

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

Coordination Proceedings Special

Title (Rule 1550(b))

In Re

THE CLERGY CASES I & III

~~~~~

No. JCCP 4288

JCCP 4359

DEPOSITION OF  
FATHER XAVIER JAMES HARRIS,  
VOLUME I  
SAN FRANCISCO, CALIFORNIA  
MAY 17, 2005

Reported by Cynthia Manning, CSR No. 7645

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2  
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Deposition of FATHER XAVIER JAMES HARRIS, taken  
at One Sansome Street, San Francisco, California, on  
Tuesday, May 17, 2005, at 10:11 a.m., before Cynthia  
Manning, Certified Shorthand Reporter, in and for the  
State of California.

I N D E X

WITNESS: FATHER XAVIER JAMES HARRIS

EXAMINATION

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By Mr. Hale

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FATHER XAVIER JAMES HARRIS  
IN RE CLERGY CASES I & III  
Tuesday, May 17, 2005  
Cynthia Manning, CSR No. 7645

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EXHIBITS

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SAN FRANCISCO, CALIFORNIA

TUESDAY, MAY 17, 2005; 10:11 A.M.

THE VIDEOGRAPHER: Good morning and welcome. 10:10:31

This begins disc one, tape one -- I'm sorry, disc one, 10:11:38

volume one, in the deposition of Xavier Harris in the 10:11:44

matter of the Clergy Case I and III, filed in the L.A. 10:11:49

Superior Court for Clergy I and Clergy Case III was 10:11:54

consolidated in Alameda. The case number -- the case 10:12:00

number -- the case numbers are JCCP 4286 and JCCP 4359. 10:12:04

Today's date is May 17th and the time on the 10:12:12

tape is 10:11 a.m. 10:12:16

The deposition is being taken at One Sansome 10:12:21

Street, San Francisco, California and was made at the 10:12:24

request of the plaintiff, represented by the Law Office 10:12:29

of Lewis Brisbois. 10:12:34

The court reporter producing the official 10:12:35

transcript of today's testimony is Cynthia Manning of 10:12:38

Paulson Reporting Services, 44 Montgomery Street, 6th 10:12:42

Floor, San Francisco, California, 94104, 415-591-3333. 10:12:46

The videographer today is Erica Obenar 10:12:54

representing Paulson Reporting Services. 10:12:57

Would counsel please voice identify yourself 10:13:01

and state whom you represent. 10:13:02

MR. HALE: My name is Tim Hale for the 10:13:04

1 plaintiffs. 10:13:07

2 MR. TISDALE: Jon Tisdale for the Los Angeles 10:13:07

3 Archdiocese. 10:13:08

4 MR. HABEL: Jim Habel, Hennigan Bennett & 10:13:10

5 Dorman, for the Archdioceses of Los Angeles and 10:13:12

6 defendants' liaison counsel. 10:13:15

7 MS. LYDDAN: Angela Lyddan of Carroll Burdick & 10:13:17

8 McDonough on behalf of the Archdiocese of Los Angeles. 10:13:17

9 MR. HANCE: Brayn Hance of Lewis Brisbois 10:13:21

10 Bisgaard & Smith for defendant Franciscan Friars of 10:13:22

11 California, Inc. and the deponent. 10:13:28

12 MR. MATIASIC: Paul Matiasic from Lewis 10:13:29

13 Brisbois for the deponent and the Franciscan Friars in 10:13:30

14 Clergy Case III. 10:13:34

15 MR. KASPER: Dennis Kasper for the deponent and 10:13:36

16 Franciscan Friars in Clergy I. 10:13:41

17 MS. CARNER: Gretchen Carner for Congregation 10:13:41

18 of the Mission in California in the Clergy I case. 10:13:46

19 MR. ZACHER: Gerhardt Zacher, Gordon & Rees, on 10:13:49

20 behalf of the Congregation of the Mission in California, 10:13:49

21 Clergy I. 10:13:49

22 MR. FORD: Robert Ford for Franciscan Friars, 10:13:49

23 Clergy III. 10:13:49

24 MR. CAMPBELL: Owen Campbell on behalf of 10:13:49

25 plaintiffs. 10:13:50

1 MS. SALMON: Susan Salmon, O'Melveny & Myers on 10:14:00  
2 behalf of the Archdiocese of Los Angeles. 10:14:01

3 THE VIDEOGRAPHER: Would the court reporter 10:14:08  
4 please swear in the witness. 10:14:10

5 10:14:11

6 FATHER XAVIER JAMES HARRIS, 10:14:11  
7 having first been duly sworn, testifies 10:14:11  
8 as follows: 10:14:11

9 09:17:57

10 EXAMINATION

11

12 BY MR. HALE: 10:14:18

13 Q. Good morning, Father Harris. My name is Tim 10:14:18  
14 Hale. Could you state and spell your name for the 10:14:23  
15 record. 10:14:25

16 A. Xavier James Harris. 10:14:25

17 Q. And could you spell it as well? I know it's 10:14:27  
18 fairly obvious. 10:14:32

19 A. Pardon me? 10:14:33

20 Q. Could you spell your name as well for the 10:14:34  
21 record? 10:14:35

22 A. X-A-V-I-E-R. 10:14:35

23 Q. Go ahead. 10:14:41

24 A. H-A-R-R-I-S. 10:14:41

25 Q. Thank you. 10:14:43

1 Have you ever been deposed before, Father? 10:14:45

2 A. I have given a deposition, yes. 10:14:47

3 Q. How many times? 10:14:49

4 A. Twice. 10:14:51

5 Q. When was the most recent time? 10:14:51

6 A. In San Mateo on behalf of a faculty member. 10:14:54

7 Q. And how long ago was that? 10:14:59

8 A. It's been something like five years ago. 10:15:01

9 Q. And when was the time before that? 10:15:04

10 A. The other time was in Sacramento before the 10:15:07

11 Credentials Committee and that was about 15 years ago. 10:15:11

12 Q. Did either of those lawsuits -- I assume these 10:15:15

13 were lawsuits that you gave the deposition in? 10:15:24

14 A. Excuse me? 10:15:25

15 Q. Those were lawsuits in which you gave the 10:15:26

16 deposition? 10:15:28

17 A. They were trials, actually. 10:15:28

18 Q. Okay. Did either of those matters involve 10:15:31

19 childhood sexual abuse? 10:15:35

20 A. None, no. 10:15:37

21 Q. You have had a chance to discuss the process 10:15:37

22 with your attorneys, I assume? 10:15:44

23 A. Yes, I have. 10:15:44

24 Q. You understand your testimony today has the 10:15:45

25 same force and effect as if you were before a judge and 10:15:48

1 a jury in a court of law? 10:15:51

2 A. I understand that. 10:15:52

3 Q. Do you understand that you have been placed 10:15:53  
4 under oath by the reporter? 10:15:55

5 Do you understand you have been placed -- 10:15:56

6 A. I do. 10:16:00

7 Q. Have you consumed any alcohol in the last 10:16:00  
8 twelve hours? 10:16:03

9 A. No. 10:16:03

10 Q. Any drugs in the last 24 hours? 10:16:03

11 A. No. 10:16:05

12 Q. Is there any reason you can't give your best 10:16:05  
13 testimony today? 10:16:08

14 A. No. 10:16:08

15 Q. You are doing a good job, and I'm guilty of 10:16:09  
16 this at times myself, but we need to both keep in mind 10:16:13  
17 that for the sake of the reporter, we need to not step 10:16:17  
18 on each other when we talk. When I ask a question, 10:16:20  
19 please wait until I finish my question before you 10:16:22  
20 respond, and, by the same token, when you are responding 10:16:24  
21 to one of my questions, I'll do my best not to interrupt 10:16:26  
22 your answer as well. 10:16:30

23 Do you understand that? 10:16:30

24 A. Yes. 10:16:31

25 Q. None of us want you to guess to any of the 10:16:31

1 answers to the questions I or any other counsel ask you 10:16:36

2 today, but we are entitled to your best estimate. 10:16:39

3 Do you understand the difference between a 10:16:40

4 guess and estimate? 10:16:43

5 A. Yes. 10:16:43

6 Q. If you don't understand a question, I ask you 10:16:44

7 or a question any other counsel asks you, please feel 10:16:48

8 free to speak up and ask us to rephrase so that we can 10:16:51

9 hopefully put it in a way that is a little bit more 10:16:54

10 understandable and clear to you. 10:16:56

11 Okay? 10:16:57

12 A. Yes. 10:16:58

13 Q. At the end of your testimony today, it's going 10:16:58

14 to be placed into a typed booklet form. You are going 10:17:01

15 to get a chance to review and make any changes to that 10:17:05

16 testimony that you see fit. Just keep in mind that if 10:17:07

17 you do make any changes, either myself or any other 10:17:10

18 attorney in this matter will be free to comment on those 10:17:13

19 changes at the time of trial. 10:17:14

20 Do you understand that? 10:17:15

21 A. Yes. 10:17:17

22 Q. You are also doing a very good job of speaking 10:17:17

23 audibly. Again, for the sake of the reporter and for 10:17:20

24 the clarity of the record, we want to avoid any nods or 10:17:23

25 "huh-uh" or "uh-huh" and that kind of thing. 10:17:25

1 Do you understand that? 10:17:27

2 A. Yes. 10:17:28

3 Q. Great. 10:17:28

4 Do you have any questions? 10:17:29

5 A. No. 10:17:31

6 Q. If you need to take a break at any time today, 10:17:31

7 please speak up and let me know. We're not trying to 10:17:32

8 hold you captive here or anything like that. 10:17:34

9 Did you review any documents in preparation for 10:17:36  
10 today's deposition? 10:17:41

11 A. Excuse me? 10:17:42

12 Q. Did you review any documents in preparation for 10:17:42  
13 today's -- 10:17:45

14 A. No. 10:17:45

15 Q. I'd like to start by first discussing your 10:17:46  
16 education and employment background. Let's start with 10:17:54  
17 your education. Did you attend St. Anthony's Seminary? 10:17:56

18 A. No, I did not. 10:17:59

19 Q. Where did you go to high school? 10:18:00

20 A. I went to high school in Grand Island, 10:18:02  
21 Nebraska. St. Mary's Cathedral High School. My college 10:18:04  
22 was at now Regis University, then Regis College in 10:18:10  
23 Denver, Colorado. 10:18:16

24 Q. Okay. Hang on a second. So you attended Grand 10:18:16  
25 Island, Nebraska. What was the name of the high school 10:18:18

1 again? 10:18:19

2 A. St. Mary's Cathedral High School. 10:18:19

3 Q. Was that a seminary? 10:18:23

4 A. No. It was a parochial high school. 10:18:24

5 Q. And what year did you graduate? 10:18:27

6 A. 1940. 10:18:29

7 Q. And then after St. Mary's where did you attend? 10:18:29

8 A. Regis University, Denver, Colorado. 10:18:36

9 Q. And what year did you start school -- let me 10:18:41

10 ask you this: What year did you graduate from Regis? 10:18:44

11 A. I did not graduate from Regis. I attended two 10:18:46

12 years, and after two years I entered the Franciscans and 10:18:50

13 completed college with them. 10:18:54

14 Q. What year did you leave Regis? 10:18:55

15 A. 1942. 10:18:56

16 Q. And then you transferred to the theological -- 10:18:58

17 A. I became a Franciscan at that point. 10:19:07

18 Q. What was the next step in your education after 10:19:09

19 the two years at Regis? 10:19:15

20 A. In the Franciscans at that time we made a year 10:19:16

21 of novitiate, which did not count towards college. So 10:19:20

22 after one year of novitiate, I completed the third and 10:19:22

23 fourth year of college and this was at San Luis Rey 10:19:25

24 Seminary. 10:19:29

25 Q. Where was the novitiate at? 10:19:29



2 Q. At San Luis Rey, okay. 10:19:36

5 A. Yes. And then in '45 the second and third -- 10:19:47

6 third and fourth year of college. 10:19:50

7 Q. And that was the San Luis Rey as well, correct?10:19:51

8 A. Yes. 10:20:03

9 Q. And then you graduated in '45? 10:20:03

10           A. Yes. 10:20:06

11 Q. And was that -- did you have a bachelor's? 10:20:07

12           A. Bachelor's degree, yes.                                                 10:20:10

13 Q. What was that degree in? 10:20:12

14           A. Philosophy and social science.                                 10:20:14

15 Q. And what was the next step in your education? 10:20:16

16 A. I did four years of theology from '45 to '49 at10:20:33

17 Santa Barbara Theological Seminary in Santa Barbara, 10:20:41

18 California. 10:20:48

19 Q. That's at the Old Mission? 10:20:48

20           A.   Old Mission, California -- Santa Barbara.           10:20:50

21 Q. And was there a graduate degree received as a 10:20:54

22 result of that, those four degrees of study? 10:21:16

23           A. Master of divinity. 10:21:20

24 Q. Anything else? 10:21:21

25           A. I did a master's degree at University of San     10:21:28

1 Francisco. 10:21:33

2 Q. When was that? 10:21:33

3 A. I completed it in 1952. I worked part-time on 10:21:38

4 that and completed it in 1952. 10:21:44

5 Q. I'm sorry, what was that degree in? 10:21:46

6 A. It was in educational administration. 10:22:00

7 Q. Any education after USF? 10:22:03

8 A. I attended the University of Notre Dame, Notre 10:22:22

9 Dame, Indiana, from 1960 to '63. 10:22:27

10 Q. Okay. That was -- 10:22:34

11 A. It was a Ph.D. in educational history and 10:22:39

12 administration. 10:22:44

13 Q. Anything else, any other education? 10:22:44

14 A. I did a postgraduate program at University of 10:23:00

15 Georgia, two years, in '70 and '72. That did not end in 10:23:07

16 a degree. That was merely a certificate. 10:23:14

17 Q. And that was from 1970 to '72? 10:23:16

18 A. Yes. 10:23:24

19 Q. And did you actually attend University of 10:23:25

20 Georgia? 10:23:27

21 A. Yes, I did, mm-hmm. 10:23:28

22 Q. And what was the certificate in? 10:23:29

23 A. Educational philosophy and sociology. 10:23:36

24 Q. Any further education? 10:23:54

25 A. That would be all. 10:23:56

1 Q. That would be enough. 10:23:58

2 Were you ordained after your four years of 10:23:58

3 theology at -- 10:24:01

4 A. I was ordained December 19th, 1949. 10:24:01

5 Q. And was your first assignment in the Bay Area 10:24:05

6 while you were -- 10:24:19

7 A. Was at St. Mary's High School, Phoenix, 10:24:20

8 Arizona. Was there from 1949 to 1956 as a faculty 10:24:25

9 member and later as a principal. 10:24:45

10 Q. So while you were studying at USF, you weren't 10:24:58

11 actually at USF? 10:25:02

12 A. Correct. 10:25:03

13 Q. It was a correspondence course? 10:25:03

14 A. No. I was in physical attendance, living in 10:25:05

15 San Francisco. 10:25:08

16 Q. Okay. Maybe I'm off on my dates, but -- so you 10:25:08

17 were at St. Mary's High School in Phoenix, Arizona from 10:25:11

18 1949 to 1956? 10:25:17

19 A. Yes, and during that time I worked on a 10:25:18

20 master's degree at USF. 10:25:21

21 Q. Did you go back on weekends to work on it? 10:25:22

22 A. This was during summers. 10:25:25

23 Q. So you attended USF in the summertimes? 10:25:26

24 A. Yes. 10:25:29

25 Q. Is St. Mary's -- or was St. Mary's High School 10:25:30

1 owned and operated by the Franciscan? 10:25:38

2 A. It was, yes. 10:25:40

3 Q. Is it still? 10:25:41

4 A. No. Currently it's diocesan. 10:25:43

5 Q. When did you become principal of St. Mary's? 10:25:52

6 A. The second year that I was there, 1950. 10:26:06

7 Q. Were you in residence anywhere during that 10:26:09

8 time? 10:26:18

9 A. We lived in the Franciscan friary connected 10:26:18

10 with St. Mary's Parish in Phoenix, Arizona. 10:26:22

11 Q. And were the school and the friary or the 10:26:27

12 parish right next to each other? 10:26:40

13 A. Yes. 10:26:42

14 Q. What was your next assignment after you left 10:26:42

15 St. Mary's in '56? 10:26:46

16 A. St. Mary's High School in Stockton, California. 10:26:47

17 At that time Stockton was part of the Archdioceses of 10:27:00

18 San Francisco, so it was an archdiocesan and high 10:27:03

19 school, and was from 1956 to 1960. 10:27:06

20 Q. Were you ordained -- let me backtrack for a 10:27:16

21 second. 10:27:25

22 Were you ordained by the Archdiocese of Los 10:27:25

23 Angeles or San Francisco? 10:27:27

24 A. Franciscans are not ordained for an archdiocese 10:27:28

25 or diocese. They are ordained for the order. 10:27:32

|    |                                                       |          |
|----|-------------------------------------------------------|----------|
| 1  | Q. Okay. But did a bishop from one of those           | 10:27:34 |
| 2  | archdioceses come?                                    | 10:27:38 |
| 3  | A. Cardinal McIntyre.                                 | 10:27:38 |
| 4  | Q. So it was in Los Angeles?                          | 10:27:40 |
| 5  | A. Yes.                                               | 10:27:42 |
| 6  | Q. What position did you hold at St. Mary's?          | 10:27:42 |
| 7  | A. Principal.                                         | 10:27:58 |
| 8  | Q. In Stockton?                                       | 10:27:59 |
| 9  | A. Principal.                                         | 10:28:00 |
| 10 | Q. All four years?                                    | 10:28:01 |
| 11 | A. Four years.                                        | 10:28:03 |
| 12 | Q. And were you in residence there as well?           | 10:28:04 |
| 13 | A. We were connected with St. Mary's Parish in        | 10:28:12 |
| 14 | Downtown Stockton.                                    | 10:28:16 |
| 15 | Q. And is that where you resided as well?             | 10:28:21 |
| 16 | A. Yes, mm-hmm.                                       | 10:28:32 |
| 17 | Q. Going back to your time as a novitiate at San      | 10:28:33 |
| 18 | Luis Rey and then the two years of college there, did | 10:28:44 |
| 19 | you attend San Luis Rey with Mario Cimmarrusti?       | 10:28:47 |
| 20 | A. No.                                                | 10:28:52 |
| 21 | Q. Martin McKeon?                                     | 10:28:52 |
| 22 | A. No.                                                | 10:28:55 |
| 23 | Q. What about the School of Theology with Mario       | 10:28:59 |
| 24 | Cimmarrusti, was he there as well?                    | 10:29:01 |
| 25 | A. No, later.                                         | 10:29:03 |

1 Q. Okay. What about Martin McKeon? 10:29:04

2 A. No. 10:29:07

3 Q. After you left St. Mary's High School in 10:29:08  
4 Stockton in 1960, what was your next assignment? 10:29:20

5 A. It was at University of Notre Dame in Indiana. 10:29:22

6 Q. And that was where you were studying for your 10:29:26  
7 Ph.D. in educational history and administration? 10:29:36

8 A. Correct. 10:29:38

9 Q. Were you working performing your ministry as 10:29:38  
10 well as studying for your Ph.D.? 10:29:41

11 A. Part-time. 10:29:43

12 Q. What was your assignment? 10:29:44

13 A. It was -- well, a variety of assignments, but 10:29:45  
14 the main one was in Three Oaks, Michigan in a parish as 10:29:53  
15 weekend assistant. 10:30:00

16 Q. Where were you in residence? 10:30:00

17 A. In one of the dormitories of the university, 10:30:16  
18 Howard Hall. 10:30:20

19 Q. And as the assistant at the parish in Three 10:30:21  
20 Oaks, I assume you performed mass and did the typical -- 10:30:32

21 A. Correct, confessions, assisted. 10:30:36

22 Q. You said there were other assignments during 10:30:39  
23 this time. What were those assignments? 10:30:42

24 A. Those were mainly during the week, saying mass 10:30:43  
25 at various parishes. 10:30:47

1 Q. Around Notre Dame? 10:30:48

2 A. Right. 10:30:50

3 Q. Were any of these parishes, Three Oaks or any 10:30:50  
4 of the other parishes, were they Franciscan? 10:31:04

5 A. No, they were diocesan. 10:31:07

6 Q. And the Province, the Province of Santa Barbara 10:31:08  
7 does not go that far? 10:31:14

8 A. No connection. 10:31:14

9 Q. Any other assignments during your three years 10:31:15  
10 at Notre Dame, other than what we have talked about? 10:31:32

11 A. Well, I was a graduate fellow and research 10:31:34  
12 assistant for the Carnegie study of Catholic schools, a 10:31:39  
13 national study. 10:31:45

14 Q. And that was while at Notre Dame? 10:31:46

15 A. While at Notre Dame. 10:31:48

16 Q. What subject matter were you researching 10:31:50  
17 regarding Catholic schools? 10:32:03

18 A. It was a study of the outcome of Catholic 10:32:06  
19 education. That was from elementary through high 10:32:10  
20 school. 10:32:23

21 Q. When you say "the outcome of Catholic 10:32:23  
22 education," do you mean on the student's profession or 10:32:28  
23 what do you mean by that? 10:32:32

24 A. Would you repeat that? 10:32:33

25 Q. When you say the study was regarding the 10:32:34

1 outcome of Catholic education, what do you mean by that?10:32:38

2 A. Well, my particular task was to devise an 10:32:40

3 instrument for testing religious knowledge and 10:32:43

4 understanding, and also working with others to 10:32:47

5 understand better the makeup of the schools, the 10:32:51

6 demographics, and it was done on a visitation basis. We10:32:56

7 did not visit all the schools, but a select number of 10:33:01

8 schools across the United States. 10:33:05

9 Q. Did your work include any analysis of childhood10:33:07  
10 sexual abuse by priests? 10:33:14

11 A. No. 10:33:15

12 Q. Just for future reference, when I refer to 10:33:16

13 "childhood sexual abuse," do you understand that to mean10:33:21

14 abuse of a child under the age of 18? 10:33:23

15 A. I do. 10:33:24

16 Q. Okay. Do you draw any distinction between 10:33:25

17 sexual abuse of adolescents versus sexual abuse of 10:33:28

18 preadolescent children or younger? 10:33:33

19 A. Yes. 10:33:35

20 Q. How? What distinction do you draw? 10:33:35

21 A. I think there is a difference in motivation and10:33:39

22 activity. 10:33:45

23 Q. When you say "a difference in motivation," what10:33:45

24 do you mean? 10:33:48

25 A. The basis of the attraction, whether it is, you10:33:48



1 know, a mere sexual satisfaction or friendship. 10:33:55

2 Q. Okay. And are you speaking in terms of the 10:33:58  
3 minor or in terms of the priest? 10:34:03

4 A. Both. 10:34:06

5 Q. Both. 10:34:07

6 Is one worse or not as bad as the other, in 10:34:08  
7 your mind? 10:34:17

8 A. I don't distinguish. 10:34:17

9 Q. Okay. Is there any other distinction you draw 10:34:19  
10 between sexual abuse of adolescents and sexual abuse of 10:34:24  
11 preadolescents or younger children? 10:34:28

12 A. No. 10:34:30

13 Q. After you completed your studies at Notre Dame, 10:34:46  
14 did you then -- was your next assignment at St. Anthony? 10:34:50

15 A. No. There was one year in between. I was 10:34:54  
16 assigned to San Luis Seminary College in San Luis Rey, 10:34:57  
17 California for one year as faculty member and librarian. 10:35:03

18 Q. And so that would have been '64? 10:35:14

19 A. '63, '64. 10:35:26

20 Q. In other words, the '63-'64 school year? 10:35:29

21 A. Yes. 10:35:31

22 Q. How did you hear about the -- did you learn of 10:35:37  
23 the Franciscans while you were at Regis University? 10:35:45

24 A. I was encouraged to enter the Franciscans 10:35:47  
25 there, but I heard about them in my high school years in 10:35:50

1 Grand Island, Nebraska. 10:35:53

2 Q. How did you learn about the Province? 10:35:53

3 A. Through a friend at Regis University. 10:35:55

4 Q. And was he a member of the Province? 10:35:57

5 A. A Jesuit. He was a Jesuit. 10:35:59

6 Q. Okay. And is he the one that encouraged you 10:36:00

7 to -- 10:36:06

8 A. He is. 10:36:06

9 Q. Why did you he encourage you to join the 10:36:06

10 Franciscans and not the Jesuits? 10:36:09

11 A. I told him I didn't want to teach. 10:36:11

12 Q. That didn't work out too well. 10:36:13

13 And when you decided to leave Regis to join the 10:36:15

14 Franciscans, who did you contact? 10:36:24

15 A. I wrote a letter to the Province to the 10:36:26

16 Provincial. 10:36:29

17 Q. Who was the Provincial at the time? 10:36:29

18 A. Gregory Wooler. 10:36:32

19 Q. And how did he respond? 10:36:35

20 A. He told me to go to St. Anthony Seminary and 10:36:38

21 take a Latin test. 10:36:41

22 Q. And did you do that? 10:36:42

23 A. I did, but no one was there to take it. 10:36:43

24 Q. Okay. So you went to St. Anthony Seminary -- 10:36:46

25 A. They sent me to novitiate without taking a 10:36:50

1 test. 10:36:56

2 Q. So there was no screening process, no 10:36:56

3 application process? 10:36:58

4 A. None. 10:36:59

5 Q. You showed up, said you were interested, and 10:37:00

6 they sent you off to novitiate? 10:37:03

7 A. Yes. 10:37:05

8 Q. Did that change -- 10:37:05

9 A. Very much. 10:37:06

10 Q. -- during the course of your career? 10:37:06

11 A. Yes. 10:37:08

12 Q. Are you aware of any other Friars who were 10:37:25

13 accepted to the Franciscans in such a fashion, in other 10:37:33

14 words, without any kind of application or screening 10:37:36

15 process? 10:37:38

16 A. No. 10:37:38

17 Q. At some point did you become aware that there 10:37:38

18 was an application in the screening process? 10:37:43

19 A. Yes. 10:37:45

20 Q. And when did you become aware of that? 10:37:46

21 A. During my novitiate. 10:37:47

22 Q. Did the other novitiates talk to you about what 10:37:50

23 they had gone through in order to be accepted? 10:38:00

24 A. Yes. 10:38:01

25 Q. And what did they tell you about the process 10:38:02

1 for them? 10:38:04

2 A. Most of them, my classmates, which there were 10:38:04

3 15, 13 of whom graduated from St. Anthony's, were very 10:38:07

4 appreciative of their education, number one, but they 10:38:17

5 told me many stories about their classes and about their 10:38:19

6 experience there. Most of them had entered after eighth 10:38:23

7 grade and began their -- at that time the seminary was a 10:38:27

8 six-year school. It was four years of high school and 10:38:30

9 two years of junior college. 10:38:33

10 Q. And during those six years, were they evaluated 10:38:34

11 for their ability to serve as a priest? 10:38:41

12 A. Yes, as every seminarian was. 10:38:43

13 Q. And were some of your classmates not graduates 10:38:46

14 of St. Anthony's? 10:38:54

15 A. Two were former Los Angeles Archdiocese 10:38:55

16 seminarians. 10:39:00

17 Q. Okay. And like you, do you know whether they 10:39:00

18 had come to the Franciscans without being screened? 10:39:04

19 A. They left at the end of novitiate. 10:39:07

20 Q. So after one year at San Luis Rey in the '63 to 10:39:09

21 '64 school year, was it then that you were assigned to 10:39:21

22 St. Anthony's? 10:39:26

23 A. Yes. 10:39:26

24 Q. So your first full school year of St. Anthony's 10:39:26

25 was '64 to '65? 10:39:34

1 A. Correct. 10:39:35

2 Q. And how long was that for -- well, let me 10:39:35

3 backtrack for a second. 10:39:44

4 Were you hired as the Rector at that time? 10:39:45

5 A. I wouldn't use the word "hired." I was 10:39:47

6 appointed. 10:39:51

7 Q. Appointed, okay. 10:39:51

8 And I assume you were on the faculty as well? 10:39:52

9 A. Yes. 10:40:01

10 Q. Taught some classes? 10:40:02

11 A. Yes. 10:40:03

12 Q. What were your duties as Rector? 10:40:03

13 A. I was mainly charged with the academic 10:40:09

14 dimension of the school, supervision of the faculty and 10:40:15

15 assisting students whenever necessary. 10:40:24

16 Q. Any other duties as Rector? 10:40:27

17 A. A Rector might be better understood as similar 10:40:37

18 to a high school principal, so all the duties of a high 10:40:45

19 school principal would have been included, financial 10:40:48

20 responsibility, hiring of faculty, not -- actually, 10:40:51

21 faculty were appointed, but if there were other 10:40:55

22 non-Franciscan faculty, be in charge of hiring, and 10:40:58

23 evaluating faculty, do all the things that a principal 10:41:03

24 would normally do. 10:41:08

25 Q. Was Martin McKeon still on the faculty when you 10:41:08

1 arrived at St. Anthony's? 10:41:13

2 A. Yes. 10:41:13

3 Q. And when did he leave? 10:41:14

4 A. He left -- I do not remember exactly, but soon 10:41:16

5 after I came. 10:41:22

6 Q. During that school year, the first school year. 10:41:22

7 A. I believe it was the following school year. 10:41:30

8 Q. And was he still the prefect of discipline at 10:41:31

9 that time? 10:41:43

10 A. Yes. 10:41:43

11 Q. And was Mario Cimmarrusti on the faculty at the 10:41:43

12 time you arrived? 10:41:56

13 A. He came right after I did. 10:41:56

14 Q. Same year? 10:41:58

15 A. Same year. 10:41:58

16 Q. And so was McKeon the prefect of discipline 10:41:59

17 during your first year there? 10:42:24

18 A. I have to backtrack on that. I think not. I 10:42:25

19 think by that time he had already left, now that I 10:42:30

20 recall. I know that Mario and I came at the same time. 10:42:35

21 Q. Did Mario take over as the prefect of 10:42:38

22 discipline -- 10:42:43

23 A. He did -- 10:42:45

24 Q. -- that first year? 10:42:45

25 A. -- that first year. 10:42:46

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | Q. Do you know why McKeon left St. Anthony's?      | 10:42:47 |
| 2  | A. I do not.                                       | 10:42:59 |
| 3  | Q. Did you ever hear he was transferred because he | 10:43:00 |
| 4  | had been assaulting children?                      | 10:43:05 |
| 5  | A. No.                                             | 10:43:06 |
| 6  | Q. Or, I'm sorry, assaulting students at St.       | 10:43:07 |
| 7  | Anthony's?                                         | 10:43:13 |
| 8  | A. No.                                             | 10:43:13 |
| 9  | Q. Had you met McKeon before you arrived at St.    | 10:43:13 |
| 10 | Anthony's?                                         | 10:43:26 |
| 11 | A. Yes.                                            | 10:43:26 |
| 12 | Q. How had you met him?                            | 10:43:26 |
| 13 | A. At gatherings of Franciscans.                   | 10:43:27 |
| 14 | Q. Did you know him well?                          | 10:43:29 |
| 15 | A. No.                                             | 10:43:30 |
| 16 | Q. Did you know Father Cimmarrusti before he was   | 10:43:33 |
| 17 | assigned --                                        | 10:43:38 |
| 18 | A. No, I did not.                                  | 10:43:38 |
| 19 | Q. What was your first impression of Father        | 10:43:39 |
| 20 | Cimmarrusti?                                       | 10:43:42 |
| 21 | A. He seemed very eager and very interested and    | 10:43:42 |
| 22 | very anxious to get on with his work there.        | 10:43:45 |
| 23 | Q. Was he a young priest at the time?              | 10:43:50 |
| 24 | A. Yes.                                            | 10:43:57 |
| 25 | Q. Was that his first assignment?                  | 10:43:58 |

1 A. I'm not sure. 10:44:00

2 Q. How many years were you at St. Anthony's? 10:44:01

3 A. Ten years. 10:44:15

4 Q. So was your last year at St. and the 1974-'75 10:44:16

5 school year? 10:44:27

6 A. '73-'74. 10:44:27

7 Q. Aside from serving as Rector at St. Anthony's 10:44:29

8 during those ten years, did you hold any other positions 10:44:52

9 at St. Anthony's, any other responsibilities? 10:44:54

10 A. All of us were assigned on weekends to assist 10:44:56

11 in parishes or -- either at the seminary or outside the 10:45:00

12 seminary, so we were on call, as it were, to help out in 10:45:06

13 different parishes. 10:45:12

14 Q. Were you assigned to a particular parish or 10:45:13

15 were you, like you said, on call and helped somewhere in 10:45:19

16 the community wherever they needed it? 10:45:22

17 A. All the faculty were on call. 10:45:23

18 Q. How did that work? If a parish needed 10:45:25

19 assistance, how was that communicated to you? 10:45:35

20 A. It was arranged by what we call Guardians, 10:45:37

