I first
10 came back to the seminary.

11 Q. BY MR. HALE: So sometime around '91 or
12 thereafter?

13 A. Right, right.

14 Q. Do you recall who you heard it from?

15 A. No.

16 Q. Do you recall what was discussed?

17 A. No. Just that -- maybe I read it in the paper.
18 I don't know whether I heard it from somebody or read it
19 in the paper.

20 Q. When you heard the allegations, did you try and
21 think back on your time in the seminary to any conduct
22 that in hindsight was objectionable by him?

23 MR. FORD: Objection. That misstates his
24 testimony, whether he heard or read it.

25 Q. BY MR. HALE: When you learned about the

1 allegations involving Father Cimmarrusti, at any time
2 did you try and think back to your time on the faculty
3 for any memories of conduct that in hindsight you now
4 look back on and go, "That was kind of red flag"?

5 A. Yes, I did.

6 Q. What kind of conduct in particular?

7 A. Well, I just wondered if I observed anything
8 that would lead him to that kind of path, down that kind
9 of path.

10 Q. And did you?

11 A. No.

12 Q. Has anyone ever told you that they have done
13 the same thing and actually said, "I remember seeing
14 this. It bothered me"?

15 A. No.

16 Q. Were you aware of Father Cimmarrusti being
17 transferred to Guymas in 1971?

18 A. I heard about that.

19 Q. How did you hear about that?

20 A. Somebody mentioned he had been transferred to
21 Guymas.

22 Q. Aside from your attorneys, have you ever heard
23 he's been accused of childhood sexual abuse in Guymas?

24 A. No.

25 Q. Do you have any understanding of why he was

1 transferred from Guymas?

2 A. I have no definite knowledge.

3 Q. Have you heard rumors about why he was
4 transferred from Guymas?

5 MR. FORD: Objection. Calls for speculation.

6 THE WITNESS: Have I heard rumors?

7 Q. BY MR. HALE: Yes.

8 A. No. But I assume --

9 MR. FORD: You have answered the question.

10 Q. BY MR. HALE: Have you heard anything about why
11 he was transferred from Guymas?

12 A. I haven't heard anything.

13 Q. Have you read anything about why he was
14 transferred from Guymas?

15 A. I haven't read anything.

16 Q. Have you discussed with anyone why --

17 A. I haven't discussed with anyone.

18 Q. -- he was transferred from Guymas?

19 Do you have a belief as to why he was
20 transferred from Guymas?

21 A. Yes.

22 Q. What is the basis for that belief?

23 MR. FORD: Objection. Calls for speculation.

24 THE WITNESS: That this thing blew up, and he
25 was involved in it. Obviously, that is why they moved

1 him.

2 Q. BY MR. HALE: What about the transfer from
3 Guymas?

4 A. From Guymas to where he is now?

5 Q. Right.

6 A. I don't -- I didn't know at the time why it
7 happened.

8 Q. Okay.

9 A. Subsequently, I discovered what had taken
10 place, and I assumed there is some connection with that.

11 Q. Correct me if I'm misstating your testimony.
12 I'm sure your counsel will as well.

13 Why do you believe that he was transferred from
14 St. Anthony's to Guymas because things blew up?

15 MR. FORD: Objection. Calls for speculation.

16 THE WITNESS: I thought the previous question
17 was why was he transferred --

18 Q. BY MR. HALE: -- from Guymas.

19 A. -- from Guymas --

20 Q. Right.

21 A. -- not to Guymas.

22 Q. Right.

23 A. You are talking about to Guymas?

24 Q. No, I'm talking about from Guymas.

25 THE REPORTER: Excuse me. We are overlapping,

1 overlapping, overlapping.

2 MR. FORD: Why don't you ask a question.

3 MR. HALE: Maybe I misunderstood your
4 testimony.

5 Q. Do you believe that he was transferred from
6 St. Anthony's in 1971 to Guymas because what he was
7 doing, quote-unquote, "blew up in his face"?

