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11 **JOHN ROE 17**

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **IN AND FOR THE COUNTY OF LOS ANGELES**

14 Coordinated Proceeding Special Title (Rule
15 1550 (b))

16 **THE CLERGY CASES II**

17 John Roe 17, Individually
18 Plaintiff.

19 v.

20 Defendant Doe 1, Diocese; and Does 2
21 through 100 inclusive,
22 Defendants.

23 **CASE NO.:** GIC 823004
24 Judicial Council Coordination Proceeding
25 Number 4297 - Clergy II

26 **PLAINTIFF'S NOTICE OF**
27 **LODGMEN IN SUPPORT OF**
28 **MOTION FOR PUNITIVE DAMAGES**

Date: 12/12/06
Time: 8:30 a.m.
Dept: 20
Judge: Haley J. Fromholz
Trial: 1/17/07
Judge: John S. Einhorn

NOTICE OF LODGMEN IN SUPPORT OF PLAINTIFF'S MOTION FOR PUNITIVE DAMAGES

1 Plaintiff hereby lodges the following documents:
2

3 Exhibit 1. is the declaration of Thomas Patrick Doyle, O.P., J.C.D., a Roman Catholic
4 priest with expertise in the treatment of childhood sexual abuse by Roman Catholic Institutions.

5 Exhibit 2. is a true and correct copy of a document entitled "A Report on the Crisis in the
6 Catholic Church in the United States." The Report was prepared by The National Review Board
7 for the Protection of Children and Young People, a Review Board established by the united
8 States Conference of Catholic Bishops.

9 Exhibit 3. are a true and correct copies of pages 9 and 10 of the transcript of a deposition
10 of Bishop Robert Brom of the Roman Catholic Diocese of San Diego, taken on October 13,
11 2004.

12 Exhibit 4. are true and correct copies of pages 54, 55, 79, 80, 81, 82, 83, 95, 127, 150,
13 153, 170, 171, 172, 173, 174, 175, 176, 177, 215, 216, 225, 226, 238, 241, 242, 243, 261, 265,
14 325, 339, 340, 346, 347, 348, 349, 350, 351, 363, 364, 388, 389, 420, 425, 426, 427, and 550 of
15 the transcript of the deposition of Edward Anthony Rodrigue, taken in regard to this action.

16 Exhibit 5. are true and correct copies of pages 324 and 325 of the rough deposition
17 transcript of Thomas A. Rodrigue, taken with respect to this action.

18 Exhibit 6. is a true and correct copy of a psychological evaluation of Edward Anthony
19 Rodrigue taken on January 29, 1991.

20 Exhibit 7, is a true and correct copy of Edward Anthony Rodrigue's Personal Record,
21 produced by the Roman Catholic Bishop of San Diego.

22 Exhibit 8, is a true and correct copy of pages 12-15 of the Statutes of the Diocese of San
23 Diego.

24 Exhibit 9, is a true and correct copy of Sections 553-555 of the 1983 Code of Canon Law.

25 Exhibit 10, is a true and correct copy of the declaration of A. Richard Miranda, filed in
26 the United States District Court for the Southern District of California in *Melanie H. v. Does*
(Case No. 04 CV 1596 WQH.)

27 Exhibit 11, is a true and correct copy of the declaration of Raul A. Miranda, filed in the
28 United States District Court for the Southern District of California in *Melanie H. v. Does* (Case

1 No. 04 CV 1596 WQH.)

2 Exhibit 12, is a true and correct copy of pages 29, 36, 37, 53, 56, 59 and 60 of the
3 transcript of the deposition of John Roe 23.

4 Exhibit 13, is a true and correct copy of pages, 24, 25, 26, 28 and 29 of the transcript of
5 the deposition of Oscar Perez, taken in connection with this action.

6 Exhibit 14, is a true and correct copy of pages 20 and 21 of the transcript of the
7 deposition of Cammen Colunga, taken in connection with this action.

8 Exhibit 15, is a true and correct copy of a letter from Bishop Charles Buddy to Gerald
9 Fitzgerald, dated September 28, 1957.

10 Exhibit 16, is a true and correct copy of a letter written by Sister Anna Polcino, M.D., to
11 Bishop Leo Maher on July 6, 1976.

12 Exhibit 17, is a true and correct copy of a letter written by Joseph Hart, Ph.D., to Bishop
13 Leo Maher on September 23, 1976.

14 Exhibit 18, is a true and correct copy of Edward Anthony Rodrigue's Discharge
15 Summary, issued by the House of Affirmation on December 27, 1976.

