

11:57:50 1 what Bishop Norberto knew about the fitness of this guy
2 to serve as ministry.
3 MR. WOODS: I'm not sure that's true.
4 MR. ANDERSON: He knew --
11:57:59 5 MR. SELSBERG: Counsel, it's very clear in the
6 deposition transcript --
7 MR. ANDERSON: I'm not going to argue with you.
8 I'm going to address his objection. He gave me a legal
9 objection. And if you have a legal objection, I'm going
11:58:07 10 to let you make it.
11 MR. SELSBERG: You're not asking a question.
12 MR. ANDERSON: Just a moment.
13 MR. SELSBERG: You just mis- --
14 MR. ANDERSON: Counsel --
11:58:12 15 MR. SELSBERG: Okay. I'll let you finish.
16 MR. ANDERSON: Make a legal objection.
17 MR. SELSBERG: Go ahead.
18 BY MR. ANDERSON:
19 Q Okay. Don, I'm going to -- I'm going to
11:58:22 20 simply ask him to read it as he reads it, and -- and it
21 is probative to this inquiry.
22 MR. HABEL: To what end?
23 MR. WOODS: Wait. I was going to ask the same
24 question. I mean to what -- how can his translation of
11:58:39 25 this sentence have anything to do? A sentence never

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11:58:43 1 communicated to him, never communicated to anyone in the
2 church in Los Angeles, how can this have anything to do
3 with jurisdiction over these defendants?
4 MR. ANDERSON: It has to do with Norberto
11:58:52 5 Rivera's knowledge of fitness and a misrepresentation
6 concerning it to the Archdiocese of L.A.
7 MR. SELSBERG: And I'd like to state for the
8 record --
9 MR. ANDERSON: And -- and why it is jurisdiction
11:59:04 10 lies here, because they knowingly sent the priest here
11 knowing that he had abused chamacos, youngsters, and
12 kids.
13 MR. SELSBERG: And I'd like to state for the
14 record that that's a gross mischaracterization of
11:59:20 15 Cardinal Rivera's testimony. It's crystal-clear in this
16 deposition transcript, at least two places, that he
17 testified unequivocally that he never --
18 MR. ANDERSON: Give -- state your objection.
19 MR. SELSBERG: There's no question.
11:59:31 20 -- that he never saw this police report.
21 Okay? So what you said is grossly unfair.
22 MR. ANDERSON: Okay.
23 MR. SELSBERG: There's no question, so I can't
24 give a legal objection. My legal objection to him -- to
11:59:43 25 the witness testifying about Spanish to English

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11:59:46 1 interpretations is that he's not competent to do that.
2 MR. WOODS: And I'm going to instruct him not to
3 answer the question. So why don't you move on, and
4 we'll take it up with the judge in due course.
11:59:58 5 BY MR. ANDERSON:
6 Q Cardinal, you do see that the word "chamaco"
7 is referred to here in the police report?
8 A Yes.
9 Q Okay. And later on, looking at the English
12:00:10 10 version, four lines down, it states "this youngster had
11 not had, that the maid of the priest Nicolas Aguilar
12 Rivera, who could also affirm under oath that they come
13 from several areas." Do you see the word "chamaco"
14 appearing for "youngster" there also?
12:00:36 15 MR. SELSBERG: I object. It assumes facts not in
16 evidence. This interpretation is not the interpretation
17 that we have, so we do not agree that this is a correct
18 interpretation of the document from Spanish to English.
19 MR. WOODS: This is just asking someone to
12:00:52 20 interpret something. It's not the purpose of this
21 deposition. The witness isn't qualified to make a
22 court-type interpretation, and it's got nothing to do
23 with jurisdiction. I'm going to instruct him not to
24 answer.
12:01:05 25 BY MR. ANDERSON:

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12:01:05 1 Q Cardinal look at the exhibit. And as you
2 read further, it states, "the youngster arrived between
3 11:00 a.m. and 1:00 in the afternoon and faced the
4 priest and talked to him, ate with him, and gave him
12:01:22 5 shelter in his bedroom. He was asked about if in the
6 past he had seen kids from other areas, and the reply
7 was yes."
8 It goes on to state at the third to the last
9 sentence, "this youngster that was here yesterday told
12:01:40 10 me his name," and it goes on to refer at that same line
11 that he had -- that Aguilar had hosted them in his
12 bedroom.
13 My question to you, Cardinal, is that if you
14 had known or been told or signaled that Nicolas Aguilar
12:02:01 15 had youngsters in his bedroom, staying overnight, or as
16 is reflected in the English or Spanish version of this
17 document, this information, would you have received
18 Nicolas Aguilar in the Archdiocese?
19 MR. SELSBERG: Objection; calls for speculation
12:02:22 20 and assumes facts not in evidence.
21 MR. WOODS: I think he's answered the substance
22 of this question a number of times. I'm going to object
23 to the question. It starts out with a long preamble,
24 reading bits and pieces from a document the witness
12:02:37 25 never received. It reads them in English, not in the

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12:02:41 1 original Spanish, requires the witness to make a
2 translation, which he's really not qualified to do.
3 It's argumentative, and it's repetitive of testimony
4 he's already said.

12:02:51 5 If you want to ask him specifically if -- the
6 question you want, which is already answered, you know,
7 I would let him answer that. But I'm not going to let
8 him answer this rambling argumentative-type question.

9 BY MR. ANDERSON:

12:03:06 10 Q If you had known that Nicolas Aguilar --
11 MR. WOODS: That --
12 BY MR. ANDERSON:
13 Q -- had been --
14 MR. WOODS: Would you have accepted a priest who,
15 in fact, did whatever you want to say?
16 MR. ANDERSON: Counsel, I'm just trying to get
17 through it. If that's what you prefer, I'll put it that
18 way.
19 MR. WOODS: Okay.

12:03:25 20 BY MR. ANDERSON:
21 Q Would you have accepted a priest or this
22 priest if you had been informed or had been signaled
23 that he had had youngsters, youth, or kids in his
24 bedroom in the rectory as was -- as is -- as is
12:03:44 25 reflected in this report?

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12:03:45 1 MR. SELSBERG: Objection; calls for speculation
2 and assumes facts not in evidence.
3 MR. WOODS: I'm going to let him answer this for
4 the last time because I think he's answered it under
12:03:54 5 numerous phraseologies already. But I'll let him answer
6 it one more time.
7 THE WITNESS: No.
8 BY MR. ANDERSON:
9 Q Okay. And if you had the benefit of this
12:04:01 10 police report or had been informed of this police report
11 or its existence or the information contained in it,
12 would that have influenced your decision and that of the
13 Archdiocese to have accepted this priest?
14 MR. SELSBERG: Objection. That calls for
12:04:16 15 speculation.
16 MR. WOODS: Same objection. It's a hypothetical.
17 It wasn't presented to him. It's not even relevant to
18 the inquiry, and I instruct him not to answer that.
19 MR. ANDERSON: Let's look at 24.
12:04:57 20 (Whereupon, Exhibit 24 was introduced and
21 marked for identification by the Certified Shorthand
22 Reporter, a copy of which is attached hereto.)
23 BY MR. ANDERSON:
24 Q Cardinal, I'm going to be showing you here in
12:05:00 25 a minute what we marked as 24, again, 24A being the

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12:05:04 1 English version or translation and --
2 MR. WOODS: I don't want to lean into the
3 picture, so that's why it's helpful if I have one.
4 MR. WATERS: I appreciate that.

12:05:24 5 BY MR. ANDERSON:
6 Q Cardinal, what I placed before you and marked
7 24 and 24A, the English translation, is a letter from
8 Nicolas Aguilar to Bishop Rivera, stating that he met
9 with Monsignor Curry, and Curry wants to know more about
12:05:47 10 why Nicolas Aguilar sought work in Los Angeles.
11 Have you -- have you read or reviewed this
12 letter before?
13 A Yes.
14 Q Did you know it was being sent and -- before
12:06:02 15 it was sent?
16 A Give me the time frame.
17 Q Did you have a hand in this letter?
18 A No.
19 Q Essentially, Nicolas Aguilar is communicating
12:06:18 20 to his bishop, is he not? He's writing to his bishop?
21 A Yes.
22 Q And he's essentially saying that "I have now
23 been in the chancellery of Los Angeles," and "I was seen
24 by Monsignor Thomas Curry, general vicar of the clergy,"
12:06:38 25 right?

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12:06:39 1 A Yes.
2 Q Did you know Monsignor Curry had met with
3 Nicolas Aguilar at about this time?
4 A I didn't know, but I suspect that he did.
12:06:46 5 Q Okay. It was kind of protocol for a
6 priest -- an extern priest such as this coming from
7 Mexico to meet with the vicar?
8 A Yes.
9 Q Okay. And so this would have been kind of an
12:06:57 10 ordinary meeting?
11 A Yes.
12 Q Okay. He goes on to state, "I delivered to
13 him the letter that you, the bishop, sent to him. Now
14 Monsignor Thomas Curry wants another letter that would
12:07:13 15 include the following: Monsignor Curry himself dictated
16 to me, and I will transcribe it as follows."
17 It states, "A confidential letter from the
18 Ordinary of your place, addressed to Archbishop Mahony,
19 with a copy to Monsignor Curry."
12:07:35 20 Why, if such a letter was being requested or
21 more information was being requested, would it be
22 confidential?
23 MR. SELSBERG: Objection; calls for speculation.
24 And again, this is a translation that differs from the
12:07:49 25 translation that we have. It's clearly in error. It

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12:07:54 1 has "an recommending" when obviously the Spanish version
2 says "y recommending." It's clearly -- it's a different
3 translation. So to the extent it's not a correct
4 translation, I object to questions about it.

12:08:10 5 THE WITNESS: Could you give me the question
6 again?
7 MR. ANDERSON: Yeah, sure.
8 BY MR. ANDERSON:
9 Q I guess did you know that Monsignor Curry
10 was -- was requesting more information?
11 A No, but that's not unusual.
12 Q Okay. And that leads to the next question
13 is -- is that would it be a confidential kind of request
14 to be sent confidentially?
15 A Not necessarily.
16 MR. SELSBERG: Objection; calls for speculation.
17 BY MR. ANDERSON:
18 Q If, in fact, it was to be a confidential
19 request, in other words, "We want more information about
12:08:43 20 this guy, Nicolas Aguilar, but we want it to be
21 confidential from the bishop to you," what does that
22 mean that -- that it's a confidential request? Does it
23 have significance?
24 A Not particularly. And I -- and I don't know
12:09:05 25 whether Bishop Curry asked for that or not.

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12:09:08 1 Q Okay. Well, there is a history and a
2 protocol for keeping certain matters confidential or
3 somewhat secret, is there not?
4 A Yes.
12:09:17 5 Q Matters involving scandals such as sexual
6 abuse?
7 A Yes.
8 Q Canon 489 requires matters involving scandal
9 such as sexual abuse to be kept sub secreto, in secret
10 files, does it not?
11 MR. WOODS: I'm sorry. What was the number you
12 said?
13 MR. ANDERSON: Canon 489.
14 MR. HABEL: 489.
12:09:38 15 MR. ANDERSON: 489.
16 MR. HABEL: 489.
17 THE WITNESS: Yes. Yes.
18 BY MR. ANDERSON:
19 Q So do you think that this may be -- if this
12:09:42 20 were a confidential letter being requested, that this is
21 a potential for some -- Monsignor Curry requesting some
22 confidential information that might signal something
23 sensitive or perhaps scandalous?
24 MR. SELSBERG: Objection; calls for speculation.
12:10:00 25 THE WITNESS: I really don't know.

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12:10:02 1 BY MR. ANDERSON:
2 Q The word "confidential" does mean some- --
3 something particular as opposed to a letter sent in the
4 ordinary course, correct?
12:10:15 5 A Yes.
6 Q At this point in time, 1987, it's fair to say
7 that having served as bishop and auxiliary and, you
8 know, priest for many years, that -- that the problem of
9 sexual abuse had become at least known to the clergy and
12:10:46 10 to the hierarchy in the U.S.?
11 A At the time of this letter?
12 Q 1987.
13 A Yes.
14 Q Yes. And you, for example, attended the
12:10:57 15 Conference -- the Catholic Conference of Bishops and the
16 National Catholic Conference of Bishops at St.
17 John's where the --
18 (Interruption by the reporter at 12:10 p.m.)
19 BY MR. ANDERSON:
12:11:10 20 Q You were aware by reason of presentations
21 made and discussions among the clergy that the problem
22 with sexual abuse of minors, at least, had become known
23 prior to 1987?
24 A Yes.
12:11:23 25 Q Okay. Did Monsignor Curry ever tell you that

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12:11:45 1 he was making the request identified in this letter for
2 more information?
3 A No.
4 Q Okay. Do you know why Curry, if he was
12:11:58 5 making such a request, would go through Nicolas and not
6 just go directly to the bishop in Tehuacan?
7 A No. I don't know.
8 Q Does that sound odd or does that sound
9 ordinary?
12:12:13 10 A I -- I just don't know.
11 Q Okay. Fair enough. When you have an extern
12 priest such as this, wouldn't it have been ordinary for
13 you, as the -- the Archbishop Cardinal, to have
14 communicated directly with Bishop Rivera as opposed to
12:12:37 15 through Monsignor Curry or Nicolas Aguilar himself?
16 MR. WOODS: Can I hear the question, please? I
17 missed the first part.
18 MR. ANDERSON: I can ask a better question, Don.
19 MR. WOODS: Okay.
12:12:51 20 BY MR. ANDERSON:
21 Q If there's something you want confidentially
22 communicated, wouldn't the practice have been in 1987
23 for you to have asked for confidential information
24 directly from the bishop who -- who is in charge of the
12:13:07 25 priests that you're -- you're seeking more information

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12:13:12 1 about?
2 A I'm just not aware of the practice that
3 then-Monsignor Curry was using.
4 Q Okay. You had been Cardinal -- you had
12:13:22 5 actually been Archbishop at this time for a couple
6 years, I guess?
7 A Yes.
8 Q Yeah. Okay. Let's go to -- is this the
9 first time you've seen this letter, or have you reviewed
12:13:50 10 this before?
11 A I believe I've seen this before, although I
12 can't remember where.
13 Q Have you ever discussed it or -- with
14 Monsignor Curry and asked him about it or why he sent it
12:14:01 15 or asked -- excuse me -- why he would have -- if he did,
16 ask Nicolas Aguilar to get more information from his
17 bishop?
18 A No.
19 Q Okay. So if Monsignor Curry asked for a
12:14:16 20 confidential letter from Bishop Rivera, you don't know
21 why that would have been?
22 A That's correct.
23 Q And before I go to the next exhibit, is it
24 fair, then, to say that you know nothing about the
12:15:00 25 meeting between Monsignor Curry and Nicolas Aguilar

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12:15:03 1 that's been referred to in the last exhibit?
2 A That's correct.
3 Q Okay. Let's go to Exhibit 26, then, again, a
4 Spanish version with English translation. This is the
12:15:19 5 March 23 letter.
6 (Whereupon, Exhibit 26 was introduced and
7 marked for identification by the Certified Shorthand
8 Reporter, a copy of which is attached hereto.)
9 BY MR. ANDERSON:
12:15:37 10 Q This is a letter that -- when did you first
11 see this letter? Have you ever seen this letter --
12 well, let me start by saying -- asking you have you seen
13 this letter before?
14 A Yes.
12:15:49 15 Q And when did you first see it, Cardinal?
16 A It seems to me it was in the last two or
17 three years.
18 MR. SELSBERG: Sir, are you asking about the
19 Spanish or the English, Counsel?
12:16:08 20 MR. ANDERSON: The Spanish.
21 MR. SELSBERG: Okay. Again, I just want to state
22 that this English translation is different than the one
23 we have. But to the extent that it's not right, it's
24 not correct, we object to the questions.
12:16:19 25 MR. ANDERSON: Counsel, to save time, I'm going

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12:16:21 1 to give you a continuing objection that any translation,
2 you know -- okay. I gave it at the start. I'll repeat
3 it.
4 You don't have to continue objecting. If you
12:16:29 5 don't like the translations, you can have a continuing
6 objection. I am not here to claim that they're perfect,
7 but they are the best we have, they are official, and
8 that's what we're going to use. Okay? And we can sort
9 it out later, but don't take any more time objecting to
12:16:42 10 it. Okay? Do you agree --
11 MR. SELSBERG: I'm --
12 MR. ANDERSON: -- to the continued objection on
13 translations?
14 MR. SELSBERG: Yeah. I'm not -- I'm fine with
12:16:50 15 that, as long as it's okay under California practice. I
16 just don't know if you can get a continuing objection.
17 MR. WOODS: So stipulated.
18 MR. ANDERSON: Thank you, Don. I appreciate the
19 courtesy.
12:17:03 20 BY MR. ANDERSON:
21 Q Cardinal, when in time, then, would you -- I
22 got distracted -- is the first you actually saw the
23 letter?
24 A My recollection was in the last two or three
12:17:22 25 years.

