

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

JOAQUIN AGUILAR MENDEZ, ) Case No. BC 358 718  
Plaintiff, )  
vs. ) **CERTIFIED**  
CARDINAL ROGER MAHONY, THE ) **COPY**  
ROMAN CATHOLIC ARCHBISHOP OF )  
LOS ANGELES, a corporation sole, )  
et al., )  
Defendants. )

Full Caption on Page 3. )

VIDEOTAPED DEPOSITION OF CARDINAL ROGER MAHONY  
Los Angeles, California  
Thursday, September 13, 2007  
(Pages 1 through 205)

Reported by:  
Janet M. Taylor, RMR, CSR No. 9463  
Certified Realtime Reporter

HAHN & BOWERSOCK (800) 660-3187 FAX (714) 662-1398  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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JOAQUIN AGUILAR MENDEZ, ) Case No. BC 358 718  
Plaintiff, )  
vs. )  
CARDINAL ROGER MAHONY, THE )  
ROMAN CATHOLIC ARCHBISHOP OF )  
LOS ANGELES, a corporation sole, )  
et al., )  
Defendants. )

Full Caption on Page 3. )

Videotaped deposition of CARDINAL ROGER  
MAHONY, taken on behalf of plaintiff, at Cathedral of  
Our Lady of the Angels, 555 West Temple Street,  
Los Angeles, California, beginning at 9:50 a.m. and  
ending at 2:49 p.m., on Thursday, September 13, 2007,  
before Janet M. Taylor, Certified Shorthand Reporter No.  
9463.

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

JOAQUIN AGUILAR MENDEZ, ) Case No. BC 358 718  
Plaintiff, )  
vs. )  
CARDINAL ROGER MAHONY, THE )  
ROMAN CATHOLIC ARCHBISHOP OF )  
LOS ANGELES, a corporation sole, )  
CARDINAL NORBERTO RIVERA, THE )  
DIOCESE OF TEHUACAN, FATHER )  
NICHOLAS AGUILAR, DOES 1-100, )  
Defendants. )

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of Los Angeles, a corporation sole:

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(Appearances Continued . . .)

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EX. 33

1 APPEARANCES (Cont'd):  
 2  
 3 For Cardinal Norberto Rivera and The Diocese of  
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 14 Also Present:  
 15 Scott LaClair, Legal Videographer  
 Hahn & Bowersock Corporation  
 16  
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 25

1 I N D E X  
 2  
 3 WITNESS EXAMINATION  
 4 CARDINAL ROGER MAHONY  
 5 PAGE  
 6 By Mr. Anderson 13  
 7  
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 9  
 10 E X H I B I T S  
 11  
 12 EXHIBITS DESCRIPTION PAGE PAGE  
 INTRODUCED MARKED  
 13  
 14 Exhibit A Plaintiff's Amended Notice 16 16  
 of Taking Deposition of  
 15 Cardinal Roger Mahony, dated  
 9/4/07  
 16 Exhibit B Documents produced by 15 15  
 the witness  
 18 Exhibit 19 Document, prod. nos. RIV 19 95 95  
 and 19a and certification  
 19 Exhibit 23 Letter dated 1/27/87 to 44 44  
 Rogelio Mahony from  
 20 Norberto Rivera, prod. nos.  
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 21 certification  
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 25 (Exhibits Continued . . .)

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 2  
 3 EXHIBITS DESCRIPTION PAGE PAGE  
 INTRODUCED MARKED  
 4 Exhibit 24 Letter dated 3/12/87 to 103 103  
 Norberto Rivera Carrera from  
 5 Nicolas Aguilar R. Presbyter,  
 prod. nos. RIV 24 and 24a  
 and certification  
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 7 Exhibit 26 Letter dated 3/23/87 to 111 111  
 Rogelio Mahony from Norberto  
 8 Rivera C., prod. nos.  
 RIV 26 and 26a and  
 9 certification  
 10 Exhibit 29 Letter dated 12/20/87 to 187 187  
 Norberto Rivera Carrera from  
 11 Presbyter Nicolas Aguilar  
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 12 29a and certification  
 13 Exhibit 30 Letter dated 1/11/88 to 116 116  
 Norberto Rivera C. from  
 14 Thomas Curry, prod. no. RIV 30  
 15 Exhibit 31 Letter dated 2/23/88 to 195 195  
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 16 Thomas Curry, prod. nos. RIV  
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 18 Exhibit 36 Letter dated 3/4/88 to 156 156  
 Norberto Rivera Carrera from  
 19 Roger Mahony, prod. nos.  
 RIV 36 through 39  
 20 Exhibit 40 Letter dated 3/17/88 to 166 166  
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 21 Rivera C., prod. nos. RIV  
 40 through 43  
 22  
 23 Exhibit 44 Letter dated 3/30/88 to 170 170  
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 24 Mahony, prod. nos. RIV 44  
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 4 Exhibit 48 Letter to F. Nicolas Aguilar 180 180  
 Rivera from Rutilio S. Ramos  
 5 Rico, prod. nos. RIV  
 48 and 48a and certification  
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 7 Exhibit 77 Letter dated 5/20/04 to 176 176  
 Mario Espinosa Contreras  
 8 from Rogelio Cardenal Mahony,  
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 10 Exhibit 78 Letter dated 6/11/04 to 179 179  
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 11 Espinosa Contreras, prod. nos.  
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 12 certification  
 13 Exhibit 100 Spanish and English versions 182 182  
 of Declaration of Defendant  
 14 Cardinal Norberto Rivera  
 Carrera, etc., dated 2/12/07  
 15 Exhibit 101 Police report, prod. 142 142  
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 17 Exhibit 102 Oath Taken by Cardinals 133 133  
 During the Ceremony at which  
 18 They are Promoted  
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1 Los Angeles, California; Thursday, September 13, 2007  
2 9:50 a.m. - 2:49 p.m.  
3  
4 P R O C E E D I N G S  
5  
6 THE VIDEOGRAPHER: The date is September 13th,  
7 2007. The time is 9:50 a.m. We are taking the  
8 deposition of Cardinal Roger Mahony in the matter of  
9 Joaquin Aguilar Mendez versus Cardinal Roger Mahony,  
10 et al., for the Superior Court of the State of  
11 California, for the County of Los Angeles, case number  
12 BC958718.  
13 My name is Scott LaClair. I represent Hahn &  
14 Bowersock, which is located in Costa Mesa, California.  
15 This deposition is being taken at Cathedral of our Lady  
16 of the Angels, located in Los Angeles.  
17 At this time, could all parties please  
18 introduce themselves, starting with the witness.  
19 THE WITNESS: Cardinal Roger Mahony.  
20 MR. WOODS: Donald Woods of the firm of Hennigan,  
21 Bennett & Dorman, appearing on behalf of the Cardinal.  
22 MR. HABEL: James Habel, Hennigan, Bennett &  
23 Dorman, for the Cardinal.  
24 MR. SELSBERG: Steve Selsberg, Mayer Brown,  
25 Cardinal Norberto Rivera and the Diocese of Tehuacan.

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09:51:23 1 MR. WOOTEN: Evan Wooten, Mayer Brown, for  
2 Norberto Rivera and the Diocese of Tehuacan, defendants.  
3 MR. JIMENEZ: Claudio Jimenez, Mayer Brown, for  
4 Norberto Rivera and the Diocese of Tehuacan.  
09:51:35 5 MR. GROSS: Martin Gross for the plaintiff.  
6 MR. WATERS: Rob Waters, the Drivon Law Firm, for  
7 the plaintiff.  
8 MR. ANDERSON: And Jeff Anderson for the  
9 plaintiff.  
09:51:44 10 THE VIDEOGRAPHER: Would the court reporter  
11 please swear in the witness.  
12  
13 CARDINAL ROGER MAHONY,  
14 called as a witness and having been first duly  
09:51:46 15 administered an affirmation to tell the truth by the  
16 Certified Shorthand Reporter, was examined and testified  
17 as follows:  
18  
19 EXAMINATION  
20  
09:51:46 21 MR. WOODS: Okay. I'd like to make a preliminary  
22 statement. By order of the court, this deposition is  
23 limited to inquiries of the witness relevant to personal  
24 jurisdiction by the State of California over Cardinal  
09:52:11 25 Rivera, a Mexican citizen and resident, and the Diocese

13

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09:52:15 1 of Tehuacan, a Mexican corporation, for the causes of  
2 action asserted by plaintiff.  
3 Jurisdiction over foreign nationals is  
4 permissible in two circumstances. General jurisdiction  
09:52:29 5 exists when a person has contacts with the forum which  
6 are substantial and continuous. The contacts must be so  
7 extensive and wide ranging as to make the defendant  
8 virtually living or doing business in the forum.  
9 Specific jurisdiction exists when a person  
09:52:47 10 sustains personal injuries in the forum that arose out  
11 of or related to the foreign defendants' purposeful  
12 contacts with the forum. The defendant must  
13 purposefully and voluntarily direct his activities  
14 toward the forum, and such activities must have caused  
09:53:04 15 the plaintiff forum-related injuries.  
16 The most common example of specific  
17 jurisdiction is when a foreign manufacturer, such as  
18 Toyota, sells goods in California, causing injury to a  
19 California resident.  
09:53:20 20 In view of the court's order limiting the  
21 scope of the deposition, the witness has limited his  
22 preparation to all contacts, written and oral, between  
23 the Archdiocese of Los Angeles and the Mexican  
24 defendants over whom jurisdiction is sought.  
09:53:39 25 With that in mind, we have gone through the

14

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09:53:45 1 records covered by the request to produce associated  
2 with the deposition of the Cardinal and have produced a  
3 group of records, which I will now hand to the court  
4 reporter.  
09:54:02 5 These records that we have culled and  
6 produced fall into the limited nature of this inquiry,  
7 namely, all written and oral contacts between the  
8 Archdiocese of Los Angeles and church officials in  
9 Mexico. They either are correspondence to or from the  
09:54:28 10 Mexican defendants or they are documents which refer to  
11 correspondence or contacts with the specific Mexican  
12 defendants.  
13 Okay. With that in mind, then, you can  
14 proceed with the deposition.  
09:54:45 15 MR. ANDERSON: Counsel, before we inquire of the  
16 witness, the documents you just produced are intended to  
17 be your entire response to our request for production of  
18 documents to the notice of deposition; is that correct?  
19  
09:55:04 20 MR. WOODS: Yes.  
21  
09:55:04 22 MR. ANDERSON: Okay. We'll mark the production  
23 of what was just made by Mr. Woods Exhibit B.  
24 (Whereupon, Exhibit B was introduced and  
25 marked for identification by the Certified Shorthand  
Reporter, a copy of which is attached hereto.)  
09:55:14 25 BY MR. ANDERSON:

15

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09:53:15 1 Q And for the record, Counsel, we'll mark  
2 Exhibit A the notice of deposition with the request for  
3 production of documents appended to it as Exhibit A.  
4 (Whereupon, Exhibit A was introduced and  
09:55:25 5 marked for identification by the Certified Shorthand  
6 Reporter, a copy of which is attached hereto.)  
7 MR. WOODS: Okay. Fine.  
8 MR. ANDERSON: And any -- for the record,  
9 Counsel, any documents requested in Exhibit A that have  
09:55:37 10 not been produced here today, which I have not had an  
11 opportunity to examine, but I will, are there any  
12 documents that exist responsive to this request that  
13 have not been produced or are being withheld pursuant to  
14 a privilege or an objection?  
09:56:01 15 MR. WOODS: Well, since one of your requests asks  
16 for any document that even mentions the name Aguilar  
17 Rivera, there's obviously a number of documents that  
18 have not been produced because, in our opinion, they are  
19 outside the scope of this deposition.  
09:56:23 20 And there are no documents within the scope  
21 of the deposition as I have interpreted it in my opening  
22 statement that have been excluded because of privilege,  
23 any kind of privilege. Okay. All the correspondence  
24 with Mexican officials and documents referring to it  
09:56:42 25 have been produced.

16

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09:56:44 1 MR. ANDERSON: So any document or file in the  
2 possession of the Archdiocese pertaining to Nicolas  
3 Aguilar or Nicolas Aguilar Rivera have now been produced  
4 in this production; is that correct?  
09:57:02 5 MR. WOODS: I think that's a -- if I heard you  
6 correctly, that's a broader statement than the one I  
7 made. We've produced all documents relating to the  
8 jurisdictional issues. We have not withheld any  
9 documents in that category because of privilege. But we  
09:57:19 10 have excluded -- let me just explain.  
11 Father Nicolas Aguilar Rivera has a clergy  
12 file -- it's called a clergy file. Okay -- kept by the  
13 Archdiocese. And you'll see production numbers on these  
14 documents. Those are -- all the documents in the clergy  
09:57:43 15 file have been numbered with a production number.  
16 You'll see that there's gaps in the numbers.  
17 Wherever there's a gap in the number, documents have  
18 been withheld because they do not relate to  
19 jurisdiction -- the issues relevant to jurisdiction. So  
09:58:03 20 there -- there is a file that has 150-some-odd pages in  
21 it that is his file, which would cover everything.  
22 MR. WATERS: And just for the record, when you  
23 say "not responsive to jurisdiction" --  
24 MR. ANDERSON: Let me --  
09:58:18 25 MR. WATERS: -- "jurisdiction" -- oh, sorry.