8 A. No.

9 Q. But do you believe he was transferred from
10 Guymas to his next assignment because things blew up
11 there?

12 A. Right.

13 Q. What makes you think that?

14 MR. FORD: It's been asked and answered.

15 THE WITNESS: What makes me think he's
16 transferred from Guymas?

17 Because I read about it much later in the
18 paper, and I assume that was -- had something to do with
19 it.

20 MR. HALE: Okay.

21 Q. Were there any limitations on methods of
22 punishment at St. Anthony's for prefects?

23 A. Any limitations?

24 Q. Right.

25 A. Not that I am aware of.

1 Q. Do you know Father Dave Johnson?

2 A. Yes.

3 Q. How do you know him?

4 A. Just casually.

5 Q. When did you first meet him? Was he a student
6 of yours at the seminary?

7 A. No. I don't think so. I can't recall.

8 Q. Have you ever been assigned anywhere with him?

9 A. No.

10 Q. Have you ever supervised him anywhere?

11 A. No.

12 Q. Ever disciplined him?

13 A. No.

14 Q. Ever evaluate his performance?

15 A. No.

16 Q. Are you aware he has been accused of childhood
17 sexual abuse?

18 MR. FORD: Objection. You don't have to answer
19 that.

20 It's beyond the scope of his deposition and
21 improper, and I'm going to reiterate the same objections
22 I made earlier, and I'm sure you will reiterate the same
23 response, and we can stipulate that we have done so.

24 MR. HALE: Sounds good.

25 The only other question I have is, I understand

1 you feel strongly about there being a difference between
2 the punitive damages claims, between what happened at
3 [REDACTED] and what will happen if our motion is granted
4 in this case. And for purposes of avoiding troubling
5 the Court and spending time on motions to compel, I
6 would love to hear what those differences are.

7 MR. FORD: It's not the proper forum. You will
8 hear them at trial.

9 MR. HALE: If we have to meet and confer as to
10 whether or not I should be allowed to explore questions
11 regarding the subject matter, I think you are going to
12 have to explain --

13 MR. FORD: That's not an issue for this
14 deposition. I can assure you of that. I stand by my
15 instruction and I stand by my objections. I'm not going
16 to debate you on the subject at this point.

17 MR. HALE: Again, I'm not looking to debate. I
18 simply want to hear so that if there's a way to avoid
19 bringing it to the Court's attention, we can. I'm
20 asking to meet and confer and for you --

21 MR. FORD: I've stated my objections. I am
22 confident the Court will rule in my favor on.

23 MR. HALE: What you stated was that there's a
24 difference between the [REDACTED] punitive damages case
25 and this case.

1 MR. FORD: Let me interrupt you. I stated that
2 among other things, and I'm not going to restate them
3 again for you.

4 MR. HALE: I'm not asking you to restate
5 anything. I just want to understand what the difference
6 is, and if you are right, if there's a difference, and I
7 can see it, then I don't have to go forward with a
8 motion to compel, and I don't want to go forward with a
9 motion to compel, and that is why I'm asking you to
10 explain to me the difference between --

11 MR. FORD: Well, that wouldn't be the sole
12 issue that would preclude you from asking these
13 questions. I stated several objections; any one or all
14 of them would be a grounds to preclude you from asking
15 him questions about areas that don't have anything to do
16 with Clergy III. We already have a court order that is
17 in place on that, and I don't think it serves any
18 additional purpose to debate it any further here. I've
19 stated my position. I feel strongly about it. You,
20 obviously, feel strongly about your position.

21 MR. HALE: I'm not arguing with you there. If
22 there's a way for you to explain to me what the
23 difference is between the evidence that was produced in
24 [REDACTED] versus the evidence that's going to be produced
25 in this case if a punitive damages motion is granted,

1 that would somehow make this line of questioning
2 irrelevant and inadmissible that is I want to hear.

3 If you are right, you are right. I should
4 stop, but I haven't heard you explain what that
5 difference is.

6 MR. FORD: This isn't the proper forum to do
7 it. I don't intend to do it, other than what I already
8 stated. There are so many things that are different
9 that should be self-evident but I'm not going to be
10 beyond that.

11 MR. HALE: Forgive me for -- pardon my
12 ignorance. My intent here is to avoid the motion to
13 compel. At some point we are going to have to meet and
14 confer. Whether it's here in the deposition or --

15 MR. FORD: I suggest that it not be here in the
16 deposition. I'm not prepared to do that here in the
17 deposition, other than what I have already told you,
18 what I've already stated for the record.