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12:17:28 1 Q When did you first become aware that Norberto
2 Rivera was claiming to have sent a letter to you and
3 this letter, in particular?
4 A In early February, March of 1988.
12:17:49 5 Q And how did you learn that he had claimed to
6 have sent this letter to you?
7 A In a response to my letter about Father
8 Aguilar and the problems, he wrote back and made
9 reference to this letter.
12:18:09 10 Q Okay. Why don't you tell us what led to you
11 writing a letter to him about Aguilar?
12 A Well, we informed him right away when these
13 charges were made and he was taken out of ministry of
14 the serious problems he was having.
12:18:24 15 Q Okay. So as soon as you received information
16 that Nicolas Aguilar posed a risk of harm to children
17 and had been suspected of abusing, did you inform
18 Norberto Rivera?
19 A Yes.
12:18:42 20 Q And did you call him?
21 A I don't recall if I called him before I sent
22 the letter or not, but sometime in that short span, I
23 did.
24 Q Certainly, when you learned that Rivera had
12:18:53 25 abused kids or was suspected of abusing kids and you

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12:18:57 1 knew Nicolas Aguilar Rivera was not your priest and he
2 was Norberto Rivera's priest, you called him right away
3 because that was urgent information?
4 A I'm not sure whether I called him that day or
12:19:11 5 when he disappeared. I just don't remember. It was in
6 that area. I sent him a letter right away, but I
7 don't -- I know I called him after he had disappeared
8 from here.
9 Q Okay. But you're not sure if you called him
12:19:24 10 before?
11 A That's what I can't recall.
12 Q Okay. It would have been, you know, your --
13 wouldn't it have been your practice, though, as the --
14 as the Archbishop, to, upon receiving any information
12:19:41 15 about an extern priest being a child molester, to call
16 his superior immediately? Wouldn't you have done that,
17 Cardinal?
18 A Normally, yes. But let me just say that some
19 of these more rural areas of Mexico or the Philippines,
12:19:58 20 you -- you can never get anybody. You can't get to
21 these offices. It just simply doesn't work. It's
22 better now, obviously. But very often sending something
23 in writing by Special Delivery or Express Mail is a more
24 sure way.
12:20:15 25 Q Okay. So do you remember trying to call him

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12:20:18 1 right away upon receiving the information that you had a
2 molester?
3 A No. I don't recall whether I did or
4 Monsignor Curry called the chancellery office there. I
12:20:30 5 just don't recall what happened right away.
6 Q Do you remember directing that Curry try to
7 get ahold of Norberto Rivera, his superior, and say
8 "Hey, we got a molester here"?
9 A I don't recall.
12:20:45 10 Q You were concerned, weren't you? I mean it
11 was alarming information that this Aguilar had molested
12 kids?
13 MR. WOODS: I'm going to object. His concern has
14 got nothing to do with jurisdiction over these
12:20:57 15 defendants. It's argumentative, and I'm going to
16 instruct him not to answer.
17 MR. ANDERSON: It does have to do with whether he
18 would communicate it and the communications between them
19 by interstate and otherwise --
12:21:09 20 MR. WOODS: Well, questions about what --
21 MR. ANDERSON: Just -- Don, let me finish.
22 It does have to do with jurisdiction because
23 the Cardinal's concern about him having a molester from
24 another jurisdiction goes to jurisdiction. And the
12:21:20 25 Cardinal's concern about that, both what he did and what

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12:21:23 1 his practice would have been, is probative to this.
2 MR. WOODS: I don't believe that's accurate, so
3 I'm going to instruct him not to answer.
4 MR. ANDERSON: Okay.
12:21:39 5 BY MR. ANDERSON:
6 Q You do remember having sent a letter?
7 A Yes.
8 Q And -- I've got a letter from -- from Curry.
9 I presume that would be the letter you're referring to.
12:22:38 10 It was a letter at your direction sent? I'll show it to
11 you.
12 MR. WOODS: Exhibit 20 of our package you might
13 look at.
14 MR. ANDERSON: I think it's -- I think it's
12:22:53 15 Exhibit 30.
16 (Whereupon, Exhibit 30 was introduced and
17 marked for identification by the Certified Shorthand
18 Reporter, a copy of which is attached hereto.)
19 MR. WATERS: And it's in English. Any objections
12:23:11 20 to the translation?
21 MR. HABEL: Theirs is different.
22 MR. ANDERSON: Yeah.
23 BY MR. ANDERSON:
24 Q Cardinal, I'm showing you what --
12:23:23 25 MR. WOODS: Now, we're going to have a problem

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12:23:25 1 here. There's two letters that are identical except for
2 a signature. One is RIV 30, and one is our CIVAGUIL 20.
3 So --
4 MR. ANDERSON: Well, we haven't had a chance to
12:23:39 5 review your production. What's different about them?
6 Why don't you tell us?
7 MR. WOODS: Well, just by looking at them, one
8 bears the signature of Monsignor Curry. Then the other
9 looks like a file copy without his signature on it. One
12:23:51 10 obviously came from the file of Bishop Rivera. The
11 other is from our files.
12 So other than that, I don't think there's
13 probably any difference. But I just -- because you keep
14 referring to numbers, you're going to get confused here
12:24:06 15 real fast.
16 MR. ANDERSON: I'm not confused. I think I
17 understand what you're saying. The letter we're
18 referring to that we marked RIV 30 is the one that was
19 produced by the Diocese of Tehuacan, okay, and actually
12:24:26 20 bears the signature of Curry. The letter produced by
21 you doesn't bear that signature because it's a file
22 copy. Is that clear?
23 MR. WOODS: Got it.
24 BY MR. ANDERSON:
12:24:36 25 Q Okay. Cardinal, why don't you just tell us

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12:24:39 1 what this letter is -- it's dated January 11, 1988 --
 2 and the circumstances under which you understood it was
 3 sent.
 4 MR. WOODS: Okay. He wants you to look at
 12:24:49 5 RIV 30.
 6 THE WITNESS: And I'm sorry. The question is?
 7 BY MR. ANDERSON:
 8 Q Do you see the letter?
 9 A Yes.
 12:25:10 10 Q You've seen it before?
 11 A Yes.
 12 Q Did you direct that it be sent?
 13 A Yes.
 14 Q Okay. And your purpose in having it sent
 12:25:21 15 was?
 16 A To notify Bishop Rivera of the problems with
 17 Father Aguilar.
 18 Q Okay. And you may have called him before
 19 this by phone, but you're not sure?
 12:25:30 20 A I cannot recall.
 21 Q Okay. And this letter is dated January 11th.
 22 How long before this letter was directed to have been
 23 sent did you and Monsignor Curry learn that you had a
 24 molester in Aguilar Rivera?
 12:25:54 25 A I don't recall, but it was within a couple of

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12:25:56 1 days.
 2 Q This letter speaks for itself, but it is
 3 correct to say that this letter acknowledges that the
 4 Archdiocese of L.A. has now received a credible report
 12:26:16 5 of sexual abuse, in effect?
 6 A Yes.
 7 Q It acknowledges that you knew that this had
 8 to be reported, and you were reporting it to his
 9 superior, Bishop Rivera, correct?
 12:26:40 10 MR. WOODS: Okay. So what's the question? Was
 11 he reporting it to his superior?
 12 MR. ANDERSON: Yes.
 13 MR. WOODS: Okay. Were you reporting it to
 14 Aguilar Rivera's superior?
 12:26:48 15 THE WITNESS: Yes.
 16 BY MR. ANDERSON:
 17 Q And you're not sure if this was the first
 18 report to Bishop Rivera or not, correct?
 19 A That's correct.
 12:26:58 20 Q Do you know if Monsignor Curry had actually
 21 spoken with -- or tried to speak with Cardinal, then
 22 Bishop, Rivera?
 23 A No, I do not.
 24 Q And at the time this letter was sent, what
 12:27:23 25 report had been made to civil authorities?

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12:27:26 1 MR. WOODS: I will object to the question as
 2 beyond the scope of the jurisdictional issues which are
 3 the purpose of this deposition and instruct the witness
 4 not to answer.
 12:27:43 5 BY MR. ANDERSON:
 6 Q When you first and Monsignor Curry first
 7 received information that this priest was a child
 8 molester, was there a desire by you and/or Monsignor
 9 Curry to keep this secret and among you and his
 12:28:12 10 superior?
 11 MR. WOODS: Object to the form of the question as
 12 argumentative, beyond the scope of jurisdiction, and I
 13 will instruct the witness not to answer.
 14 BY MR. ANDERSON:
 12:28:25 15 Q The letter states at the second paragraph,
 16 "According to the civil law here, the accusations must
 17 be reported to the authorities." You told that to
 18 Norberto Rivera, correct?
 19 MR. WOODS: In this letter?
 12:28:40 20 MR. ANDERSON: Yes. Through Monsignor Curry.
 21 THE WITNESS: Yes.
 22 BY MR. ANDERSON:
 23 Q Okay. Who was to report this to civil
 24 authorities, Norberto Rivera or you?
 12:28:49 25 MR. SELSBERG: Objection; calls for speculation.

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12:28:52 1 MR. WOODS: And also is a confusing question
 2 because there are numerous other possibilities. Those
 3 are not the only two --
 4 MR. ANDERSON: Let him answer it.
 12:29:04 5 MR. WOODS: Okay. But it's confusing, so I will
 6 instruct him not to answer. It's also irrelevant to
 7 jurisdictional issues.
 8 BY MR. ANDERSON:
 9 Q Cardinal, it is written "According to the
 12:29:15 10 civil law here, the accusations must be reported to the
 11 authorities."
 12 My question to you, as this is written to
 13 Norberto Rivera, who is supposed to report this to civil
 14 authorities?
 12:29:35 15 MR. WOODS: I'm going to object to the question
 16 as calling for legal conclusion, irrelevant to the
 17 jurisdictional issue, and instruct him not to answer.
 18 BY MR. ANDERSON:
 19 Q What was then the procedure in 1988
 12:29:58 20 pertaining to educators and the Archdiocese reporting
 21 suspected sexual abuse to civil authorities?
 22 MR. WOODS: Objection; calls for a legal opinion,
 23 it's beyond the scope of this jurisdiction, and I
 24 instruct the witness not to answer.
 12:30:24 25 MR. ANDERSON: Counsel, he's the one who's

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12:30:25 1 writing to -- to the foreign defendant saying this must
2 be reported.
3 MR. WOODS: Okay.
4 MR. HABEL: Actually, it's Curry.
12:30:33 5 MR. ANDERSON: Well, it's him through Curry.
6 MR. WOODS: It's the same issue.
7 MR. ANDERSON: Does your instruction stand not to
8 answer?
9 MR. WOODS: Huh?
12:30:44 10 MR. ANDERSON: Does your instruction stand not to
11 answer?
12 MR. WOODS: Yes.
13 BY MR. ANDERSON:
14 Q The next paragraph states, "I spoke to Father
12:30:55 15 Aguilar Rivera on Saturday, January 9th." Did you know
16 that Monsignor Curry was speaking to Aguilar before he
17 went to do so?
18 MR. WOODS: Object to the question as beyond the
19 scope of the jurisdictional issues and instruct him not
12:31:19 20 to answer.
21 BY MR. ANDERSON:
22 Q What do you know about the conversation that
23 Monsignor Curry had with Nicolas Aguilar referenced in
24 this letter?
12:31:30 25 MR. WOODS: Same objection, same instruction.

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12:31:36 1 BY MR. ANDERSON:
2 Q The letter states, "I spoke to Father Aguilar
3 on Saturday, January 9th, and told him that until a full
4 investigation has taken place, he may not serve in this
12:31:52 5 Archdiocese and that his faculties have been withdrawn."
6 It is correct to say that you are the one
7 that is authorized to withdraw Nicolas Aguilar's
8 faculties in this Archdiocese, and as of this date, you
9 did?
12:32:12 10 MR. WOODS: You're saying he's the only one who
11 can do it?
12 MR. ANDERSON: Yes.
13 MR. WOODS: As opposed to Curry?
14 MR. ANDERSON: Yes.
12:32:18 15 MR. WOODS: Okay.
16 THE WITNESS: I am not the only one.
17 BY MR. ANDERSON:
18 Q Isn't Curry's abilities delegated -- his
19 authority delegated by you?
12:32:26 20 A Yes.
21 Q Yes. So it's under your delegation. So
22 under Canon Law and in practice, in fact, any revocation
23 or suspension of faculties or withdrawal of them, in
24 effect, is -- is vested in the power of the Ordinary?
12:32:43 25 A Or his delegate.

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12:32:44 1 Q Or his delegate.
2 So it's correct, then, to say that it was you
3 or through your delegate that the faculties of Nicolas
4 Aguilar were withdrawn?
12:32:57 5 A Yes.
6 Q Did you ever tell Curry to withdraw Nicolas
7 Aguilar's faculties on this date?
8 A I don't recall, but I didn't have to.
9 Q Why do you say that?
12:33:15 10 A Because that's his delegated responsibility.
11 Q Okay. And so you don't recall Curry
12 discussing this with you before he told Nicolas Aguilar
13 that he had withdrawn his faculties?
14 A No. I don't recall that discussion.
12:33:38 15 Q The next paragraph states, "I believe he
16 plans to stay with some family members here and then
17 return to Mexico."
18 That means that as of January 11th, Nicolas
19 Aguilar was here in L.A., but you and Monsignor Curry
20 knew that he was intending to return to Mexico, correct?
12:34:02 21 MR. WOODS: Okay. Asks for numerous facts to be
22 certified all in one question. It's compound. But
23 I'll -- I'll let him try to answer it.
24 Every fact in his question requires a "yes"
12:34:23 25 or "no" certification.