21 which would be the local superior. 10:45:40

22 Q. So that would be the Father Superior? 10:45:41

23 A. Yes. 10:45:57

24 Q. And was [REDACTED] the Father Superior during 10:45:57

25 your time at St. Anthony's? 10:46:03



1 A. Yes. 10:46:04

2 Q. Was he the only Father Superior? 10:46:04

3 A. Again, I'm not clear, but I think there was a 10:46:08  
4 second one, but I can't now remember. 10:46:11

5 Q. Was Father Cordano ever the Father Superior 10:46:13  
6 during your time? 10:46:16

7 A. No. He was stationed at the Old Mission. 10:46:16

8 Q. And was Father [REDACTED] the Father Superior only 10:46:19  
9 for St. Anthony's or for the entire property of St. 10:46:23  
10 Anthony's and the Mission? 10:46:26

11 A. Only for St. Anthony's. 10:46:27

12 Q. Who was the Father Superior at the Mission 10:46:29  
13 during your time? 10:46:31

14 A. I don't remember. 10:46:31

15 Q. But there was -- 10:46:32

16 A. There was. 10:46:33

17 Q. You're confident there was a separate Father 10:46:34  
18 Superior for the Mission? 10:46:37

19 A. There was, yes. 10:46:39

20 Q. So, to your knowledge, if a parish needed a 10:46:41  
21 assistance in the community, would the pastor call 10:46:46  
22 Father [REDACTED] and say I need help this weekend and then 10:46:50  
23 he would ask one of you to help out? 10:46:53

24 A. Yes. 10:46:55

25 Q. And it was during this time that you attended 10:46:55

1 or you received a degree -- or certificate from the 10:47:10

2 University of Georgia? 10:47:13

3 A. Yes. It was the summer, two summers, '70 and 10:47:14

4 '72. 10:47:19

5 Q. Did you actually go back to Georgia? 10:47:19

6 A. Yes. 10:47:21

7 Q. So other than those two summers in Georgia, did 10:47:21

8 you spend your summers at St. Anthony's while you 10:47:24

9 were -- 10:47:27

10 A. I did. 10:47:27

11 Q. What was your next assignment after St. 10:47:28

12 Anthony's? 10:47:51

13 A. I was assigned Mary Help of Christians Parish 10:47:51

14 in Oakland. 10:47:57

15 Q. I'm sorry, did you say Mary Help of Christians? 10:47:58

16 A. Mary Help of Christians. 10:48:00

17 Q. And that was in Oakland? 10:48:04

18 A. In Oakland. 10:48:08

19 Q. And that was a parish assignment? 10:48:09

20 A. I was a pastor. I was also Director of the 10:48:11

21 Formation of Aspirants to the Franciscans. 10:48:19

22 Q. What did that involve? 10:48:23

23 A. I was in charge of the preparation of college 10:48:27

24 graduates who would then join the order, enter 10:48:36

25 novitiate. It was call pre-novitiate formation. 10:48:42

1 Q. And what did your duties involve? 10:48:46

2 A. Two separate of course. One were the parish, 10:48:49

3 conducting services for the parish, and the other was 10:48:56

4 supervising the aspirants, and we -- it was called an 10:49:00

5 experience in small community living. So we shared 10:49:05

6 responsibility for preparing meals, for keeping the 10:49:08

7 house up, and had meetings, regular meetings, regular 10:49:11

8 liturgies. It was a mini-seminary, in a sense. 10:49:16

9 Q. And did you begin that assignment in summer of 10:49:19  
10 '74 or fall? 10:49:28

11 A. In the summer of '74. 10:49:29

12 Q. How long did you hold those two positions? 10:49:31

13 A. For four years. 10:49:37

14 Q. And the pre-novitiate candidates lived at the 10:49:41  
15 rectory of the parish? 10:49:54

16 A. Correct. 10:49:56

17 Q. What was your next assignment? 10:49:56

18 A. I was assigned to do the same thing in 10:50:14  
19 Portland, Oregon. 10:50:19

20 Q. At Ascension? 10:50:19

21 A. No. This was a separate house that we rented 10:50:21  
22 from the Jesuits, and it was in northeast Portland. 10:50:26

23 Q. What was the name? 10:50:32

24 A. Excuse me? 10:50:33

25 Q. Was there a parish? 10:50:35

1 A. No, it was a separate residence. 10:50:37

2 Q. Okay. Was there a title for it or -- 10:50:39

3 A. We just called it our pre-novitiate house. 10:50:42

4 Q. Was there more than one pre-novitiate house in 10:50:46

5 the Province? 10:51:00

6 A. Not at that time. 10:51:01

7 Q. So did the pre-novitiate house that had been in 10:51:02

8 Oakland, was it moved to Portland? 10:51:06

9 A. Correct. 10:51:08

10 Q. Why did that happen? 10:51:08

11 A. It was thought that might be a better place 10:51:09

12 recruiting from the Northwest. 10:51:13

13 Q. Any particular reason -- oh, for recruiting 10:51:14

14 purposes? 10:51:20

15 A. Yes. 10:51:20

16 Q. Was there a parish there? 10:51:20

17 A. Yes, Immaculate Heart Parish. We were 10:51:26

18 adjacent -- not adjacent, but within two blocks of the 10:51:33

19 parish. 10:51:36

20 Q. And so that would be your assignment there 10:51:36

21 began in 1979? 10:51:57

22 A. Yes. '78 in '79. 10:51:57

23 Q. So it was only for '78 to '79? 10:52:01

24 A. Yes. 10:52:03

25 Q. And did you also serve as the pastor at 10:52:04

1 Immaculate Heart? 10:52:11

2 A. No. I assisted there, but I was not pastor. 10:52:12

3 Q. What was your next assignment? 10:52:15

4 A. Next assignment was then College of Notre Dame 10:52:17

5 in Belmont. 10:52:26

6 Q. And what was your assignment there? 10:52:26

7 A. As faculty member, full-time faculty member, 10:52:45

8 and director of the program in pastoral theology. 10:52:49

9 Q. And that began in the '79-'80 school year or 10:52:55

10 '78? 10:53:12

11 A. It began in '79 and with two -- with one 10:53:12

12 interruption has continued to the present. 10:53:17

13 Q. What was the interruption? 10:53:20

14 A. I was appointed President of the Franciscan 10:53:30

15 School of Theology in Berkeley from 1985 to 1988. 10:53:35

16 Q. So you are currently still on the College at 10:53:40

17 Notre Dame in Belmont? 10:54:00

18 A. Correct. 10:54:01

19 Q. And was '85 to '88 a period where you were not 10:54:02

20 a part of the faculty? 10:54:05

21 A. Correct. 10:54:06

22 Q. And aside from '85 to '88, have you served 10:54:07

23 concurrently on the faculty at College of Notre Dame and 10:54:11

24 the Franciscan School of Theology? 10:54:14

25 A. Correct. Both for 30 years. 10:54:16

1 Q. When did you become part of the faculty at the 10:54:18  
2 Franciscan School of Theology? 10:54:23

3 A. In 1979. 10:54:23

4 Q. So it was the same year? 10:54:25

5 A. I'm sorry. Correct that. 1975. Because I 10:54:30  
6 served there also during the years that I was at Mary 10:54:34  
7 Help of Christians. So I had begun there earlier. I 10:54:40  
8 had also begun earlier -- this is a little confusing -- 10:54:43  
9 as a part-time faculty at the College of Notre Dame. So 10:54:47  
10 those four years I was part-time in both places. 10:54:52

11 Q. But in '79 you actually came back and you were 10:54:55  
12 living here and it was a full-time position? 10:54:58

13 A. Mm-hmm. 10:55:01

14 Q. And then when you went to Portland, I assume 10:55:01  
15 your connection with the two schools, at least 10:55:22  
16 temporarily, ended? 10:55:24

17 A. During that one year. 10:55:24

18 Q. When you returned you became part of the both 10:55:25  
19 schools? 10:55:30

20 A. Correct. 10:55:30

21 Q. Did you have any other assignments during the 10:55:53  
22 time you were on the faculty at College of Notre Dame 10:55:59  
23 and the Franciscan School of Theology since 1979? 10:56:02

24 Let me ask you this: Have you been in 10:56:09  
25 residence somewhere? 10:56:13

1           A. I have been in residence at Notre Dame all the 10:56:13  
2 time that I have been there, and then I of course was in 10:56:18  
3 residence at Franciscan School during my tenure as 10:56:20  
4 President. 10:56:24

5           Q. Since 1979 has there been any period where you 10:56:24  
6 have been in residence at a parish? 10:56:50

7           A. I was officially assigned to Our Lady of 10:56:52  
8 Guadalupe Parish in San Jose, which is my nearest 10:56:57  
9 Franciscan residence. 10:57:02

10          Q. In '79? 10:57:03

11          A. Yes. But that proved impractical because all 10:57:03  
12 of my work was at Notre Dame, some 45 miles away, and so 10:57:10  
13 I was allowed to live away from the residence to which I 10:57:16  
14 was assigned. 10:57:21

15          Q. Okay. Did you do any parish work there? 10:57:22

16          A. I did in several parishes. 10:57:24

17          Q. What other parishes? 10:57:26

18          A. Principally in four. Immaculate Heart of Mary 10:57:27  
19 in Belmont, St. Thomas Aquinas in Palo Alto, St. 10:57:36  
20 Williams in Los Altos, and Our Lady of Guadalupe in San 10:57:44  
21 Jose. 10:57:50

22          Q. I'm sorry, I got the first and the last. What 10:57:50  
23 were the two in the middle? 10:58:02

24          A. St. Thomas Aquinas in Palo Alto and St. 10:58:03  
25 Williams in Los Altos. 10:58:09

1 Q. And for all those three parishes, you were 10:58:11  
2 simply assisting with the parish work? 10:58:27

3 A. My technical term, sacramental assistant. 10:58:29  
4 Normally saying mass each Sunday, or Saturday or Sunday, 10:58:33  
5 and assisting with other parish activities. 10:58:36

6 Q. And did those assistant assignments happen in 10:58:39  
7 successions or are they all concurrent at the same time 10:58:53  
8 depending on who needed what? 10:58:56

9 A. They varied from time to time. 10:58:59

10 Q. So there wasn't successions of assignments of 10:59:01  
11 those four? 10:59:04

12 A. No. 10:59:04

13 Q. Does St. Williams in Los Altos have a school on 10:59:04  
14 its property? 10:59:12

15 A. Excuse me? 10:59:13

16 Q. Does St. Williams in Los Altos have a school? 10:59:13

17 A. When I first began it did, but then later on it 10:59:16  
18 was closed. 10:59:20

19 Q. And when was it closed? 10:59:20

20 A. I do not remember. 10:59:21

21 Q. Was it recent or was it -- 10:59:22

22 A. It was during my first year to assist there it 10:59:25  
23 was closed. 10:59:30

24 Q. So sometime in the late '70s, early '80s? 10:59:30

25 A. Right. 10:59:33



1 Q. Are there any CCD programs for youngsters 10:59:35  
2 there? 10:59:38  
3 A. Currently, yes. 10:59:38  
4 Q. What ages? 10:59:39  
5 A. Grades 1 through 8. 10:59:40  
6 Q. Any other kind of Catholic teaching programs 10:59:43  
7 for youngsters or for minors at St. Williams? 10:59:53  
8 A. No. 10:59:57  
9 Q. Do you know what the schedule is for the CCD 11:00:00  
10 programs at St. Williams? 11:00:05  
11 A. No. It's conducted within the parish on 11:00:06  
12 weekends, as far as I know. 11:00:11  
13 Q. Do you know who Father [REDACTED] is? 11:00:14  
14 A. I do. 11:00:21  
15 Q. Is he in residence at St. Williams? 11:00:22  
16 A. No. 11:00:25  
17 Q. Has he ever been in residence at St. Williams? 11:00:25  
18 A. No. He was living with his parents. 11:00:27  
19 Q. Was he ever assigned to St. Williams? 11:00:29  
20 A. No. 11:00:33  
21 Q. Did he ever do any parish work at St. Williams? 11:00:33  
22 A. Yes. 11:00:38  
23 Q. When did he do parish work at St. Williams? 11:00:38  
24 A. I can't remember the exact years, but it's been 11:00:41  
25 about three to four years ago he helped out, I believe, 11:00:45

1 for a period of maybe two to three years. 11:00:49

2 Q. And did he help out during periods where you 11:00:51

3 were also helping out at St. Williams? 11:00:56

4 A. Yes. 11:00:58

5 Q. Did you ever see him interact with minors? 11:00:58

6 A. No. 11:01:10

7 Q. Did you ever warn any parishioners at St. 11:01:11

8 Williams that Father [REDACTED] was a threat to minors? 11:01:33

9 A. No. 11:01:35

10 MR. KASPER: Excuse me. The question assumes 11:01:36

11 facts not in evidence. 11:01:39

12 You can still answer the question, if you know 11:01:39

13 the answer. 11:01:44

14 THE WITNESS: Would you read that question? 11:01:45

15 BY MR. HALE: 11:01:47

16 Q. Sure. Sure. 11:01:47

17 Did you ever warn any parishioners at St. 11:01:48

18 Williams that Father [REDACTED] was a risk to minors? 11:01:50

19 MR. MATIASIC: Lacks foundation as well. 11:01:53

20 THE WITNESS: As a matter of fact? 11:01:56

21 MR. KASPER: As a fact matter, did you ever 11:01:58

22 warn anybody? 11:02:02

23 THE WITNESS: I didn't. I said nothing to 11:02:02

24 anybody about him. 11:02:04

25

1 BY MR. HALE: 11:02:05

2 Q. Are you aware of any -- are you aware of 11:02:05

3 whether any Franciscans warned parishioners at St. 11:02:09

4 Williams of a risk to children posed by Father [REDACTED]? 11:02:11

5 MR. KASPER: Same objections. If you are aware 11:02:16

6 of any notice to anybody, you can answer. 11:02:18

7 THE WITNESS: No. 11:02:20

8 BY MR. HALE: 11:02:20

9 Q. Are you aware of any allegations of child and 11:02:20

10 sexual abuse by Father [REDACTED]? 11:02:38

11 A. Yes. 11:02:40

12 Q. When did you became aware of those allegations? 11:02:42

13 A. When he stopped assisting at St. Williams. 11:02:45

14 Q. Was he ordered to stop assisting at St. 11:02:49

15 Williams because of those allegations? 11:02:54

16 A. I don't know. 11:02:55

17 Q. How did you become aware of those allegations? 11:02:57

18 A. The pastor of St. Williams told me. 11:03:12

19 Q. Were they related to allegations of abuse while 11:03:15

20 [REDACTED] was at St. Anthony's? 11:03:24

21 MR. KASPER: Excuse me. You're asking him 11:03:26

22 questions -- he has told you he is not aware of the 11:03:34

23 allegations, so you are asking him questions about 11:03:36

24 things he knows nothing about. 11:03:38

25 MR. HALE: Well, Counsel, I think you're now 11:03:40

1 coaching this witness. He is clearly responding to 11:03:43

2 these questions and I have got a right to ask these 11:03:45

3 questions. 11:03:48

4 MR. KASPER: Well, you only have a right to ask 11:03:48

5 him questions about things he has personal knowledge of. 11:03:50

6 MR. HALE: I agree. He is responding to these 11:03:52

7 questions, Counsel. 11:03:54

8 MR. KASPER: If you have personal knowledge, 11:03:55

9 you can answer the question. 11:03:56

10 MR. HALE: Could you read the question back? 11:03:57

11 (Whereupon the reporter read the record as 11:03:57

12 follows: 11:04:08

13 "Question: Were they related to allegations of 11:04:08

14 abuse while [REDACTED] was at St. Anthony's?") 11:04:08

15 THE WITNESS: No. 11:04:08

16 BY MR. HALE: 11:04:09

17 Q. Do you know where -- is Father [REDACTED] still with 11:04:09

18 the Franciscans? 11:04:28

19 A. As far as I know. 11:04:28

20 Q. Do you know where he is assigned now? 11:04:29

21 A. No. 11:04:30

22 Q. Do you know where he was assigned after he left 11:04:31

23 St. Williams? 11:04:34

24 A. To the best of my knowledge, it was St. 11:04:34

25 Boniface in San Francisco. 11:04:39

1 Q. Do you know what his position was at St. 11:04:40

2 Boniface? 11:04:49

3 A. No. 11:04:49

4 Q. Do you know if he was conducting any 11:04:52

5 responsibilities as an associate pastor at St. Boniface? 11:04:57

6 A. I don't know. 11:05:00

7 Q. Do you know if any Franciscans -- are you aware 11:05:01

8 of any warnings provided to parishioners at St. Boniface 11:05:10

9 by Franciscans regarding -- 11:05:15

10 A. No. 11:05:16

11 Q. -- Father [REDACTED] propensities? 11:05:16

12 A. No. 11:05:19

13 Q. Do you believe parishioners at St. Boniface 11:05:20

14 should have been warned about father [REDACTED] 11:05:23

15 propensities? 11:05:26

16 A. I can't answer for others. 11:05:26

17 Q. Well, but do you believe? 11:05:28

18 MR. KASPER: On what basis? The question lacks 11:05:30

19 foundation. He has told you he doesn't know anything 11:05:33

20 about this and you are asking him to give you an opinion 11:05:35

21 based upon a complete lack of information. There is no 11:05:39

22 way he can answer the question. 11:05:41

23 MR. HALE: Counsel, he said he is aware of 11:05:41

24 allegations of abuse by Father [REDACTED]. It's a fair 11:05:43

25 question. 11:05:46

1 THE WITNESS: But that was in connection with 11:05:46

2 his being at St. Williams. I know nothing about St. 11:05:49

3 Boniface. 11:05:52

4 BY MR. HALE: 11:05:53

5 Q. I understand that, but is it safe to assume 11:05:53

6 that at most parishes there are going to be families in 11:05:56

7 attendance? 11:05:59

8 A. Yes. 11:05:59

9 Q. Okay. So my question is: In your opinion, 11:06:00

10 should those families have been warned of Father [REDACTED] 11:06:04

11 propensities? 11:06:08

12 MR. KASPER: Well, the question still lacks 11:06:08

13 foundation. You are assuming that the allegations are 11:06:14

14 correct, and that he has some knowledge of whether or 11:06:17

15 not the allegations are factually correct. It's 11:06:20

16 impossible for him to answer the question. 11:06:23

17 MR. HALE: It's not at all impossible for him 11:06:25

18 to answer the question, Counsel. I understand why the 11:06:27

19 question is disturbing to you, but I have got a right to 11:06:29

20 ask the question. My clients are entitled to an answer 11:06:32

21 to the question. I'm just asking for his opinion. 11:06:35

22 Certainly a key issue in these cases, 11:06:37

23 especially if they go to trial, is going to be is there 11:06:39

24 a basis for punitive claims. And, believe me, punitive 11:06:42

25 damages claims are going to be filed in these cases, and 11:06:43

1 your clients, as has been raised repeatedly in the 11:06:46  
2 current trials, are going to take the position that 11:06:50  
3 things have changed, that there is a different position 11:06:52  
4 taken now, and I think an answer to this question is 11:06:54  
5 highly relevant to that question. 11:06:56

6 MR. KASPER: Well, you're asking him his 11:06:58  
7 personal opinion about something he has already 11:07:00  
8 testified he has no personal knowledge of. So his 11:07:03  
9 answer is completely irrelevant. It has no -- 11:07:07

10 MR. HALE: I disagree. I think we're entitled 11:07:09  
11 to an answer to the question. 11:07:12

12 MR. TISDALE: Maybe we can try a different 11:07:13  
13 question, because actually what the problem is is it's 11:07:14  
14 an incomplete hypothetical. You're asking him to assume 11:07:16  
15 that they had notice and an opportunity to warn and you 11:07:19  
16 haven't asked -- you haven't put that into your 11:07:23  
17 question. 11:07:25

18 MR. HALE: Counsel, I'm not going to get into 11:07:25  
19 an argument here, but I disagree. He just said that 11:07:26  
20 Father [REDACTED] was transferred from St. Williams after 11:07:29  
21 allegations of sexual abuse arose. Father [REDACTED] was 11:07:32  
22 then transferred to St. Boniface. So I disagree. It's 11:07:36  
23 not an incomplete hypothetical. I think it's a very 11:07:38  
24 complete hypothetical. I think I'm entitled to an 11:07:41  
25 answer to the question. I think my clients are entitled 11:07:42

1 to an answer to the question. Counsel, I know you are 11:07:44  
2 doing your job, but I'm time entitled to an answer to 11:07:47  
3 the question. 11:07:50

4 Are you instructing him not to answer? 11:07:53

5 MR. KASPER: I don't see how the question can 11:07:55  
6 be answered the way the question has been asked. 11:07:57

7 MR. HALE: I disagree. And certainly if you 11:08:00  
8 raise your objection, make your record, and we get to 11:08:02  
9 trial and the court agrees, the answer is not going to 11:08:04  
10 come in. So are you instructing him not to answer, 11:08:07  
11 otherwise I would like an answer to the question? 11:08:10

12 MR. KASPER: Well, let me have an opportunity 11:08:12  
13 to consult with my client. 11:08:14

14 MR. HALE: I would rather not go off the record 11:08:16  
15 at this point. I think it's a valid question. I think 11:08:18  
16 you're already starting to cross the line somewhat 11:08:20  
17 into -- not maybe intentionally, but into coaching a 11:08:22  
18 witness on a question that I'm entitled to an answer to 11:08:25  
19 and I think that's inappropriate, Counsel. 11:08:28

20 MR. KASPER: You are only entitled to answers 11:08:29  
21 to questions based upon information that he actually has 11:08:32  
22 that he can testify to. 11:08:35

23 MR. HALE: Again, the approach the Franciscans 11:08:36  
24 are taking to these cases, and particularly with regards 11:08:40  
25 to a pattern of conduct of transferring perpetrators, as 11:08:42



1 we have seen time and time again in Santa Barbara, into 11:08:45  
2 communities without warning to those communities and the 11:08:47  
3 families in those communities is highly relevant to the 11:08:51  
4 punitive damages claim and also to our causes of action 11:08:52  
5 for public nuisance. It's a corporate mentality, it's all 11:08:56  
6 corporate answer, and certainly someone who has been 11:09:02  
7 part of the Franciscan organization as long as Father 11:09:05  
8 Harris has is reflective of the attitude of the 11:09:09  
9 organization. We're entitled to an answer in that 11:09:12  
10 regard. 11:09:14

11 MR. KASPER: I understand the theory of your 11:09:14  
12 case. You don't have to explain the theory of your case 11:09:15  
13 to me. If you ask him questions about things he has 11:09:18  
14 knowledge of, he can answer the question. If you ask 11:09:20  
15 him to assume things that there is no basis for or that 11:09:22  
16 he has no personal knowledge of, there is no way he can 11:09:26  
17 answer the question. 11:09:30

18 MR. HALE: I'm not going to argue about this 11:09:30  
19 any further. If you want to instruct him not to answer, 11:09:33  
20 please do so and we can take it up at a later date, 11:09:33  
21 otherwise I would like an answer to the question. 11:09:36

22 MR. KASPER: We'll take it up at date. Don't 11:09:37  
23 answer the question. 11:09:41

24 MR. HALE: And you understand by taking it up 11:09:41  
25 at a later date that that means a motion to compel? 11:09:48

1 MR. KASPER: I understand, Counsel. 11:09:51

2 MR. HALE: You are not leaving me any choice. 11:09:51

3 No offense to Father Harris, but he is not getting 11:09:53

4 younger. Certainly a question like that is highly 11:09:57

5 relevant to both the punitive damage allegations and the 11:09:58

6 public nuisance cause of action in our Complaint. 11:10:01

7 MR. KASPER: I understand the theory of your 11:10:03

8 case. Please let's move on. 11:10:04

9 MR. HALE: Okay. 11:10:06

10 Q. When was the last time you spoke with Father 11:10:06

11 [REDACTED]? 11:10:22

12 A. Would you repeat that? 11:10:23

13 Q. When was the last time you spoke with Father 11:10:24

14 [REDACTED]? 11:10:27

15 A. When he came to visit the Franciscan School of 11:10:30

16 Theology together with our Minister General at -- in 11:10:37

17 Berkeley two years ago. 11:10:42

18 Q. Do you know how old Father [REDACTED] is? 11:10:46

19 A. He is [REDACTED]. 11:10:51

20 Q. Are you aware of him having any health 11:10:52

21 problems? 11:10:55

22 A. No. 11:10:55

23 Q. Are you aware of any recent hospitalizations 11:10:58

24 that he has undergone? 11:11:01

25 A. [REDACTED] 11:11:02

1 [REDACTED] 11:11:06

2 [REDACTED] 11:11:09

3 Q. Switch gears here. Let me ask you about the 11:11:09  
4 history of educational institutions at St. Anthony's and 11:11:17  
5 the Mission. 11:11:21

6 Are you fairly familiar with the history of 11:11:22  
7 educational institutions at St. Anthony's and the 11:11:25  
8 Mission? 11:11:27

9 A. Reasonably. 11:11:27

10 Q. Okay. Which Friar do you think would be most 11:11:32  
11 knowledgeable regarding the history of such institutions 11:11:37  
12 at the Mission and St. Anthony's? 11:11:40

13 A. Father Virgil Cordano. 11:11:41

14 Q. That's what I thought. 11:11:46

15 A. He has had only one assignment there. 11:11:46

16 Q. What about Timothy Arthur, would be 11:11:46  
17 knowledgeable as well? 11:11:49

18 A. He is the archivist for the Province, yes. 11:11:49

19 Q. Anyone else? 11:11:54

20 A. None living. 11:11:55

21 Q. Okay. 11:11:57

22 A. Those would be the two most knowledgeable 11:11:59  
23 living. 11:12:02

24 Q. When you arrived at St. Anthony's, there was 11:12:02  
25 the seminary on St. Anthony's obviously, there was the 11:12:05

1 School of Theology at the Mission; correct? 11:12:09

2 A. Yes. 11:12:11

3 Q. Were there any other educational institutions 11:12:11

4 at St. Anthony's or the Mission at that time? 11:12:15

5 A. No. 11:12:16

6 Q. While you were assigned to St. Anthony's, were 11:12:16

7 there any other educational institutions that were 11:12:20

8 created there or took -- for instance, you described how 11:12:23

9 the pre-novitiate house changed from Oakland to 11:12:27

10 Portland. Did the pre-novitiate house ever come to -- 11:12:30

11 A. It didn't exist at that time. 11:12:33

12 Q. Any other institutions or educational -- 11:12:35

13 A. No. No. 11:12:37

14 Q. So it was just St. Anthony's and the theologic 11:12:38

15 school? 11:12:40

16 A. Yes. 11:12:41

17 Q. And the theologic school left the Mission while 11:12:41

18 you were there, correct? 11:12:48

19 A. Yes -- no. Yes. '68. 11:12:48

20 Q. Okay. And then it went up to Berkeley? 11:12:52

21 A. Yes. 11:12:55

22 Q. This may be -- I'm trying to understand the 11:12:55

23 steps that are required to be taken for a candidate to 11:13:14

24 go from seminarian all the way to a priest. Have those 11:13:18

25 steps changed since you joined the Franciscans? 11:13:22

1 A. Yes. 11:13:26

2 Q. Let's start with when you joined and see if you 11:13:27  
3 can explain for me. I'll give you my understanding and 11:13:31  
4 you can correct me if I am wrong. 11:13:34

5 A. Well, at the time I entered, 1942, there was a 11:13:35  
6 six-year program at St. Anthony Seminary, a novitiate 11:13:39  
7 and two-year program at San Luis Rey, a four-year 11:13:46  
8 program at the Old Mission School of Theology. 11:13:50

9 So it's six, and if you count novitiate, three, 11:13:56  
10 four. Six, three, four. And in the same year that I 11:14:00  
11 was in novitiate, the sixth year of the St. Anthony's 11:14:05  
12 Seminary was dropped, and the students who were in that 11:14:12  
13 year were anticipated and brought up to San Luis Rey. 11:14:19  
14 San Luis Rey became first a three-year college and then 11:14:22  
15 finally a four-year college. 11:14:28

16 Q. Okay. 11:14:29

17 A. But that was successive years. 11:14:30

18 Q. So when you say there was a six-year program at 11:14:32  
19 St. Anthony's when you first arrived, was that -- was it 11:14:36  
20 starting with eighth-graders or -- 11:14:38

21 A. Yes, eighth-graders. They came after eighth 11:14:40  
22 grade. Ninth grade, 9 through 12, and then 12 through 11:14:44  
23 14, or junior college. 11:14:47

24 Q. I see. 11:14:48

25 So, in other words, the original program at St. 11:14:49

1 Anthony's is you graduate from high school basically and 11:14:52

2 then there is two years of junior college at St. 11:14:56

3 Anthony's? 11:14:58

4 A. See, St. Anthony's was based on the German 11:14:58

5 model, which is a six-year school. 11:14:59

6 Q. Why is the one-year -- why was the one-year 11:15:14

7 novitiate not considered -- is that not considered an 11:15:27

8 academic year, I assume? 11:15:29

9 A. That's correct -- 11:15:30

10 Q. Why not? 11:15:30

11 A. -- it's not an academic. I would have to give 11:15:31

12 an opinion. 11:15:36

13 Q. That's fine. Fire away. 11:15:37

14 A. The emphasis was on spiritual formation and not 11:15:39

15 so much on academic formation. Although, academic 11:15:44

16 formation continued in a limited way through reading, 11:15:51

17 assigned reading, through what we call conferences, 11:15:54

18 rather than classes. It was a minor difference. And it 11:16:01

19 was in an academic atmosphere, although the emphasis was 11:16:05

20 on spiritual formation. 11:16:10

21 Q. How was an emphasis placed on spiritual 11:16:11

22 formation? 11:16:18

23 A. Through specialized reading, through 11:16:18

24 conferences, through extra periods of prayer, extra 11:16:22

25 sessions of spiritual guidance. 11:16:33

1 Q. By the time you became Rector at St. Anthony's, 11:16:35  
2 had this six, two, four, the succession of years 11:16:45  
3 changed? 11:16:49

4 A. Yes, it was now four only. 11:16:49

5 Q. Four at St. Anthony's? 11:16:51

6 A. Yes. 11:16:52

7 Q. And then where did the two years of junior 11:16:53  
8 college take place? 11:16:55

9 A. They were assumed by St. Anthony's San Luis 11:16:56  
10 Rey. So it was four, four, four. 11:16:59

11 Q. So it was four successive years at San Luis 11:17:02  
12 Rey? 11:17:16

13 A. No, there was still the novitiate. 11:17:16

14 Q. So break it down for me. There is four years 11:17:17  
15 at St. Anthony's and then? 11:17:22

16 A. A year of novitiate, then four years at San 11:17:23  
17 Luis Rey, and then four years of theology at Santa 11:17:27  
18 Barbara. And novitiate itself changed locations during 11:17:32  
19 that time. 11:17:35

20 Q. From where to where? 11:17:35

21 A. From San Luis Rey to Oakland for one period of 11:17:39  
22 time and then from Oakland to Old Mission San Miguel. 11:17:44

23 Q. Why the moving around? 11:17:48

24 A. I would not be competent to answer that. It 11:17:52  
25 was a decision of the Province superiors. 11:17:59

1 Q. And what about currently, is it still the four 11:18:02  
2 years seminary high school, one year novitiate, four 11:18:12  
3 years San Luis Rey, four years theology; is that the 11:18:16  
4 current form? 11:18:19

5 A. No. Current form is we have no minor seminary. 11:18:19  
6 So there is no high school period. The college is done 11:18:22  
7 before the candidate enters the order. There is a year 11:18:27  
8 of pre-novitiate. 11:18:33

9 Q. After college? 11:18:34

10 A. After college. One year of novitiate and then 11:18:36  
11 theology for those who are planning to go onto the 11:18:43  
12 priesthood. 11:18:49

13 Q. Four years of theology? 11:18:49

14 A. For those planning ordination, and not 11:18:52  
15 necessarily for all, so that's... 11:19:01

16 Q. Okay. Going back to that period when you were 11:19:04  
17 the Rector, how did you -- what was -- was there a title 11:19:08  
18 for a seminarian, was it just simply a seminarian at St. 11:19:13  
19 Anthony's? 11:19:17

20 A. We referred to them as seminarians, yes. 11:19:17

21 Q. And what about -- same question for the 11:19:21  
22 one-year novitiate, were they simply novitiate 11:19:25  
23 candidates? 11:19:27

24 A. Once we were given the habit, entered the 11:19:27  
25 order, we were called different things. Frater in 11:19:32



1 Latin, meaning Brother, or Fray, F-R-A-Y, Spanish form. 11:19:37

2 Q. Okay. 11:19:40

3 A. So we were given a title then. 11:19:41

4 Q. If a Franciscan was going to stop, was not 11:19:43

5 going to continue into the priesthood and was only going 11:19:53

6 to be a Brother, where did they stop in the educational 11:19:55

7 process? Was it simply high school education and that's 11:19:59

8 it? 11:19:59

9 A. It would be after college. 11:19:59

10 Q. So every Brother has at least gone through four 11:20:01