19 MR. HALE: But it sounds like you feel very
20 strongly about your belief that there's this distinction
21 between the two punitive damages cases?

22 MR. FORD: There's no question about that. No
23 question whatsoever.

24 MR. HALE: Exactly. See. You feel strongly.
25 So I want to hear, what is the difference?

1 MR. FORD: Well, I've told you my position on
2 it, and I've told you that I'm not going to debate with
3 you here on the record. This is going to be an issue
4 that has several different points where it may come up.
5 This isn't the proper forum to debate that, nor do I
6 think if I debated it completely, that would convince
7 you anyway.

8 MR. HALE: You don't know that.

9 MR. FORD: Oh, I do. I'm thoroughly convinced
10 of that. So it probably wouldn't make any difference
11 what I said today.

12 MR. HALE: It's worth a shot.

13 I just think it's a --

14 MR. FORD: It's not worth a shot.

15 MR. HALE: -- waste of judicial resources, and
16 it's a waste of attorney resources for us not to discuss
17 it here in the deposition --

18 MR. FORD: Tim --

19 MR. HALE: -- and then discuss it again --

20 MR. FORD: I've told you my position. I don't
21 intend to discuss it any further than what I have
22 already told you.

23 MR. HALE: Well, I just think it's a shame that
24 we can't try and get it resolved here, at least take a
25 crack at it, as opposed to --

1 MR. FORD: There is no way we can resolve it
2 here.

3 MR. HALE: You could prove your point, and I
4 could say, "You're right. I agree there's" --

5 MR. FORD: I'm not convinced of that, Tim. I'm
6 not convinced of that.

7 MR. HALE: I think we should at least try, and
8 I think it's just an unnecessary use of our time and the
9 Court's time.

10 MR. FORD: I appreciate your position.

11 MR. HALE: I understand you are not going to
12 discuss it with me.

13 MR. FORD: I disagree with it.

14 MR. HALE: I've got a string of perpetrator
15 questions here I'm going to ask. As opposed to going
16 through this dance for the --

17 MR. FORD: We can stipulate that I'm going to
18 object to all of them and instruct him not to answer
19 them.

20 MR. HALE: And that all of our prior
21 discussions are going to be applicable to each one of
22 those perpetrators?

23 MR. FORD: Absolutely. No need to burden the
24 transcript.

25 MR. HALE: Those questions would include David

1 Carriere, C-a-r-r-i-e-r-e; Edmund Austin, E-d-m-u-n-d;
2 Robert Van Handel; Gerald Heather. Just like it sounds.
3 Sam Cabot, C-a-b-o-t.

4 The list will continue in a second. I'm going
5 to ask some other questions. I will get back to the
6 list.

7 Q. While you were on the faculty, was it common or
8 uncommon for you to -- strike that.

9 Mass was performed at the St. Anthony's chapel;
10 correct?

11 A. Right.

12 Q. And did sometimes, while you were there,
13 members of the public also attend mass at the chapel?

14 A. Only towards the end.

15 Q. Were there instances where you spent time at
16 the homes of parishioners who attended mass at the
17 St. Anthony's chapel?

18 A. Never.

19 Q. Were you aware of other Franciscans who were
20 doing that?

21 A. No.

22 Q. Would that be appropriate for that to have
23 happened?

24 MR. FORD: Objection. Lacks foundation. Calls
25 for speculation.

1 THE WITNESS: I don't know.

2 Q. BY MR. HALE: Are there any rules that you are
3 aware of that limit or prohibit Franciscans from
4 spending time at the homes of lay parishioners, lay
5 people?

6 A. Not that I know of.

7 Q. [REDACTED], [REDACTED], going on with the list.

8 Do you remember a student named [REDACTED],
9 [REDACTED]?

10 A. There was a teacher named [REDACTED].

11 Q. Gus Krumm, K-r-u-m-m.

12 MR. FORD: Asked and answered.

13 MR. HALE: That wasn't a question. I'm just
14 giving you my list.

15 MR. FORD: I thought you were --

16 MR. HALE: Yes, still on the list here.

17 I would like to ask it, but I assume you are
18 instructing him not to answer; correct?

19 MR. FORD: You are correct.

20 MR. HALE: [REDACTED], [REDACTED]. We already
21 talked about Father Wolfe. Ed Byrom, B-y-r-o-m. Tom
22 Thing, T-h-i-n-g. [REDACTED], [REDACTED]. Talked
23 about Father McKeon, although I would like to ask
24 questions about Father McKeon in the context of him
25 being a perpetrator. I assume the same instruction

1 applies.