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12:34:28 1 THE WITNESS: I'm lost. What is the question
2 exactly?
3 BY MR. ANDERSON:
4 Q Okay. I'm referring to the paragraph that
12:34:36 5 states, "I believe he plans to stay with some family
6 members here." "Here" refers to Los Angeles, does it
7 not?
8 A I presume.
9 Q Okay. And then it states, "and then return
12:34:48 10 to Mexico," correct?
11 A That's what it says here.
12 Q What do you know about Nicolas Aguilar's
13 intention, as -- as expressed here, to return to Mexico?
14 MR. SELSBERG: Objection; calls for speculation.
12:35:10 15 MR. WOODS: It's a confusing question. I mean
16 what does he know other than what the letter says?
17 MR. ANDERSON: Yes.
18 MR. WOODS: Do you know -- do you know something
19 other than what the letter says? That's what you want
12:35:21 20 to know?
21 MR. ANDERSON: Yes.
22 MR. WOODS: Okay.
23 THE WITNESS: I know nothing more than what's
24 here.
12:35:25 25 BY MR. ANDERSON:

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12:35:32 1 Q Did you or anybody, including Monsignor Curry
2 from the Archdiocese, tell Aguilar to stay here until a
3 full investigation can be done?
4 MR. WOODS: I'm going to object to the form of
12:35:46 5 the question as beyond the scope of the jurisdictional
6 issues and instruct him not to answer. I think it can
7 be rephrased, though, to get an answer.
8 MR. ANDERSON: I'm open to suggestions, given
9 your objection. You're the one objecting, and I can't
12:36:12 10 understand it. So help me understand or give me the
11 question. I want to get the answer.
12 MR. WOODS: I don't see --
13 MR. ANDERSON: Give me the question, Don. What
14 is it?
12:36:23 15 MR. WOODS: Read -- you want the question read
16 back?
17 MR. ANDERSON: No. No. You said there's a way
18 to ask the question, and you're not going to object.
19 MR. WOODS: The question, as phrased, in terms of
12:36:31 20 a communication, perhaps, to Aguilar Rivera to
21 then-Bishop Rivera requesting that or making
22 something -- I -- I would allow that. But a mere
23 discussion that's not going to be communicated to church
24 officials in Mexico has got nothing to do with
12:36:55 25 jurisdiction. It wouldn't be a jurisdictional contact.

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12:37:03 1 BY MR. ANDERSON:
2 Q Did you tell Cardinal Rivera or anybody from
3 the Archdiocese tell Cardinal Rivera that you were going
4 to conduct a full investigation?
12:37:12 5 A Did I?
6 Q Well, through Monsignor Curry.
7 A I did not personally.
8 Q Well, this letter says that you're going to.
9 A That says that --
12:37:20 10 MR. WOODS: I'm going to object that it's
11 argumentative. It doesn't say who's going to do the
12 investigation.
13 BY MR. ANDERSON:
14 Q Well, okay. The letter says, "I spoke to
12:37:27 15 Father Aguilar Rivera on Saturday, January 9th, and told
16 him that until a full investigation has taken place, he
17 may not serve in this Archdiocese."
18 Who is to conduct the full investigation,
19 Cardinal?
12:37:44 20 A Well, by this time, January 11th, the police
21 department's involved, so they're doing theirs, and then
22 our canonical investigation would begin.
23 Q So the Archdiocese of L.A. and the LAPD,
24 correct?
12:38:01 25 A Yes.

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12:38:01 1 Q And my question, then, is did you direct or
2 have Monsignor direct that Nicolas Aguilar stay here so
3 that you could do the full canonical investigation and
4 the LAPD could do theirs?
12:38:18 5 MR. WOODS: Object to the form of the question.
6 Or sorry. Let me start all over again. I object to the
7 question as beyond the scope of the jurisdictional
8 issues which are the subject of this deposition and
9 instruct the witness not to answer.
12:38:33 10 What the Archdiocese did in terms of
11 investigating, what the police did in terms of
12 investigating are not relevant to jurisdiction over the
13 Mexican nationals.
14 BY MR. ANDERSON:
12:38:52 15 Q It is correct to say -- let me rephrase this.
16 Bishop Rivera had the authority at this time
17 to keep Nicolas Aguilar here in L.A. so that a full
18 investigation could be done by the Archdiocese and the
19 LAPD?
12:39:18 20 MR. SELSBERG: Objection; assumes facts not in
21 evidence, calls for speculation.
22 MR. WOODS: It's really calling for an expert
23 opinion of the role of an Ordinary with a priest
24 incardinated to him. I assume it's preliminary to some
12:39:33 25 other questions, and I'll allow him to answer it.

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12:39:37 1 THE WITNESS: Did Bishop Rivera do what?
2 BY MR. ANDERSON:
3 Q Bishop Rivera had the authority over Nicolas
4 Aguilar Rivera, correct?
12:39:47 5 MR. SELSBERG: Objection; vague.
6 THE WITNESS: Yeah. The ultimate authority.
7 BY MR. ANDERSON:
8 Q Yes. And he had the ultimate authority to
9 have him stay in L.A. so that the Archdiocese of L.A.
12:39:57 10 could do an investigation, correct?
11 MR. SELSBERG: Objection; calls -- assumes facts
12 not in evidence, calls for speculation.
13 THE WITNESS: Yes.
14 BY MR. ANDERSON:
12:40:05 15 Q And he also had the authority to have him
16 stay in L.A. so the L.A. Police Department could
17 complete an investigation, correct?
18 MR. SELSBERG: Objection; assumes facts not in
19 evidence and calls for speculation.
12:40:20 20 THE WITNESS: Yes.
21 BY MR. ANDERSON:
22 Q And in order to exercise that authority, all
23 he would have had to have done, as the Ordinary, was
24 call Nicolas Aguilar and say "Stay there. There's an
12:40:42 25 investigation?"

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12:40:44 1 MR. SELSBERG: Objection.
2 BY MR. ANDERSON:
3 Q Right?
4 MR. SELSBERG: Calls for speculation.
12:40:49 5 THE WITNESS: I just don't know.
6 BY MR. ANDERSON:
7 Q Well, if it was one of your priests, you
8 would have had the authority to do that?
9 A I could have advised him to do that. I
12:40:57 10 couldn't guarantee he would do it.
11 Q Well, they're operating under a promise of
12 obedience. That carries some weight with a priest,
13 doesn't it?
14 A It should, yes.
12:41:09 15 Q Okay. Do you know if any official of the
16 Archdiocese of L.A. or Tehuacan ordered Nicolas Aguilar
17 Rivera to stay in L.A. so that a full investigation
18 could be done by the police and the L.A. Archdiocese?
19 MR. WOODS: Okay. Object to the question as
12:41:54 20 beyond the scope of jurisdiction over the defendants and
21 instruct him not to answer.
22 BY MR. ANDERSON:
23 Q Did the Archdiocese ever do any -- any kind
24 of full investigation canonically, as you referred?
12:42:15 25 MR. WOODS: Object. Beyond the scope of the

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12:42:16 1 jurisdictional issues and instruct the witness not to
2 answer.
3 BY MR. ANDERSON:
4 Q Norberto Rivera's under the same canonical
12:42:24 5 provisions of investigation that -- that you and the
6 L.A. Archdiocese are, correct?
7 A Yes.
8 Q Do you know if Norberto Rivera did any full
9 investigation?
12:42:37 10 A No.
11 Q Do you know if they did or you don't -- do
12 you have any knowledge of whether or not they did, or do
13 you believe they did no investigation?
14 A I have no knowledge.
12:42:51 15 Q Okay. Did you ever ask?
16 A No.
17 Q Why not?
18 MR. WOODS: I'm going to object to the form of
19 the question and to the question as beyond the scope of
12:43:03 20 the jurisdictional issues. The contacts, what he did
21 ask for or what he did say, relevant. What he could
22 have done or might have done or should have done,
23 irrelevant.
24 MR. ANDERSON: Instruct not to answer?
12:43:21 25 MR. WOODS: Instruct him not to answer.

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12:43:40 1 BY MR. ANDERSON:
2 Q In this letter, Exhibit 30, he states, "I
3 spoke to Father Aguilar Rivera on Saturday,
4 January 9th." The police records -- do you know whether
12:43:57 5 a police report was made?
6 MR. WOODS: I'm going to -- hold on. I'm going
7 to object to the question as beyond the scope of the
8 jurisdictional issues and instruct the witness not to
9 answer.
12:44:06 10 BY MR. ANDERSON:
11 Q Are you aware, Cardinal, that Monsignor Curry
12 went to Nicolas Aguilar and told him he was under
13 investigation before the police received the report and
14 could investigate?
12:44:26 15 MR. WOODS: Object to the question as beyond the
16 scope of the jurisdictional issues and instruct the
17 witness not to answer.
18 BY MR. ANDERSON:
19 Q Are you -- do you have any knowledge that
12:44:38 20 Monsignor Curry went and alerted Mon- -- went and
21 alerted Nicolas Aguilar to the fact that a police
22 investigation was under way?
23 MR. WOODS: Object to the question as beyond the
24 scope of jurisdiction and instruct the witness not to
12:44:59 25 answer.

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12:45:07 1 BY MR. ANDERSON:
2 Q Are there provisions in the Canon law
3 protocols under which you operate as a bishop that
4 requires you and others to keep matters that are
12:45:17 5 scandalous secret?
6 MR. WOODS: I object to the question as beyond
7 the scope of jurisdiction and instruct the witness not
8 to answer.
9 BY MR. ANDERSON:
12:45:26 10 Q Is there a requirement of secrecy involving
11 matters of scandal, such as sexual abuse, that would
12 also apply to Norberto Rivera as then a bishop and now a
13 cardinal?
14 MR. WOODS: Same objection, same instruction.
12:45:40 15 BY MR. ANDERSON:
16 Q Is it correct to say that when you are
17 installed as a cardinal, that you take -- are made to
18 take an oath of secrecy to the Vatican or the Holy See?
19 MR. WOODS: Same objection, same instruction.
12:46:12 20 MR. ANDERSON: I'm going to show you what we have
21 marked Exhibit 102.
22 (Whereupon, Exhibit 102 was introduced and
23 marked for identification by the Certified Shorthand
24 Reporter, a copy of which is attached hereto.)
12:46:21 25 BY MR. ANDERSON:

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12:46:21 1 Q And is this an oath taken by cardinals during
2 a ceremony at which they are installed or promoted to
3 the position of cardinal?
4 MR. WOODS: I object to the form. I object to
12:46:34 5 the question as beyond the scope of the jurisdictional
6 issues and instruct the witness not to answer.
7 BY MR. ANDERSON:
8 Q And if this is the oath, in the middle of it,
9 I'll direct your attention to the provision that says "I
12:46:51 10 am not to reveal to anyone what is confided to me in
11 secret nor divulge what may bring harm or dishonor to
12 the Holy Church."
13 Is it correct to say, Cardinal, that a sexual
14 abuse by a priest and public knowledge of it could and
12:47:13 15 would bring harm or dishonor to the Holy Church?
16 MR. WOODS: Object to the question as beyond the
17 scope of the jurisdictional issues and instruct the
18 witness not to answer.
19 BY MR. ANDERSON:
12:47:41 20 Q To your knowledge, have any agents of the
21 Diocese of Tehuacan or any agents of the Archdiocese of
22 L.A. ever gotten information from the Los Angeles Police
23 Department about the activities of Nicolas Aguilar while
24 he -- while he worked here?
12:48:13 25 MR. WOODS: Okay.

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12:48:16 1 THE WITNESS: I'm not certain about the Diocese
2 of Tehuacan, but we did have conversation and
3 collaborate with the Los Angeles Police Department in
4 this matter.
12:48:26 5 BY MR. ANDERSON:
6 Q Who is "we"?
7 MR. WOODS: No, no. He said during the time he
8 was working here --
9 THE WITNESS: Oh.
12:48:31 10 MR. WOODS: -- which would have been --
11 THE WITNESS: Prior.
12 MR. WOODS: -- before January 9.
13 THE WITNESS: I'm sorry. I'm sorry. I
14 misunderstood. No. I had no -- no knowledge of that
12:48:39 15 whatsoever.
16 BY MR. ANDERSON:
17 Q Are you aware that the law enforcement
18 detectives that were investigating Nicolas Aguilar on
19 the report made of sexual abuse would have arrested him
12:49:03 20 immediately based on the information given them?
21 MR. SELSBERG: Objection; calls for speculation.
22 MR. WOODS: I agree it calls for speculation. I
23 also object as beyond the issues of jurisdiction and
24 instruct the witness not to answer.
12:49:16 25 BY MR. ANDERSON:

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12:49:18 1 Q Are you aware, Cardinal, that the police
2 received enough information on January 8th and
3 immediately thereafter from more than one source enough
4 to have -- excuse me.
12:49:42 5 When do you -- when do you believe the police
6 were -- were notified?
7 MR. WOODS: Object to the --
8 MR. ANDERSON: -- of the information that
9 Monsignor Curry or other employees of the Archdiocese
12:49:55 10 had concerning this?
11 MR. WOODS: Object to the question as beyond the
12 scope of jurisdiction and instruct the witness not to
13 answer.
14 BY MR. ANDERSON:
12:50:02 15 Q What do you know about who reported it to the
16 police?
17 MR. WOODS: Same objection, same instruction.
18 BY MR. ANDERSON:
19 Q What do you know about who reported it to his
12:50:10 20 superior, Norberto Rivera?
21 MR. WOODS: What do you know about -- I missed a
22 word right there. What do you know about something.
23 MR. ANDERSON: "Who." "Who."
24 MR. WOODS: "Who"?
12:50:23 25 MR. ANDERSON: Yes.