17

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09:58:22 1 MR. ANDERSON: Counsel, I'm looking at the  
2 production, for example, documents in Exhibit B numbered  
3 20 and then there's a gap, 20 -- and the next one is 37  
4 as Bates stamped, so there are approximately 17  
09:58:38 5 documents there that have been -- that are in the file  
6 of Nicolas Aguilar Rivera that you referred to as the  
7 clergy file, those documents are being withheld on the  
8 basis they are not relevant to the jurisdictional  
9 inquiry that's being permitted here?  
09:58:55 10 MR. WOODS: Correct.  
11 MR. ANDERSON: Isn't the relevancy objection for  
12 the court and us to decide? Is that really a proper  
13 basis to withhold documentation pertaining to the priest  
14 file?  
09:59:12 15 MR. WOODS: Well, we may have a dispute about it.  
16 But I'm comfortable that the court on a number of  
17 occasions in this matter has specifically stated that  
18 this should be a short deposition specifically focusing  
19 on jurisdictional facts and not getting into the  
09:59:32 20 underlying substance or any other issues that might be  
21 relevant to the lawsuit, in general, but just  
22 jurisdiction.  
23 And so with that in mind, the witness has  
24 been prepared for that limited type of inquiry, and we  
09:59:46 25 have produced documents limited to that inquiry. And

18

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09:59:50 1 it's up to you if you want to take it up with the judge,  
2 but -- and we will obviously be guided by his ruling.  
3 But we understand that he's already ruled this way.  
4 MR. ANDERSON: The purpose of this deposition is  
10:00:03 5 to do discovery on jurisdiction. I agree with you on  
6 that. I don't agree that it permits you to withhold  
7 documents in the clergy file maintained by the  
8 Archdiocese pertaining to Nicolas Aguilar Rivera. And  
9 so it would be our intention to take that up with the  
10:00:23 10 court.  
11 As an alternative, I would invite you to  
12 consider a sealed production of those documents, that  
13 is, a separate production to us of those documents that  
14 allows us to review them to determine whether or not  
10:00:37 15 there may or may not be something in there that is  
16 relevant to the jurisdictional inquiry. And then if  
17 there is something we consider relevant to the  
18 jurisdictional inquiry, you and I will do a meet and  
19 confer and decide whether or not we need to use it.  
10:00:52 20 So please consider that proposal, and we'll  
21 have time through the course of this morning to do that  
22 as an alternative to utilizing the court on this issue.  
23 MR. WOODS: Okay.  
24 MR. ANDERSON: Because I think it's clear that  
10:01:06 25 there is documents that have not been produced on the

19

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10:01:09 1 basis of relevancy.  
2 Are there any other -- is there any other  
3 basis on which documents in the clergy file of Nicolas  
4 Aguilar Rivera have not been produced besides relevancy?  
10:01:22 5 MR. WOODS: As I said before, we limit the scope  
6 to jurisdictional facts. We have produced all the  
7 documents relating to jurisdictional facts. None  
8 relating to jurisdictional facts have been withheld  
9 because of a privilege.  
10:01:39 10 And obviously, just to make it clear, to say  
11 the opposite, there are privileged documents in the  
12 file, but they don't relate to jurisdiction. So nothing  
13 has been withheld from our scope of production because  
14 of a privilege.  
10:01:58 15 MR. ANDERSON: What privileges do you believe are  
16 assertable pertaining to the documents that have been  
17 withheld?  
18 MR. WOODS: We haven't made an ascertainment. We  
19 haven't made a discernment of that because they're  
10:02:10 20 totally irrelevant to this proceeding.  
21 MR. ANDERSON: If they're in the file of Nicolas  
22 Aguilar Rivera, how can they be irrelevant to this  
23 proceeding?  
24 MR. WOODS: There may be attorney-client  
10:02:20 25 communications. There may be psychiatric-patient

20

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10:02:25 1 privilege communications. I don't know. Because we  
2 didn't -- we didn't make a discernment of documents that  
3 are beyond the scope of this deposition.  
4 MR. ANDERSON: Okay. I'm going to ask you to  
10:02:39 5 give me an answer to my alternative proposal to the  
6 nonproduction before the conclusion of the deposition,  
7 obviously, of Cardinal Mahony, and I'll simply advise  
8 you that it is our position that you're required to  
9 produce the file of Nicolas Aguilar Rivera.  
10:02:58 10 If there are privileges that are assertable,  
11 they need to be identified as such, and we need to be  
12 allowed -- be allowed to inquire as to whether they're  
13 relevant or whether they fall within an identifiable  
14 privilege. And for --  
10:03:15 15 MR. WOODS: Right. Well, I can respond to that  
16 right now. I mean it's not appropriate, it's not  
17 customary within our discovery procedures to turn over  
18 irrelevant or privileged matter to an opponent so that  
19 they can determine whether, in their opinion, it's  
10:03:30 20 relevant and privileged.  
21 We make the determination. And if you want  
22 to challenge it, you take it up with the judge, and the  
23 judge, if anyone, would make that determination. But we  
24 certainly wouldn't give it to our opponent. That would  
10:03:43 25 defeat the whole purpose of asserting the objections.

21

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10:03:47 1 MR. ANDERSON: Counsel, I wasn't suggesting you  
2 give us the document on which you're asserting the  
3 privilege. I was suggesting you give us -- identify the  
4 nature of the document and the privilege on which it's  
10:03:58 5 being withheld so that that can be scrutinized. I'm not  
6 suggesting you give us the document.  
7 As -- as to the documents being withheld on  
8 the basis of relevancy pertaining to jurisdiction, I am  
9 suggesting, as the alternative proposal, you give us  
10:04:12 10 those documents. Do you understand?  
11 MR. WOODS: I hear it.  
12 MR. ANDERSON: Okay.  
13 MR. WOODS: You have my response, and we'll --  
14 we'll let the judge decide.  
10:04:18 15 MR. ANDERSON: Okay.  
16 BY MR. ANDERSON:  
17 Q Okay. Now we can go forward, Cardinal. Good  
18 morning.  
19 A Good morning.  
10:04:25 20 Q Would you please give us your full name for  
21 the record?  
22 A Roger Michael Mahony.  
23 Q Okay. Cardinal, you've been through this  
24 protocol before. And if there's any questions that I  
10:04:37 25 ask you that you don't understand, just let me know, and

22

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10:04:41 1 I'll be happy to try to make it clear to you. Okay?  
2 A Fine.  
3 Q Anytime you wish to take a break, feel free  
4 to, and we'll -- we'll move through this.  
10:04:51 5 A Thank you.  
6 Q It appears to me that you have now been a  
7 priest for over 45 years, maybe 46.  
8 A Correct. Forty-five.  
9 Q Okay. And when you consider the various  
10:05:11 10 positions you have held as bishop, it appears also that  
11 you have been a bishop for 32 years.  
12 A Correct.  
13 Q And it would also appear that you have been a  
14 cardinal for 16 -- over 16 years now, cardinal  
10:05:37 15 archbishop?  
16 A That is correct.  
17 Q Okay. And in that time, you've also served  
18 as vicar general and chancellor, head of Catholic  
19 charities, and as a parish priest, as well as a number  
10:05:48 20 of other capacities, correct?  
21 A That is correct.  
22 Q Okay. Nicolas Aguilar Rivera was never  
23 incardinated into this Archdiocese, was he?  
24 A Not to the best of my knowledge, no.  
10:06:07 25 Q And he would, then, be described fairly as an

23

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10:06:11 1 extern priest, at least at the time that he worked here,  
2 correct?  
3 A Yes. In our terminology, he would be an  
4 extern priest.  
10:06:22 5 Q And what is an extern priest?  
6 A An extern priest is one from some other  
7 jurisdiction besides the Archdiocese of Los Angeles,  
8 either a diocese or religious community or some other  
9 affiliation, who is permitted to come to this  
10:06:46 10 Archdiocese, usually for a limited period of time, to  
11 function here as a priest.  
12 Q And you understand that he was and still may  
13 be a priest of the Diocese of Tehuacan?  
14 A Correct. Tehuacan, Mexico.  
10:07:18 15 Q Yeah. It is also correct to say that in the  
16 case of Nicolas Aguilar Rivera, as in the case of any  
17 diocesan priest, that that priest takes and makes a vow  
18 of obedience to his superior, correct?  
19 A Diocesan priests do not make a vow in the  
10:07:42 20 same way as religious do in the three --  
21 Q They make a promise?  
22 A But they make a promise of obedience.  
23 Q Okay. It's correct to say they make a  
24 promise of obedience?  
10:07:52 25 A That's right.

24

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10:07:52 1 Q Okay. And that promise of obedience from the  
2 priest to his superior and his superior's successors and  
3 in the case of a priest such as Nicolas Aguilar Rivera  
4 means what, Cardinal?  
10:08:11 5 A Well, the question asked at ordination is  
6 quite broad. It says, "Do you promise respect and  
7 obedience to me and my successors?" That's  
8 approximately the question, the way it's asked. So it's  
9 quite broad.  
10:08:26 10 It means, in general, that directives of the  
11 bishop or the diocese in which the priest is ordained  
12 and serves are to be followed, as well as the directives  
13 of the bishop and his lawful superiors.  
14 Q And that priest diocesan also makes a promise  
10:08:52 15 of celibate chastity, does he not?  
16 A Yes. That is actually made at major orders,  
17 which is usually the order of deacon.  
18 Q And that promise of celibate chastity means  
19 what?  
10:09:11 20 A That means that he's promising to live a life  
21 outside of marriage, not to be married, and to live  
22 chastely according to the moral guidance down through  
23 our tradition.  
24 Q And does that promise include to not engage  
10:09:31 25 in any sexual activity with any adult or child?

25

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10:09:36 1 A Yes. That's correct.  
2 Q When in time did you first receive a request  
3 that Nicolas Aguilar Rivera be allowed to live and work  
4 in the Archdiocese of Los Angeles?  
10:10:04 5 A It was sometime near the end of January 1987  
6 or early March of 1987.  
7 Q And how did you receive that request?  
8 A Actually, it would have just been something  
9 probably mentioned to me by Monsignor Thomas Curry, the  
10:10:30 10 vicar for clergy.  
11 Q And do you remember today Monsignor Curry,  
12 your vicar for clergy, making mention to you that a  
13 priest from Tehuacan, Nicolas Aguilar Rivera, was  
14 intending to come here?  
10:10:49 15 A No, I do not recall that specifically.  
16 Q What makes you think today, then, that  
17 Monsignor Curry mentioned it to you?  
18 A In our normal course of conversation and  
19 especially back in those years, our offices were right  
10:11:09 20 next to each other. And from time to time during the  
21 week, Monsignor Curry would simply indicate we have  
22 these transfers in mind, we have -- this three or four  
23 priests have come into the Archdiocese and are looking  
24 for assignments, just general update.  
10:11:34 25 Q So in the normal course of conversation with

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10:11:37 1 Monsignor Curry, who was then vicar for clergy, it was  
2 not unusual for him to mention to you, as the ordinary,  
3 that there was a priest who was seeking or another  
4 superior who was seeking to have a priest serve as an  
10:11:58 5 extern within the Archdiocese?  
6 A Could you rephrase it? It's got a couple of  
7 negatives.  
8 Q Okay. I will. Thank you.  
9 It wasn't unusual for Monsignor Curry to take  
10:12:11 10 the topic up of having another priest come into the  
11 Archdiocese to serve, correct?  
12 A Yes. He would routinely do that. But he may  
13 not even give me the names. He would just say the --  
14 "Myself and the personnel board are reviewing three or  
10:12:24 15 four priests who have applied for an assignment."  
16 Q Okay. Before Monsignor Curry would have  
17 mentioned this one to you in the end of January, do you  
18 remember any other priest from Mexico having come or  
19 considering allowing any other priest to come into the  
10:12:45 20 Archdiocese to work from Mexico?  
21 A No. I do not recall specifically another  
22 priest in Mexico.  
23 Q When Monsignor Curry first mentioned this to  
24 you January of '87 --  
10:13:04 25 MR. WOODS: If he did.

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10:13:07 1 BY MR. ANDERSON:  
2 Q -- did you or do you recall thinking it  
3 unusual that a priest from Mexico would be coming or  
4 considered to be coming to serve in the U.S.?  
10:13:21 5 MR. SELSBERG: Objection; assumes facts not  
6 evidence.  
7 MR. WOODS: He's just asking if you have a  
8 recollection of your feeling at that time.  
9 THE WITNESS: My understanding was we had many  
10:13:33 10 priests come and serve here for limited periods from  
11 Mexico and many other countries over those years,  
12 especially from Mexico to Latin America.  
13 BY MR. ANDERSON:  
14 Q And this Archdiocese has got a heavy or a  
10:13:47 15 large Latino population, does it not?  
16 A That is correct.  
17 Q What do you think the composition is in the  
18 Archdiocese of Latino Catholics? Any idea?  
19 A You mean in 1987 or today?  
10:14:04 20 Q '87.  
21 A I would estimate it would be fairly  
22 substantial, possibly 50 percent.  
23 Q And did you know or do you know whether or  
24 not Nicolas Aguilar Rivera speaks English?  
10:14:26 25 A No. I do not know.

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10:14:28 1 Q You speak Spanish, do you not?  
 2 A Yes.  
 3 Q Fluent?  
 4 A Well, was o menos.  
 10:14:32 5 Q Okay.  
 6 A More or less.  
 7 Q Yeah. After Monsignor Curry perhaps  
 8 mentioned to you that Nicolas Aguilar Rivera was seeking  
 9 to work here and discussed that with you, what, to your  
 10:15:10 10 knowledge, is the next thing that happened pertaining to  
 11 Nicolas Aguilar Rivera and his work in L.A.?  
 12 MR. WOODS: Okay. I object that the question may  
 13 call for facts not in evidence and beyond the testimony.  
 14 I believe he said that Cardinal -- Monsignor Curry may  
 10:15:33 15 have mentioned transfer from Mexico, but he didn't say  
 16 he discussed it with him.  
 17 But I'll let him answer the question with  
 18 that objection.  
 19 THE WITNESS: Well, as I said earlier, he would  
 10:15:47 20 most frequently say we have a group of priests from  
 21 outside seeking assignment. I don't recall him  
 22 mentioning the names specifically. So I couldn't recall  
 23 if he mentioned that name. I don't recall it at all.  
 24 BY MR. ANDERSON:  
 10:16:06 25 Q Okay. When is the first time, Cardinal, that

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10:16:09 1 the name Nicolas Aguilar Rivera as a priest either  
 2 coming to L.A. or serving in L.A. came into your stream  
 3 of consciousness?  
 4 A My recollection would be after we learned of  
 10:16:31 5 the misconduct.  
 6 Q And when did you first learn of the  
 7 misconduct?  
 8 A I don't remember the exact date, but I do  
 9 remember Monsignor Curry telling me as soon as he found  
 10:16:51 10 out.  
 11 Q And when you say "misconduct," you're  
 12 referring to criminal sexual conduct by Nicolas Aguilar  
 13 Rivera that is sexual abuse of minors, correct?  
 14 A That is correct.  
 10:17:05 15 Q Okay. And so the first time you learned that  
 16 Nicolas Aguilar Rivera had engaged or was suspected of  
 17 engaging in criminal sexual conduct was from Monsignor  
 18 Curry?  
 19 A That's my best recollection.  
 10:17:31 20 Q And it was Monsignor Curry's job as vicar for  
 21 clergy if he got that information to bring it to you  
 22 immediately as his superior and the Ordinary, correct?  
 23 A That is correct.  
 24 Q And he did that, as far as you know?  
 10:17:45 25 A Yes, as far as I recall.

