

[REDACTED]  
**FATHER [REDACTED] - 11/18/05**

**IN RE: THE CLERGY CASES I & III**

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

_____	)	
Coordination Proceedings Special	)	CASE No. JCCP 4286
Title (Rule 1550 (b))	)	
	)	
In Re:	)	
THE CLERGY CASES I & III	)	CASE No. BC 304 904
	)	
[REDACTED]	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
Defendant Doe 1, et al.,	)	
	)	
AND RELATED CROSS-ACTIONS.	)	
_____	)	

VIDEOTAPED DEPOSITION OF FR. [REDACTED]  
LOS ANGELES, CALIFORNIA  
NOVEMBER 18, 2005

Reported by Jeanese Johnson, CSR No. 11635  
PRS Job No. 34-293626

1     Appearances:

2

3             For Plaintiffs:

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6             and David L. Nye  
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14            For Witness and Franciscan Friars:

15            Law Offices of Lewis, Brisbois, Bisgaard  
16            & Smith, LLP  
17            By: Paul A. Matiasic  
18            and Bryan S. Hance  
19            One Sansome Street, Suite 1400  
20            San Francisco, California 94104

21            For Archdiocese of Los Angeles, et al.:

22            Law Offices of Hennigan, Bennett & Dorman, LLP  
23            By: James P. Habel  
24            601 South Figueroa Street, Suite 3300  
25            Los Angeles, California 90017

26            For Diocese of Los Angeles:

27            Law Offices of Gilbert, Kelly, Crowley  
28            & Jennett, LLP  
29            By: Peter J. Godfrey  
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31            Los Angeles, California 90017

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1   Appearances:  
2   (Continued)

3           For Archdiocese of Los Angeles:

4           Law Offices of O'Melveny & Myers, LLP  
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8           For Archdiocese of Los Angeles:

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13          Also Present:

14          Monitoring on behalf of potential insurer (ACE):  
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19          Cleveland, Ohio 44114

20          Mr. Loreto Castillo, Videographer

21          VIDEOTAPED DEPOSITION OF FR. [REDACTED]

22          taken at 221 North Figueroa Street, 9th Floor,  
23          Los Angeles, California, on Friday, November 18,  
24          2005, at 10:10 a.m., before Jeanese Johnson, Certified  
25          Shorthand Reporter, in and for the State of California.

I N D E X

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WITNESS: Fr. [REDACTED]

EXAMINATION

By Mr. Hale

By Mr. Drivon

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\* \* \*

1 Fr. [REDACTED]  
2 The Clergy Cases I & III  
3 Friday, November 18, 2005  
4 Jeanese Johnson, CSR No. 11635

5  
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1 LOS ANGELES, CALIFORNIA

2 FRIDAY, NOVEMBER 18, 2005; 10:10 A.M.

3

10:08:59 4 THE VIDEOGRAPHER: Good morning. My name is  
10:09:21 5 Loreto Castillo with Paulson Reporting and Litigation  
10:09:24 6 Services located at 11400 West Olympic Boulevard,  
10:09:29 7 Suite 140, Los Angeles, California. This is the  
10:09:30 8 deposition of Father [REDACTED] in the matter of  
10:09:35 9 the Clergy Cases I and III taken on behalf of the  
10:09:39 10 plaintiffs.

10:09:40 11 The deposition is taking place at 221 North  
10:09:44 12 Figueroa Street, Ninth Floor, Los Angeles, California.  
10:09:47 13 This deposition is being videotaped and audiotaped at  
10:09:51 14 all times unless specified to go off the record. The  
10:09:55 15 deposition is now commencing at 10:10 a.m. on November  
10:09:59 16 18, 2005.

10:10:02 17 Would all present please identify themselves  
10:10:05 18 beginning with the witness.

10:10:08 19 MR. MATIASIC: Go ahead, Father. Why don't  
10:10:10 20 you state your name for the record.

10:10:13 21 THE WITNESS: Pardon?

10:10:14 22 MR. MATIASIC: Identify yourself for the  
10:10:18 23 record.

10:10:18 24 THE WITNESS: I am Father [REDACTED].

10:10:19 25 MR. MATIASIC: Paul Matiasic of Lewis,

10:10:22 1     Brisbois, Bisgaard & Smith for the witness and the  
10:10:23 2     Franciscan Friars of California.

10:10:28 3             MR. HANCE:   Bryan Hance.   Same firm.   Also for  
10:10:30 4     the Franciscan Friars of California and the Father,  
5     Clergy I.

6             MR. HABEL:   James Habel; Hennigan, Bennett &  
7     Dorman, for the Archdiocese of Los Angeles and the  
8     defendants' liaison counsel in Clergy I.

9             MR. GODFREY:   Peter Godfrey; Gilbert, Kelly,  
10    Crowley & Jennett, for the Diocese of Los Angeles.

11            MR. NYE:   David Nye; Nye, Peabody & Stirling,  
12    various plaintiffs.

10:10:55 13           MR. DRIVON:   David Drivon on behalf of  
14    plaintiffs' liaison counsel representing various  
10:10:57 15    plaintiffs in Clergy I and III.

10:10:58 16           MR. HALE:   Tim Hale; Nye, Peabody & Stirling  
10:11:01 17    for various plaintiffs.

10:11:05 18           MS. DICKERSON:   Denise Dickerson; Sutter,  
19    O'Connell & Farchione appearing on behalf of potential  
20    insurer.

21            MR. BONA:   David Bona; Carroll, Burdick &  
10:11:13 22    McDonough for Archdiocese of Los Angeles.

10:11:14 23           THE VIDEOGRAPHER:   Thank you.

10:11:14 24           Would the court reporter please swear in the  
10:11:16 25    witness.



1 FR. [REDACTED]

2 is duly sworn, and testifies as follows:

3

4 EXAMINATION

5 BY MR. HALE:

10:11:30 6 Q Good morning, Father.

10:11:31 7 A Good morning.

10:11:31 8 Q I know I've introduced myself to you already.

10:11:35 9 My name is Tim Hale for the record.

10:11:37 10 Could you state and spell your name for the

10:11:39 11 record.

10:11:39 12 A For the record, my name is [REDACTED]

10:11:43 13 [REDACTED].

10:11:48 14 Q Thanks.

10:11:49 15 Have you ever had your deposition taken

10:11:52 16 before?

10:11:52 17 A No.

10:11:53 18 Q I would imagine your attorneys have discussed

10:11:56 19 the process with you already, and I just want to go over

10:11:58 20 some of the ground rules so we're clear about those.

10:12:01 21 Do you understand your testimony today has the

10:12:02 22 same force and effect as if you were sitting in a

10:12:05 23 courtroom before a jury and a judge?

10:12:07 24 A Yes.

10:12:08 25 Q Okay.

10:12:08 1 Do you understand you've been placed under  
10:12:10 2 oath by the court reporter?

10:12:12 3 A Yes.

10:12:13 4 Q Have you consumed any alcohol in the last  
10:12:17 5 12 hours that might somehow impair your ability to give  
10:12:19 6 clear testimony?

10:12:19 7 A No.

10:12:20 8 Q Have you consumed any drugs in the last  
10:12:22 9 24 hours that might somehow impair your ability to  
10:12:25 10 testify?

10:12:25 11 A No.

10:12:26 12 Q Is there any reason you can't give your best  
10:12:28 13 testimony today?

10:12:29 14 A No.

10:12:32 15 Q You're doing a really good job of waiting for  
10:12:34 16 me to finish my questions before you respond to my  
10:12:37 17 questions. If you continue to do that, we'll have a  
10:12:40 18 nice, clear record when this deposition is over. And by  
10:12:43 19 the same token, I'll do my best not to ask you questions  
10:12:46 20 until you have finished responding to my questions.

10:12:48 21 Do you understand that?

10:12:50 22 A Yes.

10:12:51 23 Q Okay.

10:12:52 24 MR. GODFREY: Can we put our objection on the  
10:12:53 25 record?

10:12:54 1 MR. HALE: Not yet.

2 MR. GODFREY: Okay.

10:12:55 3 MR. HALE: Let me go through this and I'll --

10:12:57 4 before I launch into the real questions.

10:13:01 5 MR. GODFREY: Okay.

6 BY MR. HALE:

10:13:02 7 Q We don't want you to guess to any of the

10:13:05 8 answers to any of the questions I ask you today, but we

10:13:08 9 are entitled to your best estimate.

10:13:11 10 Do you understand the difference between a

10:13:15 11 guess and an estimate? I can give you an example if

10:13:16 12 you'd like.

10:13:17 13 A Give me an example.

10:13:19 14 Q Okay. If I asked you the size of this table,

10:13:21 15 you can give me an estimate as to its size because it's

10:13:25 16 sitting in front of you. If I asked you the size of the

10:13:27 17 desk in my office, you've never been in my office. That

10:13:30 18 would be nothing but a pure guess.

10:13:32 19 A Um-hmm.

10:13:32 20 Q Okay?

10:13:33 21 A Yes.

10:13:34 22 Q Great.

10:13:34 23 When I ask you a question today, if you answer

10:13:37 24 my question, I'm going to assume that you understood the

10:13:40 25 question as it was phrased. So it's really important

10:13:44 1 that if a question doesn't make sense to you or  
10:13:46 2 especially with your hearing difficulty in the one ear,  
10:13:51 3 if I'm not speaking clearly enough, ask me to rephrase  
10:13:53 4 and I will. Okay?

10:13:54 5 A Okay.

10:13:55 6 Q At the end of your deposition, your testimony  
10:13:57 7 is going to be placed into a typed booklet form by the  
10:14:00 8 court reporter. You'll have a chance to review that  
10:14:02 9 testimony, make any changes you think are necessary.  
10:14:04 10 But just keep in mind that if you do make any changes to  
10:14:07 11 your testimony, either myself or another attorney will  
10:14:09 12 be free to comment on those at the time of trial. So  
10:14:12 13 it's very important to give your best testimony today.

10:14:15 14 Do you understand that?

10:14:17 15 A Yes.

10:14:18 16 Q Okay. You're also doing a great job of  
10:14:20 17 answering questions affirmatively. So that we have a  
10:14:22 18 clear record, you want to try and avoid answering  
10:14:25 19 questions with uh-huhs and uh-uhs and shakes of the head  
10:14:28 20 and that kind of thing. You're not doing that so far.  
10:14:32 21 Keep it up, and we'll have a nice, clear record. Okay?

10:14:35 22 A Yes.

10:14:35 23 Q Great.

10:14:35 24 Do you have any questions?

10:14:36 25 A No.

10:14:37 1 Q If you need to take a break at anytime, just  
10:14:40 2 let me know. And like I said, if I'm not speaking  
10:14:42 3 clearly or not speaking up enough, please let me know,  
10:14:45 4 and I'll try and modify my questions. Okay?

10:14:49 5 A (Witness nods.)

10:14:50 6 Q Did you review any documents in preparation  
10:14:51 7 for today's deposition?

10:14:57 8 A No.

10:14:57 9 Q Okay.

10:14:57 10 MR. HALE: I understand there's some  
10:14:58 11 objections that counsel would like to raise.

10:15:01 12 MR. GODFREY: Yes, please.

10:15:02 13 The Notice of Father [REDACTED]'s deposition  
10:15:05 14 designates him in part as a hierarchy witness for the  
10:15:09 15 Archdiocese of Los Angeles. The Archdiocese of  
10:15:10 16 Los Angeles would object to his Notice in that capacity.  
10:15:14 17 He's not a hierarchy witness for the Archdiocese of  
10:15:19 18 Los Angeles.

10:15:21 19 MR. HANCE: We would join in that.

10:15:24 20 MR. MATIASIC: He's not a hierarchy witness  
10:15:25 21 for the Franciscan Friars either.

22 THE WITNESS: Do I need to understand what  
23 he's saying?

24 MR. HANCE: No.

25 THE WITNESS: No. Okay.

1 BY MR. HALE:

10:15:32 2 Q Throughout this deposition, you're going to  
10:15:33 3 hear objections raised and comments made by counsel and  
10:15:37 4 that kind of thing.

10:15:37 5 A Um-hmm.

10:15:37 6 Q For the most part, you can ignore those unless  
7 your counsel is instructing you not to answer. It's  
8 just part of the deposition process. Everyone wants to  
10:15:42 9 make their record, but believe me, if your attorneys  
10:15:43 10 don't want you to answer a question, they will make it  
10:15:45 11 very clear to you to stop.

10:15:47 12 A See, I have trouble hearing. So if it's  
10:15:50 13 something that I should know, you would let me know.

10:15:53 14 MR. HANCE: I'll let you know.

10:15:55 15 THE WITNESS: You would maybe even repeat it  
10:15:58 16 for me.

17 BY MR. HALE:

10:15:58 18 Q More than likely, any objection raised won't  
10:16:01 19 be of any concern to you. But like I said, I'm sure  
10:16:05 20 your counsel will inform you quite loudly if there are  
10:16:08 21 any.

10:16:12 22 Okay. Father, I would like to start off going  
10:16:14 23 through your education background and your employment  
10:16:17 24 background.

10:16:17 25 Where were you born?

10:16:19 1 A Burbank, California.

10:16:20 2 Q And did you attend St. Anthony's seminary?

10:16:26 3 A Yes.

10:16:26 4 Q And what year did you start at St. Anthony's?

10:16:34 5 A 1939.

10:16:34 6 Q And was that your freshman year of high

10:16:37 7 school?

10:16:38 8 A Yes.

10:16:39 9 Q And at that time, was it a six-year program at

10:16:43 10 St. Anthony's?

10:16:45 11 A No.

10:16:45 12 Q Was it a five-year program?

10:16:47 13 A Yes.

10:16:49 14 Q So did you finish your studies at

10:16:53 15 St. Anthony's in 1944?

10:16:57 16 A Yes.

10:16:57 17 Q Did those five years include a year of

10:16:59 18 novitiate?

10:16:59 19 A No.

10:17:00 20 Q Was that fifth year the equivalent of a year

10:17:04 21 at a junior college?

10:17:05 22 A Pardon?

10:17:06 23 Q Was your fifth year at St. Anthony's

10:17:09 24 equivalent to a first year at a junior college?

10:17:12 25 A Yes.

10:17:13 1 Q Okay. After you finished your fifth year at  
10:17:17 2 St. Anthony's, where did you go next?

10:17:19 3 A We went to San Miguel for a novitiate for one  
10:17:25 4 year; '44 to '45.

10:17:29 5 Q San Miguel being outside of San Luis Obispo?

10:17:33 6 A Yes.

10:17:37 7 Q Who was with you in the novitiate program at  
10:17:43 8 San Miguel?

10:17:43 9 A There were 12 of us. I don't remember all of  
10:17:49 10 them. I remember [REDACTED], Quentin Sullivan, who  
10:18:02 11 has since died. One, I think his name was -- oh, yeah.  
10:18:05 12 Marcos Cabrera, Leo Hagen. I don't remember the others.

10:18:17 13 Q That's okay. We certainly don't expect you to  
10:18:18 14 remember everything that far back.

10:18:20 15 A Yeah.

10:18:21 16 Q Just for the record, [REDACTED] is [REDACTED].

10:18:26 17 How do you spell -- there was a second name  
10:18:29 18 that I missed.

10:18:33 19 A Was that Marcos?

10:18:35 20 Q Yes. That's who I --

10:18:37 21 A Oh. Cabrera.

10:18:38 22 Q How do you spell that last name?

10:18:39 23 A C-a-b-r-e-r-a. "Cabrera," they say.

10:18:46 24 Q Of those 12, how many actually went on to  
10:18:49 25 become Franciscan priests?



10:18:52 1 A Eight of us. We were ordained.

10:18:55 2 Q And of the four who did not, did they drop out  
10:18:59 3 of the novitiate program?

10:19:02 4 A I don't remember completely. I think they  
10:19:04 5 dropped out later on.

10:19:05 6 Q Okay. Were any of them -- did any of them  
10:19:14 7 leave the candidate program involuntarily?

10:19:20 8 A Pardon?

10:19:21 9 Q Did any of them leave the program  
10:19:23 10 involuntarily?

11 A No.

10:19:25 12 Q Or none of them were asked to leave by the  
10:19:29 13 Province?

10:19:29 14 A I don't think so, no.

10:19:30 15 Q Okay. Who was in charge of the novitiate  
10:19:34 16 program at San Miguel during the time you were there?

10:19:37 17 A The Novice Master was Father David Temple.

10:19:37 18 Q Okay. And did he have any assistants?

10:19:40 19 A At the beginning, he had one more or less  
10:19:45 20 nominal, but that was only for a few months, and then I  
10:19:50 21 don't think he had any after that.

10:19:52 22 Q Do you recall who that assistant was?

10:19:53 23 A No. He was a previous Novice Master. I don't  
10:19:59 24 recall his name, and he was quite -- he was, you know,  
10:20:01 25 older.

10:20:02 1 Q Okay. Are you aware of something called a  
10:20:07 2 simplex year?

10:20:08 3 A Oh, yes.

10:20:09 4 Q Did you go through a simplex year?

10:20:11 5 A Yes.

10:20:11 6 Q Did that come after the novitiate program?

10:20:13 7 A No, no. That's after you're ordained priests.

10:20:18 8 Q Okay. What is the difference between a  
10:20:20 9 simplex year and the year of novitiate study?

10:20:23 10 A Well, the difference is in regards to a lot of  
10:20:29 11 -- regards to the Franciscan Order and the priesthood.  
10:20:33 12 The Franciscan Order -- your novitiate is your entrance  
10:20:37 13 into the Order. The Order is a fraternity, a  
10:20:41 14 brotherhood. It's our way of life. And the priesthood  
10:20:47 15 is a ministry. It's your -- the work you do out there  
10:20:49 16 with the people mainly.

10:20:53 17 So you can be a Franciscan and not a priest.  
10:20:57 18 You can be a priest and not a Franciscan. I could go on  
10:21:01 19 and on. We don't have that much time. But we are the  
10:21:07 20 men -- to men what nuns are to women. They are a  
10:21:11 21 sisterhood, and they cannot become priests. They don't  
10:21:15 22 become priests, but we do. Some of us. Not all of us  
10:21:19 23 do.

10:21:20 24 Q Okay.

10:21:20 25 A So, anyway, go ahead.

10:21:22 1 Q So is the novitiate the introduction to the  
10:21:24 2 brotherhood?

10:21:24 3 A To the brotherhood.

10:21:25 4 Q Whereas, the simplex is the introduction to  
10:21:27 5 the ministry of a priest?

10:21:29 6 A Well, the simplex is -- yes, you could say.  
10:21:32 7 No, actually, it really isn't that. It is to a certain  
10:21:37 8 extent. I don't know. Simplex is after you're  
10:21:38 9 ordained, you do not have what they call the care of  
10:21:42 10 souls. They used to call it cuara ante mardem. You  
10:21:49 11 cannot hear confessions.

10:21:51 12 I can't remember what else. But you are  
10:21:53 13 ordained priests, but you can't celebrate Mass. And so  
10:22:01 14 it's your last year of theology.

10:22:05 15 Q During your simplex year, is there the  
10:22:07 16 equivalent of a Novice Master? Is there a simplex  
10:22:10 17 master?

10:22:10 18 A No. It's -- it really is pretty much the same  
10:22:14 19 as the whole four years of theology. You have a Master  
10:22:20 20 of Clerics. I'm talking about the old days. A Master  
10:22:24 21 of Clerics, kind of a Prefect of Discipline that lasts  
10:22:31 22 for the four years. The only difference is these men  
10:22:34 23 are ordained early, and we don't have it anymore. It  
10:22:38 24 doesn't exist anymore. They were ordained early in a  
10:22:42 25 certain sense so they could be used for saying Masses

10:22:46 1 around in various places.

10:22:47 2 Q Why does the simplex year no longer exist?

10:22:51 3 A I'm not sure, but it was a special

10:22:54 4 dispensation from Rome that did that as I recall.

10:23:03 5 Q Okay. So after your novice year in '44 and

10:23:08 6 '45, did you then go on to San Luis Rey, or what was

10:23:12 7 next?

10:23:13 8 A Yeah. San Luis Rey for three years.

10:23:17 9 Q So '45 to '48?

10:23:20 10 A '45 to '48.

10:23:22 11 Q Did you receive a degree from San Luis Rey?

10:23:25 12 A Hum?

10:23:25 13 Q Did you receive a degree from San Luis Rey?

10:23:29 14 A You know, that's -- I mention -- we didn't

10:23:31 15 call it -- they didn't have -- it was only later that

10:23:35 16 they became an accredited college. We called it

10:23:41 17 philosophy at that time.

10:23:42 18 Q Okay.

10:23:43 19 A And so I don't think we got a formal degree.

10:23:46 20 Q Okay. Was there a Father Lyons on the faculty

10:23:50 21 when you were at San Luis Rey?

10:23:53 22 A As a student?

10:23:54 23 Q On the faculty. Oh, yeah. Sorry. Yes. When

10:23:59 24 you were a student?

10:24:00 25 A No, no.

10:24:01 1 Q Okay. After San Luis Rey, what was the next  
10:24:06 2 step in your --

10:24:08 3 A The next step was Santa Barbara, the  
10:24:11 4 Old Mission, Santa Barbara for theology, four years of  
10:24:20 5 theology. 1948 -- well, through '52.

10:24:24 6 Q What year were you ordained?

10:24:27 7 A I was ordained in '51. So after my -- this  
10:24:30 8 was the idea of the simplex year. After my third year  
10:24:33 9 of theology.

10:24:35 10 Q So the '51, '52 school year was your simplex  
10:24:40 11 year?

10:24:41 12 A Yes.

10:24:42 13 Q Did you receive a degree from the School of  
14 Theology?

10:24:50 15 A I don't think so.

10:24:53 16 Q Okay.

10:24:53 17 A I later received a licentiate from Washington  
10:24:57 18 D.C., but anyway, I don't think they -- just I don't  
10:25:01 19 recall --

10:25:02 20 Q Okay.

10:25:03 21 A -- calling it a degree or anything.

10:25:05 22 Q Okay. During your simplex year, did you do  
10:25:07 23 parish work within the Santa Barbara community?

10:25:10 24 A No. That -- see, we're not allowed to do that  
10:25:12 25 yet. We were still -- except for being ordained, we

10:25:17 1 were just like the rest of the students. We were still  
10:25:20 2 studying theology, four years of theology until 1952.

10:25:26 3 Q Why did they call it a simplex year?

10:25:31 4 A Well, I'm not real sure, but simplex means  
10:25:35 5 simple. You're only a simple priest. Not -- you don't  
10:25:38 6 have a whole complex of capabilities that the other  
10:25:45 7 priests -- I mean, that -- full -- full-fledged. You're  
10:25:47 8 not yet full-fledged. I don't know why they call it  
10:25:51 9 that.

10:25:52 10 Q As far as your activities from -- if we were  
10:25:54 11 going to compare your third year at the School of  
10:25:57 12 Theology versus your simplex year or your fourth year,  
10:26:01 13 did your activities change at all?

10:26:03 14 A Very little except I'd say celebrating Mass  
10:26:07 15 basically.

10:26:08 16 Q Okay. Who did you celebrate Mass for?

10:26:11 17 A We usually went out to sisters' convents.

10:26:15 18 Q Sisters of the Immaculate Heart?

10:26:18 19 A No. We didn't go to them at that time. I  
10:26:20 20 mean, I don't recall.

10:26:25 21 Q Religious --

10:26:25 22 A We went up to -- there were some nuns on the  
10:26:28 23 hill, and then there were the Poor Claires down the  
10:26:30 24 street.

10:26:34 25 Q The Religious of the Sacred Heart of Mary?

10:26:35 1 A I think they are there. You mean, up on the  
10:26:37 2 hill?

10:26:37 3 Q I believe so.

10:26:38 4 A I believe so, too.

10:26:40 5 Q Other than Mass for those Sisters during that  
10:26:43 6 simplex year, did you perform Mass anywhere else in  
10:26:45 7 Santa Barbara?

10:26:46 8 A Oh, well, probably -- we didn't -- we weren't  
10:26:49 9 allowed to preach, I think, yet. I think we may have  
10:26:52 10 helped out in some parishes. I'm not -- I don't recall  
10:26:58 11 too well.

10:26:58 12 Q No specific recollection of helping in any  
10:27:01 13 parishes that year?

10:27:02 14 A No.

10:27:03 15 Q Okay. What year did you receive your  
10:27:04 16 faculties from the Archdiocese?

10:27:06 17 A That was 1952.

10:27:09 18 Q Okay.

10:27:10 19 A After we finished our theological studies.

10:27:13 20 Q What was the process for receiving your  
10:27:16 21 faculties?

10:27:17 22 A Simply graduating or simply having finished  
10:27:21 23 your theological course of four years successfully.

10:27:24 24 Q Did you have to do anything to obtain your  
10:27:28 25 faculties other than finishing your course work?

10:27:30 1 A No.

10:27:31 2 Q And how did you receive notice that you had

10:27:33 3 received faculties?

10:27:35 4 A Well, it was a ceremony, I think.

10:27:38 5 Q Did you receive any kind of written notice?

10:27:41 6 A I don't think so.

10:27:42 7 Q Okay. Who conducted your -- do you recall who

10:27:45 8 conducted your ceremony?

10:27:47 9 A I'm trying to think. You know, I don't

10:27:58 10 recall.

10:27:59 11 Q Would it have been Bishop Ward?

10:28:03 12 A I don't recall.

10:28:03 13 Q What about Cardinal McIntyre?

10:28:08 14 A I don't recall.

10:28:08 15 Q Okay. Do you recall where the ceremony was

10:28:11 16 at? Was that at the Mission?

10:28:14 17 A Yes.

10:28:18 18 Q And did the eight candidates who made it

10:28:21 19 through the novitiate program, were they a part of that

10:28:24 20 ceremony with you?

10:28:27 21 A All -- not in the novitiate program. The all

10:28:31 22 -- those who made -- finished theology did.

10:28:34 23 Q Okay. But those eight who ultimately became

10:28:37 24 priests stayed with you from the novitiate program until

10:28:40 25 the time you finished your studies at the theologate?



10:28:44 1 A Well, I think I mentioned there were 12 of us  
10:28:47 2 in novitiate and 8 ordained.

10:28:50 3 Q Right.

10:28:50 4 A In 1951, and I do believe that those 8 also  
10:28:54 5 received faculties in 1952.

10:28:58 6 Q Okay. After you finished the simplex year in  
10:28:59 7 '52, was there any further education, any further  
10:29:03 8 studies?

10:29:04 9 A I did go to -- during the summer, they sent me  
10:29:06 10 for a summer course at USF, University of San Francisco.

10:29:12 11 Q What years did you do that?

10:29:15 12 A That was in '52. Summer of '52.

10:29:21 13 Q And what was the course work?

10:29:24 14 A It was to prepare me to teach English  
10:29:27 15 literature, but there was no -- there was no course in  
10:29:33 16 English literature. So I took American literature.

10:29:40 17 Q Okay. Any other academic work other than  
10:29:44 18 that?

10:29:44 19 A Outside of the studies?

10:29:46 20 Q Yes.

10:29:47 21 A Well, I had been there -- also, they sent me  
10:29:51 22 to USF the summer before, but I came back to study  
10:29:57 23 again. I used to also study, I think, it was American  
10:30:02 24 literature.

10:30:03 25 Q Okay. Did you receive any degrees from USF?

10:30:06 1 A No, no. Just summer course.

10:30:10 2 Q Any other degrees, certificates, anything that  
10:30:14 3 we haven't talked about as far as your academic  
10:30:18 4 background?

10:30:18 5 A Well, yes. I mean, in theology.

10:30:20 6 Q Okay. Tell me about that.

10:30:22 7 A Well, after -- well, in 19 -- I think it was  
10:30:26 8 '53, they sent me to Catholic University in Washington,  
10:30:31 9 and that's where I got what you call a license. We  
10:30:35 10 called it the licentiate in theology, roughly comparable  
10:30:40 11 to a Masters.

10:30:41 12 Q How do you spell licentiate?

10:30:43 13 A L-i-c-e-n -- let's see. E. I think  
10:30:50 14 L-i-c-e-n-c-i-a -- does anyone have anything to write it  
10:30:58 15 down? Let me see. I think that's it. Yeah.  
10:31:05 16 L-i-c-e-n-c-i-a-t-e. Sorry about that.

10:31:23 17 MR. HANCE: That's okay, Father.

10:31:25 18 BY MR. HALE:

10:31:25 19 Q And you say that's equivalent of a Masters?

10:31:28 20 A I say it's roughly equivalent.

10:31:30 21 Q Okay. What years were you at Catholic  
10:31:32 22 University in D.C.?

10:31:33 23 A It was 1953 to -- school year '53 to '54.

10:31:39 24 Q Okay. So it was just a one-year program?

10:31:42 25 A Yes.

10:31:50 1 Q Any studies after that '53 '54 school year?

10:31:55 2 A Yes. And then later on in 1956, I was sent to  
10:32:00 3 Spain to get the Doctorate in theology at the University  
10:32:05 4 of Salammanca.

10:32:11 5 Q Is that S-a-l-a-m-a-n-c-a?

10:32:26 6 A Salammanca. "Salammanca."

10:32:26 7 Q And was that the '56 to '57 school year?

10:32:29 8 A No, that was '56 to '58.

10:32:38 9 Q And that was a Doctorate?

10:32:40 10 A Yeah. Um-hmm. Yes. I'm sorry.

10:32:43 11 Q That's okay. "Yeah" is fine. It's just when  
10:32:46 12 you get into the uh-huh and uh-uhs we're going to have a  
10:32:50 13 problem.

10:32:51 14 A Um-hmm.

10:32:52 15 Q From '54 to '56 where were you?

10:32:58 16 A I was at San Luis Rey.

10:33:04 17 Q And what were you doing at San Luis Rey?

10:33:07 18 A I was on the faculty teaching.

10:33:18 19 Q When you were at Catholic University, where  
10:33:23 20 were you in residence?

10:33:26 21 A We called in the Mount. It's a Holy Land.

10:33:28 22 I'm not sure of the exact -- I can't remember the exact  
10:33:31 23 name. Franciscan House of the Holy Land.

10:33:41 24 Q Were there any priests from California in  
10:33:44 25 residence with you at the Mount while you were there?