2 MR. FORD: Applies.

3 MR. HALE: Chris Berbena, B-e-r-b-e-n-a;
4 Bernard Connolly, B-e-r-n-a-r-d, C-o-n-n-o-l-l-y; Paul
5 Conn, C-o-n-n.

6 There are others. I'm not going to go through
7 the whole list.

8 Your position is not to answer for any other
9 perpetrator other than Cimmarrusti?

10 MR. FORD: That's true. He is the only one in
11 Clergy III.

12 MR. HALE: Not in the punitive damages claim,
13 but we will take that up.

14 Q. Have you ever been aware any member of the
15 province warning a member or members of a parish or
16 community that a Franciscan who had been accused of
17 sexual abuse of a minor was assigned or in residence at
18 that location?

19 A. Was assigned now? What was that again?

20 Q. Have you ever been aware of any member of the
21 province warning a member or members of a parish or
22 community that a Franciscan who had been accused of
23 sexual abuse of a minor was assigned or was in residence
24 at that location?

25 A. No.

1 Q. Have you heard any discussions regarding
2 whether the province should take such actions, in other
3 words, warning members of a parish or a community that a
4 Franciscan who had been accused of childhood sexual
5 abuse was being assigned or going to be in residence at
6 that location?

7 MR. FORD: Hold on a second. That sounds like
8 a question dealing with something outside of Clergy III.
9 Doesn't have anything to do with Cimmarrusti.

10 MR. HALE: Well, it certainly could.

11 MR. FORD: Well, I don't see that it is. If
12 you can lay a foundation for it, I'll let him answer.

13 MR. HALE: If Father Cimmarrusti has been
14 transferred somewhere and there was a discussion about
15 whether or not the community should be warned, that is
16 relevant.

17 MR. FORD: If you will put it in that context.
18 The question was overly broad as stated, and it went
19 into areas that were objectionable. If you just tailor
20 it to Father Cimmarrusti --

21 MR. HALE: Okay. Same discussions apply to
22 this --

23 MR. FORD: Sure.

24 MR. HALE: -- set of objections?

25 Q. BY MR. HALE: With that mind, I'm not

1 withdrawing my statement regarding the right to ask the
2 broader question. I'm going to ask you the narrower
3 question.

4 Have you ever heard any discussions within the
5 province whether the province should warn a member or
6 members of a parish or a community that Father
7 Cimmarrusti was going to be assigned or in residence at
8 that location? When I say "warned," I mean warned about
9 his propensities as a pedophile or perpetrator?

10 MR. FORD: For the record, I want to state
11 lacks foundation. Vague and ambiguous. Overbroad.
12 Calls for speculation on this witness' part.

13 You can answer, if you can.

14 THE WITNESS: I'm not aware of that.

15 Q. BY MR. HALE: Have you ever seen any written
16 communications regarding whether the province should
17 warn a member or members of a parish or community that
18 Father Cimmarrusti was going to be assigned or in
19 residence at a certain location? Again, the warning
20 would be about his -- the passed allegations of sexual
21 abuse by him.

22 A. I've never seen a written statement.

23 Q. Have you heard or been aware of a Franciscan
24 friar stating that he was the victim of childhood sexual
25 abuse?

1 A. No.

2 Q. How about a former Franciscan friar? Same
3 question.

4 A. No. Well, I've read and heard in recent times
5 about some former -- they are not Franciscans. They
6 were at the seminary, though.

7 Q. You are talking about students?

8 A. Students, yes.

9 Q. Who didn't go on to become Franciscans?

10 A. No.

11 Q. Is that stuff that you read in the papers?

12 A. No. Well, I've heard about it.

13 Q. Who did you hear about it from?

14 A. I don't remember. But, you want the name of
15 the guy?

16 MR. FORD: Wait a minute.

17 Same objections and instruction not to discuss
18 any particular perpetrator or victim.

19 But you may be delving into areas that you may
20 have discussed with counsel.

21 THE WITNESS: Yeah.

22 MR. FORD: And you are prohibited from
23 discussing that with counsel on the record here. That
24 was one of instructions that was given long ago at the
25 start of the deposition.