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10:17:47 1 Q As far as you know, as soon as Monsignor  
 2 Curry got the information that Nicolas Aguilar Rivera  
 3 was suspected of this crime or these crimes, he would  
 4 have brought it to you right away as the kind of  
 10:18:01 5 information that was important, correct?  
 6 A Yes.  
 7 Q Okay. Do you have a date that that would  
 8 have happened in mind?  
 9 A No. I don't recall exactly what that date  
 10:18:15 10 was.  
 11 Q Have you reviewed any of the documents in  
 12 Nicolas Aguilar Rivera's file?  
 13 A Yes.  
 14 Q Okay. Have you reviewed the file in its  
 10:18:25 15 entirety?  
 16 A No.  
 17 Q Okay. What portions of it have you reviewed?  
 18 A I reviewed these documents that were prepared  
 19 for this deposition.  
 10:18:37 20 Q Okay. And in preparation for this  
 21 deposition, have you reviewed any documents other than  
 22 those that were just produced here to us today?  
 23 A I reviewed briefly the deposition of Cardinal  
 24 Norberto Rivera and Bishop Rodrigo Aguilar Martinez.  
 10:18:58 25 Q Okay. Have you ever spoken with either

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10:19:04 1 Bishop Martinez or Cardinal Norberto Rivera?  
 2 A I spoke with Cardinal Rivera one time when  
 3 this whole matter became public and Father Aguilar had  
 4 disappeared.  
 10:19:27 5 Q When was -- when was that?  
 6 A I don't recall the exact date. It may be  
 7 referenced in these documents.  
 8 Q Okay. We'll go back to that, and that may --  
 9 may help refresh your recollection as to a date or time.  
 10:19:45 10 Let's go back, then, Cardinal, to the moment  
 11 or day in time where you first learned from Monsignor  
 12 Curry that Nicolas Aguilar Rivera had been or was  
 13 suspected of crimes against children.  
 14 What did Monsignor Curry tell you?  
 10:20:12 15 MR. WOODS: Okay. I object to the question as  
 16 beyond the scope of the limited nature of this  
 17 deposition. As my preliminary statement indicated, this  
 18 deposition is limited to contacts with the two Mexican  
 19 defendants.  
 10:20:31 20 Discussions between Monsignor Curry and the  
 21 Cardinal about complaints or allegations of misconduct  
 22 by Aguilar Rivera do not relate to jurisdiction, and so  
 23 I'm going to instruct the witness not to answer that  
 24 question.  
 10:20:51 25 MR. ANDERSON: Counsel, I'm going to urge you to

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10:20:53 1 reconsider that instruction. It is an inquiry that is  
2 essential to the central inquiry here, and that is  
3 Monsignor Curry and others could have already been in  
4 contact with the foreign defendant here.

10:21:15 5 MR. WOODS: You can ask him that.  
6 MR. ANDERSON: No. That doesn't -- that doesn't  
7 permit a full inquiry into this, both circumstantially  
8 and otherwise. And in order to make a full or fair  
9 inquiry into the jurisdiction, it is imperative that I  
10:21:34 10 be allowed to inquire as to what the Cardinal heard from  
11 Monsignor Curry and anybody else possessed of the  
12 knowledge of -- of Nicolas Aguilar Rivera.  
13 And if -- if you persist in that, that  
14 will -- that will hasten this deposition towards a quick  
10:21:57 15 court appearance before Judge Berle.  
16 MR. WOODS: Okay. Well, if you persist in  
17 thinking and arguing that discussions about the  
18 allegations of misconduct has some relevance to  
19 jurisdiction over the Mexican defendants, I think you'll  
10:22:15 20 have to get an order from the judge. Because, you know,  
21 my reading of the case law on jurisdiction does not  
22 indicate that that has any relevance whatsoever to  
23 jurisdiction.  
24 MR. ANDERSON: And so the basis for the  
10:22:33 25 instruction to not answer is relevance?

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10:22:37 1 MR. WOODS: Yes.  
2 BY MR. ANDERSON:  
3 Q Are you going to follow that instruction,  
4 Cardinal?  
10:22:42 5 A Yes.  
6 Q Okay.  
7 MR. SELSBERG: Excuse me. Can y'all inquire to  
8 the judge whether he's willing to resolve any of these  
9 disputes on the scope of the deposition today while  
10:22:56 10 we're all here?  
11 MR. ANDERSON: Let's see where it goes. No  
12 inquiry's been made. I didn't anticipate, frankly, such  
13 an objection. So it comes as a surprise to me, so we'll  
14 see where it goes.  
10:23:10 15 MR. SELSBERG: He was willing to do it with  
16 respect to our deposition. Perhaps he'd be willing to  
17 do it with respect to this one.  
18 MR. ANDERSON: Well, let's see. Let's see.  
19 MR. SELSBERG: On behalf of my clients, I'm  
10:23:21 20 asking you both to -- to seek relief from -- from the  
21 court today as it -- unless -- we would like to finish  
22 this deposition and not reconvene or brief the issue.  
23 We oppose any delay in the hearing date. So we ask that  
24 y'all contact the judge and see if he's willing to do  
10:23:43 25 that.

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10:23:44 1 MR. ANDERSON: I think we should ask more  
2 questions to formulate the foundation for that, and I  
3 have no objection to attempting to make contact with the  
4 court.  
10:24:13 5 BY MR. ANDERSON:  
6 Q How did Monsignor Curry learn that Nicolas  
7 Aguilar Rivera was suspected of criminal sexual conduct?  
8 MR. WOODS: Same objection.  
9 MR. SELSBERG: Objection; calls for speculation.  
10:24:28 10 MR. WOODS: And same instruction.  
11 BY MR. ANDERSON:  
12 Q How long was your conversation with Monsignor  
13 Curry?  
14 MR. WOODS: Same objection, same instruction.  
10:24:56 15 BY MR. ANDERSON:  
16 Q At the time that Monsignor Curry communicated  
17 this information to you, had he spoken to Nicolas  
18 Aguilar Rivera?  
19 MR. WOODS: Same objection, same instruction.  
10:25:12 20 MR. SELSBERG: Objection; calls for speculation.  
21 BY MR. ANDERSON:  
22 Q What did you do, Cardinal, responsive to  
23 Monsignor Curry immediately bringing this information to  
24 you that Nicolas Aguilar Rivera was suspected of  
10:25:29 25 criminal sexual conduct?

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10:25:31 1 MR. WOODS: All right. That's a very broad  
2 question. I'd ask you to rephrase it to limit it to  
3 what did he do in terms of contacting any of the  
4 defendant -- Mexican defendants in this case.  
10:25:48 5 Inquiry along those lines, I would permit.  
6 But any other responses to it are beyond the scope of  
7 this jurisdictional deposition, and I would instruct the  
8 witness not to answer. And since the question is so  
9 broad, it's difficult for a lay witness to deal with  
10:26:02 10 those two distinctions.  
11 I'm going to instruct him not to answer the  
12 question as phrased.  
13 BY MR. ANDERSON:  
14 Q Did you understand the question, Cardinal?  
15 A Yes.  
16 Q Okay. What did you do in response to what  
17 Monsignor Curry told you about Nicolas Aguilar Rivera?  
18 MR. WOODS: Okay. The same objection. That's  
19 the same question. It's the same objection I made to  
10:26:24 20 the last question, and I'll instruct him not to answer  
21 it.  
22 MR. ANDERSON: Is the instruction "relevancy"?  
23 MR. WOODS: It's -- yes. As I explained, the  
24 question is so broad.  
10:26:36 25 MR. ANDERSON: Just give me the legal objection

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10:26:37 1 so we can deal with the judge.  
2 MR. WOODS: Just legal. It's relevance --  
3 MR. ANDERSON: Okay.  
4 MR. WOODS: -- as explained when you asked the  
10:26:42 5 same question before.  
6 BY MR. ANDERSON:  
7 Q What next -- did you take any action  
8 responsive to what Monsignor Curry told you?  
9 MR. WOODS: Same objection. The question is so  
10:27:06 10 broad that it includes matter relevant to this inquiry  
11 and matter that isn't relevant to this inquiry. So I'm  
12 going to instruct him not to answer but invite you to  
13 rephrase the question to include relevant matter.  
14 BY MR. ANDERSON:  
10:27:29 15 Q Did Monsignor Curry tell you that Nicolas  
16 Aguilar Rivera was an extern priest serving in the  
17 Archdiocese from Mexico?  
18 MR. WOODS: At any time?  
19 MR. ANDERSON: In this conversation.  
10:27:44 20 THE WITNESS: In the what?  
21 MR. ANDERSON: In the conversation where  
22 Monsignor Curry told you that Aguilar had been suspected  
23 of misconduct.  
24 MR. WOODS: In the very first conversation is  
10:27:54 25 what he's referring back to.

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10:27:56 1 MR. ANDERSON: Yes.  
2 MR. WOODS: Okay. Did he tell you he was an  
3 extern from Mexico?  
4 THE WITNESS: I believe so.  
10:28:00 5 BY MR. ANDERSON:  
6 Q What did he tell you?  
7 A I don't recall exactly.  
8 Q Did he tell you when he had come here?  
9 A I don't recall. It was 20 years ago.  
10:28:13 10 Q Did he tell you the diocese from which he  
11 came?  
12 MR. WOODS: Again, limited to the first  
13 conversation.  
14 MR. ANDERSON: Yes.  
10:28:19 15 MR. WOODS: Okay.  
16 THE WITNESS: Again, I don't recall if he  
17 mentioned the name. He probably mentioned Mexico, but  
18 the diocese I'm not sure.  
19 BY MR. ANDERSON:  
10:28:26 20 Q Did he tell you that he was -- his superior  
21 was Norberto Rivera, the bishop -- then the bishop of  
22 Tehuacan?  
23 A At that time?  
24 Q Yes.  
10:28:38 25 A I don't recall.

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10:28:41 1 Q Did you know Norberto Rivera as the bishop of  
2 Tehuacan at that time?  
3 A I did not.  
4 Q Did he tell you about the circumstances in  
10:28:52 5 which -- in that conversation in which Nicolas Aguilar  
6 Rivera had come to L.A. from Tehuacan?  
7 A I don't recall if he did or not.  
8 Q Did you ever receive information from  
9 Monsignor Curry about the circumstances of Aguilar  
10:29:15 10 Rivera's departure from Mexico and the reasons for it?  
11 A At some point as this was unfolding, I  
12 suspect that that's when he gave me the information.  
13 Q Okay. And is that -- are you referring to  
14 Monsignor Curry?  
10:29:36 15 A I'm referring to Monsignor Curry.  
16 Q How long after that first conversation did  
17 Monsignor Curry give you additional information  
18 concerning the circumstances of Rivera's departure from  
19 Mexico?  
10:29:48 20 A I don't recall exactly.  
21 Q Would it have been days or weeks or months?  
22 A It would have been in the context of the  
23 unfolding of these events in early 1988, but I don't  
24 recall precisely.  
10:30:24 25 Q After you learned that this was -- when

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10:30:43 1 Monsignor Curry brought this information to you as vicar  
2 for clergy, did you direct him to take action responsive  
3 to the situation involving Nicolas Aguilar Rivera?  
4 MR. WOODS: I'm going to object to the form of  
10:31:00 5 the question as beyond the scope of this deposition and  
6 instruct the witness not to answer.  
7 MR. ANDERSON: Relevancy?  
8 MR. WOODS: Yes.  
9 BY MR. ANDERSON:  
10:31:13 10 Q Do you know if Monsignor Curry did take  
11 action responsive to the information he received  
12 concerning the risk posed by Aguilar Rivera?  
13 MR. WOODS: Same objection, same instruction.  
14 BY MR. ANDERSON:  
10:31:27 15 Q Monsignor Curry gave you enough information  
16 to know that Nicolas Aguilar Rivera posed a danger to  
17 children in the Archdiocese, didn't he?  
18 MR. WOODS: Same objection, same instruction.  
19 BY MR. ANDERSON:  
10:31:46 20 Q After the conversation with Monsignor Curry,  
21 when is the next time you received information from any  
22 source that Nicolas Aguilar Rivera posed a risk of harm  
23 to children?  
24 MR. WOODS: Same objection, same instruction.  
10:32:06 25 BY MR. ANDERSON:

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10:32:07 1 Q What did the Archdiocesan officials, acting  
2 at your direction, or you, as the Cardinal Archbishop,  
3 do to protect the children of the Archdiocese of L.A.  
4 and -- and Mexico from the risk of harm posed by Nicolas

10:32:29 5 Aguilar-Rivera?

6 MR. WOODS: Okay. I'm going to object that the  
7 question assumes numerous facts not in evidence, is  
8 argumentative, and is beyond the scope of the limited  
9 nature of this deposition and instruct the witness not  
10 to answer.

10:32:43 10 BY MR. ANDERSON:

11 Q In terms of your normal custom and  
12 procedures, Cardinal, when a priest comes to the  
13 Archdiocese of L.A. or when you served in Stockton or  
14 Fresno as -- in position of Ordinary or otherwise, was  
10:33:04 15 it customary for bishops or the Ordinaries to exchange  
16 information concerning the transfer of priests by -- by  
17 telephone before they get transferred?

18 A Normally not. Usually done in writing.

10:33:26 20 Q If a priest is coming into the L.A.  
21 Archdiocese, in this case Nicolas Aguilar Rivera, in  
22 1987, wouldn't it have been customary for the L.A.  
23 Archdiocese to, before he serves as a priest, to get  
24 information about his fitness to serve?

10:33:50 25 A That is usually done by a letter of

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10:33:52 1 recommendation from the bishop or the superior.

2 Q And in the case of Nicolas Aguilar Rivera,  
3 was a letter of recommendation made by his superior --

4 A Yes.

10:34:02 5 Q -- to the L.A. Archdiocese and you?

6 A Yes.

7 Q Okay. And who made -- who -- who made the  
8 recommendation?

9 A The recommendation was made by Bishop  
10 Norberto Rivera, bishop of Tehuacan.

11 Q Okay. Are you referring to a document when  
12 you answer that? Are you looking at a document?

13 A Yes, I am.

14 Q Is that page 1 of the production that you  
10:34:26 15 gave us? Let me see. Okay.

16 A Yes. It's that page you're looking at.

17 Q Okay. And that -- that -- for purpose of the  
18 record, this is marked "Exhibit B," and that's page 1 of  
19 B. That's Bates stamped 1. Do you see that Bates-stamp  
20 number?

21 A Yes.

22 Q Okay. In this document we'll use -- we'll  
23 use the Bates-stamp numbers, referring to it as B1, B2,  
24 and so forth. That's in Spanish, and I'll cover that  
10:34:56 25 with you.

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10:34:58 1 And beyond this Exhibit B1, which is written  
2 in Spanish, and a translation is available here, I'll  
3 grab it in a moment, did you or the Archdiocese get any  
4 other references, recommendations, or information from  
10:35:18 5 the Diocese of Tehuacan before receiving him and placing  
6 him in a parish here?

7 A Well, we are guided by Canon Law. Canon 271,  
8 paragraphs 1, 2, and 3, instruct us that before we  
9 recommend somebody for service, that they be fit for  
10:35:41 10 ministry. So the presumption is when I would get a  
11 letter like this one, that this priest is fit for  
12 ministry without problems.

13 Q And so when you received this letter and the  
14 Archdiocese received this letter from Diocese of  
10:35:59 15 Tehuacan, in effect, this represents to you, as the  
16 Ordinary, that this priest is fit for ministry, correct?