16 Exhibit 19, is a true and correct copy of a letter from Archbishop John Quinn to the Vicar
17 General of the Roman Catholic Diocese of San Bernardino.


18 Exhibit 20, is a true and correct copy of a letter from the Vicar General of San Bernardino
19 to Bishop Leo Maher.

20 Exhibit 21, is a true and correct copy of a letter from Joseph Hart, Ph.D., to Bishop Leo
21 Maher, dated October 6, 1976.

22 Exhibit 22, Plaintiff's Proposed First Amended Complaint for Damages.

23
24 Respectfully submitted,

25 ZALKIN & ZIMMER, LLP

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Irwin M. Zalkin
Attorney for Plaintiff
John Roe 17

Dated: 11/15/06

EXHIBIT 1

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11 **JOHN ROE II**

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THE CLERGY CASES II

John Roe II, Individually
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**DECLARATION OF THOMAS P.
DOYLE, O.P., J.C.D. IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PUNITIVE DAMAGES**

Date: 12/12/06
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**DECLARATION OF THOMAS P. DOYLE, O.P., J.C.D. IN SUPPORT OF PLAINTIFF'S
MOTION FOR PUNITIVE DAMAGES**

1 Thomas P. Doyle, O.P., J.C.D., being duly sworn, deposes and states the following:

2 1. I am a Catholic priest, ordained in May 1970. I have graduate degrees in philosophy,
3 theology, political science, church administration and Canon Law. I have a Pontifical Doctorate
4 in Canon Law, awarded in May 1978. Graduate studies have been pursued at Aquinas Institute
5 of Philosophy and Theology, University of Wisconsin, Catholic University of America, St. Paul
6 University (Ottawa, Canada), University of Ottawa and the Gregorian University, Rome. I have
7 also pursued graduate studies in additions at the University of Oklahoma and the Naval School
8 of Health Sciences, San Diego. I am a Certified Drug and Alcohol Counselor. I recently left the
9 US Air Force after 18 years as an officer and chaplain. I currently reside in Vienna, Virginia.

10 2. Since ordination to the priesthood in 1970 I have served as a parish priest (1971-73),
11 advocate and later judge on the Metropolitan tribunal of the Archdiocese of Chicago (1974-
12 1981), part-time tribunal judge for the Dioceses of Scranton, PA and Lafayette, IN. I served as
13 Secretary-Canonist at the Vatican Embassy, Washington, D.C. from 1981-1986. I was a
14 canonical consultant and tribunal judge for the Archdiocese for the Military Services, 1986-1990.
15 I have also served as a guest lecturer in Canon Law at Catholic Theological Union, Chicago,
16 Catholic University of America and the Tribunal Institute of Mundelein Seminary, Chicago. I
17 have served as a member of the Board of Governors of the Canon Law Society of America
18 (1978-1980). From 1983-85 and 1988-1990 I was a consultant to the Canonical Affairs
19 Committee of the National Conference of Catholic Bishops. In 1990 I entered active duty of the
20 U.S. Air Force and have been assigned to Grissom AFB, Indiana (1990-93), Hurlburt Field,
21 Florida (1993-95), Lajes Field, Azores (1995-97), Tinker AFB, Oklahoma (1997-2001),
22 Ramstein AB, Germany (2001-2003) and Seymour Johnson AFB, North Carolina (2003-2004). I
23 have also been deployed to Operation Joint Forge, Operation Southern Watch and Operation
24 Iraqi Freedom.

25 3. Since 1984 I have been directly involved with the issue of Catholic clergy sexual abuse of
26 children, minors and adults. I have worked with victims, their families, therapists and attorneys

27 -2-

28 **DECLARATION OF THOMAS P. DOYLE, O.P., J.C.D. IN SUPPORT OF PLAINTIFFS**
MOTION FOR PUNITIVE DAMAGES

1 representing victims. I have also worked with clerics accused of sexual abuse. I have served as
2 both a canonical consultant and pastoral minister. I have worked with Dioceses and Religious
3 Orders giving presentations and lectures and developing policies and procedures. I have been an
4 expert witness and/or consultant in civil and criminal cases involving clergy sexual abuse in
5 cases involving clerics from Catholic dioceses and religious communities throughout the United
6 States. I have also served as a consultant in cases from Canada, the United Kingdom, Ireland,
7 Australia, New Zealand and Israel. I have testified at trials in the United States, Canada and
8 Ireland. I have appeared before an independent investigative body in Ireland. I have been a
9 consultant to and an expert witness before grand juries in the United States. I have also been
10 asked to testify before the State Legislatures of Pennsylvania, Ohio, Colorado, California and
11 Maryland on matters related to child abuse, clergy reporting statutes and statutes of limitations. I
12 have published several articles and one book on the subject of clergy sexual abuse. A copy of my
13 curriculum vitae is attached.