11 years at San Luis Rey? 11:20:05

12 A. Correct. 11:20:06

13 Q. And only priest candidates go on to the 11:20:06

14 theology school? 11:20:14

15 A. Yes. 11:20:16

16 Q. And is ordination considered the pinnacle of 11:20:16

17 the education process? Not really? 11:20:34

18 A. Well, it is and it isn't. It is in the sense 11:20:42

19 that that's a goal, but so many of the Friars continue 11:20:45

20 their education beyond that, so... 11:20:49

21 Q. Okay. What period is formation? 11:20:51

22 A. Excuse me? 11:20:55

23 Q. Formation, when does that take place? Is that 11:20:58

24 during the seminary? 11:21:01

25 A. It's continuous. It's supposed to be lifelong. 11:21:01

1 Q. Oh, okay. 11:21:05

2 What is the Formation Committee? Is there a 11:21:07

3 Formation Committee? 11:21:11

4 A. There is. 11:21:11

5 Q. What is that? 11:21:12

6 A. It's a group of Friars who are appointed by the 11:21:13

7 Province to meet regularly and to make recommendations 11:21:17

8 as to the formation of the Friars, and we have from our 11:21:23

9 headquarters in Rome a program that is outlined and we 11:21:35

10 are expected to follow, with some modifications being 11:21:39

11 allowed to the individual provinces. 11:21:43

12 Q. What do you mean by that? 11:21:47

13 A. Well, because of local circumstances, 11:21:53

14 educational opportunities and so on, there is some 11:21:58

15 variation from country to country. So we have to make 11:22:00

16 allowances for our own situation. That's mainly -- 11:22:03

17 Q. When you say that the -- have you ever been on 11:22:06

18 the Formation Committee? 11:22:09

19 A. Yes. 11:22:09

20 Q. What years did you serve on the Formation 11:22:10

21 Committee? 11:22:12

22 A. All the years that I was the Rector of St. 11:22:12

23 Anthony's Seminary and all the years that I was involved 11:22:16

24 in the pre-novitiate. So that would be the ten years of 11:22:23

25 St. Anthony's and then the five years of pre-novitiate. 11:22:29

1 Q. So roughly until 1979? 11:22:35

2 A. Yes. 11:22:40

3 Q. How many other Friars are on the Formation 11:22:41  
4 Committee? 11:22:46

5 A. Generally five. 11:22:46

6 Q. How are they selected by the Province? 11:22:48

7 A. I think that has changed also over time. I 11:22:52  
8 think at first they were primarily the heads of the 11:22:57  
9 different programs, and then others were brought in as 11:23:01  
10 time went on. So now it's somewhat volunteer, plus 11:23:05  
11 assignments. So that when the Friars are asked what 11:23:10  
12 they would like to do -- for example, I'm currently 11:23:13  
13 serving on the Ongoing Formation of Friars. Those are 11:23:17  
14 the people who are already ordained and are getting 11:23:21  
15 further educational experience. 11:23:25

16 Q. When you say that the committee meets regularly 11:23:27  
17 regarding formation, what does that mean? What does the 11:23:30  
18 committee do? 11:23:33

19 A. Normally twice a year. Sometimes if an 11:23:35  
20 emergency arises, more often. 11:23:37

21 Q. And what is discussed by the Formation 11:23:37  
22 Committee? 11:23:40

23 A. The program itself and then if there are any 11:23:40  
24 individuals that are involved in the program, their 11:23:43  
25 progress, kind of a progress report. 11:23:47

1 Q. So it's really for the young candidates? 11:23:48

2 A. Yes. 11:23:52

3 Q. Is that the sole purpose of the Formation 11:23:53  
4 Committee, to evaluate candidates? 11:23:56

5 A. No. It's to outline programs and to evaluate 11:23:58  
6 the success of the programs. 11:24:04

7 Q. When you say "programs," what do you mean by 11:24:05  
8 that? 11:24:16

9 A. Well, it's all inclusive. It would mean the 11:24:16  
10 formation in the broadest sense. You know, are they 11:24:25  
11 getting all the necessary training that they need to be 11:24:27  
12 competent in their later life. 11:24:31

13 MR. HALE: Okay. You guys need a break? 11:24:33

14 MR. KASPER: Well, we were just actually 11:24:37  
15 wondering, we've been going for a little over an hour --11:24:41

16 MR. HALE: It's fine if you want to stop right 11:24:45  
17 now. 11:24:48

18 MR. KASPER: If this is a good time. 11:24:48

19 MR. HALE: Sure. Sure. 11:24:49

20 THE VIDEOGRAPHER: This marks the end of tape 11:24:50  
21 one, volume one in the deposition of Xavier Harris. 11:24:53

22 We're going off the record. The time is 11:24. 11:24:58

23 (Recess taken) 11:25:00

24 THE VIDEOGRAPHER: This marks the beginning of 11:25:00  
25 disc two, volume one, in the deposition of Xavier 11:44:33

1 Harris. We're back on the record. The time is now 11:44:38

2 11:44. 11:44:43

3 MR. HALE: Back on the record. 11:44:43

4 Q. Father, I want to ask you some more questions 11:44:48

5 about the Formation Committee. I have seen some 11:44:52

6 references in the personnel files to Priests of the 11:44:54

7 First Order or the Second Order or the Third Order. 11:44:57

8 What are the different orders within the 11:45:00

9 Province? 11:45:03

10 A. Historically, the first order were the men, 11:45:03

11 Franciscans; second order were the sisters of St. 11:45:07

12 Francis, the women, following St. Clare; and the third 11:45:11

13 order were lay people who are not members of either the 11:45:16

14 first or the second order. 11:45:19

15 Q. Okay. So that's not reflective of level of 11:45:20

16 education or priesthood or anything -- well, it would be 11:45:23

17 reflective of priesthood though, correct? 11:45:27

18 A. No. 11:45:29

19 Q. No? 11:45:30

20 A. Those ordained and those not ordained. 11:45:30

21 Q. So there is only those three orders though? 11:45:33

22 A. I don't want to go into the complexity of the 11:45:36

23 divisions. 11:45:39

24 Q. I understand. That's fine. That answers my 11:45:39

25 question. 11:45:43

1           Regarding the Formation Committee, you said   11:45:43  
2   generally it would meet twice a year?           11:45:49

3           A.   At least.                           11:45:51

4           Q.   Sometimes more?                   11:45:52

5           A.   If there is something very big coming up, like 11:45:52  
6   change of novitiate, something like that might require 11:45:58  
7   another meeting.                               11:45:59

8           Q.   When you say "change of novitiate," are you 11:45:59  
9   referring to the novitiate house moving or --   11:46:01

10          A.   Moving.                           11:46:02

11          Q.   Okay.   During your approximately 15 years on 11:46:03  
12   the Formation Committee, how many times -- what was the 11:46:09  
13   most you ever met in one year?               11:46:15

14          A.   Would you repeat that?           11:46:16

15          Q.   During your approximately 15 years on the 11:46:17  
16   committee, what was the greatest number of times you 11:46:20  
17   ever met in one year?   Four times, five times, ten 11:46:22  
18   times?                                       11:46:26

19          A.   To the best of my knowledge, no more than once 11:46:26  
20   did we meet more than twice.               11:46:31

21          Q.   Was there a leader of the committee or was it 11:46:32  
22   just a group of five that voted?           11:46:40

23          A.   The membership changed over time.           11:46:41

24          Q.   But there was no leader?           11:46:43

25          A.   Yes, there was a chairperson --   11:46:45

1 Q. Who was the chair? 11:46:46

2 A. -- who was the Prefect of Education, he was 11:46:47

3 called. 11:46:50

4 Q. And who was that during your fifteen years? 11:46:51

5 A. [REDACTED] at the beginning and then 11:46:54

6 later on Virgil Cordano. 11:46:59

7 Q. When did Father Cordano become the Prefect of 11:47:03

8 Education? 11:47:09

9 A. Again, I can't say for sure, but it was 11:47:09

10 sometime in the early '50s. 11:47:13

11 Q. And how long was he the Prefect of Education? 11:47:17

12 A. Most of the time to the present, except with 11:47:24

13 one exception. There is a Ciprian, Father Ciprian, who 11:47:29

14 was there for a short time. 11:47:35

15 Q. Is he still the Prefect of Education? 11:47:36

16 A. No. I am not sure how that has changed, but 11:47:39

17 there is a change now. 11:47:49

18 Q. Is there still a Prefect of Education? 11:47:50

19 A. No. 11:47:52

20 Q. That position was eliminated? 11:47:55

21 A. Apparently. 11:47:56

22 Q. Do you know why it was eliminated? 11:47:57

23 A. No. 11:47:59

24 Q. And was the -- so would it be fair to say the 11:47:59

25 Formation Committee was responsible for determining who 11:48:13

1 would or would not become a Franciscan? 11:48:15

2 A. That has to do with different -- there are 11:48:20  
3 committees set up to do different things. Like an 11:48:26  
4 Ordination Committee to propose those ready for 11:48:30  
5 ordination. There is a Profession Committee to 11:48:33  
6 determine those ready to make final profession. There 11:48:37  
7 is a Novitiate Committee to pass on those that are ready 11:48:39  
8 for novitiate. So I think what has been happening is 11:48:43  
9 the decentralization of that committee and subcommittees 11:48:46  
10 have been formed. 11:48:51

11 Q. Are the Ordination Committee and the Profession 11:48:52  
12 Committee and the Novitiate Committees subcommittees of 11:48:55  
13 the Formation Committee? 11:48:58

14 A. I think there is breakdowns of what was 11:48:58  
15 formerly the Formation Committee. 11:49:01

16 Q. Does the Formation Committee still exist? 11:49:03

17 A. Not to my knowledge. 11:49:05

18 Q. But did it continue to exist until relatively 11:49:06  
19 recently? 11:49:14

20 A. Yes. 11:49:14

21 Q. Do you know why the formation was broken down 11:49:17  
22 into these subcommittees? 11:49:20

23 A. Partly because of the whole structure change, 11:49:21  
24 you know, the elimination of the St. Anthony's Seminary 11:49:25  
25 and then the San Luis Rey College, and so the fact that 11:49:30



1 people come in only after college has caused a lot of 11:49:34  
2 changes to take place. 11:49:37

3 Q. Was the Formation Committee in existence from 11:49:38  
4 1960 until 1990; is that fair to say? 11:49:42

5 A. 1960. I would say even earlier than that, 11:49:44  
6 because I was on the Formation Committee, but I was 11:49:55  
7 still principle of the high school in Stockton. So that 11:49:57  
8 would take me back to the '50s. 11:50:05

9 Q. So sometime in the '50s until the 1990s at 11:50:06  
10 least? 11:50:10

11 A. Yes. 11:50:10

12 Q. And so from sometime in the '50s until at least 11:50:11  
13 the 1990s, the Formation Committee, correct me if I am 11:50:17  
14 wrong, was responsible for determining who would or 11:50:22  
15 would not become a Franciscan Priest? 11:50:24

16 A. Yes. 11:50:26

17 Q. And responsible for determining who would or 11:50:26  
18 would not become a Franciscan Brother? 11:50:29

19 A. Yes. 11:50:33

20 Q. And the committee met -- 11:50:33

21 A. May I revise that -- 11:50:37

22 Q. Sure. Sure. 11:50:39

23 A. -- to say that it's the people directly in 11:50:40  
24 charge of the different programs that would also have to 11:50:42  
25 be included. So it wouldn't be just the committee. It 11:50:45

1 would be, for instance, the Novice Master and his 11:50:48  
2 assistant would be important to decide who would be 11:50:51  
3 advanced to first vows. So it's not just the committee. 11:50:54  
4 It's on the advice of others responsible for the 11:51:01  
5 different levels. 11:51:04

6 Q. So would others advise the committees on the 11:51:04  
7 recommendations? 11:51:08

8 A. Yes, correct. 11:51:08

9 Q. And one of them would be the Novice Master? 11:51:09

10 A. Correct. 11:51:11

11 Q. Who else? 11:51:12

12 A. Well, in the case of those who are going to 11:51:12  
13 final vows, for example, that would be the superiors of 11:51:16  
14 the houses where they lived. 11:51:20

15 Q. Who else? 11:51:21

16 A. For ordination, it would have to be the faculty 11:51:30  
17 of the School of Theology, plus the directors of the 11:51:35  
18 houses again where they have lived. 11:51:40

19 Q. What about, for instance, the faculty at St. 11:51:42  
20 Anthony's, would they have any input if one of the St. 11:51:48  
21 Anthony's seminarians went on through this process? 11:51:51

22 A. Well, while it was still in operation, they 11:51:55  
23 would recommend people during the earlier period for 11:51:57  
24 novitiate, and then when they -- excuse me, for San Luis 11:52:02  
25 Rey, I should say, for college. 11:52:13

1 Q. Okay. And would that recommendation be made to 11:52:15  
2 the Formation Committee or to the faculty at San Luis 11:52:20  
3 Rey? 11:52:24

4 A. It would be passed on to the faculty at San 11:52:24  
5 Luis Rey. 11:52:28

6 Q. Anyone else who would offer their opinion to 11:52:29  
7 the Formation Committee on a candidate? We talked about 11:52:34  
8 the Novice Master, superiors of the houses for those 11:52:46  
9 going onto final vows, the theology faculty. Anyone 11:52:49  
10 else? 11:52:54

11 A. Well, currently, the Vocation Director has 11:52:54  
12 something to do with this, because the Vocation Director 11:53:03  
13 is the one who, in a sense, is in charge of recruitment. 11:53:06

14 Q. Okay. 11:53:09

15 A. And so he would be involved and also those 11:53:10  
16 involved in psychological testing and interviewing 11:53:15  
17 candidates. Because of the complete change of 11:53:19  
18 structure, that, you know, has changed the way in which 11:53:24  
19 business is done. 11:53:28

20 Q. And what about for the period, again that 11:53:28  
21 period from the 1950s up until the '90s, was the 11:53:32  
22 Vocation Director also having a say in whether 11:53:35  
23 candidates would move on to the -- let me rephrase that. 11:53:37

24 Would the Vocation Director offering his 11:53:41  
25 opinion to the Formation Committee as to -- 11:53:44

1 A. Yes. 11:53:46

2 Q. -- a candidate should move on? 11:53:46

3 A. Yes. 11:53:48

4 Q. And what about anyone involved in psychological 11:53:48

5 testing of candidates, would they also offer their 11:53:52

6 opinion to the Formation Committee? 11:53:55

7 A. Yes. 11:53:56

8 Q. Anyone else who would offer their opinion to 11:53:56

9 the Formation Committee? Again, the period I'm focusing 11:54:04

10 on is in the '50s up through the '90s. 11:54:08

11 A. Well, usually people have to have 11:54:11

12 recommendations, and so those -- 11:54:16

13 Q. From parishes, for instance? 11:54:18

14 A. Yes. 11:54:22

15 Q. Anyone else? 11:54:22

16 A. If there are Friars that they are -- who know 11:54:24

17 them, they are always consulted. 11:54:31

18 Q. And how would these opinions be presented to 11:54:34

19 the Formation Committee, would they be in writing, would 11:54:41

20 the person come and sit down with the committee and 11:54:43

21 say -- 11:54:46

22 A. There would be something in the file. There 11:54:46

23 would be a file on that person. 11:54:48

24 Q. So opinions regarding a candidate would be 11:54:49

25 presented to the committee in writing? 11:54:59

1 A. Yes. 11:55:00

2 Q. And whatever was presented would become part of 11:55:00  
3 the student's, the candidate's file? 11:55:05

4 A. Yes. 11:55:07

5 Q. Do you know whether -- was there a separate 11:55:08  
6 file for students versus candidates or are they one in 11:55:11  
7 the same? 11:55:15

8 A. I think the same. 11:55:15

9 Q. Okay. And at some point the Formation 11:55:16  
10 Committee would sit down with these opinions and 11:55:30  
11 recommendations and discuss those opinions and make a 11:55:32  
12 decision on whether to recommend the candidate? 11:55:35

13 A. Recommendation it would be, yes. 11:55:37

14 Q. And would that be to the Provincial? 11:55:39

15 A. Passed on to the Provincial. 11:55:41

16 Q. And did the Provincial have the final say? 11:55:43

17 A. He consults with his board, so-called 11:55:46  
18 definitorium. 11:55:48

19 Q. When the -- I wanted to ask some more questions 11:55:53  
20 about the definitorium, but before we get to the 11:56:14  
21 definitorium, when the Formation Committee met, would 11:56:18  
22 there be anyone taking notes of what was discussed? 11:56:22

23 A. Yes, there were extensive notes taken at all 11:56:24  
24 meetings. 11:56:28

25 Q. So, in other words, were minutes kept? 11:56:28

1 A. Minutes were kept. 11:56:30

2 Q. At every meeting? 11:56:31

3 A. At every meeting. 11:56:32

4 Q. Was there a -- 11:56:34

5 A. A person in charge of committee was in charge 11:56:35

6 of that. 11:56:38

7 Q. And that would be the Prefect of Education who 11:56:39

8 was in charge of that? 11:56:50

9 A. Yes. 11:56:51

10 Q. So either Father [REDACTED] or Father Cordano 11:56:59

11 would actually be taking minutes? 11:57:03

12 A. Yes, and Jeffrey Bridges was very important and 11:57:04

13 for a long period of time was the note-taker. 11:57:09

14 Q. What was his position in the committee; was he 11:57:12

15 the Prefect of Education at some point? 11:57:18

16 A. Well, he had been the -- representing the 11:57:20

17 college level, and then when the college was closed he 11:57:27

18 continued to function as the educational representative. 11:57:29

19 Q. So did he have a title on the committee? Was 11:57:33

20 there a secretary, in other words? 11:57:40

21 A. Secretary of the committee. 11:57:41

22 Q. And did he serve as secretary of the committee? 11:57:42

23 A. Yes. 11:57:45

24 Q. Do you know what years he served as secretary 11:57:45

25 of the committee, that is, Father Bridges? 11:57:48

1           A. I can't give you exact dates, but it would be 11:57:50  
2   in the '50s and '60s. 11:57:53

3           Q. Until? 11:57:55

4           A. Well, from the time of the closing of San Luis 11:57:55  
5   Rey College until maybe the 1990s. 11:58:02

6           Q. So Father Bridges would be taking down the 11:58:06  
7   minutes for each meeting? 11:58:24

8           A. Yes. 11:58:25

9           Q. And you think that was from sometime in the 11:58:26  
10   '50s or '60s until sometime in the '90s? 11:58:29

11          A. Yes. 11:58:32

12          Q. When he took those minutes, were they approved 11:58:32  
13   at each meeting by -- at the next meeting by the board 11:58:35  
14   or the committee, I'm sorry? 11:58:39

15          A. I can't say. 11:58:40

16          Q. Okay. And do you know where those notes would 11:58:45  
17   then be stored? 11:58:50

18          A. In the Provincial headquarters. 11:58:50

19          Q. In Oakland? 11:58:53

20          A. Yes. 11:58:56

21          Q. Have you ever seen where they are stored in 11:58:56  
22   Oakland? 11:59:13

23          A. No. 11:59:13

24          Q. Have you ever heard of them being destroyed? 11:59:13

25          A. No. 11:59:17

1 Q. Would the Formation Committee discuss anything 11:59:17  
2 beyond whether a candidate should move up through the 11:59:23  
3 ranks in the order? 11:59:26

4 A. Well, different issues would come up. What 11:59:27  
5 requirements for admission, for example, in terms of the 11:59:34  
6 academic preparation, what courses should the candidates 11:59:38  
7 take in preparation, issues of that nature. So there 11:59:41  
8 was a great deal of discussion on that. 11:59:44

9 Q. Did the formation committee serve in any way as 11:59:46  
10 the Province's equivalent of a personnel board or 11:59:55  
11 personnel director? 12:00:00

12 A. You might make that comparison, yes. 12:00:00

13 Q. If there were any kind of problems or 12:00:03  
14 misconduct with a particular priest, would the Formation 12:00:07  
15 Committee discuss that? 12:00:10

16 A. No. 12:00:11

17 Q. Who would be responsible -- 12:00:11

18 A. They would not actually be involved with anyone 12:00:13  
19 who is already ordained. There are later committees 12:00:16  
20 that have to do with the already ordained, but that was 12:00:19  
21 not the Formation Committee. 12:00:22

22 Q. Then does the Formation Committee make its 12:00:23  
23 recommendation in writing to the Provincial? 12:00:41

24 A. Yes. 12:00:42

25 Q. And at that point, is it your understanding 12:00:43



1 that the Provincial sits down with the definitorium and 12:00:57

2 discusses the candidate? 12:01:03

3 A. Yes. 12:01:03

4 Q. And collectively, do they make the final 12:01:04

5 decision on the candidate? 12:01:06

6 A. They make the final decision. 12:01:06

7 Q. How many people in the definitorium? 12:01:08

8 A. Six, plus the Provincial. 12:01:12

9 Q. How are definitorium members chosen? 12:01:13

10 A. By ballot of the whole Province. 12:01:18

11 Q. So it's voted on? 12:01:20

12 A. Yes. 12:01:21

13 Q. Does that include brothers and priests? 12:01:21

14 A. Yes. 12:01:24

15 Q. Have you ever served on the definitorium? 12:01:24

16 A. No. 12:01:39

17 Q. What is your understanding of the job of the 12:01:40

18 definitorium? 12:01:56

19 A. Advising the Provincial and also being 12:01:58

20 delegated to do certain functions that might formerly 12:02:03

21 have been done by the Provincial, sort of a 12:02:06

22 decentralization of the office. 12:02:09

23 Q. How often do votes occur for new members of 12:02:11

24 the -- well, let me ask you this: Is there a term limit 12:02:32

25 for the member of the definitorium? 12:02:34

1           A. They are voted on every three years. The           12:02:37  
2 Provincial has a six-year term, which can be renewed           12:02:39  
3 once, and the members of the definitorium have a           12:02:43  
4 three-year term.           12:02:49

5           Q. Can that be renewed?           12:02:49

6           A. And that can be renewed.           12:02:50

7           Q. How many times?           12:02:52

8           A. That's not as limited. It can be more than           12:02:52  
9 twice.           12:02:57

10          Q. Is it common or uncommon for a member of the           12:03:09  
11 definitorium to be re-elected repeatedly for extended           12:03:37  
12 periods?           12:03:42

13          A. In recent years, no, there is quite a turnover.12:03:42

14          Q. But has that happened in the past where one           12:03:45  
15 member stayed on for quite a while?           12:03:49

16          A. Yes.           12:03:50

17          Q. Do you recall, was the membership of the           12:03:51  
18 definitorium in the 1960s relatively consistent or was           12:03:56  
19 there a lot of turnover then?           12:04:00

20          A. There was turnover even then.           12:04:01

21          Q. Have you ever attended a meeting of the           12:04:03  
22 definitorium?           12:04:06

23          A. No. I should say yes, because we have had open12:04:06  
24 meetings, yes.           12:04:09

25          Q. They are generally closed though?           12:04:10

1 A. Yes. 12:04:12

2 Q. Do you know who's on the definitorium right 12:04:12

3 now? 12:04:17

4 A. I do. 12:04:17

5 Q. Who is it? 12:04:20

6 A. Test of memory. John Kiesler would be one. 12:04:21

7 Q. Is that K-I-E-S-L-E-R? 12:04:32

8 A. Yes. You'll have to forgive me, I can't at 12:04:34

9 this moment recall all the names. I know who they are, 12:04:38

10 but it's hard for me to summon up all the names. 12:04:42

11 Q. During the '60s was anyone from St. Anthony's 12:04:44

12 faculty a member of the definitorium? 12:04:48

13 A. Not to my knowledge. 12:04:50

14 Q. What about anyone from Old Mission Santa 12:04:52

15 Barbara during the '60s, was anyone from Old Mission a 12:04:56

16 member of the definitorium? 12:04:58

17 A. I would think yes. 12:04:59

18 Q. Do you know who? 12:05:01

19 A. No. 12:05:03

20 Q. Do you know if Father Cordano was ever on the 12:05:03

21 definitorium? 12:05:06

22 A. Yes. 12:05:06

23 Q. Do you know what years he was on the 12:05:06

24 definitorium? 12:05:09

25 A. No. 12:05:09

1 Q. You said that if there were personnel issues or12:05:09  
2 the equivalent of personnel issues after a Franciscan 12:05:20  
3 was ordained that would not be addressed by the 12:05:24  
4 Formation Committee but by some other group. Would that12:05:27  
5 be the definitorium that would address that? 12:05:29

6 A. Would be the definitorium, yes. 12:05:31

7 Q. So for Franciscans who are beyond the 12:05:33  
8 ordination stage, would the definitorium serve as the 12:05:36  
9 equivalent, the Franciscan equivalent, of a personnel 12:05:40  
10 board? 12:05:44

11 A. Yes. 12:05:44

12 Q. To your knowledge, are there any subboards or 12:05:44  
13 subcommittees that would have the equivalent of 12:06:05  
14 responsibilities related to personnel responsibilities 12:06:08  
15 within the Province? 12:06:12

16 A. Well, we have a committee that I told you I'm a12:06:13  
17 member of, Ongoing Formation, which is concerned with 12:06:19  
18 the recently ordained, in other words, for the first 12:06:25  
19 five years after ordination. They have special concern 12:06:28  
20 and they try to provide times for them to get together 12:06:30  
21 to meet to discuss their various ministries and so 12:06:33  
22 forth. So a time like a retreat, a time for them to 12:06:37  
23 gather and to become better acquainted. 12:06:43

24 Q. When was the -- and it's called the Ongoing 12:06:45  
25 Formation Committee? 12:06:49

1 A. Ongoing Formation. 12:06:49

2 Q. When was that created? 12:06:50

3 A. In the late '80s, I believe. 12:06:51

4 Q. Do you know why that was created? 12:06:57

5 A. To give further help and assistance to those 12:07:06

6 recently ordained so they weren't just cut out, you 12:07:12

7 know, on their own. 12:07:15

8 Q. And how many people in the Ongoing Formation 12:07:16

9 Committee? 12:07:28

10 A. Five. 12:07:28

11 Q. And is that separate from the Formation 12:07:28

12 Committee? 12:07:30

13 A. Yes. 12:07:30

14 Q. Different members? 12:07:30

15 A. Different members. 12:07:31

16 Q. Was there any particular event or incident or 12:07:32

17 occurrence that led to the creation of the Ongoing 12:07:42

18 Formation Committee? What prompted it, in other words? 12:07:47

19 A. I think the concern that further guidance is 12:07:50

20 needed after ordination. 12:07:56

21 Q. Do you know what prompted that concern though? 12:07:57

22 Was there a specific -- 12:08:06

23 A. No. 12:08:08

24 Q. And prior to its creation in the late 1980s, 12:08:08

25 there was just the Formation Committee, correct, there 12:08:28

1 was no Ongoing Formation? 12:08:30

2 A. Yes. Yes. 12:08:31

3 Q. Any other subcommittees or boards underneath 12:08:32

4 the definitorium that you know of? 12:08:41

5 A. I think we've discussed almost all of them that 12:08:42

6 I can recall. 12:08:48

7 Q. Okay. I think this question is completely 12:08:49

8 unrelated to formation, but what is a Petition for -- 12:08:56

9 and I'm not sure about the pronunciation -- Indult? 12:08:59

10 I-N-D-U-L-T. 12:09:02

11 A. Mm-hmm. 12:09:04

12 Q. What's that? 12:09:04

13 A. "Indult" is just another word for special 12:09:05

14 permission or for a waiver of some existing requirement. 12:09:08

15 Q. Okay. Could relate to anything? 12:09:12

16 A. It's a more generic term. 12:09:16

17 Q. Okay. Was there something called "faculty 12:09:20

18 confrontation" at St. Anthony's while you were there? 12:09:29

19 A. Faculty? 12:09:29

20 Q. Confrontation. 12:09:30

21 A. I don't remember using the term, but we 12:09:32

22 oftentimes if a student was in serious trouble we would 12:09:36

23 call the student in. 12:09:40

24 Q. Have you ever heard of something called 12:09:41

25 "faculty confrontation" at St. Anthony's? 12:09:44



|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | expelled?                                         | 12:11:04 |
| 2  | A. Yes.                                           | 12:11:04 |
| 3  | Q. How many times?                                | 12:11:05 |
| 4  | A. I couldn't say.                                | 12:11:06 |
| 5  | Q. More than ten?                                 | 12:11:08 |
| 6  | A. Not often, but sometimes.                      | 12:11:09 |
| 7  | Q. Under what circumstances would that occur?     | 12:11:11 |
| 8  | A. During my tenure it was on one occasion for    | 12:11:14 |
| 9  | smoking marijuana on campus.                      | 12:11:18 |
| 10 | Q. Anything else?                                 | 12:11:23 |
| 11 | A. I can't recall.                                | 12:11:23 |
| 12 | Q. Do you know [REDACTED]?                        | 12:11:28 |
| 13 | A. Yes.                                           | 12:11:53 |
| 14 | Q. When was the last time you spoke with him?     | 12:11:54 |
| 15 | A. I think in our last chapter, which would be in | 12:11:56 |
| 16 | 2003.                                             | 12:12:00 |
| 17 | Q. You say "last chapter," what's that?           | 12:12:00 |
| 18 | A. Chapter is a meeting of the whole Province.    | 12:12:02 |
| 19 | Q. And does that occur in Oakland?                | 12:12:05 |
| 20 | A. San Luis Rey.                                  | 12:12:07 |
| 21 | Q. Always at San Luis Rey?                        | 12:12:09 |
| 22 | A. Yes.                                           | 12:12:11 |
| 23 | Q. How long does that last for?                   | 12:12:11 |
| 24 | A. One week.                                      | 12:12:13 |
| 25 | Q. And what's the purpose of the chapter meeting? | 12:12:14 |



1           A. To elect new definitorium and Provincial and 12:12:17  
2 enact -- if there are any new statutes for the Province, 12:12:22  
3 also to review the goals and future directions. 12:12:28

4           Q. Are you aware of -- do you know if Father 12:12:34  
5 [REDACTED] is in good health? 12:12:48

6           A. To my knowledge, his only health problem was 12:12:49  
7 falling asleep while still awake. 12:12:57

8           Q. Fair enough. 12:12:59

9           A. He would doze off at unexpected times and he 12:13:00  
10 had to some sort of a -- it wasn't sleeping sickness 12:13:04  
11 exactly, but it was a tendency to fall asleep while he 12:13:12  
12 was still awake. 12:13:15

13          Q. You referenced enacting statutes for the 12:13:15  
14 Province at the chapter meeting. As long as you have 12:13:18  
15 been a member of the Province, has the Province always 12:13:21  
16 had statutes? 12:13:24

17          A. Yes. 12:13:24

18          Q. Where are those kept at? 12:13:25

19          A. They are published and they are available to 12:13:28  
20 all the Friars. 12:13:31

21          Q. What do the statutes discuss? How many 12:13:31  
22 statutes are there; are we talking a thick book? 12:13:38

23          A. No, it's a very thin book, and maybe there are 12:13:40  
24 50 to 100, and they are mainly what the limits of travel 12:13:45  