17 A Yes.

18 Q And you relied upon this letter when he was  
19 allowed to work in this Archdiocese, correct?

10:36:14 20 A That is correct.

21 Q And you believed you could trust the sender  
22 of this letter on the letterhead of -- of -- and from  
23 the Diocese of Tehuacan?

24 A Yes.

10:36:29 25 Q And is it fair to say, then, that Cardinal --

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10:36:33 1 now Cardinal Rivera, then Bishop Rivera, is the one that  
2 certified and -- to you the fitness of Nicolas Aguilar  
3 Rivera to serve in this Archdiocese by reason of this  
4 letter?

10:36:54 5 MR. SELSBERG: Objection; mischaracterizes  
6 testimony, assumes facts not in evidence.

7 BY MR. ANDERSON:

8 Q You can answer that.

9 A Yes. I interpreted this letter to be a  
10:37:07 10 letter stating this priest is in good standing and that  
11 he has no reason to not give him -- to give me  
12 permission to accept him.

13 Q Okay. I'm going to show you -- let's --  
14 let's -- I've got a translation of this.

10:37:28 15 And, Counsel, for all of the documents that  
16 we're going to use, we've got a certification attached.  
17 And just so -- what we did to make it easy is use the  
18 Bates-stamp production numbers as the exhibit numbers.  
19 And you'll see that the English -- the Bates-stamped  
10:37:44 20 production of this letter is 23, so I'm going to mark  
21 this Exhibit 23.

22 MR. WOODS: Okay.

23 MR. ANDERSON: And use this as Exhibit 23.

24 (Whereupon, Exhibit 23 was introduced and  
10:37:52 25 marked for identification by the Certified Shorthand

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10:37:52 1 Reporter, a copy of which is attached hereto.)  
2 MR. WOODS: Can you make it C-23? Oh, no.  
3 MR. ANDERSON: No.  
4 MR. WOODS: That will --  
10:37:59 5 MR. ANDERSON: No. The English -- the English.--  
6 MR. WOODS: There's going to be -- there may be a  
7 Bates page in here 23.  
8 MR. ANDERSON: Well, we'll deal with that because  
9 that will be B-23.  
10:38:10 10 MR. WOODS: That will -- okay.  
11 MR. ANDERSON: Okay.  
12 MR. WOODS: Yours is plain 23.  
13 MR. ANDERSON: Yes. Yes.  
14 MR. WOODS: Okay.  
10:38:14 15 MR. ANDERSON: And just so you know, and  
16 Mr. Waters is showing you, the first page will be the  
17 Spanish version. The second page will be the  
18 translation.  
19 MR. WATERS: And that's labeled 23A.  
10:38:27 20 MR. ANDERSON: And that will be marked 23A. So  
21 when we're referring to the translation of any one of  
22 these documents, it will have an A following it. So in  
23 this instance, it's 23A. And then attached to it or  
24 appended to it is the official translation. Okay?  
10:38:42 25 MR. WOODS: Okay.

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10:38:42 1 MR. ANDERSON: And Mr. Waters is --  
2 MR. WOODS: Do you have one for the court  
3 reporter? Do you want to give one to the court  
4 reporter?  
10:38:49 5 MR. ANDERSON: Yeah.  
6 MR. WOODS: And this isn't marked.  
7 MR. SELSBERG: You're using documents that were  
8 produced for the deposition or they were produced  
9 earlier and you decided to use them so you got a  
10:38:57 10 translation --  
11 MR. ANDERSON: Yes.  
12 MR. SELSBERG: -- that's certified?  
13 MR. ANDERSON: Yes. These are documents produced  
14 by -- by you.  
10:39:04 15 MR. SELSBERG: Oh, I understand.  
16 MR. WOODS: Okay. So I would ask the court  
17 reporter to now mark that proffered exhibit as --  
18 MR. ANDERSON: It's already been marked.  
19 MR. WOODS: What?  
10:39:15 20 MR. ANDERSON: 23, 23A.  
21 MR. WOODS: Well --  
22 MR. SELSBERG: And let me just say for the record  
23 that I have not reviewed -- we have not reviewed or had  
24 a chance to review the translations that the plaintiff  
10:39:28 25 is offering here today, and so we don't have any idea

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10:39:32 1 whether we agree that those are, in fact, correct  
2 translations or not.  
3 MR. ANDERSON: That's understood.  
4 BY MR. ANDERSON:  
10:39:48 5 Q Okay. Cardinal, I've placed before you what  
6 is the translation that we received that is what we call  
7 an official translation. And as counsel says,  
8 translations may not be perfect, and there may be  
9 disagreements about them. But this is what we have for  
10:40:09 10 now.  
11 And this exhibit, the letter of basically  
12 fitness for ministry pertaining to Nicolas Aguilar  
13 Rivera, this is the letter, isn't it, the English  
14 version of it?  
10:40:29 15 MR. SELSBERG: Do you have a copy for us?  
16 Mr. Anderson, do you have a copy for us?  
17 MR. ANDERSON: Yes.  
18 MR. SELSBERG: Thank you.  
19 MR. WOODS: Well, do you have another one?  
10:40:48 20 MR. WATERS: I have one more copy that's going to  
21 be used in the deposition this afternoon. So I only  
22 have -- I brought three copies.  
23 MR. WOODS: Okay. I'll look over here.  
24 BY MR. ANDERSON:  
10:40:56 25 Q Is this the letter in English?

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10:40:58 1 A Yes. But I already have a problem with the  
2 translation and the emphasis.  
3 Q Okay.  
4 A May I tell you what the problem is?  
10:41:09 5 Q Sure. Why don't you -- sure. Why don't you  
6 start by doing that. We'll make the correction as we  
7 need to.  
8 A Because one of the most important sentences  
9 in the original letter is "No tengo ningun  
10:41:17 10 inconveniente," etc., down to "Iglesia Local."  
11 MR. WOODS: Okay. Hold on. We've got a problem  
12 now.  
13 MR. ANDERSON: She's not going to get that. Why  
14 don't you just say there's a problem at line -- let's  
10:41:28 15 number the letter by line. And the first line begins  
16 with "Warmest greetings." The second line is "Due to  
17 health." The third line in the letter --  
18 MR. WOODS: You're talking about the English  
19 version.  
10:41:43 20 THE WITNESS: Yeah.  
21 MR. ANDERSON: Yes.  
22 THE WITNESS: This is the document I'm relying  
23 on.  
24 BY MR. ANDERSON:  
10:41:49 25 Q Okay. Let's -- let's instead of -- instead

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10:41:51 1 of identifying it that way, why don't you read the  
2 document that you're referring to in English.  
3 A Okay.  
4 Q That will be the way the court reporter can  
10:42:02 5 do that. And Cardinal, when you're reading the  
6 document, it's important you read it slowly so she can  
7 get that down.  
8 MR. WOODS: Okay.  
9 BY MR. ANDERSON:  
10:42:10 10 Q And you'll be reading the Spanish version,  
11 and you become the interpreter because you'll be reading  
12 this into the record the way you read it when you  
13 received it, correct?  
14 MR. SELSBERG: Objection as to --  
10:42:23 15 THE WITNESS: I'm not an official translator, and  
16 I don't think this is necessarily a good translation,  
17 so --  
18 MR. ANDERSON: No. I'm not asking --  
19 (Interruption by the reporter.)  
10:42:35 20 MR. SELSBERG: My objection is that if I  
21 understood what Mr. Anderson said, that he wants the  
22 witness to read it as he -- he -- and understand it as  
23 he first read and understand it when he received it. I  
24 thought the witness testified that he never heard of  
10:42:52 25 this guy Nicolas Aguilar Rivera.

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10:42:57 1 MR. ANDERSON: Give us the legal objection.  
2 Don't -- don't give us a characterization of his  
3 testimony, Counsel. What's your legal objection? Just  
4 give it to us.  
10:43:04 5 MR. SELSBERG: Assumes facts not in evidence.  
6 BY MR. ANDERSON:  
7 Q Okay. Now, Cardinal, here's what we're going  
8 to do. Let's keep it simple, and let's keep it clear.  
9 What we'll do is you have the Spanish version in front  
10:43:15 10 of you. You had a -- you had a problem with the  
11 translation that we had done. I respect and understand  
12 that.  
13 And what we -- what's most important is we  
14 get from you how you read this letter. And whether it's  
10:43:29 15 a correct translation or not isn't as important as how  
16 you would read it or did read it at the time you  
17 received it first.  
18 The Spanish version of this letter, dated --  
19 the date at the right-hand corner is January 27th, 1987,  
10:43:46 20 is it not?  
21 A Yes.  
22 Q And it would have been received by you as  
23 Cardinal Archbishop because it's addressed by you  
24 presumably some -- some date after it was sent. Do you  
10:44:00 25 know when it was received by the -- by you and the

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10:44:03 1 Archdiocese?  
2 A No, I don't.  
3 Q Okay. In your files, is there a "Received"  
4 stamp that shows when it was received?  
10:44:13 5 A No.  
6 Q Okay. So it's fair to assume, is it,  
7 Cardinal, that a received some days -- was it -- was it  
8 sent by U.S. mail?  
9 A I don't know.  
10:44:25 10 Q Okay. Okay. Why don't you read this  
11 document, then, beginning with "Dearest Archbishop,"  
12 and -- and read what it says.  
13 MR. WOODS: In English?  
14 MR. ANDERSON: Yes.  
10:44:42 15 MR. WOODS: Okay. I -- okay. I think we all  
16 understand that the Cardinal is not a certified court  
17 interpreter or translator. He obviously has a working  
18 knowledge of Spanish.  
19 I don't mind him giving a free-form  
10:45:13 20 translation. It wouldn't be anything like an official  
21 translation, and I don't know that you can really rely  
22 on it in any way. But if it -- if it's preliminary to  
23 asking him a question, I don't mind it.  
24 MR. ANDERSON: Well, look --  
10:45:28 25 MR. WOODS: But there are so many documents here

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10:45:30 1 in Spanish, we'll be here for the next week if we do it  
2 that way.  
3 MR. ANDERSON: Now, we just want to do it the  
4 simplest way.  
10:45:36 5 BY MR. ANDERSON:  
6 Q Cardinal, you said there was a problem with  
7 the translation --  
8 MR. WOODS: Can I help you out?  
9 MR. ANDERSON: So -- no. No. I can do this. I  
10:45:42 10 can do this. I don't need your help. Thank you. I  
11 appreciate the offer, but I don't need it.  
12 MR. WOODS: Okay.  
13 BY MR. ANDERSON:  
14 Q Cardinal, I think, you know, the best way for  
10:45:49 15 us, and I'm asking you, you're the one that relied upon  
16 this letter, right?  
17 A Yes.  
18 Q And you're the one that relied upon the  
19 information in the letter, correct?  
10:46:02 20 A Yes.  
21 Q To allow Nicolas Aguilar Rivera to serve and  
22 work in this Archdiocese, right?  
23 MR. WOODS: Well, he or his vicar relied on it.  
24 BY MR. ANDERSON:  
10:46:11 25 Q Well, Cardinal, in the final analysis as the

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10:46:14 1 Ordinary, the Archbishop Cardinal, you're the guy  
 2 responsible for the assignments, the transfer, and the  
 3 work done of all the priests of the Archdiocese,  
 4 correct?  
 10:46:24 5 A Yes.  
 6 Q Okay. And you can delegate certain things to  
 7 your vicars and to your auxiliaries and the like, but  
 8 ultimately, you're the guy, right?  
 9 A Yes, except it should be noted that in the  
 10:46:37 10 assignment of assistant pastors, the associate pastors,  
 11 that's done entirely by the vicar for clergy, who sends  
 12 the letters, makes appointment, and everything.  
 13 Q And you basically delegate that authority,  
 14 however, to that vicar, do you not?  
 10:46:53 15 A That's correct.  
 16 Q So that's a delegated authority from you to  
 17 the vicar, correct?  
 18 A (Nonverbal response.)  
 19 Q Okay. So now we have that clear, let's go  
 10:46:59 20 back to the letter. And the letter's the one you relied  
 21 upon. Did you rely upon any other information received  
 22 from the Diocese of Tehuacan or anybody else other than  
 23 this letter before or in reliance of Nicolas Aguilar  
 24 Rivera serving here?  
 10:47:15 25 A No.

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10:47:16 1 Q Okay. This is it right here?  
 2 A Correct.  
 3 Q Okay. So let's have you read for me what you  
 4 believe the letter says.  
 10:47:26 5 A It would be a lot faster if I just told you  
 6 where I thought the errors were.  
 7 Q If you like to do that, we can -- we can do  
 8 that.  
 9 A Yeah. There -- just in that middle  
 10:47:36 10 paragraph, "Due to health and family reasons" --  
 11 Q Yes.  
 12 A -- the second line says "which belongs."  
 13 That should be "who belongs."  
 14 Q Oh.  
 10:47:47 15 A But the -- my main concern is the sentence in  
 16 that paragraph. "If His Excellency were to accept him,  
 17 don't have any," I think means "I don't have any," "Yo  
 18 no tengo."  
 19 Q Yes. "Yo" is "I," yeah.  
 10:48:05 20 A But the translation switches the emphasis.  
 21 The -- the original says -- begins "I do not have any  
 22 problem or reason in granting you my permission if Your  
 23 Excellency were to accept him to work in your local  
 24 church." So that's an important emphasis.  
 10:48:28 25 Q Yes.

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10:48:30 1 A They've got it reversed.  
 2 Q Yes.  
 3 MR. SELSBERG: And actually, I have a translation  
 4 that's --  
 10:48:37 5 MR. ANDERSON: Better?  
 6 MR. SELSBERG: -- comports -- that is -- it's  
 7 more like the witness's than yours.  
 8 MR. ANDERSON: Okay. Let's use that one.  
 9 MR. SELSBERG: I have my notes all over it. I  
 10:48:45 10 have my attorney notes all over it.  
 11 MR. ANDERSON: Okay. Well, let's -- let's get --  
 12 let's get -- does that comport with the one that the  
 13 Cardinal just did?  
 14 MR. SELSBERG: Some of it. But it's really --  
 10:48:57 15 it's different than yours. Go ahead and do what you're  
 16 doing. I'm just telling you that it is different.  
 17 MR. ANDERSON: Okay.  
 18 MR. SELSBERG: We should try to work that out at  
 19 some point.  
 10:49:05 20 MR. ANDERSON: Yeah. I think we will. And we're  
 21 not going to have any difficulty.  
 22 BY MR. ANDERSON:  
 23 Q What's -- what's important is what you read  
 24 and what you believe it says. And so we -- this is an  
 10:49:12 25 important letter, is it not, Cardinal? Because, look,

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10:49:14 1 this is the basis on which this guy was allowed to serve  
 2 here, right?  
 3 A Correct.  
 4 Q You know, and so we got to get this -- we got  
 10:49:21 5 to get what you were told by Cardinal -- now Cardinal  
 6 Rivera, then Bishop Rivera, about this guy's fitness.  
 7 Because basically, it's correct to say that -- that  
 8 then-Bishop Rivera certified to you that this was a  
 9 priest that was both safe and celibate to serve in your  
 10:49:38 10 Archdiocese, right?  
 11 MR. SELSBERG: Objection. That assumes facts not  
 12 evidence and mischaracterizes the witness's testimony.  
 13 Is that a question?  
 14 THE WITNESS: My understanding was it was meeting  
 10:49:50 15 the provisions of Canon 271.  
 16 MR. ANDERSON: Yes.  
 17 THE WITNESS: He was fit for ministry.  
 18 BY MR. ANDERSON:  
 19 Q And this letter sent by him to you, in  
 10:49:58 20 effect, certified to you, represented to you, that  
 21 Nicolas Aguilar Rivera was both safe and celibate and  
 22 fit to serve as a priest in your Archdiocese, correct?  
 23 MR. SELSBERG: Objection.  
 24 MR. WOODS: I'm going to object that it's  
 10:50:18 25 compound.