14 4. The subject of this declaration is the Catholic Church's policy of secrecy surrounding the
15 Church's response to reports of sexual abuse perpetrated by members of the clergy.

16 5. Sexual abuse by Catholic clergy has been taking place for centuries. Even before celibacy
17 had been mandated for the clergy throughout the church (in the year 1129), the church's leaders
18 were facing regular instances of clergy sexual abuse of children, minors and vulnerable adults.
19 The earliest Church legislation against such abuse dates from the year 309 AD (Synod of Elvira)
20 and consisted of prohibitions against bishops and priests for having sex with minor boys.
21 Throughout the Church's history its leadership has regularly enacted disciplinary legislation
22 aimed at counteracting clergy sexual abuse. This legislation was proposed by various authority
23 sources in the church: popes, individual bishops and groups of bishops acting together. For many
24 centuries this legislation was publicized which leads to the conclusion that clergy sexual abuse
25 was a known fact in secular society. None of the legislation that is known from the fourth to the
26 mid nineteenth centuries was issued in secret nor was it denied when its existence was
27
28

1 commented upon.¹ Although there are no known complete listings of cases throughout the
2 centuries, it is safe to assume that in light of the proliferation of legislation as well as certain non-
3 legislative texts that have appeared, that sexual abuse of both minors and adults has been a
4 perennial problem. Perhaps the most famous unofficial text has been a small book written by
5 Cardinal Peter Damien in the early 11th century entitled The Book of Gomorrah. This book,
6 actually a detailed report submitted to the pope at the time, attacked what the author described as
7 a widespread practice of sexual abuse of the young and of vulnerable adults by priests. Peter
8 Damien also attacked superiors who failed to take timely action to control and eliminate such
9 practices.²

10 6. The most extensive evidence of actual cases is found in the records of the Holy
11 Inquisition. The Inquisition was a section or department of the Vatican bureaucracy which
12 administered the church worldwide. It had sections or branches in several countries. It served as
13 a kind of “watch-dog” office against heresy and also consisted of a system of courts which
14 prosecuted certain ecclesiastical crimes according to Canon Law procedures. Among these
15 crimes was one known as “solicitation in the confessional.” The practice of Catholics
16 confessing their sins to priests in a private setting had been in existence since the early middle
17 ages (5-6th centuries). Private confession was the norm by the 13th century and was mandated
18

¹ See Doyle, Sipe, Wall, Sex, Priests and Secret Codes (Los Angeles, Bonus
19 Books, 2006). This book describes the legislative history of clergy sexual abuse
20 and lists the major documents issued by the Catholic Church throughout its
21 history.
22

² See Pierre Payer, editor and translator. The Book of Gomorrah: an Eleventh
23 Century Treatise Against Clerical Homosexual Practices. (Waterloo, Ont. Wilfred
24 Laurier University Press. 1982.)
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1 for every Catholic at the Fourth Lateran Council in 1215. The most prominent abuse connected
2 with private confession was the practice whereby the priest would attempt to solicit some form of
3 sexual activity from the penitent. The official Church responded with legislation beginning in
4 1622. It issued special decrees and special judicial procedural rules in 1741, 1866, 1921, 1962
5 and 2001. Cases were generally handled by the Inquisition. The most extensive records have
6 been discovered, documented and studied in the Spanish, Mexican and Italian departments of the
7 inquisition. In Spain for example, an extensive study revealed that there were 3775 completed
8 cases between 1723 and 1820 (the year the inquisition was terminated). This number represents
9 about 10% of the total number of cases presented, most of which were either abandoned or never
10 finished for various procedural reasons.³

11 7. The historical information is important because it demonstrates that the problem of clergy
12 sexual abuse of minors and vulnerable adults has not only existed in the Catholic church for at
13 least 16 centuries, but it has been publicly known and publicly acknowledged by Church
14 authority figures. A significant change in policy occurred in the mid-nineteenth century when a
15 Vatican decree imposed total silence and absolute confidentiality on those involved in cases of
16 alleged clergy sexual abuse through solicitation for sex in the confessional (S.C.S OFF.
17 Instruction, 20 February 1866 in Codicis Iuris Canonici Fontes, n. 990.).