25 should be for the Friars, how far they need to go with 12:13:49

1 whose permission, and such things as the amount that the12:13:54  
2 Provincial can spend without consulting, things of that 12:13:58  
3 nature. More direct concerns of the individual Province12:14:03  
4 that are not covered by the general statutes. So there 12:14:09  
5 are general statutes for the order, and then Provincial 12:14:12  
6 statutes are -- they have to be approved by the general 12:14:15  
7 definitorium. 12:14:21

8 Q. So there is two sets of statutes? 12:14:21

9 A. The ones for the whole order and then the ones 12:14:23  
10 for the Province. 12:14:26

11 Q. So not just the Province of Santa Barbara, but 12:14:26  
12 the entire Franciscan -- 12:14:30

13 A. Right. 12:14:31

14 Q. Okay. Where are those created at? 12:14:32

15 A. In Rome. 12:14:34

16 Q. Rome. 12:14:34

17 And the Province is subject to both, correct? 12:14:35

18 A. Correct. 12:14:38

19 Q. So when you said there were 50 to 100 statutes,12:14:39  
20 were you talking about the Provincial statutes or -- 12:14:57

21 A. Provincial. 12:14:59

22 Q. And how many, roughly, for the whole order? 12:15:00

23 A. I would have to guess; I don't know. 12:15:03

24 Q. Thousands? 12:15:04

25 A. No. 400 perhaps. 12:15:05

1 Q. Do the statutes for the Province relate in any 12:15:08  
2 way to again the equivalent of personnel issues for the 12:15:21  
3 Franciscans? 12:15:25

4 A. No. 12:15:25

5 Q. What about for -- what about the statutes for 12:15:25  
6 the order? 12:15:29

7 A. Well, there are separate statutes for 12:15:30  
8 education, so that would be a separate set of statutes, 12:15:32  
9 both the ones for the order as such and then also for 12:15:36  
10 the Province. 12:15:41

11 Q. So for both the Province and the order there 12:15:41  
12 were separate statutes for education? 12:15:47

13 A. Correct. 12:15:48

14 Q. And when you say "separate statutes for 12:15:49  
15 education," are you referring to statutes that deal how 12:15:53  
16 you treat students and seminarians? 12:15:56

17 A. Both. 12:15:58

18 Q. And the statutes for the Province have been in 12:16:03  
19 existence as long as you have been a member of the 12:16:24  
20 Province? 12:16:26

21 A. Yes. 12:16:26

22 Q. They change, but there has been a set? 12:16:27

23 A. Yes, exactly. 12:16:31

24 Q. Okay. Do the statutes for the Province deal 12:16:31  
25 with issues regarding some kind of misconduct by members 12:16:45

1 of the Province? 12:16:49

2 A. No. 12:16:49

3 Q. What about statutes for the order as a whole? 12:16:49

4 A. No. 12:16:53

5 Q. Do the education statutes for the Province deal 12:16:55

6 with appropriate levels of punishment for a student or 12:17:06

7 candidate? 12:17:10

8 A. No. 12:17:10

9 Q. What about for the order? 12:17:11

10 A. No. 12:17:13

11 Q. I want to go back to when you were first 12:17:13

12 assigned to St. Anthony's. Was there a Vocations 12:17:29

13 Director for St. Anthony's -- 12:17:34

14 A. Yes. 12:17:34

15 Q. -- or was he for the whole Province? 12:17:36

16 A. It would be for the whole Province. 12:17:38

17 Q. Who was that? 12:17:40

18 A. That also changed over time, and I can't at 12:17:42

19 this moment remember. 12:17:47

20 Q. Was Father McKeon ever the Vocations Director? 12:17:48

21 A. He was. 12:17:54

22 Q. And with regards to St. Anthony's, what was the 12:17:55

23 Vocation Director's duties, if you know? 12:18:03

24 A. I guess mainly recruitment, distribution of 12:18:05

25 literature, advising of parishes and schools, 12:18:11

1 interviewing of students and their families, making 12:18:16  
2 recommendations. 12:18:19

3 Q. Did you ever assist or participate in the 12:18:19  
4 recruiting process for St. Anthony's? 12:18:23

5 A. Yes. 12:18:24

6 Q. How so? 12:18:26

7 A. I spoke at different schools and facilitated in 12:18:27  
8 some cases scholarships for students. 12:18:34

9 Q. So you went into junior highs or high schools 12:18:37  
10 and -- 12:18:42

11 A. Elementary schools mainly. This is when we 12:18:42  
12 still recruited out of the eighth grade. 12:18:46

13 Q. And how would you go about pitching St. 12:18:49  
14 Anthony's? 12:18:54

15 A. Well, I guess it would be a typical offering 12:18:54  
16 of, you know, the academic offerings, the other teachers 12:19:00  
17 of the seminary. We prided ourselves in having a very 12:19:06  
18 high-powered academic program, and, you know, 12:19:12  
19 specialized environment, and all of the other things 12:19:17  
20 that private prep school could offer, but within the 12:19:22  
21 idea of preparing them for possible service in the 12:19:24  
22 church. 12:19:28

23 Q. When you say a "specialized environment," what 12:19:28  
24 do you mean by that? 12:19:31

25 A. Well, select, in other words, they were a 12:19:32

1 select group of people that you would be associating 12:19:36

2 with. 12:19:39

3 Q. So not just anybody would be admitted? 12:19:39

4 A. You would have to be -- yes. 12:19:42

5 Q. Were you the only member of the faculty that 12:19:45

6 assisted in the recruitment process? 12:19:58

7 A. I would suppose informally others would 12:20:00

8 participate, but I was the only one officially that did. 12:20:05

9 Q. You and the Vocations Director? 12:20:08

10 A. Right. 12:20:13

11 Q. So you two were the primary -- 12:20:14

12 A. Right, exactly. 12:20:16

13 Q. -- salesmen, so to speak? 12:20:17

14 A. Mm-hmm. Mm-hmm. Yes. 12:20:19

15 Q. Did you ever have one-on-one meetings with a 12:20:22

16 student or with a student's parents and pitch the 12:20:43

17 benefits of St. Anthony's? 12:20:46

18 A. Myself or the director? 12:20:48

19 Q. Yourself. 12:20:53

20 A. Yes. 12:20:54

21 Q. Was that a pretty common occurrence? 12:20:55

22 A. Yes. 12:20:58

23 Q. Did how did you deal with -- did you ever 12:21:01

24 encounter potential -- or encounter candidates who were 12:21:07

25 clearly nervous about traveling far away from home, 12:21:12

1 leaving home for a significant amount of time? 12:21:16

2 A. Did I personally? 12:21:18

3 Q. Yes. 12:21:20

4 A. My recruitment efforts were mainly localized in 12:21:21

5 Southern California, so I didn't really have that 12:21:25

6 problem. 12:21:26

7 Q. Okay. Did you ever encounter parents who were 12:21:26

8 uncomfortable with the idea of sending their children 12:21:31

9 far away or a relative distance to school? 12:21:34

10 A. No. 12:21:38

11 Q. Did you ever discuss with the parents or offer 12:21:39

12 assurances to the parents as to what kind of supervision 12:21:41

13 would be offered by the faculty to students at St. 12:21:44

14 Anthony's? 12:21:49

15 A. Yes. We had a good relationship with parents. 12:21:49

16 Q. How was that communicated? 12:21:52

17 A. By referring them to the many times that they 12:21:53

18 could visit the seminary. 12:21:58

19 Q. Okay. Was there any discussion of what kind of 12:21:59

20 supervision there would be by the faculty of the 12:22:03

21 students, limitations on how the students could come and 12:22:06

22 go, that kind of thing? 12:22:09

23 A. Yes. 12:22:11

24 Q. What did you convey to parents in those 12:22:11

25 circumstances? 12:22:13

1 A. That they would be carefully taken care of. 12:22:13

2 Q. In the '60s, were students or candidates and 12:22:16

3 parents generally more receptive to the idea of 12:22:47

4 attending a seminary or was there a change in the '70s? 12:22:49

5 MR. KASPER: You're saying as compared to the 12:22:52

6 '70s? 12:22:55

7 MR. HALE: Yes, as compared to the '70s. 12:22:55

8 THE WITNESS: There was a decline, yes. 12:22:57

9 BY MR. HALE: 12:22:59

10 Q. Did you get a sense for why there was that 12:22:59

11 change? 12:23:02

12 A. I would have to be speculating, but lots of 12:23:02

13 different causes, I would say. 12:23:08

14 Q. Anything in particular? 12:23:08

15 A. Well, one thing in particular would be the many 12:23:09

16 opportunities for young people to do things other than 12:23:13

17 serve in the church. 12:23:16

18 Q. So when you were faced with such a 12:23:17

19 circumstance, how did you pitch becoming a seminarian to 12:23:21

20 the student or to the parents? Did you pitch change? 12:23:25

21 A. Emphasizing perhaps the educational value, 12:23:28

22 rather than the vocational value by the seminary. 12:23:33

23 Q. Anything else? 12:23:37

24 A. I think that would be it. 12:23:38

25 Q. How often did you go into a student's home and 12:23:39



1 make a pitch to parents or a student directly? 12:23:50

2 A. It would not be a common occurrence. It would 12:23:54

3 be generally gatherings of parents at a parish, for 12:24:01

4 example, one of our Franciscan parishes, and the 12:24:04

5 visiting of homes would be much more rare. 12:24:07

6 Q. Okay. But it happened occasionally? 12:24:09

7 A. Occasionally. 12:24:12

8 Q. When you were assigned to St. Anthony's, what 12:24:12

9 did the application process involve? 12:24:21

10 A. Well, there was a form used and recommendations 12:24:24

11 were required, including that of the pastor. Naturally 12:24:27

12 transcriptive grades were required, and later on letters 12:24:34

13 of intent. 12:24:40

14 Q. What do you mean by "letters of intent"? 12:24:41

15 A. Why they would want to come to the seminary. 12:24:50

16 Q. Okay. When did that become a requirement, the 12:24:52

17 application? 12:24:57

18 A. The application forms were changed from time to 12:24:57

19 time and that's -- during my tenure it did actually 12:25:01

20 change. 12:25:04

21 Q. The first application form you ever saw, are we 12:25:04

22 talking something that would require a narrative 12:25:10

23 response from the applicant or -- 12:25:13

24 A. Mainly filling out of a form. 12:25:14

25 Q. Kind of a check-the-boxes type thing? 12:25:16

1           A. Yeah, mm-hmm. 12:25:18

2           Q. Did it eventually become a narrative of any 12:25:19

3 sort? 12:25:21

4           A. Yes, it did. 12:25:21

5           Q. When did that happen? 12:25:22

6           A. To my best knowledge, in the middle of my 12:25:24

7 tenure, in the late '60s. 12:25:28

8           Q. Why did that happen? Why the change? 12:25:32

9           A. To get a better knowledge of the student. 12:25:35

10          Q. You said recommendations from the students's 12:25:37

11 pastor was required. 12:25:48

12          A. Mm-hmm. 12:25:49

13          Q. From who else would you accept recommendation? 12:25:49

14          A. Their teachers. 12:25:52

15          Q. Anyone else? 12:25:54

16          A. Those are the main ones. 12:25:56

17          Q. Who made the decision as to whether an 12:25:59

18 applicant was accepted? Was that only in your hands? 12:26:06

19          A. It was actually the prerogative of the Vocation12:26:10

20 Director to recommend and then we accepted his 12:26:15

21 recommendation. 12:26:17

22          Q. When you say "we," do you mean the faculty had 12:26:17

23 to vote? 12:26:20

24          A. No. 12:26:21

25          Q. Who is "we"? 12:26:21

1 A. I would say the Rector and the Vocation 12:26:22

2 Director. 12:26:27

3 Q. And then did the two of you decide whether the 12:26:27

4 student would be accepted? 12:26:44

5            A. Yes. 12:26:45

6 Q. Was there ever an instance where you and the 12:26:45

7 Vocations Director disagreed as to whether a student 12:26:50

8 should be accepted and you overruled the Vocation 12:26:54

9 Director? 12:26:56

10            A.   No.                                                 12:26:56

11 Q. There was always an agreement between the two 12:26:57

12 of you? 12:26:59

13            A. Yes. 12:26:59

14 Q. Was there ever an instance where you and the 12:27:00

15 Vocations director admitted a student but had some 12:27:14

16 misgivings about the student's qualifications? 12:27:18

[illegible]

18 Q. Was there ever a point where applicants were 12:27:21

19 required to interview with a faculty member before they 12:27:25

20 would be accepted? 12:27:29

21 A. No. 12:27:29

22 Q. And would your only contact with an applicant's12:27:29

23 parents be, if at all, during the recruitment process? 12:27:42

24 A. No, we had an active Parents Club that would 12:27:45

25    come to the seminary regularly on visiting Sundays and 12:27:48

1 also sponsor events in their local areas to support the 12:27:53  
2 seminary. 12:27:59

3 Q. Was there a name for that club? 12:27:59

4 A. The Parents Club. 12:28:01

5 Q. Okay. When did that begin? 12:28:02

6 A. I think I was the one that started that when I 12:28:08  
7 first came. 12:28:11

8 Q. And did that continue all the way through into 12:28:11  
9 the time you left? 12:28:15

10 A. It did. 12:28:16

11 Q. Did they do anything other than visit on 12:28:17  
12 Sundays? 12:28:26

13 A. Well, we had different events that they would 12:28:26  
14 assist with. We had a Pentecost event. We had the 12:28:33  
15 Christ the King event, which was gathering of all the 12:28:37  
16 parents with the students. It was something to kind of 12:28:42  
17 bring them all together. 12:28:46

18 Q. Okay. But their regular visitation was Sunday, 12:28:47  
19 and how long would that last for? 12:28:54

20 A. They would come for the mass in the morning and 12:28:56  
21 then stay through the day. 12:28:59

22 Q. And when you first got there was mass conducted 12:29:00  
23 at the Old Mission or at the seminary? 12:29:12

24 A. Always at the seminary. 12:29:14

25 Q. Always at the seminary, okay. 12:29:15

1           During your time at St. Anthony's, was there   12:29:17  
2   ever any psychological test which was part of the   12:29:33  
3   application process, such as the MMPI or --   12:29:35

4           A. Yeah. The Vocation Director toward the end of 12:29:40  
5   my tenure did actually recommend that, but I don't think 12:29:45  
6   that it was ever implemented.   12:29:50

7           Q. Do you know who that Vocations Director was?   12:29:52

8           A. I don't recall.   12:30:00

9           Q. Do you know why he recommended the school adopt 12:30:01  
10   psychological testing for applicants?   12:30:08

11          A. I think because he belonged to an association   12:30:10  
12   of Vocation Directors and they brought that up at one of 12:30:13  
13   their meetings and thought it was a good idea.   12:30:16

14          Q. Were you also called upon to -- and I know   12:30:18  
15   we're getting close to the break; I just have a few more 12:30:35  
16   questions for this segment and then we'll stop.   12:30:38

17                Were you also called upon to recommend to the   12:30:41  
18   San Luis Rey faculty or the novitiate master, is   12:30:45  
19   that the correct --   12:30:51

20          A. Novice Master.   12:30:51

21          Q. -- Novice Master whether a seminarian should be 12:30:52  
22   allowed to move on?   12:30:56

23          A. Yes, we did. You know, that is a formal   12:30:57  
24   procedure to recommend people for the next stage.   12:31:02

25          Q. What was that procedure?   12:31:05

1           A. Usually in the form of a letter we would send 12:31:06  
2 on to the next step in the process. 12:31:11

3           Q. And how was that -- who drafted that letter? 12:31:14

4           A. I did. 12:31:17

5           Q. And did you draft that based on your own input 12:31:18  
6 or? 12:31:22

7           A. It was a faculty recommendation. 12:31:22

8           Q. Did the faculty meet to discuss that letter? 12:31:24

9           A. Yes. 12:31:26

10          Q. And, again, were meeting minutes kept of those 12:31:27  
11 meetings? 12:31:32

12          A. Yes. 12:31:32

13          Q. And where would those meeting minutes be placed 12:31:33  
14 at the conclusion of the meeting, where would they be 12:31:57  
15 stored, in other words? 12:32:00

16          A. Well, copies would be kept at the seminary and 12:32:01  
17 then the recipient would have a copy, you know, the 12:32:04  
18 original. 12:32:07

19          Q. Was there ever an instance where you did not 12:32:07  
20 recommend a seminarian be allowed to proceed -- 12:32:42

21          A. Yes. 12:32:45

22          Q. -- to San Luis Rey? 12:32:45

23          A. Yes. 12:32:46

24          Q. And how many times did that happen? Was that 12:32:47  
25 common? 12:32:49

1           A. Very rarely.                                                 12:32:49

2 Q. Can you give me examples of why that happened? 12:32:50

3           A.   Someone that we felt was not really destined   12:32:53  
4   for the further training toward the priesthood.           12:32:58

5 Q. Were there ever any instances where you made a 12:33:02  
6 recommendation with reservations, so to speak? 12:33:05

7 A. No. 12:33:08

8 Q. It was either wholehearted or it wasn't at all?12:33:08

9           A. Right.                                                 12:33:12

10 MR. HALE: If you guys want to break now, or I 12:33:12  
11 can keep going, if you want. 12:33:16

12 MR. KASPER: This is just as good a time as 12:33:17  
13 any. 12:33:21

14 MR. HALE: All right. How long do you want to 12:33:21  
15 go for? 12:33:24

16 MR. KASPER: Let's go off the record. 12:33:25

17 THE VIDEOGRAPHER: We're going off the record.

18 The time is now 12:33. Please standby.

19 (Lunch recess taken)

20

21

22

23

24

25

## AFTERNOON SESSION

THE VIDEOGRAPHER: We're back on the record. 12:33:36

The time is 1:40. 01:40:28

BY MR. HALE: 01:40:30

Q. Father Harris, I want to ask you some 01:40:30

questions. We talked about -- a bit about the structure 01:40:39

of the Province, but I want to enhance that little bit 01:40:41

more, if we can, to the extent I have any understanding 01:40:46

of the structure at all. 01:40:49

Provincial minister is the province's 01:40:49

equivalent of the president -- 01:40:53

A. For all practical purposes. 01:40:54

Q. -- or chief corporate officer? 01:40:57

A. Mm-hmm. 01:40:58

Q. Okay. Directly under him would be the 01:40:58

definitorium? 01:40:59

A. Yes, well, I think directly under him would be 01:41:00

what we call a Vicar Provincial, would be like his vice 01:41:03

president, and he acted in his place when he is away and 01:41:06

has designated responsibilities, but pretty much like a 01:41:15

vice president, and he is also elected for a six-year 01:41:17

term rather than a three-year. 01:41:23

Q. That was my next question, actually. 01:41:25

And can the Vicar Provincial also be re-elected 01:41:27



1 for successive terms? 01:41:32

2 A. Mm-hmm. 01:41:34

3 Q. Is there any limitation how many times that can01:41:34  
4 happen? 01:41:37

5 A. It doesn't usually happen more than once. 01:41:37

6 Q. Okay. And did the Vicar Provincial's 01:41:39  
7 responsibility differ in any way from the Provincial's 01:41:45  
8 ministers? 01:41:49

9 A. No, they are kind of coextensive. 01:41:49

10 Q. The definitorium, is the definitorium closer in01:41:51  
11 analogy to the president's cabinet? 01:41:58

12 A. Cabinet. 01:42:01

13 Q. Okay. 01:42:02

14 MR. KASPER: I'm sorry, I didn't hear the 01:42:02  
15 answer. Did you say "cabinet"? 01:42:06

16 THE WITNESS: Cabinet. 01:42:08

17 BY MR. HALE: 01:42:09

18 Q. What is the Provincial Council? 01:42:09

19 A. Provincial Council? 01:42:16

20 Q. Is that a foreign term to you? 01:42:26

21 A. S-E-L or C-I-L? 01:42:28

22 Q. C-I-L. 01:42:33

23 A. I'm not sure that I know that. 01:42:34

24 Q. Never heard of that? 01:42:39

25 A. No. 01:42:40

1 Q. Would it be possible for the definitorium to be01:42:41  
2 referred to as the Provincial Council? 01:42:44

3 A. They would function that way. 01:42:46

4 Q. So in the Province as a whole, it's Provincial 01:42:48  
5 Minister, the Vicar Provincial, and then underneath 01:42:52  
6 assisting them is the definitorium. What are the 01:42:56  
7 other -- are there other officers? 01:42:59

8 A. Well, the local houses are presided over by a 01:43:00  
9 guardian. 01:43:05

10 Q. Okay. I want to ask you questions about the 01:43:05  
11 individual properties, but as far as the big picture -- 01:43:08

12 A. Yes, that's the big picture. 01:43:09

13 Q. Okay. So beneath the -- 01:43:11

14 A. One person in there that's like -- almost like 01:43:13  
15 a definitorium would be the Provincial -- Secretary of 01:43:18  
16 Province, which is a special office. He is not just the01:43:22  
17 secretary. He is secretary of the Province, so he has a01:43:26  
18 special role. 01:43:30

19 Q. What are his responsibilities? 01:43:31

20 A. To keep the minutes of all of the meetings and 01:43:32  
21 to help organize the agenda, do all the things that a 01:43:39  
22 secretary does, and outside of meetings to take care of 01:43:43  
23 all official business. 01:43:46

24 Q. And are all minutes taken by the secretary kept01:43:47  
25 within the Provincial offices in Oakland? 01:43:52

1 A. Yes. 01:43:55

2 Q. And do you have any knowledge of how they're 01:43:55  
3 stored? 01:43:57

4 A. They are on file, but I'm not sure just how. 01:43:57

5 Q. Do you know if there is any kind of destruction 01:44:02  
6 policy for minutes taken by the Secretary of the 01:44:07  
7 Province that you know of? 01:44:11

8 A. I know that they are distributed to each member 01:44:12  
9 of the Province, so they are not secret. So the minutes 01:44:15  
10 of all the meetings are sent in the mail to all members 01:44:19  
11 of the Province. 01:44:23

12 Q. Do you know if there are certain meetings that 01:44:23  
13 are strictly limited to, as far as circulation goes, the 01:44:33  
14 definitorium? 01:44:37

15 A. I'm sure that they have special times when they 01:44:37  
16 do that -- 01:44:41

17 Q. Do you have any personal knowledge -- 01:44:41

18 A. -- executive meetings. 01:44:43

19 Q. Are you aware of any meetings like that? 01:44:44

20 A. No. 01:44:46

21 Q. So Vicar Provincial, definitorium. There is a 01:44:47  
22 Secretary of the Province. Any other officers like that 01:44:51  
23 before we get to the guardians for each Province? 01:44:53

24 A. Not those that attend meetings. There is a 01:44:56  
25 Treasurer for the Province, for example. 01:45:00

1 Q. Is that Lupia Sevins? 01:45:01

2 A. Lupia Sevins. 01:45:06

3 Q. She is not -- 01:45:06

4 A. She doesn't come into the meeting at all. 01:45:07

5 Q. And she is not a Sister, is she? She is lay, 01:45:10

6 correct? 01:45:15

7 A. No. 01:45:15

8 Q. Would she be considered a Third Order 01:45:15

9 Franciscan? 01:45:19

10 A. Not that either. Lay person. 01:45:19

11 Q. Okay. Any other executive type positions or 01:45:20

12 officer positions? 01:45:26

13 A. No. 01:45:26

14 Q. Lupia has been the Treasurer for a number of 01:45:29

15 years now, hasn't she? 01:45:32

16 A. Yes, right. 01:45:33

17 Q. How many years? 01:45:34

18 A. Twelve, fifteen, something like that. 01:45:35

19 Q. And what are the treasurer's responsibilities, 01:45:36

20 to your knowledge? 01:45:40

21 A. Everything that a treasurer has to do. Keep 01:45:40

22 track of all the finances, and she has some people under 01:45:44

23 her who do certain specialized things like, automotive 01:45:48

24 or insurance and so on, but she is the one in charge. 01:45:52

25 Q. Would she be responsible for obtaining 01:45:55

1 insurance policies for the individual properties? 01:45:57

2 A. Right. 01:45:59

3 Q. Anyone else before we get to the guardians -- 01:45:59

4 A. No. 01:46:07

5 Q. -- that would be an executive or officer of 01:46:08

6 some sort? 01:46:10

7 A. No. 01:46:11

8 Q. Any other board or committees other than what 01:46:11

9 we have talked about? 01:46:15

10 A. Well, yes. There is a number of corporations 01:46:15

11 within the Province, and they are also the board for 01:46:18

12 those Provinces -- for those different corporations. 01:46:23

13 Q. How many different corporations for the 01:46:25

14 Province are there? 01:46:28

15 A. I think perhaps five all together. 01:46:29

16 Q. And what are they? 01:46:32

17 A. I can't remember all of them, but there is St. 01:46:35

18 Anthony's Foundation, which takes care of all of the 01:46:40

19 things from St. Boniface, all of the operations there. 01:46:43

20 Q. Okay. 01:46:45

21 A. And then there is for the Franciscan School of 01:46:45

22 Theology, there is a special board. And then for the 01:46:48

23 Franciscan Renewal Center in Phoenix, Arizona there is a 01:46:54

24 special board. And seems to me there are one or two 01:46:57

25 others, but those are the -- and they have separate 01:47:03

1 minutes and separate meetings. 01:47:06

2 Q. And those are separate corporate entities as 01:47:07

3 well? 01:47:10

4 A. Yes, they are separate corporate entities. 01:47:10

5 Q. Do you know who is the primary corporate 01:47:12

6 entity, is it the Franciscan Friars of California? 01:47:31

7 A. Yes. 01:47:33

8 Q. And are these entities underneath that 01:47:33

9 umbrella, so to speak; do you know? 01:47:36

10 A. Yes. 01:47:38

11 Q. So we've talked about the big picture. Tell me 01:47:38

12 about the structure of the individual properties. There 01:47:44

13 is a Guardian? 01:47:47

14 A. Guardian who is in charge. Then under him 01:47:48

15 would be his Vicar who replaces him in his absence. 01:47:51

16 Q. Each property has its own Guardian? 01:47:56

17 A. It has to have at least six Friars to have a 01:47:59

18 Guardian, otherwise it's in charge of a Vicar. 01:48:03

19 Q. And is the Guardian the same thing as the 01:48:05

20 Father Superior? 01:48:14

21 A. Yes. In English, it's warden. 01:48:14

22 Q. So, for instance, is there a Guardian -- well, 01:48:18

23 has St. Anthony's been sold? Is the sale be complete? 01:48:31

24 A. It's not open now. 01:48:35

25 Q. But has the property been sold? 01:48:36



1 that he consults, and they are elected by the local 01:49:38  
2 community. 01:49:44

3 Q. So each property has its own council underneath 01:49:44  
4 the Guardian? 01:49:47

5 A. Yes, mm-hmm. 01:49:47

6 Q. And how many Friars on a council? 01:49:48

7 A. Three. 01:49:50

8 Q. Would that be the Provincial -- that wouldn't 01:49:51  
9 be the Provincial council, would it? 01:49:53

10 A. No. No. 01:49:55

11 Q. Is there a title for that council? 01:49:56

12 A. No. 01:49:57

13 Q. Just council? 01:49:59

14 A. Guardian's council. 01:50:00

15 Q. And how long are the terms for those positions? 01:50:00

16 A. Six years. 01:50:03

17 MR. KASPER: Excuse me. The term for 01:50:04  
18 membership on the guardian's council is six years? 01:50:19

19 THE WITNESS: No. That is three years. 01:50:22

20 MR. KASPER: Three years. 01:50:24

21 MR. HALE: That was my understanding as well. 01:50:26

22 Q. What are the guardian's responsibilities? 01:50:29

23 A. He is in charge of the community and he is 01:50:33  
24 responsible for their overall welfare and spiritual 01:50:39  
25 development. He is the one who makes all assignments 01:50:44



1 that are strictly -- those are the Friars. If it 01:50:47  
2 happens to be where there is also a parish, then there 01:50:52  
3 is both a Guardian and a Pastor. So they are separate 01:50:55  
4 functions, but normally he is in charge of any 01:51:00  
5 assignments of the Friars other than in the parish. 01:51:05

6 Q. Does the Guardian have authority over the 01:51:08  
7 pastor if there is a parish or are they independent? 01:51:12

8 A. As a member of the community he does, but not 01:51:15  
9 over the parish. 01:51:18

10 Q. Can sometimes the Guardian be both the Guardian 01:51:18  
11 and the Pastor? 01:51:30

12 A. Correct. 01:51:31

13 Q. For instance, Father Cordano at times was the 01:51:32  
14 Guardian and the Pastor, wasn't he? 01:51:35

15 A. Mm-hmm. Mm-hmm. 01:51:37

16 Q. I assume the Guardian would be responsible for 01:51:39  
17 any disciplinary actions of Franciscans at the property? 01:51:51

18 A. Yes, mm-hmm. 01:51:54

19 Q. Were there any disciplinary actions taken by 01:51:55  
20 Father -- let me ask this: Was Father [REDACTED] the only 01:52:00  
21 guardian while you were at St. Anthony's? 01:52:03

22 A. Yes. 01:52:04

23 Q. Did Father [REDACTED] take any disciplinary actions 01:52:05  
24 of Friars while you were there? 01:52:07

25 A. Not to my knowledge. 01:52:10

1 Q. Do you know -- what is a letter of obedience? 01:52:11

2 A. It's the same thing as an appointment. 01:52:15

3 Technically, it's your given this letter to take and 01:52:22

4 deliver to the local Guardian and it's just simply a 01:52:25

5 sending of this person with that letter, assigning him 01:52:29

6 to that particular community. 01:52:33

7 Q. Does the Guardian's council serve in the same 01:52:34

8 capacity as the definitorium -- 01:52:42

9 A. Yes, they are advisors. 01:52:43

10 Q. -- to the Provincial? 01:52:45

11 MR. KASPER: Father Harris, it's important that 01:52:46

12 you wait until the question is complete. 01:52:49

13 THE WITNESS: I'm sorry. 01:52:51

14 BY MR. HALE: 01:52:51

15 Q. You are anticipating my questions correctly, 01:52:51

16 but nevertheless, for the sake of the reporter. 01:52:55

17 If there are the equivalent of personnel 01:52:57

18 decisions to be made at a particular property, is that 01:53:04

19 handled by the Guardian and the council or by some one 01:53:07

20 there the Provincial's office? 01:53:09

21 A. The local Guardian. 01:53:11

22 Q. Would it be a fair description to say the local 01:53:12

23 Guardian decides assignments for Franciscans at that 01:53:26

24 property, whereas the Provincial and definitorium 01:53:30

25 decides when a Franciscan is going to be reassigned 01:53:32

1 somewhere else, is that --

01:53:34

2 A. Yes.

01:53:36

3 Q. Is there more than one Provincial archivist?

01:53:37

4 A. In the past there has been both an archivist  
5 and historian. So at the present moment I don't think  
6 we have a Provincial historian. We've had it in the  
7 past, but not currently.

01:53:55

01:54:02

01:54:06

01:54:09

8 Q. Go back to the Guardian's council real quickly.01:54:11

9 What issues would the Guardian's council address?

01:54:17

10 A. Mostly financial issues.

01:54:20

11 Q. Anything else?

01:54:22

12 A. Personnel, if that's appropriate.

01:54:26

13 Q. If there was some sort of --

01:54:31

14 A. Mostly schedules, times for prayer, times for  
15 retreats, time for days of recollection, et cetera.

01:54:33

01:54:39

16 Q. If there was some sort of misconduct alleged  
17 against a Franciscan at a certain property, would the  
18 Guardian's council address that or would that be  
19 forwarded up to the Provincial's office?

01:54:41

01:54:45

01:54:47

01:54:50

20 A. Most likely to the Provincial's office.

01:54:52

21 Q. Do you have any recollections of that happening01:54:54  
22 during your time at St. Anthony's?

01:54:56

23 A. No.

01:54:57

24 Q. What is the difference between an archivist and01:54:58  
25 historian?