10:33:53 1 A I think -- it seems like not for the whole  
10:33:56 2 time, but I think Father Taggasen, and I have a block on  
10:34:05 3 his first name. He was called Carol, I think, at that  
10:34:10 4 time. Carol Taggasen who was a classmate of mine and  
10:34:13 5 I've forgotten his name.

10:34:17 6 Q Did he leave the Order?

10:34:17 7 A He did.

10:34:18 8 Q Do you recall why he left the Order?

10:34:25 9 A I don't know. I'm not sure exactly. I could  
10:34:29 10 guess, but I'm not sure.

10:34:31 11 MR. MATIASIC: Don't guess, Father. Don't  
10:34:33 12 guess.

10:34:33 13 BY MR. HALE:

10:34:34 14 Q When was the last time you spoke with him?

10:34:38 15 A I can't recall.

10:34:45 16 Q Was he on the faculty at the School of  
10:34:48 17 Theology in Santa Barbara when you were on the faculty?

10:34:53 18 A No.

10:34:58 19 Q Who was the Rector at San Luis Rey when you  
10:35:04 20 were on the faculty there from '54 to '56?

10:35:08 21 A I can't recall right now.

10:35:10 22 Q Okay. Was Father Lyons on the faculty at that  
10:35:14 23 time as well?

10:35:14 24 A He was what we call I believe is Master of  
10:35:25 25 Clerics.

10:35:25 1 Q And I may have misunderstood you previously,  
10:35:27 2 but I thought you said that the Master of Clerics was  
10:35:31 3 the equivalent of a Prefect of Discipline?

10:35:39 4 A Yes.

10:35:39 5 Q If you know, why the different title for  
10:35:42 6 Master of Clerics? Why didn't they call him a Prefect  
10:35:49 7 of Discipline?

10:35:50 8 A I don't know why. In minor seminary, it was  
10:35:53 9 Prefect of Discipline, and once we became clerics, it  
10:35:58 10 was Master of Clerics.

10:36:02 11 Q What was the age of the students at San Luis  
10:36:11 12 Rey approximately?

10:36:17 13 A About 20 to 23.

10:36:24 14 Q Did you ever hear that Father Lyons was  
10:36:27 15 requiring students to take their pants off so that he  
10:36:32 16 could examine their genitals to determine if they were  
10:36:37 17 circumcised or not?

10:36:37 18 A Yes.

10:36:38 19 Q When did you hear that?

10:36:43 20 A Hmm? Yeah. I can't recall. I can't recall  
10:36:54 21 exactly when.

10:36:55 22 Q Do you think it was while you were on the  
10:36:58 23 faculty at San Luis Rey?

10:37:01 24 A That's what I'm trying to think of. I'm not a  
10:37:05 25 -- I'm not sure. I don't think so.

10:37:06 1 Q Okay.

10:37:07 2 A May have been shortly thereafter.

10:37:16 3 Q Do you have any knowledge of whether the

10:37:18 4 Franciscans took any steps to stop that behavior by

10:37:22 5 Father Lyons?

10:37:23 6 A No. It's --

10:37:25 7 MR. MATIASIC: Lacks foundation.

10:37:26 8 BY MR. HALE:

10:37:27 9 Q Do you recall who you heard that from?

10:37:30 10 A No.

10:37:33 11 Q Have you ever discussed Father Lyon's conduct

10:37:38 12 with anyone?

10:37:38 13 MR. MATIASIC: Other than your attorneys.

10:37:39 14 BY MR. HALE:

10:37:40 15 Q Other than your attorneys.

10:37:43 16 A Yes.

10:37:43 17 Q Who?

10:37:44 18 A I don't recall.

10:37:45 19 Q Okay.

10:37:45 20 A Other friars.

10:37:47 21 Q Okay. And what had been the gist of the

10:37:49 22 discussions regarding Father Lyons's conduct?

10:37:53 23 MR. MATIASIC: Overbroad.

10:37:55 24 THE WITNESS: What do you mean?

10:37:57 25 ///

10:37:57 1 BY MR. HALE:

10:37:57 2 Q What was discussed about Father Lyons?

10:38:00 3 A The fact. The facts.

10:38:05 4 Q The what?

10:38:06 5 A The things that -- the facts.

10:38:09 6 Q Was there disapproval expressed regarding

10:38:13 7 Father Lyons's conduct?

10:38:15 8 MR. MATIASIC: Vague and ambiguous.

10:38:18 9 THE WITNESS: Yes.

10:38:18 10 BY MR. HALE:

10:38:18 11 Q Were there any discussions of -- well, do you

10:38:19 12 know was Father Lyons reassigned from San Luis Rey at

10:38:23 13 some point?

10:38:24 14 A Hum?

10:38:25 15 Q Was Father Lyons transferred from San Luis Rey

10:38:28 16 at some point?

10:38:29 17 MR. MATIASIC: Lacks foundation.

10:38:30 18 THE WITNESS: Well, I believe he was because I

10:38:32 19 mean, that was -- we were all transferred at one time or

10:38:35 20 another.

10:38:36 21 BY MR. HALE:

10:38:36 22 Q Right.

10:38:37 23 Do you know what his assignment subsequent to

10:38:39 24 San Luis Rey was?

10:38:41 25 A No.

10:38:42 1 Q Okay. When you were at Salammanca studying  
10:39:04 2 for your Doctorate, were there any Franciscans from  
10:39:07 3 California with you at that location?

10:39:09 4 A No.

10:39:10 5 Q Any priests from California at that location?

10:39:12 6 A No.

10:39:13 7 Q After you finished your studies at Salammanca,  
10:39:15 8 did that complete your academic path?

10:39:19 9 A Yes.

10:39:21 10 Q And did you then return to California?

10:39:23 11 A Yes.

10:39:24 12 Q And what was your first assignment upon your  
10:39:27 13 return from California?

10:39:28 14 A I was -- well, professor of theology at Santa  
10:39:32 15 Barbara, Mission Santa Barbara, School of Theology.

10:39:51 16 Q Was there ever a point -- do you recall being  
10:39:54 17 on the St. Anthony's seminary faculty for one year in  
10:40:00 18 1953?

10:40:01 19 A Um-hmm. Yes.

10:40:02 20 Q And was that before you went to Catholic  
10:40:04 21 University?

10:40:04 22 A Yes.

10:40:06 23 Q What was your position on St. Anthony's  
10:40:09 24 faculty?

10:40:10 25 A It was a faculty member. A teacher and



10:40:12 1 professor of, as I recall, English literature and Latin.

10:40:24 2 Q So was that the 1952 to '53 school year?

10:40:29 3 A Yes.

10:40:29 4 Q And did you teach a full school year?

10:40:32 5 A Yes.

10:40:37 6 Q Okay. And do you recall who was the Prefect

10:40:42 7 of Discipline that year?

10:40:46 8 A I don't recall.

10:40:47 9 Q Okay. Was it -- do you recall if there -- was

10:40:50 10 there an Infirmarian that year?

10:40:53 11 A I don't recall.

10:40:55 12 Q Okay. During your time as a student at

10:40:58 13 St. Anthony's seminary, do you recall there being an

10:41:02 14 Infirmarian? I'm not asking for the identify, but do

10:41:06 15 you recall there being an Infirmarian?

10:41:09 16 A Not really.

10:41:10 17 Q Okay. Do you recall there being an infirmary?

10:41:13 18 A Hum?

10:41:14 19 Q Do you --

10:41:15 20 A No.

10:41:15 21 Q Well, there was no infirmary at the

10:41:18 22 St. Anthony's --

10:41:20 23 A Oh, whether there was or not, I have a vague

10:41:22 24 recollection.

10:41:24 25 Q Okay.

10:41:24 1 A Probably.

10:41:28 2 Q During your time as a student at St. Anthony's  
10:41:32 3 or on that -- there was only one year you were on the  
10:41:35 4 faculty at St. Anthony's. Is that right?

10:41:38 5 A Yes.

10:41:38 6 Q Okay. During your time as a student or during  
10:41:40 7 your time as a faculty member, do you recall the Prefect  
10:41:46 8 of Discipline serving also as the Infirmarian?

10:41:48 9 A No.

10:41:49 10 Q Would that strike you as unusual if the  
10:41:54 11 Prefect of Discipline was serving as the Infirmarian?

10:41:57 12 MR. MATIASIC: Vague and ambiguous.

10:42:00 13 THE WITNESS: No.

10:42:00 14 BY MR. HALE:

10:42:01 15 Q Okay.

10:42:05 16 Other than your teaching responsibilities the  
10:42:08 17 year you were on the St. Anthony's faculty, did you have  
10:42:11 18 any other responsibilities at St. Anthony's?

10:42:15 19 A Not that I can recall.

10:42:17 20 Q Did you ever supervise study hall?

10:42:22 21 A I don't recall doing that, no.

10:42:29 22 Q Do you recall if -- was Father [REDACTED] possibly  
10:42:36 23 the Prefect that year?

10:42:38 24 A Which --

10:42:39 25 Q The year you were on the faculty.

10:42:41 1 A Oh, the year I was on the faculty. No, I  
10:42:44 2 don't remember. I don't recall that either, no.

10:42:52 3 Q Okay.

10:42:52 4 A And then you returned to the School of  
10:42:55 5 Theology at the Mission for the 1958 through '59 school  
10:43:00 6 year?

10:43:00 7 A Yes.

10:43:04 8 Q And how long did you hold that faculty  
10:43:07 9 position on the School of Theology?

10:43:11 10 A Well, you know, in '68 we moved to Berkeley.

10:43:17 11 Q Okay.

10:43:17 12 A And I remained there for one year. In '69, I  
10:43:22 13 left.

10:43:28 14 Q Where did you go?

10:43:34 15 A Germany.

10:43:34 16 Q Were you assigned to Germany?

10:43:38 17 A No.

10:43:39 18 Q Why did you go to Germany?

10:43:42 19 A Okay. This could be a long answer.

10:43:46 20 Once I got to -- well, briefly, because I'll  
10:43:51 21 just make it brief. I wanted to specialize in something  
10:43:55 22 in theology and Christology or something. I wanted to  
10:44:05 23 take some time out for that, and I wanted to learn  
10:44:07 24 German because the German, you really need to know  
10:44:12 25 German in order to understand. I mean, to read the

10:44:14 1 literature in theology.

10:44:18 2 So I went there. I was there. I went there  
10:44:18 3 for that reason.

10:44:20 4 Q Okay. Were you studying there, or were you  
10:44:23 5 just trying learn the language by living there?

10:44:26 6 A Well, partly both. I was -- I -- yeah. It  
10:44:30 7 was not all that successful, put it that way, but I  
10:44:32 8 don't want to go into all the details.

10:44:37 9 Q Did you function as a priest while you were  
10:44:39 10 there?

10:44:39 11 A Yes, I did, uh-huh.

10:44:41 12 Q Were you assigned anywhere over there to a  
10:44:45 13 parish or?

10:44:46 14 A Well, the thing is I chose to go to the town  
10:44:49 15 of Munster and there was a large Franciscan house there  
10:44:58 16 and a university, and so I was -- you know, I lived  
10:45:03 17 there with the Franciscans.

10:45:05 18 Q Was there a parish at that house?

10:45:09 19 A No. In Europe in general the religious  
10:45:16 20 Orders don't have parishes, but they had a chapel.  
10:45:20 21 People came for confession and Mass.

10:45:24 22 Q Were there any Franciscans? Were there any  
10:45:28 23 priests from California at that house?

10:45:31 24 A No.

10:45:32 25 Q And how long were you there?

10:45:33 1 A I came back in March of 1972. So about two  
10:45:39 2 and a half years or --  
10:45:40 3 Q So '69 to '72 you were in Germany?  
10:45:44 4 A Yes, uh-huh.  
10:45:45 5 Q Did you do that with the Province's blessing?  
10:45:51 6 A Yes.  
10:45:52 7 Q Okay. When you returned in 1972, where did  
10:45:55 8 you go?  
10:45:56 9 A I went to San Jose, My Lady of Guadalupe  
10:46:06 10 Church.  
10:46:06 11 Q Okay. What was your assignment there?  
10:46:07 12 A I was first for a few months, I was Associate  
10:46:10 13 Pastor. Then I was made Pastor.  
10:46:26 14 Q How long did that assignment last for?  
10:46:28 15 A I was there until 19 -- I'm sorry. It was  
10:46:45 16 eight and a half years. So 1980.  
10:46:49 17 Q Okay. And who was the pastor when you got  
10:46:55 18 there?  
10:46:57 19 A He was Father Anthony Soto.  
10:46:59 20 Q How do you spell the last name?  
10:47:01 21 A S-o-t-o, Soto.  
10:47:03 22 Q Okay. Was this a Franciscan run parish?  
10:47:06 23 A Yes. Still is.  
10:47:07 24 Q Within the Archdiocese of San Francisco at the  
10:47:12 25 time?

10:47:12 1 A Yes, at that time.

10:47:14 2 Q Okay. And how many other Franciscans were  
10:47:17 3 there either in residence or were assigned there?

10:47:23 4 MR. MATIASIC: You mean, in any given year or  
10:47:24 5 for the entire eight years he was there?

10:47:27 6 MR. HALE: I want the entire period.

10:47:29 7 THE WITNESS: Hum?

10:47:31 8 MR. MATIASIC: Overbroad.

10:47:32 9 THE WITNESS: Well, basically, one as I  
10:47:33 10 recall.

10:47:33 11 BY MR. HALE:

10:47:34 12 Q Who was that?

10:47:35 13 A Father Tom Messner.

10:47:40 14 Q Okay. To your recollection during those eight  
10:47:42 15 and a half years, were there any other Franciscans that  
10:47:46 16 were either living there or were assigned there or in  
10:47:49 17 residence there?

10:47:50 18 A Well, when I first came there was Anthony  
10:47:54 19 Soto, and then there was Reynaldo Flores.

10:47:57 20 Q Okay.

10:47:58 21 A Both of them left to get married. I mean, to  
10:48:01 22 somebody else.

10:48:07 23 Q Was Flores on the faculty with you ever at the  
10:48:13 24 School of Theology?

10:48:15 25 A Yes.

10:48:18 1 Q Okay.

10:48:18 2 A That's right. Yes, he was.

10:48:18 3 Q Okay. Anyone else other than those

10:48:20 4 Franciscans during those eight and a half years at our

10:48:23 5 lady of Guadalupe?

10:48:25 6 A I don't remember anyone else, no.

10:48:28 7 Q What was your next assignment?

10:48:33 8 A Well, the next was St. Boniface parish in

10:48:38 9 San Francisco.

10:48:40 10 Q And what years were you there?

10:48:45 11 A So I started on January of -- I'm confused now

10:48:50 12 whether it was 1980 or '81. I'm a little confused.

10:48:57 13 Q Okay. And how long did that assignment last?

10:49:00 14 A Well, that was lasted until 1980 -- 19 --

10:49:10 15 yeah. 1987 or '80 -- '88, I believe, when I went to

10:49:26 16 El Salvador.

10:49:26 17 Q What was your assignment at St. Boniface?

10:49:32 18 A Pastor.

10:49:33 19 Q And can you give me the names of every

10:49:38 20 Franciscan who was either in residence or assigned to

10:49:39 21 St. Boniface during those six or seven years you were

10:49:42 22 there?

10:49:42 23 A I can't give you the name of every Franciscan,

10:49:45 24 no.

10:49:45 25 Q Can you give me the name of any?

10:49:47 1 A Father [REDACTED]

10:49:50 2 Q Okay. Was Father [REDACTED] there when you were

10:50:14 3 there?

10:50:14 4 A No. He was [REDACTED]. So he was in [REDACTED].

10:50:18 5 Q Okay. Any other names you can remember other

10:50:21 6 than Father [REDACTED] which is [REDACTED]?

10:50:24 7 A I can't think of anybody right now.

10:50:27 8 Q Okay. The assignment in El Salvador in 1988,

10:50:33 9 how long did that last for?

10:50:35 10 A Just about three years.

10:50:36 11 Q So until around 1991?

10:50:38 12 A Yes. And so I went in November of '88 and

10:50:42 13 came back in November of '91.

10:50:45 14 Q And what did you do in El Salvador?

10:50:48 15 A We did various things, but mainly, I was in

10:50:51 16 the parish.

10:50:55 17 Q When you say "we," did you go down there were

10:50:58 18 other Franciscans?

10:50:59 19 A There were -- yes. We didn't go together at

10:51:06 20 the same time, but Ed Dunn from our Province was there.

10:51:13 21 Q Any other Franciscans from this Province who

10:51:15 22 spent time with you in El Salvador?

10:51:18 23 A No.

10:51:26 24 Q Okay. What was your next assignment?

10:51:29 25 A It was the St. Anthony parish in



10:51:33 1 San Francisco.

10:51:39 2 Q And were you the Pastor there?

10:51:40 3 A No, Associate Pastor.

10:51:42 4 Q And how many years was that for?

10:51:45 5 A Well, that was until last year.

10:51:48 6 Q So 19 --

10:51:49 7 A June of 2004.

10:51:51 8 Q Okay. So 1991 until 2004?

10:51:54 9 A (Witness nods.)

10:51:56 10 Q And were you an Associate Pastor that entire  
10:51:59 11 time?

10:52:00 12 A Yes. Towards the end -- yeah. I was  
10:52:06 13 officially retired, I think, towards the end, but I was  
10:52:11 14 still active.

10:52:12 15 Q Who was the Pastor while you were there?

10:52:15 16 A There were different ones, but the longest  
10:52:18 17 term was Father Michael Weldon.

10:52:24 18 Q Okay. Who else?

10:52:26 19 A And then followed, I think, three years  
10:52:28 20 Ignacious Degrut or Degrout and then Oscar Mendez.  
10:52:44 21 Oscar Mendez.

10:52:44 22 Q Okay. Anyone else who served as Pastor while  
10:52:49 23 you were at St. Anthony's?

10:52:51 24 A No. Those were the Pastors.

10:52:52 25 Q Okay. Who were the other Associate Pastors?

10:53:07 1 A Oh, Salvador Paresei.

10:53:11 2 Q Is he still alive?

10:53:14 3 A Yes.

10:53:15 4 Q Where --

10:53:15 5 A He lives in Malibu Sara Retreat.

10:53:24 6 Q When was the last time you spoke with him?

10:53:27 7 A Oh, probably last week.

10:53:30 8 Q How is his health?

10:53:32 9 A Good.

10:53:33 10 Q Do you know how old he is?

10:53:38 11 A He's close to my age. He's probably 78 or so.

10:53:46 12 Q Okay. Any other associates at St. Anthony's

10:53:49 13 during that approximately 13, 14 year period you were

10:53:53 14 there?

10:53:53 15 A I can't recall right now.

10:53:55 16 Q Okay. And then in 2004, did you come down to

10:54:04 17 St. Joseph's?

10:54:07 18 A Yes.

10:54:19 19 Q And you currently live there with Father

10:54:23 20 [REDACTED]?

10:54:24 21 A Yes.

10:54:25 22 Q Father [REDACTED]?

10:54:26 23 A Yes.

10:54:27 24 Q Do you know if Father [REDACTED] has been diagnosed

10:54:31 25 with [REDACTED]?

10:54:32 1 A [REDACTED]

10:54:33 2 Q Do you know if he [REDACTED] from any other  
10:54:34 3 [REDACTED]?

10:54:37 4 A You mean other than [REDACTED]?

10:54:40 5 Q Right.

10:54:41 6 A I think he [REDACTED]. I don't  
10:54:44 7 know all of them.

10:54:46 8 Q Do you believe he [REDACTED]?

10:54:51 9 MR. HANCE: Calls for a [REDACTED] opinion.

10:54:53 10 THE WITNESS: Hum?

10:54:54 11 MR. HANCE: You can answer if you can.

10:54:58 12 THE WITNESS: No. Yeah. I'd have a hard time  
10:54:58 13 [REDACTED]. I don't know what -- I know his  
10:55:03 14 [REDACTED].

10:55:08 15 BY MR. HALE:

10:55:08 16 Q Who else is in residence with you at  
10:55:12 17 St. Joseph's?

10:55:14 18 A Angus Cooper and [REDACTED].

10:55:55 19 Q While you were at St. Anthony's and I mean,  
10:55:57 20 while either as a student or that one year, and I'm  
10:56:00 21 referring to St. Anthony's seminary, while you were in  
10:56:03 22 seminary --

10:56:04 23 A Um-hmm.

10:56:04 24 Q -- as either as a student or as a faculty  
10:56:07 25 member, do you recall students ever having to be

10:56:09 1 disciplined? And it could mean -- and by discipline, I  
10:56:18 2 mean maybe detention, maybe extra assignments. Maybe  
10:56:21 3 the old-fashioned rapping of the knuckles with a ruler?  
10:56:30 4 Anything like that at all?

10:56:32 5 A Yes.

10:56:33 6 Q Okay. What do you recall?

10:56:35 7 A There was -- I recall a student. His last  
10:56:37 8 name was McCormick. You know, I have no idea what  
10:56:43 9 exactly what he did, but I guess he received -- I don't  
10:56:52 10 know the exact word -- beating. Or it was quite  
10:56:59 11 exceptional.

10:57:01 12 Q What year? Was that when you were a student?

10:57:04 13 A That would have been between '39 and '40.

10:57:08 14 Q So it was while you were a student at  
10:57:09 15 St. Anthony's?

10:57:10 16 A While I was a student.

10:57:22 17 Q And how did you learn about that discipline?

10:57:28 18 A From the other students, I believe.

10:57:30 19 Q Just scuttlebutt around the school?

10:57:34 20 A I think. I'm not sure.

10:57:35 21 Q And who administered the discipline?

10:57:38 22 A Father Donald Gander, Prefect of Discipline.

10:57:46 23 Q And did you hear where the discipline was  
10:57:50 24 administered?

10:57:53 25 MR. MATIASIC: Where on his body, or?

10:57:55 1 MR. HALE: No. At what location.

2 BY MR. HALE:

10:57:56 3 Q Was it in Father Gander's office, or?

10:58:01 4 A I assume that. I don't know.

10:58:03 5 MR. MATIASIC: Don't assume, Father. He asked  
10:58:05 6 you if you know one way or another.

10:58:07 7 THE WITNESS: No, I didn't.

10:58:08 8 MR. MATIASIC: Do you know where it was  
10:58:09 9 administered?

10:58:10 10 THE WITNESS: Huh?

10:58:11 11 MR. MATIASIC: He's asking you specifically if  
10:58:13 12 you know one way or another where it was administered.

10:58:18 13 He doesn't want you to assume or guess.

14 BY MR. HALE:

10:58:19 15 Q If you heard someone say where it occurred,  
10:58:21 16 I'd like to hear that.

10:58:23 17 A Yeah. Well, I don't recall.

10:58:24 18 Q Okay. Do you recall what McCormick's offense  
10:58:27 19 was that resulted in the discipline?

10:58:30 20 A No.

10:58:31 21 Q Okay.

10:58:33 22 A I believe it was repeated provocation.

10:58:37 23 Q But you don't know what the provocation was?

10:58:39 24 A No, I don't.

10:58:40 25 Q Okay. And what do you know about the beating?

10:58:45 1 Do you know if it was open-hand or closed-hand?

10:58:47 2 A No, I know nothing, no.

10:58:49 3 Q Okay. Do you know if it was a spanking?

10:58:54 4 A I -- no, I don't know. I assume. Well, I  
10:58:58 5 shouldn't be assuming, I guess. I don't know.

10:59:00 6 Q Okay. Do you know what part of the body of  
10:59:02 7 Mr. McCormick was struck by Father Gander?

10:59:07 8 A I don't know.

10:59:07 9 Q Have you ever heard?

10:59:09 10 A No.

10:59:11 11 Q Did you ever hear anyone say whether McCormick  
10:59:17 12 was required to disrobe before the beating happened?

10:59:21 13 A No.

10:59:25 14 Q Do you have any awareness of -- did you ever  
10:59:33 15 -- do you have any awareness of anyone observing an  
10:59:38 16 injury to McCormick's body as a result of the beating?

10:59:40 17 A No.

10:59:41 18 Q What other -- did you hear any other details  
10:59:43 19 about the punishment other than what we've talked about  
10:59:48 20 already?

10:59:49 21 A No.

10:59:50 22 Q How did word get out to the student body?  
10:59:53 23 Were students scared about this?

10:59:56 24 A Scared, you say?

10:59:56 25 Q Right.

10:59:57 1 A No.

10:59:58 2 Q Was it kind of laughed about?

11:00:02 3 MR. MATIASIC: By whom? By the entire student

11:00:04 4 body, or?

11:00:04 5 MR. HALE: Right.

11:00:05 6 MR. MATIASIC: That's vague, ambiguous,

11:00:07 7 overbroad.

11:00:08 8 BY MR. HALE:

11:00:09 9 Q You can answer.

11:00:09 10 A Hum?

11:00:10 11 Q You can answer.

11:00:11 12 A Not that, no. Not laughing either.

11:00:18 13 Q Well, when the discipline was discussed, what

11:00:18 14 was the tone of the conversations?

11:00:19 15 A It was kind of awe. It was so rare. I mean,

11:00:25 16 it was the only time it ever happened, and I think it

11:00:28 17 was something that we were kind of in awe of this guy.

11:00:34 18 Q In awe of Gander?

11:00:36 19 A No. In awe of the kid.

11:00:39 20 Q Oh. Why were you in awe of him?

11:00:42 21 A Well, he received a -- he received, you know,

11:00:46 22 special attention that nobody else ever got.

11:00:49 23 Q Okay. Do you know if he had to receive any

11:00:53 24 medical treatment as a result of the discipline?

11:00:55 25 A Oh, no, no.

11:00:58 1 Q Did you ever hear that he was bruised or  
11:00:59 2 bleeding as a result of the discipline?

11:01:01 3 A No.

11:01:03 4 Q Did you ever hear Father Gander threaten to  
11:01:07 5 administer similar discipline to anyone else?

11:01:09 6 A No.

11:01:10 7 Q Do you know if McCormick had to sit on  
11:01:13 8 Gander's lap while Gander administered the discipline?

11:01:17 9 A No.

11:01:17 10 Q Do you know if McCormick was forced to lie  
11:01:20 11 across a bed while Gander administered the discipline?

11:01:23 12 A No.

11:01:28 13 Q Do you know what position McCormick was in?  
11:01:30 14 Did you ever hear what position McCormick was in when  
11:01:33 15 the discipline was administered?

11:01:35 16 A No.

11:01:42 17 Q Other than that incident, are you aware of any  
11:01:46 18 other circumstances where a St. Anthony's student was  
11:01:49 19 disciplined? And then when I say St. Anthony's, I mean  
11:01:53 20 the seminary obviously in Santa Barbara.

11:01:57 21 A You mean physically?

11:01:58 22 Q Any kind of discipline.

11:01:59 23 A There was a student who was thrown out.

11:02:05 24 Q Do you know --

11:02:05 25 A Hum?



11:02:06 1 Q Go ahead.

11:02:10 2 A Well, that was later under Father Augustin  
11:02:18 3 Hubrecht as Rector.

11:02:18 4 Q Was that while you were on the faculty?

11:02:19 5 A No. When I was a student.

11:02:21 6 Q Okay. Do you know why the student was  
11:02:23 7 expelled?

11:02:23 8 A No, I don't. I think it was some kind of  
11:02:27 9 insubordination. You know, disobedience or whatever.

11:02:40 10 Q Did you ever talk to McCormick about the  
11:02:41 11 discipline he received?

11:02:43 12 A No.

11:02:49 13 Q Is the circumstance where the student was  
11:02:51 14 expelled the only time you've heard or had been aware of  
11:02:55 15 a student being expelled from St. Anthony's seminary?

11:02:59 16 A I think so.

11:03:02 17 Q Any other incidents of discipline of a  
11:03:08 18 St. Anthony's seminarian that you can think of other --

11:03:13 19 A No.

11:03:14 20 Q Okay. While you were on the seminary at  
11:03:24 21 St. Anthony's faculty, do you know or do you know  
11:03:28 22 whether there were any Franciscans on the faculty that  
11:03:33 23 did not have their faculties from the Archdiocese?

11:03:38 24 A No.

11:03:38 25 Q To your knowledge, did every person on the

11:03:42 1 seminary have faculties from the Archdiocese?

11:03:48 2 A It never occurred to me. I don't -- you don't  
11:03:51 3 need that to teach.

11:03:53 4 Q Okay.

11:03:53 5 A Teach in the seminary.

11:03:54 6 Q Okay.

11:03:54 7 A But anyway, I mean, it never occurred to me.

11:03:57 8 I just -- I don't know.

11:03:58 9 Q You just don't know?

11:03:59 10 A I never thought about it.

11:04:02 11 Q Okay. While you were on the faculty at

11:04:10 12 St. Anthony's seminary, did the faculties between the

11:04:18 13 Theologate and St. Anthony's, did they socialize ever?

11:04:21 14 A Not that I know of, no.

11:04:22 15 Q What about when you were on the faculty at the  
11:04:25 16 School of Theology? Did you ever --

11:04:27 17 A No.

11:04:28 18 Q No?

11:04:30 19 A No.

11:04:39 20 Q Do you recall where your living quarters were  
11:04:42 21 when you were on the faculty at St. Anthony's seminary?

11:04:46 22 A No, I don't.

11:04:48 23 Q Okay. When you were a student at

11:04:50 24 St. Anthony's, did you live in the student dorms?

11:04:53 25 A Yes.

11:04:53 1 Q Do you recall if the Prefect of Discipline  
11:04:58 2 lived on the same floor as the student dorms?

11:05:01 3 A No.

11:05:02 4 Q So he did not?

11:05:05 5 A Oh. I'm sorry. No, I don't recall where he  
11:05:10 6 lived.

11:05:11 7 Q Okay. Do you recall if any Franciscans lived  
11:05:14 8 on the same floor as the student dorms while you were a  
11:05:18 9 student at St. Anthony's seminary?

11:05:20 10 A No, I don't recall.

11:05:21 11 Q Okay. What about when you were on the  
11:05:24 12 faculty? Do you recall there being any Franciscans  
11:05:27 13 living on the same floor as the dorms for the students?

11:05:31 14 A No, I don't recall.

