

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

Coordination Proceeding Special)	
Title (Rule 1550(b)))	
)	CASE NUMBER:
In Re:)	
)	JCCP 4286
THE CLERGY CASES I & III)	
)	JCCP 4359
_____)	
)	
AND RELATED ACTIONS)	
_____)	

Volume 1 (pages 1 - 158) of the
videotaped deposition of [REDACTED], taken at 10:09
a.m., Thursday, November 3, 2005, at 1430 Chapala Street,
Santa Barbara, California, before Mark McClure, C.S.R.
#12203, Certified Shorthand Reporter in and for the State
of California.

OUR FILE NO: 63083

REPORTED BY: MARK McCLURE, CSR #12203

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25

1 I N D E X

2

3 WITNESS EXAMINATION PAGE

4 [REDACTED]

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8 BY MR. DEMARCO 112

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12 E X H I B I T S

13

13 NO. DESCRIPTION PAGE

14 1 Title page [REDACTED] 41

15 [REDACTED]

16 2 Pages 175 and 176 of [REDACTED] 77

17 [REDACTED]

18 3 Letter dated 4/19/79 from [REDACTED] 97

19 [REDACTED] to [REDACTED]

20

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1 SANTA BARBARA, CALIFORNIA
2 THURSDAY, NOVEMBER 3, 2005, 10:09 A.M.

3
4 VIDEOGRAPHER: Good morning. This is the
5 videotaped deposition of [REDACTED], In the Matter --
6 In Re: The Clergy Cases I and III, the case pending in
7 the Superior Court of the State of California, for the
8 County of Los Angeles, Central District.

9 The case numbers are JCCP 4286 and JCCP 4359.
10 Today's date is Thursday, November 3, 2005. The location
11 is 1430 Chapala Street, Santa Barbara, California. The
12 time is 10:09 a.m.

13 The certified shorthand reporter is Mark
14 McClure. My name is Keith Hall, and I represent
15 DepoVision of Santa Barbara, California.

16 Would counsel all present please introduce
17 yourselves and state for the record who you represent.

18 MR. HALE: Tim Hale for plaintiffs.

19 MR. DEMARCO: Anthony DeMarco, with Kiesel,
20 Bouche & Larson, for various plaintiffs and plaintiffs'
21 liaison counsel.

22 MR. FORD: Robert Ford for the Franciscan
23 Friars of California in the Clergy III case of John Doe
24 39.

25 MR. HANCE: Brian Hance, also for defendant

1 Franciscan Friars of California for Clergy I and Clergy
2 II.

3 MR. GODFREY: Peter Godfrey, of Gilbert, Kelly,
4 Crowley & Jennett, for the Archdiocese of Los Angeles.

5 MR. HABEL: James Habel, Hennigan, Bennett &
6 Dorman, for the Archdiocese of Los Angeles and
7 defendant's liaison counsel.

8 MS. DICKERSON: Denise Dickerson, Sutter,
9 O'Connell, Mannion & Farchione, monitoring on behalf of
10 plaintiff insurer.

11 MS. SUZUKI: Misasha Suzuki, from O'Melveny &
12 Myers, monitoring for the Archdiocese of Los Angeles.

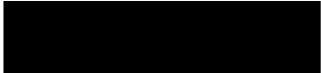
13 MR. NYE: David Nye, plaintiffs.

14 VIDEOGRAPHER: Thank you.

15 Would the court reporter swear in the witness.

16

17

18 ,
having been sworn, was examined

19 and testified as follows:

20

21 VIDEOGRAPHER: You may proceed.

22

23

EXAMINATION

24 BY MR. HALE:

25 Q. , could you state your full name for the

1 record and spell it, please.

2 A. [REDACTED]

3 [REDACTED]

4 Q. This is going to be the first time you've had
5 your deposition taken; correct?

6 A. Yes.

7 Q. Okay. Have you consumed any alcohol in the
8 last 12 hours that might affect your testimony?

9 A. No.

10 Q. Any drugs in the last 24 hours that might
11 affect your testimony?

12 A. No.

13 Q. Any reason you can't give your best testimony
14 today?

15 A. None at all.

16 Q. Just a couple ground rules for the deposition.
17 I'll be asking questions, various attorneys at the table
18 will probably ask questions later in the day.

19 When we ask our questions, if you could, just
20 pause for a second, and I'm sure there are going to be
21 objections raised at various points during this
22 deposition.

23 A. To what you say?

24 Q. Yeah. When I ask a question, wait and allow
25 the objection to be placed on the record. Once the

1 objection is placed, then you're free to go ahead and
2 answer the question.

3 We don't want you to guess to any of the
4 answers of any questions I ask you or anyone else asks
5 you, but we are entitled to your best estimate, so if you
6 can estimate the answer, please provide that answer.

7 If you don't understand a question I or any
8 other attorney asks you, before answering it, feel free
9 to speak up and ask us to clarify.

10 A. Okay.

11 Q. If you need to take a break at any time,
12 obviously, feel free, raise your hand and take a break.

13 You want to make sure you speak affirmatively.
14 Avoid answering a question by shaking your head or
15 "uh-huh" or "unh-unh" or that kind of thing.

16 A. You'll have to remind me.

17 Q. Okay, we will do that.

18 Do you have any questions or concerns?

19 A. No. A little anxiety, but . . .

20 Q. Well, okay, we'll get you warmed up and that
21 will pass.

22 Let's talk about your education and your
23 assignment history.

24 MR. GODFREY: Excuse me, Tim, could you put
25 that one thing on the record?

1 MR. HALE: Oh, I'm sorry.

2 For the record, Mr. [REDACTED] is not being deposed
3 as a hierarchy witness for the Archdiocese of Los
4 Angeles.

5 MR. GODFREY: Thank you.

6 MR. DEMARCO: Well, that's the position of the
7 archdiocese.

8 MR. HALE: Well --

9 MR. DEMARCO: Okay.

10 MR. HABEL: We had agreed upon that before we
11 went on the record.

12 MR. HALE: Let's go off the record for a
13 second.

14 VIDEOGRAPHER: The time is 10:13 a.m. We're
15 off the record.

16 (Discussion off the record.)

17 VIDEOGRAPHER: The time is 10:15 a.m. We're
18 back on the record.

19 MR. HALE: All right, gentlemen, after
20 conferring with our knowledgeable counsel, co-counsel
21 here, it's certainly fine with you stating on the record
22 your objection, as you did in O'Gorman, to him being
23 deposed as a hierarchy witness. I'm not ready to say
24 definitively he is not a hierarchy witness at this time,
25 so if you want to state your objection on the record.

1 MR. HABEL: The archdiocese, then, will object
2 to the witness being deposed as a hierarchy witness for
3 the Archdiocese of Los Angeles, and we'll object to the
4 notice of the deposition as it's interpreted to notice
5 him as a hierarchy witness for the archdiocese. It is
6 our understanding he's never been incardinated within the
7 Archdiocese of Los Angeles or held any hierarchy position
8 within the archdiocese.

9 MR. DEMARCO: Counsel, if I can just clarify,
10 the objection is not that you are looking to limit
11 questioning here today, it's just the form and format of
12 the notice itself is what you are objecting to?

13 MR. GODFREY: And --

14 MR. DEMARCO: And any implication that he was
15 part of the hierarchy itself, but you're not conceding
16 that, and that's why you're making your objection?

17 MR. HABEL: We're objecting to the notice and
18 we're objecting to the concept that he would be a
19 hierarchy witness for the archdiocese, and we'll deal
20 with individual questions as they come up.

21 MR. DEMARCO: Very good. Thank you, Counsel.

22 BY MR. HALE:

23 Q. Okay, that aside, [REDACTED], I want to discuss
24 your educational background first. Let's start with
25 where did you attend high school?

1 A. I came here to St. Anthony's Seminary in 1939,
2 and at that time there were six years of schooling, four
3 years of high school, two years of college. In the
4 course of my staying there, they eliminated one of the
5 years of college, so there were four years of high school
6 and one year of college, and after I completed in four
7 years, so 1944.

8 Q. So you finished that fifth year in 1944?

9 A. Uh-huh.

10 Q. Where did you attend next?

11 A. Then I went to -- there's a break. Then you go
12 to novitiate and you don a Franciscan garb and you join
13 the community for a one-year training.

14 Q. Where was the novitiate?

15 A. That was in San Miguel, California, Mission San
16 Miguel.

17 Q. So you finished that in '45?

18 A. Yes, made simple vows, temporary vows for three
19 years, then went to San Luis Rey to complete the
20 following three years of college.

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

23 A. Yes.

24 Q. What was that degree?

25 A. BA.

1 Q. A BA in what?

2 A. I guess in philosophy. That's what it was,
3 yes.

4 Q. Any education after -- what was the next step
5 in the process after San Luis Rey?

6 A. Then I made solemn vows, and then I went to
7 Santa Barbara, came here to Santa Barbara, to the Old
8 Mission for four years of theology.

9 Q. The school of theology?

10 A. Right here at the Old Mission before it went to
11 Berkeley.

12 Q. Okay. Did you obtain a degree from -- if I
13 refer to it as the "FST," will you know what I'm talking
14 about?

15 A. Yes. In those days they were not issuing a
16 degree.

17 Q. Okay.

18 A. So I just completed canonically what I needed
19 to do in order to be ordained, but it was not considered
20 a degree. I didn't get, like nowadays, an M. Div. or
21 something.

22 MR. HABEL: For the benefit of us, FST?

23 MR. HALE: Franciscan School of Theology.

24 MR. HABEL: Thank you.

25 BY MR. HALE:

1 Q. So what year did you complete your studies at
2 the FST?

3 A. 1952.

4 Q. And did you then receive your first assignment
5 as a Franciscan?

6 A. Yes.

7 Q. Where was that at?

8 A. At St. Mary's High School in Phoenix, Arizona,
9 land of my birth.

10 Q. Okay.

11 A. That was one year.

12 Q. Let me back up a little bit.

13 What is your birth date?

14 A. October 28th, 1925. Just completed my 80th,
15 thank you.

16 Q. That's right. Belated happy birthday.

17 A. Thank you.

18 Q. And you grew up there, correct, in Arizona?

19 A. Yeah, my first 14 years were in Phoenix.

20 Q. And you came from a very traditional Catholic
21 family?

22 A. Very, from a traditional Catholic Mexican home.

23 Q. Did you attend a Franciscan parish growing up?

24 A. Yes, and the elementary school was run by the
25 parish, so I went to eight years of Catholic elementary

1 school.

2 Q. So you grew up in a Franciscan environment?

3 A. Very. In fact, my dad was about -- I mean, he
4 had gone to the train station to go to the seminary, and,
5 thank heaven, turned back.

6 Q. Your dad was going to go to St. Anthony's?

7 A. He was going to go to St. Anthony's and become
8 a priest.

9 Q. Why did he turn back, if you know?

10 A. God only knows.

11 Q. Following your assignment at St. Mary's High
12 School -- I'm sorry, what town in Arizona was that in?

13 A. Phoenix.

14 Q. Okay. Who was on the faculty at that time?

15 A. Brian Lyons, who had sent me to the seminary
16 1939. Xavier Harris, I believe, was the principal. Now
17 you're talking a lot of years ago.

18 Q. Uh-huh.

19 A. There is somebody still alive down there, still
20 may be teaching, 102 years old, probably still teaching
21 chemistry. His name I can't remember. It's an Irish
22 name.

23 Q. He's a Franciscan?

24 A. Yes.

25 Q. Okay.

1 A. And I think I really am -- I can't remember the
2 staff.

3 Q. Okay. What was your --

4 A. I remember Brian because he was also superior
5 of the house, and Xavier Harris because he was the
6 principal of the high school.

7 Q. And did you live in the rectory? Was there a
8 rectory attached?

9 A. There was rectory attached to the church.

10 Q. Did you live in the rectory?

11 A. I lived in the rectory, yes.

12 Q. Was the school right next to the church?

13 A. It was, I think, a block or block and a half
14 away.

15 Q. Was that the first time you ever met Xavier
16 Harris?

17 A. I'm trying to remember. I think so. Let's
18 see. I don't think Xavier went all through the seminary
19 system. He may have come late, so I'm not sure.

20 Q. What about Father Lyons, was that the first
21 time you met Father Lyons?

22 A. No, he had sent me to seminary. He was the one
23 that started the whole tradition of young people going
24 off to seminary from Phoenix.

25 Q. And Father Lyons, his last name is spelled

1 L-y-o-n-s?

2 A. L-y-o-n-s. His name was Alexis at one time.

3 Q. During your assignment at St. Mary's, what was
4 the -- what was your position, what were you teaching?

5 A. I'm ashamed to say I taught biology, never
6 having studied it, but I taught biology and I taught
7 religion and I taught Latin.

8 Q. Did you have any other job duties or titles
9 other than teaching those three courses?

10 A. On the weekends you help in the parish.

11 Q. Perform mass?

12 A. There or other places.

13 Q. Perform mass?

14 A. Perform mass, hear confessions, mainly that.

15 Q. Marriages, baptisms?

16 A. Rarely, unless somebody requested it.

17 Q. So that assignment lasted one school year?

18 A. That's it.

19 Q. What was your next assignment?

20 A. Next assignment was St. Anthony's Seminary
21 in 19- --

22 Q. '57-'58?

23 A. No, I went to Los Angeles to a program
24 called -- it was a radio program called the Hour of
25 St. Francis.

1 Q. Okay.

2 A. So I worked in the parish, helped out in the
3 county jail, worked at Malibu helping with retreats, and
4 also my main job was a radio program.

5 Q. What parish were you assigned to?

6 A. This was St. Joseph's, right downtown on 12th
7 and Los Angeles.

8 Q. How long did that assignment last for?

9 A. That lasted from '53 to '57.

10 Q. Who was the pastor at St. Joseph's while you
11 were there?

12 A. The pastor was Oliver Lynch. He was a Phoenix
13 man.

14 Q. Were there any other priests that were assigned
15 to or in residence at St. Joseph's during your four years
16 there?

17 A. Well, there was a Father Joseph, who was an
18 old, old timer. He was the main jail chaplain.

19 In the parish was Austin, Edmund Austin and
20 Sigmund, his last name I can't remember.

21 And Hugh Noonan was my boss at the radio
22 program and Terrence Cronin was also there, although I
23 think he was also giving retreats.

24 Q. At the radio program?

25 A. Yes. And there was others there, but I can't

1 remember the names?

2 Q. Do you know, is Father Cronin still alive?

3 A. I don't know that.

4 Q. And Cronin is C-r-o-n-i-n; correct?

5 A. That's correct.

6 Q. And had you ever worked for Father Austin
7 before?

8 A. That was the only time. And he was in the
9 parish and I was in the radio program. However, since I
10 helped out in the parish, I knew him very well.

11 Q. And you all lived in the rectory together?

12 A. We all lived in the rectory together, had all
13 our meals together, prayed together.

14 Q. What was next assignment after St. Joseph's?

15 A. I was sent to St. Anthony's Seminary as a
16 spiritual director. That lasted one year.

17 Q. Okay. And what did your duties entail as
18 spiritual director?

19 A. That entailed teaching religion and it entailed
20 hearing confessions, and it entailed giving talks to the
21 kids and being available for spiritual counsel. I was
22 also a hospital chaplain.

23 Q. Was that at St. Francis?

24 A. At St. Francis Hospital, yes.

25 Q. Did you say mass for the students at

1 St. Anthony's?

2 A. Rarely, because I was the hospital chaplain, so
3 my masses were held over there.

4 Q. Were you involved in any faculty meetings or
5 discussions while you are the spiritual director of
6 St. Anthony's?

7 A. I don't think so. Although I taught also, I
8 don't remember faculty meetings at all. It doesn't mean
9 I didn't go, but I have no recollection.

10 Q. And the only subject matter you taught was
11 religion?

12 A. Was religion, yes.

13 Q. Any other duties or assignments at
14 St. Anthony's in the '57-'58 school year?

15 A. I think that was it.

16 Q. Who was on the faculty at that time?

17 A. Oh, boy.

18 Q. I know, it's been a while. Was Father Martin
19 McKeon on the faculty?

20 A. Yes.

21 Q. Was he the prefect of discipline at the time?

22 A. I think so.

23 Q. Was --

24 A. My memory is really wobbly on that. That's
25 '57, see.

1 Q. Was he also in charge of the infirmary at the
2 time?

3 A. I don't remember. I can't say that I remember
4 that.

5 Q. Do you remember who the rector was?

6 A. Did I say Xavier Harris?

7 Q. No.

8 A. Now I don't know.

9 Q. That's okay.

10 A. I really don't know.

11 Q. That's fine.

12 A. There's a blur. I remember [REDACTED], I
13 remember [REDACTED], and who was when, I can't
14 recall.

15 Q. Do you remember [REDACTED] from your time
16 as a student at St. Anthony's?

17 A. From my time as a student, but I'm confusing
18 it, because [REDACTED] was around a long time.

19 Q. Do you think [REDACTED] was on the faculty while
20 you were on the faculty in '57-'58?

21 A. Yeah, I can't say.

22 Q. Do you remember who the guardian was in
23 '57-'58?

24 A. No. There was another -- I have a problem with
25 sciences -- somebody who taught chemistry there as well,

1 who is still alive and is a wonderful man, [REDACTED] --

2 Q. [REDACTED]?

3 A. [REDACTED].

4 Q. [REDACTED].

5 A. Yes, I remember him very well. He was very
6 good to me.

7 Q. Okay. Why did the assignment at St. Anthony's
8 come to an end?

9 A. Because they wanted me to teach theology at the
10 Mission, right next door.

11 Q. So that was your next assignment?

12 A. So they bumped me up, in essence. That was
13 right next door.

14 Q. You're doing a great job testifying clearly.
15 Let's work on I'll wait until you finish your answer, to
16 respond, and you wait until I finish my question. That
17 way, we'll have a nice, clear record for the Court.