1 MR. HALE: I don't want to hear any anything
2 about that --

3 MR. FORD: I'm afraid that is what we are
4 dealing with here.

5 Q. BY MR. HALE: Is this information that you
6 obtained from anyone other than counsel?

7 A. You mean this counsel here?

8 Q. Any attorneys.

9 A. Could be --

10

11 Q. Whether it's from Mr. Ford's firm or from other
12 prior law firms that have represented friars.

13 A. It wasn't from counsel.

14 Q. Okay.

15 Who was it from?

16 A. I don't know. I don't remember.

17 Q. It's about a former student who said he was
18 abused?

19 A. Yes.

20 Q. And did you hear this directly from the
21 student?

22 A. No.

23 Q. Do you know who the student was abused by?

24 A. No.

25 Q. Do you know if the student attended the

1 seminary while you were on the faculty?

2 A. I don't recall, to tell you the truth.

3 Q. Did you know the student before you heard about
4 this?

5 A. I knew his name.

6 Q. Sounds like it's likely that he was at the
7 seminary?

8 A. He might have been, yes.

9 Q. What -- was there a description of the nature
10 of the abuse?

11 A. No.

12 Q. What did you hear about the abuse?

13 A. I just heard --

14 MR. FORD: Objection.

15 Hold on.

16 Now we are clearly into the area that I'm
17 instructing him not to answer on.

18 MR. HALE: How do you figure that?

19 MR. FORD: If it's not connected with
20 Cimmarrusti --

21 MR. HALE: That's the point. He said the
22 student was at the seminary while he was there. So odds
23 are highly strong that it is connected.

24 MR. FORD: I'll let you follow-up and see if
25 it's connected with Cimmarrusti.

1 MR. HALE: I'm trying to get details.

2 THE WITNESS: First of all, I don't know
3 whether he was at the seminary.

4 Q. BY MR. HALE: Doesn't it seem likely if you
5 know his name, I mean, he left --

6 A. Yes, possibly.

7 Q. What did you hear about the nature of --

8 A. I just heard that it happened --

9 Q. Was there any description --

10 A. -- in general.

11 No description on how it happened, what went
12 on. Just it happened.

13 Q. Did you hear about the student reporting it to
14 anyone?

15 A. Yes, the paper.

16 Q. Who did the student report it to?

17 MR. FORD: He said he heard it in the paper.

18 THE WITNESS: Read it in the paper.

19 Q. BY MR. HALE: The student telling someone other
20 than the media about it, in other words.

21 MR. FORD: He didn't testify to that. That
22 misstates his testimony. He just said that the
23 information he got was something he got from the paper.

24 THE WITNESS: Yes.

25 MR. HALE: Very possible I'm misunderstanding.

1 I'm trying to understand.

2 Q. Did you hear about the student reporting the
3 abuse to someone other than the media?

4 MR. FORD: Is your question did he hear about
5 it from some other source other than the newspaper?

6 MR. HALE: No, no, no.

7 Q. In other words, was it reported in the
8 newspaper article that the student had reported what
9 happened to him to someone other --

10 A. That was the first I heard about it in the
11 paper.

12 Q. Was this in the Santa Barbara News-Press?

13 A. Yes.

14 Q. Was that within the last couple of years that
15 you read it?

16 A. I read a repeat of it, last couple of years,
17 yeah.

18 Q. Has anyone ever told you they have read the
19 full copy of the Board of Inquiry report, in other
20 words, the copy that included the names of the
21 perpetrators?