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12:50:25 1 MR. SELSBERG: What do you know about who
2 reported the information to his superior, Norberto
3 Rivera, was the question.
4 MR. WOODS: Okay. Do you know anything other
12:50:31 5 than what you've already testified to?
6 THE WITNESS: No.
7 BY MR. ANDERSON:
8 Q So as far as you know, this letter before
9 you, Exhibit 30, is the only communication, that you're
12:50:46 10 aware of, that was sent to Norberto Rivera concerning
11 the -- the sexual abuse?
12 MR. WOODS: I'm not sure that's what he said, but
13 go ahead. You can answer that.
14 THE WITNESS: I know about the letter. I'm not
12:50:59 15 sure what other communication took place.
16 BY MR. ANDERSON:
17 Q What -- what other communication took place
18 or do you have reason to believe took place?
19 A No. I just said I don't know what other
12:51:10 20 communication took place.
21 Q Were you trying to keep this information or
22 under your direction was Monsignor Curry trying to keep
23 this information from Aguilar's superior?
24 A Not that I'm aware of.
12:51:33 25 MR. WOODS: There's some confusion because I

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12:51:35 1 think your questions are understood by the witness as
2 relating to this immediate report. If you look at the
3 documents we've produced, you'll see quite a few reports
4 to Bishop Rivera subsequent.
12:51:35 5 MR. ANDERSON: After he's left the country.
6 MR. WOODS: Subsequent to this date here.
7 BY MR. ANDERSON:
8 Q When did Nicolas Aguilar leave the country,
9 Cardinal?
12:52:04 10 MR. WOODS: I don't know --
11 MR. WATERS: You're sworn. I don't think that --
12 MR. WOODS: Yeah. Okay. What's the question?
13 BY MR. ANDERSON:
14 Q Cardinal, when did Nicolas Aguilar leave the
12:52:12 15 Archdiocese of L.A.?
16 MR. WOODS: I object to the question as beyond
17 the scope of jurisdiction and instruct the witness not
18 to answer.
19 BY MR. ANDERSON:
12:52:18 20 Q When did Nicolas Aguilar return to Mexico?
21 MR. WOODS: Same objection, same answer.
22 Same -- same objection, same instruction. Why don't you
23 ask him if he knows when he left.
24 BY MR. ANDERSON:
12:52:32 25 Q Who facilitated or aided him in his return

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12:52:35 1 from L.A. to Mexico?
2 MR. WOODS: I object to the question as beyond
3 the scope of the jurisdictional issues and instruct the
4 witness not to answer.
12:52:45 5 MR. HABEL: It's argumentative.
6 MR. SELSBERG: And it assumes facts not in
7 evidence.
8 BY MR. ANDERSON:
9 Q What was Monsignor Curry's role in -- beyond
12:52:56 10 advising him that he was under suspicion and a full
11 investigation was to be taking place, role in Aguilar's
12 departure from L.A.?
13 MR. WOODS: Same objection, same instruction.
14 BY MR. ANDERSON:
12:53:13 15 Q Was Auxiliary Bishop or Father Stephen Blaire
16 involved in Nicolas Aguilar's departure in any way?
17 MR. WOODS: Same objection, same instruction.
18 BY MR. ANDERSON:
19 Q Did you ever discuss with Stephen Blaire the
12:53:28 20 suspicions of sexual abuse by Nicolas Aguilar?
21 MR. WOODS: Same objection, same instruction.
22 BY MR. ANDERSON:
23 Q Did Stephen Blaire -- was Stephen Blaire at
24 this time in residence at St. Bernadette's?
12:53:49 25 MR. WOODS: Same objection, same instruction.

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12:53:53 1 BY MR. ANDERSON:
2 Q Was he involved in this in any way?
3 MR. WOODS: Same objection, same instruction.
4 BY MR. ANDERSON:
12:54:04 5 Q Do you know if Stephen Blaire or -- or any
6 other official had any other conversations with -- or
7 made any attempts to contact the Mexican authorities?
8 MR. WOODS: Mexican police authorities or Mexican
9 church authorities?
12:54:22 10 MR. ANDERSON: Mexican church authorities.
11 MR. WOODS: I will let him answer that.
12 THE WITNESS: Not that I'm aware of, but I don't
13 know.
14 BY MR. ANDERSON:
12:54:29 15 Q Was there any attempt to -- by Archdiocesan
16 officials to contact Mexican police authorities?
17 MR. WOODS: Object to the question as beyond the
18 scope of this deposition and instruct the witness not to
19 answer.
12:54:42 20 BY MR. ANDERSON:
21 Q Was there any attempt by you or anybody at
22 your request to keep Aguilar in the country so he would
23 not go back to Mexico?
24 MR. WOODS: Argumentative, beyond the scope of
12:54:52 25 jurisdiction, instruct the witness not to answer.

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12:54:54 1 BY MR. ANDERSON:
2 Q Did the Archdiocesan officials advise the
3 police that he was staying with -- that Nicolas Aguilar
4 was staying with members -- with members of his family
12:55:08 5 and had an intention to return to Mexico?
6 MR. WOODS: Same objection, same instruction.
7 BY MR. ANDERSON:
8 Q Did Archdiocesan officials of L.A. advise
9 Norberto Rivera or his people that Nicolas Aguilar was
12:55:23 10 here and intending to return to Mexico and seek their
11 help in keeping him here?
12 MR. WOODS: Other than this letter,
13 Exhibit RIV 30?
14 MR. ANDERSON: Yes.
12:55:35 15 THE WITNESS: I just don't know.
16 BY MR. ANDERSON:
17 Q On January 11th, police records indicate that
18 Sister Renee reported to police. Are you aware of that?
19 MR. WOODS: Object to the question as beyond the
12:55:51 20 scope of jurisdiction and instruct the witness not to
21 answer.
22 BY MR. ANDERSON:
23 Q I'm going to hand you Exhibit 101. This is a
24 compilation of police investigative records and files
12:56:14 25 and -- in connection with Nicolas Aguilar and ask you a

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12:56:21 1 few questions about it.
 2 [Whereupon, Exhibit 101 was introduced and
 3 marked for identification by the Certified Shorthand
 4 Reporter, a copy of which is attached hereto.)
 12:56:23 5 BY MR. ANDERSON:
 6 Q First, have you ever reviewed any police
 7 records pertaining to this matter?
 8 A No.
 9 Q Okay. So if I show you any of these, it will
 12:56:31 10 have been the first time you saw any of them?
 11 A That's correct.
 12 Q Okay. Why don't I direct you to the last
 13 page of this one.
 14 MR. WOODS: It's Exhibit 101.
 12:56:42 15 MR. ANDERSON: Page 61, last page.
 16 MR. WOODS: Last page is a Hotmail message, which
 17 bears the number 82 on it.
 18 MR. ANDERSON: No. Page 61.
 19 MR. WOODS: Oh, I'm sorry. Page 61. Okay.
 12:57:08 20 BY MR. ANDERSON:
 21 Q This is from the police reports. And there
 22 was some complaints appended to it, so this is from the
 23 police reports, page 61 in the police reports.
 24 MR. WOODS: You're representing this is from the
 12:57:20 25 a -- LAPD police report?

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12:57:28 1 MR. ANDERSON: Yes.
 2 MR. WOODS: Okay.
 3 BY MR. ANDERSON:
 4 Q Do you have page 61 before you, Cardinal?
 12:57:32 5 A I do.
 6 Q It states, "On January 8th, 1988, Mrs.
 7 "blank" contacted Our Lady of Guadalupe Church and
 8 revealed the allegations of molestation. The pastor,
 9 Father McClean, immediately notified Monsignor Curry."
 12:57:51 10 Did you know that to have been the case?
 11 MR. WOODS: Object to the question as beyond the
 12 scope of jurisdiction or with Mexican nationals who are
 13 defendants and instruct the witness not to answer.
 14 BY MR. ANDERSON:
 15 Q To your knowledge, did anybody --
 16 MR. WOODS: You know, to save time, I'll
 17 stipulate that all questions as to what happened --
 18 MR. ANDERSON: No. I don't want you to
 19 stipulate. I want to get the answer.
 12:58:10 20 MR. WOODS: -- are beyond the scope of this
 21 deposition.
 22 BY MR. ANDERSON:
 23 Q On the same date, Cardinal, did anybody from
 24 the L.A. Archdiocese contact or attempt to contact
 12:58:22 25 Norberto Rivera Aguilar, Nicolas Aguilar's superior?

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12:58:29 1 MR. WOODS: On what date, again?
 2 MR. ANDERSON: January 8th.
 3 THE WITNESS: I'm not aware.
 4 BY MR. ANDERSON:
 12:58:36 5 Q Then it goes on to state, "On January 9th,
 6 1988, Monsignor Curry confronted Father Aguilar with the
 7 allegations."
 8 On January 9th, did anybody from the L.A.
 9 Archdiocese contact Norberto Rivera or attempt to
 12:59:02 10 contact Norberto Rivera or anybody in his diocese to
 11 advise them of these allegations before meeting with
 12 Father Nicolas Aguilar?
 13 A I'm not aware.
 14 Q It goes on to state, "and he relieved him of
 12:59:25 15 priestly duties pending an investigation."
 16 It then goes on to state, "Later that day,
 17 January 9th, 1988, the suspect told a cousin that he had
 18 to go to Mexico immediately due to a sick family member
 19 and asked "blank" to drive him to the Tijuana airport."
 12:59:56 20 Do you know how Father Aguilar got to the
 21 airport and out of the country?
 22 A No.
 23 Q Who in the L.A. Archdiocese may know that?
 24 MR. WOODS: I'm going to -- hold on. I'm going
 01:00:12 25 to object to the question as beyond the scope of the

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01:00:14 1 jurisdictional issues and instruct the witness not to
 2 answer. It also calls for speculation.
 3 BY MR. ANDERSON:
 4 Q I'm going to direct your attention to page 24
 01:00:34 5 of this document. Page 24 is handwritten.
 6 MR. WOODS: Okay. I'm just trying to see where
 7 this report starts.
 8 BY MR. ANDERSON:
 9 Q Okay. Directing your attention to the top of
 01:01:26 10 it, in handwriting, it says "Los Angeles Archdiocese.
 11 Curry said Aguilar stated he was going to return to
 12 Mexico at the first of the week," period.
 13 Did you or Monsignor Curry inform anybody in
 14 Mexico, Norberto Rivera, or in Tehuacan of Aguilar's
 01:01:56 15 expressed intention to return to Mexico?
 16 MR. WOODS: Other than RIV 30?
 17 THE WITNESS: No. Just the letter.
 18 BY MR. ANDERSON:
 19 Q Did you or anybody at your direction request
 01:02:24 20 Norberto Rivera, the bishop, to intervene here so that a
 21 full investigation could be done?
 22 MR. WOODS: I'm sorry. I was reading this thing.
 23 I wasn't paying attention.
 24 BY MR. ANDERSON:
 01:02:35 25 Q Did you or anybody at your request contact

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01:02:39 1 Norberto Rivera so that a full investigation could be
2 done before Nicolas Aguilar leaves the country?
3 MR. HABEL: Asked and answered, but --
4 MR. WOODS: It's -- the question assumes that he
01:02:57 5 knows when he did leave the country, and so it's nearly
6 impossible to answer.
7 MR. ANDERSON: Well, let's let the witness
8 answer, Don. Okay?
9 MR. WOODS: Okay. So --
01:03:13 10 BY MR. ANDERSON:
11 Q Do you understand the question, Cardinal?
12 A I don't.
13 Q Okay. It says here, "Curry said Aguilar
14 stated he was going to return to Mexico at the first of
01:03:20 15 the week." Do you see that?
16 A I see that.
17 Q Okay. Aguilar says to Curry "I'm going to
18 leave for Mexico the first of the week." We know he's
19 under investigation.
01:03:31 20 My question to you is did anybody from the
21 Archdiocese notify Tehuacan that they should keep him
22 here so that a full investigation could be done by L.A.
23 Archdiocese and the police?
24 MR. WOODS: Okay. I will object to all the
01:03:45 25 argumentative parts of that question.

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01:03:47 1 Okay. I will let you answer the question did
2 anyone from the Archdiocese, to your knowledge, contact
3 anyone from the Diocese of Tehuacan to ask them to
4 instruct this priest to stay until there was an
01:04:03 5 investigation?
6 THE WITNESS: Not that I'm aware of.
7 BY MR. ANDERSON:
8 Q Go back to page 61 of the police
9 investigation. At the second paragraph, it says,
01:04:23 10 "During this investigation, several reporters of the
11 news media reported the allegations against Father
12 Aguilar to the public. One of the reporters, Ann Curry,
13 of KCBS-TV contacted detectives and stated she called
14 Father Aguilar's diocese in Mexico and spoke with a
01:04:47 15 Bishop Norberto Rivera.
16 "Bishop Rivera reportedly confronted Father
17 Aguilar about the allegations, and Father Aguilar
18 reportedly resigned from the priesthood."
19 My question to you is are you aware that Ann
01:05:09 20 Curry called up Tehuacan and actually talked to Norberto
21 Rivera as reported by the police?
22 MR. WOODS: Objection. Object to the
23 question as --
24 MR. SELSBERG: Objection; assumes facts not in
01:05:23 25 evidence.

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01:05:24 1 MR. WOODS: Object to the question as beyond the
2 scope of jurisdiction and instruct the witness not to
3 answer.
4 BY MR. ANDERSON:
01:05:34 5 Q At this time on January 8th through
6 January 11th, 1988, were you laboring under the belief
7 that Norberto Rivera was not accessible to you and your
8 designees by telephone?
9 MR. WOODS: I'm going to object to the question
01:05:54 10 as beyond the scope of jurisdiction and instruct the
11 witness not to answer.
12 BY MR. ANDERSON:
13 Q Was there something, Cardinal, that kept you
14 from making the call that Ann Curry made as reflected in
01:06:07 15 this report to Norberto Rivera?
16 MR. WOODS: I object to the question as beyond
17 the scope of jurisdiction and instruct the witness not
18 to answer.
19 BY MR. ANDERSON:
01:06:15 20 Q Was there something that kept Monsignor Curry
21 from making the call?
22 MR. WOODS: Same objection, same instruction.
23 MR. ANDERSON: Let's take a break.
24 THE VIDEOGRAPHER: Off the record. The time is
01:06:39 25 1:06.

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01:06:39 1 (Recess taken from 1:06 p.m. until
2 1:17 p.m.)
3 THE VIDEOGRAPHER: On the record. The time is
4 1:17.
01:17:15 5 BY MR. ANDERSON:
6 Q Let's go back to the declaration of Norberto
7 Rivera, 100A. Do you have it there?
8 A Yes.
9 Q Okay. At page 4, number 14, line 25, he
01:17:50 10 states, "Never did I, quote, transfer, unquote, Father
11 Aguilar to the Los Angeles Archdiocese."
12 How would you describe, using your words and
13 under your understanding of Canon Law and procedure,
14 what was -- if it wasn't a transfer, what was the
01:18:15 15 movement of Nicolas Aguilar from Tehuacan to Archdiocese
16 of L.A. if it wasn't a transfer?
17 A He was recommending him for temporary service
18 here.
19 Q So you wouldn't use the word "transfer"?
01:18:37 20 A No, I would not.
21 Q Okay. You would use the term what to
22 describe the movement and reassignment of him from
23 Tehuacan to L.A.? A reassignment?
24 A No. I think it would be a release from
01:18:58 25 Tehuacan to serve temporarily for a year in Los Angeles.

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01:19:03 1 Q Okay. He then states, "As bishop of the
2 diocese, under the Code of Canonical Law, I did not have
3 the authority to transfer Father Aguilar or any priest
4 outside of Tehuacan."

01:19:18 5 He did have authority, did he not, to
6 authorize his assignment in this diocese with your
7 permission?

8 A Yes.

01:19:44 9 Q And without Bishop Rivera -- Rivera
10 specifically requesting and authorizing it, he could not
11 legitimately serve in your Archdiocese, correct?

12 MR. SELSBERG: Objection; assumes facts not in
13 evidence, calls for speculation.

14 MR. WOODS: Okay. There's two parts there.

01:20:00 15 MR. ANDERSON: Yeah. I think you're looking at
16 that and not listening to the question.