18 A. All right.

19 Q. So the assignment at the FST began in the
20 '58-'59 school year?

21 A. It began in '58, '59.

22 Q. What was your position at that time?

23 A. I taught canon law and moral theology.

24 Q. Did you hold any other positions or have any
25 other duties on the FST when you were assigned there?

1 A. I have no recollection.

2 Q. Okay. And [REDACTED], it's fine to say you don't
3 remember. I understand it's been a long time.

4 A. I don't remember, because I did other things,
5 but I can't remember at what point.

6 Q. Okay. How long did that assignment, initial
7 assignment last, how many years?

8 A. I taught from -- taught theology from '58 to
9 '61.

10 Want me to keep going?

11 Q. Let's talk about that '58-to-'61 time period.
12 Who was on the faculty with you at that time?

13 A. Virgil Cordano, [REDACTED].

14 Q. [REDACTED]?

15 A. I think [REDACTED]. I'm not sure,
16 Reynaldo Flores. That's all that comes to mind.

17 Q. Your students during that time period, was
18 Mario Cimmarrusti there?

19 A. Never of mine.

20 Q. Robert Van Handel?

21 A. Yes.

22 Q. During that time period or later?

23 A. I think it was that time period.

24 Q. Okay. David Carriere?

25 A. David Carriere was when I taught at the Old

1 Mission, not at GTU, so it was during that period.
2 Carriere.

3 MR. GODFREY: Can you find out what GTU is?

4 THE WITNESS: Graduate Theological Union.

5 MR. GODFREY: Thank you.

6 BY MR. HALE:

7 Q. Any other duties or assignments during that
8 '58-to-'61 time period, other than your teaching
9 responsibilities?

10 A. See, I know that I served on what was called
11 the formation committee, but I don't know when that
12 started. It's a big blob in there, but I know I was on
13 the formation committee, which meant that we gathered
14 together and tried to establish criteria for admission to
15 seminary, seminary policies, but I have no idea when that
16 was.

17 Q. When you say the admission criteria for the
18 seminary, referring to of FST or to St. Anthony's.

19 A. Priesthood, but since it did go all the way
20 down -- yes, it was a formation committee. My part was
21 the theological part, but it did include the lower
22 sections of the training.

23 Q. So it included St. Anthony's Seminary?

24 A. St. Anthony's.

25 Q. What kind of admission standards were

1 discussed, do you recall?

2 A. None, I don't remember at all.

3 Q. That's fine.

4 Do you remember who else was on the formation
5 committee with you?

6 A. No.

7 Q. When your assignment changed in '61, what was
8 the next assignment? What happened next?

9 A. Well, they had told me years before when I got
10 into a little argument with the professor that I was
11 immature and shouldn't go to graduate school, but now I
12 had proven myself mature enough to go to graduate school,
13 so they sent me to Catholic University to pursue a degree
14 in canon law.

15 Q. Catholic University in --

16 A. -- Washington, D.C.

17 Q. How long did those studies go for?

18 A. That was from '61 to '64.

19 Q. Did you obtain your degree in canon law?

20 A. I'm an ABD.

21 Q. What is an ABD?

22 A. "All but dissertation." Never finished.

23 Q. Does that mean you do have a degree or --

24 A. It means I have a licentiate in canon law. It
25 sounds terrible, but that's like a master's degree, but I

1 never finished the dissertation.

2 Q. So basically you didn't attain the equivalent
3 of a Ph.D.?

4 A. Did not.

5 Q. Any reason why you didn't finish your
6 dissertation?

7 A. Well, part of it is personal. I mean, I
8 just -- I could not get into it. Vatican II had happened
9 or was happening, and canon law was changing radically.
10 That was what we were told. And it just didn't seem --
11 it seemed pointless.

12 Q. How did Vatican II impact your thinking in that
13 regard?

14 A. With regard to canon law?

15 Q. Right.

16 A. Well, Vatican II began to say that power should
17 be shared. It conceived a church in which the bishops
18 and the Pope were a community and the Pope was "premier
19 centralia inter alia," so first among all, but he was
20 more like a coordinator. That was the vision that was
21 emerging, and theological freedom was emerging and
22 wonderful theologians, like Hans Kung, for example, was
23 one of my favorites, or Karl Rahner, and even the present
24 Pope, who was at that time very liberal, were emerging,
25 and that was my dream, and that kind of took over and I

1 didn't want to do this.

2 Q. Did that dream come to fruition?

3 A. Well, it received a setback because Hans Kung
4 was kicked out of the university that he was teaching in.
5 It was a Catholic University. And Karl Rahner, his death
6 was being pursued by the holy office. I mean, his works
7 were under scrutiny. So I would say it began to -- the
8 freedom vision began to ebb.

9 Q. What was your first assignment after your
10 studies at Catholic University?

11 A. It was to come right back and teaching canon
12 law and moral theology again.

13 Q. So back here in Santa Barbara at the FST?

14 A. In '64.

15 Q. Did your title change or your duties change in
16 any way?

17 A. They changed not at all.

18 Q. Were you still in the formation committee, if
19 you remember?

20 A. I don't remember.

21 Q. How long did your assignment in Santa Barbara
22 at the FST last for?

23 A. Well, it lasted from '64 to '68, and then it
24 moved to Berkeley.

25 Q. So in 1968 the move took place?

1 A. Yes.

2 Q. Do you know why the moved happened?

3 A. You know, I really don't. It was never
4 explained to me except that there was this big move for
5 "confluent ed," to mingle with other seminarians and to
6 have a big central library and --

7 Q. Okay. From the '64-to-'68 time period, was the
8 faculty the same as it had been from '58 to '61?

9 A. That's my recollection.

10 Q. And were there any changes in your job duties
11 from that '64-to-'68 time period?

12 A. I don't think so.

13 Q. And then when the seminary -- when the FST
14 moved to Berkeley, you moved with it?

15 A. I moved with it.

16 Q. How long did that assignment last for?

17 A. That assignment lasted until I left in '74.

18 Q. And did the faculty remain the same from '68 to
19 '74?

20 A. [REDACTED] left. He was a central figure
21 in my life. He had come with me in '39. We were like
22 blood brothers, and he left. I think that's the only
23 significant, really significant change for me.

24 Q. I just want to briefly talk about your post- --
25 when you say "you left," you left the province; correct?

1 A. I left the priesthood and the province. I
2 left, but with clearance from Rome.

3 Q. When you say "clearance from Rome," did you
4 mean --

5 A. Dispensed. Some people just left; I was
6 dispensed.

7 Q. Okay. So you were dispensed from your vows?

8 A. From the religious community and the obligation
9 to celibacy, from the priesthood.

10 Q. If you could, give me a thumbnail sketch of
11 your post-Franciscan work history. Let's start with your
12 education first. Was there any further education after
13 you left the province?

14 A. Before I left, I got an MA in family therapy or
15 psych at Santa Clara University. In those days, priests
16 did not need to get a license to practice therapy, the
17 belief being that their theological training prepared you
18 for therapy. But I marched toward that. I got the MA,
19 and after I left, I got all the supervised hours I needed
20 and was licensed in 1975.

21 Q. Any other education beyond that?

22 A. Just countless hours of training through the
23 La Jolla Center for Studies of the Person. Dr. Carl
24 Rogers was out there, Bill Colson, and there were several
25 others that were very formative in my training.

1 Q. Did those result in licensing or certification?

2 A. No, they didn't even offer certification. They
3 weren't even a believer in that. But it was a whole year
4 of training when they were doing a year-long project here
5 in person-centered groups, and then was three other
6 summers, a month each summer.

7 Q. If you can, just give me a thumbnail sketch of
8 your work history after you left the province.

9 A. All right. My first job was \$600 a month
10 working for a community free employment service trying to
11 get jobs for Mexican people, because I spoke Spanish.

12 Q. That was in 1975?

13 A. 1975. A very short while. Yeah, '75.

14 A short while after that, I got a job at a
15 place called Zona Seca as the clinical supervisor. It
16 was an agency that dealt with alcoholism and drug
17 addiction, especially among the Mexican people.

18 Q. Okay. After that?

19 A. After that -- so I was with them over 16 years.

20 After that I went to Klein Bottle Youth Program
21 as a supervisor again. That lasted for six and a half
22 years. The agency went belly up --

23 Q. Okay.

24 A. -- for funding. It didn't have the funding.

25 Q. Okay. Anything else after that?

1 A. Since then, I have been supervising interns at
2 Catholic Charities, at Community Counseling Center,
3 and -- there were three places. Community Counseling,
4 and it won't come.

5 Q. Have you ever --

6 A. Jail, the jail, county jail.

7 Q. Okay. Have you ever provided counseling
8 services to any priests or religious brothers since you
9 left the province?

10 A. Very few, but I have.

11 Q. Who are the priests or religious brothers who
12 you counseled?

13 A. I don't think I can say that --

14 Q. Okay.

15 A. -- by name.

16 Q. Are any of them deceased?

17 A. Yes.

18 Q. Okay. If they're deceased, the privilege is
19 lost, so you can identify the deceased.

20 Would one of them be David Carriere?

21 MR. HABEL: I think the fact that the priest
22 may be deceased would not extinguish the witness's right
23 to assert the privilege under the California Evidence
24 Code.

25 MR. HALE: I don't think that's right. I

1 think --

2 THE WITNESS: Now what do I do?

3 BY MR. HALE:

4 Q. It's up to you [REDACTED]. I'll ask you, was one
5 of the priests you treated David Carriere?

6 A. See, this is a different case because I did not
7 see David Carriere as a therapist, I saw him as a friend.

8 Q. Okay.

9 A. He used to drop by and visit with me.

10 Q. Okay.

11 A. And so because we had another relationship, I
12 told him that it would be dual and that I couldn't be
13 objective and that therefore I could not enter into a
14 formal therapeutic relationship with him but that I could
15 offer him the experience of my therapeutic career,
16 because I had specialized in depression and in mania, and
17 I offered my support and I offered to educate him,
18 encourage him to do meds.

19 Q. Okay.

20 A. But, see, others I would not feel comfortable.
21 If this -- as I said, I told him that I could not be his
22 formal therapist. I feel okay about that.

23 Q. Are there any others that are deceased, that
24 you know of?

25 A. Nothing is coming to mind, truly.

1 Q. Okay. We'll talk more about Father Carriere in
2 a bit. I want to ask you about your book.

3 A. All right.

4 Q. Just basic questions?

5 MR. HABEL: Tim, are we done going through his
6 professional history?

7 MR. HALE: Yes.

8 MR. HABEL: At this point I would restate
9 archdiocese's objection that the witness is in any way a
10 hierarchical witness for the Archdiocese of Los Angeles.
11 I didn't hear anything in his history that would indicate
12 that he had ever served within the Archdiocese of Los
13 Angeles in any hierarchy position.

14 MR. DEMARCO: Objection so noted.

15 MR. HALE: That actually leads to a point that
16 I --

17 MR. HANCE: Same objection from the --

18 MR. HALE: Sure.

19 THE WITNESS: Can I ask what that means?

20 MR. DEMARCO: I don't think anyone here can
21 really answer that, frankly.

22 MR. HABEL: I can talk all day about it, but
23 it's a legal --

24 THE WITNESS: Technical?

25 MR. HABEL: It's a technical matter, a legal

1 matter.

2 THE WITNESS: Well, I'll go away thinking about
3 it.

4 BY MR. HALE:

5 Q. During your time as a Franciscan, did you serve
6 in any other capacity other than as a faculty member of
7 the FST?

8 A. Do that question again.

9 Q. During your time as a Franciscan, did you serve
10 on any boards, on committees, on the definitorium?

11 A. On the definitorium, yes.

12 Q. What years were on the definitorium?

13 A. I put it in my book. I couldn't tell you now
14 but it was toward the end of my career with them.

15 Q. Does 1970 to '74 sound about right?

16 A. Yes, and at the very end there was a movement
17 to ask me to be provincial.

18 Q. Okay.

19 A. Which scared me.

20 Q. Who was on the definitorium with you during
21 your four years?

22 A. I remember [REDACTED] being the provincial,
23 [REDACTED] being the secretary.

24 Q. [REDACTED] is [REDACTED]?

25 A. It is.

1 Gratian -- I can't remember his last name.

2 It's terrible.

3 Q. How do you spell Gratian, his first name?

4 A. G-r-a-t-i-a-n.

5 Q. Okay.

6 A. Gratian was not fond of me because I was
7 considered very liberal.

8 Q. How do you know Gratian was not fond of you?

9 A. He told me.

10 Q. What did you do or say that led him to tell you
11 that?

12 A. Well, first of all, I had, being a good canon
13 lawyer, although I didn't get my doctorate, I presided at
14 a wedding that I thought was perfectly legitimate. I had
15 consulted attorneys who told me that since I was a Roman
16 Catholic priest I could conduct weddings as a civil
17 minister.

18 There was a Jesuit priest who had been released
19 from his vows by Jesuit order, and when he applied to be
20 released from his obligation to celibacy from the
21 archdiocese, he was told to wait. And he said, "I don't
22 want to wait. I want to get married. I'm moving to
23 El Paso. I have a professorship there, and I want to
24 marry and go there and make my career."

25 So I was asked to preside at that wedding and I

1 told him I would do it civilly, and I did. There were --
2 unfortunately, or fortunately, there were four or five
3 Jesuits there at the ceremony who were delighted that
4 their brother could be married, and they talked about
5 this. This is what I heard later. This is all second-
6 and third-hand. They talked about it at a recreational
7 gathering in Loyola, and somebody reported this to Rome,
8 so . . .

9 Q. And that's why Father Gratian --

10 A. Well, that became a cause celebre, because the
11 Bishop Ward pursued this. There was a letter asking me
12 to divulge the names of the other priests that were
13 present.

14 Q. Okay. Well, we'll get into the Bishop Ward
15 issue shortly.

16 A. Okay.

17 Q. Anyone else in the definitorium during your
18 four years, other than the people you named?

19 A. Carroll Tageson, but he left the community
20 abruptly, and I don't remember who took his place.

21 Q. That's C-a-r-r-o-l?

22 A. -l-l. I think there may be a double -- I'm not
23 sure.

24 Q. And Tageson is T-a-g-e-s-o-n?

25 A. That's right.

1 Q. Anyone else?

2 A. Did I say Terrence Cronin?

3 MR. GODFREY: Not in this connection.

4 THE WITNESS: He was on the board. He may have
5 been vice-provincial. I don't remember anybody else.

6 BY MR. HALE:

7 Q. What did your duties as a member -- first of
8 all, that's an elected position; correct?

9 A. It's an elected position.

10 Q. What did your duties entail as a member of the
11 definitorium?

12 A. You attend, I think it was, like quarterly
13 meetings. One of the meetings was to assign, annually,
14 to assign people to different positions as needs arose.
15 You would gather and talk about problems that had come up
16 with a particular prior.

17 I'm recalling there was an alcoholic priest I
18 objected to because he was -- I had heard that he was
19 embarrassing people, putting them off, conducting a
20 funeral while drunk, and I objected to this at one of the
21 meetings. That would be an example, to bring a problem
22 person like that to a meeting and say, "We have to do
23 something about this."

24 Q. Do you recall who that priest was?

25 A. I do not.

1 Q. And what happened when you raised your
2 objection?

3 A. I was told that he was needed, and that -- what
4 shocked me is -- this is well after Vatican II, see, so
5 here I am with a whole new mentality. I was told that we
6 ought, rather, to be grateful that he was there because
7 when he said mass, no matter what his condition, God was
8 glorified and sins were forgiven.

9 Q. Do you remember who said that?

10 A. Yes, Terrence Cronin.

11 Q. Okay.

12 A. It was very offputting.

13 Q. Did other members of the definitorium express
14 agreement with that position?

15 A. I don't remember anybody saying one thing one
16 way or the other.

17 Q. So no one objected to that position?

18 A. Nobody objected.

19 Q. Did it appear to you that that position was
20 accepted?

21 A. Well, I took it to be, but that's my frame of
22 mind.

23 Q. And after you raised your objection and
24 Father Cronin provided that response, was that discussion
25 regarding that priest tabled?

1 A. That was tabled.

2 Q. Were there other common problems for priests
3 discussed in the context of the definitorium?

4 A. You know, nothing like that. It would be more
5 like whether they are capable of being retreat masters or
6 whether they are having problems sermonizing or attitudes
7 towards parishioners, organizational problems.

8 Q. Do you know if there were ever definitorium
9 meetings where you did not attend?

10 A. I'm not aware of that at all.

11 MR. DEMARCO: I'll object. Vague as to time.

12 BY MR. HALE:

13 Q. All right. Did the issue of alcoholism ever
14 come up again, other than that one particular priest,
15 while you were on the definitorium?

16 A. I don't recall it.

17 Q. Outside of the definitorium, were you aware of
18 alcoholism as a recurring problem amongst Franciscan
19 priests?

20 A. No.

21 Q. What other duties or assignments did you have
22 as a member of the definitorium? Anything else?

23 A. Nothing comes to mind.

24 Q. How many times did the definitorium meet in a
25 year?

1 A. I thought quarterly.

2 Q. Okay.

3 A. They would try to meet in different parts of
4 the province, from all the way up north, to Washington,
5 all the way down to New Mexico.

6 Q. Okay. In addition to those quarterly meetings,
7 were there sometimes ad hoc meetings?

8 A. I think there were, but nothing comes to mind,
9 nothing significant comes to mind.

10 Q. Did the provincial ever call you as a member of
11 the definitorium to discuss any specific issues of any
12 sort?

13 A. You mean like consult with me?

14 Q. Yes.

15 A. No.

16 Q. Okay.

17 A. I don't recall.

18 Q. Did you ever hear of him doing that with any
19 other members of the definitorium?

20 A. I don't recall.

21 Q. Other than your time on the definitorium, did
22 you serve in any other capacity within the province, and,
23 obviously, other than your time as a faculty member?

24 A. I was, I think, for one year the dean of the
25 School of Franciscan Theology.

1 Q. Was that while you were in Santa Barbara?

2 A. I think it was when I was in Santa Barbara.

3 Q. Why only one year?

4 A. You know, I don't know what that was.

5 Q. What did your duties entail in that regard?

6 A. Not a lot. Run the meetings, if you had a
7 meeting.

8 Q. Okay.

9 A. It wasn't -- it was a community of people in
10 their twenties, and then older Franciscans that were
11 already ordained or were brothers, so there wasn't a lot.

12 Q. Okay. Any other duties, assignments, positions
13 you've held within the province during your time as a
14 Franciscan, other than what we've already discussed?

15 A. Nothing comes to mind.

16 Q. Okay. I want to talk briefly about your book.

17 MR. HABEL: A third time, I'll restate the
18 archdiocese's objection. It's the archdiocese's position
19 that this witness does not qualify as a hierarchy witness
20 under our deposition protocol, certainly not a hierarchy
21 witness for the Archdiocese of Los Angeles.

22 MR. DEMARCO: We can make that a standing
23 objection, if you'd like.

24 MR. HABEL: I'd appreciate that. I just added
25 it again because we heard some additional background. I

1 don't intend to do it at every five minutes.

2 MR. DEMARCO: Okay, that's fine. I was just
3 offering as a standing objection.

4 MR. HABEL: I'll accept that.

5 BY MR. HALE:

6 Q. [REDACTED], you've written a book; correct?

7 A. I wrote that book (indicating).

8 (Deposition Exhibit No. 1 was marked
9 for identification, a copy which is
10 attached hereto.)

11 MR. HALE: I just wanted to attach as an
12 exhibit the cover page and the page with the publication
13 date as Exhibit 1.