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10:50:18 1 MR. SELSBERG: Assumes facts not in evidence.  
2 MR. WOODS: Oops. I'm sorry. Go ahead, Steve.  
3 MR. SELSBERG: Go ahead.  
4 MR. WOODS: I'm going to object that it's  
10:50:25 5 compound. There's a string of things there. Maybe you  
6 want to take them one at a time.  
7 MR. ANDERSON: Okay. I'd be happy to.  
8 BY MR. ANDERSON:  
9 Q Cardinal, does this letter sent to you by the  
10:50:33 10 Diocese of Tehuacan and Norberto Rivera in effect make a  
11 representation to you through the U.S. mail -- did it  
12 make a representation to you through the U.S. mail?  
13 MR. WOODS: Okay.  
14 MR. SELSBERG: Objection; assumes facts not in  
10:50:51 15 evidence. Vague, mischaracterizes testimony.  
16 MR. WOODS: Right. He's already testified he  
17 doesn't know if it came through the mail.  
18 BY MR. ANDERSON:  
19 Q Well, how do you think this letter got to  
10:51:03 20 you?  
21 MR. SELSBERG: Objection; calls for speculation.  
22 MR. WOODS: Okay. Do you know how the letter got  
23 to you?  
24 MR. ANDERSON: Don, I don't need the --  
10:51:11 25 MR. WOODS: You don't want him to speculate.

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10:51:13 1 MR. ANDERSON: I asked him the question. You  
2 repeated the question. Just -- let's just keep it  
3 simple.  
4 MR. WOODS: Okay.  
10:51:17 5 MR. ANDERSON: I don't need you to repeat my  
6 question.  
7 MR. WOODS: Okay. Ask it again. I'll object.  
8 BY MR. ANDERSON:  
9 Q How did the letter get to you?  
10:51:23 10 MR. SELSBERG: Objection; calls for speculation.  
11 THE WITNESS: I don't know.  
12 BY MR. ANDERSON:  
13 Q Is there any way it could have gotten to you  
14 but other than by mail?  
10:51:32 15 MR. SELSBERG: Objection; calls for speculation.  
16 MR. WOODS: Same objection, but you can answer.  
17 THE WITNESS: Yes.  
18 BY MR. ANDERSON:  
19 Q How?  
10:51:39 20 A The priest brought it with him.  
21 MR. SELSBERG: Objection; calls for speculation.  
22 BY MR. ANDERSON:  
23 Q Do you have some reason to believe that the  
24 priest brought this letter with him?  
10:51:46 25 A No.

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10:51:47 1 Q Okay. Do you have -- have you received any  
2 information in connection with this case that leads you  
3 to believe that the priest presented this letter in  
4 person to you and the Archdiocese?  
10:52:09 5 A No.  
6 Q Do you believe that this letter was sent  
7 before permission was granted him to serve and work  
8 here?  
9 A I just don't know.  
10:52:21 10 Q Okay. In any case, other than by hand  
11 delivery, is there any other way for this to have been  
12 received by you other than the U.S. mail or  
13 hand-delivery?  
14 MR. SELSBERG: I'm sorry. Could you repeat  
10:52:34 15 that -- read that back, please?  
16 BY MR. ANDERSON:  
17 Q Is there any way for you to have received  
18 this other than by U.S. mail or hand-delivery by the --  
19 by the priest?  
10:52:45 20 A Not that I'm aware of.  
21 Q Okay. You weren't using faxes back then,  
22 were you?  
23 A I believe fax machines were being used in  
24 those years, yeah.  
10:53:12 25 Q Could have been faxed then, too?

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10:53:16 1 A Possibly.  
2 Q If it had been, would your -- would your file  
3 copy reflect that it would have been received by a fax  
4 machine?  
10:53:23 5 A I don't remember the capability of our fax  
6 machine in 1987, but they normally print something along  
7 the top.  
8 Q Right. Okay. So how do you think you  
9 got this -- how do you think this letter was sent?  
10:53:37 10 By -- by hand delivery or by U.S. mail?  
11 MR. SELSBERG: Objection; calls for speculation.  
12 BY MR. ANDERSON:  
13 Q That's why I'm asking what you think.  
14 A I just don't know.  
10:53:45 15 Q Okay. Besides you, who -- who might know  
16 that?  
17 MR. SELSBERG: Objection; calls for speculation.  
18 BY MR. ANDERSON:  
19 Q Who is in the best position to know that?  
10:53:56 20 A Probably then Monsignor Curry.  
21 Q Okay. He's coming up. We'll ask him.  
22 Let's go, then, to the letter. But before I  
23 do, I need to finish the question that I began. This  
24 letter certified Nicolas Aguilar Rivera -- Rivera's  
10:54:15 25 fitness to you, and you relied upon then-Bishop Norberto

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10:54:23 1 Rivera, correct?  
2 MR. SELSBERG: Objection; assumes facts not in  
3 evidence.  
4 MR. WOODS: Yeah. You keep inserting "you" in  
10:54:30 5 when he's made it, I thought, fairly clear that the  
6 vicar for clergy was the one who handled this by  
7 delegation.  
8 MR. ANDERSON: Counsel -- no.  
9 MR. WOODS: So you --  
10:54:43 10 MR. ANDERSON: Let him answer the question.  
11 MR. WOODS: All right.  
12 MR. ANDERSON: He can tell me if he doesn't  
13 understand it.  
14 BY MR. ANDERSON:  
10:54:46 15 Q You're the one this letter is addressed to,  
16 right?  
17 A Yes.  
18 Q And you're the one responsible ultimately for  
19 the placement of and the permission of Nicolas Aguilar  
10:55:00 20 Rivera to work in L.A. Archdiocese, correct?  
21 A Yes.  
22 Q Okay. And it is you, then, as the Ordinary  
23 that relied upon Bishop Rivera when he certified the  
24 fitness of Nicolas Aguilar -- Nicolas Aguilar Rivera to  
10:55:25 25 serve.

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10:55:27 1 MR. SELSBERG: Objection; assumes facts not in  
2 evidence and mischaracterizes his testimony.  
3 MR. WOODS: It's -- it's a very difficult  
4 question because --  
10:55:34 5 MR. ANDERSON: What's the objection?  
6 MR. WOODS: The word "you" is confusing.  
7 BY MR. ANDERSON:  
8 Q You in your capacity as Archbishop, Cardinal.  
9 Do you understand that, Cardinal?  
10:55:43 10 MR. WOODS: No. That's confusing. I mean --  
11 MR. ANDERSON: It's not confusing to him. This  
12 witness has given testimony before. He understands the  
13 question. He understands the question as well as I  
14 understand the protocol. He is the Ordinary. He is the  
10:56:00 15 one responsible. If he doesn't understand it, he can  
16 tell me. I don't need you to tell me that.  
17 MR. WOODS: Well, it's also the jury that will  
18 hear this testimony if taken out of context. The "you"  
19 that you're proposing to him is a delegated  
10:56:20 20 responsibility that he, "you," accepts. He's accepted  
21 that several times. He told you he accepts  
22 responsibility. But he may not have even seen this  
23 letter, and I think he said that too.  
24 So I mean I think you have to be clear in  
10:56:39 25 your question to prevent -- prevent some kind of misuse

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10:56:43 1 of it down the line.  
2 BY MR. ANDERSON:  
3 Q Okay. Cardinal, every question that I'm  
4 asking you is in your capacity as the Archbishop  
10:56:53 5 Cardinal. And in your capacity as the Archbishop  
6 Cardinal, it's correct to say that you relied upon the  
7 certification given in this letter in permitting Nicolas  
8 Aguilar Rivera to work in the L.A. Archdiocese?  
9 MR. WOODS: Okay.  
10:57:17 10 MR. SELSBERG: Objection; assumes facts not in  
11 evidence and mischaracterizes his testimony.  
12 MR. WOODS: Yeah. I think if you said "Did you  
13 personally" versus "you accepting the" -- the -- the --  
14 MR. ANDERSON: Don't tell me how -- let him  
10:57:32 15 answer the question.  
16 MR. WOODS: Okay. But the question --  
17 MR. ANDERSON: Don't tell me how to ask it. I  
18 don't need your help.  
19 MR. WOODS: It's confusing. It's confusing for  
10:57:38 20 the reasons I've stated, so I'm going to instruct him  
21 not to answer it because I think you can rephrase it.  
22 MR. ANDERSON: Unless the Cardinal says it's  
23 confusing, Don, let's not waste time on this.  
24 BY MR. ANDERSON:  
10:57:47 25 Q This is -- you know, Cardinal, do you

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10:57:49 1 understand the question?  
2 A I think the best thing is to repeat what I  
3 said a while ago. That is, I delegated Monsignor Curry,  
4 as vicar for the clergy, to handle all cases involving  
10:58:02 5 externs and their assignments.  
6 So I personally was not given this letter.  
7 Bishop Curry would not have said "We're going to assign  
8 him because we have this letter."  
9 Q Okay. Would it be correct, then, to say it's  
10:58:16 10 the Archdiocese of L.A.? Would that be a more correct  
11 way to ask the question? Is it correct to say, then,  
12 that the Archdiocese of Los Angeles relied upon this  
13 letter in determining whether or not Nicolas Aguilar  
14 Rivera was fit to be assigned here?  
10:58:40 15 A Yes.  
16 Q Okay. I'll use the Archdiocese. That will  
17 be easier. Because it could be you. It could be  
18 authority delegated to Monsignor Curry. Does that work?  
19 Does that work with you, Counsel?  
10:58:50 20 MR. WOODS: That would be much better.  
21 MR. ANDERSON: That's much better. Okay.  
22 BY MR. ANDERSON:  
23 Q Let me -- let me just rephrase those  
24 questions, then. It's correct, then, to say that the  
10:58:59 25 Archdiocese of L.A. relied upon Norberto Rivera in his

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10:59:07 1 representation that Nicolas Aguilar Rivera was safe to  
2 serve and work in the Archdiocese of L.A.?  
3 MR. SELSBERG: Objection; assumes facts not in  
4 evidence.  
10:59:23 5 THE WITNESS: I'll respond as I did before, that  
6 he met the requirements of Canon 271.  
7 BY MR. ANDERSON:  
8 Q And that means fit for ministry?  
9 A Fit for ministry.  
10:59:30 10 Q And fit for ministry means safe?  
11 A Well, it doesn't delineate a whole list of  
12 words. I just say "fit for ministry."  
13 Q Well, if you're a child molester, you're not  
14 fit for ministry, are you?  
10:59:43 15 A No.  
16 Q And -- and so this represents to the  
17 Archdiocese of L.A., does it not, that Norberto Rivera  
18 is -- is making an affirmative representation that  
19 Nicolas Aguilar Rivera is not a child molester?  
11:00:13 20 MR. SELSBERG: Objection; assumes facts not in  
21 evidence.  
22 BY MR. ANDERSON:  
23 Q Correct?  
24 A The letter is stating that he's a priest in  
11:00:22 25 good standing, being recommended for ministry here.

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11:00:26 1 Q And what does that mean to the Archdiocese in  
2 Canon Law and common parlance?  
3 A There are a whole list of qualities from the  
4 seminary, to be ordained, and they're all listed in the  
11:00:41 5 Code of Canon Law. So it's just a global endorsement.  
6 Q And that means that he's fit to be trusted by  
7 the community of faith?  
8 A Yes.  
9 Q It means he's fit to serve as a shepherd of  
11:00:54 10 community of faith?  
11 A Yes.  
12 Q It means that he's fit to minister the  
13 sacraments?  
14 A Yes.  
15 Q It means that he's fit to care for the  
16 welfare and the safety of the children of the  
17 Archdiocese?  
18 A Yes.  
19 Q It means that he's fit to be a priest?  
11:01:09 20 A Yes.  
21 Q To wear a collar?  
22 A Yes.  
23 Q To hold himself out as being safe and  
24 celibate?  
11:01:16 25 A Yes.

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11:01:42 1 Q Let's -- let's go to the letter, then, and  
2 have you read the letter as you have translated or --  
3 into the record as you read the letter. It's a brief  
4 letter.  
11:02:00 5 A Well, I find that a bit awkward. You're  
6 really asking me to take somebody else's translation and  
7 try to comport it to -- I prefer to stay with the  
8 Spanish.  
9 Q Okay. Well --  
11:02:17 10 MR. WOODS: I think he --  
11 BY MR. ANDERSON:  
12 Q So then -- so then I need to know what it is  
13 that you think it says. If you take the -- the English  
14 translation, you would make -- the only corrections you  
11:02:29 15 would make would be at the fourth line down,  
16 providing -- excuse me -- third line down, you would  
17 supplant or substitute "who" with the word -- instead of  
18 the word "which"; is that correct?  
19 A Yes.  
11:02:47 20 MR. SELSBERG: I object to the witness's  
21 competency to translate the letter.  
22 BY MR. ANDERSON:  
23 Q And then the next correction that you would  
24 be making would be at the fourth line, beginning with --  
11:02:58 25 with "If His Excellency"?