18 8. The official policy of the Catholic Church has been to impose total confidentiality or
19 secrecy on all persons connected with the processing of specific types of cases involving sexual
20 abuse by the clergy. Although certain of the foregoing documents (cf. 1741, 1866) dealt
21 specifically with solicitation of sex in the confession, the official documentation containing
22 regulations and procedures that has been issued subsequent to the above-cited 1866 document
23 have all pertained not only to solicitation but to three other types of clergy sexual abuse: sexual
24

25 ³ Charles Henry, a History of the Inquisition in Spain. (New York, MacMillan,
26 1907), p. 135.
27

1 contact of any kind with minors, homosexual sex and bestiality. The Vatican issued special
2 legislation in 1922 and again in 1962. Both documents were officially promulgated but in doing
3 so the Vatican utilized a means of promulgation or publication which was totally secret. Neither
4 document appeared in the official Vatican publication which usually contains official legislation,
5 known as the Acts of the Apostolic See. Furthermore each document contained a warning at the
6 outset forbidding any publication of the document or commentary thereon. This admonition also
7 imposed strict official secrecy not only on the processing of cases of clergy sexual abuse, but on
8 the very existence of the document describing the processes to be used. Although th existence of
9 the 1962 document has been referred to be some critics as proof of an explicit conspiracy of
10 coverup by Catholic Church officials, this is not the case. Rather, this document, its predecessor
11 and its successor in 2001, are clear indicators of the Church's official policy of absolute
12 confidentiality surrounding clergy sexual abuse.

13
14 9. In 2001 the Vatican issued a document that contained the presently used procedures for
15 prosecuting clergy abuse cases. Although this document was publicly promulgated, its terms
16 impose absolute secrecy on all persons involved in the processing of such cases. The major
17 import of this document is the judicial processing of accusations of clergy sexual abuse.
18 Although it actually pertains to several other instances of what the Vatican described as
19 especially grave crimes, most of the importance is directed to clergy sex crimes. All bishops and
20 religious superiors are required to forward on to the Vatican's Congregation for the Doctrine of
21 the Faith the results of every preliminary investigation into accusations of sexual abuse. The
22 Congregation then decides whether to refer the matter back to the diocese that sent the case or
23 another diocese for judicial processing, or to assume jurisdiction and process the case itself. In
24 any event, all those called as witnesses or those who function as Church court officers at any
25 level are required to take an oath whereby they promise to maintain total secrecy about the case.
26 10. The utilization of the Church's official canonical procedures has been rare for most of the
27 20th century. I have reviewed several hundred cases of clergy sexual abuse that have taken place

1 between the mid-fifties and 2006. I have only found documentation that indicates that bishops
2 followed the proper canonical procedures for the investigation of reports of sexual abuse in five
3 such cases. The bishops of the U.S. have only started to regularly use the mandatory canonical
4 procedures since the events of 2002. The massive publicity that resulted from the revelations by
5 the Boston Globe on January 6, 2002 prompted the U.S. bishops to take some concrete action.
6
7 11. Prior to 2002 and certainly prior to 1984 the consistent pattern of response was the
8 imposition of secrecy on all aspects of a report. Such reports were handled by the bishop and one
9 or two of his closet advisors, often the Vicar General and the chancellor. Even though sexual
10 abuse of a minor is a civil crime, bishops never reported such actions to law enforcement
11 authorities. The accused clerics were generally transferred to another location and assignment
12 and no information was shared with the pastor/superior or people at the new assignment as to
13 why the cleric had been abruptly moved.

14 12. Catholic Church officials have kept cases of clergy sexual abuse covered in the deepest
15 secrecy. Prior to 1984 almost nothing was known by the general Catholic population about such
16 sexual abuse. Even the majority of priests knew little if anything. Those who knew were
17 enjoined to secrecy. Contact with victims and their families had always been very limited and
18 when it did take place it consisted of efforts to convince or compel them to remain silent and not
19 make any public statements or reports to law enforcement. Victims and their families, usually
20 parents, were regularly assured that the problem would be taken care of and the offending cleric
21 would not be allowed to re-offend. In reality the clerics were usually transferred or a minority
22 were sent to a facility for evaluation an treatment and afterwards re-assigned to some form of
23 ministry. This pattern and practice of secrecy to the detriment of victims is well documented
24 from the secular media, files produced in discovery in about 4000 civil cases, reports from grand
25 juries and independent research conducted by a variety of scholars.