14 Q. The title of the book is [REDACTED]
15 [REDACTED] You're
16 identified as the author, and the publication date
17 appears to be 2001. And is this the book that --

18 A. That is the book.

19 Q. -- you published.
20 You wrote this book?

21 A. I wrote that book.

22 Q. Was there anyone else involved in the writing
23 process?

24 A. No.

25 Q. Did you approve of the final published version

1 that I'm holding here in front of me right now?

2 A. I did.

3 Q. Is there anything within this book that you
4 disagree with?

5 A. You mean that I have currently changed my mind
6 about?

7 Q. Yeah.

8 A. No.

9 Q. Okay.

10 A. It, obviously, represents my point of view.

11 Q. Do you want to take a break right now?

12 A. Not at all.

13 Q. Let's talk about how you came to be a student
14 at St. Anthony's Seminary. What drew you to
15 St. Anthony's Seminary?

16 A. I didn't even know existed except that
17 Father Brian Lyons, who at that time was named Alexis, my
18 recollection is, kept eyeing me in the eighth grade and
19 at one point said to me, "Can I talk to you during a
20 recess period?"

21 And he took me behind the enclosure doors. At
22 that time, nobody entered the enclosure -- that's where
23 the Franciscans lived -- and especially women. But he
24 took me in there, and asked me whether I had ever thought
25 about being a priest.

1 And I said I had thought about it, and he said
2 that he would sign me up if I wanted to go, and I said I
3 was interested. He said, "Good, I'll take care of all
4 the official stuff, you go home and tell your parents."

5 That was a hard thing to do, but that's how it
6 started. Brian Lyons, who sent a large number of
7 students, I think, to St. Anthony's, was the influential
8 person. He was very charismatic.

9 Q. So he recruited you, basically?

10 A. He recruited me, yes, and I think four or five
11 others from my class.

12 Q. Did you ever go camping with Father Lyons?

13 A. I did. He used to get us together either in
14 homes or, like, on a camping trip, keep everybody
15 together.

16 Q. When was the first time you went camping with
17 Father Lyons?

18 A. It was early on, but I don't remember. Maybe
19 '40, '41.

20 Q. And would he take groups of boys camping or
21 groups of boys and girls --

22 A. No, these were all just seminarians, the
23 St. Anthony's Seminary, just that, not anybody else.

24 Q. So when they would come back on summer break,
25 he would take them camping?

1 A. Yes, in the summer.

2 Q. Did you do that when you came back from summer
3 break from St. Anthony's?

4 A. Yes, I recall one because it was significant.
5 The others I don't remember, other -- other times we got
6 together.

7 Q. What year was that one that you recall?

8 A. I'm imagining I was about the second or third
9 year, so probably '40, '41.

10 Q. And why was that one camping trip significant?

11 A. It was significant because by this time there
12 was a young, good-looking, charismatic, Irish kid, a
13 seminarian named [REDACTED].

14 Q. How do you spell [REDACTED]?

15 A. [REDACTED], I believe. I think that may have
16 been a nickname. I don't know.

17 Q. Okay.

18 A. But we went together, and I just noticed that
19 while we were there, he wrestled with this kid in a way
20 that I thought was very inappropriate, tickling and
21 giggling, and it was offputting. And I didn't come to a
22 conscious thing, but I just know disturbed me incredibly.

23 And that evening, when we were making sleeping
24 arrangements in this cabin, he asked whether or not I
25 would sleep with him. Because of what I had seen, I got

1 very frightened, and I made sure that I slept about six
2 inches from the one side of the bed. And nothing
3 happened, nothing occurred, there was nothing, but I just
4 remembered that. That's one of the most significant
5 childhood experiences that I had.

6 Q. So you shared a bed with him?

7 A. Yes.

8 Q. Do you believe that because of your withdrawing
9 to one side of the bed -- well, strike that.

10 A. That's a guess.

11 Q. Yeah, strike that.

12 Were there any other adults or Franciscans --
13 first of all, where did this camping trip take place?

14 A. I think was up around Prescott.

15 Q. Were there any other adults along?

16 A. No.

17 Q. Other Franciscans along?

18 A. No.

19 Q. Did you return to St. Anthony's the following
20 year?

21 A. Did I?

22 Q. Uh-huh.

23 A. Yes, I did.

24 Q. And were you contemplating becoming a
25 Franciscan priest, I assume, at that time?

1 A. Oh, yes.

2 Q. Did you --

3 A. We had been going to St. Anthony's Seminary.

4 Q. After observing the conduct you described by
5 Father Lyons, did you have any misgiving or concerns
6 about becoming a Franciscan?

7 A. I would say no. I mean, this feeling was
8 there, but, you know, I was an ace at repressing.

9 Q. In what?

10 A. Repressing feelings, thoughts that were
11 disturbing.

12 Q. Did you give any further thought to what you
13 observed?

14 A. None.

15 Q. Okay.

16 A. I think if it came up, I would push it down.

17 Q. Do you recall consciously doing that?

18 A. Uh-huh, yes.

19 Q. On more than one occasion?

20 A. That summer.

21 Q. Did you ever discuss what you saw with anyone
22 else?

23 A. Never did.

24 Q. Let's talk about Father Austin, the priest
25 who -- one of priests you were assigned with in Los

1 Angeles, at St. Joseph's. What kind of relationship did
2 you have with Father Austin?

3 A. Well, I think it was friendly. From my
4 perspective nowadays, I can see it's not the kind of
5 friendship that I have today in that there was virtually
6 no self-disclosure. I mean, it was kidding around, it
7 was very superficial talk.

8 Q. Okay.

9 A. But he was -- when he -- most of the time he
10 was pleasant to be with.

11 Q. You say most of the time. What were the times
12 when he wasn't pleasant?

13 A. He had a temper.

14 Q. Did you remain friendly with him throughout
15 your time at St. Joseph's?

16 A. Yes.

17 Q. Were there ever any incidents between you and
18 him at St. Joseph's?

19 A. Well, what I'm recalling, I mean, is that there
20 was a young man, a young Mexican, that he asked me to go
21 to the beach with. So the three of us went to the beach.
22 And while we were at the beach, he asked me to stay
23 there, that he and a young man were going to go back to
24 the cabin.

25 Q. Was this young man under the age of 18, do you

1 know?

2 A. Oh, yes.

3 MR. GODFREY: Calls for speculation.

4 BY MR. HALE:

5 Q. Do you know if he was under the age of 18?

6 A. Yes, he was, yes.

7 Q. How do you know that?

8 A. Well, I think he was in late elementary school.

9 It would be extraordinary if he were.

10 Q. Okay.

11 A. So he was probably 12 or 13.

12 Q. So what happened?

13 A. So Edmund asked me to stay at the beach and
14 that he and -- I can't remember what the excuse was, they
15 were going to go back and -- his eye, or something -- and
16 I remember feeling really funny because their behavior,
17 too, was more familiar than I thought was appropriate.

18 Q. How so?

19 A. Touching, giggling, tickling, just -- at any
20 rate, I stayed there, and when they came back, I could
21 see that they were -- now, this is all surmise, but there
22 was something different in the way they were together,
23 and I suspected that they had done something.

24 MR. HABEL: Move to strike as speculation,
25 lacks foundation.

1 BY MR. HALE:

2 Q. Did you confront Father Austin?

3 A. Later on.

4 Q. When you say --

5 A. Much later.

6 Q. When you say "much later," when?

7 A. Before I left, which was in 1957. So it was
8 before '57.

9 Q. What did you say when you confronted him?

10 A. I told him that I thought that he was having
11 sex with this young man.

12 Q. What did he say?

13 A. Well, I think he was very -- he didn't say no.

14 Q. Okay.

15 A. But he was very -- put it off. In later years
16 I found out from the young man that I was dead right
17 because he came up to Santa Barbara to see me.

18 Q. And he told you that he --

19 A. Yes.

20 Q. So he told you that he had engaged in sex with
21 Father Austin?

22 A. That they had had sex at that time that I was
23 suspecting it.

24 Q. Why did he come see you in Santa Barbara?

25 A. I think he liked me. He came up and did a lot

1 of sharing with me about what had transpired in his life.

2 Q. When you confronted Father Austin, was he angry
3 with you, was he responsive?

4 A. More awkward and confused.

5 Q. Did you ever report what you observed to anyone
6 in the province?

7 A. I'm ashamed to say no.

8 Q. Why not?

9 A. Oh, give me a minute.

10 Q. Sure.

11 A. The -- what I had been taught is that, in a
12 variety of ways, that self-disclosure was dangerous.

13 I had also been taught that people in power,
14 like superiors, received special grace from God, and so
15 that the consequences of original sin, which were a
16 darkened intellect, a weakened will and disordered
17 desire, were softened in them because they had special
18 grace, and I accepted all that. I didn't speak up about
19 anything.

20 You recall, when I did, as a young theological
21 student, when I -- I don't know if I said that, but I had
22 argued with one of my professors, very mildly, and I was
23 told that I was immature, could not be -- and maybe would
24 not even be ordained, so, you know, I was gun-shy. I'm
25 not excusing it. I think this is a terrible thing and I

1 see now what my obligation was.

2 Q. Do you regret not reporting it?

3 A. I regret it.

4 Q. And is it your testimony you were trained to
5 react in this way?

6 MR. GODFREY: Misstates the testimony.

7 MR. HABEL: Misstates the testimony.

8 BY MR. HALE:

9 Q. Please correct me if I'm wrong.

10 A. The training was that -- and this is implicit,
11 you don't talk about sex. You don't go there.

12 Q. You say it's implicit. How is it implicit?

13 A. Well, for example, here I am, 24 years old and
14 in a theological seminary, about to be ordained, I'm
15 going to go out and I'm going to be with married people
16 who have sex. We're given, by a priest who is teaching
17 marriage, who had had parish experience, and he gave us a
18 little pamphlet describing the physiology of male and
19 female and it described lovemaking in a very physically
20 clinical way. And he told us, "If this disturbs you, if
21 it arouses you, so be it. This is your obligation, to
22 read it and be informed."

23 We were all very grateful. We talked about it.
24 We thanked him.

25 Within a short while -- apparently this was a

1 move across country -- we heard that the holy office had
2 confiscated all of it. They all had to be returned.
3 This professor asked us to return the pamphlets, we never
4 saw them again. So what does that say? Well, what I
5 heard is that you don't go there. That's my take.

6 Q. After your confrontation with Father Austin,
7 did you feel compelled to tell someone and then decide
8 not to?

9 A. I repressed the insight that I had that I
10 should talk. I repressed that.

11 Incidentally, I don't think I had ever heard
12 the word "pedophile."

13 Q. In the '53-'57 time period while you were at
14 St. Joseph's?

15 A. Yeah.

16 Q. Had you heard about sex between adults and
17 minors before that time period?

18 MR. GODFREY: What time period is this?

19 BY MR. HALE:

20 Q. The '53-'57 time period.

21 A. You mean in general?

22 Q. Yes.

23 A. Oh, I'm sure I had.

24 Q. Do you recall in what context you had heard
25 about sex between adults and minors?

1 A. I was trying to think of that, whether it was
2 in the moral theology text itself, and it may have been.

3 See, in Catholic theology, one of the functions
4 of a confessor is to know how to distinguish the kinds
5 and number of sins that a penitent submits.

6 So, for example, if you have sex with -- you're
7 single and you have sex with a single woman, that's a
8 sexual sin.

9 If one of the two parties is married, that's a
10 double sin. You violated the vow that that person has
11 made to another person, as well as the sin of having sex
12 without marriage.

13 If you did this in the presence of a child,
14 that would add do it. So this is how I was trained, and
15 I think that in that context somebody would say, well,
16 this is more grievous sin than that.

17 Q. Okay. And you recall, was there a class on
18 that subject?

19 A. No, no class.

20 Q. Do you recall who led that discussion, if it
21 was such?

22 A. It wasn't a discussion. I think I may have
23 read it.

24 Q. Do you recall what you read it in?

25 A. I wouldn't have -- probably a moral theology

1 textbook.

2 Q. Was it something you read during your studies
3 at the FST or at San Luis Rey?

4 A. I think at FST.

5 Q. Do you recall what the title of the textbook
6 was?

7 A. Noldin's Moral Theology. It's a Latin text.

8 Q. Is that text still published?

9 A. Unh-unh, no.

10 Q. Any idea where we would find a copy of that
11 text?

12 A. I don't know. It died at Vatican II, I think.

13 Q. So that was not a textbook you used while you
14 were on the faculty at the FST?

15 A. Yes, I used that.

16 Q. During '58 to '61 or during the later time
17 period?

18 A. All the way until we went to Berkeley, to GTU,
19 which was in '68.

20 Q. And I take it, Noldin was the author of this
21 text?

22 A. Yes.

23 Q. What is Noldin's first name?

24 A. I don't know. He's a Jesuit, if that helps.

25 Q. Okay. Do you recall what class this textbook

1 was used for?

2 A. "De sexto." Moral theology covered all the
3 commandments. One of them is "de sexto," the sixth
4 commandment.

5 Q. And you have a recollection of their being
6 reference to sex between --

7 A. I'm not clear. I have to say that.

8 Q. As far as there being reference to sex between
9 an adolescent and -- or a child and an adult?

10 A. Yes. What I'm saying today is, if there was,
11 it was about determining the gravity of the sin so that
12 you could forgive it.

13 Q. Did it discuss -- was it about sex between a
14 child and a priest or just simply sex between a child and
15 an adult?

16 A. You know, I can't recall.

17 Q. You just don't know?

18 A. I'm saying that if it was with a priest, it
19 would be a double sin, at least two sins because now the
20 priest has violated his celibacy in addition to the
21 sexual sin.

22 Q. Do you know Raduhle Weininger?

23 A. I do.

24 Q. That's spelled R-a-d-u-h-l-e W-e-i-n-i-n-g-e-r.

25 When was the last time you spoke to Raduhle?

1 A. We had been trying get in touch with one
2 another. We've been missing one another on the phone.
3 We spoke on the phone together less than two weeks ago.

4 Q. What was the topic of that conversation?

5 A. The topic of that conversation was about a
6 priest who, about two weeks ago, gave a retreat at
7 Malibu, at the Franciscan retreat house, who -- and I'm
8 getting this from a very close friend, so I wasn't there,
9 but Raduhle's checked up on it and apparently it's
10 accurate -- got up and shared that he had come on to a
11 woman who was crippled and in an assisted living
12 facility. He had come on to her sexually. It had been
13 reported to authorities, that it had been insisted that
14 he go to treatment, and that he was in treatment with
15 pedophiles and was resentful of that. This was the
16 retreat master.

17 So a friend of mine came back from the retreat,
18 came to me, because he knew that I had even worked there
19 at one point, absolutely horrified that this had gone on,
20 and I've heard that the coordinators of the retreat have
21 spoken to Warren Rouse, who is the Franciscan, I think,
22 who is in charge of [REDACTED].

23 Q. [REDACTED] is the name of the priest?

24 A. Yes.

25 Q. How do you spell his last name?

1 A. [REDACTED].

2 And so at any rate, that's what I spoke to
3 Raduhle about.

4 My point is, that the Franciscans should know
5 that and should consider whether somebody like this
6 should be a retreat master.

7 Q. So this retreat took place at the Serra Retreat
8 House?

9 A. Serra Retreat House.

10 Q. And what kind of retreat was it?

11 A. It was for recovering alcoholics.

12 Q. And Father [REDACTED] led the retreat?

13 A. He led the retreat.

14 Q. Why did you report -- why did you call Raduhle
15 about this?

16 A. Because I think that the Franciscans ought to
17 be educated about that this kind of person at this stage
18 of his recovery should not be in the position of leading
19 people in spirituality. I wanted to say that. I had
20 been silent most of my life. I thought this is an
21 opportunity to say something.

22 MR. HALE: Let's take a little five-minute
23 break here.

24 VIDEOGRAPHER: The time is 11:14 a.m. We're
25 off the record.

1 (A brief recess was taken.)

2 VIDEOGRAPHER: The time is 11:41 a.m. We're
3 back on the record.

4 MR. HABEL: I'd like to move to strike all the
5 witness's testimony beginning with the testimony
6 regarding Exhibit 1 as not relevant, not calculated to
7 lead to discovery of admissible evidence, and in such
8 that this is a purported preservation deposition, hence
9 the testimony would be inadmissible at trial, it's
10 irrelevant.

11 The testimony regarding a retreat two weeks ago
12 is clearly irrelevant.

13 Father Austin has not been accused or named as
14 a defendant. That testimony would clearly be irrelevant
15 and inadmissible.

16 MR. GODFREY: Further, under the terms of the
17 protocol, the witness is being deposed as a preservation
18 witness with respect to notice, and I would move to
19 strike on that basis as well.

20 MR. FORD: Join in the motion and the
21 objections.

22 MR. DEMARCO: I'd just like to put on the
23 record, the witness, I believe, is also noticed as a
24 hierarchy witness. The testimony, we do believe, is
25 relevant to the subject matter the deposition was noticed

1 for, but . . .

2 MR. HALE: I think would also be relevant to
3 proving up punitive damages as well.

4 Anything else?

5 MR. GODFREY: Yeah. As to the last issue, and
6 I understand that you're making a record, there's no
7 order under 3295, there's no basis for that.

8 MR. HALE: But there will be.

9 MR. GODFREY: At this point there's not one.

10 MR. HALE: Okay. Are you suggesting that we
11 should renotice the deposition once there is that order
12 and then do this all over again?

13 MR. GODFREY: I'm suggest that today it's not
14 relevant.

15 MR. HALE: Okay. Anything else?

16 MR. GODFREY: No.

17 MR. HABEL: I think that's it.

18 BY MR. HALE:

19 Q. [REDACTED], were you incardinated into the
20 Archdiocese of Los Angeles?

21 A. I don't know what that means. I had faculties.
22 That's what we called it in those days, jurisdiction
23 faculties.

24 Q. When you finished --

25 A. Incardination, I think -- doesn't it mean you

1 belong to the hierarchy?

2 Q. Right.

3 When you finished with your studies at the
4 FST -- well, when did you become a priest?

5 A. 1951.

6 Q. Was there some kind of ceremony in that
7 involved happening?

8 A. Oh, yes, it's an ordination ceremony.

9 Q. Who attended the ordination ceremony? Don't
10 tell me the whole province, but let me ask you this. Who
11 presided over the ordination ceremony?

12 A. I think it was Archbishop -- or Bishop
13 McGucken.

14 Q. From the Archdiocese of Los Angeles?

15 A. Yes.

16 Q. During your time in Santa Barbara, did you have
17 faculties within the archdiocese?

18 A. I got faculties in '52.

19 Q. How did you know you received faculties?

20 A. Well, somebody above me applied and got them.
21 I didn't do anything.

22 Q. Did you receive in some kind of notice that you
23 had --

24 A. I was told I had faculties by my superior.

25 Q. What did that mean to you?

1 A. It meant that I could preside at marriages, I
2 could hear confessions of laypeople, basically, preach.

3 Q. A few more questions about the definitorium.

4 You said that you had attended all of the
5 quarterly meetings. Did you attend all the ad hoc
6 meetings from '71 to '74, to your knowledge?