01:55:12

1           A. Well, an archivist is in charge of all of the 01:55:12  
2 records and the historian keeps a record of events. 01:55:17

3           Q. So, in other words, the archivist is handling 01:55:21  
4 the documents themselves? 01:55:23

5           A. Right. 01:55:24

6           Q. And right now the Franciscans do not have a 01:55:24  
7 historian? 01:55:27

8           A. No. 01:55:27

9           Q. How long have they been without a historian? 01:55:28

10          A. Since Father Maynard Geiger died, which is 01:55:31  
11 several years ago. 01:55:32

12          Q. And is Timothy Arthur still the archivist? 01:55:36

13               Tim Arthur, is he still the archivist? 01:55:41

14          A. Correct. 01:55:41

15          Q. Are there archivists for specific properties or 01:55:41  
16 just for the Province as a whole? 01:55:44

17          A. For the Province as a whole. 01:55:45

18          Q. So there is just one, he is the only one? 01:55:47

19          A. Yes. 01:55:49

20          Q. And are the archives from the Province kept in 01:55:49  
21 Santa Barbara at the Mission? 01:55:58

22          A. Yes. 01:56:01

23          Q. Why there and not Oakland? 01:56:01

24          A. There is more room. 01:56:03

25          Q. What would be found within the archives in 01:56:04

1 Santa Barbara? 01:56:17

2 A. The writings of the Friars. When a Friar is 01:56:18  
3 deceased, they pick out things that are memorable and 01:56:22  
4 important to keep and they are filed there. 01:56:25

5 Q. If a Friar is deceased, would his personnel 01:56:27  
6 file been stored there? 01:56:31

7 A. He would not have that. That would be kept -- 01:56:32  
8 some of his personal records might be, but otherwise, 01:56:39  
9 that's already in the Provincial office. 01:56:42

10 Q. Do you know when a Friar passes away, are those 01:56:44  
11 files kept, maintained, or destroyed, the personnel 01:56:47  
12 files, that is? 01:56:52

13 A. They are retained. 01:56:53

14 Q. And select books and letters and other writings 01:56:55  
15 of the deceased for a Franciscan would be kept at the 01:57:00  
16 Santa Barbara Mission with the archivist? 01:57:04

17 A. Yes. 01:57:07

18 Q. Anything else that would be in the archives? 01:57:07

19 A. Photographs, memorabilia, different awards 01:57:10  
20 perhaps for the individual. Anything that seems to be 01:57:18  
21 worth keeping. 01:57:21

22 Q. Okay. Where are the archives located in the 01:57:22  
23 Mission? 01:57:25

24 A. In a special building which was constructed for 01:57:26  
25 the archives of the early Franciscans. It was -- it was 01:57:29

1 a historic documents dating back to the founding of the 01:57:38  
2 early Franciscan missions. 01:57:43

3 Q. And do the archives contain, I assume, 01:57:43  
4 documents for St. Anthony's seminary as well? 01:57:48

5 A. Yes. 01:57:51

6 Q. Are you aware of any kind of destruction -- let 01:57:52  
7 me ask you this: When a Friar passes away and the 01:57:56  
8 archivist I assume goes through that Friar's writings 01:58:00  
9 and letters and that sort of thing, what happens to the 01:58:03  
10 documents that are not kept within the archives? Are 01:58:05  
11 they destroyed, are they sent to Oakland? 01:58:08

12 A. They are destroyed. 01:58:10

13 Q. So anything that is not kept in the archives, 01:58:11  
14 other than the personnel file, is destroyed? 01:58:14

15 A. Yes. Unless it's personal effects and things, 01:58:17  
16 those are donated. 01:58:21

17 Q. And Brother Timothy Arthur was part of -- was 01:58:22  
18 he part of the staff of St. Anthony's while you were at 01:58:33  
19 St. Anthony's? 01:58:36

20 A. No. 01:58:36

21 Q. Was he on the faculty? 01:58:36

22 A. No. 01:58:37

23 Q. Was there a library at the Mission, Santa 01:58:38  
24 Barbara? 01:58:42

25 A. Yes. 01:58:42

1 Q. Have any portions of that library ever been 01:58:43  
2 sold? 01:58:49  
3 A. Not to my knowledge. 01:58:49  
4 Q. Does each Franciscan property have a library? 01:58:50  
5 A. Yes. 01:58:54  
6 Q. But not an archive? 01:58:55  
7 A. No. 01:58:57  
8 Q. And are the archives of the Mission located in 01:58:57  
9 the same place as the library or is that a different -- 01:59:05  
10 A. Adjacent to it. 01:59:08  
11 Q. Are you familiar with the Santa Barbara Mission 01:59:09  
12 Archives Library Board? 01:59:19  
13 A. I know of it, yes. 01:59:21  
14 Q. What is its purpose? 01:59:22  
15 A. To promote the library, facilitate research 01:59:24  
16 being done there by scholars -- 01:59:30  
17 Q. It still exists? 01:59:32  
18 A. -- publication. Yes. 01:59:34  
19 Q. Sorry, didn't mean to interrupt. 01:59:36  
20 Who's on that board? 01:59:37  
21 A. I don't know. 01:59:39  
22 Q. Is that a Franciscan entity though, that board, 01:59:40  
23 or are there -- 01:59:44  
24 A. Yes. 01:59:45  
25 Q. -- lay people on it? 01:59:45

1 MR. KASPER: I'm sorry, you answered the 01:59:47  
2 question in the middle of the -- 01:59:52

3 THE WITNESS: Question. 01:59:54

4 MR. KASPER: -- in the middle of the question. 01:59:54

5 MR. HALE: That was my fault. 01:59:56

6 MR. KASPER: You were given an alternative. Is 01:59:57  
7 it Franciscan Friars or lay board or both? 02:00:00

8 THE WITNESS: To the best of my knowledge, it's 02:00:04  
9 both. 02:00:07

10 BY MR. HALE: 02:00:07

11 Q. Okay. When a Franciscan is transferred or 02:00:07  
12 reassigned somewhere, that's the duty of the Provincial, 02:00:15  
13 the Provincial handles that? 02:00:18

14 A. Excuse me? 02:00:19

15 Q. When a Franciscan is reassigned somewhere, is 02:00:20  
16 that an order given by the Provincial, is that his job? 02:00:23

17 A. Yes. 02:00:26

18 Q. And what about a Franciscan Brother, is it 02:00:26  
19 still a Provincial's job to reassign him somewhere, if 02:00:32  
20 that becomes necessary? 02:00:36

21 A. Yes. 02:00:36

22 Q. So it's the same person whether it's a priest 02:00:37  
23 or brother? 02:00:39

24 A. Right. 02:00:40

25 Q. You referenced earlier that there were both -- 02:00:45



1     there were statutes for both the Province that were     02:00:48  
2     unique to the Province and for the Franciscan order as a     02:00:51  
3     whole?     02:00:54

4             A.   Mm-hmm.     02:00:54

5             Q.   Are there any other statutes or codes of     02:00:54  
6     conduct other than the canons that govern Franciscan     02:00:59  
7     life?     02:01:02

8             Let me put it this way.   For instance, when you     02:01:05  
9     were serving at St. Anthony's, were you also subject to     02:01:08  
10    the statutes of the Archdiocese of Los Angeles?     02:01:13

11            A.   Insofar as we operated within the archdiocese,     02:01:15  
12    like in parishes, yes.     02:01:22

13            Q.   So does that mean only when you went to a     02:01:28  
14    parish would a Franciscan be subject to those statutes     02:01:42  
15    of the diocese or archdiocese it was in, or would that     02:01:46  
16    include like, for instance, when you were working at St.     02:01:49  
17    Anthony's, even though there wasn't a parish there, you     02:01:50  
18    were still subject to the archdiocese statutes?     02:01:54

19            A.   Those who are actively involved in parish work     02:01:56  
20    are expected to attend conferences, meetings ordered by     02:02:00  
21    the archdiocese, whatever.     02:02:05

22            Q.   Okay.     02:02:06

23            A.   So they are part of that.     02:02:07

24            Q.   But what about, for instance, while you were a     02:02:09  
25    Rector at St. Anthony's, did you consider yourself still     02:02:12

1 subject to those archdiocesan statutes? 02:02:17

2 A. Yes. 02:02:20

3 Q. Do you know, this is probably a very broad 02:02:20

4 question, but do you know what those statutes are, the 02:02:31

5 Archdiocese? 02:02:35

6 MR. KASPER: For any period of time? 02:02:37

7 BY MR. HALE: 02:02:39

8 Q. Yeah, while you were the Rector. 02:02:39

9 A. What we are given when we become a member of -- 02:02:41

10 a clergy person within a diocese or archdiocese, we're 02:02:48

11 given what is technically known as a pagella, which is a 02:02:51

12 list of the faculties you have from the Archbishop. 02:02:55

13 A. Pagella, P-A-G-E-L-L-A, a little page. And it 02:02:58

14 contains all of the more important restrictions or 02:03:07

15 regulations to which you are expected to conform. So 02:03:09

16 it's kind of a summary of -- each diocese has its own 02:03:14

17 statutes, and instead of giving the whole book of 02:03:20

18 statutes to the person serving in the diocese, he is 02:03:24

19 given this kind of summary of the more important 02:03:27

20 relevant portions, and it's called a pagella. So at the 02:03:30

21 time you begin ministry in a diocese you receive a 02:03:34

22 pagella. 02:03:38

23 Q. And is that a one-page letter? 02:03:38

24 A. It's about three pages. 02:03:40

25 Q. And does that go directly to the -- 02:03:41

1 A. The individual. 02:03:44

2 Q. And does a copy of that end up in the 02:03:44  
3 individual's personnel file or is that individual for 02:03:48  
4 individual's use only? 02:03:52

5 A. I don't think it does. It's just like a 02:03:53  
6 personal paper. 02:03:56

7 Q. So any time a Franciscan joins or is 02:03:56  
8 transferred into a new diocese or archdiocese and 02:04:06  
9 received faculties, he receives a pagella? 02:04:11

10 A. Yes. 02:04:14

11 Q. Obviously the brothers are not granted 02:04:14  
12 faculties, but did all members of the St. Anthony's 02:04:36  
13 faculties -- did all members of the St. Anthony's 02:04:39  
14 faculty who were priests have faculties from the 02:04:43  
15 Archdiocese? 02:04:46

16 A. Yes. 02:04:46

17 Q. How do you know that? 02:04:47

18 A. Because they are listed in the archdiocesan 02:04:56  
19 newspaper. 02:04:59

20 Q. Okay. How many students during your time as 02:05:01  
21 Rector on average were there in the freshman class at 02:05:45  
22 St. Anthony's? Can you give me a high and a low? 02:05:48

23 A. Between 20 and 50. 02:05:51

24 Q. High when you first got there, low when you 02:05:54  
25 left? 02:06:00

|    |                                                        |          |
|----|--------------------------------------------------------|----------|
| 1  | A. Yes.                                                | 02:06:00 |
| 2  | Q. About the same numbers for sophomore class?         | 02:06:02 |
| 3  | A. High would be a little lower, like 40.              | 02:06:07 |
| 4  | Q. 20 to 40?                                           | 02:06:11 |
| 5  | A. 20, 40.                                             | 02:06:12 |
| 6  | Q. Junior class?                                       | 02:06:14 |
| 7  | A. 20, 30.                                             | 02:06:15 |
| 8  | Q. Have people dropping out and numbers gets           | 02:06:16 |
| 9  | lower?                                                 | 02:06:20 |
| 10 | A. Exactly.                                            | 02:06:20 |
| 11 | Q. And for senior class?                               | 02:06:20 |
| 12 | A. 20.                                                 | 02:06:23 |
| 13 | Q. So on average, for all four classes you had         | 02:06:23 |
| 14 | somewhere between 80, 80 students to 140, somewhere    | 02:06:32 |
| 15 | around there?                                          | 02:06:40 |
| 16 | A. Yes.                                                | 02:06:40 |
| 17 | Q. How did the faculty supervise students?             | 02:06:41 |
| 18 | A. Well, the structure of the day actually took        | 02:06:54 |
| 19 | care of most of that, because they had morning prayer, | 02:07:02 |
| 20 | breakfast, classes, activities, mostly athletics,      | 02:07:07 |
| 21 | dinners, study hall, retirement. It was a very highly  | 02:07:12 |
| 22 | structured and very time -- well organized day. So it  | 02:07:20 |
| 23 | was pretty much that way. So the supervision was built | 02:07:24 |
| 24 | into the structure.                                    | 02:07:28 |
| 25 | Q. Was there at any point during that day where        | 02:07:29 |

1 students -- where it was acceptable for students to 02:07:33  
2 deviate from that structure? 02:07:36  
3 A. Not normally. 02:07:38  
4 Q. For instance, was study hall two hours? 02:07:45  
5 A. Yes. 02:07:51  
6 Q. And from what period of time to what period of 02:07:51  
7 time? 02:07:54  
8 A. They would go from after dinner until about 02:07:54  
9 9:00. 02:07:56  
10 Q. And -- somewhere around 7:00 to 9:00? 02:07:56  
11 A. Yes. 02:07:59  
12 Q. And where would study hall take place? 02:07:59  
13 A. In a large study-hall building. 02:08:01  
14 Q. And was that supervised by a Franciscan? 02:08:03  
15 A. Yes. 02:08:06  
16 Q. By more than one? 02:08:07  
17 A. Usually only one. 02:08:08  
18 Q. Somebody from the faculty? 02:08:10  
19 A. Yes. 02:08:12  
20 Q. And were students expected to sign in for study 02:08:13  
21 hall? 02:08:17  
22 A. They were noted if they were absent. 02:08:17  
23 Q. Was there any punishment if a student was 02:08:20  
24 absent? 02:08:26  
25 A. They were admonished. 02:08:26

1 Q. Does "admonish" mean simply that they were 02:08:28  
2 verbally chastised for being missing? 02:08:32

3 A. For the most part. 02:08:34

4 Q. Did St. Anthony's have anything equivalent to a 02:08:36  
5 detention or anything like that? 02:08:40

6 A. At times perhaps, but not during my tenure. 02:08:41

7 Q. If a student was missing from study hall would 02:08:44  
8 the supervising Franciscan try and find that student? 02:08:50

9 A. Yes. 02:08:54

10 Q. And just by searching the seminary? 02:08:54

11 A. By sending another student to look for that 02:08:57  
12 person. 02:09:01

13 Q. So another student would be sent out? 02:09:01

14 A. Mm-hmm. 02:09:03

15 Q. If a Franciscan was having seminarians report 02:09:03  
16 to his living quarters during study-hall hours on a 02:09:13  
17 regular basis, is that something that would have been 02:09:16  
18 reported to you? 02:09:18

19 A. Yes. 02:09:18

20 Q. And would that have been cause for concern? 02:09:19

21 A. Apparently it would have been, but, I mean, I 02:09:22  
22 would have been concerned. 02:09:27

23 Q. Okay. Was that ever reported to you? 02:09:27

24 A. No. 02:09:31

25 Q. Were you ever aware that Mario Cimmarrusti was 02:09:31

1 having students come to his living quarters during 02:09:34  
2 study-hall hours? 02:09:38

3 A. It was not reported to me, no. 02:09:39

4 Q. So you were never aware of it? 02:09:41

5 A. No. 02:09:44

6 Q. This is a pretty small student class, correct? 02:09:44

7 A. Yes. 02:09:59

8 Q. And how many people in the faculty on average 02:09:59  
9 per year? 02:10:03

10 A. Usually 12 to 14. 02:10:04

11 Q. If Father Cimmarrusti had come to study hall 02:10:07

12 and instructed and told whichever Franciscan was 02:10:26

13 supervising the students that he wanted that student to 02:10:28

14 come to his living quarters, would you have expected 02:10:31

15 that Franciscan to inform you of that having happened? 02:10:36

16 A. Yes. 02:10:38

17 Q. If that Franciscan had not informed you of that 02:10:39

18 action, would that have been a punishable offense? 02:10:48

19 A. I would want to know why. 02:10:51

20 Q. Okay. Did St. Anthony's have any policy while 02:10:52

21 you were Rector for the manner of dealing with sexual 02:11:02

22 harassment of students? 02:11:08

23 A. Can you give me an example? 02:11:16

24 Q. If one student was making overtures, romantic 02:11:20

25 overtures, to another student and another student 02:11:26

1 complained to a Franciscan Brother, how would the 02:11:28  
2 faculty have handled that? 02:11:32  
3 A. It would be dealt with immediately. 02:11:33  
4 Q. And in what manner? 02:11:35  
5 A. The person would be called in and questioned. 02:11:39  
6 Q. Okay. And what action would have been taken 02:11:42  
7 as -- if the questioning confirmed that this was 02:11:46  
8 happening, what action would the faculty have taken? 02:11:50  
9 A. Well, we would begin with admonishment. 02:11:52  
10 Q. And if that didn't solve the problem? 02:11:55  
11 A. It could lead to dismissal. 02:11:58  
12 Q. Do you remember a student named [REDACTED]? 02:11:59  
13 A. Vaguely. 02:12:04  
14 Q. Did [REDACTED] ever come to you and complain 02:12:06  
15 he was being harassed by another student? 02:12:12  
16 A. He did not. 02:12:14  
17 Q. Do you recall ever calling [REDACTED] into your office 02:12:14  
18 to discuss claims of harassment by another student? 02:12:18  
19 A. No. 02:12:22  
20 Q. Do you recall ever telling him he needed to be 02:12:22  
21 discreet about claims of harassment by another student? 02:12:28  
22 A. No. 02:12:31  
23 Q. Do you have any recollection of telling 02:12:31  
24 [REDACTED] that he needed to not talk openly about 02:12:40  
25 claims of harassment about another student? 02:12:44



1 A. No. 02:12:46

2 Q. Do you have any recollection of the parents of 02:12:46  
3 the boy who was allegedly harassing [REDACTED] calling 02:12:58  
4 you to complain about these allegations? 02:13:02

5 A. No. 02:13:03

6 MR. HALE: You want to read that back? 02:13:04

7 MR. KASPER: No, I got it. The question 02:13:10  
8 assumes something that he has testified didn't happen, 02:13:12  
9 but go ahead. He has answered the question. 02:13:17

10 BY MR. HALE: 02:13:21

11 Q. You know who [REDACTED] was, correct? 02:13:21

12 A. Yes. 02:13:28

13 Q. And he was a Franciscan Brother? 02:13:28

14 A. Correct. 02:13:30

15 Q. Did [REDACTED] or did Brother [REDACTED] ever tell you 02:13:31  
16 that [REDACTED] had complained about being harassed by 02:13:33  
17 another student? 02:13:38

18 A. Would you repeat that question? 02:13:38

19 Q. Did Brother [REDACTED] ever tell you that [REDACTED] 02:13:39  
20 had complained to him, in other words, [REDACTED], about being 02:13:42  
21 harassed by another student? 02:13:44

22 A. No. 02:13:46

23 Q. If [REDACTED] had complained to [REDACTED] about being 02:13:46  
24 harassed by another student, would you have expected 02:13:50  
25 [REDACTED] to report that to you? 02:13:52

1 A. Yes. 02:13:53

2 Q. Was it kind of an ongoing evaluation and 02:13:53

3 monitoring of students to see if they would be good 02:14:08

4 candidates for the priesthood? 02:14:11

5 A. That was the purpose of it, yes. 02:14:12

6 Q. How did you evaluate whether a student was good 02:14:13

7 candidate for the priesthood? 02:14:18

8 A. This was done with a faculty -- in a faculty 02:14:19

9 meeting, and each faculty member was allowed to speak up 02:14:22

10 to say what -- you know, sort of a general character 02:14:26

11 evaluation, plus how well they were doing in their 02:14:30

12 studies, and we rated them on different personality 02:14:33

13 traits or character traits. 02:14:38

14 Q. How often did those meetings take place? 02:14:40

15 A. Twice a year before grading periods. 02:14:42

16 Q. For every class year? 02:14:44

17 A. Yes. 02:14:49

18 Q. So it was a semi-annual occurrence? 02:14:49

19 A. Exactly. 02:14:53

20 Q. What were the personality traits that you would 02:14:54

21 be looking for in a candidate for the priesthood? 02:14:58

22 A. Responsibility, punctuality, cooperation, 02:15:00

23 prayerfulness, diligence. I can't remember the exact 02:15:04

24 titles of all of them; but, in other words, we were 02:15:10

25 looking for the kind of personality that the person was 02:15:12

1 developing and their aptness for clerical ministry. 02:15:16

2 Q. Was this done in documentary form or was this 02:15:19

3 just simply discussed by the faculty? 02:15:27

4 A. It was documentary. 02:15:28

5 Q. And was it the entire faculty that was involved 02:15:29

6 in this? 02:15:33

7 A. Yes. 02:15:34

8 Q. And when this form was completed, was it a 02:15:34

9 check-the-box type situation or narrative? 02:15:37

10 A. Narrative. 02:15:39

11 Q. And was this then placed in the student's file? 02:15:39

12 A. No. It was given to me and I was to 02:15:42

13 communicate this to the students. I had individual 02:15:47

14 meetings with each student and told them the evaluation 02:15:50

15 had been given and sometimes encouraged them to make 02:15:54

16 changes and whatever seemed appropriate. 02:15:59

17 Q. Was part of the evaluation process monitoring 02:16:01

18 how students interacted with each other during the 02:16:07

19 school year? 02:16:10

20 A. That was part of it, yes. 02:16:10

21 Q. What would you be looking for in that regard? 02:16:12

22 A. Well, I mentioned some of them: cooperation, 02:16:14

23 mutual support, team play. That was a very important 02:16:20

24 factor. 02:16:26

25 Q. What about sexual development, would that be a 02:16:26

1 factor? 02:16:29

2 A. Not in those reports, no. 02:16:29

3 Q. In other reports? 02:16:31

4 A. No. 02:16:32

5 Q. At some point in considering whether a 02:16:33

6 candidate was a viable candidate for the priesthood, 02:16:36

7 would sexual development be considered? 02:16:39

8 A. It might be considered as one's physical 02:16:40

9 development, but not necessarily for the priesthood. 02:16:45

10 Q. Not the psychosexual development? 02:16:47

11 A. No. 02:16:50

12 Q. What about would you look for signs of 02:16:50

13 inability to be faithful to the vow of celibacy? 02:16:51

14 A. At that time, no. 02:16:55

15 Q. At some point did you start looking for that? 02:16:59

16 A. Well, it was not a consideration at that age 02:17:01

17 level. 02:17:06

18 Q. At the seminary level? 02:17:06

19 A. Seminary level. 02:17:07

20 Q. At some later date did it become a 02:17:08

21 consideration though for seminarians? 02:17:12

22 A. Yes. 02:17:13

23 Q. When? 02:17:16

24 A. As the changes took place, you know, in taking 02:17:17

25 in older candidates, that became one of the issues -- 02:17:23

1 Q. Are you referring -- 02:17:27

2 A. -- like the psychological examination and so 02:17:28

3 forth. Not at that point. 02:17:31

4 Q. Are you referring to when the seminaries fell 02:17:33

5 by the wayside? 02:17:37

6 A. Right. 02:17:37

7 Q. But as far as the seminarians go, it was never 02:17:38

8 something you used as an evaluative tool as to whether 02:17:41

9 they were going to be able to maintain the vow of 02:17:45

10 celibacy? 02:17:49

11 A. No. 02:17:49

12 Q. If you observed -- during your time as a 02:17:50

13 Rector, if you observed a student who frequently touched 02:17:57

14 or hugged other students, would that be cause for 02:18:01

15 concern as far as his being a viable candidate for the 02:18:04

16 priesthood? 02:18:07

17 A. Yes. 02:18:07

18 Q. And what action would you take; would you 02:18:08

19 counsel the student? 02:18:13

20 A. He would be counseled. 02:18:13

21 Q. Did that ever come up while you were at St. 02:18:15

22 Anthony's? 02:18:18

23 A. No. 02:18:18

24 Q. Was celibacy -- let me ask you this: Is 02:18:18

25 there -- what's the difference between -- or is there a 02:18:37

1 difference in your mind between celibacy and chastity? 02:18:41

2 A. There is a difference. 02:18:44

3 Q. What's the difference? 02:18:45

4 A. Technically, celibacy is someone who remains 02:18:46  
5 unmarried. 02:18:52

6 Q. Okay. 02:18:52

7 A. Chastity is the proper regulation of sexual 02:18:53  
8 energy. 02:18:56

9 Q. Okay. And is a Franciscan brother and priest 02:18:56  
10 expected to take vows as to both? 02:19:02

11 A. As to both. 02:19:04

12 Q. Was the faculty at St. Anthony's while you were 02:19:05  
13 Rector ever encouraged to fraternize with the student 02:19:17  
14 body? 02:19:24

15 A. Discouraged. 02:19:24

16 Q. Discouraged, okay. 02:19:24

17 Was there a lounge while you were Rector where 02:19:30  
18 both faculty and students could hang out, for lack of a 02:19:34  
19 better word? 02:19:39

20 A. No. 02:19:40

21 Q. Was celibacy discussed or taught at St. 02:19:40  
22 Anthony's? 02:19:46

23 A. Not formally. 02:19:46

24 Q. So informally, I assume? 02:19:48

25 A. Informally, I think, by example. 02:19:51

1 Q. Okay. Can you give me an example of the 02:19:55  
2 examples? 02:20:02

3 A. Well, one of the things that we stress was that 02:20:02  
4 the Friars were role models for the students, and if 02:20:07  
5 they recognized them as being celibate and still joyful 02:20:10  
6 and fulfilled and happy, so forth, then they would see 02:20:15  
7 that as an option for themselves. 02:20:19

8 Q. Okay. Why was fraternization between students 02:20:19  
9 and faculty discouraged? 02:20:30

10 A. It was a long tradition that goes way back in 02:20:31  
11 history that was handed on in seminaries that was 02:20:38  
12 careful to keep a distance between different age groups. 02:20:44

13 Q. Do you have any -- when you say -- are we 02:20:47  
14 talking hundreds of years? 02:21:03

15 A. Hundreds of years. 02:21:04

16 Q. Do you know what the origin of that tradition 02:21:05  
17 was? 02:21:07

18 A. No. 02:21:07

19 Q. Are you aware of any research papers on that? 02:21:08  
20 I mean, you have done a lot of studying on the church. 02:21:15  
21 Are you aware of any research papers on that topic? 02:21:19

22 A. Yes. 02:21:21

23 Q. Any recent papers on that topic? Let me ask 02:21:21  
24 you this: When did you come across those papers? 02:21:27

25 A. I think fear of homosexuality. 02:21:30

1 Q. Okay. I mean, is that something that you read 02:21:37  
2 about as being the origin of -- 02:21:48

3 A. That's the research that's pretty easily 02:21:49  
4 available. 02:21:52

5 Q. And that's been a concern for hundreds of 02:21:52  
6 years? 02:21:56

7 A. Yes. 02:21:56

8 Q. And that's why fraternization with students was 02:21:56  
9 discouraged? 02:22:00

10 A. Yes. 02:22:01

11 Q. Did you ever have any one-on-one discussion 02:22:02  
12 with students about celibacy while you were Rector? 02:22:13

13 A. No. 02:22:17

14 Q. Did you ever have any one-on-one discussion 02:22:18  
15 about celibacy with faculty while you were Rector? 02:22:22

16 A. Yes. 02:22:24

17 Q. With who? 02:22:27

18 A. One of the Friars who was thinking of leaving 02:22:28  
19 consulted with me. 02:22:35

20 Q. Who was that? 02:22:36

21 THE WITNESS: Is it appropriate for me to 02:22:36  
22 answer? 02:22:41

23 MR. KASPER: Let's go off the record. 02:22:41

24 MR. HALE: Sure. 02:22:44

25 THE VIDEOGRAPHER: Going off the record. The 02:22:44



1 time is 2:22. Please standby. 02:22:48

2 (Pause in the proceedings) 02:22:49

3 THE VIDEOGRAPHER: We're momentarily back on 02:22:49

4 the record to switch tapes. The time is 2:23. We're 02:24:04

5 going off the record and switching from tape two -- tape 02:24:08

6 one -- switching off tape two, volume one. 02:24:16

7 (Recess taken) 02:24:18

8 THE VIDEOGRAPHER: We're back on the record. 02:24:18

9 The time is now 2:32. 02:32:48

10 MR. HALE: Back on the record. 02:32:49

11 THE VIDEOGRAPHER: Back on the record. The 02:32:52

12 time is now 2:32. 02:32:55

13 MR. KASPER: The last question before we broke 02:32:56

14 calls for a confidential pastoral communication. The 02:33:01

15 individual with whom Father Harris was speaking is not 02:33:06

16 someone who was -- who has been implicated in any of the 02:33:12

17 cases, to our knowledge. And Father Harris believes 02:33:17

18 that is -- that communication that was pastoral in 02:33:20

19 nature and it's protected by the privilege and, 02:33:22

20 therefore, we're going to assert the privilege and not 02:33:26

21 respond further. 02:33:29

22 BY MR. HALE: 02:33:29

23 Q. Okay. Where did this conversation take place, 02:33:29

24 Father? 02:33:37

25 A. In my office. 02:33:37

1 Q. Did you ever hear confession in your office? 02:33:38

2 A. No. 02:33:44

3 Q. So this was not a confession? 02:33:47

4 A. I did, but it was discouraged. They thought 02:33:50

5 the Rector should not be limited by secretive 02:33:55

6 confession. 02:34:00

7 Q. And in the instance -- sorry. 02:34:02

8 A. It was customary for the Rector not to hear 02:34:05

9 confession. 02:34:08

10 Q. And in the instance that we're talking about, 02:34:08

11 did this involve a confession? 02:34:10

12 A. No. 02:34:12

13 Q. Let me get back to this one minute. Was there 02:34:13

14 ever a Father Francis Harris at St. Anthony's? 02:34:21

15 A. Not to my knowledge. 02:34:22

16 Q. Okay. Not familiar with anyone by that name? 02:34:24

17 A. No. 02:34:26

18 Q. Was there any written policy at St. Anthony's 02:34:27

19 prohibiting fraternization between students and faculty? 02:34:34

20 MR. KASPER: Excuse me, Counsel. I think I 02:34:36

21 have a concern that we're talking about a ten-year 02:34:40

22 period, and I think it would be helpful if you would 02:34:42

23 identify what period of time you're talking about. 02:34:45

24 MR. HALE: Well, I said was there ever, and if 02:34:47

25 he says there was, then I'll ask him when. 02:34:51

1           THE WITNESS: So repeat the question. 02:34:53

2 BY MR. HALE: 02:34:54

3           Q. Was there ever a written policy at St. 02:34:54

4 Anthony's prohibiting fraternization between students 02:34:57

5 and faculty? 02:35:01

6           A. No. 02:35:01

7           Q. In your mind, what constituted impermissible 02:35:01

8 fraternization between students and faculty? 02:35:08

9           A. Overt confidential information sharing, any 02:35:09

10 kind of overt behavior that would suggest that there 02:35:18

11 were more than just faculty and student. 02:35:24

12           Q. What kind of behavior are you referring to? 02:35:26

13           A. Hugs or anything like that nature. 02:35:30

14           Q. Would wrestling constitute inappropriate 02:35:33

15 fraternization between faculty and student? 02:35:41

16           A. Probably. 02:35:42

17           MR. MATIASIC: Counsel, I was going to say, 02:35:44

18 once again, if you could kind of limit that as to time. 02:35:46

19 BY MR. HALE: 02:35:50

20           Q. Well, during your time as Rector would that 02:35:50

21 ever have been appropriate? 02:35:54

22           A. No. 02:35:55

23           Q. Your first assignment was at St. Mary's High 02:35:55

24 School in Phoenix, correct? 02:36:10

25           A. Correct. 02:36:12

1 Q. Would it have been appropriate -- that was in 02:36:12  
2 1949. From 1949 until the end of your tenure as Rector 02:36:14  
3 at St. Anthony's in Santa Barbara, would that kind of 02:36:19  
4 conduct ever been appropriate -- 02:36:24

5 A. No. 02:36:25

6 Q. -- in other words, wrestling with a student? 02:36:25

7 A. No. 02:36:27

8 Q. What about faculty sticking a finger in a 02:36:27  
9 student's ear, would that ever have been appropriate 02:36:33  
10 from 1949 to the end of your tenure as a Rector? 02:36:37