11:05:38 15 Q When you were at the School of Theology, where  
11:05:39 16 were your living quarters located?

11:05:49 17 A The -- well, it's a little hard to explain. I  
11:05:58 18 don't think I was in the same room every -- you know,  
11:06:01 19 the whole time I was there.

11:06:04 20 Q Okay. Let me go back to the seminary briefly.  
11:06:08 21 Do you recall while you were there either as a  
11:06:10 22 student or as a faculty member if there was a specific  
11:06:18 23 living quarters that were for the Prefect of Discipline?

11:06:24 24 A Yeah. Well, we all had our specific rooms.

11:06:29 25 Q Okay. Well, what I mean, is, for instance, if

11:06:35 1 a Cardinal comes to stay overnight at the mission, is  
11:06:38 2 there a specific room that is set aside for a visit from  
11:06:42 3 the Cardinal?

11:06:43 4 A Yes.

11:06:43 5 Q So what I'm getting at is there a specific  
11:06:45 6 room that is set aside for the Prefect of Discipline to  
11:06:48 7 live or at least was there while you were at  
11:06:51 8 St. Anthony's?

11:06:52 9 A I believe so, yes.

11:06:53 10 Q Okay. While you were a student or on the  
11:07:02 11 faculty at St. Anthony's seminary, do you have any  
11:07:05 12 recollection of a faculty member having an office that  
11:07:09 13 also served as the faculty member's living quarters?

11:07:17 14 A I don't recall.

11:07:18 15 Q Okay. Would that have struck you as unusual  
11:07:20 16 if that was the case?

11:07:23 17 A No.

11:07:35 18 Q When you were on the School of Theology  
11:07:40 19 faculty, did the Definitorium exercise any control over  
11:07:44 20 the school's curriculum?

11:07:49 21 MR. MATIASIC: Vague and ambiguous.

11:07:53 22 THE WITNESS: Not that I know of.

11:07:55 23 BY MR. HALE:

11:07:56 24 Q Do you know who determined the school's  
11:07:57 25 curriculum? In other words, was it decided by the

11:08:07 1 Rector? Did the faculty determine the curriculum? Did  
11:08:10 2 the Provincial determine the curriculum?

11:08:18 3 A Yeah. It was so traditional. Yeah. I'm not  
11:08:19 4 real sure who determined the curriculum. No, I don't  
11:08:23 5 recall.

11:08:24 6 Q It was kind of set in stone already?

11:08:27 7 A Yes.

11:08:28 8 Q Okay.

11:08:29 9 Do you have a recollection from your year on  
11:08:32 10 the seminary faculty, the St. Anthony's seminary  
11:08:36 11 faculty? Is that true as well? In other words, the  
11:08:39 12 curriculum was already set and it was not something that  
11:08:43 13 had to be determined by the Rector or the Definitorium  
11:08:48 14 or the Provincial?

11:08:48 15 A Pretty much, yes.

11:08:49 16 Q What about personnel decisions at the  
11:08:52 17 School of Theology? Was that something that was -- a  
11:08:54 18 decision that was made by the Rector? Was that a  
11:08:58 19 decision made by the Provincial?

11:09:01 20 A What do you mean?

11:09:03 21 Q In other words, if a faculty member was  
11:09:04 22 assigned somewhere else and another faculty member was  
11:09:07 23 needed, who would make a decision as far as who the  
11:09:10 24 appropriate fit was to fill --

11:09:15 25 A Oh. It's always the Provincial.

11:09:19 1 Q Would you say the same thing is true at  
11:09:22 2 St. Anthony's seminary while you were there?  
11:09:24 3 A Yes.  
11:09:24 4 Q Okay.  
11:09:25 5 Did you ever serve as Rector at the School of  
11:09:29 6 Theology?  
11:09:29 7 A No. I was Master of Clerics for a while.  
11:09:35 8 Q Okay.  
11:09:46 9 Have you ever held any elected positions for  
11:09:48 10 the Province?  
11:09:51 11 A Yes. I'm was on the Definitorium for three  
11:09:56 12 years.  
11:09:56 13 Q What years were the on the Definitorium?  
11:09:59 14 A I cannot recall.  
11:09:59 15 Q Do you think it was while you were at the  
11:10:01 16 School of Theology?  
11:10:05 17 A I think so.  
11:10:17 18 Q Who else was on the Definitorium while you  
11:10:18 19 were part of the Definitorium?  
11:10:22 20 A I can't recall.  
11:10:23 21 Q Do you recall who the Provincial was when you  
11:10:26 22 were on the Definitorium?  
11:10:29 23 A [REDACTED], I believe.  
11:10:36 24 Q My understanding of the Province's history may  
11:10:38 25 be faulty. By my recollection is Father [REDACTED] became

11:10:44 1 Provincial somewhat later beyond. Maybe into the '70s  
11:10:47 2 and the '80s.

11:10:48 3 Is it possible you were on the Definitorium  
11:10:53 4 during those years?

11:10:54 5 A Not the '80s, I don't think, but possibly the  
11:10:58 6 '70s.

11:11:00 7 Q Okay.

11:11:02 8 Do you recall whether there were four or six  
11:11:06 9 Definitorium members while you were on?

11:11:08 10 A I don't recall.

11:11:18 11 Q Do you recall where the Definitorium meetings  
11:11:21 12 took place?

11:11:23 13 A You say "where"?

11:11:25 14 Q Yes.

11:11:26 15 A No.

11:11:27 16 Q Was it more than one location?

11:11:30 17 MR. MATIASIC: This is while he was a  
11:11:35 18 Definitor?

19 MR. HALE: Yes.

11:11:35 20 THE WITNESS: I'm not even sure of that. I  
11:11:38 21 don't recall.

11:11:40 22 BY MR. HALE:

11:11:41 23 Q Okay.

11:11:42 24 Do you recall --

11:11:43 25 A Now I do.

11:11:44 1 Q Okay. Go ahead.

11:11:45 2 A I believe they were different locations  
11:11:49 3 because -- anyway, now I do recall one time they would  
11:11:55 4 have been in the Northwest, and then it didn't happen  
11:11:58 5 and --

11:11:58 6 Q Okay. So at various locations in the  
11:12:00 7 Province?

11:12:01 8 A I believe so, yes.

11:12:02 9 Q Were the locations determined by the location  
11:12:06 10 of the various Definitorium members?

11:12:18 11 A I don't know.

11:12:18 12 MR. MATIASIC: Tim, we've been going an hour  
11:12:21 13 plus. Do you want to take a break?

11:12:23 14 MR. HALE: Whenever you're ready. Yeah.

15 MR. MATIASIC: Let's take five minutes.

11:12:30 16 THE VIDEOGRAPHER: We're off the record at  
11:12:31 17 11:13 a.m.

11:34:27 18 (Recess).

11:34:35 19 THE VIDEOGRAPHER: We are back on the record  
11:34:37 20 at 11:35 a.m.

11:34:43 21 BY MR. HALE:

11:34:45 22 Q Father I just want to ask you a few more  
11:34:47 23 questions about Father Lyons.

11:34:52 24 When you became aware of Father Lyon's conduct  
11:34:56 25 at Mission San Luis Rey, did you report that to anyone?



11:35:01 1 A No.

11:35:02 2 Q Why not?

11:35:03 3 MR. MATIASIC: Argumentative.

11:35:11 4 THE WITNESS: We didn't -- we didn't think of

11:35:16 5 it as -- well, I don't know how to put it because it

11:35:21 6 just didn't occur to me.

11:35:22 7 BY MR. HALE:

11:35:23 8 Q To your knowledge, did you have any

11:35:25 9 obligation, any reporting obligation, if you received

11:35:27 10 word of misconduct such as that by Father Lyons?

11:35:32 11 MR. HANCE: Vague and ambiguous.

11:35:35 12 MR. MATIASIC: Lacks foundation.

11:35:38 13 THE WITNESS: No.

11:35:39 14 BY MR. HALE:

15 Q Okay.

11:35:39 16 Do you know if anyone from the Province

11:35:40 17 reported Father Lyons's conduct to a member of the

11:35:48 18 Franciscan hierarchy?

11:35:48 19 A No.

11:35:48 20 Q Do you know whether there was any report made

11:35:50 21 to law enforcement?

11:35:52 22 A No.

11:35:53 23 Q Okay. How -- go ahead. Did you have

11:35:57 24 something else?

11:35:58 25 A Well, "do you know?" I mean, my answer is no,

11:36:01 1 I don't know. Not, no, he wasn't reported.

11:36:07 2 Q Okay.

11:36:07 3 You testified that while you were on the  
11:36:12 4 Definitorium, it was Father [REDACTED] who was the  
11:36:16 5 Provincial for those three years.

11:36:17 6 A I believe so, yes.

11:36:18 7 Q You're pretty confident about that, that  
11:36:21 8 [REDACTED] was the Provincial?

11:36:22 9 A Yes, uh-huh.

11:36:23 10 Q Do you recall who succeeded Father [REDACTED] as a  
11:36:28 11 Provincial?

11:36:31 12 A Father [REDACTED].

11:36:31 13 Q Okay.

11:36:31 14 Do you recall how long Father [REDACTED] served as  
11:36:37 15 Provincial? Was it just a three-year term, or could it  
11:36:39 16 be a six-year term?

11:36:41 17 A I believe it was [REDACTED].

11:36:42 18 Q Okay.

11:36:46 19 While you were on the Definitorium, do you  
11:36:49 20 recall there being any discussions of legal matters  
11:36:52 21 affecting the Province?

11:36:55 22 MR. HANCE: Vague and ambiguous.

11:36:55 23 MR. MATIASIC: Outside of any time where the  
11:36:57 24 attorney was present.

11:36:59 25 ///

11:36:59 1 BY MR. HALE:

11:36:59 2 Q Well, let me ask you that.

11:37:01 3 Were there any Definitorium meetings where  
11:37:04 4 general counsel for the Franciscans was present?

11:37:08 5 A What do you mean by the general counsel?

11:37:12 6 MR. MATIASIC: How about a lawyer?

11:37:14 7 MR. HALE: Sure.

8 BY MR. HALE:

11:37:14 9 Q Were there any instances where an attorney was  
10 present during a Definitorium meeting? Not a Canon Law  
11:37:19 11 lawyer, but an actual lawyer licensed to practice law in  
11:37:20 12 California.

11:37:21 13 A I don't believe so, no.

11:37:24 14 MR. MATIASIC: Well --

11:37:25 15 BY MR. HALE:

11:37:27 16 Q Okay.

11:37:31 17 During your time in the Definitorium, was  
11:37:33 18 there any discussion of legal matters amongst the  
11:37:38 19 Definitorium and the Provincial?

11:37:42 20 MR. HANCE: Vague and ambiguous.

11:37:42 21 THE WITNESS: What do you mean by legal  
11:37:43 22 matters?

11:37:44 23 BY MR. HALE:

11:37:45 24 Q Well, it could be the negotiation of a  
11:37:48 25 contract. It could be a lawsuit against the Province.

11:37:50 1 Anything like that.

11:37:52 2 MR. MATIASIC: I think it's overbroad, too. I  
11:37:54 3 mean, if they had a contract for who was going to come  
11:37:57 4 and paint the Friar house, I don't think that's relevant  
11:38:03 5 to this case.

11:38:04 6 MR. HALE: Okay.

7 BY MR. HALE:

11:38:04 8 Q You can answer.

11:38:05 9 A I don't recall.

11:38:06 10 Q Do you recall there being any discussions of  
11:38:08 11 claims of abuse by the Franciscan Friars while you were  
11:38:10 12 on the Definitorium?

11:38:12 13 A No, I don't recall.

11:38:14 14 Q Do you recall there being any discussions of  
11:38:16 15 allegations of sexual abuse by Franciscan Friars while  
11:38:20 16 you were on the Definitorium?

11:38:21 17 A No, I don't recall.

11:38:23 18 Q Do you recall there being any discussions of  
11:38:26 19 reassigning a Franciscan who was causing some sort of  
11:38:30 20 problem at his current assignment --

11:38:33 21 MR. MATIASIC: Vague and ambiguous.

22 BY MR. HALE:

11:38:34 23 Q While you were on the Definitorium?

11:38:36 24 MR. MATIASIC: Sorry, Counsel.

11:38:37 25 MR. HALE: Sure.

11:38:38 1 MR. MATIASIC: Vague and ambiguous.

11:38:39 2 THE WITNESS: No, I don't recall.

11:38:41 3 BY MR. HALE:

11:38:41 4 Q Okay.

11:38:47 5 Do you know [REDACTED]?

11:38:48 6 A Hum?

11:38:49 7 Q Do you know [REDACTED]?

11:38:53 8 MR. MATIASIC: He's already testified that he  
11:38:55 9 lives with him.

11:38:56 10 THE WITNESS: We live together.

11:38:57 11 BY MR. HALE:

11:38:59 12 Q Right. Sorry about that.

11:39:00 13 Have you ever been assigned anywhere with

11:39:02 14 Father [REDACTED]?

11:39:04 15 A You mean before now?

11:39:08 16 Q Before St. Joseph's.

11:39:10 17 A No.

11:39:15 18 Q When you were on the faculty at St. Anthony's  
11:39:19 19 seminary -- well, let me ask you this: When you arrived  
11:39:21 20 at the faculty of St. Anthony's seminary, was there much  
11:39:26 21 interaction between priests at St. Anthony's and priests  
11:39:30 22 in the Santa Barbara community?

11:39:43 23 A Priests -- I don't think there was a lot.

11:39:45 24 Q When there was, when would it come up? When  
11:39:48 25 would it occur?

11:39:52 1 A I can't recall specifically.

11:39:54 2 Q Okay.

11:39:55 3 Did you perform -- did you assist at any  
11:39:58 4 parishes in Santa Barbara while you were on the faculty  
11:40:02 5 at St. Anthony's seminary?

11:40:07 6 A I can't recall.

11:40:08 7 Q Okay.

11:40:09 8 What about when you returned and then became  
11:40:13 9 part of the faculty for the School of Theology, did you  
11:40:16 10 assist at any parishes in Santa Barbara during that time  
11:40:19 11 period?

11:40:24 12 A I think I did at one parish Lolita. I -- I  
11:40:31 13 can't remember the name of the parish.

11:40:33 14 Q St. Raphael's?

11:40:34 15 A Yes, I think so.

11:40:36 16 Q Okay.

11:40:36 17 What years did you assist at St. Raphael's?

11:40:40 18 A I don't recall.

11:40:40 19 Q And how long often did you assist at  
11:40:43 20 St. Raphael's?

11:40:44 21 A Rarely.

11:40:45 22 Q Okay.

11:40:45 23 When you did assist at St. Raphael's, how did  
11:40:48 24 that come about? Would the Guardian contact you and  
11:40:52 25 tell you they needed assistance, or would the parish

11:40:54 1 Pastor call you directly? How did that happen?

11:40:57 2 A It would have been through the Guardian.

11:41:02 3 Q Okay.

11:41:05 4 Do you recall there being any sort of the

11:41:08 5 monthly meetings for priests in Santa Barbara?

11:41:09 6 A No.

11:41:12 7 Q Did you ever attend any deanery meetings?

11:41:18 8 A No.

11:41:20 9 Q Did you know a priest namer Father Mathew

11:41:24 10 Kelly, a Diostin priest?

11:41:32 11 A I don't recall.

11:41:32 12 Q Does the name sound familiar to you at all?

11:41:40 13 A It's a rather common name. Slightly familiar.

11:41:48 14 Q Did you ever spend any time at Our Lady of

11:41:50 15 Guadalupe in Santa Barbara?

11:41:53 16 A I used to hear confessions of the nuns there,

11:41:58 17 yes. The Spanish-speaking nuns.

11:42:02 18 Q Do you recall what Order those nuns were with?

11:42:08 19 A No, I don't recall.

11:42:24 20 Q Do you recall ever being aware that

11:42:26 21 Father David Temple was performing work with or for the

11:42:30 22 Servants of the Paraclete?

11:42:33 23 A What is that again? Pardon. Once again?

11:42:35 24 Q Do you recall being aware that

11:42:37 25 Father David Temple was performing work either with or

11:42:41 1 for the Servants of the Paraclete?

11:42:44 2 A No, I don't recall.

11:42:46 3 Q Are you familiar with the Servants of the  
11:42:49 4 Paraclete?

11:42:49 5 A Somewhat.

11:42:50 6 Q How are you familiar with them?

11:42:54 7 A Well, I believe that it's a place where  
11:43:05 8 priests are sent at times but --

11:43:12 9 Q Do you know for what purposes?

11:43:16 10 A Yes, I think -- I'm not sure of all the  
11:43:23 11 purposes.

11:43:26 12 Q Do you know if priests are sent to the  
11:43:29 13 Servants of the Paraclete or ever were sent to the  
11:43:32 14 Servants of the Paraclete for treatment for some sort of  
11:43:36 15 sexual problems?

11:43:37 16 A I presume they were. Yes, I believe so. Yes.

11:43:40 17 Q When did you first become aware of that?

11:43:42 18 A Oh, I have no idea. No, I don't know.

11:43:48 19 Q Do you think it was a recent awareness or  
11:43:50 20 something that you learned back in the '60s or the '70s  
11:43:53 21 or the '80s, for that matter?

11:43:57 22 A I don't know the decade, but it was -- it  
11:44:03 23 would have been some years ago.

11:44:05 24 Q Okay.

11:44:09 25 Do you recall how you first heard of the



11:44:12 1 Servants of the Paraclete?

11:44:14 2 A No, I cannot recall.

11:44:15 3 Q Do you know anybody whose been sent to the

11:44:19 4 Servants of the Paraclete?

11:44:20 5 A I can't recall anyone.

11:44:21 6 Q Okay.

11:44:21 7 Are you familiar with a facility called

11:44:28 8 Hazeldon, H-a-z-e-l-d-o-n?

11:44:28 9 A No, I'm not.

11:44:38 10 Q Are you aware of treatment centers other than

11:44:40 11 the Servants of the Paracletes for priests with sexual

11:44:45 12 problems?

11:44:45 13 A No, I'm not.

11:44:50 14 Q Have you ever heard of the House of

11:44:51 15 Affirmation?

11:44:55 16 A I heard the name, but I don't know anything

11:44:58 17 about it.

11:44:58 18 Q What about St. Luke in Maryland?

11:45:02 19 A No, I haven't.

11:45:14 20 Q When did you first -- I assume you've met

11:45:17 21 Mario Cimmarrusti?

11:45:19 22 A Yes.

11:45:20 23 Q When did you first meet him?

11:45:30 24 A Would have been when I was at the Old Mission,

11:45:33 25 Santa Barbara.

11:45:33 1 Q Was he a student of yours?

11:45:35 2 A I don't think so.

11:45:38 3 Q Did you meet him while he was on the faculty  
11:45:41 4 at St. Anthony's seminary?

11:45:45 5 A I believe so.

11:46:00 6 Q Was Father Cimmarrusti a student of yours  
11:46:03 7 while you were on the faculty at St. Anthony's seminary?

11:46:07 8 A No.

11:46:07 9 Q So you don't think he ever studied under you;  
11:46:10 10 is that correct?

11:46:10 11 A Hum?

11:46:11 12 Q You don't believe he --

11:46:12 13 A I don't believe he ever studied under me.

11:46:15 14 Q Okay.

11:46:16 15 How did you meet him while you were at the Old  
11:46:19 16 Mission, Santa Barbara?

11:46:22 17 A Well, I knew he was over there, but I can't  
11:46:25 18 recall any specific instance where I actually met him or  
11:46:30 19 talked to him.

11:46:32 20 Q Did you socialize with him during the time you  
11:46:34 21 were on the faculty at the Old --

11:46:38 22 A Not really, no.

11:46:46 23 Q Other than during the time when you were at  
11:46:48 24 the Mission and he was at St. Anthony's, have you ever  
11:46:51 25 been assigned anywhere with Father Cimmarrusti?

11:46:54 1 A No.

11:46:54 2 Q Have you ever been in residence anywhere with

11:46:57 3 Father Cimmarrusti?

11:46:58 4 A No.

11:47:03 5 Q Do you consider yourself friends with Father

11:47:09 6 Cimmarrusti?

11:47:09 7 A All Franciscans are friends of each other --

11:47:11 8 Q Okay.

11:47:12 9 A -- practically. But nothing -- no. Nothing

11:47:15 10 special, no.

11:47:16 11 Q When was the last time you spoke with

11:47:18 12 Father Cimmarrusti?

11:47:23 13 A I don't recall.

11:47:26 14 Q Have you ever observed any behavior by

11:47:28 15 Father Cimmarrusti that you thought was inappropriate?

11:47:32 16 MR. MATIASIC: Vague and ambiguous.

11:47:35 17 MR. HANCE: Vague and --

11:47:36 18 THE WITNESS: Well, no.

11:47:37 19 BY MR. HALE:

11:47:38 20 Q Okay.

11:47:38 21 Have you ever heard anyone say they observed

11:47:41 22 behavior by Father Cimmarrusti that they thought was

11:47:43 23 inappropriate?

11:47:44 24 A No.

11:47:44 25 Q Have you ever heard any complaints of

11:47:48 1 misconduct by Father Cimmarrusti?

11:47:50 2 MR. MATIASIC: Vague and ambiguous.

11:47:51 3 BY MR. HALE:

11:47:52 4 Q Misconduct by Father Cimmarrusti.

11:47:56 5 A No, no.

11:47:59 6 Q Have you ever been aware of complaints of  
11:48:02 7 misconduct directed against Father Cimmarrusti?

11:48:06 8 MR. MATIASIC: Same objection.

11:48:07 9 THE WITNESS: No.

11:48:08 10 BY MR. HALE:

11:48:08 11 Q Have you ever supervised Father Cimmarrusti  
11:48:10 12 anywhere?

11:48:11 13 A No.

11:48:12 14 Q Have you ever evaluated his candidacy for the  
11:48:15 15 priesthood?

11:48:16 16 A His what?

11:48:18 17 Q His candidacy for the priesthood.

11:48:20 18 A Not that I know of, no.

11:48:28 19 Q Have you ever heard that Father Cimmarrusti  
11:48:30 20 has a drinking problem?

11:48:32 21 A No.

11:48:43 22 Q Aside from your attorneys, have you ever heard  
11:48:47 23 allegations of childhood sexual abuse by -- against  
11:48:53 24 Father Cimmarrusti?

11:48:56 25 MR. MATIASIC: Counsel, have you ever heard of

11:48:57 1 allegations or heard the allegations?

11:49:01 2 MR. HALE: Heard of.

11:49:04 3 MR. MATIASIC: Other than anything you learned  
11:49:05 4 from your attorneys.

11:49:08 5 THE WITNESS: Yes. Recently.

11:49:09 6 BY MR. HALE:

11:49:09 7 Q Okay.

11:49:09 8 When did you hear those?

11:49:13 9 A Oh, I became aware that there were these  
11:49:15 10 allegations only in the last -- I'm not sure. Maybe the  
11:49:21 11 last five years.

11:49:24 12 Q Do you recall who told you about those  
11:49:25 13 allegations or how you became aware of those  
11:49:27 14 allegations?

11:49:28 15 MR. MATIASIC: Other than anything you've  
11:49:30 16 learned from your attorneys.

11:49:31 17 THE WITNESS: No, I don't recall.

11:49:33 18 BY MR. HALE:

11:49:34 19 Q Have you ever visited Franciscan-run or owned  
11:49:39 20 properties in Guymas Mexico?

11:49:48 21 A Yes.

11:49:49 22 Q When did you do that?

11:49:49 23 A You know, I don't recall exactly. I -- yeah.  
11:49:53 24 Presumably, when I was at the Definitior.

11:49:56 25 Q And did you visit in your capacity as a

11:50:00 1 Definitor?

11:50:01 2 A I don't recall.

11:50:01 3 Q What was the purpose of your visit?

11:50:04 4 A I don't recall.

11:50:05 5 Q Did you visit with someone -- any other

11:50:08 6 Franciscans?

11:50:09 7 A Hum?

11:50:10 8 Q Did you make the trip with any other

11:50:12 9 Franciscans?

11:50:13 10 A I don't think so.

11:50:15 11 Q Okay.

11:50:16 12 While you were there, did you visit with any

11:50:18 13 Franciscans who were assigned in Guymas?

11:50:20 14 A Yes.

11:50:21 15 Q Who?

11:50:23 16 A All of them.

11:50:24 17 Q Okay.

11:50:26 18 Which? Who were they?

11:50:28 19 A The one only I recall -- what's his name? I

11:50:34 20 recall --

11:50:35 21 Q Was there a Brother [REDACTED] there while you

11:50:38 22 were there?

11:50:38 23 A Yes.

11:50:39 24 Q [REDACTED]?

11:50:41 25 A Yes.

11:50:42 1 Q [REDACTED]?

11:50:42 2 A Um-hmm.

11:50:43 3 Q And do you know where he's assigned now?

11:50:45 4 A No.

11:50:46 5 Q Do you know how old he is?

11:50:48 6 A No.

11:50:48 7 Q Can you estimate how old he is now?

11:50:52 8 A In his seventies.

11:50:54 9 Q Okay.

11:50:54 10 Do you know if he's still in Guymas?

11:50:57 11 A I know he's not in Guymas.

11:50:59 12 Q Okay.

11:51:01 13 Do you know if he's in California?

11:51:05 14 A I don't know where he is right now.

11:51:08 15 Q Okay.

11:51:09 16 And when you visited Guymas, did you visit a

11:51:13 17 parish there, or did you visit an orphanage there? What

11:51:17 18 did you visit?

11:51:19 19 A Mainly the parish.

11:51:20 20 Q Did you spend any time at the orphanage?

11:51:25 21 A I believe an hour or so.

11:51:27 22 Q Okay.

11:51:28 23 And who was -- do you recall who was running

11:51:30 24 the orphanage or who --

11:51:32 25 A [REDACTED].

11:51:34 1 Q Were there any nuns assisting in running that  
11:51:36 2 orphanage?

11:51:38 3 A I don't remember.

11:51:40 4 Q Do you believe he was running that orphanage  
11:51:42 5 by himself, Brother [REDACTED] that is?

11:51:48 6 A No. I don't know, but I -- yeah, I don't  
11:51:52 7 recall that.

11:51:55 8 Q Have you ever been aware of Franciscans  
11:51:57 9 bringing orphans from Mexico to families in the United  
11:52:02 10 States?

11:52:02 11 A No.

11:52:02 12 Q Have you ever heard of anything like that?

11:52:04 13 A No.

11:52:20 14 Q Is there more than one orphanage owned or one  
11:52:24 15 run by the Province in Guymas?

11:52:26 16 A I have no idea.

11:52:28 17 Q You only visited that one?

11:52:30 18 A Yes.

11:52:32 19 Q Okay.

11:52:48 20 What year were you the Master of Clerics?

11:52:52 21 A I'm not sure of the actual years.

11:52:54 22 Q But it was while you were at San Luis Rey?

11:52:58 23 A No. Santa Barbara.

11:53:01 24 Q Okay.

11:53:01 25 And what were your duties as Master of



11:53:05 1 Clerics?

11:53:06 2 A It's similar to as I mentioned Prefect of  
11:53:10 3 Discipline.

11:53:10 4 Q Okay. So what did that include?

11:53:16 5 A Giving permissions for various things or  
11:53:21 6 denying permission.

11:53:23 7 Q What kind of things?

11:53:24 8 A To go out. Well, to leave the premises or to  
11:53:31 9 watch a football game. A thousand things.

11:53:35 10 Q So if a student wanted to leave the campus, he  
11:53:39 11 would have to come to you and ask for permission?

11:53:42 12 A Yes.

11:53:42 13 Q And if the student wanted to watch -- was it a  
11:53:45 14 football game? -- he'd have to ask you for permission?

11:53:49 15 A Outside of the normal -- the time allotted,  
11:53:52 16 yes.

17 Q Okay.  
11:53:52 18 Did you ever have to punish any students while  
11:53:55 19 you were the Master of Clerics?

11:53:57 20 A Yes.

11:53:58 21 Q And what kind of punishment did you mete out?

11:54:02 22 A Well, that was -- it was I caught two of them  
11:54:05 23 watching -- that were watching a football, or I guess a  
11:54:09 24 football game without permission, and the punishment was  
11:54:14 25 they could not watch the -- what do you call it? -- the

11:54:21 1 Super Bowl.

11:54:23 2 Q That's brutal.

11:54:28 3 A It was, yeah.

11:54:30 4 Q Did you catch them watching at the school?

11:54:33 5 A Yes.

11:54:34 6 Q Is that the only time you've ever disciplined  
11:54:37 7 students while you were Master of Clerics?

11:54:38 8 A The only time I can remember.

11:54:45 9 Q Was there any kind of guide book for you  
11:54:47 10 regarding your duties as Master of Clerics?

11:54:49 11 A No.

11:54:50 12 Q No rules of any sort?

11:54:52 13 A Not that I know of.

11:54:53 14 Q Okay.

11:54:54 15 Were there any approved methods of punishment  
11:54:57 16 for a Master of Clerics?

11:55:00 17 MR. HANCE: Vague and ambiguous.

11:55:01 18 THE WITNESS: Nothing that I know. Nothing  
11:55:03 19 specific or explicit.

11:55:05 20 BY MR. HALE:

11:55:06 21 Q Were there any methods of punishment that were  
11:55:09 22 disapproved of by the Province with regard to the Master  
11:55:12 23 of Clerics?

11:55:13 24 MR. MATIASIC: Same objection.

11:55:14 25 THE WITNESS: You mean officially? Not that I

11:55:19 1 know of.

2 BY MR. HALE:

11:55:20 3 Q Okay. What about unofficially?

11:55:22 4 MR. MATIASIC: Same objection.

11:55:28 5 THE WITNESS: Well, it seemed it was accepted

11:55:31 6 by everyone that there was no physical discipline once

11:55:35 7 they were members of the Order.

8 BY MR. HALE:

11:55:37 9 Q Okay. All right.

11:55:37 10 Was it acceptable for there to be physical

11:55:41 11 discipline before the candidate became a member of the

11:55:45 12 Order?

11:55:46 13 MR. MATIASIC: Acceptable to whom? To him?

11:55:48 14 To the Province?

11:55:49 15 MR. HALE: The Province.