7 MR. HABEL: That misstates prior testimony. I
8 don't know that he testified there were any ad hoc
9 meetings.

10 BY MR. HALE:

11 Q. Did you testify there were ad hoc meetings?

12 A. I don't know what I said. I said I didn't
13 remember, I think.

14 Q. Do you recall attending any ad hoc meetings
15 while you were on the definitorium?

16 A. I do not.

17 Q. In the meetings you did attend, do you recall
18 there being meeting minutes taken?

19 A. I don't recall. I mean [REDACTED] was the
20 secretary, and that's all I can say.

21 Q. With regards to the function of the
22 definitorium, was it your understanding the function was
23 to make recommendations regarding provincial policy or
24 did you actually make provincial policy?

25 A. I think you make provincial policy and assign

1 people, you know, make assignments.

2 Q. So was it a voting body that made decisions?

3 A. We used to vote.

4 Q. Did the provincial have one vote in that body?

5 A. That's my recollection.

6 Q. Did the vice-provincial have one vote in that
7 body?

8 A. Also.

9 Q. And then the four members of the definitorium?

10 A. Yes.

11 Q. What kind of policy decisions were addressed by
12 the definitorium?

13 A. Well, the only one that comes to mind, because
14 of its significance is -- you know, this was after
15 Vatican II and all this movement to liberalize the
16 liturgy, et cetera, there were decisions made about how
17 free you could be at designing what you would do at mass.
18 Could you sing songs that were then popular? Could you
19 sing "Turn, Turn, Turn," since it's from the book of
20 Ecclesiastes, but it was sung by Peter, Paul & Mary.
21 There was a very strong movement against allowing that
22 and there was a big discussion, that's how I remember,
23 and the vote was everybody against what we were doing but
24 me. I remember that very significantly. That's why it
25 comes to mind.

1 Q. Okay.

2 A. Was the seminary too liberal?

3 Q. Who argued the seminary was too liberal?

4 A. Everybody on the definitorium was thinking that
5 our liberties taken with the liturgy was too much.

6 Q. And that was the basis for saying that the
7 seminary was too liberal?

8 A. Well, that was the significant thing, because
9 it was butting into -- people had strong opinions
10 otherwise.

11 Q. Were there any other things that led them to
12 argue that the --

13 A. Very big about the seminary, at the Graduate
14 Theological Union, the freedom of seminarians. Should
15 they wear the garb, should they wear the garb even when
16 they left campus, what to do now that women were
17 attending classes with our seminarians?

18 Q. Let me ask you, did you know Father David
19 Temple?

20 A. Very well. He was my novice master and
21 provincial.

22 Q. Are you familiar with the Servants of the
23 Paraclete?

24 A. No.

25 Q. You've never heard of the Servants of the

1 Paraclete?

2 A. It sounds familiar, but nothing comes to mind.

3 Q. Do you ever recall that Father David Temple was
4 doing work involving the Servants of the Paraclete?

5 A. Never.

6 Q. During your time in Santa Barbara, did you do
7 work at archdiocesan parishes in Santa Barbara County?

8 MR. HABEL: Vague as to "do work."

9 BY MR. HALE:

10 Q. You can answer.

11 A. Guadalupe parish, the parish in Carpinteria.
12 I'm trying to remember. Over in, maybe, the valley.
13 Primarily Guadalupe and Carpinteria. Oh, St. Raphael's
14 in Goleta.

15 Q. When I say "did you work," do you understand
16 that to mean perform mass?

17 A. Mass, confessions, preaching.

18 Q. Anything else?

19 A. No.

20 Q. How would that happen?

21 A. At the level of -- the pastor would talk to the
22 superior of the house. The pastor would probably call
23 Father Virgil Cordano and say, "We need somebody on
24 Saturday for the 9:00 o'clock mass," and then we would be
25 assigned by the superior.

1 Q. How many times a month would that happen for
2 you?

3 A. I have no recollection. I know it -- that I
4 did it often.

5 Q. To your knowledge, did every other Franciscan
6 perform masses at parishes throughout the county?

7 MR. HABEL: Calls for speculation, lacks
8 foundation.

9 THE WITNESS: I would say people on the faculty
10 did.

11 BY MR. HALE:

12 Q. How do you know?

13 A. Well, I remember talking about going
14 St. Raphael's, "Where are you going?"

15 Q. So in other words, you would discuss with your
16 fellow faculty members?

17 A. Yes, where they were going to be that Sunday.

18 Q. Okay.

19 A. There was also a question of cars and how we
20 would arrange transportation.

21 Q. All right. Then the guardian would come to you
22 and say you need to go to such and such assignment?

23 A. Yes, yes.

24 Q. All right. Were you compensated for your work
25 at the parishes?

1 A. I never knew about compensation. If there was
2 ever compensation, which there was, I understand, it was
3 given to the superior. The check would be given to
4 Father Virgil Cordano or whoever else was guardian or
5 superior.

6 Q. What's your basis for understanding that there
7 was compensation?

8 A. Well, these were arrangements made. I know
9 that we got paid for assisting, but how much and all of
10 that, I didn't trouble myself with that.

11 Q. Okay.

12 A. May I add?

13 Q. Sure.

14 A. During a time, a particular time, I remember
15 ██████████ said that the province was having financial
16 problems and would I then go around and give retreats.
17 And so I did that, and I know that was specifically not
18 only to take care of the spiritual needs of the various
19 conferences, for example, but to be compensated.

20 Q. Were those retreats presented by the province
21 or the archdiocese?

22 A. I gave the retreats for nuns, for example --

23 Q. All right.

24 A. -- to Franciscan nuns in Redwood City or down
25 south.

1 Q. As far as your work at these parishes, did this
2 go on your entire time as a priest in Santa Barbara?

3 A. Yes.

4 Q. Are you familiar with the position the vicar
5 general for religious in the archdiocese?

6 A. Yes.

7 Q. Do you know Bishop John Ward?

8 A. Very well. Well, I shouldn't say very well,
9 but I know who he is.

10 Q. How do you know Bishop Ward?

11 A. Well, Bishop Ward became a person, a
12 significant person in my life because I had done that
13 unorthodox wedding, which I thought I could justify
14 canonically, and when he found out that other priests
15 were present, he wanted me to divulge the names.

16 Q. How do you know that he found out?

17 A. Well, he asked the provincial to get me to
18 divulge the names, and I said I would not.

19 Q. How do you know he asked the provincial?

20 A. The provincial called me and told me he needed
21 to know -- [REDACTED].

22 Q. Did he tell you that Bishop Ward had called him
23 and told him?

24 A. Yes, he did.

25 Then -- can I go on?

1 Q. Well, we'll get to that.

2 MR. HABEL: Can I caution the witness, please
3 let Mr. Hale finish his question.

4 THE WITNESS: It's hard. I will do that. It's
5 very hard for me.

6 MR. HABEL: See that gentleman there in the
7 blue shirt? He's trying to take both of you down, and
8 it's hard to do two at once.

9 THE WITNESS: I understand that. It's just
10 difficult.

11 BY MR. HALE:

12 Q. We know you've got a lot to say and that's
13 fine.

14 A. Well, I'm excitable.

15 Q. You said the provincial was [REDACTED]?

16 A. The provincial was [REDACTED] at that time.

17 Q. Did he call you? Did he call you into his
18 office or what exactly happened?

19 A. There were two occasions, so I don't know which
20 is which.

21 Q. Tell me about one of the occasions.

22 A. One of the occasions was a phone call saying
23 that he wanted the names.

24 Q. "He" being Bishop Ward?

25 A. That Bishop Ward wanted the names of the

1 Jesuits who were present at the wedding.

2 Q. Did Father [REDACTED] tell you why Bishop Ward
3 wanted those names?

4 A. I don't know that he told me or not. I know
5 why, because he thought it was an illicit act and he
6 wanted to proceed against them.

7 Q. How do you know Bishop Ward thought your
8 performing that ceremony was an illicit act?

9 A. Well, I think he told the provincial that it
10 was an illicit thing, it was not permitted by canon law.
11 I had no jurisdiction.

12 Q. And you said there were two instances. What
13 was the other?

14 A. The second instance was that Bishop Ward had
15 contacted Cardinal Seper of the Holy Office in Rome, and
16 Cardinal Seper had written a letter to the provincial
17 saying that I was bound under obedience to reveal the
18 names.

19 Q. How do you spell Seper?

20 A. I think it's S-e-p-e-r.

21 Q. What position did Seper have with Rome, if you
22 know?

23 A. He was the head of the Holy Office, which is
24 the predecessor of the Congregation for the Doctrine of
25 the Faith, which is where the Pope just came from.

1 Q. So, in other words, former Cardinal Ratzinger
2 was --

3 A. Yes.

4 MR. GODFREY: Assuming that the functions were
5 the same now as they were back then in the early
6 seventies.

7 MR. HALE: Right.

8 Q. How did you learn that Bishop Ward had
9 contacted Cardinal Seper?

10 A. This is what my recollection is, that [REDACTED] told
11 me, as he had the letter.

12 Q. So he had a letter from Father --

13 A. From the Cardinal Seper.

14 Q. Did you ever see that letter?

15 A. I don't remember. I can't say that I did or
16 whether he read it to me.

17 Q. What did Father [REDACTED] tell you about that
18 letter?

19 A. [REDACTED] said to me, "What do you want me to
20 do about this?" He left it up to me to decide.

21 Q. Well, did he tell you what the letter said?

22 A. Yes, he did.

23 Q. What did he tell you?

24 A. He said that I was bound under holy obedience
25 to reveal the names of the people that were there.

1 Q. At the wedding ceremony?

2 A. At this wedding ceremony.

3 Q. Did you reveal the names?

4 A. I did not reveal the names.

5 Q. Did Bishop Ward ever call you?

6 A. No.

7 Q. Did he ever write you?

8 A. No.

9 Q. Did he ever communicate directly to you in any
10 way?

11 A. No. Can I just add something?

12 Q. Go ahead.

13 A. The reason may be is that when [REDACTED] asked
14 me what to do, I said to [REDACTED] that if I were ever
15 contacted about this again, I would call a press
16 conference.

17 Q. Okay. Were you disciplined for performing this
18 marriage ceremony?

19 A. I was told I could no longer function in Los
20 Angeles in parishes. So I could do whatever I did
21 within -- I could say mass for the Franciscans, hear
22 confessions for the Franciscans, but not in a parish.

23 Q. You mean your faculties were removed?

24 A. Faculties were removed.

25 Q. How do you know your faculties were removed?

1 A. I was told.

2 Q. Who told you?

3 A. The cardinal wrote a letter. I had a copy of
4 that.

5 Q. So you saw the letter?

6 A. Yes.

7 Q. And which cardinal was it?

8 A. It was Cardinal McIntyre.

9 Q. And that's M-c-I-n-t-y-r-e?

10 A. Correct.

11 Q. What did the letter say?

12 A. The letter said, in effect, that it had come to
13 his attention that I had performed an illicit marriage
14 between a priest whose obligation to celibacy had not
15 been lifted by the Holy See, and that as a result I had
16 conducted an illicit marriage and was no longer able to
17 hear confessions or -- in other words, that my faculties
18 were removed in the Los Angeles Archdiocese.

19 Q. Who presented that letter to you?

20 A. I think [REDACTED].

21 Q. How do you know that Bishop Ward contacted
22 Seper?

23 A. I think that was in the letter, but, see, now
24 this is 31 years ago, so . . .

25 Q. You think there was a reference in that letter?

1 A. I don't know whether [REDACTED] told me or whether
2 even whether I saw the letter.

3 Q. But you think there was a reference in the
4 letter from Seper?

5 A. There definitely was, yes.

6 Q. So there was a reference -- your understanding
7 is there was a reference in the letter from Seper
8 regarding Bishop Ward contacting you?

9 A. Yes. It had been reported to him.

10 MR. HABEL: Tim, could I ask a follow-up on
11 that issue before we go on?

12 MR. HALE: Yeah, go ahead.

13 BY MR. HABEL:

14 Q. Mr. [REDACTED], does that testimony that you just
15 gave that you had your faculties removed, does that
16 change your prior answer that you said mass in the
17 various parishes throughout your time as a priest in
18 Santa Barbara?

19 A. This ended that.

20 MR. HABEL: Okay.

21 THE WITNESS: I had been doing that; this ended
22 it.

23 BY MR. HALE:

24 Q. What year were your faculties removed?

25 A. I'm trying to remember. It was before we went

1 to Berkeley, so it was -- I think it was '67 or '68.

2 Q. So prior to your faculties being removed, you
3 had served at the parishes in the archdiocese in Santa
4 Barbara?

5 A. Yes.

6 Q. How long do you think it was after your
7 faculties were removed before you were transferred up to
8 Berkeley?

9 A. Well, I recall that -- I recall that I said to
10 myself, this is not important because we're leaving this
11 archdiocese, I'm going to go north where he has no
12 jurisdiction, all we have to do is ask the new bishop for
13 faculties, and that's exactly what happened. So it
14 probably was the summer of '68.

15 Q. So you think that at the time your faculties
16 were removed you were already aware that you were -- that
17 FST was being sent up to Berkeley?

18 A. Yes.

19 Q. Regarding the Jesuit, the former Jesuit that
20 you performed the ceremony for, did you say he moved to
21 El Paso?

22 A. Yes.

23 Q. Was he working in El Paso?

24 A. He had a professorship at UTEP.

25 Q. Was he affiliated in any way for the Bishops

1 Committee for the Spanish Speaking?

2 A. No idea.

3 Q. Have you ever heard of that?

4 A. Vaguely.

5 Q. How have you heard of that?

6 A. I don't know. I don't know.

7 Q. During your time as a priest in Santa Barbara,
8 did you ever have any one-on-one contact with Bishop
9 Ward?

10 A. I'm not sure whether he ordained me into the
11 subdiaconate or diaconate. I don't really remember.

12 Q. Did you view the incident involving the
13 marriage ceremony as an example of you being disciplined
14 by the archdiocese?

15 MR. HABEL: Lacks foundation, calls for
16 speculation.

17 MR. GODFREY: His understanding of what the
18 word "discipline" means is irrelevant.

19 BY MR. HALE:

20 Q. You can answer.

21 A. My faculties were lifted; they had a right to
22 grant them or not to grant them, and they took them away.

23 Q. Were you conscious of being supervised in any
24 way by the archdiocese?

25 A. No.

1 Q. Let's talk about some of your time on the FST
2 faculty, and I want to discuss a couple of paragraphs
3 from the book. I'll pass around copies of the pages.

4 MR. GODFREY: Are you going to let us look at
5 this before you ask any questions?

6 MR. HALE: Sure. And just so you know, I'll be
7 asking questions about the last paragraph on 175 and the
8 first two on 176.

9 MR. GODFREY: Okay, thank you.

10 BY MR. HALE:

11 Q. [REDACTED] if you'd like to look at that, it's
12 the last paragraph and then the first two paragraphs on
13 the next page.

14 MR. HABEL: Tim, so I don't have to interrupt
15 your questioning, can I get a continuing objection on
16 this line of questioning as not relevant, not calculated
17 to lead to the discovery of admissible evidence?

18 MR. HALE: Sure, absolutely.

19 MR. GODFREY: Further, on the ground that the
20 witness is not an expert, that the status of any
21 individual who is a candidate for the priesthood is not
22 relevant to this litigation, and that any conclusions
23 drawn by the witness are speculation.

24 MR. HALE: Sure.

25 MR. HANCE: Join.

1 MR. HABEL: And exceeds his role as a noticed
2 witness.

3 MR. HALE: Are you guys done?

4 MR. DEMARCO: We'll stipulate to a continuing
5 objection.

6 MR. GODFREY: Yeah, a continuing objection is
7 what we want.

8 MR. HANCE: Thank you.

9 MR. HALE: I want to attach as Exhibit 2 pages
10 175 and 176 from your book.

11 (Deposition Exhibit No. 2 was marked
12 for identification, a copy which is
13 attached hereto.)

14 BY MR. HALE:

15 Q. I've just got a couple questions about that.

16 A. Yes.

17 Q. Regarding the last paragraph an 175 and the
18 first two paragraphs on 176, are the statements in those
19 paragraphs still accurate?

20 A. Yes.

21 MR. GODFREY: I think that's ambiguous. If he
22 thinks they were accurate at the time he made them or are
23 they accurate in 2005?

24 BY MR. HALE:

25 Q. As you sit here today, do you believe those

1 statements regarding your recollection of events back
2 then are accurate?

3 A. My recollection of what happened then about
4 this is accurate.

5 Q. And this is from the time period you were on
6 the FST at Berkeley; correct?

7 A. Yes.

8 Q. So that would have been '68-'74?

9 A. It was toward the end of my stay.

10 Q. So in the seventies?

11 A. In the seventies.

12 Q. During your time at the FST in Berkeley, did
13 you have confrontations with Franciscan priest candidates
14 about them expressing wanting to experience gay sex?

15 A. The word "confrontation" may be strong.

16 Q. Okay.

17 A. But I surely noted it, and my objection was
18 primarily that, whether you're gay or heterosexual, to
19 have a lover is gravely opposed to community life, apart
20 from the issue of sexuality or sin or --

21 Q. So maybe -- tell me if I'm misstating.

22 It's not that you were talking -- you weren't
23 objecting to their expressing their sexual orientation,
24 you were objecting to them expressing their interest in
25 sexual activity?

1 A. Their celibacy.

2 Q. Okay.

3 A. You're supposed to be celibate, whether you're
4 gay or heterosexual.

5 Q. All right.

6 A. And I was arguing that this is not celibacy.

7 Q. So again, your objection was to not a
8 discussion of their orientation, just of the fact that
9 they were discussing interest in sexual activity, whether
10 it be heterosexual or homosexual?

11 A. That's the point I think I'm making in there.

12 Q. You say it wasn't a confrontation. How would
13 you describe it?

14 A. Well, what I was trying to do in those days was
15 to be very self-disclosing, to tell people how their
16 behavior affected me. It wasn't like standing in their
17 way and saying, like an authority, "change or else." For
18 me, confrontation is more that. That's just my take on
19 it.

20 I was trying to be self-disclosing and saying
21 "This disturbs me greatly, what are we going to do about
22 it? Can you address it? I want dialog."

23 Q. And you said this to the priest candidates?

24 A. Yes.

25 Q. What were the responses you received?

1 A. Well, it was very evasive, that they had every
2 right to look at -- they came very late to the notion
3 that they could look at their orientation. They still
4 didn't address what I was saying, which was the celibacy
5 part.