22 A. No.

23 Q. Have you heard about anyone reading a full copy
24 of it?

25 A. No.

1 Q. Do you know what -- have you ever heard of the
2 House of Affirmation?

3 A. No.

4 Q. What about the Servants of the Paraclete? Are
5 you familiar with that?

6 A. I've heard of that.

7 Q. What do you know about the Servants of the
8 Paraclete?

9 A. They take care of priests with addictions of
10 various sorts.

11 Q. Would that include priests with sexual
12 addictions?

13 A. Probably.

14 Q. Do you know, though?

15 A. No, I don't know.

16 Q. Have you ever hear --

17 A. I thought it was alcoholism, things like that,
18 drug addictions.

19 Q. When did you first hear of the Servants of the
20 Paraclete?

21 A. When I was in Tularosa, New Mexico.

22 Q. Before that you never heard of it?

23 A. No.

24 Q. Are you aware of there being treatment centers
25 for priests with sexual problems?

1 A. Yes, I've heard there are.

2 Q. When did you first hear there are treatment
3 centers for priests with sexual problems?

4 A. I don't remember. I just read it somewhere in
5 a magazine or something.

6 Q. Do you think it was in the last 10 years, or
7 was it while you were still on the faculty or was it --

8 A. Within the last 10 years, probably.

9 Q. Have you ever been involved in setting
10 restrictions on ministry on Franciscans accused of
11 childhood sexual abuse?

12 A. No.

13 Q. Have you ever been aware of any discussions
14 regarding the criminal - within the province - regarding
15 the criminal prosecution of Franciscans accused of
16 childhood sexual abuse?

17 A. Yes.

18 Q. When was the first time you heard a discussion
19 about that?

20 A. I don't know. I don't remember.

21 Q. Who was the discussion with?

22 A. I don't remember that either. Just a vague
23 recollection.

24 Q. What was the nature of the discussion?

25 A. That it happened.

1 Q. Is that the criminal prosecution had happened?

2 A. That it happened. That's all I -- that the
3 abuse happened, and the guy was apparently assigned to
4 another job or something. I don't know.

5 Q. Has there ever been any discussion of whether a
6 Franciscan accused of childhood sexual abuse should be
7 subject to criminal prosecution that you have been a
8 part of?

9 A. Not that I have a part of, no.

10 Q. Have you ever heard of any discussions
11 regarding whether a Franciscan accused of childhood
12 sexual abuse should be subjected to criminal
13 prosecution?

14 A. I read about it in the paper.

15 Q. But have you ever heard of any discussions
16 about that?

17 A. No.

18 Q. Have you ever been assigned to monitor a
19 Franciscan accused of childhood sexual abuse?

20 A. No.

21 Q. Do you remember if there -- were you ever aware
22 of there being any discussions regarding the Board of
23 Inquiry report regarding what, if any, portions of it
24 should be made public?

25 A. No.

1 Q. While you were on the faculty, was there a
2 no-fraternization policy for faculty and students?

3 A. General. A vague one, yes.

4 Q. Was that basically the particular friendship's
5 rule, or is that a separate policy?

6 A. It was a vague, separate policy as far as I
7 know.

8 Q. How did you first learn about that policy?

9 A. I don't remember.

10 Q. Was that policy put in writing anywhere?

11 A. No, I don't think so.

12 Q. Did you hear that rule, the no-fraternization
13 rule, discussed during faculty meetings?

14 A. Yes.

15 Q. What was your understanding what conduct
16 violated that rule?

17 A. Well, as far as I remember, just being too
18 close to somebody, discussing personal matters.

19 Q. Anything else?

20 A. No.

21 Q. Did physical contact violate that rule, in
22 other words, physical contact between the faculty and
23 students?

24 A. Didn't even come up.

25 Q. It's a given that it was unaccepted?

1 A. Yes.

2 Q. During your time on the faculty, were there
3 ever any discussions that you heard of or were a part of
4 where a Franciscan had to be reminded of the
5 no-fraternization policy regarding seminarians?

6 A. Not that I know of.

7 Q. You never heard of a Franciscan chastised or
8 reprimanded for violating that policy?

9 A. No.

10 Can we take a break now?

11 Q. Yeah, yeah. Absolutely.

12 THE VIDEOGRAPHER: We are at the end of tape
13 number 2. It's 1:59 p.m., and we are off the record.

14 (Recess.)

15 THE VIDEOGRAPHER: We are at the beginning of
16 tape number 3, and the time is 2:04 p.m., and we are
17 back on the record.