11 A. No. 02:36:39

12 Q. What about a student sitting on a faculty 02:36:39  
13 member's lap, would that ever have been appropriate? 02:36:46

14 A. No. 02:36:49

15 MR. MATIASIC: Incomplete hypothetical. 02:36:49

16 BY MR. HALE: 02:36:51

17 Q. What about a faculty member giving a student a 02:36:51  
18 massage, would that have ever been appropriate conduct 02:37:06  
19 during that time frame? 02:37:10

20 Do you understand the time frame I'm 02:37:11  
21 referencing? 1949 to the end of your time as Rector. 02:37:13

22 MR. KASPER: Same objection. 02:37:15

23 Go ahead. 02:37:18

24 THE WITNESS: What are the circumstances of the 02:37:19  
25 message? 02:37:21

1 BY MR. HALE: 02:37:21

2 Q. What if they are sitting in a lounge at St. 02:37:21

3 Anthony's and the student sits in front of the faculty 02:37:26

4 member and the faculty member begins to give them a 02:37:30

5 massage. Would that be appropriate? 02:37:34

6 A. No. 02:37:35

7 Q. Would it ever be appropriate for a faculty 02:37:35

8 member to towel a student off after a sponge bath in the 02:37:46

9 infirmary? 02:37:52

10 MR. KASPER: Same objection. 02:37:52

11 Go ahead. 02:37:55

12 THE WITNESS: Again, depending on 02:37:56

13 circumstances. If the student, you know, were suffering 02:37:58

14 high fever and that was one of the procedures, was 02:38:02

15 somewhat weak, I can imagine it being done. It would 02:38:06

16 depend on circumstances. 02:38:10

17 BY MR. HALE: 02:38:11

18 Q. Any other circumstances where it would be 02:38:11

19 appropriate for a faculty member to towel off a member 02:38:14

20 of the student body at St. Anthony's? 02:38:17

21 A. No. 02:38:19

22 Q. Is there any circumstance where it would have 02:38:20

23 been appropriate for a faculty member to apply lotion of 02:38:30

24 any sort to a student's genitals? 02:38:34

25 A. No. 02:38:36

1 Q. Is there any circumstance where it would have 02:38:37  
2 been appropriate for a faculty member to rub his hands 02:38:44  
3 up and down a student's inner thighs? 02:38:48

4 MR. MATIASIC: Incomplete hypothetical. 02:38:50

5 THE WITNESS: Again, what are the 02:38:54  
6 circumstances? 02:38:56

7 BY MR. HALE: 02:38:56

8 Q. If the faculty member calls a student to his 02:38:56  
9 office for an examination and during the course of that 02:39:02  
10 examination instructs the student to drop his pants and 02:39:07  
11 proceeds to rub his hands up and down the student's 02:39:11  
12 thighs, would that ever have been appropriate? 02:39:14

13 A. Never. 02:39:16

14 Q. It sounded to me like you had read an article 02:39:16  
15 on the impropriety of fraternization between students 02:39:26  
16 and faculty. Did I misunderstand you? 02:39:33

17 A. Not an article. Many articles. 02:39:35

18 Q. Okay. When was the first time you read an 02:39:37  
19 article on that? 02:39:40

20 A. I can't remember. 02:39:41

21 Q. In what publications would those articles have 02:39:42  
22 appeared? 02:39:45

23 A. Mainly in journals. 02:39:45

24 Q. Do you recall the authors of any of those 02:39:48  
25 articles? 02:39:51

1           A. Not at this moment. 02:39:51

2           Q. Did you read those articles while you were -- 02:39:52

3 during your lengthy educational history? 02:39:57

4           A. Yes. 02:40:00

5           Q. Did you ever write any papers yourself on that 02:40:01

6 topic? 02:40:06

7           A. On a related topic I wrote a paper that was 02:40:07

8 read here in San Francisco at the Franciscan -- at the 02:40:10

9 National Catholic Educational Conference on the 02:40:14

10 psychology of the adolescent seminarian, which dealt 02:40:17

11 with issues similar to that. 02:40:21

12          Q. What year did you write that? 02:40:23

13          A. I have it in my files, but I can't remember now 02:40:25

14 exactly. It was something like 1968. 02:40:28

15          Q. Was that published? 02:40:30

16          A. Yes. 02:40:32

17          Q. What was that published in? 02:40:33

18          A. In the proceedings of the National Catholic 02:40:34

19 Education Association. 02:40:37

20          Q. What was the subject matter of that article? 02:40:38

21          A. The need to modify seminary practices in 02:40:43

22 accordance with the needs, psychological needs, of 02:40:48

23 contemporary students. 02:40:52

24          Q. And you published that while you were -- 02:40:52

25          A. Rector. 02:40:56

1 Q. While you were Rector? 02:40:56

2 A. Yes. 02:40:58

3 Q. Did something happen at St. Anthony's which 02:40:58  
4 prompted you to write that article? 02:41:01

5 A. Just my experience overall. 02:41:02

6 Q. Any specific examples or instances that 02:41:04  
7 prompted your interest? 02:41:08

8 A. No. I think the only thing I can say to that 02:41:08  
9 is because of the changes in Vatican Franciscan II, that 02:41:15  
10 we did make adjustments in the seminary lifestyle that 02:41:17  
11 was a little more appropriate for our students, sort of 02:41:21  
12 modernizing, humanizing, reducing the restrictions 02:41:27  
13 somewhat, but kind of making it a little more like the 02:41:30  
14 lifestyle of students outside the seminary. 02:41:35

15 Q. When you say "reducing the restrictions," what 02:41:37  
16 do you mean? 02:41:39

17 A. Giving them a little more personal freedom, 02:41:40  
18 allowing them to have more free time, that sort of 02:41:44  
19 thing. 02:41:49

20 Q. Do you mean to leave the seminary? 02:41:49

21 A. No. Within the seminary day. 02:41:50

22 Q. Was there any modification to the no 02:41:54  
23 fraternization policy? 02:41:58

24 A. A little, not much. 02:41:59

25 Q. What was a little? 02:42:01



1           A. Maybe a little bit more time to speak friendly 02:42:02  
2     like with the student and faculty. Nothing significant, 02:42:06  
3     just less formality. 02:42:12

4           Q. What about was there any change in the no 02:42:13  
5     fraternization policy with regards to physical contact 02:42:17  
6     between faculty and students? 02:42:20

7           A. No. 02:42:21

8           Q. When you were at San Luis Rey, were there any 02:42:22  
9     courses taught on the no fraternization policy between 02:42:35  
10    faculty and high-school-age students? 02:42:40

11          A. When I was there as a faculty member? 02:42:43

12          Q. No, when you first got there. 02:42:47

13          A. No. 02:42:48

14          Q. What about when you were there as a faculty? 02:42:49

15          A. May I take that back? It was understood that 02:42:51  
16    we should not become overly attached to any other 02:43:00  
17    person. It was part of the spirituality at the time. 02:43:05  
18    So it was sort of a warning against what we called in 02:43:09  
19    those days "particular friendships." It was advised not 02:43:13  
20    to become too friendly with anyone. 02:43:17

21          Q. Okay. 02:43:18

22          A. It was part of the culture at the time. 02:43:19

23          Q. And that was while you were a student? 02:43:21

24          A. I was a student. 02:43:23

25          Q. And when you say "particular friendships," what 02:43:24

1 do you mean by that? 02:43:27

2 A. Spending more time with that person than any 02:43:28

3 other, just becoming more attached to that person than 02:43:31

4 any other. 02:43:34

5 Q. Any particular physical conduct that would 02:43:34

6 constitute a particular friendship? 02:43:37

7 A. Nothing other than I have indicated. 02:43:38

8 Q. What we talked about as far as the hugging and 02:43:41

9 inappropriate -- 02:43:43

10 A. None of that, no. 02:43:44

11 Q. That would be inappropriate? 02:43:45

12 A. Inappropriate. 02:43:46

13 Q. Okay. Would it ever be appropriate for -- 02:43:46

14 again, from that 1949 to the end of your time as Rector 02:43:55

15 time frame, would it ever have been appropriate for a 02:43:58

16 faculty member to take a student on a trip? 02:44:02

17 A. Individually? 02:44:06

18 Q. Individually. 02:44:08

19 A. No. 02:44:09

20 Q. What about for a faculty member to take an 02:44:09

21 individual student out to dinner? 02:44:13

22 A. No. 02:44:14

23 Q. Did the faculty while you were Rector at times 02:44:15

24 take students into town on weekends? 02:44:24

25 A. We had a policy of allowing them to go to 02:44:27

1 movies on Friday night, and so we would bus them to the 02:44:31

2 movie and bus them back. 02:44:34

3 Q. Did a Franciscan accompany them to the movie? 02:44:36

4 A. Yes. 02:44:40

5 Q. Did they ever go -- did you join, participate 02:44:41

6 in any of those trips? 02:44:45

7 A. Yes. 02:44:45

8 Q. Did any of the students ever go anywhere other 02:44:46

9 than the movie, to your knowledge? 02:44:48

10 A. No. 02:44:49

11 Q. Were any students ever disciplined for not 02:44:50

12 staying at the movie or whatever the activity was? 02:44:55

13 A. No. 02:44:57

14 Q. Were there -- while you were Rector, did you 02:44:58

15 have any kind of meetings with faculty members to 02:45:20

16 discuss the no fraternization policy? 02:45:24

17 A. No. 02:45:27

18 Q. This is probably a stupid question, but how did 02:45:27

19 the faculty know there was a no fraternization policy if 02:45:33

20 you didn't discuss it? 02:45:36

21 A. It was handed down. Tradition was the way we 02:45:37

22 were brought up, all of us; so it was accepted that 02:45:40

23 that's the policy. 02:45:44

24 Q. So anyone educated as a Franciscan would know 02:45:44

25 that -- 02:45:47

|    |                                                         |          |
|----|---------------------------------------------------------|----------|
| 1  | A. Yes.                                                 | 02:45:47 |
| 2  | Q. -- would be aware of that policy?                    | 02:45:48 |
| 3  | A. Yes.                                                 | 02:45:51 |
| 4  | Did you ever observe any faculty involved in            | 02:45:52 |
| 5  | what you described earlier as particular friendships?   | 02:45:58 |
| 6  | MR. KASPER: During the time he was at St.               | 02:46:01 |
| 7  | Anthony's?                                              | 02:46:03 |
| 8  | MR. HALE: Yes.                                          | 02:46:03 |
| 9  | THE WITNESS: No.                                        | 02:46:04 |
| 10 | BY MR. HALE:                                            | 02:46:06 |
| 11 | Q. What about Father Forest and Father                  | 02:46:06 |
| 12 | Cimmarrusti?                                            | 02:46:09 |
| 13 | A. With each other?                                     | 02:46:09 |
| 14 | Q. Yes.                                                 | 02:46:11 |
| 15 | A. No.                                                  | 02:46:12 |
| 16 | Q. Did you ever observe what you described as           | 02:46:12 |
| 17 | particular friendships between Franciscans on the       | 02:46:24 |
| 18 | faculty and perhaps -- well, let me ask you this: Were  | 02:46:29 |
| 19 | there lay people employed on St. Anthony's staff during | 02:46:33 |
| 20 | your time as Rector?                                    | 02:46:37 |
| 21 | A. Yes.                                                 | 02:46:38 |
| 22 | Q. Did you ever observe particular friendships          | 02:46:38 |
| 23 | between Franciscan and any lay employees at St.         | 02:46:42 |
| 24 | Anthony's?                                              | 02:46:44 |
| 25 | A. No.                                                  | 02:46:44 |

1 Q. Students at St. Anthony's had spiritual 02:46:44  
2 advisors? 02:47:04

3 A. Yes. 02:47:05

4 Q. And what was a spiritual advisor's duty? 02:47:06

5 A. Mainly to advise them on issues that they would 02:47:10  
6 bring to him, ask them how they were doing spiritually, 02:47:14  
7 give them advise, answer their questions. 02:47:19

8 Q. Were there any no fraternization policies with 02:47:22  
9 regards to students with students? 02:47:27

10 A. Just the ones I have mentioned. 02:47:29

11 Q. Were those ever discussed with students? Was 02:47:31  
12 there ever any kind of presentation to students about 02:47:40  
13 that? 02:47:43

14 A. No. 02:47:44

15 Q. If something came up, it was just discussed 02:47:44  
16 individually? 02:47:47

17 A. Yes. 02:47:47

18 Q. How many students does a spiritual advisor have 02:47:48  
19 under them? 02:47:56

20 A. All of the students, entire faculty. 02:47:56

21 Q. But each faculty member had a limited number? 02:48:00

22 A. Those are over and above. Those are considered 02:48:03  
23 to be counselors, not spiritual directors. 02:48:06

24 Q. So, in other words, particular students weren't 02:48:08  
25 assigned particular spiritual advisors? 02:48:12

1 A. Yes, they were. 02:48:15

2 Q. They were. 02:48:17

3 A. But not the spiritual advisor. There is an 02:48:17

4 office known as a Spiritual Director for the whole 02:48:18

5 student body. 02:48:23

6 Q. Okay. 02:48:23

7 A. And every student was expected to visit with 02:48:24

8 him each semester, and so that was an official capacity. 02:48:27

9 The others were voluntary. 02:48:31

10 Q. So there is a Spiritual Director, one, and 02:48:35

11 there is the entire faculty serving as spiritual 02:48:41

12 advisors? 02:48:42

13 A. Available to be counselors. 02:48:44

14 Q. Okay. And particular students were not 02:48:45

15 assigned to a particular spiritual advisor? 02:48:52

16 A. At different times. Again, there was variation 02:48:55

17 on that. At some times they were and sometimes they 02:49:00

18 were not. 02:49:01

19 Q. Okay. And would a spiritual advisor choose a 02:49:01

20 student or would a student choose a spiritual advisor? 02:49:07

21 A. The student would seek out the spiritual -- 02:49:09

22 well, they would be assigned and it would be up to them 02:49:13

23 to do the advising. 02:49:16

24 Q. So the faculty would assign a student to a 02:49:17

25 spiritual advisor? 02:49:19

1           A. Yes.

02:49:21

2 Q. And it would be up to the student to come and 02:49:22

3 ask the advisor for spiritual advice? 02:49:24

4 A. Yes. 02:49:24

5 Q. Did specific faculty get -- well, who made the 02:49:25

6 assignments for the faculty; in other words, did one 02:49:29

7 faculty member get to choose which students were his 02:49:32

8 spiritual advisees? 02:49:36

9 A. It was the student's choice. 02:49:37

10 Q. Okay. I'm not sure if I'm -- I think we're 02:49:38

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11 crossing wires here.                                02:49:43
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12 Students were not assigned to a specific 02:49:45

13 faculty member for a -- as a spiritual advisor? 02:49:49

14 A. They were asked to -- asked for a spiritual -- 02:49:51

15 I mean a counselor, and then that list was drawn up. 02:49:54

16 Q. Was there ever a circumstance while you were 02:49:59

17 Rector where a spiritual advisor was preselected for a 02:50:02

18 specific student? 02:50:07

19 A. No. 02:50:07

20 Q. And it was completely up to the student to 02:50:08

21 choose which spiritual advisor he had? 02:50:13

22           A. Yes. 02:50:14

23 Q. And that was true for your entire time as 02:50:15

24 Rector of St. Anthony's? 02:50:17

25            A. Yes.

02:50:18

1 Q. Was there ever an instance where a student had 02:50:19  
2 to be, I don't know if encouraged is the right word, to 02:50:24  
3 select a spiritual advisor to seek spiritual advice? 02:50:27  
4 Was it a requirement for students? 02:50:29

5 A. No. 02:50:32

6 Q. Did Father Cimmarrusti ever get to select who 02:50:33  
7 his students were as spiritual advisor? 02:50:38

8 A. No. 02:50:42

9 Q. If there was a meeting between a student and a 02:50:42  
10 spiritual advisor, was there a set meeting place? 02:50:51

11 A. For the Spiritual Director, he had an office. 02:50:54

12 Q. Okay. 02:50:57

13 A. And for the others it would have been at -- in 02:50:58  
14 the chapel perhaps. 02:51:02

15 Q. Okay. 02:51:03

16 A. Someplace outside of the -- in the seminary 02:51:03  
17 situation there is what is called a cloister where the 02:51:08  
18 Friars live, and so they would never use the cloister as 02:51:12  
19 a place to visit. So that would be out. 02:51:15

20 Q. Would it ever have been appropriate for a 02:51:18  
21 spiritual advisor to meet with -- let me ask you this: 02:51:20  
22 How many members of the faculty had offices which also 02:51:23  
23 were their living quarters? All of them? 02:51:27

24 A. No. I'd have to stop and count, but maybe only 02:51:29  
25 four or five. 02:51:37



1 Q. Father Cimmarrusti had an office also in his 02:51:38  
2 living quarters? 02:51:41

3 A. Yes. 02:51:41

4 Q. What about Brother [REDACTED], his too? 02:51:42

5 A. Who? 02:51:45

6 Q. [REDACTED]. 02:51:46

7 A. No. 02:51:47

8 Q. He did not have his living quarters and office 02:51:47  
9 in the same place? 02:51:50

10 A. He was in a cloister. 02:51:50

11 Q. Would it ever have been appropriate for a 02:51:51  
12 spiritual advisor to meet with a student in his office 02:51:57  
13 behind closed doors? 02:52:02

14 MR. KASPER: We have the same objection about 02:52:03  
15 any incomplete hypothetical. 02:52:06

16 Go ahead and answer. 02:52:07

17 MR. MATIASIC: Lacks foundation. 02:52:09

18 THE WITNESS: What are the circumstances? 02:52:10

19 BY MR. HALE: 02:52:13

20 Q. Spiritual advisor meeting with his spiritual 02:52:13  
21 advisee in the spiritual advisor's office behind closed 02:52:17  
22 doors. 02:52:21

23 A. You're taking about the official Spiritual 02:52:21  
24 Director? 02:52:27

25 Q. Not the Spiritual Director, spiritual advisor. 02:52:27

1 A. No. 02:52:32

2 Q. It would never have been appropriate? 02:52:32

3 A. No. 02:52:34

4 Q. Why is it that some members of the faculty had 02:52:34

5 office space that also served as living quarters, where 02:52:40

6 some did not? 02:52:44

7 A. It was purely an accident of duties, because 02:52:44

8 they had to be there in that place. 02:52:48

9 Q. Okay. What about their duties required their 02:52:49

10 living space to be in the same place as their office 02:52:56

11 space? 02:52:59

12 A. Well, the only ones who had that would be the 02:52:59

13 prefects. 02:53:04

14 Q. The Prefect of Discipline? 02:53:06

15 A. Yes, and the subprefect. 02:53:08

16 Q. So who was -- was [REDACTED] the subprefect? Who 02:53:11

17 was the subprefect? 02:53:19

18 A. Different ones at different times. [REDACTED] 02:53:20

19 [REDACTED] was one. 02:53:24

20 Q. Okay. 02:53:26

21 A. I can't remember all the names, but they -- 02:53:27

22 Q. [REDACTED]? 02:53:30

23 A. [REDACTED], yes. 02:53:31

24 Q. He was one? 02:53:34

25 A. Yes. 02:53:34

1 Q. Anyone else?

02:53:35

2 A. Yes, there were others, but I can't recall  
3 their names.

02:53:36

02:53:39

4 Q. And all of them, did they all have office  
5 spaces that served as living spaces as well?

02:53:39

02:53:42

6 A. Yes.

02:53:45

7 Q. And why did that position, the prefect

02:53:45

8 position, require shared office space and living space? 02:53:50

9 A. Because there were duties of supervision of the 02:53:53

10 dormitories. They were always located within the 02:53:57

11 confines of the dormitory. 02:53:59

12 Q. Within the confines of the student dormitory? 02:54:00

13 A. Student dormitory. 02:54:09

14 Q. St. Anthony's students went home during the 02:54:11

15 summer break, correct? 02:54:20

16 A. Yes. 02:54:20

17 Q. Did you monitor their activities in any way 02:54:21

18 when that happened? 02:54:24

19 A. No. We corresponded with them during the 02:54:24

20 summer and encouraged them to continue their spiritual 02:54:30

21 development and we didn't -- at one time there was a 02:54:35

22 policy against dating, but we thought that was kind of a 02:54:39

23 lost cause and so that was discontinued, but for the 02:54:42

24 most part, try to keep them close to their own home 02:54:45

25 parish and that was it. 02:54:50

1 Q. Were there ever any discussions with their 02:54:52  
2 pastors as far as what they were doing during the 02:54:55  
3 summertime? 02:54:58

4 A. No, not explicitly. 02:54:58

5 Q. Implicitly? 02:55:01

6 A. Maybe the idea to stay close to their own home 02:55:05  
7 parish, that was encouraged. 02:55:09

8 Q. At the end of the summer were the pastors ever 02:55:09  
9 asked for reports on what the student's conduct had 02:55:13  
10 been? 02:55:15

11 A. No. 02:55:15

12 Q. And then, correct me if I misunderstood you, 02:55:16  
13 but there were semi-annual written evaluations for each 02:55:22  
14 student at St. Anthony's? 02:55:25

15 A. Yes. 02:55:26

16 Q. I assume as Rector you were responsible for 02:55:27  
17 supervision the prefects? 02:55:45

18 A. Yes. 02:55:46

19 Q. How did you go about supervising them? 02:55:46

20 A. Well, I must say that in the tradition of the 02:55:49  
21 Franciscan Order, we don't interfere in the work of each 02:55:55  
22 other. You know, it's a principal of subsidiarity. We 02:55:59  
23 trust others to do their job and we don't do it for 02:56:02  
24 them. So the supervision was not, you know, asking them 02:56:06  
25 for regular reports or anything like that. It was just 02:56:11

1 be aware of their -- that they were doing their job, 02:56:14  
2 that was more. 02:56:18

3 Q. How would you ensure that you were staying 02:56:19  
4 aware of how they were doing their job? 02:56:22

5 A. Usually by self-reporting. You know, they 02:56:24  
6 would report at faculty meetings on the students, tell 02:56:27  
7 us how they were doing, and we would take their word for 02:56:31  
8 it. 02:56:33

9 Q. Was there any other way of supervising the 02:56:33  
10 prefects that you utilized while you were the Rector? 02:56:39

11 A. No. 02:56:42

12 Q. So it was based entirely on their 02:56:42  
13 self-reporting? 02:56:47

14 A. Yes. 02:56:47

15 MR. HALE: I want to mark a document as -- two 02:56:49  
16 pages actually as Exhibit 1. It's from Father 02:57:00  
17 Cimmarrusti's personnel file. I'm not -- I'm not 02:57:04  
18 actually interested in asking you about the substance. 02:57:10  
19 I'm more interested in asking for your interpretation 02:57:11  
20 just of a recollection of how this form was created. 02:57:14

21 For the record, it's Bates-labeled OFM CIMM1 02:57:19  
22 003, and the next page is the same, but 004. 02:57:26

23 I'll pass this to your counsel so you can take 02:57:30  
24 a look at it. 02:57:37

25 (Deposition Exhibit No. 1 was marked for 02:57:38

1 identification) 02:57:39

2 BY MR. HALE: 02:57:39

3 Q. Then if you could just take a second and read 02:57:39  
4 those over and I'll have a couple questions for you. 02:57:49

5 A. (Witness reviewing document.) 02:57:51

6 Q. My question is: I have got a copy. You don't 02:57:51  
7 need to give it back to me. 02:58:46

8 First of all, have you seen this form before? 02:58:48

9 A. No. 02:58:50

10 Q. Not the specific form. 02:58:50

11 A. I have seen the form, but not this specific 02:58:51  
12 one. 02:58:54

13 Q. Okay. That's what I mean though. Not specific 02:58:54  
14 to Mario -- 02:58:55

15 A. No. 02:58:56

16 Q. -- but the form itself? 02:58:56

17 A. Yes. 02:58:57

18 Q. Do you know who created that format? 02:58:58

19 MR. KASPER: The format or this particular 02:59:00  
20 form? 02:59:03

21 MR. HALE: The format. The format. 02:59:03

22 THE WITNESS: No. It preceded my time. 02:59:05

23 BY MR. HALE: 02:59:07

24 Q. Was this something that was used for evaluation 02:59:07  
25 for graduating seminary students? 02:59:14

1 A. Yes. 02:59:16

2 Q. Do you know who would know who created that 02:59:17

3 form? 02:59:21

4 A. No. 02:59:21

5 Q. Do you have any idea -- on Bates-stamp page 4, 02:59:24

6 there is a couple places where there are stars next to 02:59:31

7 certain categories. Do you know why there would be 02:59:34

8 stars next to those categories? 02:59:36

9 A. No. 02:59:37

10 Q. Okay. And then if you -- on page 4 again, if 02:59:38

11 you look down at No. 16 where it says, "Does he display 02:59:45

12 any abnormal traits: e.g., Morose? Secretive? 02:59:56

13 Solitary," are there any other traits that would be 02:59:59

14 considered abnormal for purposes of this form? And I'm 03:00:02

15 not talking about specific to Mario, but just for 03:00:05

16 purposes of this form. 03:00:07

17 MR. KASPER: Well, I'm going to object to the 03:00:08

18 question because the question -- because the witness has 03:00:10

19 already testified that he doesn't know who created the 03:00:15

20 form. If you want to ask him about whether there were 03:00:18

21 other traits they considered, that would be a different 03:00:19

22 question. 03:00:20

23 MR. HALE: That's what I was trying to ask. 03:00:20

24 Q. But let me ask you this: Obviously you didn't 03:00:22

25 fill out the form for Mario, but have you ever filled 03:00:24

1 out a form like this for another Franciscan? 03:00:27

2 A. Yes. 03:00:28

3 Q. Were there other traits, as your counsel 03:00:28

4 suggested, that you considered with regards to No. 16? 03:00:32

5 A. No. 03:00:34

6 Q. That was it? 03:00:34

7 A. That was it. 03:00:35

8 Q. And you were not involved in any way in the 03:00:36

9 preparation of Father Cimmarrusti's form? 03:00:41

10 A. No. 03:00:43

11 Q. Is this the first time you have ever seen it? 03:00:44

12 A. Yes. 03:00:46

13 Q. Have you ever discussed it with anyone? 03:00:47

14 A. No. I couldn't if I have never seen it. 03:00:49

15 Q. Okay. Well, that's debatable, but 03:00:52

16 nevertheless, that's fine. 03:00:57

17 Let the reporter take that and I'll show you 03:00:57

18 something else. And I'm jumping out of order here in 03:01:02

19 the sequence of the evaluations, but this is the way 03:01:07

20 it's presented in the personnel file, that' the only 03:01:11

21 reason I'm jumping all over. 03:01:12

22 (Deposition Exhibit No. 2 was marked for 03:01:14

23 identification) 03:01:14

24 MR. HALE: This is Exhibit No. 2 and it's 03:01:14

25 Bates-stamped OFM CIMM 1 No. 8. It's a Teacher 03:01:17



1 Evaluation from April of 1966. 03:01:22

2 THE WITNESS: (Witness reviewing document.) 03:01:25

3 BY MR. HALE: 03:01:48

4 Q. Do you recognize that form, not the specifics 03:01:48

5 of it related for Father Cimmarrusti, but just the form 03:02:11

6 itself? 03:02:14

7 A. Yes. 03:02:14

8 Q. Is that something you prepared? 03:02:15

9 A. Yes. 03:02:16

10 Q. So you drafted that format? 03:02:16

11 A. Yes. 03:02:19

12 Q. And was this form utilized by you as the Rector 03:02:19

13 or by other members of the faculty in evaluating Father 03:02:28

14 Cimmarrusti? 03:02:31

15 A. It was the faculty. 03:02:31

16 Q. Do you recognize the handwriting on that form? 03:02:33

17 A. It could be mine, but I'm not -- I have changed 03:02:38

18 over the years. 03:02:57

19 Q. Okay. Who on the faculty would have been 03:02:58

20 responsible if it wasn't you for evaluating? 03:03:01

21 A. I would have been the one. 03:03:03

22 Q. And how did you go about evaluating Father 03:03:05

23 Cimmarrusti? 03:03:09

24 A. Observation principally. 03:03:09

25 Q. By attending his classes or by observing -- 03:03:12

1           A. Yes, that's what I did; I went to classes.           03:03:15

2           Q. Did you also observe his interaction with           03:03:17

3 students outside of class?           03:03:21

4           A. That was obvious, yes.           03:03:22

5           Q. Any other ways in which you evaluated Father           03:03:23

6 Cimmarrusti's performance?           03:03:27

7           A. Those would be the principal ways.           03:03:28

8           Q. And how often was such an evaluation done?           03:03:31

9           A. Each year.           03:03:37

10          Q. Just once annually?           03:03:37

11          A. Mm-hmm.           03:03:40

12          Q. Did anyone else have any say in Father           03:03:41

13 Cimmarrusti's evaluation?           03:03:44

14          A. The faculty.           03:03:45

15          Q. Okay.           03:03:47

16          A. Yeah.           03:03:48

17          Q. And how did that come about? How did that           03:03:48

18 happen?           03:03:51

19          A. It was the last faculty meeting of the year.           03:03:51

20          Q. Would you all sit together in a room?           03:03:55

21          A. No, it would be individually.           03:03:58

22          Q. You one-on-one with the teacher?           03:03:59

23          A. Yes.           03:04:01

24          Q. Were students ever given the opportunity to           03:04:02

25 evaluate faculty?           03:04:06

1 A. No. 03:04:06

2 Q. Did you ever ask students for feedback on how 03:04:08  
3 they liked faculty? 03:04:15

4 A. Each time when they came in, yes, when they 03:04:15  
5 came in for their regular evaluation, I would ask them 03:04:19  
6 if they had any comments to make on different faculty. 03:04:22

7 Q. Okay. Did anyone ever have any negative 03:04:25  
8 comments about Father Cimmarrusti? 03:04:27

9 A. No. 03:04:28

10 MR. HALE: This is the next. It's a 03:04:29  
11 three-page -- four-page document. It's the same Bate 03:04:49  
12 indications, except it's pages 27, 28, 29 and 30. And 03:04:52  
13 I'll pass this over to your counsel. 03:04:57

14 (Deposition Exhibit No. 3 was marked for 03:04:58  
15 identification) 03:04:58

16 THE WITNESS: (Witness reviewing document.) 03:04:59

17 BY MR. HALE: 03:05:14

18 Q. You ready? 03:05:14

19 A. (Witness nods head.) 03:06:47

20 Q. My first question is: I'm trying to place this 03:06:47  
21 document in chronological order with or in relationship 03:06:51  
22 to Exhibit 1. So this document indicates it was June of 03:06:54  
23 1953. If that is his third year, would that be at San 03:06:58  
24 Luis Rey? 03:07:04

25 A. Yes. 03:07:04

1 Q. So if that's his third year at San Luis Rey, 03:07:07  
2 what would that mean Exhibit 1 would have been from, 03:07:11  
3 1950? 03:07:14

4 A. Yes. 03:07:14

5 Q. Does that seem right to you? 03:07:16

6 A. That's correct. 03:07:21

7 Q. Okay. Going back to what will now be Exhibit 03:07:22  
8 3, have you ever seen that form before, not the 03:07:27  
9 substance of it, but just the form itself? 03:07:33

10 A. No. 03:07:34

11 Q. You have never seen it before? 03:07:35

12 A. (Witness shakes head.) 03:07:37

13 Q. So I take it you have no idea who was 03:07:38  
14 responsible for creating that form? 03:07:40

15 A. No. 03:07:42

16 Q. Do you have any idea what the -- looking at the 03:07:42  
17 first page, 27, what the Roman numerals signify? I 03:07:47  
18 assume they are some kind of rating or ranking. 03:07:52

19 A. I think "IV" would be high, as "I" would be 03:07:54  
20 low. 03:07:58