11:55:50 16 THE WITNESS: I can't say that either. I

11:55:51 17 don't think so.

18 BY MR. HALE:

11:55:52 19 Q But it seemed like you were drawing a line

11:55:55 20 between --

11:55:56 21 A Yes, uh-huh.

11:55:57 22 Q -- crossing over to becoming a member versus

11:56:00 23 not being a member.

11:56:01 24 Why did you draw that line?

11:56:03 25 A Remember, I mentioned the discipline in the

11:56:05 1 minor seminary that one occasion.

11:56:09 2 Q By Father Gander?

11:56:12 3 A Yes.

11:56:12 4 Q Okay.

11:56:13 5 A Perhaps that's where or why, but that's the  
11:56:16 6 only occasion I know of.

11:56:17 7 Q Okay.

11:56:18 8 Were you ever a party of any discussions by  
11:56:22 9 faculty at St. Anthony's seminary or the School of  
11:56:25 10 Theology regarding corporal punishment of a student?

11:56:32 11 A I don't think so, no.

11:56:34 12 Q When I refer to corporal punishment, what do  
11:56:37 13 you understand that to mean?

11:56:38 14 A Well, physical bodily punishment.

11:56:41 15 Q Like what Father Gander did?

11:56:43 16 A Presumably.

11:56:45 17 Q Okay.

11:56:45 18 Were you ever a party to any discussions with  
11:56:48 19 any Franciscans whether corporal punishment was  
11:56:52 20 appropriate for students?

11:56:53 21 MR. MATIASIC: Overbroad.

11:56:54 22 THE WITNESS: I don't think so, no.

11:56:57 23 BY MR. HALE:

11:56:57 24 Q Okay.

11:56:57 25 Have you ever heard that there was a

11:56:58 1 discussion about the appropriateness of corporal

11:57:02 2 punishment of students?

11:57:08 3 MR. HANCE: Vague and ambiguous.

11:57:09 4 MR. MATIASIC: By any members of the Province

11:57:13 5 between and amongst themselves?

11:57:13 6 MR. HALE: Yes.

7 MR. MATIASIC: Overbroad.

11:57:14 8 THE WITNESS: I don't think so.

11:57:17 9 BY MR. HALE:

11:57:17 10 Q Okay.

11:57:18 11 So the only basis for you to say that there is

11:57:20 12 a difference between whether it's appropriate to use

11:57:23 13 physical punishment for a member of the Order versus a

11:57:26 14 non-member is that one incident with Father Gander?

11:57:31 15 MR. MATIASIC: That misstates his testimony.

11:57:33 16 THE WITNESS: I presume so. I think so, yeah.

17 BY MR. HALE:

18 Q Okay.

11:57:38 19 And what I'm asking you is there any other

11:57:39 20 basis for you to make a distinction?

11:58:12 21 A No.

22 Q Okay.

11:58:14 23 Did you know Father Dave Johnson?

11:58:16 24 A Yes.

11:58:16 25 Q Were you ever assigned anywhere with him?

11:58:19 1 A No.

11:58:19 2 Q Were you ever in residence anywhere with him?

11:58:22 3 A No.

11:58:23 4 Q When did you first meet him?

11:58:28 5 A I can't recall.

11:58:28 6 Q Was he a student of yours?

11:58:30 7 A I don't think so.

11:58:35 8 Q Did you ever evaluate him as a priest

11:58:39 9 candidate?

11:58:42 10 A I don't recall.

11:58:43 11 Q Did you ever evaluate him for anything?

11:58:46 12 A I don't think so.

11:58:47 13 Q Do you recall ever supervising Father Johnson?

11:58:51 14 A I did not. I don't -- no, I did not supervise

11:58:54 15 him.

11:58:55 16 Q Have you ever disciplined Father Johnson?

11:58:57 17 A I have never disciplined him.

11:59:00 18 Q Have you ever spoken with anyone who evaluated

11:59:03 19 his performance as a priest candidate?

11:59:06 20 MR. MATIASIC: That he knows of whether or not

11:59:09 21 they evaluated the performance?

11:59:11 22 MR. HALE: No. Has he ever spoken with

11:59:13 23 anyone.

11:59:14 24 THE WITNESS: I don't recall.

11:59:19 25 ///

11:59:19 1 BY MR. HALE:

11:59:20 2 Q Have you ever heard that he's been accused of  
11:59:23 3 childhood sexual abuse?

11:59:28 4 MR. MATIASIC: Other than from your attorneys.

11:59:30 5 THE WITNESS: I've heard that he was accused  
11:59:32 6 of some kind of sexual fault.

11:59:35 7 BY MR. HALE:

11:59:36 8 Q When did you hear that?

11:59:37 9 A I can't recall.

11:59:38 10 Q Was it within the last five years or more  
11:59:41 11 distant?

11:59:43 12 A Probably the last five years.

11:59:44 13 Q Okay.

11:59:44 14 Do you remember how you heard that?

11:59:46 15 A No, I do not recall.

11:59:48 16 Q What about Father David Carriere? Did you  
11:59:51 17 know him?

11:59:52 18 A Yes, I knew him.

11:59:53 19 Q Okay. When did you first meet him?

12:00:01 20 A I don't recall.

12:00:02 21 Q Have you ever been assigned anywhere with him?

12:00:11 22 A I don't believe so.

12:00:12 23 Q Were you ever in residence anywhere with him?

12:00:15 24 A I don't believe so.

12:00:16 25 Q Was he ever one of your students?

12:00:19 1 A I don't recall. I don't recall.

12:00:22 2 Q Okay. Let me see if I can refresh your  
12:00:25 3 recollection.

12:00:25 4 A Because I -- oh, yeah. Well --

12:00:44 5 Q I'll pass this to your attorney. If you could  
12:00:46 6 just take a look at that Father, and once you're done  
12:00:49 7 reading that, just let me know.

12:00:51 8 We'll mark this as Exhibit 1 to the  
12:00:53 9 deposition, and there's a Bate's stamp at the bottom  
12:00:56 10 that I believe is -- it's OFM CARR 1, and then the  
12:01:01 11 number is 15 below that, and it's a document dated June.

12:01:04 12 A Oh, yeah. That's right.

12:01:09 13 MR. MATIASIC: There's no question pending.

12:01:09 14 MR. HALE: It's a document dated June 20th,  
12:01:11 15 1963. And it's appears to be signed by Father

12:01:17 16 [REDACTED].

17 BY MR. HALE:

12:01:18 18 Q Are you ready?

12:01:19 19 A Hum?

12:01:19 20 Q Do you recognize this document?

12:01:21 21 A Oh, yeah. I don't recognize the document. I  
12:01:23 22 recognize my signature.

12:01:25 23 Q Okay.

12:01:25 24 So what -- do you know -- can you tell me just  
12:01:27 25 by looking at this document what year in the process of



12:01:31 1 becoming a Franciscan this is for Father Carriere?

12:01:43 2 A It would -- I don't remember exactly what  
12:01:45 3 year. Towards the end of his studies as a theological  
12:01:56 4 studies.

12:01:57 5 Q Okay. So it probably would have been in his  
12:02:03 6 third or fourth year at the School of Theology?

12:02:06 7 A Probably around the end of the third year or  
12:02:09 8 approximately. That's towards the end of the third  
12:02:11 9 year. I just don't recall.

12:02:13 10 Q Okay. Does this refresh your recollection at  
12:02:17 11 all as to whether or not you evaluated his candidacy?

12:02:20 12 A Not really. I just don't -- I don't -- I see  
12:02:26 13 now, but I don't recall having -- I can't recall having  
12:02:32 14 evaluated him. I must have done so, but I don't recall.

12:02:36 15 Q Okay. Do you know who Father Thomas Edwards  
12:02:39 16 is?

12:02:40 17 A Who?

12:02:41 18 Q Father Thomas Edwards. There's a name written  
12:02:44 19 about halfway down.

12:02:48 20 A No, I don't --

12:02:50 21 Q Okay.

12:02:50 22 A -- know him.

12:02:51 23 Q Okay. Do you see the initials JM JF?

12:02:55 24 A Yes.

12:02:56 25 Q Do you know who that is?

12:02:57 1 A That's Jesus, Mary, Joseph, Francis.  
2 Q Thanks.  
12:03:05 3 Why would they place those initials at the end  
12:03:08 4 of that little note at the top of the page?  
12:03:10 5 MR. MATIASIC: Calls for speculation.  
12:03:11 6 BY MR. HALE:  
12:03:12 7 Q Do you know?  
12:03:13 8 A It was not meant at the end of the note. It  
12:03:15 9 was usually put at the top of the page.  
12:03:18 10 Q Oh. I got that.  
12:03:18 11 A As a dedication to Jesus, Mary, Joseph, and  
12:03:24 12 Francis.  
12:03:24 13 Q Okay. All right.  
12:03:30 14 So let's mark this as Exhibit 1.  
15 (Exhibit 1 marked)  
16 BY MR. HALE:  
12:03:58 17 Q I'm going to give you a document we'll mark  
12:04:00 18 this as Exhibit 2. It is Bated OFM CARR 1 0021, and  
12:04:06 19 it's only partially legible. It appears to be titled  
12:04:11 20 "Oath Before Subdiaconate." If you could just take a  
12:04:16 21 look at that and try and see if you can read that or  
12:04:28 22 not.  
12:04:29 23 A This is very difficult.  
12:04:35 24 Q I agree.  
12:04:40 25 A Probably has to do with the obligation of

12:04:43 1 celibacy.

12:04:43 2 Q Okay.

12:05:26 3 Do you recall Father Carriere having to take  
12:05:30 4 this oath before you?

12:05:35 5 A I would not -- I don't really recall it. I  
12:05:39 6 don't remember it having happened, but I presume it did.

12:05:42 7 Q Okay. Was Father Peterson on the faculty with  
12:05:45 8 you at the School of Theology?

12:05:48 9 A I don't believe so.

12:05:49 10 Q What was his position there?

12:05:51 11 A Probably a student.

12:05:53 12 Q Okay. What about Joseph Procknow?

12:05:57 13 A Probably a student.

12:06:00 14 Q In order for them to be students but have the  
12:06:03 15 title -- looks like they both have the title Father. Is  
12:06:07 16 that -- do you agree with that?

12:06:09 17 A Could be Frater which means Brother.

12:06:14 18 Q Okay. But I'm not trying to argue with you,  
12:06:16 19 but don't you have Fr. preceding your signature as well?

12:06:20 20 A Yes.

12:06:21 21 MR. MATIASIC: The document speaks for itself,  
12:06:24 22 Counsel. It says Fr. He says it could be Frater. It  
12:06:28 23 could be Father.

12:06:28 24 THE WITNESS: Could be either.

12:06:28 25 ///

12:06:28 1 BY MR. HALE:

12:06:28 2 Q So sometimes you could use Fr. to refer to a  
12:06:32 3 priest, and you could used Fr. to refer to a Frater?

12:06:36 4 A I believe so.

12:06:37 5 Q What about, do you recall Father Procknow?

12:06:41 6 A Yes.

12:06:41 7 Q Did he study under you?

12:06:43 8 A Hum? Pardon?

12:06:43 9 Q Did he study under you?

12:06:45 10 A There -- I believe he did, or my memory of my  
12:06:48 11 former students is very vague. I can't recall too many  
12:06:52 12 of them, but I believe he did.

12:06:56 13 Q Okay.

12:06:57 14 Did you ever evaluate his candidacy for the  
12:07:01 15 priesthood?

12:07:02 16 A Probably.

12:07:04 17 Q Do you recall evaluating his candidacy for the  
12:07:08 18 priesthood?

12:07:08 19 A No, I don't recall.

12:07:09 20 Q Do you recall having any misgivings about his  
12:07:11 21 candidacy for the priesthood?

12:07:13 22 A No, I don't recall.

12:07:14 23 Q Do you recall anyone raising any concerns  
12:07:16 24 about his candidacy the priesthood?

12:07:18 25 A No, I don't recall.

12:07:19 1 Q Have you ever heard that Father Procknow has  
12:07:22 2 been accused of childhood sexual abuse?

12:07:27 3 MR. HALE: Other than from your attorneys.

4 BY MR. HALE:

5 Q Other than from your attorneys.

12:07:29 6 A Yes.

12:07:30 7 Q How did you hear that?

12:07:31 8 A He himself admitted it publically.

12:07:35 9 Q When did that happen?

12:07:37 10 A San Juan Baptiste.

12:07:38 11 Q And were you present for that admission?

12:07:41 12 A Yes.

12:07:41 13 Q And what year was that?

12:07:43 14 A I'm not sure. Early 1990's.

12:07:56 15 Q Was that before or after the -- do you know  
12:08:00 16 what the Board of Inquiry is?

12:08:03 17 A After.

12:08:05 18 MR. MATIASIC: Well, he asked you a question,  
12:08:07 19 Father, whether you knew what the Board of Inquiry is.

12:08:11 20 THE WITNESS: Oh, do I know what the Board of  
12:08:13 21 Inquiry is? I believe so.

12:08:14 22 BY MR. HALE:

12:08:14 23 Q Okay.

12:08:14 24 And you believe that admission took place  
12:08:17 25 after the Board issued its final report?

12:08:21 1 A Yes.

12:08:21 2 Q And was this at a retreat in San Juan Baptiste  
12:08:26 3 where he admitted --

12:08:28 4 A It was a gathering of Franciscans.

12:08:30 5 Q Okay.

12:08:30 6 Was it a gathering organized by the -- do you  
12:08:33 7 know what the IRT is?

12:08:36 8 A The what?

12:08:36 9 Q The Independent Response Team.

12:08:38 10 A No.

12:08:39 11 Q Did any other Franciscans admit to abuse at  
12:08:42 12 that meeting?

12:08:43 13 A No.

12:08:43 14 Q How was it that Father Procknow came to admit  
12:08:47 15 to that abuse?

12:08:48 16 A We were -- all of us speaking about something  
12:08:54 17 that we were talking about giving different  
12:08:57 18 presentations, and he gave -- during his presentation,  
12:09:02 19 he asked a pardon of the Friars.

12:09:09 20 Q Did he state how many minors he had abused?

12:09:12 21 A No.

12:09:12 22 Q Did he discuss how many times he had abused --

12:09:15 23 A No.

12:09:16 24 Q Okay.

12:09:21 25 Did he state that the abuse that he was

12:09:23 1 admitting to took place at St. Anthony's seminary?

12:09:27 2 A No, I don't think so.

12:09:29 3 Q Have you ever been aware of where the abuse  
12:09:33 4 that he admitted to took place?

12:09:37 5 A Well, yes. I presume that, yes.

12:09:41 6 MR. HANCE: Don't presume, Father.

12:09:43 7 THE WITNESS: Don't presume. Okay. Yeah.

12:09:44 8 BY MR. HALE:

12:09:44 9 Q Have you ever learned of where his abuse took  
12:09:48 10 place? The abuse by him, I should say.

12:09:51 11 A Yes.

12:09:51 12 Q Where?

12:09:52 13 A I don't recall.

12:09:54 14 Q Okay.

12:10:08 15 And he was the only Friar at this meeting who  
12:10:11 16 stood up and admitted to an act of abuse?

12:10:14 17 MR. MATIASIC: Asked and answered.

12:10:15 18 THE WITNESS: Yes.

12:10:16 19 BY MR. HALE:

12:10:35 20 Q Do you know if anyone reported that admission  
12:10:37 21 to law enforcement from the Province? Let me strike  
12:10:40 22 that.

12:10:41 23 Do you know if anyone from the Province  
12:10:42 24 reported that admission to law enforcement?

12:10:45 25 A I don't know.

12:10:46 1 Q Did you report that admission to anyone?

12:10:49 2 A No.

12:10:52 3 Q Do you believe -- do you know whether you had  
12:10:57 4 -- do you believe you had a duty to report that  
12:10:58 5 admission to anyone?

12:11:00 6 MR. MATIASIC: Calls for a legal conclusion.

12:11:01 7 THE WITNESS: No.

12:11:04 8 BY MR. HALE:

12:11:05 9 Q Were there any discussions of whether  
12:11:08 10 Father Procknow's admission to your knowledge -- well,  
12:11:10 11 are you aware of there being any discussion to regarding  
12:11:14 12 reporting Father Procknow's admission?

12:11:17 13 A Pardon?

12:11:18 14 Q Are you aware of there being any discussions  
12:11:20 15 within the Province regarding a duty to report Father  
12:11:23 16 Procknow's admission?

12:11:24 17 A Not that, no.

12:11:26 18 Q When you're saying "not that," are you aware  
12:11:28 19 of there being any discussions to report Father  
12:11:32 20 Procknow's admission to anyone?

12:11:35 21 A No.

12:11:35 22 Q Are you aware of there being any discussions  
12:11:37 23 within the Province regarding a duty to report abuse by  
12:11:41 24 any Franciscan?

12:11:43 25 A No.



12:11:48 1 Q Do you recall there ever being a memorandum  
12:11:50 2 circulated within the Province regarding a duty to  
12:11:55 3 report suspicion of childhood sexual abuse?

12:11:59 4 A I don't recall, no.

12:12:00 5 Q Do you recall attending any meetings where  
12:12:02 6 there were discussions of duties on the part of anyone  
12:12:06 7 in the Province to report allegations of childhood  
12:12:10 8 sexual abuse?

12:12:11 9 MR. MATIASIC: This is at any time, Counsel?

12:12:15 10 MR. HALE: Yeah.

12:12:17 11 THE WITNESS: You mean among the Franciscans?

12:12:19 12 BY MR. HALE:

12:12:20 13 Q Yes.

12:12:23 14 A I can't recall right now.

12:12:29 15 Q Okay. All right.

12:12:29 16 So we'll attach this document as Exhibit 2.

17 (Exhibit 2 marked)

12:12:36 18 After hearing Father Procknow's admission in  
12:12:40 19 hindsight can you look back on his time as a candidate  
12:12:48 20 and -- well, strike that.

12:13:01 21 At some point did you recommend Father  
12:13:04 22 Procknow be allowed to become a priest?

12:13:13 23 MR. HANCE: Vague and ambiguous.

12:13:17 24 THE WITNESS: I don't recall how I decided.  
12:13:20 25 How I voted. Put it that way.

12:13:23 1 BY MR. HALE:

12:13:24 2 Q Okay. Do you think you would have voted -- do  
12:13:26 3 you think you would remember if you voted against him?

12:13:31 4 A I think I voted -- I voted for him, but I am  
12:13:37 5 not -- I can't recall specifically.

12:13:40 6 Q Do you recall ever having voted against any  
12:13:43 7 priests candidates?

12:13:45 8 A I don't recall.

12:13:45 9 Q Okay. But would that have been an unusual  
12:13:48 10 circumstance if that did happen?

12:13:53 11 A Well, I don't know what you mean by "unusual."

12:13:56 12 Q Well, something that didn't happen very often.

12:14:01 13 MR. MATIASIC: You mean for him?

12:14:03 14 MR. HALE: Yes.

12:14:04 15 MR. MATIASIC: Him not voting for a priest,  
12:14:05 16 whether that would be unusual?

12:14:07 17 MR. HALE: Right.

12:14:07 18 THE WITNESS: It didn't happen very often, no.

19 BY MR. HALE:

12:14:10 20 Q Did you attend faculty meetings at the  
12:14:14 21 Theologate regarding whether a candidate's -- regarding  
12:14:16 22 whether a candidate should be approved for the  
12:14:17 23 priesthood?

12:14:18 24 A Yes, yes.

12:14:19 25 MR. MATIASIC: Let him finish his question.

1 BY MR. HALE:

12:14:21 2 Q And do you recall there being discussions  
12:14:24 3 where objections were raised regarding a specific  
12:14:28 4 candidate's qualifications to continue on into the  
12:14:30 5 priesthood?

12:14:31 6 A Yes.

12:14:31 7 Q Was that a common occurrence or a uncommon  
12:14:34 8 occurrence?

12:14:35 9 MR. MATIASIC: Vague and ambiguous.

12:14:35 10 THE WITNESS: Not very common.

11 BY MR. HALE:

12:14:37 12 Q Okay. When objections were raised, what kind  
12:14:39 13 of objections do you recall hearing during those  
12:14:41 14 discussion amongst the faculty?

12:14:48 15 A I can't recall specifically.

12:14:50 16 Q Were there ever any objections raised that  
12:14:54 17 stopped a candidate's moving on into the priesthood?

12:15:00 18 A Yes.

12:15:00 19 Q Okay. Do you recall what those objections  
12:15:02 20 were?

12:15:05 21 A I recall one, a [REDACTED] and the other student  
12:15:18 22 for particular friendships. Friendship.

12:15:23 23 Q Okay. And what was the nature of the  
12:15:26 24 particular friendship?

12:15:29 25 A Forming a clique together and being together

12:15:32 1 too much.

12:15:33 2 Q Okay. And who were the people that were  
12:15:35 3 engaged in this particular friendship?

12:15:37 4 A One of them was [REDACTED]. I don't remember  
12:15:39 5 the other one's name.

12:15:40 6 Q Was the other one a candidate?

12:15:42 7 A They were both.

12:15:44 8 Q Okay.

12:15:45 9 A Students.

12:15:45 10 Q Do you recall if the other student was allowed  
12:15:49 11 to continue on and become a priest?

12:15:49 12 A I don't recall.

12:15:50 13 Q Okay. Did the candidate that -- was it [REDACTED]?  
12:16:13 14 I'm sorry. What was the name? [REDACTED]?

12:16:14 15 A [REDACTED]

16 Q [REDACTED]

12:16:16 17 Did he then leave the Order?

12:16:18 18 A Yes.

12:16:18 19 Q Do you recall what year that was?

12:16:22 20 A No.

12:16:25 21 Q And was it while you were in Santa Barbara?

12:16:28 22 A Yes.

12:16:29 23 Q Okay. Can you think of any other instances  
12:16:31 24 where a candidate's candidacy was, for lack of a better  
12:16:35 25 term, terminated?

12:16:38 1 A No.

12:16:41 2 Q Okay. Do you recall specific conduct between

12:16:44 3 [REDACTED] and the other student that caused concern regarding

12:16:49 4 particular friendship?

12:16:51 5 A Only as what I already mentioned.

12:16:53 6 Q Okay. Anything else?

12:16:55 7 A No.

12:16:55 8 Q Did you observe the conduct?

12:16:59 9 A Yes.

12:17:00 10 Q Did other faculty members observe the conduct?

12:17:04 11 A Yes.

12:17:05 12 Q And this was all discussed during the meeting?

12:17:08 13 A Yes.

12:17:18 14 Q Can you think of any other instances while you

12:17:20 15 were a faculty member where a priest candidate was not

12:17:24 16 allowed to continue on?

12:17:25 17 A No.

12:17:26 18 Q At the meeting where Father Procknow admitted

12:17:28 19 to the abuse, can you tell -- how many other Franciscans

12:17:33 20 were present?

12:17:41 21 A I don't recall the exact number.

12:17:45 22 Q Was it a big group? A small group?

12:17:49 23 A Relatively large group.

12:17:50 24 Q Okay. Was it priests only or priests and

12:17:53 25 brothers?

12:17:56 1 A Priest and brothers. All Franciscans.

12:17:59 2 Q And it was a retreat?

12:18:02 3 A It was -- I don't -- not -- retreat. It is  
12:18:06 4 not specifically a retreat.

12:18:08 5 Q Okay. Was someone leading the discussion?

12:18:11 6 A Yes.

12:18:14 7 Q Who was that?

12:18:20 8 A I recall -- I'm not sure. I recall John  
12:18:23 9 Harden was involved.

12:18:24 10 Q Okay. Were there people that were speaking at  
12:18:29 11 the discussion other than Harden or Procknow?

12:18:32 12 A Myself.

12:18:34 13 Q Okay. What topic did you speak on?

12:18:37 14 A Well, I can't recall too well.

12:18:44 15 Q When Father Procknow admitted to the abuse,  
12:18:47 16 what was your reaction?

12:18:50 17 MR. MATIASIC: Object on grounds of relevance,  
12:18:52 18 but go ahead. You can answer.

12:18:55 19 THE WITNESS: It was known before that, I  
12:19:00 20 believe. My reaction was that I was impressed that he  
12:19:08 21 openly acknowledged and asked to pardon.

22 BY MR. HALE:

12:19:11 23 Q So you believe it was not a shock to the group  
12:19:13 24 when he made this admission?

12:19:15 25 A No.

12:19:16 1 Q Do you know how the group -- how did you  
12:19:18 2 become aware of this --

12:19:20 3 A I am not sure.

12:19:22 4 MR. MATIASIC: Let him finish his question,  
12:19:23 5 Father.

12:19:24 6 THE WITNESS: Oh.

12:19:24 7 BY MR. HALE:

12:19:24 8 Q Okay. But it sounds like you were aware of  
12:19:26 9 the fact that he had abused a child before he made this  
12:19:30 10 admission at the retreat?

12:19:30 11 A I believe so.

12:19:31 12 Q Okay. Do you recall how you became aware of  
12:19:33 13 that?

12:19:34 14 A No.

12:19:36 15 Q Do you recall if -- did you ever have any  
12:19:40 16 discussions with Father Procknow about that admission?

12:19:43 17 A No.

12:19:44 18 Q Was there any kind of discussion in the group  
12:19:49 19 after Father Procknow made the admission about the  
12:19:51 20 admission?

12:19:53 21 A I don't recall.

12:19:58 22 Q After the -- at some point I assume the  
12:20:00 23 meeting ended?

12:20:01 24 A Hum?

12:20:02 25 Q The meeting ended at some point?

12:20:04 1 A Yes.

12:20:05 2 Q Okay. And then did the group splinter off and  
12:20:08 3 people went about their way, their own ways?

12:20:12 4 MR. MATIASIC: I would object as to what

12:20:14 5 "splinter off" means but --

12:20:16 6 BY MR. HALE:

12:20:16 7 Q Okay.

12:20:17 8 Let me ask you this: After the meeting ended,  
12:20:19 9 did you have any discussions with individuals about  
12:20:22 10 Father Procknow's admission?

12:20:25 11 A As a matter of fact, I left early.

12:20:26 12 Q Okay. Do you know what Father Procknow's next  
12:20:31 13 assignment was after that admission?

12:20:36 14 MR. MATIASIC: Lacks foundation.

12:20:40 15 THE WITNESS: No, I'm not sure.

12:20:56 16 BY MR. HALE:

12:20:56 17 Q Do you know if Father Procknow was ever  
12:20:58 18 disciplined for the conduct he admitted to regarding the  
12:21:02 19 abuse?

12:21:04 20 MR. HANCE: Vague and ambiguous.

12:21:04 21 THE WITNESS: Well, he was no longer allowed  
12:21:08 22 to really basically function as a priest is my  
12:21:13 23 understanding.

12:21:14 24 BY MR. HALE:

12:21:14 25 Q Okay. And you have no knowledge of whether



12:21:15 1 his admission was ever reported to law enforcement?

12:21:20 2 MR. MATIASIC: Asked and answered, Counsel.

12:21:21 3 How many times are you going to ask him the same

12:21:23 4 question? He already gave you an answer.

12:21:26 5 Don't answer, Father.

12:21:28 6 THE WITNESS: Hum?

12:21:28 7 MR. MATIASIC: We're not going to go all over

12:21:30 8 again. You asked him. He answered.

12:21:32 9 MR. HALE: All right.

10 BY MR. HALE:

12:21:40 11 Q Do you know what Father Procknow's assignment

12:21:43 12 was before the admission?

12:21:46 13 A No, I don't recall.

12:21:49 14 Q Okay. Do you know if Father Procknow was sent

12:21:57 15 for treatment anywhere after the admission?

12:22:00 16 A No, I don't know.

12:22:08 17 Q All right.

12:22:09 18 MR. HALE: Do you want to switch?

12:22:26 19 THE VIDEOGRAPHER: We are off the record at

12:22:27 20 12:23 p.m. This is the conclusion of video No. 1.

21 (Recess)

12:26:01 22 THE VIDEOGRAPHER: We're back on the record at

12:26:02 23 12:26 p.m. This is the beginning of video No. 2.

24 ///

25 ///

1 EXAMINATION

2 BY MR. DRIVON:

12:26:07 3 Q Afternoon, Father. My name is David Drivon,  
12:26:09 4 and I'm an attorney representing several of the  
12:26:12 5 plaintiffs in this lawsuit.

12:26:13 6 Can you hear me okay?

12:26:14 7 A Yes.

12:26:14 8 Q Okay. And I just have a couple of questions  
12:26:17 9 before we break for lunch.

12:26:18 10 On the issue of celibacy and chastity, is that  
12:26:24 11 a subject that's taught during theology classes?

12:26:30 12 MR. MATIASIC: At any time, Counsel?

12:26:33 13 MR. DRIVON: Yes. At any time.

12:26:35 14 THE WITNESS: Well, I can only answer for when  
12:26:37 15 I was there in the '60s.

16 BY MR. DRIVON:

12:26:39 17 Q Yes.

12:26:40 18 A I would say no.

12:26:41 19 Q Okay. What does the term celibacy mean to you  
12:26:46 20 as a Franciscan?

12:26:49 21 MR. HANCE: Objection. Relevance.

12:26:53 22 MR. DRIVON: Relevance is not a proper  
12:26:55 23 objection for a deposition, but beyond that.

12:26:57 24 MR. HANCE: It's on the record.

12:26:59 25 MR. DRIVON: Fine.

12:27:00 1 THE WITNESS: Well, celibacy applies both to  
12:27:04 2 religious and diacon priests. Celibacy refers to the  
12:27:07 3 fact that you're not allowed to be married, that  
12:27:13 4 therefore, you must live a chaste life.

5 BY MR. DRIVON:

12:27:15 6 Q And what is a chaste life? What does chastity  
12:27:21 7 mean?

12:27:21 8 A No sexual relations.

12:27:23 9 Q Okay. Of any kind?

12:27:24 10 A Of any kind.

12:27:26 11 Q When you were on the faculty at St. Anthony's  
12:27:31 12 seminary, did you feel that you were responsible for the  
12:27:33 13 protection of the students that were there?

12:27:35 14 MR. MATIASIC: Calls for a legal conclusion.  
12:27:37 15 Lacks foundation.

12:27:39 16 MR. HANCE: Vague and ambiguous.