6 Q. Do you think this was in 1973 or 1974?

7 A. '73, '74.

8 Q. And did their expressing their interest in
9 engaging in sexual activity concern you?

10 A. Precisely on the level of what I was saying.

11 Q. Why did it concern you?

12 A. Because it was destroying community life.

13 Q. How?

14 A. Well, it's like if you're married and your
15 partner is having a sexual relation with someone else.
16 It's pretty threatening to your own relationship with
17 your partner.

18 Q. Did you raise your concerns to any other
19 Franciscans on the faculty or in the province?

20 A. Yes. At that time I was no longer living in
21 the Graduate Theological Union, I was living in East
22 Oakland, in a little ghetto apartment and commuting, so I
23 didn't see the faculty as much, but I did express it.

24 Q. Do you recall who you expressed it to?

25 A. Well, the ones who were there were Kevin

1 Osburn -- you know, I'm even losing that. I remember
2 that Kevin was there. But I remember the general -- the
3 feedback I got was that "let their spiritual director
4 take care of it."

5 Q. Before we go there, what did you say to them?

6 A. I said that I was very concerned about the
7 celibacy issue, that the sexual orientation is not what
8 bothered me at all. If people were discovering they had
9 a sexual orientation toward gayness, that's fine with me,
10 but that celibacy was a threat to community life, and I
11 didn't understand that we weren't coming out with a
12 policy.

13 Q. How was it you became aware that the students
14 were expressing interest in --

15 A. I overheard them talking.

16 Q. What did you hear them say?

17 A. I can't remember word for word, but talking
18 about going to gay bars.

19 Q. And did you convey that -- well, how do you
20 know going to gay bars included sexual activity?

21 A. Well, by their tone -- I never heard anybody
22 say, "and I'm having gay sex." It was the whole sense of
23 it. And when I talked about it, celibacy, nobody said,
24 "Hey, I'm not violating celibacy."

25 Q. Okay.

1 A. So they acknowledged the issue implicitly, I
2 thought.

3 Q. And then with regards to the faculty members
4 you talked to about this, did you convey to those faculty
5 members what these priest candidates had said?

6 A. That's my recollection.

7 Q. And what was the response of the faculty
8 members?

9 A. That the tradition is each person goes to a
10 spiritual director of their choice and they deal there
11 with whatever moral issues are arising.

12 Q. Okay.

13 A. Fancy way of saying "butt out."

14 Q. Were you satisfied with that response?

15 A. I was not.

16 Q. Did you --

17 A. May I say, one of my issues there and one of
18 the things that led me to grow away from it and move away
19 from the seminary, was that I was insisting that we, as
20 brothers, and members of a community, that we live in
21 utter self-disclosure about things that were important to
22 us. We should tell one another what disturbed us, we
23 should tell one another what built us up, we should talk
24 about everything that was significant, and that point of
25 view, over time, was rejected.

1 Q. Do you recall the names of the candidates who
2 expressed their interest in sexual activity to you?

3 A. No, no, I really can't.

4 Q. Did the response of the faculty to you raising
5 this issue play a role in your deciding to leave the
6 province?

7 A. It was a piece of it.

8 Q. Okay.

9 A. I saw that we were not going to be what I
10 thought was a community, my description of community. It
11 was mine.

12 Q. Did you give any thought to notifying anyone
13 else in the province outside of the faculty about what
14 these priest candidates had said to you?

15 A. I don't recall. I should have said it to the
16 provincial definitorium. I don't know that I did.

17 Q. Were you ever in position to -- as part of the
18 definitorium or as part of the FST faculty, were you in a
19 position to have input onto whether priest candidates
20 should become priests?

21 A. Yes.

22 Q. And of this -- how many of these priest
23 candidates do you think you heard -- did you hear
24 discussing their interest in sexual activity?

25 MR. GODFREY: What he thought was their

1 interest in sexual activity?

2 MR. HALE: Right.

3 THE WITNESS: How many?

4 BY MR. HALE:

5 Q. How many, do you have any estimate?

6 A. Four or five.

7 Q. And of those four or five, did you ever have
8 the opportunity to consider their candidacy to become a
9 priest before you left the province?

10 A. No, I don't remember ever voting on their
11 suitability.

12 Q. Had you had the opportunity to vote on their
13 suitability, would you have had any concerns in that
14 regard?

15 A. Severe.

16 MR. GODFREY: Calls for speculation.

17 BY MR. HALE:

18 Q. Would those concerns have included whether it
19 would have been appropriate for them to supervise or work
20 with minors?

21 THE WITNESS: Never occurred to me.

22 MR. GODFREY: Calls for speculation.

23 THE WITNESS: Mea culpa.

24 BY MR. HALE:

25 Q. You think it should have?

1 A. Yes.

2 Q. What were the other reasons you left the
3 province?

4 A. The chief one was autonomy. Every time I took
5 a psychological screening test or whatever I took, I just
6 noticed that my desire for autonomy was very, very high.
7 I grew increasingly upset with, I think, a reversion to
8 authoritarianism. I didn't like that.

9 The other one was that I envisioned, from our
10 first-person-centered group back in '67, I envisioned a
11 growing -- a community that would grow in its ability to
12 be sharing with one another, especially about, for
13 example, books you were reading, what excited you, what
14 problems you were having with church, what we wanted to
15 do about it.

16 I had planned one day a month at Graduate
17 Theological Union where we would have a day where we
18 talked about our differences and what we liked together,
19 and that we would build community, and I wanted this for
20 the entire province.

21 Now, I know, now, looking back, that that's a
22 big wish list, but that's where I was at the time, and
23 when I saw that there wasn't the will and the heart to go
24 there, I began to drift away.

25 Q. I'm going to shift gears on you a little bit.

1 Are you familiar with the rule against
2 particular friendships?

3 A. Yes.

4 Q. When did you first learn of that rule?

5 A. Well, probably in novitiate, maybe even sooner.
6 The idea being that --

7 Q. Let me ask you, what is that rule?

8 A. The rule is that you should not have particular
9 friendships, which means that no particular person in
10 your community should be special to you, because that is
11 a threat to the community. So people begin to pair off,
12 that would create jealousy, et cetera, so the idea is
13 that you would be self-disclosing, primarily with your
14 spiritual director, but not with other people.

15 Q. Where did you first -- so you think you first
16 learned of the rule in novitiate or earlier?

17 A. I think so.

18 Q. Is that rule written anywhere?

19 A. Not to my knowledge.

20 Q. How did you learn of it?

21 A. Well, in novitiate, of course, you're taught
22 about religious life -- what it means, what it entails,
23 what's required of you, and that's one of the things.

24 Q. Do you recall who taught it to you?

25 A. Well, that would have been David Temple.

1 Q. Is it a strong rule? It was a prominent rule,
2 something that --

3 MR. GODFREY: Vague as to time. It may have
4 shifted over the years.

5 BY MR. HALE:

6 Q. That's a good question, actually.

7 During your time as a first-year Franciscan,
8 did the prominence of the rule change, was it consistent?

9 A. I think that by the time I was advocating quite
10 a different thing, it had already diminished
11 considerably.

12 Q. How so?

13 A. It just wasn't elicited. Nobody referred to it
14 anymore. What I was saying -- what I was saying, people
15 said to me, "I don't want to do that, that's not my
16 style," and I had to agree that they had a right to
17 choose not to.

18 Q. I think you lost me a little bit there.

19 When you were referring to what you were
20 saying, are you talking about when you were talking to
21 the priest candidates?

22 A. No, when I began to advocate that community
23 meant self-disclosure and mutual support and validation,
24 that by that time we were quite away from -- particular
25 friendship is like pious -- offensive to pious ears.

1 It's one of those things that was around for a long time
2 and then diminished.

3 Q. What were the practical implications of the
4 rule? In other words, could a priest have someone in
5 their living quarters?

6 MR. HABEL: Objection. Vague as to time and
7 are we talking about -- what location are we talking
8 about, a particular seminary, a particular location?

9 BY MR. HALE:

10 Q. Would the rule change depending on location?

11 A. No.

12 Q. Did the rule apply to all Franciscans?

13 A. It was a rule for community life.

14 Q. Again, what was your understanding of the
15 practical implications of the rule?

16 A. The practical --

17 Q. What was allowed, what was not allowed by the
18 rule?

19 A. It meant primarily, like, you don't let
20 somebody become your special friend.

21 When I was in the novitiate and in
22 philosophy -- in college, that is -- as a Franciscan in
23 theology, you could never allow anybody into your room.

24 Q. Did that change over time while you were a
25 Franciscan?

1 A. In Berkeley, very different.

2 Q. Did you object to that?

3 A. No.

4 Q. Did you hear anyone object to that?

5 A. No.

6 Q. Were there any discussions of the change in the
7 rule?

8 A. No.

9 Q. It just happened?

10 A. I think Vatican II changed a lot. Difficult to
11 be in Berkeley and be a conservative.

12 MR. GODFREY: Tim, can you finish this line of
13 questioning and then go to lunch?

14 MR. HALE: Yeah. We can stop right now, if you
15 want. I've got, probably, 20, 30 minutes left, at the
16 most.

17 MR. GODFREY: Okay.

18 VIDEOGRAPHER: We are at the end of tape number
19 1. We're going off the record. The time is 12:23 p.m.

20 (The lunch recess was taken.)

21 VIDEOGRAPHER: We're at the beginning of tape
22 number 2. The time is 1:37 p.m. We're back on the
23 record.

24 BY MR. HALE:

25 Q. [REDACTED] I know you had testified earlier about

1 your -- you had two years on high school faculty. One
2 was the faculty in Arizona and one was St. Anthony's;
3 right?

4 A. Yes.

5 Q. In your experience as a member of these high
6 school faculties, did you ever encounter or hear of a
7 faculty-approved program to assess a student's physical
8 development?

9 A. Never.

10 Q. Aside from as your time on a high school
11 faculty, have you ever heard of anything like that in any
12 other context?

13 A. Never.

14 Q. Would that cause you any concern if you heard
15 of anything like that?

16 A. Lots.

17 Q. Why?

18 A. Because it's unusual. I mean, you're not
19 qualified. I mean, they are diagnosing.

20 Q. When you were at St. Anthony's, were there any
21 rules regarding corporal punishment?

22 A. I don't recall any.

23 Q. Were you aware of any corporal punishment going
24 on?

25 A. I was hit.

1 Q. When you were a student?

2 A. When I was a student.

3 Q. Who struck you?

4 A. The -- it was called a prefect. I had made
5 noise at night when people were trying to go to sleep.

6 Q. Do you recall who it was?

7 A. Donald Gander.

8 Q. And how did he strike you?

9 A. Just kind of a token thing. He told me he had
10 to do that, you know, on the butt, you know.

11 Q. Did he ask you to drop your pants?

12 A. No, no, no, no.

13 Q. Did he ask you to bend over his lap?

14 A. No.

15 Q. Did he --

16 A. He told me that it was a token thing, that he
17 had to do something because he had apprehended me making
18 noise, and he just did a token sort of thing.

19 Q. Did it cause you any injury?

20 A. Not at all.

21 Q. Did it cause you any pain?

22 A. No.

23 Q. Aside from that one instance -- was it Gander,
24 G-a-n-d-e-r?

25 A. (No audible response.)

1 Q. Aside from that incident with Father Gander,
2 have you ever heard of any other instances of corporal
3 punishment by a Franciscan priest against a St. Anthony's
4 student.

5 A. No, nothing's coming.

6 Q. Did Father Gander, to your knowledge, have any
7 kind of reputation of being someone who would inflict
8 corporal?

9 A. Not at all; he was beloved.

10 Q. While you were on the St. Anthony's faculty,
11 were you aware of any circumstances where faculty members
12 were placing their hands on students?

13 A. Never.

14 Q. Were you aware of any circumstances while you
15 were on the St. Anthony's faculty of faculty members
16 requiring a student to strip naked or partially naked?

17 A. Never.

18 Q. Were you aware of any circumstances while you
19 were on the faculty of a faculty member requiring
20 students to take exams in their underwear?

21 A. Never.

22 Q. If you had heard of any of those things
23 happening, would you have been concerned about those?

24 A. I would have been alarmed.

25 Q. Would you have taken any action?

1 A. That's another whole thing.

2 Q. Why do you say that?

3 A. Well, my mentality at the time was, sad to say,
4 very deferring and self-effacing and assuming that
5 somebody else's wisdom prevails over mine.

6 Q. And you were referring to the whole original
7 sin concept?

8 A. Yes, and the obedience and those in power
9 knowing better.

10 Q. Let me ask you about David Carriere. When did
11 you first meet David Carriere?

12 A. Well, memory is foggy. He was a student of
13 mine in theology. That's about all I remember. I don't
14 know what year that was. I know the years that I was
15 teaching theology, but I don't know if that was before I
16 went to Catholic U or after.

17 Q. And after you left the province, you came back
18 to Santa Barbara; right?

19 A. After I went to study, you mean?

20 Q. After you left the province, did you come back
21 to Santa Barbara?

22 A. Oh, yes, yes, in '75. You mean leave formally?

23 Q. Right.

24 A. Abdicating?

25 Q. Right, right.

1 When was the first time you saw -- did you see
2 Father Carriere again when you came back to Santa Barbara
3 in '75?

4 A. Yes, but I couldn't tell you when.

5 Q. Did you begin seeing him on a regular basis?

6 A. I couldn't tell you how often I saw him. I
7 know that he suffered a manic episode and it was very
8 distressing and he clearly was out of his mind. He was
9 threatening or did violence to a landlady. He had
10 abruptly left the Franciscans and rented an apartment. I
11 don't even know how that happened. And the police were
12 called, so he told me, and it took, I don't know how many
13 to pin him down.

14 Q. How would you -- when you returned to Santa
15 Barbara, or after you returned to Santa Barbara, how
16 would you describe the nature of your relationship with
17 Father Carriere?

18 A. Well, we were friends and he would visit me. I
19 had an office on 1129 State Street, and I would meet him
20 there or I would meet him at, like, at Zona Seca, where I
21 was a supervisor.

22 Bob Van Handel would visit.

23 People would drop by, I'm saying.

24 Q. Was it a formal therapist-patient relationship
25 with Father Carriere?

1 A. I'm saying not, because it would have been a
2 dual relationship.

3 Q. Okay.

4 A. I acted professionally in the sense that I
5 wrote a letter and I tried to tell the province that he
6 was suffering from a grave illness and that he needed to
7 abide by the instructions of his psychiatrist.

8 Q. And did that relationship, that informal
9 relationship, commence sometime in the 1970s?

10 A. I would say yes.

11 Q. Do you recall how -- was it fairly soon after
12 you returned back to Santa Barbara?

13 A. Let's see. I can't tell you because I know
14 that I went to the 1129 office when Julie Bowden took
15 off, but I can't remember when that was.

16 Q. Do you recall when Father Carriere began
17 living, as opposed to just visiting, Santa Barbara in the
18 1970s?

19 A. I can't even say that.

20 Q. Are you aware of seeing him at times in Santa
21 Barbara when he was simply visiting as opposed to
22 actually living in Santa Barbara in the 1970s? I know --

23 A. Too long ago.

24 Q. That's fine.

25 A. It's just too long ago. It's all a jumble. I

1 remember our personal visits. He visited me and my wife.
2 He gave me a book of poems that he had gathered as a
3 gift, but it's all kind of jumbled together.

4 Q. Let me see if I can jog your memory a little
5 bit.

6 Do you have a recollection of him coming down
7 from Sacramento to visit occasionally in the 1970s?

8 A. It's vague.

9 MR. GODFREY: Can we establish whether Carriere
10 is a priest at this point? I'm confused.

11 MR. HALE: He is. He remained a priest until
12 he passed away.

13 MR. GODFREY: Okay, thank you. I thought he
14 said he left the Franciscans.

15 MR. HALE: Well, let's clarify that.

16 Q. Did he actually stop being a priest?

17 A. When he had a manic episode, somehow he got
18 enough money to come over to the west side and rent a
19 small apartment. I don't know that that was done with
20 very much clarity or whether he gave into his mania,
21 because he was clearly out of his head.

22 MR. GODFREY: But at that point he was still a
23 member of the Franciscans?

24 THE WITNESS: He was. He had not formally
25 asked, but my recollection is that he said he wanted to

1 leave.

2 BY MR. HALE:

3 Q. Do you know whether he ultimately returned to
4 the Mission?

5 A. Oh, yes, oh, yes.

6 Q. Because he had problems with the landlord, et
7 cetera, correct?

8 A. Yes, and that abruptly ended his rental of the
9 space.

10 MR. HALE: Let's mark this as Exhibit 3.

11 (Deposition Exhibit No. 3 was marked
12 for identification, a copy which is
13 attached hereto.)

14 BY MR. HALE:

15 Q. [REDACTED] if you would just take a look at this
16 and when they are done looking, I'll ask you some
17 questions.

18 This correspondence is dated April 19, 1979.

19 [REDACTED], do you recall writing in this
20 correspondence?

21 A. I do once I see it. I knew I had spoken to
22 somebody about --

23 Q. Why did you write [REDACTED] about Father Carriere?

24 A. I was asked to. That's my recollection. He
25 was the provincial.

1 Q. Who asked you?

2 A. I don't know, but I mean [REDACTED] was the
3 provincial. He was the one who ultimately was
4 responsible for his placement. He had most power.

5 Q. Do you have any recollection as of this date --
6 now, I know when I refer to "treating" I'll be referring
7 to the informal relationship you had with Father
8 Carriere. Do you understand that?

9 A. Yes.

10 Q. As of this date, how long had you been treating
11 Father Carriere?

12 MR. GODFREY: That misstates his testimony.
13 Was he treating him?

14 MR. HALE: I just said --

15 MR. DEMARCO: He prefaced it with informal --

16 MR. HALE: When I refer to "treating" --

17 MR. GODFREY: I'm sorry.

18 MR. HALE: No problem.

19 Q. Do you recall how long you had been treating
20 Father Carriere --

21 A. I couldn't tell you.

22 Q. -- as of this date?

23 A. Because it never was, like, an ongoing
24 client-therapist relationship. It was off and on. This
25 was because of the manic episode, because it got so bad

1 that something needed to be done.

2 Q. What was the manic episode?

3 A. That was the one with the apartment.

4 Q. What happened there?

5 A. Well, he rented the apartment. There was a
6 leak in the commode, and it was around dinnertime, and he
7 went over a couple of doors down and told the landlady
8 what was going on. He wanted attention immediately. She
9 didn't provide it; she was having dinner. And he just
10 got in a fury and took a chair, is my recollection, he
11 took a chair and threw it through the window, her window,
12 so she called the police.