17 BY MR. ANDERSON:

18 Q Is that correct?

19 A No. You had two -- two pieces of --

01:20:07 20 Q Okay. Let me just -- is it -- it's correct
21 that Nicolas Aguilar could not serve in a parish in L.A.
22 and you would not allow him to serve in a parish in L.A.
23 unless Cardinal Rivera specifically requested and
24 authorized it?

01:20:28 25 MR. SELSBERG: Objection; assumes facts not in

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01:20:29 1 evidence.

2 THE WITNESS: Well, I'm not sure requested and
3 asked. I think it's recommended --

4 BY MR. ANDERSON:

01:20:38 5 Q Recommended. Okay. Recommended.

6 A Yes.

7 Q Unless Bishop Rivera recommended it?

8 A Yes.

9 Q Okay. And is that another word for
10 "authorize," "recommend"?

11 MR. SELSBERG: Objection.

12 BY MR. ANDERSON:

13 Q I mean it's under his authority that the
14 priest is serving. Bishop Rivera is the one that has
15 authority to make the recommendation, correct?

16 A Yes.

17 MR. SELSBERG: Objection; vague, misleading.

18 BY MR. ANDERSON:

19 Q Is that correct, Cardinal?

20 A That's correct.

01:21:05 21 Q He goes on to state, "Rather, I granted
22 Father Aguilar permission to serve in Los Angeles on the
23 condition that Cardinal Mahony first accept him for said
24 service, and I warned Cardinal Mahony of my suspicion
01:21:27 25 that Father Aguilar suffered from homosexual problems."

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01:21:39 1 At any time, did he warn you that Aguilar
2 suffered from homosexual problems before he was
3 permitted to serve here?

4 A No.

01:21:49 5 Q If he had warned you of homosexual problems,
6 would you have permitted him to serve?

7 MR. SELSBERG: Objection; calls for speculation.

8 THE WITNESS: No.

9 BY MR. ANDERSON:

01:21:59 10 Q Why not?

11 A Because, first of all, we don't accept
12 priests with -- who are not our own, from outside, with
13 any kind of blemish or problems as a matter of course.

14 MR. WOODS: At that time?

01:22:17 15 THE WITNESS: At that time, yes.

16 BY MR. ANDERSON:

17 Q At paragraph 17 of the declaration, it states
18 in -- Cardinal Rivera states, "I did not attempt to
19 facilitate Father Aguilar's return to Mexico. Even if I
01:23:15 20 had desired Father Aguilar's return, I did not have the
21 authority to force him to return."

22 In your experience and -- both Canon Law and
23 the authority given an Ordinary, it is correct that the
24 Ordinary can, under the Canons, direct that a priest go
01:23:42 25 to any given location, be it a parish, a school, or a

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01:23:47 1 country, correct?

2 A Yes, he can direct.

3 Q It is his authority?

4 A Yes.

01:23:53 5 Q And the priest, under Canon Law and as a part
6 of his obligations to his bishop, is required to follow
7 that instruction, is he not?

8 A Yes.

9 Q And if he doesn't follow such an instruction,
01:24:11 10 the priest can and would under Canon Law be subject to
11 sanctions, including complete removal of all faculties
12 to minister?

13 MR. WOODS: I'm going to object. It's compound.
14 "Could" and "would" are two different -- very different
01:24:28 15 things.

16 THE WITNESS: The bishop could sanction the
17 priest.

18 BY MR. ANDERSON:

19 Q And for noncompliance with an order?

20 A Yes.

01:24:41 21 Q And if -- at the time of the discovery of the
22 sexual molestation by Nicolas Aguilar, did the L.A.
23 Archdiocese have the authority to order him back to
24 Mexico?

01:25:22 25 A No.

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01:25:26 1 Q Did Norberto Rivera?
2 MR. SELSBERG: Objection; assumes facts not in
3 evidence.
4 BY MR. ANDERSON:
01:25:31 5 Q As -- as his Ordinary?
6 A He could order him to be returned.
7 Q Did Norberto Rivera also have authority to
8 order him to stay pending investigation?
9 A Yes.
01:25:51 10 Q And if he refused to stay and comply with
11 such an order, is it also correct that Norberto Rivera
12 had the authority to revoke all of his faculties to
13 minister as a priest anywhere?
14 A He would have authority to take away his
01:26:14 15 faculties from Tehuacan.
16 Q As a priest of Tehuacan?
17 A Yes.
18 Q And the only faculties that -- that Aguilar
19 Rivera has are faculties given to him by his home
01:26:29 20 diocese Tehuacan?
21 A Plus some generic ones from Code of Canon
22 Law.
23 Q Yeah. But in effect, the bishop has the
24 authority to revoke the faculties of any priest under
01:26:43 25 his -- his control?

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01:26:44 1 A Yes.
2 Q And short of removal from the clerical state,
3 it is the bishop that has the ability to tell him what
4 to do and when to do it, where to go and how -- how to
01:26:55 5 get there?
6 A Yes.
7 Q Okay. At line -- okay. At line 24, it
8 states, "To my knowledge, Father Aguilar remains in
9 Mexico." And there is evidence that Father Aguilar, on
01:27:25 10 his departure from L.A., continues to this day in
11 ministry and continued at least for years in ministry
12 in -- in Mexico.
13 If Norberto Rivera, based on the information
14 you gave him in your letter, didn't want him to continue
01:27:52 15 in ministry, it was Norberto Rivera's obligation to
16 revoke his faculties to minister, correct?
17 MR. WOODS: Okay. That was quite a question.
18 There's a long preamble, and the question wanders a bit.
19 Do you want to rephrase it, make it nice and concise?
01:28:12 20 MR. ANDERSON: Yes.
21 BY MR. ANDERSON:
22 Q If -- if -- if Nicolas Aguilar continued in
23 ministry after his departure from L.A., it was the
24 responsibility of his Bishop to revoke his faculties,
01:28:27 25 was it not?

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01:28:28 1 A Yes.
2 Q And the responsibility of his bishop to
3 continue his faculties if he so choose?
4 A Yes.
01:28:50 5 Q When Nicolas Aguilar first served, it was at
6 Our Lady of Guadalupe? He went to Our Lady of Guadalupe
7 and then was moved to St. Agatha's. What do you know
8 about that?
9 MR. WOODS: Object. The question is beyond the
01:29:05 10 scope of jurisdiction over Mexican nationals and
11 instruct the witness not to answer.
12 MR. SELSBERG: I object. It's vague.
13 BY MR. ANDERSON:
14 Q Why don't we look at -- I'm going to show you
01:29:50 15 Exhibit 38.
16 MR. WATERS: Thirty-six, thirty-seven,
17 thirty-eight.
18 MR. ANDERSON: And it's actually appended, 36,
19 37, and 38. Thirty-eight would be the English
01:30:01 20 translation received from Tehuacan lawyers, I presume.
21 (Whereupon, Exhibit 36 was introduced and
22 marked for identification by the Certified Shorthand
23 Reporter, a copy of which is attached hereto.)
24 BY MR. ANDERSON:
01:30:14 25 Q And this is a letter from you, is it not, to

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01:30:19 1 Norberto Rivera?
2 A It is.
3 Q And this is sent by you in your official
4 capacity as the Ordinary --
01:30:30 5 A Yes.
6 Q -- to him in his official capacity as the
7 Ordinary?
8 A Yes.
9 Q And why did you write the letter, Cardinal?
01:30:50 10 MR. WOODS: I'm going to object to the form --
11 strike that.
12 I'm going to object to the question as beyond
13 the scope of the jurisdictional issues and instruct the
14 witness not to answer. His state of mind has nothing to
01:31:05 15 do with jurisdiction.
16 BY MR. ANDERSON:
17 Q At this point in time, do you know what
18 Cardinal Rivera did in response to this letter?
19 A No.
01:31:29 20 Q At the time that you wrote this letter,
21 Nicolas Aguilar was under the exclusive control of
22 Bishop Rivera as his Ordinary, was he not?
23 MR. SELSBERG: Objection; assumes facts not in
24 evidence.
01:31:45 25 MR. WOODS: I'm going to object that it's beyond

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01:31:47 1 the scope of the jurisdictional issues and instruct the
2 witness not to answer.
3 BY MR. ANDERSON:
4 Q Did you write this letter knowing that Bishop
01:31:59 5 Rivera had the power to order Nicolas Aguilar back to
6 the U.S. for investigation?
7 A Yes.
8 Q And you're aware that you wrote this letter
9 to get him to get Nicolas Aguilar back here so the
01:32:19 10 investigation could continue, correct?
11 A As well as contacting his relatives, yes.
12 Q Yes. And at this point in time that you
13 wrote the letter or at any time before this, was there
14 anything that prevented from Nicolas -- excuse me --
01:32:41 15 that prevented Bishop Rivera from sending such a letter
16 to the other bishops in Mexico warning them that this
17 guy was a molester?
18 MR. WOODS: I'm going to object to the question
19 as beyond the scope of the jurisdictional issues and
01:32:56 20 instruct the witness not to answer.
21 BY MR. ANDERSON:
22 Q Is there anything under Canon Law that
23 prevented Bishop Rivera from cooperating with the
24 extradition of Nicolas Aguilar back to the U.S. for
01:33:17 25 prosecution?

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01:33:18 1 MR. WOODS: Same objection, same instruction.
2 BY MR. ANDERSON:
3 Q In the letter, you state at the third
4 paragraph, second sentence, "This priest must be
01:33:39 5 arrested and returned to Los Angeles to suffer the
6 consequence of his immoral actions," correct?
7 A I'm not -- the word -- I didn't use
8 "arrested." I used "detained and returned."
9 Q My copy says "arrested."
01:34:04 10 MR. WATERS: No. He wrote in Spanish.
11 BY MR. ANDERSON:
12 Q Oh, you wrote in Spanish?
13 A I wrote the letter in Spanish.
14 Q I'm sorry. Oh, yeah.
01:34:09 15 A I'm looking at the Spanish version.
16 Q I got you. Okay. "Detained" instead of
17 "arrested."
18 A Yeah.
19 Q Okay. And, in fact, there's a number of
01:34:21 20 things that Bishop Rivera could do that you didn't have
21 the power to do to both get this guy back here and to
22 prevent other kids from being harmed in Mexico?
23 MR. WOODS: Objection.
24 MR. SELSBERG: Objection; calls for speculation
01:34:43 25 and assumes facts not in evidence.

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01:34:45 1 MR. WOODS: Object. Beyond the scope of the
2 jurisdictional issues and instruct the witness not to
3 answer.
4 BY MR. ANDERSON:
01:34:55 5 Q Bishop, as -- as an Ordinary, you have the
6 ability to locate priests under your control, do you
7 not?
8 MR. WOODS: Same objection, same instruction.
9 BY MR. ANDERSON:
01:35:07 10 Q And to investigate both their whereabouts and
11 their activities, at least the priests under your
12 control, correct?
13 MR. WOODS: Same objection, same instruction.
14 BY MR. ANDERSON:
01:35:17 15 Q At the time you wrote this letter, you were
16 urging Norberto Rivera to take actions to prevent other
17 kids from being harmed, were you not?
18 A Yes.
19 Q And at this time, besides the civil
01:35:35 20 authorities, Bishop Rivera was the one who had the most
21 control over Nicolas Aguilar because he was a priest of
22 Tehuacan?
23 MR. SELSBERG: Objection; calls for speculation.
24 MR. WOODS: I agree. Calls for speculation.
01:35:54 25 It's also beyond the scope of jurisdictional issues and

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01:35:57 1 instruct the witness not to answer.
2 BY MR. ANDERSON:
3 Q Prior to this letter, had you had any
4 telephone conversations with Norberto Rivera?
01:36:19 5 A I recall talking to him once about this
6 matter.
7 Q Okay. Tell us about that. Did you call him?
8 A I called him. I can't remember. It was
9 sometime during when all this was becoming public.
01:36:33 10 Q It was 1988?
11 A Yes.
12 Q And you reached Amedes (phonetic) chancellery
13 in Tehuacan?
14 A Whatever the number was given to us, yes.
01:36:46 15 Q In the Catholic directory, if I want to call
16 the bishop, it's right -- the number of the chancellery
17 is listed there in the Official Catholic Directory,
18 isn't it?
19 A Well, this is -- yes. The worldwide one.
01:36:56 20 Q And the -- that's where I was going. There's
21 a worldwide directory. If you want to call a
22 chancellery or a bishop or his secretary, there's always
23 a number right there. You can just look it up, right?
24 A Yes.
01:37:06 25 Q And I presume that's what you did when you

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01:37:08 1 contacted him?
2 A Yes.
3 Q You looked it up or had somebody look it up
4 for you?
01:37:11 5 A Yes.
6 Q And you reached him on telephone, right?
7 A Yes.
8 Q And you talked to him in Spanish?
9 A Yes.
01:37:17 10 Q And what did you say to him?
11 A Basically, our concern for the harm that he
12 has caused here, our great desire to find him and to get
13 him returned to Los Angeles to face the charges.
14 Q And did you basically express to him the same
01:37:43 15 sentiments and information contained in the letter of
16 March 4th, 1988, here?
17 A Yes.
18 Q And was this conversation before March 4th of
19 '88 or after, Cardinal?
01:37:59 20 A It's my recollection that it was before.
21 Q Okay. And is that what prompted you to write
22 the letter, because you didn't get a satisfactory
23 response from him?
24 MR. SELSBERG: Objection; mischaracterizes his
01:38:11 25 testimony.

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01:38:15 1 THE WITNESS: No. I just wanted to make sure it
2 was in writing, that he knew exactly what I was asking
3 for.
4 BY MR. ANDERSON:
01:38:21 5 Q Okay. When you explained to him what you
6 just did, that there was a serious problem and the
7 information that's contained in this letter by
8 telephone, what was his response to you, Cardinal?
9 A He seemed quite disturbed and upset by it.
01:38:41 10 Q Did you ask him to take action?
11 A He -- before he asked -- before I could ask
12 that, he told me he didn't know where he was.
13 Q Did you tell him that you can find him?
14 A No.
01:39:01 15 Q And when he told you that he didn't know
16 where he was, did you consider that satisfactory
17 information under the circumstances?
18 A I explained to him -- because I did it in the
19 letter -- "Then if you don't know where he is, can you
01:39:17 20 get us names and addresses of relatives of his?"
21 Q And did he do that?
22 MR. SELSBERG: Objection; calls for speculation.
23 THE WITNESS: No.
24 BY MR. ANDERSON:
01:39:32 25 Q And if he didn't know where he was at this

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01:39:34 1 point in time as the bishop of Tehuacan, he could have
2 written to other bishops in Mexico and said "I've got a
3 priest who I'm trying to locate" and seek information
4 from the other -- the bishops in Mexico the same way you
01:39:48 5 wrote this letter to him, right?
6 MR. WOODS: Object that it goes beyond the scope
7 of the jurisdictional issues and instruct the witness
8 not to answer.
9 BY MR. ANDERSON:
01:40:06 10 Q In fact, on March 4th, 1988, the same date,
11 you -- Exhibit 53 that you produced here --
12 MR. WATERS: That's B-53, for the record.
13 MR. ANDERSON: B-53. Let's go to that. Do you
14 have a copy -- okay. This is B -- this would be B-53.
01:40:36 15 We didn't have a copy of this, so this would be the
16 first time we got this. But do you have a clean copy,
17 don't, that we can use for -- and mark as an exhibit?
18 MR. WATERS: In English.
19 MR. WOODS: What?
01:40:50 20 MR. ANDERSON: In English.
21 MR. WOODS: What? I have -- I probably have
22 another set. Let's see.
23 MR. HABEL: No. He wants an English version of
24 53.
01:40:57 25 MR. WOODS: Oh, English version. No.