26 13. The predominant justification for the policy of secrecy has been the avoidance of scandal.
27 Scandal, according to traditional Catholic moral theology, is leading another into sin. According
28

1 to St. Thomas Aquinas, the foremost Catholic theologian, scandal is a word or action evil in
2 itself, which occasions another's spiritual ruin. It is a word or action, that is either an external act
3 or the omission of an external act, because to omit what one should do is equivalent to doing
4 what is forbidden: it must be evil in itself, or in appearance. It is not the physical cause of a
5 neighbor's sin, but only the moral cause, or occasion; further, this moral causality may be
6 understood in a strict sense, as when one orders, requests, or advises another to commit the sin,
7 or in a large sense, as when a person without being directly concerned in the sin nevertheless
8 exercises a certain influence on the sin of another. In light of the Church's traditional teaching
9 about scandal, the Church authorities have consistently misused it as a justification or excuse for
10 maintaining restrictive secrecy around clergy sexual abuse, failing to disclose the presence of
11 known sexually abusive clerics to people such as parishioners who could potentially be harmed,
12 and refusing to create any policies, procedures or guidelines for responding to reports of abuse.
13 Avoiding scandal has actually meant avoiding exposure or awareness of the problem. In practice
14 Church authorities have refused to discuss clergy abuse with lay parishioners or with clergy
15 groups in general with the excuse that to do so would cause scandal.

16 14. The Catholic Church's authority figures, bishops and priests, have come under a great
17 deal of criticism over the past decade for the manner with which they have responded to reports
18 of clergy sexual abuse. The predominant criticism has been the pattern of covering up reports of
19 sexual abuse, neglecting to provide pastoral care to the victims, re-assigning accused clerics and
20 failing to tell the truth when confronted with reports of clergy sexual abuse. Many sexually
21 dysfunctional clerics were allowed to continue in ministry of some sort after their bishops had
22 been notified about them. This practice has enabled these clerics to go on and sexually abuse
23 more victims. The most recent prominent case of such neglect took place in Chicago. Cardinal
24 Francis George, against the advice of his lay review board and with full knowledge that Fr.
25 Daniel McCormack was a serial sexual abuser, allowed him to be re-assigned to ministry where
26 he went on to abuse more children. The general policy of silence and secrecy has been justified,
27

1 according to bishops and clerics, by their duty to avoid scandal.

2 15. The pattern of action in response to reports of clergy sexual abuse does not constitute the
3 avoidance of scandal. This term has been consistently misused to cover the actual motivation
4 which has been to avoid damaging publicity for the bishops while trying to maintain the
5 hierarchy's positive image. In actual practice, allowing accused clerics continued access to
6 children has only amplified the scope of the harm done. It is difficult to determine who would
7 have been led into sin had the bishops not covered up cases of known sexual abuse. Based on the
8 traditional definition of scandal, the pattern of secrecy in itself caused scandal and negative
9 publicity rather than avoiding it.

10 16. When the existence of clergy sexual abuse became the subject of widespread media
11 scrutiny in 1984 and 1985 the Catholic Bishops Conference (USCCB) issued occasional
12 statements to the effect that they had policies in place and were fully aware of the necessary
13 information on the issue. In fact no such policies existed and the bishops' collective awareness
14 of the need to take immediate and appropriate action with offenders and victims was minimal.
15 The official church tried to maintain its policy of secrecy and silence from 1985 onwards yet
16 several prominent cases occurred which resulted in significant publicity. It was not until the
17 massive publicity of January 2002 happened that the bishops were forced to take definitive
18 actions in the form of the Dallas Charter and the creation of the National Review Board and the
19 Office of Child and Youth Protection and the Charter for the Protection of Children and Young
20 People. The massive amount of evidence accumulated since 1984 indicates that the opinion that
21 all actions taken by the bishops have been the result of both law suits and negative publicity and
22 not concerned proaction, is valid.

23 17. In summary I believe that it is factually demonstrated that the predominant pattern and
24 practice of the bishops of the United States has been to maintain strict secrecy about clergy
25 sexual abuse. I believe that this policy is verified by the official documents of the Church (e.g.,
26 the 1922, 1962 and 2001 documents issued by the Congregation for the Doctrine of the Faith)

27 -9-

28 **DECLARATION OF THOMAS P. DOYLE, O.P., J.C.D. IN SUPPORT OF PLAINTIFFS**
MOTION FOR PUNITIVE DAMAGES

1 and by the very practices of the bishops themselves. The common justification of such secrecy
2 has been the protection of reputations and the avoidance of scandal. There appears to have been
3 little if any concern for actual or potential victims. Another aspect that indicates the attitude of
4 secrecy and avoidance of negative publicity or public awareness has been the practice of insisting
5 on confidentiality clauses in settlements reached with victims. Until recently confidentiality,
6 commonly known as "gag orders," were insisted upon. When confronted the Church authorities
7 regularly claimed that these were requested by the victims which has been false. In many cases
8 also the Church announced that such settlements did not constitute any admission of guilt.