12:27:40 17 THE WITNESS: What kind of protection do you  
12:27:41 18 mean?

19 BY MR. DRIVON:

12:27:42 20 Q Well, let me clarify it.

12:27:44 21 If a student was at seminary was at risk for  
12:27:50 22 some kind of physical harm and you were aware of that  
12:27:54 23 potential risk, do you feel that you had a  
12:27:57 24 responsibility to protect that student from the risk?

12:27:59 25 MR. MATIASIC: Same objections, and also

12:28:01 1 incomplete hypothetical. Assumes facts not in evidence.

12:28:07 2 THE WITNESS: I must answer?

12:28:09 3 MR. DRIVON: Yes, you must.

12:28:10 4 MR. MATIASIC: If you can, Father. If you can  
12:28:13 5 answer, go ahead.

12:28:14 6 THE WITNESS: Yeah. I would believe so, yes.

7 BY MR. DRIVON:

12:28:19 8 Q Okay.

12:28:19 9 And if you were aware of conduct that was  
12:28:25 10 suspicious for sexual molestation of a student while you  
12:28:33 11 were on the faculty at St. Anthony's seminary, do you  
12:28:34 12 feel that you would have had a responsibility to report  
12:28:36 13 that to a superior?

12:28:37 14 MR. MATIASIC: Same objections.

12:28:39 15 THE WITNESS: That's totally hypothetical.

16 BY MR. DRIVON:

12:28:41 17 Q It is. And I'm entitled to an answer if you  
12:28:44 18 can give it.

12:28:45 19 MR. MATIASIC: Same objections.

12:28:47 20 THE WITNESS: It's hard to say how I would  
12:28:49 21 have felt at that time. I don't know.

12:28:57 22 BY MR. DRIVON:

12:28:57 23 Q So you don't know -- Well, was there any  
12:29:04 24 policy while you were on the faculty at St. Anthony's  
12:29:09 25 seminary that any conduct that was -- that the faculty

12:29:13 1 members were aware of that could be harmful to a  
12:29:17 2 student, that that conduct or those circumstances be  
12:29:20 3 reported to a superior?

12:29:22 4 MR. MATIASIC: Lacks foundation. It's vague  
12:29:29 5 and ambiguous.

12:29:29 6 THE WITNESS: Would you repeat that?

12:29:31 7 BY MR. DRIVON:

12:29:31 8 Q Yeah.

12:29:32 9 If you were aware of circumstances wherein a  
12:29:35 10 student was at risk of potential harm, let's just say  
12:29:39 11 physical harm. Okay. Was there a policy while you were  
12:29:44 12 on the faculty at St. Anthony's that would have called  
12:29:47 13 for that to be reported to a superior?

12:29:50 14 MR. MATIASIC: Same objections. Plus  
12:29:53 15 incomplete hypothetical.

12:29:53 16 THE WITNESS: There was no specific policy,  
12:29:56 17 no.

12:29:58 18 BY MR. DRIVON:

12:29:59 19 Q When you say "no specific policy," there was  
12:30:01 20 no written policy?

12:30:02 21 A No written policy.

12:30:04 22 Q And was there any non-specific policy that was  
12:30:06 23 not in writing?

12:30:08 24 MR. HANCE: Same objections.

12:30:09 25 THE WITNESS: So you're saying -- I'm not sure

12:30:11 1 if I get the situation.

12:30:13 2 BY MR. DRIVON:

12:30:13 3 Q And I don't want to -- if it's vague and you  
12:30:16 4 don't understand it, let me rephrase it. Okay.

12:30:18 5 While you were on the faculty at St. Anthony's  
12:30:23 6 seminary, was there an unwritten policy that basically  
12:30:27 7 would have required you to report circumstances to your  
12:30:33 8 superior where you thought a student was at risk for  
12:30:35 9 physical harm?

12:30:36 10 MR. MATIASIC: Lacks foundation. Vague and  
12:30:38 11 ambiguous. Incomplete hypothetical.

12:30:41 12 THE WITNESS: No. We wouldn't have -- you  
12:30:44 13 would try to take care of it right there.

14 BY MR. DRIVON:

12:30:47 15 Q Okay. All right.

12:30:48 16 And if you were aware of circumstances wherein  
12:30:51 17 a student had been harmed physically, and this is after  
12:30:57 18 the fact, after the fact that the student had been  
12:30:59 19 harmed physically, was there a policy at St. Anthony's  
12:31:02 20 that would have required you to report that to a  
12:31:05 21 superior?

12:31:05 22 MR. MATIASIC: Same objections.

12:31:10 23 THE WITNESS: It just didn't come up.

12:31:14 24 BY MR. DRIVON:

12:31:14 25 Q If it had have come up, would you have been

12:31:18 1 obligated to report it?

12:31:20 2 MR. MATIASIC: Same objections and calls for a  
12:31:22 3 legal conclusion.

12:31:26 4 THE WITNESS: Very difficult. I don't. I --  
12:31:29 5 I don't really get what you're driving at.

12:31:34 6 BY MR. DRIVON:

12:31:34 7 Q Okay.

12:31:34 8 If you had become aware of circumstances that  
12:31:37 9 were suspicious for the sexual molestation of children,  
12:31:42 10 specifically a student, if you were aware of  
12:31:44 11 circumstances where a student had either been sexually  
12:31:49 12 molested or was at risk for sexual molestation while you  
12:31:53 13 were on the faculty, do you feel that you would have had  
12:31:55 14 an obligation to report that to a superior?

12:31:58 15 MR. MATIASIC: Same objection. And compound.

12:32:04 16 THE WITNESS: In hindsight, yes.

12:32:07 17 BY MR. DRIVON:

12:32:07 18 Q I'm trying to get you to think about how that  
12:32:11 19 would have presented itself to you back when you were on  
12:32:14 20 the faculty. You say in hindsight now, looking back.

12:32:18 21 Can you tell me when you were on the faculty  
12:32:22 22 what your frame of mind would have been in that regard?

12:32:25 23 A Well, I can't tell you.

12:32:26 24 MR. MATIASIC: Same objections. And also, he  
12:32:29 25 already said, Counsel, that it didn't come up. So --

12:32:33 1 THE WITNESS: I can't tell you what my frame  
12:32:36 2 of mind would have been.

12:32:37 3 MR. DRIVON: Okay.

12:32:37 4 That's all the questions I have.

12:32:39 5 THE VIDEOGRAPHER: We're off the record at  
12:32:41 6 12:33 p.m.

7 (Recess)

12:32:59 8 THE VIDEOGRAPHER: We are back on the record  
12:33:08 9 at 12:34 p.m.

10

12:33:10 11 FURTHER EXAMINATION

12:33:10 12 BY MR. HALE:

12:33:13 13 Q At this meeting where Father Procknow admitted  
12:33:13 14 to the abuse, to your knowledge, were there any other  
12:33:15 15 Franciscans in attendance who also had been accused of  
12:33:20 16 childhood sexual abuse?

12:33:22 17 A Not that know of.

18 Q Okay.

12:33:23 19 A I don't recall.

12:33:24 20 Q And when he made this admission, I don't quite  
12:33:26 21 understand. What was the context of this discussion  
12:33:29 22 that prompted him to make this admission?

12:33:33 23 A You know, I don't recall exactly what these  
12:33:35 24 presentations were about.

12:33:36 25 Q Do you recall the -- sorry.



12:33:38 1 A And when you said admission, it wasn't so much  
12:33:42 2 admission as it was simply asking pardon. As I recall,  
12:33:46 3 people already knew that he had done this.

12:33:48 4 Q Okay. Fair enough.

12:33:49 5 Do you recall what the purpose of this retreat  
12:33:53 6 was?

12:33:53 7 A You know, I don't recall.

12:33:57 8 Q Okay. Going back to Father Carriere, were you  
12:34:14 9 ever assigned anywhere with Father Carriere?

12:34:17 10 A I don't think so.

12:34:19 11 Q Okay.

12:34:19 12 What about with Father Procknow? Anywhere  
12:34:23 13 with Father Procknow?

12:34:24 14 A Father Procknow was with us at St. Anthony's  
12:34:27 15 in San Francisco for a short while. I don't know a year  
12:34:30 16 or perhaps.

12:34:36 17 Q You don't recall what year that was?

12:34:39 18 A It would have been early on in my stay. So  
12:34:43 19 early '90s, I would say.

12:34:45 20 Q Was that before or after the retreat that you  
12:34:47 21 mentioned?

12:34:48 22 A I don't recall.

12:34:49 23 Q Okay. Was it before or after you became aware  
12:34:55 24 of the allegations of childhood sexual abuse involving  
12:35:00 25 Father Procknow?

12:35:00 1 A It was after, I believe.

12:35:03 2 Q And correct me if I'm wrong. You were at

12:35:04 3 St. Anthony's from '91 to 2004.

12:35:07 4 A Yes.

12:35:07 5 Q Okay. Is there a parish at St. Anthony's?

12:35:10 6 A Yes.

12:35:13 7 Q Is there -- is it just a parish, or is there a

12:35:14 8 school or anything else near St. Anthony's?

12:35:17 9 A There is a school there, a parish school.

12:35:20 10 Q Okay. What grades are taught at that parish

12:35:22 11 school?

12:35:22 12 A It's an elementary school, I think, a

12:35:28 13 Kindergarten to 8th grade, I believe.

12:35:29 14 Q Okay.

12:35:30 15 And where is the school located in

12:35:32 16 relationship to the parish and the Rectory?

12:35:36 17 A Well, it's on the same block.

12:35:38 18 Q Okay. Do they neighbor each other, the school

12:35:41 19 and the --

12:35:43 20 A Yes.

12:35:43 21 Q -- and then the parish?

12:35:45 22 A Yes.

12:35:45 23 Q And is the Rectory attached to the parish?

12:35:53 24 A Well, you mean attached to the --

12:35:54 25 Q Like the same --

12:35:54 1 A You mean the church or --

12:35:57 2 Q Right.

12:35:58 3 Is it the same building, or is it separate  
12:36:01 4 buildings?

12:36:01 5 A Well, the Rectory is separate from the church.

12:36:03 6 Q Is the Rectory, is it next door to the school?

12:36:07 7 A Yes.

12:36:08 8 Q Okay.

12:36:08 9 When Father Procknow was at St. Anthony's, was  
12:36:11 10 he an Associate Pastor?

12:36:13 11 A No.

12:36:14 12 Q What was his assignment at St. Anthony's?

12:36:18 13 MR. MATIASIC: Lacks foundation.

12:36:19 14 THE WITNESS: Well, he had no pastoral  
12:36:21 15 assignment. He was -- I think he was -- I can't  
12:36:28 16 remember what exactly what he did, but he didn't have  
12:36:35 17 any, you know, any work in the parish, nothing in the  
12:36:38 18 parish.

19 BY MR. HALE:

12:36:39 20 Q Okay. So he was simply in residence there?

12:36:42 21 A Simply in residence, yes.

12:36:44 22 Q Did he perform any work in the Rectory?

12:36:48 23 A Well --

12:36:49 24 MR. MATIASIC: "Perform any work," meaning  
12:36:51 25 what, Counsel? Did he fix the plumbing, or --

12:36:53 1 MR. HALE: Maybe. Possibly. I don't know.

12:36:55 2 MR. MATIASIC: Overbroad.

12:36:58 3 THE WITNESS: No.

12:36:58 4 BY MR. HALE:

12:36:59 5 Q Did he perform any work at the school?

12:37:02 6 A No.

12:37:02 7 Q Do you know if he was working outside of

12:37:04 8 St. Anthony's somewhere?

12:37:05 9 A I don't think so, no.

12:37:07 10 Q Okay. So he was simply in residence there,

12:37:09 11 and that was it?

12:37:13 12 MR. MATIASIC: Asked and answered, Counsel.

12:37:13 13 Don't answer, Father. You already answered  
12:37:14 14 that question.

12:37:15 15 THE WITNESS: Um-hmm, yes.

12:37:16 16 BY MR. HALE:

12:37:16 17 Q Do you know what he did with his time during

12:37:18 18 the day if he was not performing any assignment?

12:37:21 19 A I was trying to recall that, but I can't

12:37:25 20 recall right now.

12:37:27 21 Q Okay. And who was the Pastor at the time that

12:37:31 22 Father Procknow was in residence at St. Anthony's?

12:37:34 23 A I believe Father Michael Weldon.

12:37:36 24 Q Okay. And you were an Associate Pastor at

12:37:38 25 that time?

12:37:39 1 A Yes.

12:37:39 2 Q Okay. And was Father [REDACTED] an Associate  
12:37:45 3 Pastor at that time as well?

12:37:47 4 A I believe so.

12:37:48 5 Q Okay. Any other Franciscans who were  
12:37:50 6 Associate Pastors at that time?

12:37:53 7 A No.

12:37:53 8 Q Do you recall when Father Procknow was  
12:37:55 9 transferred to St. Anthony's? How did you find out?  
12:38:00 10 Did he just show up, or were you notified?

12:38:03 11 MR. MATIASIC: Lacks foundation that he was  
12:38:05 12 transferred.

12:38:12 13 THE WITNESS: As far as I was concerned, I  
12:38:13 14 think he just showed up.

15 BY MR. HALE:

12:38:15 16 Q Okay. Was there any discussion as to whether  
12:38:19 17 the parishioners should be warned about Father, the  
12:38:22 18 allegations against Father Procknow, when he first  
12:38:24 19 arrived at St. Anthony's?

12:38:26 20 MR. MATIASIC: Discussion by anybody or  
12:38:28 21 discussion within this witness' knowledge?

12:38:33 22 MR. HALE: Within this witness' knowledge.

12:38:34 23 MR. HANCE: Lacks foundation. Vague and  
12:38:36 24 ambiguous.

12:38:37 25 THE WITNESS: I don't know of any discussion.

12:38:38 1 BY MR. HALE:

2 Q Okay.

12:38:38 3 Are you aware of there being any discussion

12:38:40 4 regarding warning the neighboring school at

12:38:43 5 St. Anthony's about Father Procknow's history of abuse

12:38:46 6 allegations?

12:38:49 7 MR. HANCE: Same objection.

12:38:50 8 MR. MATIASIC: Lacks foundation that there was

12:38:52 9 a history at that point of abuse allegations.

10 Go ahead, Father.

12:38:54 11 MR. HALE: Well, I disagree. I think he

12:38:57 12 testified that he knew before Father Procknow got there

12:39:00 13 about the abuse allegations.

14 MR. MATIASIC: We disagree. That's fine.

15 MR. HALE: Okay.

12:39:03 16 MR. MATIASIC: You can answer the question,

12:39:05 17 Father.

12:39:05 18 THE WITNESS: I don't recall.

12:39:06 19 BY MR. HALE:

12:39:06 20 Q Did you consider warning parishioners

12:39:09 21 regarding the history of abuse allegations regarding

12:39:13 22 Father Procknow?

12:39:15 23 MR. MATIASIC: Lacks foundation.

12:39:16 24 THE WITNESS: I did not.

12:39:17 25 ///

12:39:17 1 BY MR. HALE:

12:39:17 2 Q Why not?

12:39:18 3 MR. MATIASIC: Argumentative.

12:39:21 4 THE WITNESS: Didn't occur to me.

12:39:22 5 BY MR. HALE:

12:39:23 6 Q Okay. Did you think he might be a risk to any  
12:39:25 7 of the minor parishioners who attended St. Anthony's?

12:39:29 8 MR. MATIASIC: I think this is outside the  
12:39:30 9 expertise of this witness. That calls for an expert  
12:39:34 10 opinion.

12:39:34 11 BY MR. HALE:

12:39:35 12 Q You can answer.

12:39:36 13 MR. MATIASIC: If you can, Father.

12:39:37 14 THE WITNESS: No, I didn't.

12:39:38 15 BY MR. HALE:

12:39:38 16 Q Okay. Did you think that Father Procknow  
12:39:40 17 might pose a risk to any of the students at the school  
12:39:42 18 at St. Anthony's?

12:39:43 19 MR. MATIASIC: Same objection.

12:39:45 20 THE WITNESS: It didn't occur to me.

12:39:46 21 BY MR. HALE:

12:39:47 22 Q Do you know if Father Procknow had faculties  
12:39:53 23 while he was at St. Anthony's?

12:39:53 24 A I know he did not.

12:39:55 25 Q Okay. Were you aware -- were there any

12:39:57 1 discussions of restrictions placed on Father Procknow

12:39:59 2 while he was at St. Anthony's?

12:40:02 3 MR. MATIASIC: Discussions within his

12:40:03 4 knowledge. Right?

12:40:04 5 MR. HALE: Right.

12:40:05 6 THE WITNESS: I don't recall any discussions.

12:40:08 7 BY MR. HALE:

12:40:08 8 Q Were you aware of any restrictions placed on

12:40:10 9 Father Procknow while he was at St. Anthony's?

12:40:14 10 MR. HANCE: Vague and ambiguous.

12:40:15 11 MR. MATIASIC: And he already testified that

12:40:18 12 he didn't believe he could do any pastoral work. He was

12:40:21 13 simply in residence there.

12:40:23 14 MR. HALE: Okay. Not doing any pastoral work

12:40:25 15 would be one restriction, but there could be other

16 restrictions as well.

17 BY MR. HALE:

18 Q So the question is, were you aware of any

19 restrictions on Father Procknow while he was at

12:40:30 20 St. Anthony's?

12:40:33 21 MR. MATIASIC: I think he means any other

12:40:35 22 restrictions. Go ahead, Father.

12:40:36 23 THE WITNESS: I'm not aware of any other

12:40:37 24 restrictions.

12:40:38 25 ///



12:40:38 1 BY MR. HALE:

12:40:39 2 Q Okay. Do you know where Father Procknow was  
12:40:40 3 transferred after he left St. Anthony's?

12:40:45 4 MR. MATIASIC: Lacks foundation.

12:40:47 5 THE WITNESS: I believe he went to Berkeley.  
12:40:49 6 The -- what do you call it? What do you -- what we call  
12:40:54 7 -- anyway, the -- we have a house in Berkeley near the  
12:40:59 8 university.

12:41:00 9 BY MR. HALE:

12:41:01 10 Q Okay.

12:41:01 11 A Near the theological seminary.

12:41:41 12 Q Other than Father Procknow, to your knowledge,  
12:41:44 13 have you ever been in residence with any other  
14 Franciscans who have been accused of childhood sexual  
12:41:53 15 abuse?

12:41:53 16 A No, I do not recall.

12:42:13 17 Q Do you know whether Father Carriere was  
12:42:15 18 identified -- and I'm going back to Father Carriere now.

12:42:18 19 Do you know whether Father Carriere was  
12:42:21 20 identified as a perpetrator in the Board of Inquiry  
12:42:24 21 report?

12:42:25 22 MR. MATIASIC: Lacks foundation.

12:42:27 23 THE WITNESS: You mean of child abuse?

12:42:30 24 BY MR. HALE:

12:42:33 25 Q Yes.

12:42:33 1 A I think I heard that, yes, I believe.

12:42:36 2 Q Okay. How did you hear that?

12:42:38 3 A I don't recall.

12:42:41 4 Q Do you know if Father Carriere was ever sent  
12:42:44 5 for treatment to Hemet Springs at the Paraclete Center?

12:42:52 6 A I'm not sure. I don't recall.

12:42:56 7 Q But it sounds like you say you're not sure.  
12:42:58 8 Is it possible you've heard that?

12:43:00 9 A Possibly.

12:43:03 10 Q Okay. All right. [REDACTED]

12:43:10 11 Now, I know you know [REDACTED]; correct?

12:43:16 12 A Yes.

12:43:17 13 MR. MATIASIC: He's already answered that  
12:43:18 14 question.

12:43:18 15 BY MR. HALE:

12:43:19 16 Q And you stayed in touch with Mr. [REDACTED] over  
12:43:21 17 the years; correct?

12:43:22 18 A Yes.

12:43:23 19 Q Okay. Are you all right? I can keep going.  
12:43:37 20 I could stop too. Either way.

12:43:38 21 MR. HANCE: How are you doing, Father?

12:43:41 22 THE WITNESS: Okay.

12:43:41 23 MR. HANCE: Do you want to keep going, or what  
12:43:43 24 do you want to do?

12:43:45 25 THE WITNESS: As far as I'm concerned, let's

1 keep going.

12:43:47 2 MR. HANCE: You've got a long line?

12:43:50 3 MR. HALE: Yeah. From here it's going to

12:43:53 4 be --

12:43:53 5 MR. HANCE: It's a good stop.

6 MR. HALE: That's fine.

7 THE WITNESS: What's that?

8 MR. HANCE: Do you want to take a lunch break

9 right now, or do you want to keep going for a little  
10 while?

11 THE WITNESS: Keep going for a little while if  
12 you want. What? Until about 12:00?

13 MR. HANCE: Well, it's actually 12:45 right  
14 now.

15 THE WITNESS: Oh, is it?

16 MR. HALE: Time flies when you're having fun.

17 THE WITNESS: I had no idea. I thought it was  
18 11:45.

19 MR. HABEL: I think there's going to be the  
20 necessity for a lunch break at some time. The question  
21 is when.

22 THE WITNESS: Let's do it now, then. I was an  
23 hour off in my time.

24 MR. HANCE: I know.

12:43:55 25 MR. HALE: All right. Off the record.

12:44:27 1 THE VIDEOGRAPHER: We're off the record at

12:44:29 2 12:45 p.m.

3 \* \* \*

4 (Luncheon recess)

5 \* \* \*

01:55:37 6 THE VIDEOGRAPHER: We are back on the record

01:55:39 7 at 1:56 p.m.

01:55:41 8 BY MR. HALE:

01:55:42 9 Q Okay. I think when we stopped for lunch, I

01:55:46 10 had just started asking you questions about [REDACTED]

01:55:52 11 [REDACTED] if my recollection serves me.

01:55:56 12 Do you know that [REDACTED] had his faculties

01:55:59 13 removed by the Archdiocese?

01:56:01 14 A No.

01:56:01 15 Q Have you ever talked to [REDACTED] about that?

01:56:04 16 A No.

01:56:05 17 Q Do you recall [REDACTED] performing a wedding

18 ceremony for a Jesuit who had not yet been dispensed

01:56:11 19 from his vows?

01:56:11 20 A Yes.

01:56:12 21 Q Okay. Do you recall [REDACTED] getting in

01:56:13 22 trouble for doing that?

01:56:15 23 A Yes.

01:56:16 24 Q Did you attend the ceremony?

01:56:18 25 A No.

01:56:19 1 Q How did you hear about it?

01:56:21 2 A He told me.

01:56:22 3 Q Did he tell you back right after it happened?

01:56:27 4 A He told me before it happened.

01:56:29 5 Q That he was going to do this?

01:56:30 6 A Um-hmm.

01:56:31 7 Q Is that a "yes"?

01:56:32 8 A Yes. I'm sorry.

01:56:33 9 Q No problem.

01:56:36 10 And what did you say to him when he told you

01:56:40 11 he was going to do this?

01:56:45 12 A I don't remember what I said.

01:56:47 13 Q Do you recall if you warned him that he was

01:56:49 14 going to get in trouble for doing that?

01:56:51 15 A No, I did not warn him.

01:56:53 16 Q Okay. And after it happened, did he tell you

01:56:58 17 about anything that happened as a result of him

01:57:01 18 performing that ceremony?

01:57:04 19 A Anything that happened as a result?

01:57:07 20 Q Right.

01:57:08 21 MR. MATIASIC: Anything that happened to him?

01:57:12 22 MR. HALE: Yes.

01:57:13 23 MR. MATIASIC: Okay.

01:57:13 24 THE WITNESS: No. I don't recall.

01:57:15 25 ///

01:57:16 1 BY MR. HALE:

01:57:16 2 Q Okay. Have you read his book?

01:57:21 3 A Have I read his book?

01:57:24 4 Q Yes.

01:57:24 5 A Yes.

01:57:25 6 Q How long ago did you read it?

01:57:29 7 A Oh, several years.

8 Q Okay.

01:57:33 9 Do you own a copy of his book?

01:57:35 10 A Yes.

11 Q Okay.

01:57:41 12 Did you know Father Edmond Austin?

01:57:46 13 A Yes.

01:57:47 14 Q Were you ever assigned anywhere with him?

01:57:49 15 A Yes, he was at San Luis Rey.

01:57:53 16 Q On the faculty?

01:57:55 17 A No, I was a student, and he was the Guardian

01:58:00 18 as we call him.

01:58:04 19 Q Ever assigned anywhere else with him?

01:58:06 20 A No.

01:58:15 21 Q Have you ever talked with [REDACTED] about Father

01:58:18 22 Austin?

01:58:19 23 A No.

01:58:23 24 Q Have you ever heard that Father Austin was

01:58:26 25 accused of assaulting children?

01:58:29 1 A No.

01:58:33 2 Q Have you ever discussed Father Lyons with  
01:58:37 3 [REDACTED]?

01:58:39 4 A I don't recall.

01:58:54 5 Q Okay. I want to -- what exhibit are we on?

01:59:05 6 Are we on 4?

01:59:08 7 THE REPORTER: Three is next.

01:59:10 8 MR. HALE: Three is next?

01:59:12 9 THE REPORTER: Yes.

01:59:12 10 BY MR. HALE:

01:59:13 11 Q Okay. I just want to ask you about a portion  
01:59:16 12 of Father [REDACTED] or [REDACTED]'s book. We will mark this  
01:59:21 13 as Exhibit 3.

01:59:25 14 And if you could, what I would like you to  
01:59:28 15 look at -- you're welcome to read both pages, but what  
01:59:32 16 I'm particularly interested in hearing from you about is  
01:59:35 17 going to be the last paragraph on page 175 and the first  
01:59:38 18 two paragraphs on page 176.

01:59:41 19 And I've got copies for you guys. Just hang  
01:59:44 20 on.

01:59:55 21 MR. MATIASIC: Counsel, you say the last two  
01:59:56 22 or the paragraph.

01:59:57 23 MR. HALE: The last paragraph on 175 and then  
02:00:01 24 the first two on 176. I've got one more if you want it  
02:00:41 25 or if anybody wants it.

02:01:04 1 Just for the record the Exhibit 3 is the cover  
02:01:07 2 page that reads [REDACTED]  
02:01:12 3 [REDACTED]. The author is identified  
02:01:17 4 as [REDACTED], and the second page 2 and page 3 are  
02:01:24 5 pages 175 and 176 of the book, respectively.

02:01:28 6 Are we ready?

02:01:31 7 Okay. With regard to page 175 the last  
02:01:34 8 sentence in that last paragraph reads, "I found it  
02:01:38 9 refreshing that gay Franciscan students were finding it  
02:01:42 10 easier to come out even though a painful dilemma now  
02:01:46 11 confronted them."

02:01:47 12 I'll represent to you, and you probably  
02:01:49 13 already know this, that [REDACTED] is writing with regards  
02:01:53 14 to his time at the FST in Berkeley.

15 A Yeah.

02:01:56 16 Q Is this sentence consistent with your  
02:01:59 17 recollection of that year you spent at the FST in  
02:02:04 18 Berkeley in 1969?

02:02:07 19 MR. MATIASIC: I think it's vague and  
02:02:08 20 ambiguous, Counsel. The document speaks for itself. I  
02:02:11 21 don't know that the Father could interpret what  
02:02:13 22 Mr. [REDACTED] was thinking when he wrote that. And so --

02:02:17 23 MR. HANCE: Lacks foundation.

02:02:17 24 MR. MATIASIC: If you can answer, Father, you  
02:02:19 25 can go ahead.



02:02:19 1 BY MR. HALE:

02:02:20 2 Q Well, and, Father, keep in mind, I'm not  
02:02:22 3 asking you to interpret what Mr. [REDACTED] said.

4 A No.

02:02:27 5 Q What I'm asking you is if his recollection is  
02:02:30 6 consistent with your recollection of what you observed  
02:02:32 7 at the FST.

02:02:33 8 MR. HANCE: Same objection.

02:02:34 9 THE WITNESS: I have no recollection of  
02:02:35 10 anything about gay students.

11 BY MR. HALE:

02:02:37 12 Q Okay. You were not aware of any openly gay  
02:02:39 13 students at the FST when you were in Berkeley?

02:02:44 14 A I don't recall any.

02:02:45 15 Q All right.

02:02:45 16 Going on to the next page. The first sentence  
02:03:01 17 reads "Formerly, an openly gay orientation would not  
02:03:06 18 have been tolerated in our seminary system."

02:03:09 19 Do you agree with that statement?

02:03:11 20 MR. HANCE: Lacks foundation.

02:03:12 21 MR. MATIASIC: And again, the documents speaks  
02:03:13 22 for itself, and I don't think it's relevant in any, way,  
02:03:16 23 shape, or form.

02:03:18 24 MR. HALE: Sure.

02:03:18 25 MR. MATIASIC: Whether or not he agrees with

02:03:21 1 Mr. [REDACTED], but if you can answer that Father, go ahead.

02:03:24 2 BY MR. HALE:

02:03:24 3 Q Based on your experience in that year at  
02:03:27 4 Berkeley, do you agree with that statement?

02:03:28 5 MR. MATIASIC: So you're specifically limiting  
02:03:30 6 to --

02:03:32 7 MR. HALE: Well, no. That's a good point.

8 BY MR. HALE:

02:03:34 9 Q Based on your experience at the School of  
02:03:41 10 Theology both in Santa Barbara and in Berkeley.

02:03:41 11 MR. MATIASIC: I think it's overbroad.

02:03:42 12 If you can answer it, Father, go ahead.

02:03:44 13 THE WITNESS: I can't recall.

02:03:44 14 BY MR. HALE:

02:03:45 15 Q Okay. Same paragraph going down to the third  
02:03:47 16 and the fourth sentences, "Now many were convinced the  
17 psychological and spiritual recovery required  
18 not only that they openly acknowledge their  
19 sexual orientation but that they explore every  
02:03:57 20 aspect of that life. For some that might even  
02:04:00 21 include participating in gay sex."

02:04:04 22 Again, same question. From your time at

02:04:06 23 Berkeley in '69, is that consistent with your

02:04:09 24 recollection of any events while you were in Berkeley?