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01:41:00 1 MR. ANDERSON: No.
2 MR. WOODS: I don't.
3 MR. ANDERSON: Don't have it. Okay.
4 BY MR. ANDERSON:
01:41:02 5 Q Well, let's look at what we called B-53,
6 Cardinal. This is actually a letter from you to the
7 bishop in Cuernavaca, is it not?
8 A Correct.
9 Q And that's another diocese in Mexico.
01:41:29 10 A Yes.
11 Q Is it not?
12 And, in fact, in March of 1988, you took it
13 upon yourself to write another bishop, warning him that
14 this priest was a molester. And what is your -- why did
01:41:53 15 you write to this bishop?
16 MR. WOODS: Okay. All right. There's a long
17 preamble, some conclusions, some arguments, then the
18 question. So the question, you should understand it and
19 answer only why did you write --
01:42:07 20 BY MR. ANDERSON:
21 Q I'll just -- why did you write to the bishop?
22 That's the question.
23 MR. WOODS: Okay. Why did you write to the
24 bishop of Cuernavaca?
01:42:13 25 THE WITNESS: Because we had heard that he had

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01:42:15 1 relatives there and, therefore, might go there.
2 BY MR. ANDERSON:
3 Q Okay. And you did not cc this to Norberto
4 Rivera. Is that because you already told him that?
01:42:35 5 A I -- I don't recall why I didn't cc him.
6 Q And -- and then Exhibit 54 --
7 A Some of these are duplicates.
8 Q Okay.
9 MR. WATERS: That was our confusion, as well,
01:42:55 10 Cardinal. Thanks.
11 MR. ANDERSON: It looks like on March 4th, 1988,
12 Exhibit 55 and 56B is the one that we were already
13 talking about. Okay.
14 BY MR. ANDERSON:
01:44:07 15 Q Cardinal, I'm putting before you what was
16 marked under the production documents Exhibit 42?
17 MR. WATERS: Actually, it's 40 through 43.
18 MR. ANDERSON: Yes.
19 (Whereupon, Exhibit 40 was introduced and
01:44:21 20 marked for identification by the Certified Shorthand
21 Reporter, a copy of which is attached hereto.)
22 BY MR. ANDERSON:
23 Q And I direct your attention to the one that
24 is marked 42 and 43, which would be an English
01:44:29 25 translation, I believe, provided by Tehuacan.

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01:44:38 1 Is that correct, Counsel?
2 MR. SELSBERG: I don't know what you're talking
3 about.
4 MR. ANDERSON: Is this the translation?
01:44:42 5 MR. SELSBERG: What are you talking about, what
6 document?
7 MR. WATERS: The documents produced with Bates
8 numbers RIV numbers, are those the documents that were
9 produced by either Tehuacan or Cardinal Rivera in
01:44:52 10 response to discovery requests?
11 MR. SELSBERG: Yeah. If they were marked RIV,
12 it's one of the two. But I don't know what -- what do
13 you mean by "the English translation."
14 MR. WATERS: This document is a letter dated
01:45:05 15 March 17th.
16 MR. SELSBERG: We didn't -- we didn't have those
17 translations done. They were in a file.
18 MR. ANDERSON: Okay. So the English -- the
19 English version, Exhibit 42 and 43, were in the file
01:45:19 20 intact. This is not a translation done by you?
21 MR. SELSBERG: It's not the one that we did.
22 MR. ANDERSON: Okay.
23 MR. WOOTEN: And that would hold for the last
24 one, as well, 36 through 39.
01:45:31 25 MR. ANDERSON: Okay. Okay. For the record,

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01:45:33 1 apparently the same is the case for Exhibit 36 through
2 39, Counsel?
3 MR. WOOTEN: Correct.
4 MR. ANDERSON: Thank you.
01:45:42 5 BY MR. ANDERSON:
6 Q Okay. Cardinal, this is dated March 17th,
7 1988. This came from the file of Tehuacan, obviously.
8 And it's marked "Confidential" right under the address
9 to you, correct?
01:46:02 10 A Yes.
11 Q And you did receive this letter?
12 A I did.
13 Q Are there any letters that -- other than the
14 one that you referred to that you did -- you -- you
01:46:17 15 claim not to have received from Norberto Rivera? Are
16 you aware of any correspondence other than one letter
17 that you didn't get from Norberto Rivera that he claims
18 to have sent?
19 A No.
01:46:37 20 Q Okay. Looking at this one, it says, "Upon
21 receiving your letter today, I'm responding immediately
22 to thank you for the information regarding Father
23 Nicolas Aguilar Rivera. It's been very painful for me
24 to receive this information from the Curia." What is a
01:46:58 25 Curia?

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01:47:00 1 A Curia. They use that word for -- in Mexico
2 particularly for chancellery office.
3 Q Okay.
4 A Bishop's office.
01:47:08 5 Q That doesn't refer to the office of the Holy
6 See, then?
7 A No.
8 Q Okay. "And from U.S. and Mexican press."
9 At the last paragraph on this -- on this full
01:47:28 10 paragraph on this page beginning with "The priest's
11 parents," I'd like you to go down and address the
12 sentence -- I'll read it to you, then ask you a
13 question.
14 It states, "You will understand that I'm not
01:47:44 15 in a position to find him, much less force him to return
16 and appear in court."
17 Cardinal, is it correct to say that as a
18 bishop, he is in a position to attempt to locate them
19 through his resources, and if he does, order him to
01:48:18 20 return to the U.S. and appear in court?
21 MR. SELSBERG: Objection; compound, calls for
22 speculation.
23 MR. WOODS: I am going to object to the question
24 as beyond the scope of the jurisdictional facts and
01:48:34 25 instruct the witness not to answer. Plus, we've plowed

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01:48:38 1 this territory about a hundred times already.
2 BY MR. ANDERSON:
3 Q Do you have any knowledge of Norberto Rivera
4 making any effort to either locate him or cause him to
01:49:05 5 return to the U.S. and answer for his crimes?
6 MR. WOODS: Any effort other than reflected in
7 these letters?
8 MR. ANDERSON: Yes.
9 THE WITNESS: No.
01:49:13 10 BY MR. ANDERSON:
11 Q The next one is -- that we'll be showing you
12 here, Cardinal, is Exhibit 44 and the second page, 45,
13 being the English version, and 46 and 47, the Spanish.
14 (Whereupon, Exhibit 44 was introduced and
01:50:17 15 marked for identification by the Certified Shorthand
16 Reporter, a copy of which is attached hereto.)
17 MR. ANDERSON: And this English version would be
18 in the file of Tehuacan?
19 MR. SELSBERG: Correct.
01:50:27 20 MR. ANDERSON: Thank you.
21 BY MR. ANDERSON:
22 Q And referring to the English version because
23 it's sent -- you -- you sent it -- did you send it in
24 Spanish or English?
01:50:39 25 A I sent it in Spanish.

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01:50:40 1 Q Okay. Did you need help to send it in
2 Spanish, or are you fluent enough to have communicated
3 this fully without help in Spanish?
4 A No. I did this myself.
01:51:09 5 Q What's your purpose in sending this letter to
6 Norberto Rivera in March of '87?
7 A This is my response to the letter you just
8 went through from him, dated March 17th, 1988, and that
9 very last -- next to last paragraph.
01:51:36 10 Q What do you mean "the next to last
11 paragraph"?
12 A "En la carta de presentacion" -- let's see
13 the English version here. "In the letter of
14 presentation," that sentence.
01:51:54 15 Q Okay. Yeah. And so you're responding to
16 his -- to his letter?
17 A Yes.
18 Q Okay. And in the first paragraph here at the
19 last sentence, you state --
01:52:14 20 MR. WOODS: It's not going to be the first
21 paragraph, I don't think.
22 BY MR. ANDERSON:
23 Q Well, the second paragraph, the last
24 sentence, you state, "I would like to tell you that I
01:52:23 25 have not received any letter from you dated March 23rd,

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01:52:28 1 1987, nor any other information concerning, quote, the
2 homosexual problems of the past, unquote."
3 A Of the priest.
4 Q Of the priest. Excuse me.
01:52:42 5 A Correct.
6 Q When had you learned that a March 23rd, 1987,
7 letter had been claimed to have been sent?
8 MR. SELSBERG: Objection; asked and answered.
9 MR. WOODS: Do you understand the question?
01:53:19 10 THE WITNESS: Yes.
11 MR. WOODS: Okay.
12 THE WITNESS: It was that letter of March 17,
13 1988.
14 BY MR. ANDERSON:
01:53:25 15 Q That was your first knowledge of such a
16 letter by Norberto?
17 A Yes.
18 Q Okay. You state here, "I would like to tell
19 you I have not received any letter nor any other
01:53:37 20 information." The next -- actually, the last full
21 paragraph beginning with "I'm very confused," I'm going
22 to read that and ask you a question.
23 "I'm very confused because in your letter of
24 January 27, '87, you did not mention any other personal
01:54:00 25 problem concerning Father Aguilar." It must be "If you

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01:54:06 1 had written me that Father Aguilar had some homosexual
2 problem, I assure you that we haven't received that in
3 the Archdiocese. We have here in the Archdiocese of
4 Los Angeles quite a clear plan of action: We do not
01:54:25 5 admit priests with any homosexual problems."
6 At this point in time, where had it been
7 written that there was a plan of action in the
8 Archdiocese that you do not admit any priests with any
9 homosexual problem?
01:54:47 10 MR. WOODS: I'm going to object to the question
11 as beyond the scope of jurisdiction and instruct the
12 witness not to answer.
13 BY MR. ANDERSON:
14 Q The next page -- or before that -- let's go
01:55:13 15 to the next page. The first full paragraph of the next
16 page begins by stating "I must stress that we now have a
17 more serious situation."
18 When you say "we," who are you referring to?
19 A I'm presuming all of us here in the
01:55:38 20 Archdiocese of Los Angeles.
21 Q And when you say "now have a more serious
22 situation," it's more serious than what? What do you
23 mean by that?
24 A Basically, that we thought we were receiving
01:56:09 25 a priest who was well recommended, and we discovered we

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01:56:14 1 have a very bad priest.
2 Q Is it fair to say that it had become more
3 serious because it now had become public and, thus, a
4 scandal?
01:56:28 5 A No.
6 Q Is it fair to say, Cardinal, that as an
7 Ordinary, as a Cardinal Archbishop, you are required to
8 avoid scandal under the Canons and the protocols you
9 operate?
01:56:45 10 MR. WOODS: I'm going to object -- I'm going to
11 object to the question as beyond the scope of the
12 jurisdictional issues and instruct the witness not to
13 answer.
14 BY MR. ANDERSON:
01:56:51 15 Q Is it fair to say that the sexual molestation
16 by a priest is considered under the church protocols to
17 be scandalous and kept -- to be dealt with by church
18 authorities alone?
19 MR. WOODS: Object to the question as beyond the
01:57:15 20 scope of the deposition and instruct the witness not to
21 answer.
22 BY MR. ANDERSON:
23 Q In 1987 and 1988, was there a protocol in
24 place that required priests and, in particular,
01:57:29 25 Ordinaries to avoid scandal and keep accusations of

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01:57:35 1 sexual molestation among themselves?
2 MR. WOODS: I'm going to object to the question
3 as beyond the scope of jurisdiction and instruct the
4 witness not to answer.
01:57:48 5 BY MR. ANDERSON:
6 Q Are you familiar with the 1962 document
7 solicitation and a confessional promulgated by the
8 Vatican that establishes a protocol for keeping matters
9 of sexual abuse secret and among church authorities?
01:58:10 10 MR. WOODS: I object to the question as beyond
11 the scope of the jurisdictional issues and instruct the
12 witness not to answer.
13 BY MR. ANDERSON:
14 Q If such a Vatican -- document had been issued
01:58:20 15 by the papal office and the congregation of the doctrine
16 in 1962 and issued to all of the Ordinaries across the
17 world, it would have applied to you, as an Ordinary, as
18 well as Norberto Rivera?
19 MR. WOODS: Objection.
01:58:41 20 MR. SELSBERG: Objection; calls for speculation,
21 assumes facts not in evidence.
22 MR. WOODS: Object to the question as compound,
23 confusing, and beyond the scope of the jurisdictional
24 issues and instruct the witness not to answer.
01:58:57 25 MR. ANDERSON: Okay. It looks like we got --

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01:58:58 1 we're done with the tape. We got to change tapes.
2 THE VIDEOGRAPHER: Off the record. The time is
3 1:59.
4 (Recess taken from 1:59 p.m. until
01:59:40 5 2:06 p.m.)
6 THE VIDEOGRAPHER: Back on the record, the time
7 is 2:06.
8 BY MR. ANDERSON:
9 Q Cardinal, we're handing you now what's marked
02:07:02 10 77.
11 MR. WOODS: Thank you.
12 (Whereupon, Exhibit 77 was introduced and
13 marked for identification by the Certified Shorthand
14 Reporter, a copy of which is attached hereto.)
02:07:26 15 BY MR. ANDERSON:
16 Q This is a letter dated May 20th, 2004, is it
17 not?
18 A Yes.
19 Q And this is sent by you to the Diocese of
02:07:44 20 Tehuacan, is it not?
21 A Correct.
22 Q And you're asking them to send you the letter
23 that Norberto Rivera claimed to have sent you at the
24 time you received Nicolas Aguilar into this diocese,
02:08:10 25 correct?

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02:08:10 1 A Yes.
2 Q Why did you wait till 2004 to make this
3 request?
4 MR. WOODS: I'm going to object that the
02:08:20 5 question's argumentative and assumes facts not in
6 evidence.
7 BY MR. ANDERSON:
8 Q Actually, on March 30th, 1988, you -- you
9 asked him, Norberto Rivera, and you stated "It is urgent
02:08:44 10 that you send me a copy of the letter dated March 23rd,
11 1987," correct?
12 A Yes.
13 Q And you never got a response from him, did
14 you?
02:08:52 15 A No.
16 Q Do you know why?
17 A No.
18 Q In that same letter, you said, "We have not
19 received it, and it's a grave situation because you knew
02:09:07 20 on the 27th of January '87 that Father Aguilar had
21 homosexual problems, and you did not inform me or any
22 officials of this Archdiocese in your first letter."
23 That's what you wrote, isn't it?
24 A Yes.
02:09:26 25 Q And you wrote to -- that in Spanish to him,

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02:09:31 1 and I read from the English version, correct?
2 A Yes.
3 Q And what response did you get from him?
4 A To the best of my knowledge, I never received
02:09:47 5 any response.
6 Q And in the absence of a response in 1988,
7 what caused you, then, to write Exhibit 77 on May 20th,
8 2004?
9 A I believe this was a time when we discovered
02:10:09 10 there were some lawsuits involving this matter and that
11 we had still never seen the letter of March 23rd, 1987.
12 Q Did you think that that letter was lost or
13 not sent by him?
14 MR. SELSBERG: Objection; calls for speculation.
02:10:26 15 MR. WOODS: Calls for speculation and beyond the
16 scope of the jurisdictional issues. Instruct the
17 witness not to answer.
18 BY MR. ANDERSON:
19 Q Is it correct to say that Norberto Rivera
02:11:43 20 never sent you the March 23rd, 1987, letter?
21 MR. SELSBERG: Objection; calls for speculation.
22 MR. WOODS: That -- personally? He personally
23 didn't send it?
24 BY MR. ANDERSON:
02:11:58 25 Q What's your response to that question?