9 18. The overall pattern and practice has been to put the image and needs of the hierarchy and
10 the clergy first and foremost in the response to clergy sexual abuse. There has been no historical
11 evidence of a pattern of concern for the spiritual and emotional welfare of the victims nor of a
12 concern for the needs of the lay Catholic community. In fact, the pattern of secrecy and the
13 attempts by the institutional church authority figures and their representatives to convince victims
14 to remain silent or to trust that these figures would act in an appropriate manner have actually
15 resulted in further trauma for known victims as well as additional victimization of persons
16 because the accused clerics were not dealt with in a decisive and responsible manner.

17 I declare under penalty of perjury that the foregoing is true and correct to the best of my
18 knowledge and belief. Executed this 11 day of November, 2006 in Venue

19 VA

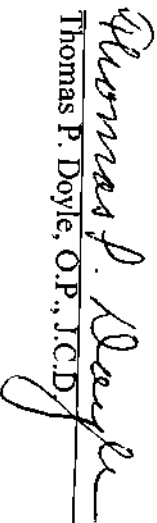
20
21 
22 Thomas P. Doyle, O.P., J.C.D.

EXHIBIT 2

A Report on the Crisis in the Catholic Church in the United States.

The National Review Board for the Protection of Children and Young People

Established by the United States Conference of Catholic Bishops

The Honorable Anne Burke
Interim Board Chair

Robert S. Bennett
Research Committee Chair

Dr. Michael Bland

William Burleigh

Nicholas P. Cafardi

Jane Chiles

Dr. Alice Bourke Hayes

Pamela Hayes

The Honorable Petra Jimenez Maces

Dr. Paul McHugh

The Honorable Leon Panetta

Ray Siegfried II

February 27, 2004

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National Review Board for the Protection of Children and Young People

1211 FOURTH STREET, N.E. • WASHINGTON, D.C. 20002-1194

February 27, 2004

BY HAND

Juste or Anne M. Burke
Robert S. Bennett, Esq.
Michael Blaud, Esq., Esq.
Ms. William R. Burdick
Sr. Linda Carole, Psy.
Mrs. Janet Chiles
Alice Bourke Hayes, Ph.D.
Pamela D. Hayes, Esq.
Justice Petra Jarames Maas
Paul R. McHugh, M.F.
Hon. Leon Pannello
Mr. Ray Siegfried

Most Reverend Wilton Gregory
Bishop of Belleville
President of the United States Conference of Catholic Bishops
3211 Fourth Street, N.E.
Washington, D.C. 20017

Dear Bishop Gregory,

In accordance with our mandate under the Charter for the Protection of Children and Young People, the members of the National Review Board for the Protection of Children and Young People present the enclosed Report on the Crisis in the Catholic Church in the United States. We are grateful for having been given an opportunity to be of service to the Church.

Sincerely,

Anne M. Burke
Hon. Anne M. Burke
Interim Chair

Robert S. Bennett
Robert S. Bennett

William R. Burdick
Dr. Michael Bland

William R. Burdick
William R. Burdick

Janet Chiles
Nicholas P. Cafardi

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Alice Bourke Hayes
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Pamela D. Hayes

Paul R. McHugh
Dr. Paul R. McHugh

Leon Pannello
Hon. Leon Pannello

Ray Siegfried II
Ray Siegfried II

Ray Siegfried II
Ray Siegfried II

Enclosure

In June 2002 the full body of Catholic bishops of the United States in their General Meeting in Dallas approved the *Charter for the Protection of Children and Young People*. The *Charter* created a National Review Board, which was assigned the responsibility to commission a comprehensive study of the causes and context of the current crisis of sexual abuse of minors by clergy. Preparatory to commissioning such a study, the National Review Board has undertaken first hand research, primarily through interviews, and has presented its findings to the United States Conference of Catholic Bishops. These findings are authorized for publication by the undersigned.