02:04:13 25 MR. MATIASIC: Same objections. And are you

02:04:14 1 speaking of whether or not the fact that some thought  
02:04:19 2 about participating in sex is consistent with his  
02:04:22 3 recollection, or that [REDACTED] thought that some  
02:04:25 4 were thinking of participating in sex at that time?

02:04:29 5 BY MR. HALE:

02:04:29 6 Q Do you recall there being discussions, open  
02:04:31 7 discussions, by students at the FST in Berkeley in 1969  
02:04:37 8 about either homosexuality or a desire to actively  
02:04:41 9 engage homosexual acts?

02:04:44 10 A No recollection.

02:04:44 11 Q Okay. Would that have shocked you if you  
02:04:47 12 heard anything like that?

02:04:48 13 MR. MATIASIC: Vague and ambiguous.

02:04:51 14 MR. HANCE: Lacks foundation.

02:04:53 15 THE WITNESS: I don't know how I would have  
02:04:55 16 reacted.

02:04:56 17 BY MR. HALE:

02:04:56 18 Q Would you have had any concerns regarding a  
02:04:58 19 student that expressed interest in participating in  
02:05:01 20 homosexual acts that that student might have difficulty  
02:05:06 21 with the chastity vow?

02:05:10 22 MR. MATIASIC: At that time at the Franciscan  
02:05:13 23 School of Theology?

02:05:14 24 THE WITNESS: Yes.

02:05:14 25 ///

02:05:14 1 BY MR. HALE:

02:05:15 2 Q Okay. Would you have taken any action if you  
02:05:17 3 heard a student speak that way?

02:05:20 4 MR. MATIASIC: I think it's an incomplete  
02:05:24 5 hypothetical.

02:05:24 6 Go ahead, Father. You can answer.

02:05:24 7 THE WITNESS: Probably.

02:05:25 8 BY MR. HALE:

02:05:25 9 Q What would you have done?

02:05:27 10 MR. MATIASIC: Same objection.

02:05:32 11 THE WITNESS: Well, it depends. I would have  
02:05:34 12 probably brought it to the superiors or the faculty or  
02:05:39 13 whatever.

02:05:40 14 BY MR. HALE:

02:05:41 15 Q Okay. Would you have raised it as a grounds  
02:05:46 16 not to allow them to continue down the candidacy towards  
02:05:52 17 priesthood?

02:05:53 18 MR. MATIASIC: Same objection.

02:05:53 19 THE WITNESS: You're speaking about those who  
02:05:56 20 -- gays who are actively participating in gay sex?

21 BY MR. HALE:

02:05:59 22 Q Yes.

02:06:00 23 A Would I have --

02:06:04 24 Q Raised it in a faculty meeting as grounds for  
02:06:06 25 not allowing a candidate to continue --

02:06:08 1 A Oh, yes.

02:06:08 2 Q -- into the priesthood.

02:06:11 3 A Yes.

02:06:11 4 Q Okay.

02:06:22 5 Now, going into that second paragraph where it  
02:06:24 6 reads, "But as Franciscans solemnly committed to  
02:06:29 7 celibacy, this path of sexual exploration was  
02:06:32 8 theoretically closed to them. We never  
02:06:36 9 managed to formulate a policy about this  
02:06:37 10 serious issue."

02:06:38 11 And I'm most interested in whether you agree  
02:06:44 12 with the statement that "we never managed to formulate a  
02:06:45 13 policy about this serious issue."

02:06:47 14 MR. MATIASIC: Same objections. I still think  
02:06:49 15 the document speaks for itself, and it's not clear to me  
02:06:53 16 who the "we" is referring to. "We" meaning Quiros and  
02:06:57 17 other people, or "we" as a Province or what. So I don't  
02:06:59 18 know how he could possibly answer that question.

02:07:02 19 MR. HALE: Well --

02:07:02 20 MR. MATIASIC: But, Father, if you think you  
02:07:03 21 can answer, go ahead.

02:07:05 22 MR. HANCE: Vague and ambiguous and lacks  
02:07:06 23 foundation.

02:07:11 24 THE WITNESS: Yeah. I have a hard time  
02:07:12 25 answering that question.

02:07:13 1 BY MR. HALE:

02:07:13 2 Q Let me point out something to you, Father,  
02:07:15 3 with regard to that confusion your counsel just  
02:07:18 4 expressed. You see in the prior sentence, it says, "But  
02:07:21 5 as Franciscans solemnly committed to celibacy."

02:07:25 6 Is there any doubt in your mind that when he  
02:07:28 7 references "we," he's referring to the Franciscan Order?

02:07:31 8 A Any doubt about what?

02:07:33 9 Q In your mind that when he references "we never  
10 managed to formulate a policy," that that's a reference  
02:07:37 11 to the Franciscan Order?

02:07:37 12 MR. MATIASIC: Or is it we as a Catholic  
02:07:40 13 church, or we as a Province? I still think it's vague  
14 and ambiguous.

02:07:45 15 If you can answer, Father, go ahead. I think  
02:07:48 16 you -- you know, you're trying to pigeon hole him into  
02:07:48 17 answering a question that's not represented on the page  
02:07:51 18 that way. So --

02:07:52 19 MR. HALE: I don't think there's anything  
02:07:54 20 vague or ambiguous about it. I think it's very clear.

02:07:58 21 MR. HANCE: Vague and ambiguous. Lacks  
02:07:58 22 foundation.

02:07:59 23 MR. MATIASIC: You can answer.

02:07:59 24 BY MR. HALE:

02:08:00 25 Q Father, you're absolutely entitled to disagree

02:08:04 1 with me if you want to, but I'd like to hear what you  
2 have to say.

02:08:05 3 A Well, are you asking about the Franciscans?

02:08:08 4 Q Well, the main point right now is, do you  
02:08:10 5 agree that the "we" reference at the start of the first  
02:08:13 6 sentence is a reference to the Province at Santa  
02:08:13 7 Barbara?

02:08:13 8 MR. MATIASIC: That's calling for speculation,  
02:08:17 9 too.

10 BY MR. HALE:

02:08:22 11 Q When read in context with the first sentence  
02:08:24 12 and the second sentence, is there any doubt in your  
02:08:26 13 mind?

02:08:27 14 MR. MATIASIC: If you know who Father Quiros  
02:08:28 15 is referring to, Father, you can answer the question.

02:08:31 16 THE WITNESS: Hum?

02:08:31 17 MR. MATIASIC: If you know who Father [REDACTED]  
02:08:33 18 is referring to, you can. Or Mr. [REDACTED].

19 THE WITNESS: I believe --

02:08:36 20 MR. HALE: Well, no. Wait. Wait. Stop  
02:08:37 21 coaching the witness, please.

02:08:39 22 MR. MATIASIC: I'm not coaching the witness.

23 MR. HALE: No. Wait. Wait.

24 MR. MATIASIC: I'm not coaching the witness.

02:08:41 25 MR. HALE: Stop coaching the witness. Don't

02:08:44 1 tell him how to answer the questions, Paul. Make your  
02:08:44 2 record and then shut your mouth. You're crossing the  
02:08:45 3 line now. You're crossing line.

02:08:47 4 MR. MATIASIC: Tim, first of all, don't --

02:08:48 5 MR. HALE: You're crossing the line.

02:08:49 6 MR. MATIASIC: -- I think your conduct is  
02:08:51 7 inappropriate, Tim, first of all.

02:08:52 8 Secondly, you know, you're asking him about  
02:08:55 9 something -- you're calling for him to speculate as to  
02:08:57 10 who the "we" is referring to. He didn't write this. If  
02:08:59 11 he had written this and you said, you know, what did you  
02:09:01 12 mean by this? I think that would be within the purview  
02:09:04 13 of his knowledge. But you're asking him to speculate as  
02:09:07 14 to what [REDACTED] meant.

02:09:08 15 MR. HALE: Make your record.

16 MR. MATIASIC: The document speaks for itself.  
02:09:12 17 It's vague and ambiguous. It calls for speculation, and  
02:09:13 18 lacks foundation.

02:09:14 19 MR. HALE: Make your record and stop.

02:09:16 20 MR. MATIASIC: If he can answer the question,  
02:09:17 21 I told him to do so. I did that three times. So --

02:09:21 22 MR. HALE: After you put words into his mouth.  
02:09:24 23 Make your record and stop.

02:09:24 24 MR. MATIASIC: I made the record clear.

25 ///



1 BY MR. HALE:

02:09:25 2 Q Okay. In light of all that --

02:09:27 3 MR. MATIASIC: And, Tim, let me just add for  
02:09:29 4 the record, you're not going to bully him or counsel or  
02:09:32 5 anybody else into giving an answer to an improper  
6 question.

7 MR. HALE: There's nothing improper --

02:09:34 8 MR. MATIASIC: If you want to take it up with  
02:09:36 9 the Court, feel free, but you're not going to bully us.  
02:09:38 10 So --

11 BY MR. HALE:

02:09:39 12 Q Father, can you answer the question?

02:09:43 13 A Once again?

02:09:45 14 Q Sure.

02:09:45 15 My only question at this point is when you  
02:09:47 16 read the first two sentences of that second paragraph --

02:09:51 17 A Um-hmm.

02:09:51 18 Q -- is there any question in your mind that the  
02:09:54 19 "we" at the start of the second sentence is referring to  
02:09:57 20 the Province of Santa Barbara?

02:09:59 21 MR. MATIASIC: Same objections.

02:10:01 22 THE WITNESS: Well, it could have other  
02:10:04 23 reference. So I --

02:10:04 24 BY MR. HALE:

02:10:05 25 Q Well, what do you believe?

02:10:07 1 MR. MATIASIC: Calls for speculation. Same  
02:10:08 2 objections.

02:10:09 3 THE WITNESS: I believe -- I don't know if I  
02:10:10 4 should.

02:10:11 5 MR. MATIASIC: Go ahead, Father.

02:10:12 6 THE WITNESS: But it looks -- I would think he  
02:10:14 7 refers to the Franciscans.

02:10:15 8 BY MR. HALE:

02:10:16 9 Q Okay. Thank you. Glad we finally got there.

02:10:19 10 Okay. With regard to where the sentence  
02:10:22 11 reads, "We never managed to formulate a policy about  
02:10:25 12 this serious issue," is that consistent with your  
02:10:28 13 recollection of events during your time at the  
02:10:33 14 Theologate in Santa Barbara and at Berkeley?

02:10:35 15 MR. MATIASIC: Same objections.

02:10:44 16 THE WITNESS: Well, we had the policy, as I  
02:10:44 17 mentioned, that openly or people having gay sex would be  
02:10:50 18 dismissed. That's the policy.

02:10:55 19 BY MR. HALE: There.

02:10:56 20 Q That there was a policy like that?

02:10:58 21 A There was that policy, yes.

02:10:59 22 Q So you disagree with the second sentence in  
02:11:01 23 the second paragraph?

02:11:02 24 A Yes.

02:11:03 25 Q Okay. Was there a written policy about that?

02:11:05 1 A No.

02:11:05 2 Q Where was that? What was the basis for that  
02:11:08 3 policy?

02:11:11 4 A It was -- the basis was -- it was we had  
02:11:17 5 mutual understanding of the faculty.

02:11:20 6 Q Do you recall there being any discussions  
02:11:24 7 while you were there of terminating a candidate's  
02:11:26 8 candidacy because of discussions by that student  
02:11:29 9 regarding gay sex?

02:11:32 10 A You're talking about Berkeley?

02:11:34 11 Q Yes.

02:11:34 12 A No.

02:11:35 13 Q What about Santa Barbara?

02:11:41 14 MR. MATIASIC: By "Santa Barbara," you mean  
02:11:42 15 when he was at St. Anthony's seminary or when he was at  
02:11:46 16 the Theologate? What do you mean?

02:11:47 17 MR. HALE: Just the Theologate.

02:11:49 18 THE WITNESS: I can't recall right now.

02:11:56 19 BY MR. HALE:

20 Q Okay.

02:11:56 21 Do you recall there being any discussions at  
02:11:58 22 either Berkeley or Santa Barbara either Theologate about  
02:12:01 23 terminating a candidate's candidacy because of any  
02:12:05 24 discussions about sexual activity whether heterosexual  
02:12:08 25 or homosexual?

02:12:11 1 A No.

02:12:24 2 Q Okay.

02:12:25 3 And then the last sentence reads, "The reality  
02:12:27 4 was that no gay student was every excluded  
02:12:30 5 from advancement to the priesthood nor were  
02:12:33 6 gay priests in any way restricted."

02:12:35 7 Is that consistent with your recollection of  
02:12:41 8 your time at the Theologate both in Santa Barbara and at  
02:12:45 9 Berkeley?

02:12:45 10 MR. MATIASIC: Same objections. The document  
02:12:52 11 speaks for itself.

02:12:53 12 MR. HANCE: Lacks foundation. Vague and  
02:12:54 13 ambiguous.

02:12:54 14 THE WITNESS: By "gay student," I'm not sure  
02:12:57 15 what that means.

16 BY MR. HALE:

02:13:01 17 Q Do you mean whether the student is actively  
02:13:03 18 participating in homosexual sex?

02:13:08 19 A (Witness nods.)

02:13:09 20 Q Let's break the question down into two pieces,  
02:13:11 21 then.

02:13:13 22 A Or orientation only.

02:13:13 23 Q Okay. Let's limit it just to orientation.

02:13:15 24 Is that consistent with your recollection of  
02:13:17 25 your time at the Theologate at Santa Barbara or

02:13:19 1 Berkeley?

02:13:19 2 MR. MATIASIC: Same objections.

02:13:20 3 THE WITNESS: I don't recall it coming up  
02:13:24 4 even.

02:13:24 5 BY MR. HALE:

02:13:24 6 Q Okay. Let's do it flip the other side of the  
02:13:25 7 coin. What if we're talking about actually engaging in  
02:13:27 8 sexual activity?

02:13:29 9 A No, that would not be -- how do you say? --  
02:13:33 10 would not be advanced in the priesthood.

02:13:37 11 Q Okay. Do you have a recollection of any  
02:13:46 12 openly homosexual student being barred from advancing to  
02:13:50 13 the priesthood?

02:13:51 14 MR. MATIASIC: At any time?

02:13:52 15 BY MR. HALE:

02:13:53 16 Q While you were at the Theologate in Santa  
02:13:56 17 Barbara or at Berkeley.

02:13:57 18 A Other than what I mentioned, Lee Hyer turned  
02:13:59 19 out to be gay.

02:14:01 20 Q Okay.

02:14:04 21 A But I'm not sure I -- if we realized it at the  
02:14:08 22 time.

02:14:08 23 Q Okay. Anyone else?

02:14:11 24 A No.

02:14:14 25 Q Do you have a recollection of any student

02:14:16 1 being barred from continuing the priesthood because they  
02:14:20 2 were discussing their interest in actively engaging in  
02:14:23 3 homosexual acts?

02:14:25 4 MR. MATIASIC: Vague and ambiguous.

02:14:25 5 THE WITNESS: No, I don't recall it.

02:14:27 6 BY MR. HALE:

02:14:27 7 Q Okay. Have you ever talked with [REDACTED] about  
02:14:36 8 this portion of his book?

02:14:38 9 A No, I haven't.

02:14:39 10 Q Do you recall reading this portion of the  
02:14:41 11 book?

02:14:41 12 A No, I don't.

02:14:44 13 Q Okay. While you were at the Theologate, if --  
02:15:09 14 and I'll take that, actually.

02:15:10 15 MR. MATIASIC: Are you done with this?

02:15:13 16 MR. HALE: Yeah.

17 BY MR. HALE:

02:15:14 18 Q While you were at the Theologate, if you had  
02:15:17 19 become aware of any student actively discussing interest  
02:15:24 20 in engaging in sexual activity, would that have caused  
02:15:27 21 you any concerns regarding allowing that student to work  
02:15:29 22 or be in the company of minors?

02:15:32 23 MR. MATIASIC: Lacks foundation. Incomplete  
02:15:35 24 hypothetical. Vague and ambiguous.

02:15:37 25 THE WITNESS: Yeah. That's very difficult to

02:15:38 1 answer. I mean, it -- I don't think I can answer that.

02:15:45 2 BY MR. HALE:

02:15:48 3 Q Well. Okay.

02:16:18 4 Correct me if I'm wrong, but you did testify

02:16:19 5 earlier that such a student, if they were openly

02:16:24 6 discussing interest in sexual activity, their candidacy

02:16:30 7 would have been terminated. Is that correct? Did I

02:16:32 8 misunderstand your testimony?

02:16:34 9 A Probably.

02:16:35 10 Q Okay. Why would their candidacy have been

02:16:37 11 terminated?

02:16:41 12 A If they engaged in sexual activity.

02:16:44 13 Q Okay. Why? Why would that have resulted in

02:16:47 14 their candidacy being terminated?

02:16:50 15 A If engaged in sexual activity?

02:16:52 16 Q Right.

02:16:53 17 A You broke your vow of chastity.

18 Q Right.

02:16:56 19 And what concerns would that have caused you

02:17:00 20 if that vow is broken?

02:17:03 21 A I don't understand the question.

22 MR. MATIASIC: Me neither.

23 BY MR. HALE:

02:17:05 24 Q Would you be concerned that someone who did

02:17:09 25 not maintain their vow of chastity would be a risk to be

02:17:12 1 allowed to work with or be exposed to minors?

02:17:16 2 MR. MATIASIC: Vague and ambiguous.

02:17:16 3 Incomplete hypothetical.

02:17:21 4 THE WITNESS: That's also so unreal. It never  
02:17:24 5 came up.

02:17:25 6 BY MR. HALE:

02:17:25 7 Q Okay. But I'm asking you now.

02:17:27 8 A I can't answer that.

02:17:28 9 Q I'm asking you now, would you be concerned?

02:17:33 10 MR. HANCE: Same objection.

02:17:34 11 THE WITNESS: It may have occurred to me, or  
02:17:36 12 it may not. I don't know.

13 BY MR. HALE:

02:17:39 14 Q So you might not have been concerned?

02:17:44 15 MR. MATIASIC: Counsel, I think you're being  
02:17:45 16 argumentative.

17 THE WITNESS: I can't say that.

18 MR. MATIASIC: He's already answered the  
19 question.

20 MR. HALE: I'm not being argumentative. I'm  
21 trying to clarify. He's expressing confusion.

22 MR. HANCE: Same objections.

02:17:45 23 MR. HALE: Believe me, if I'm being  
02:17:49 24 argumentative, you would know.

02:17:52 25 THE WITNESS: I might not have been concerned



02:17:54 1 in the sense that I didn't think about it.

02:17:55 2 BY MR. HALE:

02:17:56 3 Q Okay.

02:18:04 4 What if a priest, not a candidate, but a

02:18:06 5 priest expressed interest in engaging in sexual

02:18:09 6 activity, would you have taken any action in response to

02:18:12 7 a statement like that?

02:18:13 8 MR. MATIASIC: Lacks foundation. Incomplete

02:18:16 9 hypothetical. Vague and ambiguous.

02:18:18 10 THE WITNESS: Are you heterosexual or

02:18:20 11 homosexual? Any --

02:18:22 12 BY MR. HALE:

02:18:23 13 Q Either way. Any kind of sexual activity.

02:18:25 14 MR. MATIASIC: Same objection.

15 BY MR. HALE:

02:18:26 16 Q Well, let me ask you this: Does it matter?

02:18:29 17 A Hum?

02:18:29 18 Q Does it matter?

02:18:31 19 MR. MATIASIC: Same objections.

02:18:32 20 THE WITNESS: I don't know.

21 BY MR. HALE:

02:18:33 22 Q Okay. So let's say what if a priest expressed

02:18:36 23 interest in participating in sexual activity, would you

02:18:40 24 have place taken any actions to, for insurance, place

02:18:44 25 any restrictions in that priest's ability to supervise

02:18:46 1 or be in the company of minors?

02:18:46 2 MR. MATIASIC: Same objections.

02:18:48 3 THE WITNESS: You say expressed an interest?

02:18:51 4 BY MR. HALE:

02:18:51 5 Q Yes.

02:18:56 6 A I don't know what I would have done.

02:19:03 7 Q Okay. Would you have reported it to anyone?

02:19:06 8 MR. MATIASIC: Same objections?

02:19:08 9 THE WITNESS: I don't know.

02:19:13 10 BY MR. HALE:

02:19:13 11 Q Did you ever hear Father Carriere make

02:19:16 12 inappropriate sexual comments?

02:19:19 13 MR. HANCE: Vague and ambiguous.

02:19:20 14 MR. MATIASIC: Vague and ambiguous.

02:19:21 15 THE WITNESS: Well, I never did anyway.

02:19:24 16 BY MR. HALE:

02:19:24 17 Q Did you ever hear anyone say they heard Father

02:19:27 18 Carriere make inappropriate sexual comments?

02:19:29 19 MR. MATIASIC: Same objections.

02:19:30 20 THE WITNESS: Can't recall.

02:19:31 21 BY MR. HALE:

02:19:31 22 Q Did you ever talk to [REDACTED] about him meeting

02:19:34 23 with Father Carriere in Santa Barbara?

02:19:37 24 A Oh, yes.

02:19:38 25 Q Okay. And did he tell you he was meeting with

02:19:40 1 Father Carriere on a regular basis?

02:19:42 2 A Yes.

02:19:43 3 Q Did he tell you what he was meeting with  
02:19:45 4 Father Carriere about?

02:19:46 5 A No.

02:19:47 6 Q Do you know what he was meeting with  
02:19:48 7 Father Carriere about?

02:19:49 8 A No. Well, I knew psychological counseling.

02:19:53 9 Q Did he ever tell you that he had heard  
02:19:55 10 Father Carriere make inappropriate sexual comments?

02:19:58 11 A No.

02:19:58 12 Q Have you ever heard anyone say that they heard  
02:20:00 13 Father Carriere make inappropriate sexual comments?

02:20:04 14 A No.

02:20:27 15 Q How frequent were faculty -- when you were in  
02:20:30 16 Berkeley on the faculty at the Theologate, how frequent  
02:20:35 17 were faculty meetings?

02:20:38 18 A I don't recall.

02:20:38 19 Q Do you think it was once a month?

02:20:41 20 A I'm not sure.

02:20:44 21 Q More than once a month?

02:20:46 22 A Probably not.

02:20:57 23 Q Okay.

02:21:00 24 Do you recall attending faculty meetings in  
02:21:02 25 Berkeley with [REDACTED]?

02:21:10 1 A I don't recall exact precisely, no. I presume  
02:21:14 2 we did.

02:21:18 3 Q Okay.

02:21:19 4 Did he ever express any concerns to you about  
02:21:21 5 the candidacy of any candidates in Berkeley?

02:21:25 6 A I don't recall.

02:21:30 7 Q Did any faculty members ever express any  
02:21:34 8 concerns to you about the candidacy of any candidates in  
02:21:37 9 Berkeley?

02:21:38 10 A I don't recall.

02:21:47 11 Q Did you ever supervise Father Carriere?

02:21:49 12 A No.

02:21:51 13 Q Did you ever discipline Father Carriere?

02:21:53 14 A No.

02:21:54 15 MR. MATIASIC: I think it is asked and  
02:21:58 16 answered, Counsel.

02:21:58 17 MR. HALE: I don't think so.

02:22:04 18 MR. MATIASIC: I'm almost positive.

02:22:06 19 MR. HALE: I asked him about other priests,  
02:22:08 20 but I don't think I did Father Carriere.

02:22:10 21 MR. MATIASIC: I think it's asked and  
02:22:11 22 answered. I'll have a running objection.

02:22:14 23 MR. HALE: Sure.

02:22:15 24 MR. MATIASIC: But go ahead.

02:22:16 25 ///

02:22:16 1 BY MR. HALE:

02:22:16 2 Q Did you ever report Father Carriere to the  
02:22:20 3 supervisor?

02:22:20 4 A Ever report him?

02:22:22 5 MR. HALE: Yeah.

02:22:22 6 MR. MATIASIC: And lacks foundation.

02:22:24 7 THE WITNESS: No.

02:22:25 8 BY MR. HALE:

02:22:26 9 Q Did you ever visit Father Carriere when he was  
02:22:29 10 assigned in Fresno?

02:22:32 11 A No.

02:22:32 12 Q Were you aware that he was transferred from  
02:22:37 13 Fresno?

02:22:37 14 A No.

02:22:45 15 Q Do you know [REDACTED]?

02:22:49 16 A Yes.

02:22:50 17 Q Have you ever spoken with Father [REDACTED] about  
02:22:52 18 Father Carriere?

02:22:53 19 A No.

02:22:54 20 Q Have you ever heard that Father [REDACTED] was  
02:22:57 21 complaining about Father Carriere?

02:23:00 22 A No.

02:23:11 23 Q Were you aware of Father Carriere having any  
02:23:15 24 manic episodes?

02:23:20 25 MR. MATIASIC: Vague and ambiguous.

02:23:21 1 THE WITNESS: Hum?

02:23:21 2 MR. MATIASIC: If you understand the question,  
02:23:24 3 go ahead and answer, Father.

02:23:27 4 THE WITNESS: No.

02:23:52 5 BY MR. HALE:

02:23:53 6 Q Do you know Father Robert Van Handle?

02:24:00 7 A Yes. Distantly.

02:24:04 8 Q Okay. Regarding Father Carriere, have you  
02:24:04 9 ever been aware of any allegations of childhood sexual  
02:24:08 10 abuse against him?

02:24:10 11 MR. MATIASIC: Other than anything you've  
02:24:11 12 learned from your attorneys.

02:24:13 13 BY MR. HALE:

02:24:14 14 Q Right.

02:24:14 15 A Well, I think I heard from the Friars, yeah.  
16 Yes.

02:24:18 17 Q When did you hear that?

02:24:20 18 A I don't remember.

02:24:22 19 Q Do you recall if it was around the time of the  
02:24:24 20 Board of Inquiry?

02:24:24 21 A It would have been after.

02:24:26 22 Q Okay. Do you recall if it was in the '90s?

02:24:30 23 A It would have been, yeah, lat -- it would have  
02:24:34 24 been after the news came out from the Provincial that  
02:24:41 25 there were Friars who committed this abuse.

02:24:48 1 Q How did word come out from the Provincial?  
02:24:51 2 Was it in a memorandum form, or was it in a letter form?  
02:24:57 3 A I don't recall.  
02:25:02 4 Q Do you recall someone speaking to you orally  
02:25:04 5 about the Franciscans?  
02:25:10 6 A I believe so.  
02:25:11 7 Q Was there a presentation to a group that you  
02:25:12 8 recall where this was discussed?  
02:25:14 9 A I believe so.  
02:25:17 10 Q And was this while you were at St. Anthony's  
02:25:20 11 in Northern California?  
02:25:24 12 A Yes.  
02:25:24 13 Q Do you recall who spoke to you?  
02:25:26 14 A I believe it was the Provincial, but my memory  
02:25:31 15 is vague.  
02:25:31 16 Q And did he identify all the Franciscans who  
02:25:35 17 had been accused or alleged to have committed childhood  
02:25:40 18 sexual abuse?  
02:25:41 19 A Absolutely not.  
02:25:42 20 Q But did he identify some of them, it sounds  
02:25:44 21 like?  
02:25:45 22 A No.  
02:25:46 23 Q How did you learn of Father Carriere?  
02:25:48 24 A Some Friar mentioned it to me later on.  
02:25:55 25 Q How do you know Father Van Handle?

02:26:21 1 A I believe that he and Vince -- Well, Vince  
02:26:29 2 Macey perhaps stopped in to see me in Germany. They  
02:26:32 3 were on a tour of the boys' choir.

02:26:35 4 Q And what year was that, do you think? I'm  
02:26:40 5 trying to remember what year you were in Germany or  
02:26:45 6 years. I know it was two years; correct?

02:26:48 7 A Let's say 1969 or 1970 and '71.

02:27:02 8 Q Was Van Handle a priest at that time?

02:27:07 9 A Yes.

02:27:07 10 Q Had he just been ordained?

02:27:10 11 A I don't know.

02:27:13 12 Q Did he talk to you about establishing a boys'  
02:27:17 13 choir?

02:27:19 14 MR. MATIASIC: At that time in Germany?

02:27:21 15 THE WITNESS: I have no recollection of any of  
02:27:24 16 that.

02:27:24 17 BY MR. HALE:

02:27:24 18 Q But you were aware that he was touring Europe  
02:27:25 19 to see boys' choirs?

02:27:27 20 A Yes, yes.

02:27:28 21 Q And who was he with?

02:27:31 22 A I think it was Vince Macey.

02:27:34 23 Q Is Vince Macey still a Friar?

02:27:37 24 A Yes.

02:27:37 25 Q Do you know how old he is?



02:27:40 1 A No.

02:27:43 2 Q Can you estimate how old he is?

02:27:46 3 A Upper forties.

02:27:50 4 Q Do you know where he's assigned?

02:27:54 5 A Phoenix.

02:28:04 6 Q Is he a Brother or a Priest?

02:28:06 7 A Priest.

02:28:21 8 Q Had you met Father Van Handle before he

02:28:24 9 visited you in Europe?

02:28:25 10 A I don't think so. I don't recall.

02:28:30 11 Q Did he spend the night with -- you weren't at

02:28:34 12 a parish, correct, were you?

02:28:35 13 A No.

02:28:36 14 Q Did he spend the night at the Franciscan

02:28:37 15 location where you were living?

02:28:39 16 A I don't recall that.

02:28:41 17 Q Was there anyone else with him other than

02:28:44 18 Father Macey?

02:28:45 19 A No.

02:28:52 20 Q When was the last time you spoke with Father

02:28:56 21 Van Handle?

02:28:58 22 A That may well have been it. I don't recall.

02:29:01 23 Q Okay.

02:29:01 24 Have you ever discussed with [REDACTED] the fact

02:29:04 25 that Father Van Handle was coming to see him in the

02:29:08 1 1980s?

02:29:10 2 A No.

02:29:13 3 Q Have you ever been assigned anywhere with Van

02:29:15 4 Handle?

02:29:15 5 A No.

02:29:17 6 Q Ever been in residence anywhere with Van

02:29:19 7 Handle?

02:29:20 8 A Not that I know of.

02:29:24 9 Q And he did not study under you to your

02:29:26 10 recollection?

02:29:28 11 A To my recollection, he did not.

02:29:33 12 Q Do you recall ever evaluating him as a

02:29:35 13 candidate for the priesthood?