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11:03:00 1 MR. SELSBERG: Same objection.  
2 THE WITNESS: Well --  
3 BY MR. ANDERSON:  
4 Q Why don't you read that line for me as you  
11:03:05 5 read it from the Spanish version. . .  
6 A I'm going to give you my translation from the  
7 Spanish. I'm not going to --  
8 Q That's what I'm asking you to do.  
9 A I'm not going to rely on this.  
10 Q Yes. Read the Spanish version.  
11:03:16 11 A "I do not have any reason or basis to not  
12 grant permission if Your Excellency were to accept him  
13 for work in your local church."  
14 Off the record, if we could.  
11:03:53 15 MR. ANDERSON: Sure.  
16 THE VIDEOGRAPHER: Off the record, the time is  
17 11:03.  
18 (Discussion held off the record from  
19 11:03 a.m. until 11:04 a.m.)  
11:04:13 20 THE VIDEOGRAPHER: On the record, the time is  
21 11:04.  
22 BY MR. ANDERSON:  
23 Q I was trying to write that down, Cardinal.  
24 And the last part of it is "you are to accept him for  
11:04:24 25 work in the church." Is that the way --

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11:04:23 1 A "If Your Excellency were to accept him  
2 for" -- "that he might work in your local church."  
3 Q Did this letter give you -- excuse me. Did  
4 this letter give the Archdiocese any warning that this  
11:04:46 5 guy shouldn't be put -- put in ministry?  
6 MR. SELSBERG: Objection; assumes facts not in  
7 evidence and calls for speculation.  
8 THE WITNESS: Well, the letter and the language  
9 that's before me is a letter of recommendation.  
11:05:20 10 MR. WATERS: This is one that's been marked.  
11 MR. ANDERSON: Cardinal, we're going to put  
12 before you now the declaration that has been filed in  
13 this case by now Cardinal Norberto Rivera. We will mark  
14 this for identification as Exhibit 100A.  
11:05:42 15 MR. WATERS: No. The Spanish translation is  
16 Exhibit 100, the English translation which immediately  
17 follows it is 100A, and the certificate of translation  
18 is attached to the English translation.  
19 THE WITNESS: Yes.  
11:05:54 20 BY MR. ANDERSON:  
21 Q Now, this is a translation that was done, I  
22 think, by you folks.  
23 MR. SELSBERG: We did do one. I don't know what  
24 you're using, but --  
11:06:01 25 MR. ANDERSON: Okay. And we're using the one

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11:06:03 1 that was supplied to us and submitted to the court.  
2 MR. SELSBERG: Okay.  
3 MR. ANDERSON: So there's no objection to this  
4 translation, I assume.  
11:06:09 5 MR. SELSBERG: I'm sorry. I don't have the  
6 document. But if what you're saying is --  
7 MR. ANDERSON: It's the one that's on file.  
8 MR. SELSBERG: Okay.  
9 BY MR. ANDERSON:  
11:06:18 10 Q So, Cardinal, what we have here is a Spanish  
11 and an English version. I'm going to use the English  
12 version. Okay?  
13 Have you seen this?  
14 A This document?  
11:06:28 15 Q Yeah.  
16 A No.  
17 Q Okay. You'll see that this is at page 7 --  
18 excuse me -- at page 6 is signed by Cardinal Norberto  
19 Rivera Carrera. Do you see that?  
11:07:00 20 A Yes.  
21 Q And I'll represent to you this is a  
22 declaration that he has made in this case and that he,  
23 through his lawyers, has been placed into the record on  
24 this -- on this case. Okay?  
11:07:12 25 A Yes.

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11:07:14 1 Q And the declaration is -- is a statement made  
2 by him under oath to be used by us here. Okay?  
3 A Yes.  
4 MR. SELSBERG: To be used by us here? It's to be  
11:07:25 5 used in the case.  
6 MR. ANDERSON: In the case. We're here on this  
7 case, Counsel.  
8 MR. SELSBERG: Gotcha.  
9 BY MR. ANDERSON:  
11:07:36 10 Q You'll see at number 9?  
11 MR. WOODS: Paragraph 9?  
12 MR. ANDERSON: Yes.  
13 THE WITNESS: Excuse me. You're using numbers  
14 along this side? Okay.  
11:07:49 15 MR. ANDERSON: Yes. Yes.  
16 BY MR. ANDERSON:  
17 Q And that's page 2.  
18 A Yes.  
19 Q It states, "In 1986, in my capacity as Bishop  
11:07:56 20 of Diocese of Tehuacan, I learned that defendant, Father  
21 Nicolas Aguilar, then parish priest at the Parish of  
22 San Sebastian, had been assaulted at his parish  
23 residence on August 7th, 1986."  
24 My question to you, Cardinal, is do you know  
11:08:33 25 anything about the circumstances of that assault?

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11:08:39 1 A I do not.  
2 Q The next sentence states, "Because there were  
3 rumors that grown men stayed overnight at the church  
4 where Father Aguilar lived, I suspected that a  
11:09:02 5 homosexual incident had precipitated the assault on  
6 Father Aguilar."  
7 My question to you first, Cardinal, is do you  
8 know anything about what -- about these rumors that he  
9 is referring to here?  
11:09:21 10 A I do not.  
11 Q Before you read this declaration, have you  
12 read or heard anything about what he is referring to  
13 here --  
14 MR. WOODS: Okay. I just want to object.  
11:09:32 15 BY MR. ANDERSON:  
16 Q -- other than with counsel?  
17 MR. WOODS: I just want to object to the form of  
18 the question in that the question assumes he's read the  
19 declaration, and, in fact, he's testified that he's  
11:09:42 20 never seen it before.  
21 MR. ANDERSON: You didn't listen to the question.  
22 I said --  
23 MR. WOODS: Just take the preamble off, and he'll  
24 answer the question.  
11:09:50 25 BY MR. ANDERSON:

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11:09:50 1 Q Okay. Do you know anything about this?  
2 A No.  
3 Q It states there were grown men stayed  
4 overnight and homosexual incident that precipitated the  
11:10:16 5 assault on Father Aguilar.  
6 Would the Archdiocese of L.A. accepted this  
7 priest if it and you had known that in August of '86,  
8 grown men had stayed overnight and there had been a  
9 homosexual incident that precipitated the assault?  
11:10:40 10 MR. SELSBERG: Objection; assumes facts not in  
11 evidence.  
12 MR. WOODS: Okay. Also, it read from the  
13 document incorrectly as -- by way of a preamble. So  
14 could you just ask him the question? I object that it's  
11:10:56 15 confusing. Instruct him not to answer. Just ask him if  
16 they would accept under these circumstances.  
17 BY MR. ANDERSON:  
18 Q Did you hear the question, Cardinal?  
19 A I'm confused now. Could you repeat the  
11:11:11 20 question?  
21 Q Okay. Would you have accepted or would the  
22 Archdiocese have accepted this priest for work in the  
23 L.A. Archdiocese if it and you had known that grown men  
24 had stayed overnight at the church where Father Aguilar  
11:11:30 25 lived and that there had been a homosexual incident that

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11:11:38 1 precipitated an assault upon him?  
2 MR. SELSBERG: Objection. That assumes facts not  
3 in evidence, and it calls for speculation.  
4 THE WITNESS: I would prefer to answer it in --  
11:11:57 5 you've asked two pieces of it. The first part you said  
6 rumors that grown men stayed overnight at the church.  
7 It could very well happen that a brother of  
8 his would come and stay there or some other person that  
9 he -- a family member stayed at the rectory. That, in  
11:12:18 10 itself, I would not see as prohibitive. But certainly,  
11 any suspicion of homosexual activity, absolutely.  
12 BY MR. ANDERSON:  
13 Q If there had been -- so -- so that I  
14 understand your answer, if there had been suspicion by  
11:12:36 15 Cardinal, then Bishop, Rivera of homosexual activity,  
16 would you have accepted or permitted Nicolas Aguilar  
17 Rivera to have worked in the Archdiocese of L.A.?  
18 MR. SELSBERG: Objection; calls for speculation.  
19 MR. WOODS: Okay. The -- the question is also  
11:12:59 20 compound in that it talks about if there were suspicions  
21 or knowledge.  
22 So I'll let you answer it. You can deal with  
23 it.  
24 THE WITNESS: If we had been given that factual  
11:13:08 25 information, we would not have accepted him.

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11:13:11 1 BY MR. ANDERSON:  
2 Q The next sentence states, "At the same time,  
3 Father Aguilar's performance at the parish had caused  
4 controversy and some resentment in some members of the  
11:13:35 5 community because he had removed some persons that were  
6 selling goods in the church entrance and courtyard." Do  
7 you know anything about that?  
8 A I do not.  
9 Q It then states, "Thus, I was not sure if the  
11:13:49 10 rumors were true or were instead motivated by  
11 resentment."  
12 It then states, "There was no evidence to  
13 suggest that the incident involved any minor children  
14 nor was the involvement of minor children ever alleged."  
11:14:11 15 Did I read that correctly?  
16 MR. SELSBERG: I'm sorry. I didn't hear the  
17 question because of the noise with the tape. What was  
18 the question?  
19 BY MR. ANDERSON:  
11:14:22 20 Q Did I read that correctly?  
21 MR. SELSBERG: Oh.  
22 THE WITNESS: So stipulated.  
23 BY MR. ANDERSON:  
24 Q Cardinal, what does the Spanish term  
11:14:35 25 "chamaco" mean to you?

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11:14:38 1 MR. WOODS: I'm going to object to the question  
2 as beyond the scope of this deposition, which is limited  
3 to jurisdictional issues, and instruct the witness not  
4 to answer.  
11:14:48 5 MR. SELSBERG: I object to the competency of the  
6 witness to answer that question.  
7 BY MR. ANDERSON:  
8 Q Cardinal, if you -- in Exhibit 23, the letter  
9 of fitness from Cardinal Rivera to you upon which you  
11:15:09 10 relied, it said that Nicolas Aguilar was suspected of  
11 homosexual incidents with chamacos, what would that have  
12 meant to you?  
13 MR. SELSBERG: Objection. That calls for  
14 speculation.  
11:15:32 15 MR. WOODS: I'm going to object that it's not --  
16 sorry.  
17 MR. SELSBERG: And it assumes facts not in  
18 evidence.  
19 MR. WOODS: I'm going to object that it's  
11:15:39 20 hypothetical, facts not in evidence. It's not the facts  
21 that were presented, and it's beyond the scope of this  
22 deposition. And I'll instruct the witness not to  
23 answer.  
24 BY MR. ANDERSON:  
11:16:01 25 Q If Cardinal Rivera had represented to you

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11:16:05 1 that youngsters or kids had been involved in the  
2 incidents referred to in this declaration as opposed to  
3 grown men, would you have accepted him for work in the  
4 Archdiocese?  
11:16:20 5 MR. SELSBERG: Objection. That calls for  
6 speculation and assumes facts not in evidence.  
7 MR. WOODS: I'll let him answer it as further  
8 explanatory of an earlier answer.  
9 THE WITNESS: No. We would not have accepted  
11:16:33 10 him.  
11 BY MR. ANDERSON:  
12 Q When Monsignor Curry brought the information  
13 regarding Rivera -- Nicolas Aguilar Rivera first to you,  
14 you knew that his -- he was suspected of sexual abuse of  
11:16:46 15 youngsters or kids?  
16 MR. SELSBERG: Objection; assumes facts not in  
17 evidence.  
18 THE WITNESS: When you said first brought the  
19 information about Father Aguilar, you mean when he first  
11:16:58 20 came?  
21 BY MR. ANDERSON:  
22 Q Yes. When Monsignor Curry first came to you  
23 and said Nicolas Aguilar Rivera has been suspected of --  
24 of misconduct.  
11:17:09 25 A Oh, this is the following year.

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11:17:11 1 Q Yeah. The following year. You knew that  
2 involved kids or youngsters?  
3 MR. WOODS: I'm confused now. Could you give us  
4 a clear question?  
11:17:19 5 BY MR. ANDERSON:  
6 Q When Monsignor Curry first brought the  
7 information to you about Nicolas Aguilar Rivera and  
8 involved in misconduct, it was sexual misconduct  
9 involving kids, was it not?  
11:17:35 10 A That's right.  
11 Q Okay. In the exhibit, there's reference to  
12 family and health reasons.  
13 MR. SELSBERG: Are you talking about the  
14 declaration or the letter or --  
11:18:05 15 MR. ANDERSON: The letter.  
16 BY MR. ANDERSON:  
17 Q What does the letter say about the reasons  
18 Nicolas Aguilar was sent here?  
19 A The -- the letter says that because of family  
11:18:17 20 reasons and reasons of health, he wishes to come to  
21 serve in the Archdiocese for one year.  
22 Q When the phrase "family and health reasons"  
23 was used in this letter and is used, is that code, or  
24 does that provide a warning to the Archdiocese that this  
11:18:55 25 priest suffers from some sort of problem?

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11:19:00 1 MR. SELSBERG: Objection; compound.  
2 THE WITNESS: Absolutely not.  
3 BY MR. ANDERSON:  
4 Q I'm going to refer you to the declaration of  
11:19:10 5 Cardinal Rivera at paragraph 11, numbered 11. You'll  
6 see it begins with "After I obtained a replacement on  
7 January 27th --  
8 A Yes.  
9 Q -- Father Aguilar tendered me his irrevocable  
11:19:37 10 resignation from San Sebastian Martir Parish." He's  
11 corrected that, but that's not important now. And it  
12 states, "and indicated his intention to move to  
13 Los Angeles, California.  
14 "That same day, at Father Aguilar's request  
11:20:01 15 and as was customary in the church, I wrote a letter  
16 introducing him to Cardinal Roger Mahony, then  
17 Archbishop of Los Angeles." This would refer to the  
18 exhibit that we've already identified, correct?  
19 A Yes.  
11:20:17 20 Q And that is correct to say that that was a  
21 customary way to introduce him to you?  
22 A Yes.  
23 Q He says "introduction." And in his  
24 deposition, he claims that the letter that he sent was a  
11:20:32 25 simple introduction and not a recommendation. What do

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11:20:34 1 you say to that, Cardinal?  
2 A Well, I interpret this as a very clear letter  
3 of recommendation.  
4 Q And when he says it's an introduction and you  
11:20:47 5 say it's a recommendation, in -- in -- in the parlance  
6 of the church, how can there be a difference between the  
7 two, you and he?  
8 MR. SELSBERG: Objection; calls for speculation.  
9 MR. WOODS: I agree it calls for speculation and  
11:21:07 10 instruct him not to answer.  
11 BY MR. ANDERSON:  
12 Q Okay. Go to line 24 in paragraph 11. You'll  
13 see at line 24, it states, "nor did I recommend him for  
14 such duties." Do you see that?  
11:21:31 15 A Yes.  
16 Q Cardinal Rivera has asserted in this  
17 declaration and under oath at no time did he recommend  
18 Nicolas Aguilar Rivera to this Archdiocese for duties.  
19 What do you say to that?  
11:21:54 20 MR. WOODS: I'm going to object to the form of  
21 the question. It's not a question. And I'll instruct  
22 him not to answer. Are you asking him does he agree or  
23 disagree? Is that the question?  
24 BY MR. ANDERSON:  
11:22:07 25 Q You can answer the question as asked.