21 Q. Okay. 03:07:58

22 MR. KASPER: Father, do you have any personal 03:07:58  
23 knowledge of how this form was created? 03:08:01

24 THE WITNESS: No. 03:08:03

25 MR. KASPER: Or how it was filled out? 03:08:03

1 THE WITNESS: No. 03:08:05

2 BY MR. HALE: 03:08:05

3 Q. And you have never seen a form like this 03:08:05  
4 before? 03:08:08

5 A. No. 03:08:08

6 Q. All right. Do you recognize the handwriting on 03:08:08  
7 the form? 03:08:21

8 A. I would have to guess. 03:08:21

9 Q. Don't want you to do that. 03:08:23

10 Was Father Cimmarrusti responsible at some 03:08:27  
11 point for the St. Anthony's choir? 03:08:30

12 A. He was not directly, but he was associate 03:08:32  
13 director. He was -- he substituted for the director. 03:08:35

14 Q. And was [REDACTED] the director? 03:08:40

15 A. [REDACTED]. 03:08:43

16 Q. How long was he the associate director? 03:08:43

17 A. I can't tell you exactly, but perhaps for three 03:08:45  
18 to four years. 03:08:50

19 Q. Did you ever have any discussion with him about 03:08:51  
20 his experience as a member of the choir while he was a 03:08:53  
21 student at St. Anthony's? 03:08:57

22 A. No. 03:08:58

23 Q. And then going to page 30 -- actually, you 03:08:58  
24 don't even need to go to page 30. There is initials on 03:09:12  
25 page 30. One set is "SLR." Do you know who that would 03:09:15

1 be? 03:09:19

2 A. That is from San Luis Rey. 03:09:19

3 Q. Okay. Oh, I see. 03:09:21

4 A. And "SB," Santa Barbara. 03:09:22

5 Q. Got it, okay. 03:09:26

6 We're done with that one. I want to show you a 03:09:27

7 different set of documents, and maybe this will look 03:09:52

8 familiar to you. These are also from the Cimmarrusti 03:09:54

9 file. They are Bates-stamped 35 to 38. 03:09:58

10 Give these to your counsel. 03:10:04

11 If you just take a second and look at those. 03:10:05

12 A. (Witness reviewing document.) 03:10:32

13 Yes. 03:10:33

14 Q. Have you ever seen that document before? 03:11:05

15 A. No. 03:11:07

16 Q. No idea who created that document? 03:11:07

17 A. No. 03:11:12

18 Q. Okay. We don't even need to attach that as an 03:11:12

19 exhibit. 03:11:28

20 Let me show you what's been marked -- well, 03:11:29

21 let's identify it as -- we'll make Exhibit 4 if you can 03:11:43

22 identify any of this. It's Bate No. 41 through 43 and 03:11:47

23 I'll pass this to your counsel. 03:11:50

24 A. (Witness reviewing document.) 03:11:51

25 Q. Have you ever seen that form before? 03:12:25



1 Q. Do you recall what character traits those were?03:14:13

2 A. Not at this moment. 03:14:15

3 Q. Okay. 03:14:17

4 A. Very similar. 03:14:17

5 Q. Was manliness one of those character traits? 03:14:22

6 A. Yes. 03:14:27

7 Q. Was -- 03:14:31

8 A. I'm not sure we used that word, but "maturity,"03:14:32

9 I think that was the word we used. 03:14:37

10 Q. At some point did manliness become an important03:14:39

11 character trait for evaluating a priest candidate? 03:14:43

12 A. Yes. 03:14:46

13 Q. When you first got in the business, so to 03:14:46

14 speak, was manliness an important characteristic right 03:14:52

15 off the bat or was it something that happened farther 03:14:57

16 down the road? 03:15:01

17 MR. KASPER: I just want to be clear about 03:15:02

18 whether we're talking about when he was at St. Anthony's03:15:04

19 or when he was in the pre-novitiate house or what period03:15:06

20 of time are we talking about. 03:15:09

21 BY MR. HALE: 03:15:10

22 Q. I mean, you have been evaluating potential 03:15:10

23 priesthood at least since you got to St. Anthony's; 03:15:15

24 correct? 03:15:17

25 A. Mm-hmm. 03:15:18



1 Q. When you first got to St. Anthony's, was 03:15:18  
2 manliness an important personalty trait that you 03:15:21  
3 evaluated for? 03:15:27

4 A. Yes. 03:15:27

5 MR. KASPER: Belated objection. Also, you also 03:15:27  
6 said that it was maturity. 03:15:29

7 BY MR. HALE: 03:15:29

8 Q. Are they one in the same, are they different? 03:15:29

9 A. Well, I think, to be explicit, I think the fear 03:15:34  
10 always was not so much of -- with the opposite of that, 03:15:39  
11 would have been effeminacy, and there was sort of a 03:15:44  
12 long-standing attitude that effeminacy was a bad 03:15:48  
13 character trait for a Friar. 03:15:55

14 Q. Why was that? 03:15:57

15 A. I think lot of it was due to misunderstanding 03:15:58  
16 of personalities. It would not be the same today 03:16:00  
17 perhaps, but effeminacy was looked upon very negatively, 03:16:05  
18 and the opposite was manliness, and to stress that was 03:16:10  
19 considered important. 03:16:17

20 There was a heavy emphasis, for example, at the 03:16:18  
21 seminary on sports and developing, you know, manly 03:16:23  
22 traits in the course of sports. So it was kind of part 03:16:26  
23 of the culture at the time and so that was still around 03:16:30  
24 when I came aboard. 03:16:36

25 Q. I think you said there was "long-standing" 03:16:38

1 concern. When you say "long-standing," how far back are03:16:41

2 we talking about? As long as you can remember? 03:16:44

3 A. As far as human memory can go. 03:16:47

4 Q. Was the concern regarding effeminacy that a 03:16:50

5 parishioner might perceive a priest as a homosexual? 03:16:56

6 A. Yes. 03:16:59

7 Q. Was the concern regarding -- was there a 03:17:00

8 concern that a parishioner might perceive a homosexual 03:17:03

9 priest as a pedophile? 03:17:07

10 A. I don't know that. 03:17:08

11 Q. Why would there be concerns regarding a 03:17:09

12 parishioner perceiving a priest as a homosexual? 03:17:21

13 A. Are we still on the effeminacy question? 03:17:28

14 Q. Yes. In other words, if I didn't misunderstand03:17:33

15 you, you said effeminacy would not be favored because a 03:17:36

16 parishioner might perceive an effeminate priest as 03:17:39

17 homosexual. Why would you be concerned about a 03:17:43

18 parishioner perceiving a priest as homosexual? 03:17:47

19 A. I don't have an answer for that except that it 03:17:49

20 was traditional to think that way. 03:17:52

21 Q. Is there anything in writing that discusses 03:17:54

22 that being inappropriate or were you taught that 03:18:03

23 anywhere or where did you learn that? 03:18:06

24 A. Well, to be honest with you, I grew up with 03:18:07

25 that attitude, communicated to be by my own father. He 03:18:16

1 considered anything effeminate to be, you know, 03:18:21  
2 something undesirable. 03:18:25

3 Q. Okay. 03:18:26

4 A. And so it's part of the American psyche I think 03:18:27  
5 that -- to think of what is manhood, what does it mean 03:18:30  
6 to be a male in our society, and there is a lot of that 03:18:34  
7 that's deep down in our culture, so it persisted here as 03:18:37  
8 well. 03:18:44

9 Q. Well, was it ever formally a part of your 03:18:44  
10 Franciscan training? 03:18:49

11 A. No, except that warning against it. 03:18:49

12 Q. And in what context were the warnings received? 03:18:52

13 A. As I explained earlier, particular friendships 03:18:57  
14 and sort of identified as that. 03:19:02

15 MR. HALE: We've been going for a while now. 03:19:03  
16 You want to take a break? 03:19:11

17 MR. KASPER: Sure. 03:19:12

18 THE VIDEOGRAPHER: We're going off the record. 03:19:13  
19 The time is 3:14. Standby. 03:19:15

20 (Recess taken) 03:38:55

21 THE VIDEOGRAPHER: We're back on the record. 03:38:58  
22 The time is now 3:39. 03:39:20

23 BY MR. HALE: 03:39:22

24 Q. Back on the record, Father. 03:39:22

25 I just wanted to go back to one of the things 03:39:25

1 you touched on a little bit ago. We talked about if a 03:39:28  
2 faculty member had observed some kind of misconduct, 03:39:33  
3 that you had an expectation that they would come and 03:39:35  
4 report to you whatever misconduct they observed. Was 03:39:38  
5 your expectation of reporting the same for a Franciscan 03:39:41  
6 Priest, a Franciscan Brother, or lay employee of the 03:39:47  
7 high school? 03:39:50

8 A. Yes. 03:39:51

9 Q. Is there any difference? 03:39:51

10 A. No, they would all be the same. 03:39:53

11 Q. If there was a report of misconduct by a 03:39:55  
12 Franciscan Priest or Brother, what action would you have 03:40:06  
13 expected to have taken in response? 03:40:09

14 A. I would have to first call the person in for an 03:40:10  
15 interview. It's our policy never to go directly to the 03:40:15  
16 source, and so if he would admit to it, it would be, you 03:40:19  
17 know, admonishment, and if it were something that had 03:40:24  
18 occurred more than once, then I would have to report it 03:40:29  
19 to the superiors. 03:40:32

20 Q. If it involved sexual abuse, would there only 03:40:32  
21 be an admonishment? 03:40:41

22 A. No, I would have to go directly then. I would 03:40:42  
23 have to tell him this, that I would have to advise the 03:40:45  
24 superior. 03:40:48

25 Q. And then any further action would be taken by 03:40:48

1 the superiors? 03:40:51

2 A. Yes. 03:40:52

3 Q. During your time as Rector at St. Anthony's, 03:40:52

4 did you ever receive a report from anyone of abuse of a 03:41:10

5 student by Franciscan Priest or Brother? 03:41:13

6 A. No. 03:41:15

7 Q. Switch gears on here you. When you were at 03:41:15

8 Notre Dame, what was your dissertation on? 03:41:23

9 A. The history of teaching of religion in 03:41:26

10 secondary schools in the United States. 03:41:31

11 Q. That's right. You told me that. We talked 03:41:31

12 about that. No need to repeat. 03:41:33

13 A. It didn't have anything to do with our subject. 03:41:36

14 Q. Right. Right. 03:41:39

15 You're still on the faculty at the Franciscan 03:41:40

16 School of Theology, correct? 03:41:43

17 A. Correct. 03:41:44

18 Q. And sorry, what was the other school? 03:41:45

19 A. Notre Dame, de Namur University in Belmont. 03:41:47

20 Q. You are still on the faculty there as well? 03:41:52

21 A. Yes. 03:41:55

22 Q. How often are you published every year? 03:41:55

23 A. Usually once or twice a year. 03:41:58

24 Q. Once or twice a year? 03:42:00

25 A. Mm-hmm. 03:42:01

1 Q. And has that been pretty consistent over the 03:42:01  
2 course of your career? 03:42:06

3 A. Yes. 03:42:07

4 Q. In what publications have you generally 03:42:07  
5 published in? 03:42:10

6 A. Variety of them. Mostly my work in recent 03:42:12  
7 years has been mostly in theology. So the Bible Today, 03:42:14  
8 for example, the National Catholic Quarterly, Biblical 03:42:18  
9 Quarterly. I also have published a little bit in 03:42:24  
10 journals of psychology. 03:42:27

11 Q. Which journals? 03:42:29

12 A. The most recent one was Journal of -- let's 03:42:31  
13 see -- Imagination and Science. It's not a very 03:42:36  
14 well-known journal, but it's -- 03:42:41

15 Q. What was the subject matter of the pieces you 03:42:43  
16 wrote for the psychology journals? 03:42:46

17 A. The last one was a book review of a text that 03:42:47  
18 was given to me to review. 03:42:51

19 Q. Okay. Have any of your articles dealt with the 03:42:52  
20 subject of clergy childhood sexual abuse? 03:42:59

21 A. No. 03:43:04

22 Q. Have any of your articles dealt with seminary 03:43:05  
23 life, other than the one you talked about in '68? 03:43:10

24 A. No. 03:43:12

25 Q. Have any of your articles dealt with 03:43:12

1 supervision of priests or brothers?

03:43:19

2 A. No.

03:43:23

3 Q. Have you spoken with [REDACTED] lately? Am I  
4 pronouncing that correctly?

03:43:32

5 A. [REDACTED].

03:43:32

6 Q. Have you spoken with him -- when was the last  
7 time you spoke with him?

03:43:32

03:43:36

8 A. Saturday of this past week.

03:43:37

9 Q. How is his health, to your knowledge?

03:43:38

10 A. He seems to be in great health. He is on  
11 sabbatical right now.

03:43:41

03:43:45

12 Q. Did you discuss with him your upcoming  
13 deposition?

03:43:46

03:43:50

14 A. No.

03:43:50

15 Q. What is the Renewal Institute for Priests? Are  
16 you familiar with that?

03:43:50

03:44:00

17 A. There are lot of them. There was one I was  
18 associated with that was in Santa Barbara. Is that the  
19 one that you refer to?

03:44:01

03:44:06

03:44:09

20 Q. Sure. What is that?

03:44:09

21 A. It was offered by the Province to help priests  
22 in active ministry to become updated in different areas  
23 of theology.

03:44:10

03:44:14

03:44:19

24 Q. So it was an academic exercise?

03:44:19

25 A. Well, it was more than that. It was a time for

03:44:27

1     them to get away from their duties and enjoy the     03:44:30  
2     beauties of Santa Barbara, including golf and swimming,     03:44:32  
3     et cetera, et cetera, as well as studies and have     03:44:36  
4     lectures each day on different phases of theology.     03:44:39

5           Q.   And priests came from all over?     03:44:42

6           A.   All over, yes.     03:44:45

7           Q.   And did they all stay at the mission or the     03:44:46  
8     seminary?     03:44:49

9           A.   Mission.     03:44:49

10          Q.   Okay.     03:44:54

11          A.   I was on the faculty of that.     03:44:54

12          Q.   During your time as Rector, did you ever hear     03:44:55  
13     of a candidate for the priesthood's sexual maturity     03:45:06  
14     being questioned?     03:45:13

15          A.   No.   No.     03:45:13

16          Q.   Have you ever heard of that happening before?     03:45:21

17          A.   No.     03:45:24

18          Q.   What about a seminary student's, have you ever     03:45:24  
19     heard of seminary student's sexual maturity being     03:45:30  
20     questioned?   And again, I'm referencing your time as     03:45:34  
21     Rector.     03:45:37

22          A.   Psychological, physical, combination?     03:45:37

23          Q.   I don't know.   I have just seen references to     03:45:40  
24     "sexual maturity."     03:45:44

25           MR. KASPER:   Again, we're only talking about     03:45:45



1 the time you were Rector. 03:45:48

2 THE WITNESS: Yes. No. 03:45:48

3 BY MR. HALE: 03:45:49

4 Q. Have you ever heard of that -- well, strike 03:45:49

5 that. 03:45:55

6 Would a candidate's sexual immaturity be cause 03:45:55

7 for concern regarding that candidate's viability as a 03:46:01

8 priest? 03:46:04

9 MR. KASPER: Any particular time or -- 03:46:04

10 MR. HALE: In your experience. 03:46:07

11 MR. KASPER: And you're talking about somebody 03:46:08

12 who is pre-novitiate or somebody who is a student in 03:46:09

13 high school? 03:46:13

14 MR. HALE: Anyone who is a candidate to be a 03:46:13

15 priest. 03:46:13

16 MR. MATIASIC: Incomplete hypothetical. 03:46:15

17 THE WITNESS: I guess the vagueness of "sexual 03:46:17

18 immaturity" is what I can't answer. 03:46:22

19 BY MR. HALE: 03:46:25

20 Q. I'm going to switchgears on you again. Are you 03:46:25

21 familiar with the position Vicar General for Religious 03:46:34

22 in the Archdiocese of Los Angeles? 03:46:38

23 A. Yes. 03:46:40

24 Q. Does every dioceses or archdioceses that you 03:46:40

25 have worked in have that position? 03:46:45

1           A. Not to my knowledge. I think it's limited by 03:46:46  
2     the size of the diocese. 03:46:48

3           Q. Was it your experience that that position was 03:46:49  
4     unique to the Archdiocese of Los Angeles? 03:46:53

5           A. No. 03:46:54

6           Q. So you have encountered it in other 03:46:54  
7     archdioceses? 03:46:57

8           A. Yes. 03:46:58

9           Q. In the context of Los Angeles, what was your 03:46:58  
10    understanding of the duties of the Vicar General of 03:47:03  
11    Religious? 03:47:06

12           MR. HABEL: Lacks foundation, calls for 03:47:08  
13    speculation. 03:47:10

14    BY MR. HALE: 03:47:10

15           Q. Do you have an understanding of the duties of 03:47:10  
16    the Vicar General of Religious in the Los Angeles -- 03:47:11

17           A. I think that he is required to become familiar 03:47:14  
18    with all the different religious orders, both men and 03:47:18  
19    woman, in the diocese and to report to the Archbishop on 03:47:21  
20    the health of the situation, you know, how things are 03:47:26  
21    going with them. In recent years we've recruited from 03:47:29  
22    all over the world, and so there are many different 03:47:36  
23    religious groups have that come to the different 03:47:39  
24    dioceses of the United States. So many of them have 03:47:43  
25    special needs, so he is responsible for taking care of 03:47:46

1 those. 03:47:50

2 Q. Did you now Auxiliary Bishop John Ward? 03:47:50

3 A. Yes, very well. 03:47:56

4 Q. How did you know him? Sounds like you knew him 03:47:57

5 socially? 03:47:59

6 A. No. I knew him as Archbishop -- I mean as 03:47:59

7 Auxiliary Bishop. 03:48:05

8 Q. How is it that you came to know him so well? 03:48:11

9 A. I don't know whether to put this on the record 03:48:11

10 or not, but I was accused of violating a church law and 03:48:14

11 I got called in by John Ward and -- 03:48:19

12 Q. Was that when you were conducting weddings and 03:48:22

13 baptisms? 03:48:24

14 A. A wedding, yes. 03:48:25

15 Q. Okay. So -- 03:48:27

16 A. So I have a record there. 03:48:28

17 Q. Okay. We'll get to that. I have questions 03:48:29

18 about that too. But is that how you came to know him, 03:48:31

19 through that incident or --- 03:48:36

20 A. No, I knew him from other meetings I had had 03:48:36

21 with the clergy. 03:48:41

22 Q. How else did you come to know him? 03:48:42

23 A. Different times in Los Angeles attending events 03:48:44

24 where he presided and also liturgies where he presided. 03:48:49

25 Q. Did you know him from him coming to Santa 03:48:54

1 Barbara at all?

03:48:57

2 A. No.

03:48:58

3 Q. And are you aware that he held the title Vicar  
4 General of Religious starting around '64 or '65?

03:49:00  
03:49:03

5 A. No, I didn't know that.

03:49:06

6 Q. I think we've already talked about the fact  
7 that a priest -- the priests of St. Anthony's were  
8 granted faculties by the Archdiocese?

03:49:08

03:49:13

03:49:17

9 A. Yes.

03:49:18

10 Q. What is the process for -- what was the process  
11 at the time for the St. Anthony's priest obtaining  
12 faculties from the Archdiocese?

03:49:19

03:49:26

03:49:28

13 A. Well, the same process I think has been in  
14 place for quite some years. The Provincial sends to  
15 each Archbishop and Bishop the names of Friars before  
16 they are transferred, asking that the Diocese or  
17 Archdiocese assistant grant them faculties.

03:49:30

03:49:33

03:49:37

03:49:42

03:49:46

18 Q. Anything else?

03:49:48

19 A. Well, then it would be the responsibility of  
20 the individual Friar to go to the Archdiocese or  
21 diocesan office and introduce himself and meet the  
22 Bishop or Archbishop and that's the time when they  
23 receive the pagella.

03:49:49

03:49:54

03:49:56

03:50:01

03:50:05

24 Q. When you were transferred to the -- when you  
25 were assigned to St. Anthony's, did you go and do that

03:50:05

03:50:09

1 in Los Angeles? 03:50:11

2 A. Yes. 03:50:11

3 Q. And who did you meet with? 03:50:11

4 A. It's a long time ago. I think it was Timothy 03:50:13

5 Manning. 03:50:18

6 Q. Okay. And was he Auxiliary Bishop at the time? 03:50:18

7 A. Yes. 03:50:24

8 Q. And did you have a face-to-face meeting? 03:50:24

9 A. Yes. 03:50:27

10 Q. Did he interview you, so to speak? 03:50:27

11 A. Yes. 03:50:29

12 Q. And how long did that meeting last? 03:50:30

13 A. I can't remember. 03:50:32

14 Q. More than an hour? 03:50:34

15 A. Oh, no. 03:50:35

16 Q. What was discussed at that meeting? 03:50:36

17 A. Welcome to the Archdiocese. 03:50:39

18 Q. Have you ever heard of a Franciscan priest not 03:50:41

19 going and having that face-to-face meeting with the 03:50:43

20 Archdiocese? 03:50:47

21 A. Not to my knowledge. 03:50:47

22 Q. Would it be objectionable or inappropriate for 03:50:49

23 a priest who was granted faculty not to have gone and 03:50:55

24 that meeting? 03:50:59

25 A. Yes. 03:50:59

1 Q. Would there be any kind of penalty or 03:51:00  
2 punishment if the priest did not go and have that 03:51:03  
3 meeting? 03:51:06  
4 A. No. 03:51:06  
5 Q. Just kind of a common courtesy? 03:51:07  
6 A. Yes. 03:51:11  
7 Q. Are you familiar with the concept of reciprocal 03:51:11  
8 or common faculties? 03:51:15  
9 A. From one dioceses to another? 03:51:18  
10 Q. Yes. 03:51:20  
11 A. Yes. 03:51:20  
12 Q. Have the Franciscans ever benefited from 03:51:23  
13 reciprocal or common faculties in the states in which 03:51:31  
14 the Province is located? 03:51:34  
15 A. I was -- yes, for example, the Province of San 03:51:35  
16 Francisco and San Jose have such an arrangement. 03:51:40  
17 Q. Any other such arrangements in the Province? 03:51:46  
18 A. I'm not sure in the Los Angeles area whether 03:51:50  
19 Orange and the other nearby -- I think there is such an 03:51:59  
20 arrangement there also, but I'm not sure. 03:52:00  
21 Q. Okay. You think between L.A. and Orange 03:52:00  
22 possibly? 03:52:03  
23 A. Mm-hmm. 03:52:05  
24 Q. Were you -- when other Friars came to the 03:52:06  
25 seminary and were granted faculties, were you informed 03:52:10

1 of they're going to have the face-to-face meeting with 03:52:13  
2 someone from the Archdiocese? 03:52:16

3 A. As I remember, yes, they did. I'm not sure 03:52:17  
4 that it was true for everyone, but it was common 03:52:23  
5 practice. 03:52:26

6 Q. Did they come and tell you? 03:52:26

7 A. They just did it on their own. 03:52:28

8 Q. Did they inform you in writing or did this just 03:52:31  
9 verbal? 03:52:35

10 A. No, just verbal. 03:52:35

11 Q. I think you touched on this when you were 03:52:36  
12 discussing the problems or the issues that arose with 03:52:49  
13 Bishop Ward. Sounds like there are rules and 03:52:54  
14 limitations that the Archdioceses places on religious 03:52:58  
15 priests in the Archdioceses; is that true? 03:53:01

16 A. Not over and above the dioceses clergy. It's 03:53:04  
17 the same rules. 03:53:07

18 Q. Okay. It's the same rules as -- 03:53:09

19 A. Same rules. 03:53:10

20 Q. A religious priest can perform weddings and 03:53:11  
21 baptisms? 03:53:18

22 A. Yes. 03:53:18

23 Q. Are there limitations from the Archdiocese on 03:53:19  
24 where a religious priest can perform acts such as a 03:53:23  
25 wedding or baptism? 03:53:26

1 A. Yes. 03:53:28

2 Q. What are those limitations? 03:53:28

3 A. They should be done within a parish church, 03:53:29  
4 weddings, for example. 03:53:33

5 Q. Okay. 03:53:34

6 A. I'm not sure of any limitations on baptisms. 03:53:35  
7 The place of baptism is not prescribed. 03:53:39

8 Q. What's the origin of that limitation on the 03:53:43  
9 fact, for instance, that weddings can only be conducted 03:53:47  
10 by religious at parishes? 03:53:50

11 A. I think the fear of invalidity, where they are 03:53:52  
12 not properly recorded or, you know, there is no evidence 03:53:56  
13 that they actually took place. And so for marriage 03:53:59  
14 tribunals later on, if there is a divorce or some 03:54:04  
15 problems, and they don't have records to go by. So to 03:54:07  
16 make sure that the weddings are properly recorded, make 03:54:11  
17 sure that that happens, they have to be in a parish. 03:54:13

18 Q. To your knowledge, is there an Archdiocesan 03:54:16  
19 statute that addresses this issue? 03:54:19

20 A. I can't remember now, but I would imagine, yes. 03:54:20

21 Q. Is there -- there probably isn't, but is there 03:54:26  
22 a statute unique to the Province or to the order as a 03:54:33  
23 whole that addresses this issue? 03:54:37

24 A. No. 03:54:39

25 Q. I wouldn't imagine there was. 03:54:39



1           The problem with the issue that arose with       03:54:41  
2   Bishop Ward, that was related to you performing a       03:54:50  
3   wedding at St. Anthony's?                               03:54:53

4           A.   Yes.                                               03:54:54

5           Q.   First of all, was that around 1973?       03:54:55

6           A.   Yes.                                               03:54:57

7           Q.   What exactly happened there?               03:54:58

8           A.   There was a wedding between a man who was a   03:54:59  
9   Lutheran and a woman who was a Roman Catholic, and prior03:55:04  
10   to the wedding, just before the wedding, the man asked   03:55:10  
11   me if he could receive communion. He says I think I       03:55:15  
12   have the same belief in the Eucharist that you do, and   03:55:19  
13   so I would like to receive communion at my wedding. And03:55:23  
14   so on the basis of his request, I granted that request.   03:55:26  
15   And that was reported to the dioceses or -- I don't know03:55:31  
16   to whom it was reported, but John Ward got wind of it or03:55:37  
17   it was put in his lap.                                       03:55:41

18          Q.   Your granting his communion?               03:55:44

19          A.   Yes.                                               03:55:47

20          Q.   Okay. And that was inappropriate?       03:55:47

21          A.   It would be contrary to the practice of the   03:55:49  
22   church, yes.                                               03:55:51

23          Q.   Because it happened within a --           03:55:52

24          A.   Because of intercommunion.               03:55:53

25          Q.   Because he was not Catholic?               03:55:55

03:55:57

03:55:57

03:56:02

03:56:09

03:56:10

03:56:13

03:56:17

03:56:23

03:56:25

03:56:32

03:56:35

03:56:38

03:56:39

03:56:40

03:56:48

03:56:54

03:56:59

1 Q. Okay. 03:57:01

2 A. So weddings that we performed would have to be 03:57:02  
3 authorized by the Old Mission pastor. 03:57:05

4 Q. Is the parish at the Old Mission an 03:57:07  
5 Archdiocesan parish? 03:57:14

6 A. Yes. 03:57:15

7 Q. Can you explain that for me? I'm ignorant of 03:57:16  
8 how exactly that works. 03:57:21

9 A. Well, it's a little technical, but in canon 03:57:22  
10 law, the parish is entrusted to the order, the 03:57:27  
11 Franciscan Order. So technically the Franciscan Order 03:57:28  
12 is the pastor. 03:57:32

13 Q. Okay. 03:57:33

14 A. And then they delegate one of the Friars to be 03:57:33  
15 the acting pastor. Virgil Cordano, for example. But 03:57:37  
16 technically, the dioceses normally would be in charge of 03:57:43  
17 a diocesan priest. 03:57:46

18 Q. Okay. 03:57:49

19 A. And when they don't have enough diocesan 03:57:49  
20 priests to go around, then they recruit Religious Order 03:57:49  
21 priests, and they ask the Religious Order to assume 03:57:53  
22 responsibility and then the Religious Order designates a 03:57:57  
23 particular individual to be a pastor. 03:58:02

24 Q. I'm still a little bit confused. The Mission 03:58:03  
25 is owned by the Franciscans, correct? 03:58:12

1           A. Yes. 03:58:14

2 Q. Is the parish owned by the Archdioceses? 03:58:15

3 A. No. 03:58:17

4 Q. What is the nature of their interest in the 03:58:19

5 parish? 03:58:21

6 A. The fact that it's part of the Catholic Church.03:58:21

7 Q. Okay. So any parish -- 03:58:24

8           A. So in terms of church laws and rules and           03:58:27

9 regulations, it's under the Archdioceses, but in terms 03:58:30

10 of the ownership of the property, it belongs to the 03:58:34

11 Franciscans. 03:58:37

12 Q. Okay. All right. And because under church law03:58:37

13 it's under the control of the Archdioceses, they can 03:58:44

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14 dictate -- 03:58:47
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15           A. Rules about marriage, baptisms, et cetera.           03:58:47

16 Q. Did you meet with Bishop Ward in Los Angeles or03:58:50

17 did he come to Santa Barbara to talk with you? 03:58:58

18           A. I met him in Los Angeles.                                 03:59:02

19 Q. Was that at the chancery office? 03:59:03

20           A. Yes. 03:59:05

21 Q. Was anyone else present at the meeting? 03:59:06

22 A. Yes. 03:59:08

23 Q. Who else? 03:59:08

24           A. His secretary.

03:59:09

25 Q. Okay. Was there any discussion of faculties 03:59:10

1 during that meeting?

03:59:18

2 A. No.

03:59:18

3 Q. Are you familiar with something called  
4 Adoration of the Holy Eucharist?

03:59:19

03:59:33

5 A. Yes.

03:59:36

6 Q. What is that?

03:59:37

7 A. It's a devotion to the reserve sacrament of  
8 communion.

03:59:38

03:59:41

9 Q. Is that something a religious priest can  
10 perform without permission from the Archbishop or the  
11 Archdiocese?

03:59:42

03:59:45

03:59:46

12 A. Yes.

03:59:48

13 Q. Are there any other religious priestly actions  
14 which require permission from the Cardinal or Bishop or  
15 the Archdioceses?

03:59:48

03:59:56

03:59:59

16 A. I'm not clear on what -- could you give me an  
17 example?

03:59:59

04:00:06

18 Q. I don't know. That's my question to you. Are  
19 there any others that you can think of that would  
20 require you to obtain permission from the Archdiocese?

04:00:07

04:00:09

04:00:12

21 A. Well, any kind of marriage that is not between  
22 two Catholics requires permission.

04:00:14

04:00:17

23 Q. Okay.

04:00:18

24 A. And that's the most common one, where you have  
25 to go to the Archdiocese for that. Marriage cases

04:00:19

04:00:23

1 generally might require that.

04:00:28

2 Q. Okay.

04:00:29

3 A. There are other extraordinary cases. For

04:00:30

4 example, if you have a couple who want to receive the

04:00:36

5 sacraments, but they are not entitled to because of

04:00:40

6 previous marriages, but they want to live as brother and

04:00:45

7 sister, then you can apply for that. I mean, those are

04:00:47

8 the kind of extraordinary situations.

04:00:50

9 Q. It sounds like you were relieved when you were

04:00:52

10 transferred from St. Anthony's?

04:00:56

11 A. I already had been. At the moment that I met

04:00:56

12 with Bishop Ward I already had been transferred.

04:00:59

13 Q. And do you believe he would have taken your

04:01:01

14 faculties away had you stayed at St. Anthony's?

04:01:04

15 MR. KASPER: Question calls for speculation.

04:01:07

16 THE WITNESS: Speculation.

04:01:08

17 BY MR. HALE:

04:01:12

18 Q. Do you have any idea though? Were you afraid

04:01:12

19 of that?

04:01:17

20 A. No.

04:01:17

21 Q. But did you believe that was going to happen?

04:01:17

22 A. No.

04:01:19

23 Q. Can a Religious Order Priest be ordained by

04:01:19

24 anyone other than the Bishop within the dioceses or

04:01:29

25 archdioceses he is in?