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02:12:00 1 A The question, again, is --
2 Q Is it your belief that --
3 MR. WOODS: No.
4 BY MR. ANDERSON:
02:12:06 5 Q -- the March 23rd, 1987, letter, was never
6 sent?
7 MR. WOODS: Object to the question as calls for
8 speculation and beyond the scope of the deposition and
9 instruct the witness not to answer.
02:12:53 10 MR. ANDERSON: This is Exhibit 78.
11 (Whereupon, Exhibit 78 was introduced and
12 marked for identification by the Certified Shorthand
13 Reporter, a copy of which is attached hereto.)
14 MR. WOODS: Okay. It's not a complete document
02:13:02 15 because it refers to an attachment, but I'll show it to
16 him.
17 MR. ANDERSON: In the production that you gave
18 us, did you give us the complete one?
19 MR. WOODS: Yes.
02:13:13 20 MR. ANDERSON: Okay. Well, this is -- this is
21 the copy we got from Tehuacan, so that's why we have it
22 this way.
23 MR. WOODS: Okay.
24 MR. ANDERSON: So -- and again, we haven't
02:13:23 25 reviewed the production you gave today, but I'll trust

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02:13:26 1 that, you know --
2 BY MR. ANDERSON:
3 Q You know, it's incomplete, but for our
4 purposes, what is this, Cardinal?
02:13:40 5 A This is the response of my letter -- fax
6 letter of May 20th, 2004, to Bishop Espinosa, the
7 then-bishop of Tehuacan.
8 Q And he attached the letter that you had now
9 requested again in 2004, correct?
02:14:01 10 A Yes.
11 Q Okay. I'm showing you what has been marked
12 48 now.
13 (Whereupon, Exhibit 48 was introduced and
14 marked for identification by the Certified Shorthand
02:15:14 15 Reporter, a copy of which is attached hereto.)
16 BY MR. ANDERSON:
17 Q This one is dated December 17th, 1993. This
18 has been produced to us by Tehuacan and -- from the
19 Archdiocese -- excuse me -- from Monsignor Rico, Vicar
02:15:45 20 General, to Nicolas Aguilar Rivera, on Archdiocese of
21 Mexico stationery, as I read it.
22 And have you seen it before?
23 A No.
24 Q Okay. I read this to be an Archdiocese of
02:16:10 25 Mexico document stating that Nicolas Aguilar is going to

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02:16:14 1 he at a parish, and it also notes that he will need
2 permission from his bishop to serve in such a parish.
3 Do you read this letter that way?
4 MR. WOODS: I'm going to object to the question
02:16:32 5 as beyond the scope of the jurisdictional issues and
6 instruct the witness not to answer. It also calls for
7 speculation, the document speaks for itself.
8 BY MR. ANDERSON:
9 Q In terms of Nicolas Aguilar's immigration
02:17:26 10 status, when he arrived and began to work in L.A. in
11 1987, as far as you know, was he legal or illegal when
12 working here in L.A.?
13 A As far as I know, he was here legally.
14 Q And what leads you to that belief?
02:18:00 15 A I'm not sure, but -- but most likely
16 Monsignor Curry sent a notice to Immigration about him,
17 and he would have had some evidence of some kind of a
18 temporary residency, at least.
19 Q In Mexico, there is a registration of some
02:18:29 20 kind for priests in which they are required to be
21 registered and/or to work. Are you aware of that
22 and/or -- first, are you aware of that?
23 A No.
24 Q Okay.
02:18:45 25 MR. SELSBERG: Assumes facts not in evidence.

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02:19:06 1 BY MR. ANDERSON:
2 Q Cardinal Rivera, in his declaration, asserts
3 at page 3 --
4 MR. WATERS: This is Exhibit 100A, for the
02:19:38 5 record.
6 (Whereupon, Exhibit 100 was introduced and
7 marked for identification by the Certified Shorthand
8 Reporter, a copy of which is attached hereto.)
9 MR. ANDERSON: I'll let you get that, Cardinal.
02:19:42 10 THE WITNESS: 100A. All right. I have it.
11 MR. ANDERSON: I'm just looking for something.
12 Give me a moment.
13 BY MR. ANDERSON:
14 Q Okay. I'll direct your attention to the
02:20:26 15 bottom of page 3. And I have a couple more questions,
16 then I think I'm done. At line 26, I'll read from it,
17 then ask you some questions.
18 "However, because I suspected that Father
19 Aguilar might be homosexual, I cautioned that the
02:20:57 20 motivation for Father Aguilar's trip to Los Angeles was,
21 quote, family and health reasons, unquote. The phrase
22 'family and health reasons' was used within the church
23 to warn that a priest suffers from some sort of
24 problem."
02:21:21 25 Cardinal, in your experience as a bishop, as

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02:21:23 1 a vicar general, as chancellor, as Archbishop, have you
2 ever seen "family and health reasons" used or problems
3 revolving -- involving family or health reasons to be
4 used as -- as code or signal to another bishop that
02:21:48 5 there is a problem with a priest?
6 MR. SELSBERG: Objection; assumes facts not in
7 evidence. And the counsel's using a document -- reading
8 from a document and then inserting words that are not
9 there.
02:22:01 10 MR. ANDERSON: Okay. Let me -- let me use it,
11 then.
12 BY MR. ANDERSON:
13 Q When we -- when the phrase "family and health
14 reasons" is being used by Norberto Riveza and asserted
02:22:17 15 that that is a warning that he suffers from some sort of
16 problem, my question to you, Cardinal, is are you aware
17 of that language ever being used by church officials to
18 signal a warning of a problem with a priest?
19 MR. SELSBERG: Same objection to the word
02:22:47 20 "signal."
21 MR. HABEL: Asked and answered.
22 THE WITNESS: No.
23 BY MR. ANDERSON:
24 Q When and if he wrote that he had some
02:23:11 25 homosexual problems, does the term "homosexual problems"

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02:23:17 1 in the course and custom of the hierarchy of the church
2 in '87 signal that it is more than homosexual problems,
3 but rather, problems relating to sexual abuse?
4 MR. WOODS: Sexual abuse of --
02:23:36 5 MR. ANDERSON: Minors.
6 THE WITNESS: I can't answer for all the
7 hierarchy as your question asks.
8 BY MR. ANDERSON:
9 Q In your experience, though, Cardinal, is that
02:23:45 10 right?
11 A In my experience in those years, the
12 expression "homosexual," "homosexual activity" would
13 have referred to adults.
14 Q And is your testimony, in any case, that if
02:24:07 15 Cardinal Rivera had signaled to you that Nicolas Aguilar
16 had homosexual problems with adults alone, that would
17 have been enough for you to have not allowed him to --
18 to work here?
19 MR. SELSBERG: Objection; asked and answered.
02:24:25 20 THE WITNESS: Yes.
21 BY MR. ANDERSON:
22 Q And it's your testimony at no time you ever
23 received warning from the Diocese of Tehuacan, any
24 official there, including the bishop there, that this
02:24:39 25 priest was in any way unfit to serve here?

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02:24:43 1 MR. SELSBERG: Objection; asked and answered.
2 MR. WOODS: Before the allegations came forward
3 here.
4 MR. ANDERSON: Yes.
02:24:54 5 THE WITNESS: Now I forgot whether you asked -- a
6 question answered in "yes" or "no," but --
7 BY MR. ANDERSON:
8 Q That's okay. It's correct to say that at no
9 time the Diocese of Tehuacan or any official in it gave
02:25:05 10 you a warning that this priest was unfit before you
11 allowed him to serve?
12 MR. SELSBERG: Objection; asked and answered.
13 MR. WOODS: That's kind of like a double
14 negative.
02:25:13 15 THE WITNESS: Yeah.
16 MR. WOODS: Did you get any warning before the
17 allegations came forward?
18 THE WITNESS: No.
19 BY MR. ANDERSON:
02:25:17 20 Q Of any kind.
21 A No.
22 Q And if Monsignor Curry or any one of your
23 subordinates had received such a warning from the
24 Diocese of Tehuacan, it was their responsibility to
02:25:31 25 bring that to you?

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02:25:33 1 MR. WOODS: A warning about child abuse or
2 homosexuality?
3 MR. ANDERSON: Any warning about -- about Nicolas
4 Aguilar's unfitness.
02:25:42 5 THE WITNESS: Yes. They would have brought it to
6 my attention.
7 BY MR. ANDERSON:
8 Q And it was their responsibility in their
9 practice, protocol, and law to bring it to your
02:25:48 10 attention so you could do something about it?
11 MR. WOODS: What were those three things?
12 Protocol -- could --
13 MR. ANDERSON: Practice and law.
14 MR. WOODS: Law?
02:26:00 15 MR. ANDERSON: Canon Law.
16 MR. WOODS: If you can answer those three,
17 Consider them individually, would you?
18 THE WITNESS: If I could answer it this way, over
19 the years in my experience here, a lot of priests around
02:26:18 20 the world write and ask to come here. And a lot of
21 times those are screened, and I never hear about them
22 because they're told right off no.
23 So I -- I don't come into contact with all of
24 those. Most of them or many of them are just simply
02:26:34 25 screened out.

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02:26:35 1 BY MR. ANDERSON:
2 Q And in the case of Nicolas Aguilar, the
3 bishop's assertion that he was fit was sufficient
4 screening for you to accept and place him?
02:26:51 5 MR. SELSBERG: Objection; assumes facts not in
6 evidence, mischaracterizes testimony.
7 THE WITNESS: Yes. For this one-year term.
8 MR. ANDERSON: I've got two more I didn't cover.
9 I'll cover them quickly.
02:27:19 10 BY MR. ANDERSON:
11 Q Cardinal, this is 29 and 29A.
12 (Whereupon, Exhibit 29 was introduced and
13 marked for identification by the Certified Shorthand
14 Reporter, a copy of which is attached hereto.)
02:27:31 15 BY MR. ANDERSON:
16 Q And December 20th, 1987, from Nicolas Aguilar
17 to St. Agatha's -- excuse me -- to Norberto Rivera on
18 the stationery of St. Agatha's. And he is, in effect,
19 requesting to stay beyond the year time frame that he
02:27:59 20 had been given by his bishop and you, correct?
21 A Yes.
22 Q At the second paragraph, he says "As my
23 permission to provide services to the Archdiocese of
24 Los Angeles is about to end, I am pleading with his
02:28:23 25 Excellency to grant me an extension for an indefinite

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02:28:28 1 period of time to remain in the same and specifically
2 the Archdiocese of Los Angeles."
3 This writing by Nicolas Aguilar to his
4 bishop, in effect, is -- is the formal protocol and
02:28:46 5 request that, if granted, would allow him to stay,
6 correct?
7 MR. SELSBERG: Objection; calls for speculation.
8 MR. WOODS: Okay. I'm going to object that it
9 calls for an expert opinion, it's an incomplete
02:29:06 10 hypothetical, it has nothing to do with jurisdiction in
11 this case.
12 Do you understand the question? I'm going to
13 instruct him not to answer.
14 BY MR. ANDERSON:
02:29:19 15 Q Okay. Well -- okay. Let me -- let me read
16 from the letter.
17 It states, "As my permission to provide
18 services to the Archdiocese of L.A. is about to end, I
19 am pleading with his Excellency to grant me an extension
02:29:32 20 for an indefinite period of time to remain in the same
21 and specifically the Archdiocese of Los Angeles."
22 Did I read that correctly, at least from the
23 English version?
24 A Yes, except it should be "pleading with your
02:29:50 25 Excellency" because that's the one he's pleading with.

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02:29:53 1 Q So he's pleading to his bishop?
2 A Yes.
3 Q Who is now an Archbishop as -- it says
4 "Dearest Archbishop." That's wrong.
02:29:59 5 A That's a bad translation.
6 Q Yeah. It's supposed to be "bishop."
7 A Yeah.
8 Q I got it.
9 Next paragraph says, "His Right
02:30:09 10 Excellency" -- that might be a bad translation.
11 It says, "We implore that no mention be made
12 of the previous one-year permit or about the renewal of
13 the permit because this permit was not brought up to the
14 Embassy."
02:30:33 15 MR. WOODS: Okay. Wait for a question.
16 BY MR. ANDERSON:
17 Q Did I read that correctly?
18 A You read the translation correctly.
19 Q Okay. And does the Spanish version read that
02:30:44 20 way?
21 MR. SELSBERG: Objection; competence.
22 MR. WOODS: Yeah. Again, I object that you're
23 asking him to do a translation. I mean I'll, you
24 know --
02:30:58 25 MR. ANDERSON: To save -- he's been corresponding

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02:31:01 1 with Norberto.
 2 MR. WOODS: I'm going to let him. Okay? I'm
 3 going to let him do it, but I'm objecting that it's
 4 whatever translation he comes up with is irrelevant and
 02:31:09 5 meaningless. This also has nothing to do with
 6 jurisdiction. It's a letter from a Mexican national to
 7 a Mexican national. But I'm going to let him answer.
 8 Maybe --
 9 BY MR. ANDERSON:
 02:31:24 10 Q This is a letter sent from the U.S. and his
 11 parish here in the U.S., is it not? St. Agatha's is the
 12 Archdiocese of L.A.?
 13 A Yes.
 14 Q Okay. And it's sent to Norberto Rivera, then
 02:31:36 15 the bishop, by his priest Nicolas Aguilar Rivera,
 16 correct?
 17 A Yes.
 18 Q I'm just going to ask you to read, looking at
 19 the Spanish version, the third paragraph and ask you to
 02:31:46 20 do so slowly with the understanding that, you know,
 21 you're not a translator.
 22 MR. WOODS: Okay. Same objection about
 23 translating and irrelevance, but I'm going to let him
 24 answer it because it is a correspondence to Mexico.
 02:32:09 25 BY MR. ANDERSON:

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02:32:09 1 Q Would you read it, please?
 2 A Read the second sentence.
 3 Q Third paragraph in its entirety.
 4 A Where "His Right Excellency"?
 02:32:23 5 Q Yes.
 6 A "We implore that no mention be made of the
 7 previous one-year permit or about the renewal of the
 8 permit because this permit was not brought up to the
 9 Embassy. The next permit will be requested as the first
 02:32:41 10 request and as a recommendation for parochial work in
 11 the Archdiocese. Address to Reverend Monsignor
 12 Thomas J. Curry, Vicar of the Clergy."
 13 Q Before you read this, Cardinal, did you know
 14 or had you heard from any source that the first permit
 02:33:04 15 granted him had not been brought up to the Embassy?
 16 A No.
 17 Q So does this now lead you to believe that he
 18 was here illegally or not in full compliance with the
 19 immigration laws?
 02:33:30 20 MR. WOODS: Okay. I'm going to object to the
 21 question as beyond the scope of jurisdictional issues
 22 and instruct the witness not to answer, calls for
 23 speculation, calls for expert opinion.
 24 BY MR. ANDERSON:
 02:33:42 25 Q Well, in any case, the fact that he didn't

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02:33:44 1 have a permit when he came here the first time, it's
 2 clear that his bishop knew he didn't have it, correct?
 3 MR. WOODS: No. Hold on. I'm going to object to
 4 the continual speculative nature of the question. It
 02:34:02 5 assumes a speculated situation. It has nothing to do
 6 with jurisdiction, and I instruct the witness not to
 7 answer.
 8 MR. ANDERSON: I'll take that one.
 9 There's -- there's a full line of questions
 02:34:23 10 about this and his -- but I'm going to have the judge
 11 decide it.
 12 MR. WOODS: Okay.
 13 MR. ANDERSON: I'm not going to --
 14 MR. WATERS: Just so the -- just so the record's
 02:34:35 15 clear, continual inquiry regarding the immigration
 16 status of Aguilar Rivera will be blocked and instruction
 17 not to answer based upon the relevance objection?
 18 MR. WOODS: Do you know anything about his
 19 immigration status?
 02:34:50 20 THE WITNESS: No.
 21 MR. WOODS: I mean I'll let him answer some
 22 questions, but I'm not going to let him just sit here
 23 and speculate.
 24 BY MR. ANDERSON:
 02:35:01 25 Q To your knowledge, did the L.A. Archdiocese

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02:35:03 1 ever do any checking on whether he had a permit to work
 2 in L.A.?
 3 MR. WOODS: You're assuming such is required? I
 4 mean is there some permit you're talking about as
 02:35:19 5 opposed to what this letter is referring to? I mean --
 6 BY MR. ANDERSON:
 7 Q The question stands. Do you know anything
 8 about it?
 9 A I'm not familiar with anything to do with
 02:35:32 10 that.
 11 Q Now, "permit" could be interchanged with
 12 "visa." As you read the Spanish version, would you
 13 interpret that as "permit" or "visa"? What -- how does
 14 that read?
 02:35:54 15 MR. SELSBERG: Objection. That's misleading.
 16 BY MR. ANDERSON:
 17 Q I don't know. I'm asking. This is a -- this
 18 is a discovery deposition. I'm trying to find out what
 19 you know. How do you read that in Spanish?
 02:36:09 20 A Unfortunately, the word "permiso" could mean
 21 a lot of things.
 22 Q So it could mean "permission"?
 23 A It could mean "permission." It could mean
 24 "document." It could mean a lot of things. So I don't
 02:36:18 25 know what he's referring to here.

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02:36:21 1 Q Okay. So let's use the word "permission,"
2 and let's read it again to see what this, on its face,
3 may mean and, in turn, what you may or may not know.
4 "His Excellency, we implore that no mention
02:36:43 5 be made of the previous one-year permission or about the
6 renewal of the permission because this permission was
7 not brought up to the Embassy."
8 Reading it that way, what embassy is being
9 referred to here? Do you know?
02:37:06 10 A I don't.
11 Q I read that to be the U.S. Embassy, don't
12 you?
13 MR. WOODS: I object. That calls for
14 speculation.
02:37:14 15 BY MR. ANDERSON:
16 Q When a priest came from Mexico in 1987, did
17 the Archdiocese do any effort to -- to make sure that
18 they were in immigration compliance, or did you and the
19 Archdiocese rely upon the bishop sending him to make
02:37:33 20 sure he was in compliance?
21 MR. WOODS: Or any other possible situation.
22 THE WITNESS: My recollection is that the
23 immigration office and Catholic Charities work closely
24 with the vicar for the clergy to deal with all the
02:37:53 25 immigration status of foreign priests. I'm just not

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02:37:56 1 aware of the particulars.
2 MR. ANDERSON: Okay. One final document, and
3 this one is 31. It's dated February 23, 1988, a letter
4 to Norberto Rivera as bishop from Thomas Curry,
02:38:40 5 Monsignor.
6 (Whereupon, Exhibit 31 was introduced and
7 marked for identification by the Certified Shorthand
8 Reporter, a copy of which is attached hereto.)
9 BY MR. ANDERSON:
02:38:42 10 Q Did you instruct him to send this letter and
11 enclose the articles attached?
12 A I don't recall, actually.
13 Q In any case, this letter was intended to
14 convey to Norberto Rivera that there's a huge problem
02:39:11 15 here, and 19 out of some 30 kids have been confirmed as
16 having been abused by Father Nicolas Aguilar Rivera.
17 MR. WOODS: Okay. I'm going to object to all the
18 facts that are thrown into that as asking him to confirm
19 all those facts. If you want to have him break -- if
02:39:31 20 you want to break those down into specific questions,
21 were there 19 kids, were there this, whatever you want
22 to do, I'll let him --
23 BY MR. ANDERSON:
24 Q Well, let me put it -- let me put it this
02:39:39 25 way. Tell me what you know about what investigations

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02:39:43 1 Archdiocese conducted to find out how many kids were
2 actually abused by Nicolas Aguilar --
3 MR. WOODS: Okay.
4 BY MR. ANDERSON:
02:39:52 5 Q -- while he worked in the Archdiocese of L.A.
6 or before he came here.
7 MR. WOODS: Okay. We object to the question as
8 beyond the scope of this deposition and instruct the
9 witness not to answer. Also, it's compound and
02:40:07 10 confusing.
11 BY MR. ANDERSON:
12 Q Okay. I'm going to refer you to B-13 in one
13 of the documents produced here today by you, Mr. Woods.
14 And we've already incorporated this as part
02:40:40 15 of the record, so this would be B-13, Cardinal.
16 This was given at Los Angeles this 22nd day
17 of October, 1987, and it appears to be signed by the
18 vicar for clergy, and I don't have a signed copy. That
19 might have been Curry. He was the vicar for clergy,
02:41:16 20 correct?
21 MR. WOODS: He was the vicar for clergy, so
22 stipulated.
23 BY MR. ANDERSON:
24 Q Do you know if he signed it? Okay.
02:41:22 25 MR. WOODS: We don't have a signed copy.

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02:41:24 1 BY MR. ANDERSON:
2 Q Okay. It states, "We verify that Reverend
3 Nicolas Aguilar Rivera, a priest of the Archdiocese of
4 Tehuacan, is in possession of the ordinary faculties and
02:41:34 5 has permission to celebrate Mass in any church or chapel
6 of this Archdiocese with the consent of the pastor or
7 chaplain until October 1st, 1988."
8 MR. WOODS: Thirty-first.
9 MR. ANDERSON: Excuse me. Thirty-first.
02:41:47 10 "However, it is recognized that this same
11 Reverend Father is not a permanent resident of this
12 Archdiocese. Therefore, he remains incardinated in his
13 own diocese or order and is obliged to return to it at
14 the wish of his own diocesan bishop or superior or the
02:42:08 15 Ordinary of his Archdiocese."
16 MR. WOODS: "Of this Archdiocese."
17 MR. ANDERSON: "Of this Archdiocese."
18 BY MR. ANDERSON:
19 Q What is the purpose of this?
02:42:24 20 A The faculties of all extern priests expire in
21 October automatically every year, and they must reapply
22 to have their faculties extended. And if they are, it's
23 for a maximum until the next October.
24 Q And he was intending to extend his faculties.
02:42:45 25 Do you have information about whether or not he -- that

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02:42:50 1 you knew that he was intending to extend his faculties?
2 A Well, they would have expired October 31st,
3 '87. And he was going to be here a year, which would
4 have been in the first part of '88. So this would have
02:43:10 5 taken his faculties to that point.

6 Q And this is a one-year extension?
7 A This is a form for everybody who is renewing
8 their faculties.

9 Q And so this is a form for him to renew and
02:43:24 10 extend the faculties he had already been given, correct?

11 A Yes.
12 Q Okay. The document that is marked 156 in
13 Exhibit B, and my quick review of this is that you wrote
14 this letter on July 8th, 2006, to the bishop or

02:44:17 15 Archbishop of Xalapa.

16 A Xalapa.

17 Q Xalapa.

18 A Xalapa.

19 Q And -- and your purpose in writing this was?

02:44:35 20 A The paragraph "Today" -- beginning "Today," I
21 was having one of my regular meetings with victims, and
22 this was with Judge McCoy. And the victim stated that
23 he had heard somewhere that Father Aguilar was working
24 as a priest somewhere in the greater Veracruz area of
02:44:59 25 Mexico.

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02:44:59 1 Q And so you sent this letter to warn this
2 bishop?

3 A And so I told the victim that I was going to
4 send the letter. I sent the letter to the Archbishop of
02:45:10 5 Xalapa to include the whole province. Veracruz is one
6 diocese in the province. So as the Metropolitan
7 Archbishop, I asked him to then send the letter to all
8 the suffragan diocese, which is the next paragraph.

9 Q And at the time you sent this letter,
02:45:28 10 Norberto Rivera is the cardinal of the metropolitan in
11 Mexico, the Archdiocese, is he not?

12 A That's correct.

13 Q And he could have sent the same letter to all
14 the suffragan dioceses in Mexico that you sent to this
02:45:40 15 guy.

16 MR. SELSBERG: Objection; calls for speculation.
17 BY MR. ANDERSON:

18 Q Couldn't he have?

19 MR. WOODS: I'm going to -- I mean obviously
02:45:47 20 anything is possible. You could send a letter to
21 anybody you want to. I don't think that's what you're
22 trying to ask.

23 So what you're asking is whether the
24 Archbishop of Mexico City has jurisdiction to send a
02:45:59 25 letter to those in the Xalapa province, which is calling

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02:46:03 1 For an ecclesiastical expert opinion. I'm going to
2 instruct him not to answer. It's irrelevant.

3 MR. ANDERSON: Well, that's not what I'm asking.
4 BY MR. ANDERSON:

02:46:14 5 Q I'm asking -- the fact is you sent this
6 letter because you were concerned, right?

7 A I sent the letter because that very day, I
8 had received this, although second hand, information
9 that possibly he was in that area. So I sent the
02:46:28 10 letter.

11 Q And -- and -- and Archbishop Cardinal
12 Norberto Rivera is the metropolitan in Mexico City, is
13 he not?

14 A Yes.

02:46:40 15 Q And he is able to send the same letter, if he
16 so chooses, to all the other diocese in Mexico or
17 wherever Nicolas Aguilar Rivera is known to be, correct?

18 MR. WOODS: Calls --

19 MR. SELSBERG: Objection; assumes facts not in
02:46:57 20 evidence.

21 MR. WOODS: And not relating to jurisdiction.
22 Instruct the witness not to answer.

23 BY MR. ANDERSON:

24 Q If you were Cardinal Rivera and this was your
02:47:11 25 priest that was sent to another jurisdiction and sexual

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02:47:14 1 abuse was discovered as it was here, tell me all the
2 things you could have done to protect children to get
3 him back to the U.S. after you learned he left.

4 MR. WOODS: Okay.

02:47:29 5 MR. SELSBERG: Objection. That calls for
6 speculation.

7 MR. WOODS: I object to the question as beyond
8 the scope of jurisdiction over these two particular
9 Mexican nationals and instruct the witness not to
02:47:41 10 answer.

11 MR. ANDERSON: That's all I have.

12 MR. WOODS: Okay. Let's eat lunch.

13 THE VIDEOGRAPHER: Off the record --

14 MR. WATERS: That's subject to the instructions
02:47:50 15 not to answer being resolved with the court upon proper
16 law-and-motion practice.

17 MR. WOODS: Sure.

18 MR. WATERS: So pending the resolution of those
19 issues.

02:48:02 20 MR. ANDERSON: Yes. I'm keeping the deposition
21 open. Obviously, I advised counsel that I'm not
22 satisfied, that the objections and the instructions
23 given the witness not to answer and the withholding of
24 certain documents in the priest's file that have not
02:48:15 25 been produced are deficient. And so it's our ten --

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02:48:19 1 it's our contention to keep the deposition open, seek
2 immediate court relief, and we will. Thank you.
3 Thank you, Cardinal.
4 THE WITNESS: Thank you.
02:48:27 5 THE VIDEOGRAPHER: Off the record. The time is
6 2:48.
7 THE REPORTER: As far as the original, who do I
8 send the original to?
9 MR. HABEL: Tom Woods.
02:48:41 10 THE REPORTER: Is that agreeable to everyone?
11 MR. WOODS: We didn't ask these guys if they have
12 any questions. Do you have any questions to ask?
13 MR. SELSBERG: Oh, no questions.
14 (Discussion held off the record from
02:48:53 15 2:48 p.m. until 2:49 p.m.)
16 MR. WOODS: I would stipulate that the original
17 be sent to me. I will present it to the Cardinal. He
18 will review it and make any changes he feels are
19 necessary, which we will send in a letter to the
02:49:08 20 parties. And if the original isn't signed by the time
21 of trial, a copy may be used.
22 MR. WATERS: At the time of trial or any law and
23 motion.
24 MR. WOODS: Or any law-and-motion practice.
02:49:19 25 MR. WATERS: So stipulated.

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02:49:20 1 MR. ANDERSON: Thank you.
2 MR. HABEL: And relieve the court reporter of her
3 other duties under the code. Now we're off the record.
4
5 (End of videotaped deposition at 2:49 p.m.
6 Declaration under penalty of perjury attached hereto.)
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6 I do solemnly declare under penalty of perjury
7 that the foregoing is my deposition under oath; that
8 these are the questions asked of me and my answers
9 thereto; that I have read same and have made the
10 necessary corrections, additions, or changes to my
11 answers that I deem necessary.
12 In witness thereof, I hereby subscribe my name
13 this _____ day of _____, 20____.
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17 WITNESS SIGNATURE
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1 Certificate
2 of
3 Certified Shorthand Reporter
4
5 The undersigned certified shorthand reporter
6 of the State of California does hereby certify:
7 That the foregoing proceedings were taken
8 before me at the time and place therein set forth, at
9 which time the witness was duly sworn by me;
10 that the testimony of the witness and all
11 objections made at the time of the proceedings were
12 recorded stenographically by me and thereafter
13 transcribed, said transcript being a true copy of my
14 shorthand notes thereof.
15 I further certify that I am neither
16 financially interested in the action nor a relative or
17 employee of any attorney of any of the parties.
18 In witness whereof, I have subscribed my name
19 this date, September 16, 2007.
20
21
22
23 *Jeanette M. Taylor*
24 Jeanette M. Taylor
25 Certified Shorthand Reporter
Certificate Number 9463

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