02:29:37 14 A I don't recall.

02:29:42 15 Q And have you heard that he's been accused of

02:29:46 16 childhood sexual abuse?

02:29:48 17 MR. MATIASIC: Other than through your

02:29:49 18 attorneys.

02:29:50 19 THE WITNESS: Yes.

02:29:50 20 BY MR. HALE:

02:29:51 21 Q When did you first hear that?

02:29:55 22 A It would have been the same as all of them.

02:29:58 23 Sometime after the general announcement by the

02:30:09 24 Provincial.

02:30:10 25 Q So sometime around the Board of Inquiry?

02:30:12 1 A Pardon?

02:30:13 2 Q Sometime around the Board of Inquiry?

02:30:16 3 A Yes.

02:30:32 4 Q When was the first time you ever heard any  
02:30:35 5 Franciscan was accused of childhood sexual abuse?

02:30:39 6 A It would have been around the Board of  
02:30:45 7 Inquiry. It was -- I would say it was after, you know,  
02:30:50 8 after the general announcement, gradually you heard  
02:30:54 9 about this Friar and that Friar.

02:30:56 10 Q Who was the first Franciscan you heard accused  
02:30:59 11 of childhood sexual abuse?

02:31:02 12 A I don't know. I don't recall.

02:31:09 13 Q Do you know Brother Sam Cabbott?

02:31:12 14 A Yes.

02:31:12 15 Q How do you know of Brother Cabbott?

02:31:14 16 A Oh, I can't remember all the times, but he,  
02:31:18 17 you know, over the years, I met him off and on.

02:31:24 18 Q When do you think you first met him?

02:31:29 19 A I'm not sure. I can't recall.

02:31:37 20 Q Were you ever assigned anywhere with him?

02:31:39 21 A No.

02:31:40 22 Q Never in residence anywhere with him?

02:31:43 23 A Can't recall. Not that I recall.

02:31:53 24 Q Are you aware he had been accused of childhood  
02:31:56 25 sexual abuse?

02:31:57 1 A Yes.

02:31:57 2 Q When did you first hear that?

02:31:59 3 A Oh, not too long ago. I don't know. Maybe a  
02:32:04 4 year or so ago. Two years. I'm not --

02:32:11 5 Q Do you know [REDACTED]?

02:32:13 6 A Yes.

02:32:14 7 Q And how do you know of Brother [REDACTED]?

02:32:21 8 A I've known him for a long time, but I can't  
02:32:26 9 remember when the first time was.

02:32:28 10 Q Did he study under you?

02:32:34 11 A No, he didn't study for the priesthood. The  
02:32:39 12 brotherhood.

02:32:42 13 Q What about at St. Anthony's the year you were  
02:32:47 14 there?

02:32:48 15 A No.

02:32:49 16 Q When was the last time you spoke with him?

02:32:52 17 A He came to visit us not too long ago. Well,  
02:32:55 18 within the last year, I would say. Stopped by for  
02:33:00 19 lunch, and we chatted, and then he went on.

02:33:03 20 Q And do you know whether he's having any health  
02:33:06 21 problems?

02:33:08 22 A I believe so.

02:33:10 23 Q And what is your understanding of his [REDACTED]  
02:33:12 24 [REDACTED]?

02:33:13 25 A I can't recall.

02:33:16 1 Q What makes you think he's [REDACTED]  
02:33:20 2 [REDACTED]?  
02:33:20 3 MR. MATIASIC: You said [REDACTED].  
02:33:24 4 THE WITNESS: Pardon?  
02:33:24 5 BY MR. HALE:  
02:33:24 6 Q [REDACTED].  
02:33:25 7 A I have a vague recollection that he mentioned  
02:33:27 8 something about it when he was with me.  
02:33:29 9 Q Okay.  
02:33:29 10 A I can't recall what it was.  
02:33:46 11 Q While you were at St. Anthony's seminary both  
02:33:48 12 as a student and as a faculty member, were you ever  
02:33:51 13 aware of a faculty member buying a student a gift?  
02:33:56 14 MR. HANCE: Vague and ambiguous.  
02:33:57 15 THE WITNESS: No.  
02:33:57 16 BY MR. HALE:  
02:33:58 17 Q Would that have struck you as unusual?  
02:34:00 18 MR. HANCE: Incomplete hypothetical.  
02:34:04 19 THE WITNESS: Once again, I can't think of all  
02:34:04 20 the different eventualities.  
02:34:07 21 BY MR. HALE:  
02:34:08 22 Q Can you think of any eventuality where it  
02:34:10 23 wouldn't have been unusual?  
02:34:12 24 MR. HANCE: Same objections.  
02:34:15 25 THE WITNESS: What is that again? That --

02:34:17 1 BY MR. HALE:

02:34:17 2 Q Can you think of any circumstance where it  
02:34:19 3 would not have been unusual for a faculty member to buy  
02:34:22 4 a student a gift?

02:34:24 5 MR. HANCE: Same objections.

02:34:25 6 THE WITNESS: I can't off the top of my head,  
02:34:26 7 but I don't want to -- I can't really respond to that.

02:34:30 8 BY MR. HALE:

02:34:31 9 Q Would there have been any rules prohibiting a  
02:34:34 10 faculty member from buying a student a gift?

02:34:37 11 MR. HANCE: Same objections.

02:34:38 12 THE WITNESS: I don't know of any.

02:34:44 13 BY MR. HALE:

02:34:45 14 Q Do you know Gus Crumb?

02:34:47 15 A Yes.

02:34:47 16 Q And how did you first meet Gus?

02:34:51 17 A Once again, I don't recall.

02:34:53 18 Q When was the last time you spoke with Gus?

02:34:57 19 A I don't recall that either.

02:35:02 20 Q Have you ever been assigned anywhere with Gus?

02:35:04 21 A No.

02:35:06 22 Q Have you ever been in residence anywhere with  
02:35:09 23 Gus?

02:35:09 24 A No.

02:35:10 25 Q Did he ever study under you?

02:35:11 1 A I don't believe so.

02:35:15 2 Q Did you ever evaluate him as a Franciscan?

02:35:17 3 A No.

02:35:22 4 Q Are you aware that he's been identified as a

02:35:24 5 perpetrator in the Board of Inquiry report?

02:35:30 6 A Well, I'm aware that he is identified as a

02:35:34 7 perpetrator, yes.

02:35:36 8 Q Okay. Are you aware that Finny and McGan

02:35:41 9 filed a report with the Oakland Police Department

02:35:44 10 regarding childhood sexual abuse by Crumb?

02:35:47 11 A No, I'm not.

02:35:51 12 Q Does that surprise you?

02:36:04 13 A Well, it's something I didn't know.

02:36:10 14 Q Do you know [REDACTED]?

02:36:12 15 A Yes.

02:36:13 16 Q [REDACTED].

02:36:16 17 A Um-hmm.

02:36:17 18 Q How do you know Father [REDACTED]?

02:36:25 19 A Well, can't recall.

02:36:26 20 Q Do you know if he's still a Franciscan?

02:36:30 21 A I thought he was.

02:36:34 22 Q Have you ever been assigned anywhere with him?

02:36:35 23 A Hum?

02:36:36 24 Q Have you ever been assigned anywhere with him?

02:36:38 25 A No.

02:36:39 1 Q Ever been in residence anywhere with him?

02:36:41 2 A No.

02:36:47 3 Q Have you heard he's been accused of childhood

02:36:49 4 sexual abuse?

02:36:50 5 A Yes.

02:36:51 6 Q How did you hear of that?

02:36:54 7 A I don't recall.

02:36:55 8 Q Do you recall when you heard that?

02:36:58 9 A Hum?

02:36:58 10 Q Do you recall when you heard that?

02:37:00 11 A Sometime after the general announcement.

02:37:02 12 Later than many of the others probably.

02:37:06 13 Q Okay. Have you ever heard that he was --

02:37:12 14 Well, no. Strike that.

02:37:20 15 Are you familiar with the St. William's

02:37:25 16 parish in Los Altos?

02:37:27 17 A No, I'm not.

02:37:28 18 Q Have you ever heard of that Father [REDACTED] was

02:37:29 19 accused of childhood sexual abuse at that parish?

02:37:34 20 A No.

02:37:37 21 Q Were you ever assigned anywhere with Philip

22 Wolf?

23 A No.

02:37:41 24 Q Were you ever in residence anywhere with

02:37:44 25 Philip Wolf?



02:37:45 1 A I don't think so.

02:37:47 2 Q What about Ed Byrom?

02:37:53 3 A Ed Byrom?

02:37:54 4 Q Were you ever assigned anywhere with him?

02:37:56 5 A Never heard of him.

02:37:58 6 Q Okay. Have you heard of Tom Thane?

02:38:04 7 A Yes.

02:38:04 8 Q Have you ever been assigned anywhere with Tom

02:38:07 9 Thane?

02:38:07 10 A No.

02:38:07 11 Q Have you ever been in residence anywhere with

02:38:12 12 Tom Thane?

02:38:13 13 A No.

02:38:13 14 Q Have you heard he's been accused of childhood

02:38:26 15 sexual abuse?

16 A No.

02:38:26 17 Q Were you ever assigned anywhere with Martin

02:38:33 18 McKeon?

02:38:34 19 A He may have been Pastor at San Luis Rey when I

02:38:36 20 was teaching there. I'm not even sure of that.

02:38:39 21 Q Have you ever been in residence anywhere with

02:38:42 22 Father McKeon?

02:38:45 23 A I can't recall.

02:38:46 24 Q Do you know Chris Verbena?

02:38:52 25 A Um-hmm.

02:38:52 1 Q Is he no longer a Franciscan?

02:38:54 2 A I --

02:38:54 3 MR. MATIASIC: If you know, Father.

02:38:55 4 THE WITNESS: I don't think so.

02:38:56 5 BY MR. HALE:

02:38:57 6 Q Have you ever been assigned anywhere with

02:39:00 7 Verbena?

02:39:01 8 A Yes, St. Boniface.

02:39:07 9 Q How long was he at St. Boniface with you?

02:39:10 10 A It was a short time. Perhaps a year.

02:39:50 11 Q Have you ever heard that Father Verbena has

02:39:54 12 been accused of childhood sexual abuse?

02:39:57 13 MR. MATIASIC: Other than from your attorneys.

02:40:00 14 THE WITNESS: I don't think so, no.

02:40:04 15 BY MR. HALE:

02:40:04 16 Q How long was he with you at St. Boniface?

02:40:06 17 A I'm guessing or estimating a year.

02:40:10 18 Q Do you know why he was he transferred from

02:40:13 19 St. Boniface?

02:40:14 20 A No.

02:40:16 21 Q Why did he leave St. Boniface, if you know?

02:40:24 22 A I don't really know for sure.

02:40:29 23 Q Have you heard rumors about why he left

02:40:31 24 St. Boniface?

02:40:33 25 A Well, I have my -- but then, see, I have my

02:40:36 1 own idea, but I may be wrong.

02:40:39 2 Q Okay.

02:40:41 3 MR. MATIASIC: He asked specifically, Father,  
02:40:44 4 whether you heard rumors about why he was transferred  
02:40:46 5 from St. Boniface.

02:40:48 6 THE WITNESS: I didn't hear rumors.

7 MR. MATIASIC: Okay.

02:40:50 8 BY MR. HALE:

02:40:51 9 Q What is your idea of why he was transferred  
02:40:54 10 from St. Boniface?

02:40:55 11 A I don't think he was very happy with us, with  
02:41:00 12 his job. That's it.

02:41:01 13 Q Do you know where he was transferred to?

02:41:04 14 A No, I don't.

02:41:04 15 Q Why did you think he was unhappy with his job?

02:41:07 16 A I'm not sure. I don't know.

02:41:08 17 Q Did you know Berard Connelly?

02:41:14 18 A Oh, yes. Uh-huh.

02:41:15 19 Q How did you meet Berard Connelly?

02:41:18 20 A I don't recall.

02:41:18 21 Q Were you ever assigned anywhere with Berard?

02:41:22 22 A I don't think so.

02:41:24 23 Q Were you ever in residence anywhere with  
02:41:26 24 Berard?

02:41:26 25 A I don't think so.

02:41:27 1 Q And have you heard he's been accused of  
02:41:30 2 childhood sexual abuse?

02:41:32 3 MR. HANCE: Other than through his attorneys.

02:41:35 4 MR. HALE: Right.

02:41:35 5 THE WITNESS: I'm not sure about that.  
02:41:37 6 Possibly I did.

7 BY MR. HALE:

02:41:38 8 Q Did you ever visit him in Spokane while he was  
02:41:41 9 assigned up there?

02:41:42 10 A No.

02:41:43 11 Q Have you ever heard that there was litigation  
02:41:45 12 involving allegations of childhood sexual abuse in  
02:41:54 13 Spokane?

02:41:54 14 A No.

02:41:55 15 Q Do you know [REDACTED]?

02:41:57 16 A Yes.

02:41:58 17 Q How do you know [REDACTED]?

02:41:59 18 A He lived with us for a while at St. Anthony's  
02:42:04 19 in San Francisco.

02:42:17 20 Q Was that early in your time there or later in  
02:42:20 21 your time there?

02:42:25 22 A Perhaps around the middle.

02:42:33 23 Q So around '97. Maybe '96. Somewhere around  
02:42:39 24 there?

02:42:40 25 A Perhaps '95. I don't know. I really don't

02:42:44 1 know.

02:42:44 2 Q How long was he with you at St. Anthony's?

02:42:45 3 A And I'm not sure of that either. I'm --

02:42:47 4 perhaps two years.

02:42:49 5 Q Okay.

02:42:50 6 Do you know where he came from before he

02:42:51 7 arrived at St. Anthony's?

02:42:53 8 A No, I don't.

02:42:54 9 Q Do you know where he was sent to after he left

02:42:57 10 St. Anthony's?

02:43:00 11 A No, I don't.

02:43:01 12 Q Do you know if he is in residence at the

02:43:04 13 [REDACTED] right now?

02:43:06 14 A [REDACTED]

02:43:06 15 Q Do you know how [REDACTED]?

02:43:10 16 A No, I'm not sure.

02:43:15 17 Q Is he -- do you know if he is a member of

02:43:22 18 Province?

02:43:24 19 A [REDACTED]

02:43:24 20 Q Have you ever heard to the contrary?

02:43:25 21 A No.

02:43:26 22 Q Do you know if he's from an [REDACTED]?

02:43:31 23 A I know he's from [REDACTED] but I don't know if

02:43:34 24 he belongs to a Province down there or not.

02:43:52 25 Q Do you know how old -- is [REDACTED] a

02:43:56 1 Brother or a Father?

02:43:57 2 A [REDACTED].

02:43:57 3 Q Do you know how old he is?

02:44:01 4 A No.

02:44:01 5 Q Do you know why he was transferred from  
02:44:04 6 St. Anthony's in Northern California?

02:44:07 7 MR. MATIASIC: Lacks foundation.

02:44:10 8 THE WITNESS: I knew he had a [REDACTED]

02:44:12 9 [REDACTED]. That may have had something to do with it.

02:44:16 10 BY MR. HALE:

02:44:16 11 Q How did you know he had a [REDACTED]?

02:44:21 12 A Well, he -- he went on some [REDACTED]s when he was  
02:44:26 13 with us.

02:44:27 14 Q And you observed him being [REDACTED],  
02:44:30 15 I take it?

02:44:32 16 A I believe I did.

02:44:41 17 Q Do you recall him being [REDACTED]  
02:44:44 18 anywhere?

02:44:45 19 A I don't know.

02:44:52 20 Q When he went on these [REDACTED], are you aware of  
02:44:55 21 him engaging in any [REDACTED]?

02:45:00 22 MR. HANCE: Vague and ambiguous.

02:45:00 23 THE WITNESS: No, I'm not.

02:45:01 24 BY MR. HALE:

02:45:02 25 Q Okay.

02:45:04 1 Do you know how old he is?

02:45:07 2 A No, I don't.

02:45:08 3 Q Do you know if he's in his -- is he elderly?

02:45:11 4 Seventies or eighties, or is he forties, fifties?

02:45:16 5 A Well, he -- once again, I'm just guessing.

02:45:21 6 MR. MATIASIC: Don't guess, Father.

02:45:24 7 MR. HALE: Don't guess.

02:45:24 8 THE WITNESS: Well, okay. Then I won't guess.

02:45:26 9 He's [REDACTED].

02:45:28 10 BY MR. HALE:

02:45:29 11 Q Okay. Do you know, does he have any

02:45:32 12 responsibilities at the Mission in Santa Barbara

02:45:34 13 currently?

02:45:35 14 MR. MATIASIC: Vague and ambiguous.

02:45:36 15 THE WITNESS: No, I don't.

02:45:37 16 BY MR. HALE:

02:45:38 17 Q Do you know if he's living in the [REDACTED]?

02:45:41 18 A [REDACTED]

02:45:41 19 Q But do you know if he's having any [REDACTED]

02:45:43 20 [REDACTED]?

02:45:44 21 A [REDACTED]

02:45:44 22 Q Do you know what those [REDACTED] are?

02:45:47 23 A My understanding is [REDACTED] and had [REDACTED]

02:45:54 24 [REDACTED] -- you know,

02:45:58 25 [REDACTED], yeah.

02:46:01 1 Q Do you know if there's any restrictions on his  
02:46:04 2 ability to have contact with visitors to the Mission?

02:46:09 3 A I don't know.

02:46:09 4 Q Were there any restrictions on him when he was  
02:46:12 5 at St. Anthony's?

02:46:14 6 A I don't recall.

02:46:21 7 Q Have you ever heard that Father [REDACTED] has  
02:46:24 8 been accused of childhood sexual abuse?

02:46:28 9 A I think I did just recently.

02:46:29 10 Q And how did you hear that?

02:46:32 11 A Some Friar. I don't know who.

02:46:35 12 Q And what did that Friar tell you?

02:46:39 13 A I believe it was just a passing reference.

02:46:44 14 Q To the fact that he's been accused of  
02:46:45 15 childhood sexual abuse?

02:46:46 16 A Yes.

02:46:46 17 Q Did that surprise you?

02:46:47 18 A Yes.

02:47:02 19 Q Do you know Brother Gerald Chumick?

02:47:07 20 A Yes.

02:47:07 21 Q How did you meet him?

02:47:08 22 A I met him at Three Rivers Retreat. I went  
02:47:13 23 there to make a private retreat.

02:47:16 24 Q How long ago was that? You don't have to be  
02:47:26 25 exact. Like an approximate date would be good, just a



02:47:29 1 year.

02:47:29 2 A Five and ten years ago. Between five and ten.

02:47:32 3 Q Was he assigned there, or was he on retreat,  
02:47:34 4 too?

02:47:35 5 A He was assigned there.

02:47:37 6 Q So somewhere around '93, '94, '95 perhaps?

02:47:43 7 MR. MATIASIC: Well, he actually said between  
02:47:44 8 five and ten years ago.

02:47:46 9 MR. HALE: Okay.

02:47:47 10 MR. MATIASIC: That means between five and ten  
02:47:49 11 years ago.

02:47:49 12 THE WITNESS: I can't pinpoint the date or the  
02:47:52 13 year.

02:47:52 14 BY MR. HALE:

02:47:53 15 Q Okay. All right.

02:47:57 16 And did he participate in your retreat  
02:47:59 17 activities?

02:48:01 18 A No.

02:48:02 19 Q Do you know what his assignment at Three  
02:48:05 20 Rivers was?

02:48:06 21 A No.

02:48:07 22 Q Do you know if he was doing any parish work?

02:48:10 23 A No.

02:48:11 24 Q But are you confident he was in residence at  
02:48:13 25 Three Rivers?

02:48:15 1 A Well, yes.

02:48:15 2 Q And how do you know that?

02:48:18 3 A Well, I found it out when I was there.

02:48:22 4 Q Okay. Do you know how long he was at Three

02:48:24 5 Rivers?

02:48:25 6 A No, I don't.

02:48:32 7 Q Were you aware that until recently he was in

02:48:35 8 residence at the Old Mission in Santa Barbara?

02:48:40 9 A When was I aware? When?

02:48:44 10 Q That until recently he was in residence at the

02:48:45 11 Old Mission Santa Barbara.

02:48:46 12 A Yes.

02:48:47 13 Q Okay.

02:48:47 14 When did you first learn that?

02:48:50 15 A I think from the newspaper, Santa Barbara News

02:48:54 16 Press.

02:48:55 17 Q Okay.

02:48:58 18 Do you know how long he was in residence at

02:49:00 19 the Old Mission for?

02:49:01 20 A No, I don't.

02:49:06 21 Q Were you ever assigned anywhere with Brother

02:49:11 22 Chumick?

02:49:11 23 A No.

02:49:11 24 Q Do you know if he ever became a part of the --

02:49:14 25 did he ever join the Province?

02:49:16 1 A Oh, I believe he did not.

02:49:18 2 Q Okay. Were you ever in residence anywhere  
02:49:20 3 with Brother Chumick other than your visit to Three  
02:49:27 4 Rivers?

02:49:28 5 A No.

02:49:28 6 Q Who else was with you at the retreat at Three  
02:49:32 7 Rivers when you met Brother Chumick?

02:49:36 8 A You mean the people that were living there?

02:49:38 9 Q Right.

02:49:41 10 A It's terrible. I can't recall.

02:49:43 11 Q Was Dave Johnson there at that time?

02:49:46 12 A I don't recall.

02:49:46 13 Q Okay. All right.

02:49:55 14 Are you aware that Brother Chumick is wanted  
02:49:58 15 by the Canadian authorities for childhood sexual abuse?

02:50:04 16 A Yes. In the newspapers.

02:50:05 17 Q And was that the first time you had ever heard  
02:50:07 18 of that?

02:50:08 19 A Yes.

02:50:08 20 Q And did that surprise you?

02:50:11 21 A Somewhat, yes.

02:50:16 22 Q Did you ever -- have you ever spoken to  
02:50:19 23 Brother Chumick about those charges against him?

02:50:22 24 A No.

02:50:22 25 Q Have you ever spoken to any other Franciscans

02:50:26 1 about the charges against Brother Chumick?

02:50:30 2 A I don't think so.

02:50:38 3 Q Do you know if Brother Chumick is now in  
02:50:41 4 Missouri?

02:50:44 5 A Yes.

02:50:44 6 Q And how did you learn that?

02:50:47 7 A I'm not sure.

02:51:05 8 Q Do you know [REDACTED]?

9 A Yes.

02:51:08 10 Q Have you ever been assigned anywhere with him?

02:51:13 11 A I'm trying to think if he was one of my  
02:51:18 12 students, but I don't recall, or I don't think so.

02:51:35 13 Q Have you ever been in residence anywhere with  
02:51:37 14 him?

02:51:38 15 A No.

02:51:50 16 Q Have you ever seen the Board of Inquiry  
02:51:53 17 report?

02:51:54 18 A Yes.

02:51:54 19 Q When did you see the Board of Inquiry report?

02:51:57 20 A Hum?

02:51:58 21 Q When did you see the Board of Inquiry report?

02:52:00 22 A I think about the time it came out.

02:52:04 23 Q And how did you obtain a copy of the Board of  
02:52:06 24 Inquiry report?

02:52:06 25 A I believe they were given -- each house

02:52:09 1 received a copy.

02:52:09 2 Q Okay.

02:52:10 3 Did you receive a -- did you read the report?

02:52:15 4 A I believe I read most of it.

02:52:17 5 Q Okay.

02:52:17 6 Were there names of specific Franciscans in  
02:52:21 7 the report?

02:52:22 8 A Not that I know of.

02:52:24 9 Q Have you ever asked anyone -- first of all, do  
02:52:28 10 you recall that there were -- the report says there were  
02:52:32 11 11 Franciscans who committed childhood sexual abuse at  
02:52:36 12 St. Anthony's?

02:52:37 13 A Now I recall this, yes.

02:52:38 14 Q Have you ever asked anyone who those 11  
02:52:41 15 Franciscans are?

02:52:44 16 A No.

02:52:44 17 Q Have you ever figured out on your own the  
02:52:47 18 identities of any of those 11 Franciscans?

02:52:49 19 A No.

02:52:49 20 Q Have you ever wondered who those 11  
02:52:52 21 Franciscans are?

02:52:53 22 MR. MATIASIC: That's I mean, I'm going to  
02:52:55 23 object on the grounds of relevance. What he wonders  
02:52:58 24 about as to the Board of Inquiry report is not likely to  
02:53:02 25 lead to discovery of admissable evidence.

02:53:02 1 MR. HALE: Sure.

02:53:03 2 You can answer.

02:53:03 3 MR. MATIASIC: If you want to answer, Father,

02:53:06 4 you can go ahead.

02:53:07 5 MR. HALE: Well, no. Actually, that's not if

02:53:08 6 he wants to.

02:53:10 7 MR. MATIASIC: No. That's if he wants to.

8 MR. HALE: No. It's not.

02:53:12 9 MR. MATIASIC: It's not likely -- if you want

02:53:14 10 to take it up with the Court, Tim, go ahead.

02:53:14 11 MR. HALE: We'll look at it this way --

02:53:16 12 MR. MATIASIC: If the judge -- let's see what

02:53:17 13 a judge would have to say whether or not he wondered who

02:53:18 14 was in the Board of Inquiry report how that's relevant

02:53:24 15 to any of these cases.

16 MR. HALE: It's definitely relevant to the

02:53:25 17 punitive damages allegation.

18 MR. MATIASIC: Whether or not he wondered?

02:53:25 19 MR. HALE: Absolutely. Absolutely.

02:53:26 20 MR. MATIASIC: I don't know how.

02:53:27 21 MR. HALE: Oh, I can explain to you how if

02:53:29 22 you'd like.

02:53:30 23 MR. MATIASIC: Sure, sure.

02:53:30 24 MR. HALE: When we get to trial, you are going

02:53:32 25 to argue that you have changed your ways and that the

02:53:36 1 Franciscan Order does not conduct business in the way  
02:53:38 2 that resulted in the scandal at St. Anthony's seminary.  
02:53:41 3 And someone wondering whether these men he was in  
02:53:45 4 residence with, whether or not they were perps, that's  
02:53:48 5 absolutely going to imply that argument.

02:53:51 6 MR. MATIASIC: I disagree.

02:53:52 7 MR. HALE: Well, fine. You're entitled to  
02:53:54 8 disagree, but an instruction not to answer here is  
02:53:57 9 completely inappropriate.

02:53:59 10 MR. MATIASIC: Father, if you can answer it,  
02:54:01 11 I'll let him answer the question. If you can answer it,  
02:54:05 12 go ahead.

02:54:05 13 THE WITNESS: I have wondered, yes.

14 BY MR. HALE:

15 Q Okay.

02:54:07 16 Have you ever tried to pursue determining who  
02:54:11 17 those 11 perpetrators were?

02:54:13 18 A No, I haven't.

02:54:15 19 Q Have you ever seen a copy of the unredacted  
02:54:20 20 Board of Inquiry report?

02:54:22 21 MR. MATIASIC: Lacks foundation.

02:54:24 22 THE WITNESS: I'm not aware of any difference.  
02:54:25 23 I'm not aware of that at all.

02:54:26 24 BY MR. HALE:

02:54:27 25 Q Are you aware of there being a report where

02:54:29 1 the names of perpetrators are identified?

02:54:33 2 A No. Am I aware of that?

02:54:35 3 Q Yes.

02:54:35 4 A No.

02:54:36 5 Q Have you ever heard that there was a report  
02:54:39 6 where the names of the --

02:54:40 7 A No. Just hearing it from you now.

02:54:44 8 MR. MATIASIC: Just let him finish his  
02:54:46 9 question, Father.

02:54:47 10 BY MR. HALE:

02:54:47 11 Q Okay.

02:55:11 12 During your career as a Franciscan, have you  
02:55:12 13 ever been assigned anywhere where there were  
02:55:15 14 restrictions placed on the ministry of another  
02:55:19 15 Franciscan?

02:55:20 16 MR. MATIASIC: Obviously that he knows of.

02:55:24 17 MR. HALE: Right.

02:55:31 18 THE WITNESS: Well, I mentioned Joe Procknow.

02:55:35 19 BY MR. HALE:

02:55:35 20 Q Okay. Anyone else?

02:55:37 21 A No, not that I know of.

02:55:39 22 Q Okay.

02:55:43 23 When you were a student at St. Anthony's  
02:55:46 24 seminary, were you a member of the choir?

02:55:48 25 A Yes.



02:55:49 1 Q And who led the choir at that time?

02:55:53 2 A Let's see. The first year was it -- it was

02:55:59 3 Owen Desilva, and then after -- so that was '39 '40.

02:56:05 4 Then Marshall Lipkin came.

02:56:07 5 Q When you joined the choir, was there a process

02:56:10 6 involved in you joining the choir?

02:56:12 7 A Oh, I don't remember.

02:56:14 8 Q Was it simply a matter of saying I want to

02:56:17 9 join the choir and you became a member of the choir?

02:56:20 10 A You would have an audition. What is the word?

02:56:24 11 Q Okay.

02:56:24 12 A You have to sing.

02:56:26 13 Q Do you recall auditioning for Father Desilva?

02:56:29 14 A I don't actually recall.

02:56:41 15 Q Do you ever recall hearing that Father Desilva

02:56:44 16 was examining students' genitals to determine if they

02:56:47 17 were appropriate for them to be in the choir?

02:56:54 18 A I did hear that.

02:56:55 19 Q Where did you hear that?

02:56:57 20 A I can't recall.

02:56:58 21 Q Did you hear that while you were a student?

02:57:01 22 A I think so.

02:57:02 23 Q And did you talk about that with a fellow

02:57:05 24 student?

02:57:07 25 A Perhaps somewhat, uh-huh.

02:57:10 1 Q Did you ever tell anyone about hearing that?

02:57:15 2 A No.

02:57:15 3 Q Did you ever experience anything like that  
02:57:17 4 yourself with Father Desilva?

02:57:20 5 A Yeah. I don't think so.

02:57:21 6 Q Did you know anyone who had experienced  
02:57:24 7 anything like that?

02:57:24 8 A I can't say, no. I don't recall.

02:57:30 9 Q Was Father Desilva still a member of the Order  
02:57:35 10 when you became a Franciscan yourself?