13 Q. Was he arrested?

14 A. Well, the police came. I don't remember
15 whether they took him off to jail or took him to the
16 hospital.

17 Q. Do you know if he was ever prosecuted?

18 A. I don't know that.

19 Q. Do you know if he spent any time in county
20 mental health?

21 A. I don't know that.

22 Q. In paragraph 3, where it refers to "the
23 incident," halfway down --

24 A. Yes.

25 Q. -- is that referring to the manic episode?

1 A. To his manic condition.

2 Q. But "the incident," is that referring to the
3 incident with the landlord that you talked about?

4 A. Yes.

5 Q. And then in the third paragraph from the bottom
6 where you reference Father Virgil, is that a reference to
7 Father Cordano?

8 A. Yes, it is.

9 Q. And do you recall what discussions you had with
10 him?

11 A. No, I don't.

12 Q. Do you recall Father Carriere being sent away
13 from Santa Barbara in 1982?

14 A. No.

15 Q. Do you recall him being sent away from Santa
16 Barbara at any time?

17 A. I do not.

18 Q. Did you ever learn that Father Carriere was a
19 homosexual?

20 A. He told me.

21 Q. When did he tell you?

22 A. Well, over the course of our visiting, when he
23 was coming to my office.

24 Q. So at some point when your relationship with
25 him resumed while you were in Santa Barbara, after 1975,

1 that's when you found out?

2 A. Yes, he told me.

3 Q. Did you have any suspicions before that time?

4 A. I don't think I did. On the other hand, I
5 don't remember being shocked.

6 Q. Do you remember what he was like as a student
7 at the FST?

8 A. I thought he was very ordinary. I didn't think
9 there was anything noteworthy.

10 Q. How did his sexual preference come up when you
11 were talking with him in the 1970s?

12 A. He was, quote, in love.

13 Q. Did he tell you who he was in love with?

14 A. Yes. I don't remember the man's name, but --

15 Q. Was it another Franciscan?

16 A. No.

17 Q. Did he talk openly about engaging in sexual
18 activity?

19 A. He talked to me about wanting, if the guy would
20 be open to it, he would leave and spend his life with
21 him. He didn't talk about their sexual -- anything
22 sexual.

23 Q. In your experience, during your time with the
24 province, was it common or uncommon for other Franciscans
25 to spend time at the Mission or at St. Anthony's when

1 they were not assigned to either one of those places? In
2 other words, would Franciscans from San Francisco come
3 down and vacation in Santa Barbara.

4 A. Yes, especially at the Old Mission.

5 Q. So that was a common occurrence?

6 A. Very common. They had a whole wing there that
7 had formerly been for students when the student body was
8 large and began to be used for guests.

9 Q. With regards to Father Carriere, did you ever
10 hear him make what you believed to be inappropriate
11 sexual comments?

12 A. To me?

13 Q. Just in general, in your presence, not
14 necessarily directed to you.

15 A. I think when he was talking about that man that
16 he was in love with, he would talk about -- he might
17 refer to how sexually aroused he was by the person.

18 Q. Do you remember any specific comments?

19 A. No, I don't. I remember more dealing with his
20 disappointment in that the relationship wasn't
21 reciprocated.

22 Q. Would those comments only take place when you
23 were having one-on-one meetings with him?

24 A. Yes.

25 Q. Did it ever take place anywhere else?

1 A. No.

2 Q. Did he appear to be out of control to you with
3 regard to those comments?

4 A. I would say not.

5 Q. Did you ever discuss with him any conflicts he
6 had with other Franciscans?

7 A. Yes.

8 Q. Who were those other Franciscans?

9 A. The superior there, Father Virgil.

10 Q. Okay.

11 A. Father [REDACTED] --

12 Q. Okay.

13 A. -- particularly. I don't remember the nature
14 of the problem, but I know that he was very disturbed by
15 them. I don't know if it was their criticism of him and
16 his style or what.

17 Q. Do you remember the nature of the problem with
18 Father Virgil?

19 A. No, I do not. I can't really, no.

20 Q. Were these subjects that were discussed
21 repeatedly by him as far as these conflicts with him and
22 Father [REDACTED] and with him and Father Virgil?

23 A. They were frequent.

24 Q. Did you ever hear of Father [REDACTED] ever
25 chastising him for spending too much time at the

1 novitiate house?

2 A. I don't even remember where the novitiate was
3 at that time.

4 Q. But did you ever hear anything like that?

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

6 Q. Did he ever talk about visiting students at
7 St. Anthony's with you?

8 A. Never.

9 Q. Did he ever talk about spending time at
10 St. Anthony's?

11 A. Not to my recollection. Our conversations were
12 really about the mania, the man that we wish were his
13 lover, conflicts at the Mission that he had.

14 Q. Were there any other manic events other than
15 the incident with his landlord?

16 A. Nothing like that.

17 Q. Anything else, though?

18 A. Well, you could see he'd be revved up sometimes
19 when he would visit me. When you're suffering manic, or
20 kind of a submanic, you're voluble; there are no
21 silences.

22 Q. Did you consider Father Carriere, in the 1970s
23 to be openly gay? Did he try to conceal his sexual
24 preference, in other words?

25 A. It's hard to say. I don't know that -- see, I

1 wasn't around the Franciscans and I wasn't around his
2 social circle, so I don't know. I only know that he was
3 open with it with me.

4 Q. And sometimes he socialized with you and your
5 wife?

6 A. He visited once, I think --

7 Q. And --

8 A. -- called.

9 Q. At that time, was he openly gay as well?

10 A. Not with her. He didn't say anything about
11 that with her.

12 Q. Did you know Father [REDACTED]?

13 A. [REDACTED] was a student of mine.

14 Q. How long did you know him?

15 A. Again, I was trying to get to know them all
16 better, and that whole system -- I thought he was a fine
17 student. What can I say? When I left the Franciscans,
18 he was one of the 20 or so that wrote me letters that
19 said they would miss me. It was very sweet of him,
20 but -- well, he had a good sense of humor. What can I
21 say?

22 Q. Was he a student at the FST in Berkeley in the
23 seventies?

24 A. That's how I knew him.

25 Q. Was he one of the four or five students who

1 talked openly about wanting to engage in homosexual
2 activities?

3 A. I don't remember Steve being one of those.

4 Q. Did you form an opinion as to whether he was
5 heterosexual or homosexual?

6 A. It's tricky because you don't want to judge. I
7 mean, he had physical, you know, kind of manifestations
8 of being gay, but that's tricky because I know
9 heterosexuals who have some of those similar traits,
10 so . . .

11 Q. Do you --

12 A. But he never said that.

13 Q. Do you believe he was gay?

14 MR. GODFREY: Objection. His opinion and
15 belief is irrelevant.

16 MR. HABEL: Speculation.

17 THE WITNESS: I have heard.

18 BY MR. HALE:

19 Q. Who have you heard from?

20 A. I couldn't tell you. I mean, I'm in
21 conversation with a lot of ex-Franciscans.

22 Q. Have you talked -- while we are on the subject,
23 have you talked to those ex-Franciscans about the fact
24 that you are testifying, being deposed?

25 A. About three or four.

1 Q. Have they been receptive to that idea?

2 A. They have not been critical. One said that he
3 would never do it.

4 Q. Did he explain why?

5 A. Yes, because he thinks it's a money-making
6 proposition, and that that's the whole interest, it's to
7 make money and he doesn't want any part of it.

8 Q. When he said that, did you agree with him or
9 what was your response?

10 A. Well, this is all e-mail and I didn't --

11 Q. Oh, okay.

12 A. -- I didn't respond about that.

13 Another just heard me and didn't say a word.

14 Q. And what about Brother Bernard Connolly?

15 A. Yes, I knew him well.

16 Q. How did you know him?

17 A. Well, he was in the communities -- I don't know
18 if it was San Luis Rey and Santa Barbara, but surely here
19 at the Old Mission. He was a brother, very bright,
20 engaging young man that I liked a lot.

21 Q. Did you know him when you returned to Santa
22 Barbara in the 1970s?

23 A. I don't know where he was, but I had been in
24 contact with him after I came back, maybe once or twice.

25 Q. Do you know what his sexual preference was?

1 A. No, I did not.

2 Q. Did you ever form an opinion in that regard?

3 A. No.

4 Q. What about Robert Van Handel? Did you know
5 him?

6 A. Bob Van Handel was one of my students.

7 Q. Was he a student at the FST in Berkeley in the
8 seventies?

9 A. I would say yes, and [REDACTED], the way -- Bob, I'm
10 sorry, I get so -- when I was at Zona Seca as the
11 supervisor and therapist, he would drop by unannounced
12 and sit and visit with me and my therapeutic sense was
13 that he was disturbed about something.

14 Q. Did you ever ask him what he was disturbed
15 about?

16 A. I asked him. I said to him, "Something is
17 bothering you. I think something is bothering you. I
18 welcome your visits, but you're here and not here. And
19 if you need help, and I'm not the person, I would be glad
20 to give you three referrals."

21 And he would say, "No, everything's fine."

22 Q. Did you have conversations with him?

23 A. Yes, but it was about his music and it
24 wasn't -- he wouldn't let me go.

25 Q. Did you form an opinion as to what was

1 bothering him?

2 MR. HABEL: Speculation.

3 THE WITNESS: I had -- this is my thing,
4 totally my thing. Around issues of self-disclosure,
5 particularly with religious, often when I've worked with
6 people, this is the place where they are blocked. They
7 don't want to go into their sexual history. So that
8 occurred to me, but I didn't know it to be so.

9 BY MR. HALE:

10 Q. Did you ever ask him about that?

11 A. No.

12 Q. Did he ever say anything remotely sexual in
13 nature?

14 A. No, he did not.

15 Q. And you were at Zona Seca in the early
16 eighties?

17 A. I was at Zona Seca from '75 until '91.

18 Q. And he was coming in in the early eighties?

19 A. I think so. My memory is bad here.

20 Q. Did you ever talk with any other Franciscans
21 about your visits from Father Van Handel?

22 A. No, I did not.

23 Q. What was he like as a student?

24 A. I thought he was very engaging and friendly,
25 and he was a good student.

1 Q. Was he one of those students who openly talked
2 about being homosexual?

3 A. He did not with me.

4 Q. And did you ever hear that he had?

5 A. No.

6 Q. At some point in your career as a Franciscan,
7 did you become aware of treatment centers for priests?

8 A. I had heard about one in New Mexico.

9 Q. Jemez Springs?

10 A. That's the one, chiefly in connection with
11 alcoholism.

12 Q. When did you hear about that one?

13 A. Oh, buried in my history. I don't know.

14 Q. 1950s, 1960s, 1970s?

15 A. Probably sixties. It was pretty early, but it
16 was about alcoholics.

17 Q. Do you recall it being called the Servants of
18 the Paraclete?

19 A. That's familiar. That sounds right. I just
20 remember Jemez more than I do Servants of the Paraclete.

21 Q. How did you hear about it?

22 A. I don't know. Somebody went there and I heard
23 that he had gone to Jemez Springs. Who it was, I don't
24 know, but I said, "Well, where is he?" "Jemez Springs."

25 Q. It was a Franciscan, though?

1 A. Yes.

2 Q. Do you recall David Temple doing any work in
3 Jemez Springs?

4 A. No, I do not.

5 Q. When was the first time you heard of any
6 allegations of child and sexual abuse by a Catholic
7 priest or religious brother?

8 A. Well, it really was -- I think when all of this
9 stuff broke about Bob Van Handel, whenever that -- I
10 don't know even what year that was.

11 Q. Do you recall hearing anything in the
12 seventies?

13 A. No, I don't.

14 I did say to you that I found out about Edmund
15 Austin.

16 Q. Right.

17 A. That --

18 Q. Okay.

19 A. But it had not gone public. It had not been --
20 the word "pedophilia" wasn't in my vocabulary.

21 Q. I'm sorry, I should have prefaced my question
22 with that.

23 Go ahead.

24 MR. DEMARCO: Do you want to keep going
25 straight through?

1 VIDEOPHOTOGRAPHER: We need to switch mikes or
2 switch places.

3 THE WITNESS: I have until 3:00 o'clock,
4 however you want to use it.

5 MR. HALE: Yep, we'll get you out of here,
6 don't worry.

7 MR. DEMARCO: Let's go off the record.

8 VIDEOPHOTOGRAPHER: The time is 2:05 and we're off
9 the record.

10 (Discussion off the record.)

11 VIDEOPHOTOGRAPHER: The time is 2:09 p.m. We're
12 back on the record.

13

14 EXAMINATION

15 BY MR. DEMARCO:

16 Q. Good afternoon again.

17 Mr. [REDACTED], you spoke a little while ago about
18 doing supply work or doing work in parish community here
19 in Santa Barbara, and I think you mentioned that there
20 was some sort of compensation given to the Franciscans
21 for your work.

22 A. Yes.

23 Q. How did you become aware there was
24 compensation?

25 A. Well, it was just common knowledge. I mean,

1 nobody ever sat me down and described the system, but
2 when you went out to do work, you got compensated, except
3 that the compensation didn't go to you, you had vowed
4 poverty, so it goes into the community.

5 Q. Were you ever made aware by any source of how
6 much it was?

7 A. I was never told.

8 Q. I think you also testified that you said at
9 least retreat or hosted one retreat because there were --
10 the Franciscans needed money?

11 A. Yes.

12 Q. Was it your understanding that all of the other
13 priests on the faculty at the FST had faculties in Los
14 Angeles Archdiocese?

15 MR. HABEL: Speculation.

16 BY MR. DEMARCO:

17 Q. Go ahead and answer, if you can.

18 A. When the theologate was here at the Old
19 Mission, all of us had faculties.

20 Q. Very good. While you were with St. Anthony's
21 Junior Seminary here in Santa Barbara, did you also have
22 faculties in Santa Barbara?

23 A. As a spiritual director, yes.

24 Q. Were you aware of any members of the faculty --
25 members of the St. Anthony's faculty that did not have

1 the faculties of the Los Angeles archdiocese?

2 A. No.

3 Q. Were you aware of in fact many of them having
4 such faculties?

5 A. Very aware, because they helped out in
6 parishes. Had they not had faculties, I don't think they
7 would have remained.

8 Q. Why is that?

9 A. Well, they couldn't function in parishes. They
10 couldn't bury people, they couldn't marry people,
11 couldn't hear confessions outside the community, and on
12 weekends, they would go out and help.

13 Q. Why was that important for those who were
14 teaching at the seminaries to be able to do those
15 services?

16 A. I think it's a way of making money, making
17 income, and helping parishes that needed help that were
18 undermanned.

19 Q. So it was your understanding that if a priest
20 didn't have faculties in the Archdiocese of Los Angeles,
21 they wouldn't be staying in the Los Angeles Archdiocese
22 to teach in the seminary here for long?

23 MR. HABEL: Lacks foundation, calls for
24 speculation.

25 THE WITNESS: In the system, the only reason

1 for not having faculties when you're a priest and going
2 to a diocese was because you had done something
3 delinquent.

4 BY MR. DEMARCO:

5 Q. Were you aware during your time as a Franciscan
6 here in the Santa Barbara region of any other priest, any
7 other Franciscan priest ever having his faculties taken
8 away, meaning --

9 A. I don't recall any.

10 Q. But it was your understanding from your
11 superiors that you were expected to perform parish work
12 in addition to your duties at the seminary --

13 A. Of course. You took the vow of obedience, so
14 you did what you were told.

15 Q. Was it your understanding that you were
16 expected to do that work, at least in part, in order to
17 earn money for the Franciscans?

18 A. It was never said.

19 Q. But was it part of your understanding?

20 A. Part of my understanding. The main thing is to
21 help out parishes that are understaffed. The only time I
22 heard explicitly was when [REDACTED] told me that the
23 province needed money and would I begin then to give
24 retreats.

25 Q. But would it be a fair statement to say that it

1 was part and parcel of your duties as teaching at the
2 seminary to also do work for the parishes when necessary?

3 A. I would say so.

4 Q. And so not being able to do that work for the
5 parishes would mean not being able to fully fulfill your
6 obligations to the seminary? Would that be a fair
7 statement?

8 MR. GODFREY: In his understanding?

9 BY MR. DEMARCO:

10 Q. In your understanding, yes.

11 A. It's not the seminary so much as -- except that
12 they would suffer because then you couldn't be active,
13 but I think not to have faculties -- understand the main
14 thing is the shame. Why would you not have faculties?

15 Q. But it sounds like it would also become a
16 practical impairment to fully functioning as a Franciscan
17 in this community here.

18 A. Yes.

19 Q. Do you know if Dr. Kaslow, did he give
20 psychological services locally here?

21 A. I remember the name, yes.

22 Q. Do you know if he served any other priests?

23 A. I do not.

24 Q. Are you a licensed therapist?

25 A. I'm a licensed marriage and family therapist.

1 I have been since 1975.

2 Q. With that license, you're able to provide
3 counseling services?

4 A. Yes.

5 Q. Any particular nature of counseling services?

6 A. Well, the scope of practice is marriage and
7 family therapy, so it's relationship therapy.

8 Q. Regardless of whether someone is married or
9 not?

10 A. Yes. They are part of a family system, and
11 even if they are detached from the family, they are still
12 carrying family issues, so I'm only saying that that's
13 what we are supposed to focus on.

14 Q. When Father Carriere came to you, or you were
15 seeing him, during that entire time you were seeing him,
16 did the Franciscans ever provide you with any form of
17 compensation?

18 A. I think they did, and I can't remember.

19 Q. Do you have any recollection of what the nature
20 of the compensation was?

21 A. I have none.

22 Q. Do you remember if it was monetary or not?

23 A. It was monetary and, I think, very small, and
24 it's not even something I asked for.

25 Q. Did they pay you in cash, with check, do you

1 recall?

2 A. I don't recall. I think check.

3 Q. Do you have any recollection as to how they
4 became aware that you were providing marriage and family
5 therapy?

6 A. Just in general, you mean?

7 Q. Yes, meaning the Franciscans.

8 A. Well, I mean, before I left the Bay Area, I had
9 already gotten my MA in marriage and family therapy, and
10 then when I was here, I was still in touch with
11 Franciscans from the seminary and from the Old Mission.
12 So I mean in our conversation -- and they knew that I was
13 a supervisor in the area, which I never could have been
14 without licensing.

15 Q. Okay. To your recollection, I know you
16 mentioned there were several other priests that you did
17 give some form of counseling or therapy to; correct?

18 A. Did I say that?

19 Q. If that's not a correct statement, then --

20 MR. GODFREY: I think the testimony at the
21 beginning was there were four or five that you formally
22 saw, and I thought your answer was "yes."

23 BY MR. DEMARCO:

24 Q. I'm not asking for names, mind you.

25 A. No, no, I'm trying to run through and see,

1 through my mind.

2 They were like now and then. It wasn't like a
3 year or six months of therapy, it would be like an issue
4 had arisen they wanted resolved.

5 Q. Understood. You didn't have steady therapy
6 with any of them?

7 A. No, "steady" is the word.

8 Q. Did you receive any form of compensation from
9 the Franciscans for whatever therapy you did for --

10 A. I have no recollection. I don't remember ever
11 billing them. I wanted to serve the Franciscans. I
12 still have a grave respect for the community.