04:01:33

1           A. Yes.

04:01:34

2 Q. How does that happen? 04:01:34

3 A. Well, you can be ordained by any Bishop 04:01:35

4 actually. It doesn't have to be from your own dioceses 04:01:40

5 or archdioceses. And sometimes it's difficult, you 04:01:43

6 know, to find a Bishop at a particular time. 04:01:45

7 Q. Okay. 04:01:48

8 A. So it's -- it's kind of a game almost to find a04:01:49

9 Bishop when it's time for ordination. 04:01:55

10 Q. If -- just as a hypothetical, if you were 04:01:59

11     ordained in Santa Barbara but by a Bishop outside the     04:02:08

12 Archdioceses, would you need the permission of the 04:02:12

13 Archdioceses for that Bishop to ordain you? 04:02:14

14 A. No. 04:02:16

15 Q. And there are frequently ordination ceremonies 04:02:17

16 at St. Anthony's or were there? 04:02:25

17 A. Very rarely. Most ordinations take place in 04:02:27

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18    parishes --                                04:02:33
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19 Q. Were there frequently -- 04:02:33

20           A. -- at seminars often.                                 04:02:34

21 Q. Were there frequently ordination ceremonies at 04:02:35

22 the Mission parish? 04:02:39

23 A. Yes, that was when the seminary was there, 04:02:39

24 that's every year. 04:02:43

25 Q. And did that -- was that usually -- did that 04:02:43

1 usually involve a Bishop or an Auxiliary Bishop from the 04:02:49

2 Los Angeles Archdioceses? 04:02:52

3 A. Yes, almost always. 04:02:52

4 Q. Would it have been bad form for it not to have 04:02:54

5 included either a Bishop or Archbishop from the 04:02:57

6 Archdioceses? 04:02:57

7 A. Yes. 04:02:57

8 Q. Have you ever heard of the Archdioceses taking 04:02:58

9 away faculties from a religious priest? 04:03:04

10 A. No. 04:03:07

11 Q. You recall which Archdioceses officials would 04:03:08

12 generally be present at ordination ceremonies during 04:03:23

13 your time as Rector? Did Bishop Ward attend? 04:03:28

14 A. Would you repeat that question? 04:03:31

15 Q. Do you recall if Auxiliary Bishop or Bishops 04:03:33

16 would participate in ordination ceremonies at the 04:03:37

17 Mission of St. Anthony's while you were the Rector? 04:03:42

18 MR. KASPER: The question assumes that Father 04:03:42

19 Harris actually attended those. 04:03:43

20 THE WITNESS: I thought I answered that. It 04:03:45

21 was -- 04:03:47

22 BY MR. HALE: 04:03:47

23 Q. I'm looking for specific individuals, is what 04:03:47

24 I'm asking. In other words, do you recall Bishop Ward 04:03:50

25 coming and attending any of those? 04:03:53



1           A. I see. At the Old Mission? 04:03:54

2           Q. Or St. Anthony's. 04:04:01

3           A. As I say, we had rare -- only two that I 04:04:02

4 remember at St. Anthony's. All the rest were at the Old 04:04:06

5 Mission and I do recall Bishop Ward coming. 04:04:09

6           Q. What about Bishop Manning? 04:04:11

7           A. Bishop Manning. 04:04:13

8           Q. Arzube, Juan Arzube, did he ever come? 04:04:14

9           A. Yes. 04:04:18

10          Q. McIntyre? 04:04:18

11          A. Yes. He ordained me. 04:04:19

12          Q. Okay. That's right. I'm sorry. 04:04:21

13                Anyone else, any other Bishops of note? 04:04:24

14          A. I think you have mentioned most of them. 04:04:28

15          Q. Okay. What role, if any, did they play at the 04:04:30

16 ordination ceremonies? 04:04:35

17          A. You mean -- they were the ordaining Bishop. 04:04:36

18          Q. Right. 04:04:45

19          A. Yeah. 04:04:47

20          Q. When they attended, was that why they attended? 04:04:47

21          A. Yes. 04:04:50

22          Q. They didn't just observe? 04:04:51

23          A. No. 04:04:53

24          Q. They were active participates? 04:04:53

25          A. Yes. 04:04:55

|    |                                                       |          |
|----|-------------------------------------------------------|----------|
| 1  | Q. Did you begin performing masses at the St.         | 04:04:56 |
| 2  | Anthony's Chapel in 1968?                             | 04:04:59 |
| 3  | A. Well, before that.                                 | 04:05:00 |
| 4  | Q. Before that?                                       | 04:05:02 |
| 5  | A. Yes.                                               | 04:05:03 |
| 6  | Q. Did you have to get permission from the            | 04:05:03 |
| 7  | Archdiocese in order to do that?                      | 04:05:05 |
| 8  | A. No.                                                | 04:05:06 |
| 9  | Q. No. Did you have to get permission from the        | 04:05:07 |
| 10 | pastor at the Old Mission Parish in order to do that? | 04:05:10 |
| 11 | A. You're talking about for nonseminarians?           | 04:05:13 |
| 12 | Q. Right. The St. Anthony's community.                | 04:05:17 |
| 13 | A. St. Anthony's community, yeah. We were             | 04:05:19 |
| 14 | authorized to do that, yes.                           | 04:05:23 |
| 15 | Q. Who authorized that?                               | 04:05:24 |
| 16 | A. The pastor.                                        | 04:05:25 |
| 17 | Q. At the Old Mission?                                | 04:05:25 |
| 18 | A. At the Old Mission.                                | 04:05:27 |
| 19 | Q. Were there any limitations on what you could       | 04:05:29 |
| 20 | do -- there was a chapel at St. Anthony's, correct?   | 04:05:34 |
| 21 | A. Mm-hmm.                                            | 04:05:36 |
| 22 | Q. Were there any limitations on what you could do    | 04:05:37 |
| 23 | at that chapel?                                       | 04:05:40 |
| 24 | A. Not explicit, none specified, but we did not       | 04:05:40 |
| 25 | normally have weddings. That would be one thing,      | 04:05:46 |

1 because that was --

04:05:50

2 Q. Why not?

04:05:50

3 A. I guess, to be honest with you, there is a

04:05:56

4 certain amount of jealousy among parishes and they

04:05:59

5 figure we're taking their parishioners away from them.

04:06:03

6 Q. So the pastor at the Old Mission wouldn't have

04:06:06

7 approved?

04:06:10

8 A. No. I think other parishes might feel that

04:06:10

9 way.

04:06:13

10 Q. Like San Roanoke?

04:06:13

11 A. Yes.

04:06:14

12 Q. And could they have stopped it from happening?

04:06:15

13 A. They could have complained.

04:06:19

14 Q. If they had complained to the Archdiocese,

04:06:20

15 could the Archdiocese have prevented you from conducting

04:06:23

16 weddings?

04:06:26

17 A. Yes, definitely.

04:06:26

18 Q. What about baptisms?

04:06:27

19 A. Same thing.

04:06:29

20 Q. Same thing?

04:06:30

21 A. Mm-hmm.

04:06:30

22 Q. Any other activities which would have been

04:06:31

23 limited at the St. Anthony's Chapel?

04:06:35

24 A. Such things as funerals perhaps.

04:06:39

25 Q. So you were pretty much limited to just

04:06:43

1 performing mass at St. Anthony's Chapel? 04:06:46

2 A. Yes. 04:06:49

3 Q. And that was because the Archdioceses and 04:06:49

4 parishes in town would have objected if you did anything 04:06:53

5 further? 04:06:55

6 A. Yes. 04:06:55

7 Q. At some point were the Franciscans conducting 04:06:56

8 rock and roll masses at the St. Anthony's Chapel in the 04:07:07

9 '60s? 04:07:11

10 A. I would say not exactly rock and roll, but with 04:07:11

11 modern type music. At that time guitar music was very 04:07:17

12 popular, also with folk songs, rather than traditional 04:07:22

13 hymns. 04:07:26

14 Q. Did the Archdioceses find out about this? 04:07:26

15 A. I'm not sure, but I would imagine, yes. 04:07:29

16 Q. Do you recall the Archdioceses sending Bishop 04:07:31

17 Ward to observe such a mass and determine whether it was 04:07:35

18 appropriate? 04:07:38

19 A. No. 04:07:38

20 Q. Is it possible that happened and you have just 04:07:39

21 forgotten it? 04:07:44

22 A. It's possible that he did it, but I don't know 04:07:45

23 whether I knew about it even. 04:07:47

24 Q. Okay. If a former St. Anthony's student has a 04:07:50

25 recollection of that happening, would you dispute that 04:08:00

1 recollection?

04:08:03

2 A. Yes.

04:08:03

3 Q. You would dispute that?

04:08:04

4 A. I would dispute it.

04:08:06

5 Q. You think that did not happen?

04:08:07

6 A. Yes. But what I do remember is that Archbishop04:08:09

7 Ward issued a list of approved music and some of the 04:08:16

8 songs that we sang were not on that list, I know that, 04:08:19

9 but that's the only thing I can recall. 04:08:23

10 Q. And was that, to your knowledge, was that list 04:08:24

11 issued in response to you performing the rock and roll 04:08:28

12 masses? 04:08:31

13 A. Perhaps. 04:08:31

14 Q. But you don't know that for certain? 04:08:32

15 A. No. 04:08:33

16 Q. And when that list was issued, did you stop 04:08:34

17 performing those songs that were not in the Archdioceses04:08:37

18 list? 04:08:39

19 A. No. 04:08:39

20 Q. You continued to perform them? 04:08:39

21 A. Yes. 04:08:41

22 Q. Other than what we already talked about here 04:08:41

23 today, can you recall any other instances where the 04:08:49

24 Archdioceses punished or reprimanded Franciscan priests?04:08:52

25 A. No. 04:08:56

1 MR. KASPER: I don't think we heard any 04:08:57  
2 testimony that there ever were -- there were any 04:09:00  
3 incidents. 04:09:04

4 MR. HALE: I disagree with you. I think Bishop 04:09:04  
5 Ward called Father Harris down and reprimanded him. 04:09:07

6 MR. KASPER: Other than that. 04:09:09

7 MR. HALE: Okay. 04:09:10

8 Q. Any other instances? 04:09:11

9 A. Not that I know of. 04:09:13

10 Q. In your time as Rector, how often would an 04:09:14  
11 Auxiliary Bishop visit St. Anthony's in a year? 04:09:23

12 A. St. Anthony's or the Old Mission? 04:09:28

13 Q. Well, start with St. Anthony's and I'll ask you 04:09:30  
14 the same question for the Old Mission. 04:09:34

15 A. Very rarely, I would say. 04:09:35

16 Q. And what would the purpose of the visit 04:09:36  
17 generally be? 04:09:39

18 A. It would be mostly friendly, just to stop in 04:09:39  
19 and say hello. 04:09:43

20 Q. Did they ever come and vacation. 04:09:44

21 A. On a formal visitation, no. 04:09:45

22 Q. Okay. Did they ever come and stay over at St. 04:09:49  
23 Anthony's or the Old Mission, to your knowledge? 04:09:51

24 A. No, not during my time. 04:09:53

25 Q. Same question, but with regards to Bishop, how 04:09:55

1 often did a Bishop come to St. Anthony's during your 04:10:01

2 time as Rector, just either formal or informal visit? 04:10:04

3 A. The only time would be when the ordinations 04:10:07

4 occurred. 04:10:13

5 Q. In your experience, has it ever been 04:10:13

6 appropriate for a priest to hear a confession somewhere 04:10:32

7 other than in a confessional? 04:10:34

8 A. Well, it's always been allowed to hear 04:10:36

9 confessional -- confessions of men outside the 04:10:39

10 confessional. So that's always been allowed. Only for 04:10:44

11 women was it required that it be in a confessional. So 04:10:48

12 that has been a long-established practice. 04:10:53

13 Q. For the Franciscans or just in general? 04:10:56

14 A. For the church in general. 04:10:59

15 Q. And when you say "men," you don't mean 04:11:00

16 religious, you mean all men? 04:11:03

17 A. All men. 04:11:04

18 Q. And that's true for children as well? 04:11:05

19 A. Yes. 04:11:07

20 Q. Boys as well? 04:11:07

21 A. Boys. 04:11:17

22 Q. As far as -- the question is: Would it be 04:11:17

23 appropriate for a priest to hear confession from a boy 04:11:25

24 anywhere other than in a confessional? 04:11:30

25 A. It would be allowed, yes. 04:11:32

1 Q. We've talked about the fact that you were on 04:11:33  
2 call for parishes within Santa Barbara, the Santa 04:11:42  
3 Barbara community. Every member of the faculty was on 04:11:46  
4 call in that regard; true? 04:11:52

5 A. Yes. 04:11:53

6 Q. Was that true of the Franciscans as well? 04:11:53

7 A. Yes. 04:11:55

8 Q. And this was always arranged through the Father 04:11:56  
9 Superior? 04:11:59

10 A. Yes. 04:11:59

11 Q. And did assisting generally involve giving 04:12:00  
12 mass? 04:12:05

13 A. Yes. 04:12:05

14 Q. Anything else? 04:12:05

15 A. Whatever might be needed, maybe confessions 04:12:06  
16 would be included or other services perhaps. 04:12:11

17 Q. What other services? 04:12:15

18 A. Benediction, for example. 04:12:18

19 Q. Were there any instances where all the priests 04:12:20  
20 in Santa Barbara or in the City of Santa Barbara, be 04:12:25  
21 they archdiocesan or religious, gather together to meet 04:12:27  
22 during your time as Rector? 04:12:33

23 A. There were -- yes, they were called meetings, 04:12:34  
24 deanery meetings. Yes, we attended those. 04:12:38

25 Q. And were those once a month? 04:12:40





1 Beach for a long time. Each weekend someone would go 04:14:04

2 there. So we traveled all over the place. 04:14:07

3 Q. What about San Raphael's? 04:14:10

4 A. San Raphael's was one of the places we helped 04:14:12

5 out. 04:14:12

6 Q. Did you know Father Roemer? 04:14:12

7 A. Did I know him, yes. 04:14:16

8 Q. Did you know him when he was at St. Raphael's? 04:14:17

9 A. Yes. 04:14:20

10 Q. How well did you know him? 04:14:21

11 A. Not well. 04:14:22

12 Q. Did you know him strictly from your time 04:14:23

13 assisting at St. Raphale's? 04:14:28

14 A. Excuse me? 04:14:29

15 Q. Did you know him only from your time while 04:14:30

16 assisting at St. Raphael's? 04:14:33

17 A. I may have been there a couple of times, yes. 04:14:34

18 Q. Did you ever hear that he was receiving 04:14:37

19 counseling for sexual problems? 04:14:42

20 A. No. 04:14:44

21 Q. Did you ever see him engage in any kind of 04:14:44

22 inappropriate conduct with children? 04:14:49

23 A. Never. 04:14:50

24 Q. At some point did you hear he had been accused 04:14:51

25 of sexual abuse, sexual misconduct? 04:14:55

|    |                                                         |          |
|----|---------------------------------------------------------|----------|
| 1  | A. Much later.                                          | 04:14:57 |
| 2  | Q. When?                                                | 04:14:58 |
| 3  | A. I can't tell -- remember.                            | 04:14:59 |
| 4  | Q. Did you ever socialize with Father Roemer?           | 04:15:01 |
| 5  | A. No.                                                  | 04:15:08 |
| 6  | Q. Did you know any Jesuit in town?                     | 04:15:08 |
| 7  | A. In Santa Barbara?                                    | 04:15:26 |
| 8  | Q. Yes.                                                 | 04:15:26 |
| 9  | A. Yes.                                                 | 04:15:27 |
| 10 | Q. Did you know any who had backgrounds in              | 04:15:28 |
| 11 | psychology?                                             | 04:15:30 |
| 12 | A. Not really, but I was pretty close to several        | 04:15:30 |
| 13 | of them.                                                | 04:15:42 |
| 14 | Q. Did you ever discuss Father Roemer with any of       | 04:15:42 |
| 15 | those Jesuits?                                          | 04:15:45 |
| 16 | A. No.                                                  | 04:15:46 |
| 17 | Q. Did you ever hear that parishioners at St.           | 04:15:49 |
| 18 | Raphael's had gone to the Archdioceses and complained   | 04:15:57 |
| 19 | about Father Roemer's conduct?                          | 04:16:00 |
| 20 | A. No.                                                  | 04:16:01 |
| 21 | Q. Did you ever perform mass at Our Lady of             | 04:16:01 |
| 22 | Guadalupe?                                              | 04:16:17 |
| 23 | A. Yes.                                                 | 04:16:17 |
| 24 | Q. How often -- well, let me ask you this: Was          | 04:16:17 |
| 25 | there a parish that you spent more time at than others? | 04:16:21 |

25 Q. Did you ever see young boys with him in the 04:17:19

1 rectory? 04:17:21

2 A. No. 04:17:22

3 Q. Did you ever see him walking back to the 04:17:22

4 rectory in the company of young boys? 04:17:25

5 A. No. 04:17:26

6 Q. Were you aware that Father Kelly had started 04:17:27

7 something called the Blue Jackets Club for young boys? 04:17:45

8 A. No. 04:17:48

9 Q. Did you ever see Father Kelly driving around 04:17:48

10 town with boys in his car? 04:17:52

11 A. No. 04:17:53

12 Q. Did you ever see him riding bikes with boys 04:17:53

13 around town? 04:17:57

14 A. No. 04:17:58

15 Q. Would either of these activities have struck 04:17:58

16 you as unusual? 04:18:02

17 A. I didn't see them. 04:18:02

18 Q. If you had seen them. 04:18:04

19 A. I did not. 04:18:04

20 Q. But if you had, would you have thought it 04:18:04

21 unusual? 04:18:08

22 MR. MATIASIC: Foundation. 04:18:08

23 MR. KASPER: And it's an incomplete 04:18:09

24 hypothetical. 04:18:10

25

|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | BY MR. HALE:                                      | 04:18:10 |
| 2  | Q. You can answer.                                | 04:18:10 |
| 3  | MR. KASPER: You can answer.                       | 04:18:11 |
| 4  | THE WITNESS: Okay. I would have thought it        | 04:18:14 |
| 5  | unusual.                                          | 04:18:16 |
| 6  | BY MR. HALE:                                      | 04:18:16 |
| 7  | Q. Okay. Would you have characterized that as one | 04:18:16 |
| 8  | of those peculiar friendships?                    | 04:18:21 |
| 9  | MR. KASPER: Same objection.                       | 04:18:24 |
| 10 | BY MR. HALE:                                      | 04:18:27 |
| 11 | Q. You can answer.                                | 04:18:27 |
| 12 | A. Okay. Yes.                                     | 04:18:28 |
| 13 | Q. "Yes"?                                         | 04:18:29 |
| 14 | A. Yes.                                           | 04:18:29 |
| 15 | Q. Were you -- did you ever hear that he owned a  | 04:18:30 |
| 16 | cabin above the Santa Ynez Mountains above Santa  | 04:18:34 |
| 17 | Barbara?                                          | 04:18:39 |
| 18 | A. No.                                            | 04:18:39 |
| 19 | Q. Is it safe to say that if you were aware that  | 04:18:40 |
| 20 | he was taking boys to that cabin, you would have  | 04:18:41 |
| 21 | considered that a peculiar friendship?            | 04:18:44 |
| 22 | A. Yes.                                           | 04:18:46 |
| 23 | Q. I'm sorry, was it "peculiar" or "particular"?  | 04:18:46 |
| 24 | Was "particular friendship" the term you used?    | 04:18:53 |
| 25 | A. Excuse me?                                     | 04:18:55 |

1 Q. You referred to it as a "particular 04:18:56  
2 friendship"? 04:18:59

3 A. Yes. 04:18:59

4 Q. Okay. I'm sorry, I was mischaracterizing what 04:19:00  
5 you testified to. 04:19:05

6 Did you notice that there was frequently -- 04:19:05  
7 there was a high turnover rate of associate pastors at 04:19:16  
8 Our Lady of Guadalupe? 04:19:20

9 MR. KASPER: Question calls for speculation. 04:19:21

10 THE WITNESS: I really wasn't tuned in to that. 04:19:23  
11 I didn't notice it. 04:19:26

12 BY MR. HALE: 04:19:26

13 Q. Do you recall on a regular basis going to 04:19:26  
14 perform mass at Our Lady and seeing a new associate 04:19:32  
15 pastor there? 04:19:35

16 A. No. 04:19:36

17 Q. Did any associate pastor ever complain to you 04:19:36  
18 about Father Kelly? 04:19:41

19 A. No. 04:19:42

20 Q. Did you ever smell alcohol on Father Kelly's 04:19:42  
21 breath? 04:19:45

22 A. No. 04:19:45

23 Q. Did you ever hear that Father Kelly had a 04:19:46  
24 drinking problem? 04:19:48

25 A. No. 04:19:49

1 Q. Did you ever hear any rumors of misconduct by 04:19:49

2 Father Kelly? 04:19:59

3 A. No. 04:19:59

4 Q. Did you ever hear parishioners complain about 04:20:00

5 Father Kelly? 04:20:06

6 A. No. 04:20:07

7 Q. Did you ever hear that parishioners had filed a 04:20:07

8 petition to have Father Kelly removed in the early '70s? 04:20:11

9 A. No. 04:20:17

10 Q. Did you have a secretary while you were the 04:20:22

11 Rector at St. Anthony's? 04:20:37

12 A. Yes. 04:20:37

13 Q. Who was that? Who was your first secretary? 04:20:38

14 A. I think I had only one the whole time. I'm 04:20:41

15 getting a little tired now, so I can't exactly remember. 04:20:49

16 I know who it was, but the name escapes me. But I had 04:20:52

17 the same secretary during all my ten years. 04:20:56

18 Q. Okay. Older woman, younger woman? 04:20:59

19 A. Young -- older woman. 04:21:02

20 Q. Do you know if she is still alive? 04:21:04

21 A. She is. 04:21:05

22 Q. Does she live in Santa Barbara? 04:21:06

23 A. Yes. 04:21:08

24 Q. When was the last time you spoke with her? 04:21:08

25 A. It's been a long time, 20 years. 04:21:12



1 Q. Do you exchange Christmas cards or anything 04:21:14  
2 like that? 04:21:17  
3 A. No. 04:21:17  
4 Q. Have you had any communication with her at all? 04:21:18  
5 A. No. 04:21:20  
6 Q. Who were the other -- have you ever heard of a 04:21:20  
7 Father [REDACTED]? 04:21:28  
8 A. Yes. 04:21:29  
9 Q. What's -- it's [REDACTED] -- 04:21:30  
10 A. [REDACTED] 04:21:36  
11 Q. -- [REDACTED] 04:21:36  
12 What was his position on -- was he on the 04:21:38  
13 faculty? 04:21:41  
14 A. [REDACTED] was his first name. 04:21:41  
15 MR. MATIASIC: There is no question. 04:21:42  
16 BY MR. HALE: 04:21:47  
17 Q. Was he on the faculty? 04:21:47  
18 A. He was. 04:21:48  
19 Q. Was he there when you started at St. Anthony's? 04:21:49  
20 A. No, he came when the -- when the Redemptorist 04:21:53  
21 came to our school and joined their student body and 04:21:57  
22 faculty with ours. We merged seminaries. 04:22:01  
23 Q. And what year was that? 04:22:04  
24 A. 1966, I believe. 04:22:06  
25 Q. Did Father [REDACTED] ever tell you he received 04:22:12

1 a complaint from a student that that student had been a 04:22:17

2 victim of childhood sexual abuse by Father Cimmarrusti? 04:22:24

3 A. No. 04:22:29

4 Q. How many lay employees on the staff of St. 04:22:30

5 Anthony's in the '60s? 04:22:33

6 A. Well, we had a woman who taught speech. We had 04:22:34

7 a librarian, a woman librarian. We had two couples who 04:22:40

8 lived on the campus and taught in our school. 04:22:44

9 Q. Who was the woman who taught speech? 04:22:48

10 A. This is again a product of my being tired. 04:22:50

11 Fern -- 04:22:59

12 Q. Sayovitz. 04:22:59

13 A. Sayovitz. 04:23:02

14 Q. S-A-Y-O-V-I-T-Z? 04:23:02

15 A. Correct. 04:23:03

16 Q. Okay. And who were the couples? 04:23:04

17 A. Again, memory is not working well right now, 04:23:11

18 but they both taught on our faculty and resided on the 04:23:17

19 campus. 04:23:22

20 Q. Any other lay employees while you were the 04:23:22

21 Rector at St. Anthony's that you can recall? 04:23:30

22 A. Mr. Kenonez, our gardener. 04:23:32

23 Q. Do you know if he is still alive? 04:23:39

24 A. He is. 04:23:41

25 Q. Does he live in Santa Barbara? 04:23:41

1 A. Yes. 04:23:43

2 Q. When was the last time you spoke with him? 04:23:43

3 A. Again, many years ago. Maybe five, ten years 04:23:45  
4 ago. 04:23:50

5 Q. And in what context did you speak with him? 04:23:50

6 A. I was just passing by and he was working on the 04:23:53  
7 campus. 04:23:57

8 Q. So he still works at St. Anthony's? 04:23:57

9 A. Yes, as far as I know. 04:23:59

10 Q. Any other lay employees that you can recall 04:24:01  
11 from your time as Rector at St. Anthony's? 04:24:07

12 Was Fern a cook? 04:24:10

13 A. No, she taught. 04:24:14

14 Q. Who were the cooks? 04:24:15

15 A. Yes, that's another one. Again, I can't 04:24:16  
16 remember the name, but we had a woman who was our cook. 04:24:21  
17 We ran out of Brother cooks and so she took over. 04:24:25

18 Q. Okay. Any other lay employees that you can 04:24:28  
19 recall? 04:24:34

20 A. No, that's it. 04:24:34

21 Q. Okay. What about volunteers at St. Anthony's? 04:24:37

22 A. Yes, we had quite a few who had come in, 04:24:51  
23 especially those who were mothers of seminarians or 04:24:54  
24 fathers too. 04:24:58

25 Q. And what about there were members of the 04:24:58

1 community who were volunteers as well? 04:25:02

2 A. Yes, right. 04:25:03

3 Q. Ray and Diana Munana. Ray and Diana Munana. 04:25:04

4 M-U-N-A-N-A. Do their names ring a bell? 04:25:08

5 A. No, but I think her mother might have been our 04:25:13

6 laundress. I forgot her as one of our employees. Lupe 04:25:18

7 Mendoza. 04:25:22

8 Q. What about -- Lupe Mendoza? 04:25:23

9 A. She was the laundress. 04:25:28

10 Q. What about Robert Crum? 04:25:31

11 A. Robert Crum was the dad of one of our former 04:25:33

12 students and so he was well-known, but I don't remember 04:25:38

13 him doing anything too special. He was at the time 04:25:42

14 working as a butcher. 04:25:45

15 Q. Okay. Were you friends with Mario Cimmarrusti? 04:25:46

16 A. I would say yes, in a general sense, not 04:25:57

17 particular friends. I mean, I -- we didn't fraternize 04:26:06

18 very much, just -- it was more of a professional 04:26:10

19 relationship. 04:26:14

20 Q. Okay. And your assignment with him at St. 04:26:14

21 Anthony's was the first time you had been assigned with 04:26:21

22 him anywhere, correct? 04:26:23

23 A. Yes. 04:26:24

24 Q. He never studied under you? 04:26:24

25 A. No. 04:26:27

1 Q. When was the last time you spoke with him? 04:26:27

2 A. Last time I spoke with him was on a visit to 04:26:29

3 San Domiono, where he is now living, and that's been 04:26:33

4 about a year ago. 04:26:38

5 Q. What did you talk about? 04:26:38

6 A. We really didn't talk very much. I just said 04:26:41

7 hello and asked how we were doing. It was a casual 04:26:45

8 conversation, but that was it. 04:26:51

9 Q. Do you remember a student named [REDACTED]? 04:26:52

10 A. Yes. 04:26:59

11 Q. That's [REDACTED]. 04:26:59

12 A. Yes. 04:27:01

13 Q. Did [REDACTED] ever tell you that Mario 04:27:02

14 Cimmarrusti was beating him? 04:27:07

15 A. No. 04:27:08

16 Q. Did [REDACTED] ever tell you that Mario 04:27:08

17 Cimmarrusti was sexually assaulting him? 04:27:10

18 A. No. 04:27:13

19 Q. Did [REDACTED] ever tell you that he wanted 04:27:13

20 to quit school because of the abuse by Father 04:27:16

21 Cimmarrusti? 04:27:18

22 A. No. 04:27:18

23 Q. Did [REDACTED] ever tell you -- I'm sorry, did you 04:27:19

24 tell [REDACTED] that the abuse and the sexual assaults 04:27:24

25 never happened? 04:27:29

1 A. No. 04:27:30

2 Q. Did you tell him that he had imagined the abuse 04:27:30

3 and sexual assaults? 04:27:34

4 A. No. 04:27:35

5 Q. Did he ever insist to you that both the abuse 04:27:35

6 and the sexual assaults had happened? 04:27:40

7 A. No. 04:27:42

8 Q. Did he tell you he wanted to drop out of school 04:27:43

9 because of the abuse and the sexual assaults? 04:27:48

10 A. No. 04:27:51

11 Q. Did you ever offer to make him class president 04:27:51

12 if he would agree to stay? 04:27:54

13 A. No. I couldn't have. 04:27:56

14 Q. Okay. Did you ever offer to make him captain 04:27:58

15 of the football team if he agreed to stay? 04:28:03

16 A. Again, I couldn't have. 04:28:05

17 Q. Why do you say you couldn't have? 04:28:07

18 A. I'm not the one who does that. 04:28:07

19 Q. Who did that? 04:28:09

20 A. The team. 04:28:10

21 Q. Did you ever offer to make him valedictorian if 04:28:11

22 he agreed to stay? 04:28:15

23 A. No. 04:28:15

24 Q. Did you ever threaten to tell his family that 04:28:16

25 he was quitting school? 04:28:23

1 A. No. 04:28:24

2 Q. Did you tell him he would be seen as a quitter 04:28:24

3 and a failure if he quit the school? 04:28:28

4 A. No. 04:28:29

5 Q. Did you ever tell him that his family would be 04:28:29

6 ostracized if he quit because they lived in a very small 04:28:35

7 traditional Catholic town? 04:28:40

8 A. No. 04:28:41

9 Q. Did you ever tell him that if he quit, his 04:28:41

10 quitting would lead to his parents divorcing? 04:28:46

11 A. No. 04:28:48

12 Q. Did you ever tell him that if they divorced 04:28:49

13 because he quit it would be his fault? 04:28:54

14 A. No. 04:28:56

15 Q. Did you ever tell him he would be known for a 04:28:56

16 quitter for the rest of his life if he left the 04:29:00

17 seminary? 04:29:03

18 A. No. 04:29:03

19 Q. Did you ever insist that he call and tell his 04:29:03

20 parents from your office that he wanted to quit? 04:29:13

21 A. No. 04:29:15

22 Q. Did you insist that he make that call right 04:29:15

23 there in your office? 04:29:21

24 A. No. 04:29:22

25 Q. Did [REDACTED] actually call his mother from your 04:29:23

1 office and tell her he was quitting? 04:29:29

2 A. No. 04:29:31

3 Q. Was it uncommon while you were Rector at St. 04:29:32

4 Anthony's for a student just to suddenly up and quit the 04:29:35

5 seminar? 04:29:42

6 A. Yes. 04:29:42

7 Q. Did it ever happen? 04:29:42

8 A. Not that I remember. 04:29:43

9 Q. Okay. Do you recall [REDACTED] quitting? 04:29:47

10 A. No. 04:29:49

11 MR. KASPER: Would this be a good time to 04:29:50

12 break? 04:30:12

13 MR. HALE: Yeah, I think so. 04:30:12

14 THE VIDEOGRAPHER: This concludes today's 04:30:14

15 proceeding in the deposition of Xavier Harris. We have 04:30:21

16 used three videotapes. We are going off the record and 04:30:25

17 ending volume one. The time is now 4:30. 04:30:29

18 THE REPORTER: Is there anyone who doesn't

19 want a copy?

20 MR. ZACHER: I don't want a copy.

21 MS. CARNER: Not right now.

22 (Time noted: 4:30 p.m.)

23

24

25



DECLARATION UNDER PENALTY OF PERJURY

I, FATHER XAVIER JAMES HARRIS, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on May 17, 2005; that I have made such corrections as appear noted herein in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2005,  
at \_\_\_\_\_, California.

\_\_\_\_\_  
FATHER XAVIER JAMES HARRIS

REPORTER'S CERTIFICATION

I, Cynthia Manning, Certified Shorthand Reporter,  
in and for the State of California, do hereby certify:  
That the foregoing witness was by me duly sworn;  
that the deposition was then taken before me at the time  
and place herein set forth; that the testimony and  
proceedings were reported stenographically by me and  
later transcribed into typewriting under my direction;  
that the foregoing is a true record of the testimony and  
proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name this  
31st day of May, 2005.

---

Cynthia Manning, CSR No. 7645