02:57:39 11 A Yes.

02:57:40 12 Q Were you ever assigned anywhere with him?

02:57:42 13 A No.

02:57:43 14 Q Were you ever in residency anywhere with him?

02:57:46 15 A No.

02:57:56 16 Q Was it a situation where it was common  
02:57:59 17 knowledge? Was it something that was -- when you were a

02:58:04 18 student at St. Anthony's seminary, was the fact that

02:58:05 19 Father Desilva was examining students' genitals

02:58:08 20 something that was common knowledge amongst the class?

02:58:11 21 MR. MATIASIC: Vague and ambiguous and calls  
02:58:12 22 for speculation.

02:58:14 23 THE WITNESS: I'm not sure.

02:58:14 24 BY MR. HALE:

02:58:15 25 Q Was it a situation where to your knowledge it

02:58:17 1 was only discussed between you and another student?

02:58:23 2 A I believe it was more than one student because  
02:58:28 3 -- but I don't -- you know, common knowledge? I don't  
02:58:30 4 know what that means exactly. I mean, how many that  
02:58:33 5 would include.

02:58:35 6 Q Okay. Do you recall how it came up? Did  
02:58:39 7 someone say this happened to me and then that sparked  
02:58:42 8 the discussion?

02:58:44 9 A I don't believe there was even a discussion.  
02:58:46 10 I mean, I've heard about it, but I don't know how it  
02:58:49 11 came up.

02:58:50 12 Q Okay. Were you shocked when you heard it?

02:58:54 13 A Bemused not -- I believe.

02:58:58 14 Q Okay. Did you ever personally observe any  
02:59:12 15 behavior you felt by Father Desilva that was  
02:59:15 16 inappropriate?

02:59:17 17 MR. HANCE: Vague and ambiguous.

02:59:17 18 MR. MATIASIC: Vague and ambiguous.

02:59:18 19 THE WITNESS: No.

02:59:19 20 BY MR. HALE:

02:59:19 21 Q Okay. Do you know if Father [REDACTED] conducted  
02:59:24 22 any -- have you ever heard that Father [REDACTED] was  
02:59:27 23 conducting any similar kind of screening exam of  
02:59:30 24 students joining the choir?

02:59:32 25 MR. MATIASIC: Vague and ambiguous.

02:59:33 1 THE WITNESS: Absolutely not.

02:59:34 2 BY MR. HALE:

02:59:34 3 Q Okay. Is Father Desilva the only choir master  
02:59:38 4 excluding Father Van Handle that to your knowledge was  
02:59:42 5 examining students' genitals to determine if they should  
02:59:45 6 be admitted to the choir?

02:59:47 7 A Yes.

02:59:48 8 Q Okay.

02:59:55 9 Excluding what you heard from this student  
02:59:58 10 about Father Desilva, have you ever heard of any  
03:00:00 11 allegations of childhood sexual abuse by Father Desilva?

03:00:08 12 MR. MATIASIC: Other than anything you  
03:00:09 13 received from your counsel.

03:00:12 14 MR. HALE: Right.

03:00:12 15 THE WITNESS: No.

03:00:13 16 MR. MATIASIC: Do you want to take a break,  
03:00:16 17 Father?

03:00:17 18 THE WITNESS: Hum?

03:00:18 19 MR. MATIASIC: Do you want to take a break?

03:00:21 20 THE WITNESS: That's up to you guys.

03:00:22 21 MR. HALE: That's fine if you want to.

03:00:25 22 MR. MATIASIC: Why don't we take a break.

03:00:28 23 MR. HALE: Sure.

03:00:29 24 THE VIDEOGRAPHER: We're off the record at  
03:00:30 25 3:01 p.m.

1 (Recess)

03:13:12 2 THE VIDEOGRAPHER: We are back on the record

03:13:18 3 at 3:14 p.m.

03:13:19 4 BY MR. HALE:

03:13:20 5 Q Father, do you know who Carl Rogers is?

03:13:23 6 A Yes.

03:13:24 7 Q And when did you first hear of Carl Rogers?

03:13:29 8 A Probably from [REDACTED].

03:13:30 9 Q Did you participate in the Sara retreat house  
03:13:34 10 training?

03:13:35 11 MR. HANCE: Lacks foundation.

03:13:37 12 BY MR. HALE:

03:13:37 13 Q In the 1960s?

03:13:39 14 A Sara retreat house, no.

03:13:43 15 Q Do you recall [REDACTED] participating or telling  
03:13:45 16 you about participating in the Sara retreat house  
03:13:48 17 training?

03:13:49 18 MR. MATIASIC: In the 1960s?

03:13:50 19 MR. HALE: Yes.

03:13:55 20 THE WITNESS: I don't, no.

21 BY MR. HALE:

22 Q Okay.

03:13:55 23 Did you ever participate in any of the  
03:13:57 24 training related to the teachings of Carl Rogers?

03:14:00 25 A Well, I think I know what you're getting at.

03:14:04 1 Sensitivity session.

03:14:06 2 Q Yes. Exactly.

03:14:08 3 A Yes, in La Jolla.

03:14:12 4 Q Was that with [REDACTED]?

03:14:16 5 A I'm not sure.

03:14:18 6 Q Okay.

03:14:18 7 Did you introduce sensitivity sessions to the

03:14:24 8 students at the School of Theology in Santa Barbara?

03:14:27 9 MR. MATIASIC: Did he personally?

03:14:28 10 THE WITNESS: Did I? No, I didn't.

03:14:30 11 BY MR. HALE:

03:14:30 12 Q Were you aware that they were introduced to

03:14:32 13 some kind of sensitivity training?

03:14:35 14 A Yes.

03:14:36 15 Q Okay. How did you become aware of that?

03:14:38 16 A Well, I believe I took part in the some of the

03:14:41 17 sessions also.

03:14:43 18 Q Okay. What was involved in the sessions? How

03:14:46 19 were they conducted?

03:14:50 20 A Well, it was very informal. The idea was to

03:14:55 21 learn how to express your feelings as I recall.

03:14:58 22 Q Okay. Do you recall who led the session?

03:15:03 23 A Hum?

03:15:04 24 Q Was there more than one session with the

03:15:07 25 students at the School of Theology?

03:15:16 1 A I don't know how many sessions, no.

03:15:21 2 Q Do you recall who led the sessions or session,  
03:15:25 3 whatever it may be?

03:15:28 4 A There were, I believe, two men whose names I  
03:15:35 5 have forgotten.

03:15:38 6 Q Were they Franciscans?

03:15:40 7 A No. Laymen.

03:15:42 8 Q Did any Franciscans participate in the  
03:15:46 9 sensitivity training for the School of Theology  
03:15:51 10 students?

03:15:52 11 A Well, there's School of Theology students  
03:15:55 12 participated.

03:15:57 13 Q I'm sorry.

03:15:58 14 Did any of the faculty participate in the any  
03:16:00 15 of the sensitivity training?

03:16:03 16 A I remember -- I think I remember Father  
03:16:06 17 Virgil.

18 Q Okay.

03:16:07 19 A Otherwise, I don't.

03:16:08 20 Q Did you ever hear that St. Anthony's seminary  
03:16:13 21 students received sensitivity training?

03:16:16 22 A I may have heard it. I'm not sure.

03:16:19 23 Q Were you involved in that in any way?

03:16:21 24 A No.

03:16:30 25 Q Did you attend the sessions for the School of

03:16:35 1 Theology students?

03:16:35 2 A I believe I did. I'm sure I did at least one.

03:16:39 3 Q Okay. I understand the sessions involved  
03:16:42 4 openness and communication?

03:16:44 5 A Hum?

03:16:44 6 Q The sessions involved being open with each  
03:16:47 7 other about one's feelings?

03:16:51 8 A Yeah.

03:16:52 9 MR. MATIASIC: That's a question?

10 MR. HALE: Yes.

03:16:53 11 THE WITNESS: Yeah.

12 BY MR. HALE:

03:16:55 13 Q Okay. Did it involve -- was there touching  
03:16:59 14 involved between the students?

03:17:00 15 A Don't recall that.

03:17:01 16 MR. MATIASIC: Vague and ambiguous.

03:17:02 17 Sorry, Father. Go ahead.

03:17:03 18 Vague and ambiguous.

03:17:04 19 You can answer the question.

03:17:05 20 THE WITNESS: I don't recall any touching.

03:17:07 21 BY MR. HALE:

03:17:07 22 Q Do you recall there being hugging between the  
03:17:11 23 students during the sensitivity sessions?

03:17:15 24 A I don't recall that.

03:17:15 25 Q Okay. What about hand-holding?



03:17:16 1 A I don't recall that. I don't think so. I  
03:17:19 2 don't recall that.

03:17:21 3 Q Did you observe any behavior you thought was  
03:17:24 4 inappropriate during the sessions?

03:17:26 5 MR. MATIASIC: Vague and ambiguous.

03:17:27 6 THE WITNESS: No.

03:17:28 7 BY MR. HALE:

03:17:28 8 Q Do you know who William Coulson is?

03:17:33 9 A What? Coulson?

03:17:35 10 Q William Coulson.

03:17:36 11 A Bill Coulson?

03:17:38 12 Q Yes.

03:17:38 13 A He was one of the facilitators.

03:17:41 14 Q So he was actually at the training at the  
03:17:43 15 Mission?

03:17:43 16 A Yes, he was, uh-huh, my recollection.

03:17:45 17 Q Have you ever heard Mr. Coulson blame the  
03:17:52 18 clergy abuse scandal within the Province on the Rogerian  
19 training that the Franciscans received and introduced to  
03:17:57 20 the Province in the '60s?

03:17:58 21 THE WITNESS: Yes, I have --

03:18:00 22 MR. HANCE: It's vague and ambiguous. Object  
03:18:01 23 to the term "scandal."

03:18:05 24 BY MR. HALE:

03:18:05 25 Q Okay. And how did you hear that?

03:18:08 1 A I don't remember how. From one of the Friars.

03:18:17 2 Q Okay. Did you hear any explanation of why he  
03:18:22 3 thought the training resulted in the clergy abuse  
03:18:27 4 scandal?

03:18:28 5 MR. HANCE: Same objection.

03:18:33 6 THE WITNESS: They -- well, he's become very  
03:18:35 7 conservative. He's changed his whole view of life.

03:18:42 8 BY MR. HALE:

03:18:43 9 Q Right.

10 A (Inaudible)

03:18:50 11 Q But have you ever heard him get into the  
12 specifics of why he believed the sensitivity training  
03:18:54 13 caused the scandal?

03:18:56 14 MR. HANCE: Same objections.

03:18:57 15 THE WITNESS: No.

03:18:57 16 BY MR. HALE:

03:18:58 17 Q Do you believe that the sensitivity training  
03:18:59 18 if any way contributed to the scandal?

03:19:02 19 MR. MATIASIC: I think it calls for an expert  
03:19:04 20 opinion. Lacks foundation.

03:19:07 21 MR. HANCE: Vague and ambiguous.

03:19:08 22 THE WITNESS: Well, I personally don't. I  
03:19:11 23 don't see any connection.

03:19:13 24 BY MR. HALE:

03:19:38 25 Q Okay.

03:20:14 1 During your time on the faculty at  
03:20:17 2 St. Anthony's faculty at the School of Theology or at  
03:20:22 3 San Luis Rey, did you ever hear a candidate's sexual  
03:20:26 4 maturity being questioned?

03:20:28 5 MR. MATIASIC: Vague and ambiguous.

03:20:31 6 THE WITNESS: Did I ever hear of sexual  
03:20:35 7 maturity? No, not in those terms.

03:20:36 8 BY MR. HALE:

03:20:37 9 Q In other terms?

03:20:39 10 A No, I can't think of it.

03:20:40 11 Q Well, in what other terms did you hear that a  
03:20:43 12 student's sexuality being questioned?

03:20:46 13 MR. MATIASIC: Misstates his testimony. I  
03:20:47 14 don't think he actually said he heard it being  
03:20:49 15 questioned, but go ahead.

03:20:51 16 THE WITNESS: No, I can't answer that.

03:21:00 17 BY MR. HALE:

03:21:00 18 Q During your career as a Franciscan, did you  
03:21:02 19 ever hear a candidate's sexuality being questioned?

03:21:07 20 A I don't understand that either.

03:21:09 21 Q As some kind of bar to his continuation down  
03:21:11 22 the path to the priesthood?

03:21:15 23 A You mean his sexual orientation?

03:21:16 24 Q Sure. Sure.

03:21:18 25 A Sexual orientation, no.

03:21:20 1 Q Okay. Same question but with regard to sexual

03:21:24 2 -- well, just in general sexuality?

03:21:28 3 MR. HANCE: Vague and ambiguous.

03:21:31 4 THE WITNESS: Well, I don't --

03:21:31 5 MR. MATIASIC: I think it's asked and

03:21:34 6 answered.

03:21:34 7 THE WITNESS: We all have sexuality. I don't

03:21:36 8 understand what you're saying.

03:21:37 9 BY MR. HALE:

10 Q No, no, no.

03:21:38 11 Did you ever hear it questioned, though, as

03:21:42 12 some kind of bar to the continued candidacy of a priest

03:21:46 13 candidate?

03:21:48 14 MR. HANCE: Same objection.

03:21:49 15 THE WITNESS: Well, I don't -- your sexuality

03:21:51 16 isn't a bar. Every person has sexuality.

03:21:55 17 BY MR. HALE:

03:21:55 18 Q Okay. But did you ever hear a person's sexual

03:21:58 19 behavior questioned as a basis in determining --

03:22:01 20 A Oh, behavior. I'm sorry.

03:22:03 21 MR. MATIASIC: Vague and ambiguous.

03:22:03 22 Go ahead, Father.

03:22:05 23 THE WITNESS: No.

03:22:05 24 BY MR. HALE:

25 Q Okay.

03:22:25 1                   During your time as a Franciscan, have you  
03:22:27 2                   ever seen an evaluation form where one of the factors  
03:22:32 3                   assessing a candidate's qualifications for the  
03:22:36 4                   priesthood was sexual maturity?

03:22:43 5           A        I don't recall having seen that.

03:23:02 6           Q        During your time as a Franciscan, do you  
03:23:05 7           recall seeing a form that assessed a candidate's  
03:23:08 8           qualifications that included a category that in any way  
03:23:15 9           assessed sexual behavior by a candidate?

03:23:20 10           MR. MATIASIC: That's vague.

03:23:27 11           THE WITNESS: It's that I can't recall.

03:23:29 12       BY MR. HALE:

03:23:29 13           Q        Okay.

03:24:00 14                   During your time at St. Anthony's seminary  
03:24:02 15           both as a -- well, let's break this down.

03:24:05 16                   When you were a student at St. Anthony's  
03:24:08 17           seminary, do you recall faculty -- were you aware of  
03:24:10 18           faculty ever expressing any concerns about a student's  
03:24:16 19           physical maturity or development?

03:24:20 20           MR. HANCE: Vague and ambiguous.

03:24:21 21           THE WITNESS: I don't recall.

03:24:22 22       BY MR. HALE:

03:24:23 23           Q        Okay. When you were on the faculty at  
03:24:26 24           St. Anthony's, do you recall faculty ever -- were you  
03:24:28 25           aware of faculty ever expressing a concern regarding a

03:24:31 1 student's physical maturity or development?

03:24:35 2 A I don't recall.

03:24:42 3 Q Did you ever hear any discussions as a student  
03:24:45 4 or as a faculty member at St. Anthony's about a student  
03:24:49 5 having an undescended testicle?

03:24:53 6 A I don't recall.

03:24:55 7 Q While you were on the faculty at the School of  
03:24:58 8 Theology in Santa Barbara, did you ever hear that Father  
03:25:03 9 Cimmarrusti had a program wherein he assessed students'  
03:25:07 10 physical maturity or development?

03:25:09 11 MR. HANCE: Vague and ambiguous.

03:25:10 12 THE WITNESS: No, I never heard that.

03:25:12 13 BY MR. HALE:

03:25:12 14 Q Have you ever heard of a program assessing a  
03:25:15 15 high school student's physical maturity or development?

03:25:17 16 A No, I haven't heard of that.

03:25:50 17 Q Are you familiar with the Archdiocese Advisory  
03:25:55 18 Board of Education? And when I say Archdiocese, I'm  
03:26:00 19 referring to Los Angeles.

03:26:00 20 A No, I'm not.

03:26:01 21 Q Are you familiar with the position for the  
03:26:03 22 Archdiocese of Los Angeles the Vicor General for  
03:26:07 23 Religious?

03:26:09 24 A Yes.

03:26:09 25 Q How are you familiar with that position?

03:26:13 1 A Well, in the sense that I -- every Diocese has  
03:26:17 2 a Vicor General for religion.

03:26:20 3 Q Okay. And did you ever receive any  
03:26:22 4 correspondence from a Vicor General for Religious while  
03:26:27 5 you were in Santa Barbara?

03:26:30 6 A From the Archdiocese up there, you mean, in  
03:26:32 7 San Francisco?

8 Q No, no.

03:26:35 9 A Oh, no. Santa Barbara is here. Yeah.

03:26:37 10 Q Right.

03:26:38 11 A I don't recall, no.

03:26:41 12 Q Do you recall there being a conflict between  
03:26:44 13 -- well, were you familiar with the Sisters of the  
03:26:47 14 Immaculate Heart?

03:26:49 15 A Yes.

03:26:51 16 Q How are you familiar with them?

03:26:52 17 A I was -- I was one of the -- when I was a  
03:26:56 18 priest, you know, there in the '60s, I often went out  
03:26:59 19 and celebrated Mass for the novices. Also, Father  
03:27:09 20 Virgil or John Oldman or Stanislas and myself would hear  
03:27:11 21 the novices' confessions once a week. Once a week, I  
03:27:16 22 believe it was.

03:27:21 23 Q Okay. And would you do that in Montecito at,  
03:27:26 24 was it the Casa?

03:27:27 25 A Yes. It was at a chapel there.

03:27:30 1 Q Do you recall there being a conflict between  
03:27:32 2 the Sisters and the Archdiocese in the 1960s?

03:27:36 3 A Yes.

03:27:36 4 Q Okay. What do you recall about that conflict?

03:27:45 5 A What I recall was that because they were  
03:27:48 6 updating their congregation after the Vatican council,  
03:27:55 7 and the example I remember, of course, is not wearing  
03:27:57 8 the habits, the old habit anymore, but putting on more  
03:28:02 9 modern dress, and the Cardinal was opposed to what they  
03:28:08 10 were doing.

03:28:11 11 Q That would be Cardinal McIntrye?

03:28:15 12 A McIntrye.

03:28:15 13 Q How did you learn about that? Did you talk to  
03:28:17 14 any of the Sisters about what was happening?

03:28:19 15 A I don't recall talking to them.

03:28:21 16 Q Did you talk to [REDACTED] about what was  
03:28:23 17 happening?

03:28:27 18 A I may have, but I don't recall specifically.

03:28:31 19 Q Okay.

03:28:31 20 Do you recall [REDACTED] offering the Sisters any  
03:28:35 21 counsel as a Canon lawyer?

03:28:38 22 A I don't recall that.

03:28:40 23 Q Do you recall the outcome of the conflict?

03:28:43 24 A What I recall is that, yes, I believe that --  
03:28:53 25 well, I believe that -- I was going to say the Cardinal



03:28:57 1 won, but I'm not sure you can express it that way. But  
03:29:03 2 it ended very difficult and very difficult. I can't  
03:29:06 3 recall, you know, the exact outcome.

03:29:12 4 Q Okay.

03:29:12 5 Did you ever have the opportunity to read any  
03:29:18 6 correspondence from the Archdiocese to the Sisters about  
03:29:20 7 the conflict?

03:29:21 8 A No.

03:29:37 9 Q Were you -- did you ever hear -- Well, strike  
10 that.

03:29:48 11 Were you ever at the Sisters' location in  
03:29:55 12 Montecito when priests from the Archdiocese visited that  
03:29:57 13 location?

03:29:59 14 A Was I ever there, you say?

03:30:02 15 Q Yes.

03:30:02 16 A No.

03:30:20 17 Q Did you know Zavilar Harris?

03:30:25 18 A Oh, yes. Sure.

03:30:27 19 Q Are you aware that Father Harris was called to  
03:30:30 20 Bishop Ward's office for giving communion to a  
03:30:35 21 non-Catholic?

03:30:35 22 A No.

03:30:35 23 Q Never heard that?

03:30:36 24 A No, I never heard that.

03:30:37 25 Q Okay.

03:30:58 1 Are you aware of any instances where the  
03:31:01 2 Archdiocese of Los Angeles represented a Franciscan for  
03:31:07 3 conduct in performing his ministry?

03:31:15 4 A Well, you mentioned [REDACTED]

03:31:17 5 Q Right.

03:31:18 6 A Um-hmm.

03:31:18 7 Q Anything other than that?

03:31:19 8 A No.

03:31:20 9 Q Okay.

03:32:07 10 When you became a Franciscan, did you give any  
03:32:10 11 thought to reporting what you had heard about Father  
03:32:13 12 Desilva and candidates for the choir?

03:32:18 13 MR. MATIASIC: Argumentative. Lacks  
03:32:19 14 foundation.

03:32:20 15 THE WITNESS: No, I never thought about it.

03:32:21 16 BY MR. HALE:

03:32:21 17 Q Okay.

03:32:22 18 Was there any aspect of your Franciscan  
03:32:24 19 education or training that encouraged you not to report  
03:32:28 20 an act of childhood sexual abuse by another Franciscan?

03:32:33 21 MR. MATIASIC: Lacks foundation. Vague and  
03:32:35 22 ambiguous.

03:32:35 23 THE WITNESS: No, there was -- no.

03:32:37 24 BY MR. HALE:

03:32:48 25 Q As you sit here now, do you consider the

03:32:50 1 conduct you heard described to you by Father Desilva to  
03:32:55 2 be childhood sexual abuse?

03:32:55 3 MR. MATIASIC: I'm going to object. Vague and  
03:32:57 4 ambiguous as to the term "childhood sexual abuse."  
03:33:00 5 Also, I think it's irrelevant what he thinks now as to  
03:33:04 6 whether or not somebody committed childhood sexual abuse  
03:33:08 7 that many years ago.

03:33:10 8 MR. HANCE: Lacks foundation.

03:33:12 9 MR. HALE: You can answer.

03:33:15 10 MR. MATIASIC: And I think it calls for an  
03:33:15 11 expert witness' opinion as to whether or not that  
03:33:18 12 constitutes childhood sexual abuse. It's beyond the  
03:33:20 13 scope of this witness' expertise or knowledge.

03:33:23 14 You can answer, Father.

03:33:26 15 THE WITNESS: As a boy, I would never have  
03:33:28 16 thought of that at all. I mentioned bemusement, but --  
03:33:35 17 so I really can't say whether it would be sexual abuse  
03:33:39 18 or not.

03:33:46 19 BY MR. HALE:

03:33:46 20 Q Are there circumstances you can think of in  
03:33:48 21 your experience as a Franciscan where it would be  
03:33:51 22 appropriate for a Franciscan to have his hands on the  
03:33:55 23 genitals of a minor?

03:33:56 24 MR. MATIASIC: Same objection stands. Also  
03:34:01 25 incomplete hypothetical.

03:34:02 1 THE WITNESS: Impossible to answer that  
03:34:04 2 question. It's just too theoretical.

03:34:06 3 BY MR. HALE:

03:34:07 4 Q What if a Franciscan had no medical training,  
03:34:10 5 can you think of any circumstances where it would be  
03:34:12 6 appropriate for a Franciscan to place his hands on the  
03:34:16 7 genitals of a minor?

03:34:16 8 MR. MATIASIC: Same objections.

03:34:17 9 THE WITNESS: I can't say.

03:34:35 10 BY MR. HALE:

03:34:35 11 Q When you became a Franciscan, did you ever  
03:34:36 12 wonder if Father Desilva was still conducting the  
03:34:39 13 screening process in determining who could be a part of  
03:34:42 14 his choirs?

03:34:43 15 MR. MATIASIC: I'm going to again object on  
03:34:45 16 the grounds of relevance, and, Counsel, I think you're  
03:34:48 17 badgering the witness by asking him what he was  
03:34:51 18 wondering later on, but go ahead and answer, Father.

03:34:54 19 THE WITNESS: I had long forgotten about that.

03:34:56 20 BY MR. HALE:

03:34:57 21 Q Okay.

03:35:37 22 Do you know if -- was Father Desilva still at  
03:35:41 23 St. Anthony's when you were on the faculty at  
03:35:43 24 St. Anthony's?

03:35:45 25 A Oh, no.

03:35:45 1 Q Do you know when he left St. Anthony's?

03:35:47 2 A 1940.

03:35:48 3 Q And do you know what his next assignment was?

03:35:52 4 A I believe it was retreat houses, founding

03:35:58 5 retreat houses.

03:35:59 6 Q Okay.

03:36:00 7 Do you know if he continued to supervise

03:36:03 8 choirs after he left St. Anthony's?

03:36:05 9 MR. MATIASIC: Lacks foundation.

03:36:06 10 THE WITNESS: Not that I know of.

03:36:21 11 BY MR. HALE:

03:36:21 12 Q Do you know of Sister [REDACTED]?

03:36:28 13 A Is she in Berkeley?

03:36:30 14 Q Yes.

03:36:31 15 A Or was in Berkeley.

03:36:32 16 Q Was.

03:36:33 17 A I barely know her.

03:36:35 18 Q How do you know who she is?

03:36:38 19 A Because visiting the Franciscan school, I

03:36:43 20 believe she was the receptionist for a while.

03:36:47 21 Q Okay.

03:36:48 22 Do you know if she's still the receptionist

03:36:50 23 there?

03:36:51 24 A I believe she's not. I believe she is no

03:36:53 25 longer receptionist.

03:36:56 1 Q Do you know what religious Order she is  
03:37:00 2 affiliated with?

03:37:01 3 A No, I don't.

03:37:02 4 Q Do you know if it -- was it possible it was  
03:37:04 5 the Poor Claires?

03:37:06 6 A Hum?

03:37:08 7 Q Was it possible it was the Poor Claires?

03:37:10 8 A Not -- I don't think so. Poor Claires are a  
03:37:12 9 cloister. They don't leave their convent.

10 Q Okay.

03:37:16 11 Do you know how old she is?

03:37:17 12 A No idea. I haven't seen her for years.

13 Q Okay.

03:37:28 14 Do you recall ever hearing that she was  
03:37:29 15 assigned at some point to St. Anthony's seminary?

03:37:32 16 A Who?

03:37:32 17 Q Sister [REDACTED]

03:37:34 18 A She was?

03:37:35 19 Q Yes.

03:37:36 20 Do you recall ever hearing that?

03:37:38 21 A No.

03:37:39 22 Q Okay.

03:37:40 23 A No, I don't.

03:37:52 24 Q Is there more than one Order of nuns who work  
03:37:56 25 with the Franciscans in Northern California?

03:38:03 1 A That's difficult. That's complicated. I  
03:38:08 2 mean, they -- just the fact that you're a Franciscan  
03:38:10 3 Sister doesn't mean you necessarily work with the  
03:38:13 4 Franciscans.

03:38:14 5 Q Okay.

03:38:15 6 A And the fact that you're not, does not mean  
03:38:18 7 that you don't work with the Franciscan.

03:38:20 8 Q Okay.

03:38:21 9 A I had a Notre Dame Sister with me in San Jose,  
03:38:26 10 but they simply follow the Franciscan ideal.

03:38:30 11 Q Do you know if she Sister [REDACTED] was a  
03:38:32 12 Franciscan Sister?

03:38:35 13 A I didn't know, no.

03:38:36 14 Q What exactly is a Franciscan Sister? Are they  
03:38:39 15 part of the Province?

03:38:41 16 A No.

03:38:43 17 Q Okay.

03:38:43 18 A No. They are totally separate.

03:38:51 19 Q Do you know if there's a large number of  
03:38:54 20 religious Orders of women that work with Franciscans in  
03:38:58 21 Northern California?

03:39:00 22 A It depends on the individual parish,  
03:39:03 23 individual institution.

03:39:05 24 Q Okay. And how long ago do you think it was  
03:39:15 25 when you last saw Sister [REDACTED]?

03:39:18 1 A Quite a while. I don't know. Ten years. I'm  
03:39:23 2 not sure.

03:39:29 3 MR. HALE: Okay. I'm done.

03:39:31 4 Let's relieve the reporter of her duty under  
03:39:34 5 the Code. We'll send the original. Bryan, do you want  
03:39:37 6 the transcript?

03:39:38 7 MR. HANCE: Yes.

03:39:39 8 MR. HALE: Send the original to Mr. Hance's  
03:39:41 9 office. He can maintain custody of the original. If he  
03:39:44 10 could then forward the original to Father [REDACTED].

03:39:47 11 You'll have 30 days to review the transcript.  
03:39:50 12 You can make any changes that you think are necessary  
03:39:52 13 and then sign it under the penalty of perjury.

03:39:55 14 If you could then forward the transcript back  
03:39:56 15 to Mr. Hance, and then if Mr. Hance could make all of us  
03:40:00 16 aware of any changes as soon as possible. And then  
03:40:04 17 finally, if a signed original is not available before  
03:40:05 18 trial, an unsigned, certified copy can be used for all  
03:40:09 19 purposes.

03:40:10 20 MR. MATIASIC: So stipulated.

03:40:11 21 MR. HANCE: So stipulated.

03:40:12 22 MR. HALE: Thank you, Father.

03:40:14 23 THE VIDEOGRAPHER: This concludes today's  
03:40:15 24 deposition of Father [REDACTED]. The master  
03:40:19 25 videotape will be maintained by Paulson Reporting and



03:40:23 1 Litigation Services.

03:40:24 2 We're off the record at 3:41 p.m.

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07:55:29 4

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(The deposition concluded at 3:41 p.m.)

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DECLARATION UNDER PENALTY OF PERJURY

I, Fr. [REDACTED], do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on November 18, 2005; that I have made such corrections as appear outlined 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.

\_\_\_\_\_  
Fr. [REDACTED]

REPORTER'S CERTIFICATION

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I, Jeanese Johnson, 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  
said 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 4th day of December, 2005.

Jeanese Johnson, CSR No. 11635