18 Q. BY MR. HALE: While you were on the faculty,
19 was it common for students to contract poison oak?

20 A. Yes.

21 Q. Did you ever help treat a student for poison
22 oak?

23 A. No. I never got it myself.

24 Q. But did you ever help a student treat for
25 poison oak?

1 A. Calamine lotion and stuff like that?

2 Q. Right.

3 A. No.

4 Q. Were you ever aware of Father Cimmarrusti
5 treating students for poison oak?

6 A. I assume that he did it. I don't know for
7 sure.

8 Q. Did he ever tell you that, "So-and-So's got
9 poison oak, and I have got to go help him"?

10 A. No, not that I can recall.

11 Q. Did a student -- did you ever hear of a student
12 being treated by Father Cimmarrusti for poison oak?

13 A. No.

14 Q. Can you think of any circumstance where it
15 would have been appropriate for a Franciscan to examine
16 a student's genitals to see if they had or to treat them
17 for poison oak?

18 MR. FORD: Objection. Lacks foundation. Calls
19 for speculation. Vague and ambiguous.

20 THE WITNESS: The question?

21 Q. BY MR. HALE: Can you think of any circumstance
22 where it would have been appropriate for a Franciscan to
23 examine a student's genitals to see if they either had
24 or needed to be treated for poison oak?

25 MR. FORD: Same objection.

1 THE WITNESS: Well, if he's got this sickness,
2 I would think that you might on occasion want to do
3 that, but I don't know. That would be a circumstance.
4 He's looking out for his health.

5 Q. BY MR. HALE: Do you know if Father Cimmarrusti
6 had any medical training?

7 A. Not that I know of.

8 Q. Would it have been appropriate under those
9 circumstances for Father Cimmarrusti to apply Calomine
10 lotion to the student's genitals if the student had
11 poison oak on his genitals?

12 MR. FORD: Same objection.

13 THE WITNESS: I don't know.

14 Q. BY MR. HALE: But it might have been?

15 A. Might have been, depending on how critical it
16 was.

17 Q. Have you ever heard of any Franciscan applying
18 Calomine lotion to a student's genitals to treat poison
19 oak?

20 A. No.

21 MR. HALE: Let's stipulate that the reporter be
22 relieved of her duties under the Code. We will send the
23 original over to Mr. Ford's office. He can maintain
24 custody of the original, and if he could then forward
25 that to Father [REDACTED]. And we will give him 15, 30 days

1 to review the transcript.

2 What's your reference, gentlemen?

3 MR. FORD: After the time I receive it? What
4 has been your usual practice?

5 MR. HALE: Fifteen or 30, depending on how
6 confident the witness feels they can read through the
7 transcript quickly.

8 MR. FORD: Would you prefer to have 15 or 30?

9 THE WITNESS: Fifteen is plenty.

10 MR. HALE: If Father [REDACTED] can then make any
11 changes he feels are necessary, sign it under penalty of
12 perjury. And if you could then forward that signed
13 original back to your counsel, he will make any changes
14 known to counsel as soon as possible. And if a signed
15 original will not be available before the trial, an
16 unsigned, certified copy can be used for all purposes.

17 MR. FORD: That's fine.

18 THE VIDEOGRAPHER: This concludes today's
19 deposition of Father [REDACTED]. The number of
20 videotapes used was three. The time is 2:08 p.m., and
21 we are off the record.

22 (The deposition concluded at 2:08 p.m.)

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--ooOoo--

I hereby declare, under penalty of perjury,
that the foregoing is true and correct.

Dated this _____ day of _____, 2006,
at _____, California.

[REDACTED]

--ooOoo--

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA,)
) ss
COUNTY OF SANTA BARBARA.)

I, MARIA G. RABATIN, CSR #6821, Certified Shorthand Reporter, in the County of Santa Barbara, State of California, hereby certify:

That, prior to being examined, the witness named in the foregoing deposition, to wit, [REDACTED], was by me duly sworn to testify the truth, the whole truth, and nothing but the truth;

That the deposition of the witness in this proceeding was taken down by me in stenotype at the time and place herein named and thereafter reduced to typewriting by computer-aided transcription under my direction.

I further certify that I am not interested in the event of the action.

WITNESS my hand this _____ day of _____ 2006, at Santa Barbara, California.

Certified Shorthand Reporter
State of California
CSR No. 6821