---Msgr. William P. Fay
General Secretary

Indeed, speaking of children, he said that "anyone who is the downfall of one of these little ones who have faith in me would be better drowned in the depths of the sea with a great millstone around his neck." (Matthew 18:6.) The laity expect bishops likewise to condemn when necessary, both in public statements and in private conversations with their priests.

Forgiveness is not incompatible with consequences as the concept of penance clearly shows. But too many bishops and other Church leaders simply forgave the errant priest, in effect immunizing, rather than punishing, conduct that violated both canon and civil law. And too many were too willing to accept without question the word of predator priests who voiced repentance and then, immune from any consequences for past misconduct, went on to repeat their criminal sins.⁴²

4. **Secrecy and the Avoidance of Scandal.**

Faced with serious and potentially inflammatory abuses, Church leaders placed too great an emphasis on the avoidance of scandal in order to protect the reputation of the Church, which ultimately bred far greater scandal and reputational injury. One bishop opined that because the Church in the United States historically is a minority, immigrant institution, it has been particularly desirous of

⁴² Some bishops and priests believe that the scandal is cause to re-examine confessional practices. The seal of confession must never be violated, but a priest hearing a confession that involves the commission of a crime has the authority to withhold absolution subject to certain conditions, such as turning oneself into the authorities or seeking help for a problem.

seeking to solve its own problems without exposing them to a hostile culture. Several others echoed this thought. This desire to keep problems "within the family" also may have stemmed from a shortsighted concern that the faith of the laity would be shaken by their exposure. At heart, this was a failure of Church leadership, which lacked the vision to recognize that, unless nipped in the bud, the problems would only grow until they no longer could be contained, and that then the problems would have an even greater propensity to undermine the faith of the laity.

The impulse to avoid scandal at all costs manifested itself in several ways. First, Church leaders kept information from parishioners and other dioceses that should have been provided to them. Some also pressured victims not to inform the authorities or the public of abuse. For example, some dioceses did not inform parishioners when allegations about a priest who had served at that parish arose, although such a practice might have given additional victims the courage to come forward and would have helped the diocese determine the validity of complaints. Bishops and other Church leaders often did not tell their brethren the full story when a priest took up residence in a new diocese, and the bishop in the receiving diocese often did not ask all of the questions about the incoming priest that he should have asked. This lack of candor -- with parishioners, with civil authorities, with fellow bishops -- avoided scandal in the short term while sowing seeds for greater upheaval in the long term.

The Review Board is concerned that, even today, some bishops and priests fail to address the issue of clerical sexual abuse in a sufficiently open manner. Bishops and priests have a duty to bring others to the gospel. Given the highly public profile of the current crisis, that evangelization must include addressing the scandal of clergy sexual abuse of minors. The Church must inform current parishioners and potential converts of the steps that the Church has taken and is taking to deal with both the causes of clergy sexual abuse of minors and its consequences. Yet, with some notable exceptions, priests and bishops still shy away from the subject and revert to defensive postures.⁴³ Such a stance will do little to renew the trust of the laity or encourage others to learn more about the Catholic faith.

Four implications of the impulse to avoid scandal are particularly troubling to the Review Board in the context of the current crisis. First, time and again Church leaders failed to report incidents of possible criminal activity to the civil authorities.⁴⁴ In fairness, at the time, Church leaders typically were not required

⁴³ One such exception is a diocese in which the bishop asked all of his pastors to show a video on the sexual abuse crisis during mass. In addition, parishioners received copies of a special bulletin devoted to this issue. Such actions cannot be viewed simply as damage control; rather, such outreach to parishioners on this issue is an important part of the Church's mission to strengthen and spread the faith.

⁴⁴ In discussing the reluctance of some bishops to report the conduct of priests to the authorities one bishop noted the "father-son" relationship between a bishop and the priests he ordains. Surely, however, even a father must take
(continued...)

to report allegations of sexual abuse of minors to civil authorities. In addition, civil authorities often showed little interest in receiving information about cases that were beyond the statute of limitations. But it is clear in hindsight that the Church could have prevented numerous acts of sexual abuse had its leaders reported all allegations of sexual abuse by priests to the civil authorities. Where the evidence warranted, offenders could have been prosecuted and punished before they were able to perpetuate their misconduct; and by their example, other priests could have been deterred from engaging in similar misconduct. Article 4 of the Charter requires dioceses to report allegations of sexual abuse of a minor, even when not required by law to report, and to "cooperate with public authorities about reporting in cases when the person is no longer a minor." The Board believes that dioceses should report all such cases to civil authorities, regardless of whether the victim is still a minor or not.