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11:22:09 1 MR. WOODS: Okay. I instruct him not to answer.  
2 BY MR. ANDERSON:  
3 Q Do you agree that -- with Cardinal Rivera in  
4 his declaration under oath that he did not recommend  
11:22:23 5 Nicolas Aguilar for duty to you -- to the Archdiocese?  
6 A I would just say I consider this a very  
7 positive letter of recommendation, and that is my  
8 interpretation of it.  
9 Q Let's go to the phrase "family and health  
11:22:52 10 reasons."  
11 Before I do that, let's go to the next line.  
12 And let me read from this first, and then I'll ask you a  
13 question.  
14 A Excuse me. Which line?  
11:23:13 15 Q I'm going -- I'm going to back it up a little  
16 bit so that we can get some context here.  
17 MR. WOODS: Okay. We're back in Exhibit 100.  
18 BY MR. ANDERSON:  
19 Q And we're at Exhibit 100, page 3, paragraph  
11:23:29 20 11. And line 18, I will read -- excuse me -- line 17, I  
21 will read. "That same day, at Father Aguilar's request  
22 and as was customary in the church, I wrote a letter  
23 introducing him to defendant Cardinal Roger Mahony, then  
24 Archbishop of Los Angeles Archdiocese. In that letter,  
11:23:54 25 I explained that Father Aguilar planned to travel to

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11:24:00 1 Los Angeles."  
2 Does that letter explain that, that he was  
3 planning to travel to Los Angeles?  
4 MR. SELSBERG: Objection; calls for speculation.  
11:24:15 5 THE WITNESS: Well, again, I like to go back to  
6 the Spanish, Cardinal Rivera's Spanish version. Because  
7 he says "I wrote a letter," "presentandolo." That  
8 doesn't mean introducing as if "Here's Mr. Smith. Meet  
9 Mr. Brown." "Presentandolo," in that sense, means  
11:24:41 10 presenting, offering him in a more positive sense. So  
11 that's why I keep looking back and forth here. So --  
12 BY MR. ANDERSON:  
13 Q No. That's fair, Cardinal. I think that's  
14 important. "Presentandolo" to you means --  
11:24:55 15 A More than introducing.  
16 Q -- more than a presentation. It's a  
17 recommendation.  
18 A Yeah.  
19 Q Is that right?  
11:24:59 20 A For me, I interpreted more than the word  
21 "introduce."  
22 Q Okay. And then let's go back, then, to what  
23 Cardinal Rivera says in his declaration about that.  
24 Line 19, "In that letter, I explained that Father  
11:25:16 25 Aguilar planned to travel to Los Angeles because I did

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11:25:22 1 not know whether the rumors of Father Aguilar's  
2 homosexuality were true or instead motivated by  
3 resentment within the community, I was uncertain as to  
4 whether Father Aguilar was fit to continue in service as  
11:25:38 5 a priest."  
6 At any time, did Cardinal Rivera, then Bishop  
7 Rivera, by that letter or otherwise signal to you that  
8 he was uncertain as to whether Aguilar was fit to  
9 continue in service as a priest?  
11:26:03 10 A No.  
11 Q And you wouldn't have ever put him in service  
12 in the Archdiocese as a priest had he so signaled to  
13 you, correct?  
14 MR. SELSBERG: Objection; calls for speculation.  
11:26:15 15 THE WITNESS: That's correct. I would not have.  
16 BY MR. ANDERSON:  
17 Q He goes on to state under oath, "As such, I  
18 did not grant a license to Father Aguilar to take up  
19 priestly duties in Los Angeles, granting such licensure  
11:26:33 20 was beyond my authority as bishop of the diocese in any  
21 event, nor did I recommend him for such duties."  
22 Is this the first time you've read this?  
23 A Yes.  
24 Q Okay. He's saying that -- what is your  
11:27:04 25 response to your reading of that?

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11:27:06 1 MR. WOODS: Okay. I'm going to object. That's  
2 not even a question, really.  
3 MR. HABEL: It's argumentative.  
4 MR. WOODS: Instruct not to answer.  
11:27:15 5 Argumentative.  
6 BY MR. ANDERSON:  
7 Q Well, when you read what the Cardinal has  
8 written under oath about this letter and his  
9 representations to you and how he characterizes it, what  
11:27:32 10 is your reaction to that?  
11 MR. SELSBERG: Objection. That  
12 mischaracterizes -- I mean that mischaracterizes the  
13 document that you're reading from.  
14 MR. WOODS: It's also compound because you  
11:27:45 15 read -- read fairly complex sentences, and it's  
16 confusing to a lay witness to just say "What do you" --  
17 "What's your reaction to it?" I mean it's not a proper  
18 question.  
19 BY MR. ANDERSON:  
11:27:58 20 Q Okay. Well, when he says "I was uncertain as  
21 whether he was fit to serve as a priest and I did not  
22 recommend him for duty as a priest to the Archdiocese,"  
23 what is your reaction to that?  
24 A Again, my reading of the January 27th, 1987,  
11:28:15 25 letter is the opposite.

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11:28:30 1 Q When did you first learn from any source that  
2 Cardinal, formerly Bishop, Norberto Rivera was asserting  
3 in this case or otherwise that he had not recommended  
4 this priest for fitness to serve in the Archdiocese?  
11:28:54 5 MR. WOODS: I'm going to let you answer that, but  
6 please exclude any conversations of a privileged nature  
7 with your attorneys. So if you heard about it in the  
8 newspaper or any other place, you can answer it.  
9 THE WITNESS: Now, would you repeat the question  
11:29:09 10 and make sure I got --  
11 BY MR. ANDERSON:  
12 Q When did you first learn that Cardinal Rivera  
13 was asserting that he had not recommended Aguilar Rivera  
14 to the Archdiocese of L.A.?  
11:29:19 15 A I don't recall the exact date, but it was  
16 sometime after this matter became public when we learned  
17 about it in the newspaper articles, sometime in that  
18 area.  
19 Q Okay. What year would that have been,  
11:29:34 20 Cardinal?  
21 A That would have been 1988.  
22 Q Going back to the declaration at line 26, he  
23 states, "However, because I suspected that Father  
24 Aguilar might be homosexual, I cautioned that the  
11:29:53 25 motivation for Father Aguilar's trip to Los Angeles was,

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11:29:59 1 quote, family and health reasons, unquote. The phrase,  
2 quote, family and health reasons, unquote, was used  
3 within the church to warn when the priest suffers from  
4 some sort of problem."  
11:30:22 5 My question to you is does the phrase "family  
6 and health reasons" used in the context here signal a  
7 warning that a priest suffers from some sort of problem?  
8 A That's the first time I've ever heard that.  
9 Q He goes on to state, "I anticipated" -- at  
11:30:57 10 page 4 -- I am now line 1. He states, "I anticipated  
11 that Cardinal Mahony would request a more detailed  
12 account of Father Aguilar's history and problems if he  
13 decided to consider Father Aguilar as an employee of the  
14 Los Angeles Archdiocese."  
11:31:27 15 My question to you is did he ever tell you  
16 that he anticipated or expected you to get more  
17 information before considering him for employment?  
18 MR. SELSBERG: Objection; calls for speculation,  
19 assumes facts not in evidence, and is vague.  
11:31:46 20 MR. WOODS: The "he" is then-Bishop Rivera?  
21 MR. ANDERSON: Yes.  
22 MR. WOODS: Did he ever tell you?  
23 THE WITNESS: No.  
24 BY MR. ANDERSON:  
11:31:56 25 Q And so when is the first time that you

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11:32:01 1 learned from any source, apart from reading this today,  
2 that Cardinal Rivera is asserting or has asserted that  
3 he expected or anticipated that you would make further  
4 inquiry before employing or placing this priest?  
11:32:23 5 A It would be in that same time zone back in  
6 1988. I don't recall exactly when, but shortly after  
7 all of this blew up.  
8 Q Okay. It's correct that at all times,  
9 Nicolas Aguilar Rivera was a priest at the Diocese of  
11:32:38 10 Tehuacan?  
11 A Yes.  
12 Q In order for him to serve in the Archdiocese  
13 of L.A., Cardinal Rivera has to -- has to recommend him  
14 and assert about his fitness under Canon Law, correct?  
11:32:51 15 A Yes, that's correct.  
16 Q And it's also correct to say that when and if  
17 he's -- he's allowed to serve in the Archdiocese of L.A.  
18 as he was, you, as the Ordinary, give him permission to  
19 serve and grant him faculty to serve in the Archdiocese?  
11:33:11 20 A That's correct.  
21 Q And the only thing you do is give him  
22 permission to serve here, correct?  
23 A Yes.  
24 Q And to minister all of the faculties of a  
11:33:20 25 priest, the full faculties of a priest, correct?

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11:33:23 1 A Yes.  
2 Q He at all times while serving here remains a  
3 priest of the Diocese of Tehuacan?  
4 A Correct.  
11:33:29 5 Q And under his promise of obedience to his  
6 superior, then Bishop Rivera, correct?  
7 A Correct.  
8 Q He has an obligation to you, however, because  
9 you've given him permission to serve here, to -- to make  
11:33:43 10 sure that he conducts himself in accord with his  
11 obligations as a priest, correct?  
12 A Yes.  
13 Q While he's serving in the Archdiocese of L.A.  
14 as a priest -- and you know he's served here for --  
11:33:58 15 worked here for nine months. Did you know that?  
16 A Yes.  
17 Q While he worked here for nine months,  
18 Cardinal Rivera remained his superior, did he not?  
19 A Correct.  
11:34:10 20 Q And Cardinal Rivera remained his ultimate  
21 supervisor, did he not?  
22 A Yes.  
23 Q And he could not come to the U.S. and be --  
24 and even work as a priest here without the express  
11:34:22 25 permission and recommendation of Cardinal Rivera,

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11:34:24 1 correct?  
2 A Yes.  
3 Q It was Cardinal Rivera -- did you in any way  
4 facilitate his transfer here through immigration or  
11:34:33 5 transportation or anything like that?  
6 A Of Father Aguilar Rivera?  
7 Q Yes.  
8 A Yes.  
9 Q How -- how -- how did that happen?  
11:34:41 10 A It's customary when a priest comes, who has  
11 the proper visa, to -- and we are going to receive him  
12 for a limited period of time, to get his status  
13 regularized while he's here.  
14 Q Did -- as far as you know, was Rivera --  
11:34:59 15 Nicolas Aguilar Rivera in compliance with immigration  
16 when he -- when he came here?  
17 A As far as I know, yes.  
18 Q Did he have a visa or permission to work?  
19 A I don't know. Bishop Curry would have been  
11:35:14 20 the one to look into those matters with him.  
21 Q Okay. Have you ever discussed that with  
22 Curry or received any information from any source  
23 whether or not he was or was not in compliance with the  
24 immigration laws?  
11:35:27 25 A I don't recall ever discussing with him, no.

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11:35:43 1 Q Cardinal Rivera in this declaration reasserts  
2 that he never recommended him to you or the Archdiocese.  
3 At line 19, page 4 -- I'd like to direct your attention  
4 to that.  
11:36:04 5 Line 19, he states, "Nonetheless, I never  
6 recommended Father Aguilar for pastoral work in the  
7 Los Angeles Archdiocese in that letter, as Father  
8 Aguilar had requested, as I was uncertain whether he was  
9 fit for such work."  
11:36:27 10 MR. SELSBERG: Is that a question?  
11 MR. ANDERSON: Whether he was --  
12 MR. SELSBERG: It's a different -- it's a  
13 different letter, isn't it? I think it's referring to a  
14 different -- can you clarify? It's vague and ambiguous.  
11:36:38 15 MR. ANDERSON: Yeah. Yeah.  
16 MR. SELSBERG: If you can just clarify --  
17 MR. ANDERSON: Yeah. I think I will.  
18 BY MR. ANDERSON:  
19 Q Let me ask you this, Cardinal. Was it  
11:36:50 20 customary for you to receive a priest from outside the  
21 diocese on a letter such as that sent by bishop -- then  
22 Bishop Rivera to you?  
23 MR. SELSBERG: Objection; ambiguous, vague.  
24 THE WITNESS: Yes. Particularly when it stated  
11:37:15 25 this is for a one-year term.

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11:37:18 1 BY MR. ANDERSON:  
2 Q And then whose decision would it have been  
3 for him to continue here after the expiration of that  
4 year? It would have been up to his Ordinary, his  
11:37:29 5 superior, -- would it not?  
6 A That's right.  
7 Q And if he had been allowed to continue beyond  
8 that year, the Ordinary would have requested permission  
9 of you to see if he could continue, correct?  
11:37:39 10 A Yes.  
11 Q That's the custom and practice?  
12 A Yes.  
13 Q Why don't we take a short break here, just a  
14 few minutes, ten minutes or something.  
11:37:56 15 MR. WOODS: Okay.  
16 THE WITNESS: Sure.  
17 THE VIDEOGRAPHER: Off the record, the time is  
18 11:38.  
19 (Recess taken from 11:38 a.m. until  
11:38:00 20 11:48 a.m.)  
21 THE VIDEOGRAPHER: On the record, the time is  
22 11:48.  
23 BY MR. ANDERSON:  
24 Q All right. Cardinal, let's go back to this  
11:48:38 25 phrase "family and health reasons." Referring to the

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11:48:41 1 declaration 100A and in the English version, which is  
2 100A, page 3, line 27, Cardinal Rivera states, "I  
3 cautioned that the motivation for Father Aguilar's trip  
4 to Los Angeles was family and health reasons."  
11:49:14 5 My question to you is was there anything in  
6 what Cardinal Rivera communicated to you or how he  
7 communicated it in custom or in practice within the  
8 church that would send you a caution or a warning or a  
9 clue that this priest was not fit for ministry?  
11:49:47 10 MR. SELSBERG: Objection; compound.  
11 THE WITNESS: No.  
12 BY MR. ANDERSON:  
13 Q Nothing at all?  
14 A Nothing.  
11:49:52 15 Q This guy -- in other words, he gave this guy,  
16 as far as -- as far as the Archdiocese was concerned, a  
17 clean bill of health. "You can" -- "You can let him  
18 work here, you can let him serve here, and you can put  
19 him in charge of the community of faith here?"  
11:50:06 20 MR. SELSBERG: Objection; assumes facts not in  
21 evidence.  
22 THE WITNESS: Well, again, the language of the  
23 letter to me is a very positive recommendation.  
24 BY MR. ANDERSON:  
11:50:14 25 Q Okay. And is there anything in that same

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11:50:19 1 letter or from any other source coming from Norberto  
2 Rivera, then Bishop, that would cause you to pause or  
3 require you to investigate further his fitness, that is,  
4 Aguilar -- Aguilar -- Nicolas Aguilar's fitness to  
11:50:40 5 serve?  
6 A No.  
7 Q Let's go to -- to the declaration again. And  
8 in the declaration, 100C at page 3, line 3, and you'll  
9 see in the English version, it says "Because there were  
11:51:13 10 rumors that grown men stayed overnight." That's what it  
11 says.  
12 A Yes.  
13 Q Look at 100, the Spanish version, at line 5,  
14 page 3. In the Spanish version in that sentence, the  
11:51:42 15 term "hombres adultos" is used, is it not?  
16 A Yes.  
17 Q If the term "chamacos" had been used there,  
18 would that have a different meaning for you as a reader?  
19 MR. SELSBERG: Objection; calls for speculation,  
11:51:58 20 and I object to the competency of this witness to do  
21 translations.  
22 BY MR. ANDERSON:  
23 Q You can answer.  
24 MR. WOODS: I also object that it's a  
11:52:08 25 hypothetical, not conforming with the facts presented