13 Q. Would it be fair to say you did not receive
14 compensation to see them?

15 A. It would be fair to say that I never billed.

16 Q. So you may have received compensation for those
17 individuals?

18 A. I may have.

19 Q. You just don't remember the amounts?

20 A. That's right.

21 Q. Do you remember, though, that you did receive
22 at least some financial compensation?

23 A. Well, I remember for David.

24 Q. For anybody else?

25 A. I don't remember the others.

1 Q. Were you aware at any time, now that you've
2 been in this particular region, the Santa Barbara region,
3 of any other therapists that have provided therapy to
4 Franciscan priests?

5 A. There are, but I can't remember.

6 Q. Do you remember any of their names?

7 A. I really don't know. In the circle that I
8 travel, I'm thinking of them right now, maybe 10, 12.

9 MR. HABEL: Let me caution the witness. I
10 don't know whether that would violate any
11 therapist-patient confidentiality.

12 MR. HALE: I seriously doubt saying that you
13 have treated priests would do so. Otherwise, anyone who
14 has ever written on the topic would have violated
15 numerous things.

16 THE WITNESS: No, I'm not naming any names.

17 BY MR. DEMARCO:

18 Q. Yeah, absolutely. Not names of any names of
19 anyone who's received therapy, I'm looking doctors or
20 psychologists that you had any awareness that provided
21 any form of treatment to priests.

22 A. No, no idea at all.

23 Q. I'll broaden beyond Franciscan priests any
24 priests.

25 A. Even that.

1 Q. Do you remember Father Leo Rock?

2 A. The name is familiar, but I can't remember.

3 Q. A Jesuit?

4 A. A writer.

5 Q. A Jesuit, not a writer.

6 A. Was he out here at the novitiate?

7 Q. I believe so.

8 A. I knew of a Father Leo Rock. The one that I'm
9 recalling is a Jesuit novitiate out there in Montecito.

10 Q. Yes. What do you remember about him?

11 A. Almost nothing.

12 Q. Did you ever meet him?

13 A. I don't think I ever met Leo. I think it came
14 to my attention because somebody went to see him.

15 Q. Do you recall who?

16 A. No, not at all.

17 Q. Do you recall in what context someone went to
18 go see him?

19 A. In a spiritual direction. That's --

20 Q. Do you recall around about when you heard about
21 someone going to him for spiritual direction?

22 A. No idea.

23 Q. Do you recall who you heard that from?

24 A. No.

25 Q. Do you recall if the person who went to him for

1 spiritual direction was Patrick Roemer?

2 A. I don't remember Patrick Roemer.

3 Q. Father Patrick Roemer?

4 MR. GODFREY: Did we get an answer, verbal
5 answer?

6 THE WITNESS: I don't know Patrick Roemer.

7 BY MR. DEMARCO:

8 Q. I think you mentioned you did some supply work
9 at St. Raphael's at times?

10 A. Yes.

11 Q. Do you recall meeting any of the priests there
12 at St. Raphael's?

13 A. Oh, it's so long.

14 Q. That's okay.

15 A. That's such a long time ago, 30-some years.

16 Q. It's a few fairly significant folks that were
17 there --

18 A. There was a very prominent pastor there, but
19 even that I can't remember. It's not that I'm hiding, I
20 just don't recall.

21 Q. No, I'm not implying that.

22 Do you have any recollection as to hearing
23 about Father Rock and a person seeking his spiritual
24 direction while you were still a Franciscan?

25 A. That's questionable, too. I think it was after

1 I had left and returned to Santa Barbara.

2 Q. Any idea how long after?

3 A. No, because I don't remember when their
4 novitiate started. I don't know when they bought that
5 property.

6 Q. Do you think it was soon after they bought it?
7 I mean, I'm just trying to look for any triggers in your
8 memory.

9 A. Nothing comes. He was not a significant figure
10 in my mind, in my life.

11 Q. Did you ever meet a Father Curtis Bryant?

12 A. No.

13 Q. Did you ever hear of him?

14 A. Never, to my knowledge.

15 Q. Did you hear of a Dr. Nicolosi?

16 A. That name doesn't ring, either, Nicolosi.

17 Q. Without remembering particular names, do you
18 recall that there were other psychologists or hearing
19 that there were other psychologists in this region that
20 were providing counseling services for priests?

21 A. No.

22 Q. How about psychiatrists? Do you recall ever
23 hearing that any psychiatrists were providing services
24 for priests?

25 A. I couldn't even tell you who David went to --

1 Carriere. I know the people that I would refer to, but I
2 don't remember referring him.

3 Q. Who would you refer to?

4 A. I would refer to Dr. Michael Stulberg. There
5 was also a psychiatrist in Thousand Oaks that I liked a
6 lot.

7 Q. Who was that, do you remember?

8 A. I don't remember. It won't come to me.

9 Q. Why would you refer folks to them?

10 A. Well, Michael Stulberg I knew, and he had been
11 on the staff at Cottage Hospital in their program for
12 alcoholics and drug addicts. So many people -- I got to
13 know him that way because I used to go and provide a
14 monthly -- they called it a "feeling group." I would go
15 over and take care of staff, problems that had arisen,
16 and I got to know Michael and respect him there. And so
17 whenever somebody suffered from, particularly Axis II
18 disorders, I would refer to Michael.

19 Q. I'm sorry, Axis II would be like --

20 A. Mood disorders, particularly depression. Used
21 to be called manic-depressive, now it's bipolar,
22 especially because a lot of the people that came to me
23 had alcohol in their background.

24 Q. Right.

25 A. Alcohol dependency.

1 Q. Do you recall ever having to make referrals for
2 folks that were having issues with their psychosexual
3 identity?

4 A. Referrals to a psychiatrist?

5 Q. Psychiatrist, psychologist?

6 A. Psychologist, no, I don't have a lot of respect
7 for --

8 Q. For what?

9 A. For what they know about that. I don't know
10 who I would refer to. That's personally.

11 Q. Now, I think you also testified when we first
12 started or very early on that at St. Mary's you -- it was
13 either at St. Mary's or St. John's you also served as a
14 counselor?

15 A. Not St. John's.

16 Q. I'm sorry, St. Anthony's?

17 A. At St. Anthony's.

18 Q. You served --

19 A. Let me just say, counseling in those days I
20 knew nothing about. I mean, in terms of what I've
21 learned from psych, from my experience with Carl Rogers
22 Center for Studies of the Person, my degree and all that,
23 I didn't know from up or down about counseling. There
24 were students occasionally that came to talk. My
25 position was more that of spiritual director, to help

1 them about prayer.

2 Q. Did students ever come to talk about
3 psychosexual issues when you were a counselor at
4 St. Anthony's?

5 A. No, surprisingly. These are teenagers. No.

6 Q. Did you ever have to refer students out for any
7 form of professional counseling while you were a
8 counselor there at St. Anthony's?

9 A. No.

10 Q. Were you aware of any particular physicians or
11 doctors that would be available for referrals?

12 A. At that time, no. I don't like saying that,
13 no.

14 Q. Were you aware of any non- -- not necessarily a
15 psychiatrist, but any medical doctors that were available
16 for the students there at St. Anthony's while you were
17 there?

18 A. There were, but their names are gone. When I
19 was young, very young, Dr. [REDACTED] was the big man, but
20 after that, I know there were, but I can't remember who
21 they are.

22 Q. Do you remember there being more than one
23 during the time --

24 A. No, I don't remember that either.

25 Q. During the time period where you were a

1 counselor, I guess that was a one-year period?

2 A. It was one year.

3 Q. Do you recall there being more than one doctor
4 available for the students?

5 A. No.

6 Q. Do you remember there just being one doctor?

7 A. That's all I remember.

8 Q. Okay.

9 A. That's 19- --

10 Q. Well, let me rephrase the question, then.

11 A. -- -57.

12 Certainly.

13 Q. You do recall there being at least one doctor
14 available for the students there?

15 A. My recollection is that they would go to a
16 doctor that was willing to serve them, the kids.

17 Q. Do you know if there was also a nurse on staff?

18 MR. GODFREY: That misstates his testimony. I
19 don't think the testimony was that the doctor is on
20 staff.

21 MR. DEMARCO: Thank you, Counsel.

22 Q. Do you recall whether there was a nurse on
23 staff at St. Anthony's?

24 A. There was not when I was there.

25 Q. Do you recall whether there was a nurse on call

1 for St. Anthony's?

2 A. Not to my knowledge.

3 Q. Do you have any recollection from your year
4 there on the faculty if students had any nature of
5 injury, who would be the first responder for them?

6 A. Well, it would be the doctor, whoever that was,
7 whether it was [REDACTED] or --

8 Q. If a student had a sprained ankle?

9 A. That's where they would go. He was a GP. He
10 might refer out, but . . .

11 Q. The person had a scraped knee and need an
12 antiseptic, minor -- let me just clarify. Now I'm just
13 talking about minor, sort of, nursing-type care related
14 health issues. Do you know who --

15 A. I think was an infirmarian. Now, who that was,
16 whether that was a brother, I don't recall, but I do
17 recall the word "infirmarian," and now that you're
18 talking about it, there was, near the dining room, there
19 was a little office there where you could go for scraped
20 knees or whatever.

21 Q. An infirmary?

22 A. An infirmary.

23 Q. Was there a place to lay down in the infirmary,
24 to your recollection?

25 A. I don't remember that, but I think there was.

1 Think there were a couple of beds in there as well.

2 Q. I know we've touched upon this somewhat in some
3 prior questions, but your time as St. Anthony's, that one
4 year, I guess, on the faculty, do you ever recall there
5 being anyone who engaged in physically checking the
6 testicles of the students?

7 A. Never.

8 Q. How about checking the pubic hair, the
9 existence of pubic hair of the students?

10 A. Never in my day.

11 Q. If you had heard of that taking place at the
12 school, would that have been cause for concern for you?

13 A. Yes.

14 Q. Why is that?

15 A. Why would they be doing that?

16 Q. Can you think of no legitimate reason?

17 A. No. They are not medical persons. What's the
18 point?

19 Q. And you've been associated with either high
20 school or college-level seminary for many years of your
21 life?

22 A. Yes.

23 Q. Have you ever heard at any other school, high
24 school, of similar -- of there being physical testicle
25 checks for students?

1 A. Never.

2 Q. Or of checks to see whether or not pubic hair
3 had formed?

4 A. Never.

5 Q. I think while you were, I guess, on the
6 theologate -- would that be the proper way to say it?

7 A. That's a good way to say it.

8 Q. I would assume, and correct me if I'm wrong,
9 that part of your duties at the theologate was to assess
10 students for whether or not they should be passed on to
11 each particular level?

12 A. Technically.

13 Q. Technically? Are you -- you don't think that's
14 fully accurate?

15 A. We were responsible, but I don't recall ever
16 having meetings where we say "What do you think?" unless
17 there were a problem.

18 Q. Do you recall whether there were any forms,
19 paper forms utilized to evaluate students?

20 A. There may have been. I don't recall any.

21 Q. During your time with either the St. Anthony's
22 Seminary, on the faculty, or the various other schools
23 that you've been at on faculty, have you ever run across
24 the term "immaturity" being used or immature being used
25 to label a student?

1 A. Are you talking about physical immaturity?

2 Q. Generally speaking. Could be physical or
3 otherwise.

4 A. I think that you might say someone is immature
5 who didn't know how to handle relationships or wasn't
6 responsible for --

7 Q. Were you aware -- looking back, can you recall
8 any students where that was a label placed upon them,
9 that they were immature in one fashion or another or one
10 nature or another?

11 A. You know, I don't have any recollection. By
12 the time they were in theology, they were in solemn vows.
13 You understand that? They had already -- somebody had
14 said it's okay for these people to avow themselves
15 perpetually and live in the community, so you had already
16 made a very serious assessment. And what was now, what
17 was left was are they theologically prepared?

18 Q. So whether or not they were mature at that time
19 was irrelevant?

20 A. When they were in solemn vows, they were
21 already matured.

22 Q. So at the theologate level, you can't recall,
23 say, a single student that was ever labeled, at the
24 theologate, as immature?

25 A. I don't recall that. Anybody -- I can't recall

1 anybody whose ordination was up for grabs, as it were,
2 because of immaturity.

3 Q. That's not my question, though.

4 A. What is your question?

5 Q. My question is just generally speaking, not
6 whether their ordination might have been held up because
7 of it or not, just whether anyone was being labeled.

8 Let's say there's 20 things that are being
9 looked at to evaluate the student. Were any of them
10 labeled as "immature"?

11 A. Not to my recollection. I'm saying to you that
12 unless it were an issue of whether they are capable of
13 priestly ministry, I don't think it would have come up.
14 You might say he has a short temper, or you might say
15 he's lazy or doesn't study.

16 Q. Doesn't get along well with his peers?

17 A. Yeah, but I don't know that "immaturity" was
18 the word.

19 Q. Was psychosexual development ever part of the
20 evaluation of theologate candidates?

21 A. That's not a word I ever heard.

22 Q. Students that had any problems with their
23 sexual -- strike that.

24 Was whether or not students appeared to have
25 problems with the vow of celibacy ever part of the

1 evaluation of theologate students?

2 A. No, and let me just say, at the very end of my
3 stay as a Franciscan, so at the end of -- probably the
4 end of the school year -- I left in '74 -- I taught a
5 course on sexuality and I was bound and determined that I
6 was going to address the issues that had never been
7 addressed, and this was, like, from various schools.

8 And I taught a course based on -- a course
9 developed by the Unitarians for sixth graders, and it was
10 so powerful that other faculty remarked, when the
11 students came out of the classroom, that they looked
12 glassy-eyed, like they were coming out of surgery,
13 because we talked very openly about gay issues, lesbian
14 issues, lovemaking, psychosexual development. There were
15 slides, there were tapes. The material was really very
16 explicit, and this had been developed for sixth graders.

17 Q. And this is around 1974 that you taught this?

18 A. Yes.

19 Q. What were you teaching with regard to
20 psychosexual development at that time?

21 A. Well, the course was -- the course was on
22 pastoral counseling, and -- now I'm confusing two
23 courses. I think I taught one on sexuality, one on
24 pastoral counseling, but they were linked.

25 Q. All right.

1 A. My point was that they had no business being
2 out there unless they faced their own psychosexual
3 development and made explicit to themselves what were
4 issues and what were not issues. And it was incredible;
5 it was a very powerful course.

6 Q. Why did you think that important? I mean, I
7 know it sounds very obvious, but --

8 A. Well, because it had never been done for me,
9 because in the -- in psychology, especially Rogerian
10 psychology, what's really critical is that you go down
11 and see all the aspects of your life and become aware,
12 you know, own them, take responsibility, address them,
13 work them through, and this had not been done sexually.
14 It was just assumed that you grew psychosexually.

15 Q. Did you observe from your experience on the
16 various faculties that the students were not properly
17 psychosexually developed?

18 A. Yes. We never talked about it. It was -- the
19 whole course on sexuality, as I told you, was from the
20 point of view of sin.

21 Q. What did you observe in the student body to
22 lead you to the conclusion that generally they weren't
23 psychosexually developed?

24 MR. GODFREY: I'll object to the extent it asks
25 for an expert opinion. The witness's opinions, I think,

1 are what's called for here.

2 BY MR. DEMARCO:

3 Q. You can go ahead and answer.

4 A. I would say silence.

5 MR. HALE: Silence?

6 THE WITNESS: Silence.

7 BY MR. DEMARCO:

8 Q. Silence regarding all things sexual?

9 A. Yes.

10 Q. Did you observe any signs in the students that
11 you were on the faculty of -- strike that.

12 Did you observe any signs in the students that
13 were there at the schools you were at to tell you that
14 that silence was in fact negative?

15 MR. GODFREY: Can I have a continuing objection
16 to that, Tony?

17 MR. DEMARCO: Absolutely.

18 MR. GODFREY: Thank you.

19 MR. HALE: Sure.

20 THE WITNESS: That's hard to answer. I just
21 noticed that no one, either faculty or student body,
22 would address this.

23 BY MR. DEMARCO:

24 Q. So what? Why is that important?

25 MR. HABEL: Thank you.

1 THE WITNESS: Awareness is very important. To
2 a psychologist, awareness is very important. It's really
3 critical from a psychological perspective to be aware of
4 what it is to be sexual. Other people may disagree with
5 that, but that's what I've learned, that's what I
6 believe.

7 BY MR. DEMARCO:

8 Q. But did you see any negative signs to the
9 silence that you were observing?

10 A. Well, I saw the silence as not just not talking
11 not about it, but avoidance.

12 Q. Did you see signs of the students having
13 repressed sexuality?

14 A. I conclude from the -- from the nature of the
15 avoidance, and from the fact that there had been no
16 training whatsoever. From the time that they came to the
17 seminary to this moment, in classrooms, they had never
18 talked about sexuality, although they had, maybe, taken a
19 course in it.

20 Q. If the students were learning to be celibate --

21 A. Yes.

22 Q. -- why would it be important for them to
23 understand their own sexuality?

24 A. Having been a celibate for 30 years, I'll tell
25 you that it's very important to acknowledge your

1 sexuality, not be afraid of it, own it, know when it's
2 pressing in on you, know how to deal with it, to be able
3 to talk about it if it's creating problems.

4 Q. Why?

5 A. Because that's the way the unconscious is
6 tamed, or whatever you want to call it. That's the
7 Jungian term.

8 Q. Is there a concern that if they don't
9 understand it they will act out in inappropriate ways?

10 A. More likely. Jung says that the unconscious --
11 and he says sexuality is a primordial instinct -- he
12 gives you this -- if you take a spring, and you go like
13 that (demonstrating), press it down, what you're doing is
14 you're giving it enormous power and then someday you're
15 not going to be able to control its strength and it's
16 going to pop out on you. So the thing to do with
17 unconscious movements like this, with the unconscious
18 generally, is to dialog with it, make yourself aware of
19 it, speak to it so that it serves you rather than --

20 Q. As of 1974, were you aware of priests or
21 seminarians, any of them, acting out inappropriately
22 sexually?

23 A. I was aware that -- I've already testified
24 about noticing these people talking about grappling with
25 their homosexuality, but I will say this also, that when

1 I taught this course, I concluded with an eight-hour
2 person-centered group where people talked very openly
3 about their grappling with their sexuality.

4 So a young Catholic seminarian said he's coming
5 over from San Francisco and a gay man put his --
6 apparently put his hand on his thigh, and he experienced
7 pleasure from it and he moved and got away from the guy.
8 But here he is left with this experience, and he brought
9 that up in the group, so we were able to work that
10 through. Rather than carry guilt or feel terrible about
11 it or wondering what this means for his own orientation,
12 he was able to work through it.