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11:52:14 1 here, and instruct the witness not to answer.  
 2 MR. ANDERSON: On the basis of? What's the legal  
 3 objection --  
 4 MR. WOODS: You're asking --  
 11:52:25 5 MR. ANDERSON: -- for the instruction?  
 6 MR. WOODS: You're asking him for an expert in  
 7 translation of the Spanish language. You're asking him  
 8 as expert in church law.  
 9 MR. ANDERSON: No, I'm not. Is it relevancy, or  
 11:52:37 10 is it --  
 11 MR. WOODS: All of those things I've mentioned.  
 12 MR. ANDERSON: Just give me the legal objections  
 13 so we can deal with it in court. Relevancy or what?  
 14 MR. WOODS: Okay. It calls for an expert  
 11:52:46 15 opinion. He's not been designated or being asked to  
 16 testify here as an expert. It calls for translation.  
 17 He's not here as an expert in translation. It assumes  
 18 facts not in evidence and is argumentative and is  
 19 confusing, and it's not relevant to the jurisdictional  
 11:53:08 20 issue.  
 21 MR. HABEL: Hypothetical.  
 22 MR. WOODS: It's a hypothetical.  
 23 BY MR. ANDERSON:  
 24 Q I'm going to --  
 11:53:30 25 MR. WOODS: Let me just --

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11:53:31 1 MR. ANDERSON: Just a minute.  
 2 MR. WOODS: Okay.  
 3 MR. ANDERSON: We're going to go to court over  
 4 this.  
 11:53:34 5 MR. WOODS: Fine.  
 6 MR. ANDERSON: If you want to let him answer now,  
 7 that's fine. If you don't, we're fighting this thing.  
 8 MR. WOODS: Okay.  
 9 MR. ANDERSON: I just want you to know so, you  
 11:53:42 10 know, if you want to reconsider, that's fine.  
 11 MR. SELSBERG: I ask that you all do that today.  
 12 MR. ANDERSON: Well, look, we've got questions to  
 13 ask. If we can do it, we will. But we've got other  
 14 questions to ask, and you've already made it difficult  
 11:53:57 15 enough and used enough time making what I consider  
 16 frivolous objections that -- you know, we're going to  
 17 try to use the time to get to the substance of this.  
 18 BY MR. ANDERSON:  
 19 Q I'm going to show you now what we've marked  
 11:54:09 20 Exhibit 19, Cardinal. The translation would be 19A and  
 21 then the certification of the translation.  
 22 (Whereupon, Exhibit 19 was introduced and  
 23 marked for identification by the Certified Shorthand  
 24 Reporter, a copy of which is attached hereto.)  
 11:54:24 25 MR. WOODS: I'm going to need a copy.

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11:54:31 1 BY MR. ANDERSON:  
 2 Q And I will represent to you that this has  
 3 been produced in this -- in this litigation by Cardinal  
 4 Rivera's lawyers and the Diocese of Tehuacan. It is a  
 11:54:51 5 police report of the Puebla State Police in 1986. Okay.  
 6 It pertains to Nicolas Aguilar Rivera and the incident  
 7 in August that preceded his departure from Tehuacan.  
 8 Okay.  
 9 And so that we can be somewhat brief here, 15  
 11:55:34 10 lines down in the English version, I'm going to read --  
 11 because you speak Spanish, you might be able to help me.  
 12 But in the English version at 15 lines down, it says "I  
 13 work here at the service of the parish in the afternoon.  
 14 A youngster wearing a green suit and tennis shoes" -- do  
 11:56:10 15 you see that line on the English version I just read?  
 16 A Yes.  
 17 Q Now look at the Spanish version and track  
 18 that line.  
 19 A Boy, this is very difficult to read. This --  
 11:56:34 20 Okay. "Yo trabajo aqui," "I work here at the service of  
 21 the parish," all right, "in the afternoon."  
 22 Q Okay.  
 23 A All right.  
 24 Q And -- yes. And then go ahead and read what  
 11:56:43 25 it says.

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11:56:46 1 A I have to do it in Spanish, you mean?  
 2 MR. WOODS: Just read it to yourself, he means.  
 3 BY MR. ANDERSON:  
 4 Q No. As you read it, beginning with "I work  
 11:56:52 5 here at the service of the parish in the afternoon."  
 6 Why don't you read what the Spanish version says to you  
 7 as you read it.  
 8 MR. WOODS: Okay. I'm going to object to the  
 9 question. It's calling for a translation, which has  
 11:57:04 10 nothing to do with jurisdiction. This is a document  
 11 that never was communicated from Mexico to United  
 12 States. It has nothing to do with any purposeful  
 13 activity by the Mexican defendants in doing business in  
 14 California. It never was presented.  
 11:57:26 15 You're now going -- what you're trying to do  
 16 is get a translation of a specific word or a sentence.  
 17 That's not his job to do translations. You can hire a  
 18 person to do a translation. He's not here to do  
 19 translations.  
 11:57:42 20 MR. ANDERSON: Counsel, it -- it is central to  
 21 the inquiry.  
 22 MR. WOODS: It's central to your case --  
 23 MR. ANDERSON: No.  
 24 MR. WOODS: -- not central to jurisdiction.  
 11:57:49 25 MR. ANDERSON: This is -- this is what -- this is

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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,  
12:03:13 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?

01:20:23 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

200

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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 --

201

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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.

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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1 \*\*\*  
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 5  
 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\_\_\_\_.  
 14  
 15  
 16  
 17 WITNESS SIGNATURE  
 18  
 19  
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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  
 16 I further certify that I am neither  
 17 financially interested in the action nor a relative or  
 18 employee of any attorney of any of the parties.  
 19 In witness whereof, I have subscribed my name  
 20 this date, September 16, 2007.  
 21  
 22  
 23 *Jeanette M. Taylor*  
 24 Jeanette M. Taylor  
 25 Certified Shorthand Reporter  
 Certificate Number 9463

Gobierno Eclesiástico  
del  
Obispado de Tehuacán  
Aportado Núm. 157  
75700

Enero 27 de 1987.

Excmo. y Rvdmo. Sr. Arzobispo  
Don Rogelio Mahony.  
P r e s e n t e .

Muy estimado Señor Arzobispo:

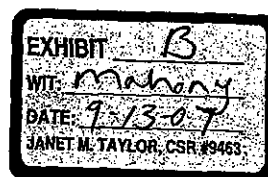
Lo saludo atentamente deseándole toda clase de bendiciones en el Señor.

Por motivos familiares y por motivos de salud el Padre Nicolás Aguilar Rivera, Cura Párroco de Cuacnopalan, Pue., perteneciente a ésta Iglesia de Tehuacán, desea permanecer por Un Año al servicio de la Arquidiócesis de Los Angeles. No tengo ningún inconveniente en conceder el permiso si Su Excelencia lo acepta para que trabaje en su Iglesia Local.

Agradezco sinceramente las atenciones que pueda prestar al Padre Nicolás cuya fotografía de identificación incluyo.

Su hermano y servidor.

*N. Rivera C.*  
NORBERTO RIVERA C.  
OBISPO DE TEHUACAN



CIVAGUIL 000001

Marzo 4, 1987

Mons. Don Thomas Curry.  
Vicario General del Clero.  
Presente.

Muy estimado Monseñor:

Reciba mi afectuoso saludo y buenos deseos para su ministerio en el Señor.

Soy Nicolás Aguilar Rivera, sacerdote de la: Diócesis de Tehuacán, Mexico.

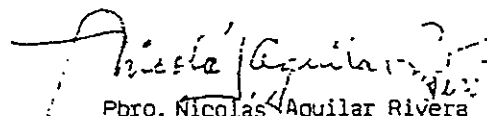
Yo he desarrollado mi trabajo sacerdotal en la parroquia de San Sebastián Cuacnopalan, Puebla, Diócesis de Tehuacán. Y sucedió un accidente: que dos personas me golpearon por predicar la Palabra de Dios y por trabajar en las Obras Materiales de la Iglesia Parroquial.

Por mi seguridad, mi Sr. Obispo el Excmo. y Rvdmo. Sr. Norberto Rivera Carrera, me concedió permiso para venir a esta Arquidiócesis de Los Angeles en donde se encuentran mis familiares y el Padre y gran Sacerdote que conozco desde hace algunos años Rev. Guillermo A. Rodríguez.

Adjunto la carta testimonial de mi Sr. Obispo y domicilio actual 834 Palm Blvd., Venice, CA 90291, Tel. (213) 821-2167.

Le suplico me acepte Ud. para seguir ejerciendo mi Sacerdocio en esta amadísima Iglesia Católica de Los Angeles.

Afectísimo en Cristo.

  
Pbro. Nicolás Aguilar Rivera

10-11110

CIVAGUIL 000002



ARCHDIOCESE OF LOS ANGELES  
1531 WEST NINTH STREET  
LOS ANGELES, CALIFORNIA 90015-1194  
(213) 251-3200

<sup>F</sup>  
COPY

OFFICE OF VICAR FOR CLERGY  
(213) 251-3284

March 12, 1987

Immigration and Citizenship  
Catholic Social Services  
1400 West Ninth Street  
Los Angeles, CA 90015

TO WHOM IT MAY CONCERN:

This is to introduce Rev. CARLOS NICOLAS AGUILAR RIVERA, a priest in good standing of the Diocese of TEHUACAN, MEXICO. Father Aguilar Rivera was ordained on July 12, 1970, and we have approved his transfer to this Archdiocese. He will be assigned to a parish here and be granted full faculties of the Archdiocese.

Kindly handle his case.

Sincerely yours,

(Rev. Msgr.) Thomas J. Curry  
Vicar for Clergy

/lbm

NOV 1987

CIVAGUIL 000003



ARCHDIOCESE OF LOS ANGELES  
1531 WEST NINTH STREET  
LOS ANGELES, CALIFORNIA 90015-1194  
(213) 251-3200

OFFICE OF VICAR FOR CLERGY  
(213) 251-3284

March 25, 1987

Rev. Nicolas Aguilar-Rivera  
Our Lady of Guadalupe Church  
4509 Mercury Avenue  
Los Angeles, CA 90032

Dear Father Rivera:

This will confirm your appointment as

ASSOCIATE PRO TEM

of Our Lady of Guadalupe Church, Los Angeles, effective  
March 16, 1987.

It is understood that the Most Reverend Ordinary of Los Angeles, Archbishop Roger Mahony, is accepting your ministerial services in this jurisdiction in accord with the provisions of Canon 271, #1,2,3, i.e., your proper Ordinary has given his permission for your presence in this jurisdiction for a specified time, which may be renewable or terminated, and that you will remain incardinated in your own proper Diocese.

Enclosed are full faculties of the Archdiocese of Los Angeles. These faculties expire October 31, 1987, at which time a written request for their extension will be necessary.

With personal best wishes, I remain

Sincerely yours,

(Rev. Msgr.) Thomas J. Curry  
Vicar for Clergy

/lbm

Enclosure

cc: Most Rev. Norberto Rivera, Bishop of Tehuacan  
Rev. William McLean  
Most Rev. Juan Arzube  
Rev. Joseph Pina, V.F.

CIVAGUIL 000004



Rev. Nicolae Aguilera-Rivera  
Our Lady of Guadalupe Church  
4509 Mercury Ave.  
Los Angeles, CA 90032

March 30, 1987

Dear Father Rivera:

May I ask that you fill out the enclosed Personal Record Sheet  
and return it to this office within ten days.

As time goes on, we will keep it updated--thus assuring both the  
Archdiocese and yourself of an accurate picture of your time and  
assignments here.

Thank you very much for your cooperation in this.

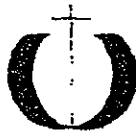
Sincerely yours,

(Rev. Msgr.) Thomas J. Curry  
Vicar for Clergy

cc:  
return envelope enclosed

40-1111-9

CIVAGUIL 000005



F

CATHOLIC CHARITIES  
OF LOS ANGELES

CECILIA CRUZ  
DEPARTMENT DIRECTOR

MOST REVEREND ROGER M. MAHONY  
ARCHBISHOP OF LOS ANGELES  
REVEREND DAVID COLSINEAU, LCSW  
EXECUTIVE DIRECTOR  
ELIZABETH KIRSINS  
DIVISION DIRECTOR

MEMORANDUM

TO: REV. MSGR. THOMAS J. CURRY

FROM: IMMIGRATION AND CITIZENSHIP DIVISION — *Home*

DATE: April 8, 1987

RE: Father Carlos Nicolas Aguilar-Rivera

NOTE: PLEASE RE-ISSUE AFFIDAVIT FOR R-1 VISA, father was born at Huehuetlan el Chico, Puebla, MEXICO on September 10, 1941.

THANK YOU

40-1110-10

IMMIGRATION AND CITIZENSHIP DEPARTMENT  
IMMIGRATION AND CITIZENSHIP DIVISION  
1400 WEST NINTH STREET • P.O. BOX 1540 • LOS ANGELES, CA 90015-0005  
MEMBER AGENCY OF UNITED WAY ACCREDITED - COUNCIL ON ACCREDITATION

CIVAGUIL 000006



ARCHDIOCESE OF LOS ANGELES  
1531 WEST NINTH STREET  
LOS ANGELES, CALIFORNIA 90015-1194  
(213) 251-3200

COPY

OFFICE OF VICAR FOR CLERGY  
(213) 251-3284

TO WHOM IT MAY CONCERN:

Father Carlos Nicolas AUGILAR-Rivera was born in Huebuetlan El Chico, Pueblo, Mexico on September 10, 1941. He completed studies and seminary training and was ordained to the Catholic Priesthood on July 12, 1970. Since that time, he has served as a Catholic priest continuously.

Father AGUILAR-Rivera has the permission of his Ordinary Most Reverend Norberto Rivera C., Bishop of Tehucan, to be in this Archdiocese.

Father AGUILAR-Rivera holds the appointment of Associate pro tem at Our Lady of Guadalupe Parish, Los Angeles. Because of the large population of Spanish-speaking people living in that parish, we need the services of a priest who has knowledge of the language and experience in working with them.

There will be no problem about Father AGUILAR-Rivera's support during the period of time in which he holds an official assignment in the Archdiocese of Los Angeles, nor will he become a burden on any Federal, State, or local authority.

Please proceed with application for H-1.

Date: April 9, 1987

(Rev. Msgr.) Thomas J. Curry  
Vicar for Clergy

104110

CIVAGUIL 000007