13 Q. Was part of your concern for -- or desire to
14 teach about psychosexual development a concern that
15 priests or seminarians might act out sexually with
16 minors?

17 A. Not specifically.

18 Q. Was that one of your concerns?

19 A. I don't even know if it was a concern of mine,
20 but it's part of the notion of the spring. You don't
21 know how it's going to do it, whether it's an affair,
22 adultery, rape. You know, it wasn't as important to me
23 as people facing it.

24 Q. Were you aware of any of the studies done by
25 Conrad Bohr at that time?

1 A. No.

2 Q. Have you been aware of them since?

3 A. No.

4 Q. Was it your understanding from the beginning of
5 your Franciscan training that it was inappropriate to
6 have sex with children, for adults to have sex with
7 children?

8 A. Of course.

9 Q. How did you form that understanding?

10 A. I mean, it's part of Catholicism.

11 Q. Okay.

12 A. This is what Richard Sipe says: In the
13 Catholic system, unless you're married, you're bound to
14 be celibate. There is no thought, word, deed, desire
15 that can be taken pleasure in if you're not married and
16 you have this with your spouse. Otherwise, they are all
17 bound to celibacy. That's one of his themes, and I think
18 it's true.

19 Q. During your time with the Franciscans, did you
20 ever hear the word "maturity" used in conjunction with an
21 individual's psychosexual development?

22 A. I did not. I wish I had.

23 Q. Why?

24 A. Because it would have meant that somebody else
25 was concerned about the issue. How we could have been

1 concerned about intellectual development but not sexual
2 development, it wasn't -- psychological development
3 wasn't even a concern.

4 Q. I think you've spoken at some length about the
5 rule against particular friendships.

6 A. Yes.

7 Q. During your time with the Franciscans here in
8 this region, in the Santa Barbara region, did you ever
9 observe any Franciscans violating, in your mind, the rule
10 against particular friendships?

11 MR. GODFREY: At what point in time? While it
12 was a strong rule, while it was a weak rule?

13 MR. DEMARCO: Generally, at this point. I'll
14 narrow it down.

15 THE WITNESS: I would say that there were
16 particular friendships all over the place.

17 BY MR. DEMARCO:

18 Q. Particular friendships between adult priests
19 and adult priests?

20 A. Yes.

21 Q. Particular friendships between adults priests
22 and theologate candidates or theologate students?

23 A. I wouldn't say that.

24 Q. Did you ever see any particular friendships
25 develop between Franciscan priests and seminary students?

1 MR. HALE: St. Anthony's Seminary students;
2 right?

3 BY MR. DEMARCO:

4 Q. My question really pertains to this region
5 while you were with the Franciscans, so it could have
6 been at St. Anthony's or otherwise.

7 A. The only thing that concerned me, and this is
8 not anything to do with molestation, but when I was doing
9 my cause, trying to promote awareness and
10 self-disclosure, I was told to butt out again. I was
11 told that each seminarian had their spiritual director
12 and that was that, and so any commentary I might have
13 about somebody was not welcome.

14 Q. Understood. But again, during the time period
15 in which you were employed by the Franciscans and you're
16 in this region, did you ever observe, yourself, what you
17 believed to be a violation of the rule against particular
18 friendships between a priest and a seminarian?

19 MR. HABEL: Asked and answered.

20 THE WITNESS: Particular friendship, that's
21 already beginning to take on a connotation for me that
22 I'm not sure --

23 BY MR. DEMARCO:

24 Q. Let me see. I understand particular friendship
25 to be as innocuous as two individuals having a sociable

1 level of closeness. Would that be --

2 A. Such that -- such that it interfered with the
3 community feeling like everybody was of value?

4 Q. Jealousies developing and the like?

5 A. Yeah, that's what I mean.

6 Q. With that definition in mind, did you ever
7 observe, yourself, during that time period I mentioned a
8 moment ago, any Franciscan priests and any seminarians,
9 in your mind, violating the rule against particular
10 friendships?

11 A. Not that it disturbed me, except the one I told
12 you.

13 Q. And the one particular one you were talking
14 about --

15 A. The one I just said, it was kind of
16 proprietary.

17 MR. GODFREY: Excuse me, can I have the other
18 answer back, please?

19 (The requested passage was read back
20 by the reporter as above recorded.)

21 BY MR. DEMARCO:

22 Q. When you say not that it disturbed, you, I've
23 just got to make sure we're clear. I'm not asking you
24 whether or not a particular friendship you might have
25 observed was something that caused you concern, what I'm

1 asking you is whether or not you observed any particular
2 friendships between Franciscan priests and seminarians
3 during the time period that you were employed here in
4 this region as a Franciscan?

5 A. Not in the sense in which I mean it. The one
6 that I said is the kind of proprietary thing, saying this
7 person --

8 Q. All right.

9 A. -- I'm in charge of. So whatever that was, I
10 don't know.

11 Q. I think you mentioned that in one of your first
12 assignments you were assigned with Xavier Harris?

13 A. Yes.

14 Q. And then was he also up here in this region
15 when you came to Santa Barbara or any time you were here?

16 A. He was rector at St. Anthony's Seminary, but I
17 can't recall what year.

18 Q. You recall him being the rector at the seminary
19 at some point while you were employed here?

20 A. I think so, I think so.

21 Q. Do you ever keep in touch --

22 A. Do you have dates? I don't know. I'm so bad
23 about that.

24 Because when I was up north, I used to come
25 down and visit, stay at the Old Mission, go to the

1 seminary and visit. I'm confusing all of those things.

2 Q. Over the years did you keep in touch with
3 Xavier Harris?

4 A. That ended quite a while ago.

5 Q. How long now?

6 A. Maybe almost since I left.

7 Q. Up until the time you left the Franciscan
8 community, did you keep in touch with him between when
9 you first met him until you left?

10 A. Whenever we had the opportunity, I would visit
11 with him. I enjoyed him.

12 Q. How often, generally, would you have the
13 opportunity to visit with him?

14 A. I couldn't say.

15 Q. Many times a year?

16 A. Couldn't say. It's all blurring.

17 Q. Did you ever visit him at St. Anthony's?

18 A. Well, if I'm right, if he was the rector, I was
19 right across the wall there at the Old Mission, and so,
20 you know, I used to go to his seminary a lot. They were
21 my brothers.

22 Q. You used to go there a lot?

23 A. Yeah, visit him, say, "Hello, how are you
24 doing?"

25 Q. Go for meals together?

1 A. Go watch sports events. He'd be out there
2 watching the kids play.

3 We didn't go out to eat, no, that was not a
4 thing in those days.

5 Q. A weekly sort of thing going over there, or
6 more frequent or less frequent?

7 A. I'd say weekly, at least.

8 Q. Did any other of the faculty over at the
9 theologate also go over and associate with their brother
10 Franciscans?

11 A. Probably, because we were just a wall apart.

12 Q. Frequently, also?

13 Let me ask you this. Did you have the
14 perception that you were atypical in going over there?

15 A. I don't think I was atypical. I wouldn't stand
16 out for going over there, no. We were part of the same
17 community, basically, the Franciscan community, and we
18 were divided by a wall, and there was a gate in the wall,
19 and I walked through it. Shared a swimming pool.

20 Q. Okay.

21 A. There were sporting events. I loved to go
22 see -- watch kids play sports.

23 Q. So you would be sociable on a regular basis,
24 then, with the Franciscans at St. Anthony's?

25 A. Yes. They put on concerts, they put on plays,

1 I would go over and be supportive of that.

2 Q. Did you ever debate issues of theology with
3 them?

4 A. Well, we surely talked, but I don't know about
5 debate.

6 Q. Did you ever talk about other issues regarding
7 the ministry that you were engaged in?

8 A. No, it doesn't stand out.

9 Q. Nothing in particular stands out?

10 A. What stood out for me is when I got into the
11 person-centered group, because I went over there with a
12 couple of other Franciscans, presented this to them
13 because they were interested, what happened at La Jolla.
14 I talked about the person-centered group, the point of
15 it, the effect of it on relationships, and now I realize
16 that I'm talking about disclosure, and there may have
17 been things that some people maybe didn't want to
18 disclose.

19 Q. So you recall going to St. Anthony's and
20 talking about disclosure of sexual issues?

21 A. No.

22 MR. GODFREY: He didn't say sexual issues.

23 THE WITNESS: No, just self-disclosure, being
24 real.

25 There's a famous book called Holiness is

1 Wholeness, in which the psychiatrist-theologian-spiritual
2 writer said, "Unless you can be totally self-disclosing
3 with one other significant individual, you can't be close
4 to God."

5 Now, that was a big book in those days.

6 BY MR. DEMARCO:

7 Q. And that disclosure wouldn't exclude,
8 necessarily, sexual issues.

9 A. It says total.

10 Q. And you recall actually going to St. Anthony's
11 and speaking about that?

12 A. Not necessarily about that, but about
13 self-disclosure, like what is Rogerian psychology, what
14 is the point of all this, how can we do this in
15 community?

16 Q. Best estimate, when do you think you went over
17 and spoke with folks at St. Anthony's about disclosure?

18 A. Well, we went in 1967, and that was an enormous
19 experience for me, so it was probably summer of '67.

20 Q. Now, when you went to speak with them, were you
21 just speaking with the faculty?

22 A. Just the faculty.

23 Q. Did not speak with the student body?

24 A. No. And there were two or three other
25 Franciscans with me.

1 Q. Do you remember who they were?

2 A. [REDACTED], Reynaldo Flores, [REDACTED]

3 [REDACTED]

4 Q. Were they in agreement with what you
5 were proposing, generally, about disclosure?

6 A. Very, very.

7 Q. Did you meet any resistance on the faculty
8 there in '67 of St. Anthony's?

9 A. There wasn't the enthusiasm I wanted. I don't
10 know about -- there was no obvious problem with it.

11 Q. Were you invited to come and speak?

12 A. Yes.

13 Q. Who invited you?

14 A. I think it may have been Xavier, or whoever was
15 the rector. They wanted to know what had happened at
16 La Jolla.

17 Q. At La Jolla?

18 A. I could share with them what was the nature of
19 this experience, because it was incredible.

20 Q. Were there any on the faculty there at
21 St. Anthony's that you perceived to be enthusiastic about
22 what you were saying?

23 A. I think there were a couple.

24 Q. Do you remember who?

25 A. No. But I mean I just -- some were just very

1 silent.

2 Q. Do you remember Mario Cimmarrusti being on the
3 faculty at that time?

4 A. I don't remember. I remember him being choir
5 director, but I don't know if he was there at that time.
6 I think he was, but I don't know the dates.

7 Q. Did any of the students from the theologate
8 socialize also with the students over at the college
9 seminary or at St. Anthony's?

10 A. No.

11 Q. Any particular reason you know of?

12 MR. HABEL: Speculation.

13 THE WITNESS: No, I don't know of any reason.
14 I think there was not a lot of interest, either. I mean,
15 they were into their own thing. These guys were in their
16 twenties, they were -- especially toward the end, they
17 were going out to UCSB. Who cared about high school
18 kids?

19 BY MR. DEMARCO:

20 Q. There were no group or group outings or --

21 A. No.

22 Q. Do you recall ever speaking with Mario
23 Cimmarrusti during the time that you were at the
24 theologate?

25 A. "Hello, Mario."

1 Q. Did you ever hear anything about him while you
2 were at the theologate?

3 A. No, I just knew him as a very ebullient, fervid
4 choir director, that's all. I would see him direct the
5 choir on a concert or something, very effusive and --

6 Q. Where would the concerts be held?

7 A. At the St. Anthony's Seminary, in their study
8 hall-auditorium.

9 Q. Who were those concerts open to?

10 A. They were open to the public.

11 Q. Were theologate students encouraged to go?

12 A. My recollection is they did not go.

13 Q. How about the faculty from the theologate?

14 A. I think some of the faculty would go, like I
15 did. The students didn't. It was limited seating. It
16 was open to the public, I think.

17 Q. Jogging backwards slightly, do you know if
18 Dr. Harvey Ross ever treated any priests, other than
19 Father Carriere, I guess?

20 A. I do not.

21 Q. How about Dr. Steward at county hospital? Do
22 you know if he was treating any other priests?

23 A. I don't know that. I knew Dr. Steward, I mean,
24 who he was, because he used to work very closely with us
25 at Zona Seca. I only knew him on the phone. He would

1 refer alcoholics to us if they were in mental health and
2 had the problem with -- kind of a dual diagnosis, he
3 would send them over to us for help with the alcohol.

4 Q. Did you ever have experience in treating folks
5 or priests for alcoholism where an underlying cause ended
6 up being psychosexual issues?

7 A. No.

8 Q. I know we're getting close and we'll have to do
9 a stipulation, but let me ask a question or two more.

10 Do you know if, when you were seeing
11 Father Van Handel if the Franciscans, the Franciscan
12 community was aware of your seeing him?

13 A. I don't know how they could have, unless he
14 told them. I surely never did.

15 Q. You didn't receive any compensation for seeing
16 him?

17 A. Oh, I didn't see him. I mean, he came in and
18 said hello and he would sit there and kind of go into
19 silence after we did the usual chitchat, and I -- why
20 would he drop by? This is what was bothering me.

21 Q. I think you mentioned your first assignment was
22 at St. Mary's out in Phoenix?

23 A. Phoenix, yes.

24 Q. And they had both a parish as well as a high
25 school there?

1 A. Yes.

2 Q. Have you formed any understanding as to some of
3 the common pathways or places that graduates from
4 theologate, after being ordained, were being assigned?

5 A. No.

6 Q. Did you know of other recently ordained priests
7 going to St. Mary's?

8 A. I had a classmate that went with me, stayed on
9 longer than I did.

10 Q. Who was that?

11 A. It was Christian Mondor.

12 Q. During your entire time working with the
13 Franciscans, were there any others that were sent there
14 straight after ordination?

15 A. See, I don't think there was any pattern.
16 Having sat on the definitorium, wherever there was a
17 need, that's where they would send them.

18 Q. The definitorium, was that a body that made
19 decisions?

20 A. Yes.

21 Q. Or did it make recommendations?

22 A. It made decisions. You voted on some things.

23 Q. So if the definitorium said something about a
24 priest assignment, that's where they are supposed to go?

25 A. Yes.

1 Q. The provincial doesn't have a role in making a
2 decision at that point?

3 A. Well, I think he votes.

4 Q. He's on the definitorium also?

5 A. Yeah, he's the boss of them all.

6 MR. DEMARCO: Counsel, we're looking at five
7 minutes before 3:00. I've still got more questions, but
8 I want to respect Mr. [REDACTED]'s need to be gone by 3:00
9 o'clock, and I'm presuming we have to do some sort of
10 stipulation.

11 MR. GODFREY: Why don't we do the stipulation
12 so we ensure that he gets out of here on time.

13 Mr. [REDACTED], we're not finished, so, like we
14 discussed before, if you would agree, so that we don't
15 have to re-serve you with a subpoena, that you would
16 appear another day at a convenient time to you and to all
17 of us, then we won't have to re-serve you. We can reset
18 your second session by agreement. Is that --

19 THE WITNESS: That's fine.

20 MR. HABEL: Before we go off the record, I just
21 want to move to strike all of Mr. [REDACTED]'s opinion
22 testimony today as not relevant, not calculated to lead
23 to the discovery of admissible evidence, and improper lay
24 opinion testimony by a nonexpert witness.

25 MR. DEMARCO: Objection so noted.

1 MR. GODFREY: Join.

2 MR. HANCE: Join in that as well.

3 MR. DEMARCO: Why don't we let him go right now
4 rather than push him right up to 3:00 o'clock.

5 MR. GODFREY: What do you want to do with the
6 volume?

7 MR. HALE: Let's send it to my office and I'll
8 send to [REDACTED] and he can review it and give him 30 days
9 to make any -- how soon are we going to get this thing
10 back on?

11 MR. GODFREY: Whenever we agree. I'd rather do
12 it sooner rather than later.

13 MR. DEMARCO: Yeah, I would, too, so let's
14 figure we're going to do it in early December.

15 THE WITNESS: I didn't bring my book, I'm
16 sorry.

17 MR. HALE: That's okay. We'll be talking about
18 it.

19 So we'll give [REDACTED] 30 days to review it,
20 make any changes he feels are necessary, send it back to
21 me. I'll notify all of you immediately.

22 And an unsigned, certified copy could be used
23 for all purposes if for some reason a signed copy is not
24 available at trial.

25 MR. GODFREY: And the deposition is

1 confidential and no protective order is necessary until
2 the deposition is done with? Is that what we agreed to?

3 MR. HALE: Well, certainly we will comply with
4 Judge Fromholz's orders regarding redacting names and
5 that kind of thing before we publish anything, and we'll
6 run that by you before we publish anything.

7 MR. GODFREY: All right, so stipulated.

8 MR. HABEL: I wasn't part of that last -- are
9 we -- do we have to move to keep it sealed until after
10 the end of the entire deposition or are we going to have
11 to move on this session?

12 MR. DEMARCO: What do you want to do, Tim?

13 MR. HABEL: I don't know if you were there the
14 other day. My preference is to wait until the deposition
15 is over before anything is released to the press, to give
16 all sides a chance to question the witness. Otherwise
17 it's --

18 MR. HALE: As long as we can have him back on
19 in December, I think that's fair and that's fine.

20 MR. HABEL: And I would agree with doing
21 everything we can do to get back on in December.

22 MR. GODFREY: Very good. So stipulated.

23 MR. HABEL: So stipulated.

24 MR. DEMARCO: So stipulated.

25 VIDEOGRAPHER: This concludes today's

1 deposition of [REDACTED], volume 1. The number of
2 videotapes was used was 2. The time is 3:00 p.m. We're
3 off the record.

4 (The deposition concluded at 3:00 p.m.)

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DEPONENT'S DECLARATION

I, [REDACTED], hereby declare:

I have read the foregoing deposition transcript and identify it as my own and approve same.

I declare under penalty of perjury under the laws of the State of California that the foregoing testimony is true and correct.

Dated this _____ day of _____, 2005, at _____, California.

[REDACTED]

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REPORTER'S CERTIFICATE

I, MARK McCLURE, CSR NO. 12203, a Certified Shorthand Reporter for the County of Santa Barbara, do hereby certify:

That, prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify the truth, the whole truth, and nothing but the truth;

That said deposition was taken down by me in shorthand at the time and place therein named, and thereafter reduced to typewriting by computer-aided transcription under my direction.

I further certify that I am not interested in the event of the action.

WITNESS my hand this ____ day of _____, 2005.

Certified Shorthand Reporter in and for the County of Santa Barbara, State of California

1 Court: Superior County: Los Angeles, Central Dist.
Case No. JCCP 4286

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3 CLERGY CASES I and III

4 DEPOSITION OF: [REDACTED]

5 TAKEN ON BEHALF OF: Defendants
AT: SBFON

6 DATE: 11/3/05

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