Second, in some instances Church leaders discouraged victims or their parents from reporting the abuse to authorities. Again Article 4 now requires dioceses to "advise victims of their right to make a report to public authorities" and to support this right. Alternatively, victims or their families did not go to law enforcement because they trusted the Church to take care of the problem. That trust

44

(...continued)
steps to prevent his son from harming others if put in a position to do so.

repeatedly was breached, in itself a serious failing; and the public disclosure of that breach has magnified the loss of faith on the part of some of the laity.

Third, certain witnesses stated that in some instances bishops may not have punished priests who engaged in sexual abuse because the bishops were themselves compromised. That is, priests either explicitly or implicitly threatened to reveal compromising information about a bishop if the bishop took steps against the priest. It should go without saying that any priest who believes that there is a basis upon which he could be subject to blackmail should not allow himself to be elevated to bishop or placed in any other position of authority.

Finally, in part out of an overemphasis on secrecy, dioceses and religious orders did not utilize adequate methods to track allegations against priests. Because records relating to an individual priest often would be kept in three or four separate files, Church leaders investigating allegations of sexual abuse by an individual priest did not always have all of the information they needed in order to assess the credibility of the allegations. Important documents often were maintained in "secret archives" pursuant to canon law, and Church officials without access to these files often were unaware of critical past allegations against a priest when addressing other allegations. Reflecting this, Cardinal Law at one point put the blame for the transfer of predator priests in part on an inadequate filing system.

The Review Board believes that dioceses and religious orders must maintain more open and accurate personnel records regarding priests, which should be audited and reviewed by diocesan lay boards or outside auditors. Nevertheless, the existence of a bad filing system only partially explains, and in no way excuses, the failing of various dioceses to respond properly to evidence of sexual abuse by members of their clergy. Had bishops placed the issue of sexual abuse of minors by the clergy at the top of their agenda, we have no doubt that the filing system on priest perpetrators would have been improved.

5. Dependence on the Therapeutic Model.

Bishops were too willing to turn over the problem of sexual abuse of minors to psychiatrists and psychologists. Moreover, even after the inherent limitations of treatment became well recognized, Church leaders continued to accept favorable reports as a basis, without any other considerations, to return perpetrators of abuse to positions of ministry.

To a certain degree, the response of many bishops demonstrates, as one witness stated, "the triumph of the bureaucratic and therapeutic over the theological." As discussed in greater detail below, even where the priest was removed from ministry on a temporary basis, some bishops were too ready to seize upon optimistic statements by therapists in deciding whether to return a priest to ministry. Some Church leaders withheld important and damaging information from treatment

EXHIBIT 3

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF SAN DIEGO
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6 JANE ROE 12, Individually,
7 Plaintiff,)
8) No. GIC 831230
9)

10 vs.)
11)
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14)
15)
16)
17)
18)
19)
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21)
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DEFENDANT DOE 1; DEFENDANT DOE 2
(DIOCESE); and DEFENDANT DOE 3
(DIOCESE)
Defendants.

CERTIFIED COPY

DEPOSITION OF
BISHOP ROBERT H. BROM
SAN DIEGO, CALIFORNIA
OCTOBER 13, 2004

ATKINSON-BAKER, INC.
COURT REPORTERS
600 "B" Street, Suite 1480
San Diego, California 92101-4506
(800) 288-3376

REPORTED BY: GRACIELA WARNER, CSR NO. 9502
FILE NO.: 9E0885E

1 otherwise.

2 A. Thank you.

3 Q. It's not of real significance to my interest in
4 our conversation this afternoon, but I do -- I will touch
5 upon it from time to time as it pertains to your
6 relationship with the Conference. And when I say "the
7 Conference," I mean the United States Conference of
8 Catholic Bishops.

9 Okay? Are we in sync on that?

10 A. Yes.

11 MR. WHELAN: And, Counsel, should we just say
12 for the record, I know you and I have talked about it and
13 we have confirmed by letters, but this deposition is
14 limited to issues relevant to the question of
15 California's jurisdiction over the Conference.

16 MR. ZALKIN: Yes. And I think -- I hope -- I
17 thought I had done that, but if I didn't, I certainly was
18 intending to do that.

19 Q. BY MR. ZALKIN: Okay. So as the Roman Catholic
20 Bishop of San Diego, are you a member of the Conference?

21 A. I am.

22 Q. And is it your understanding that as a bishop,
23 you are -- as a diocesan bishop, you are required to be a
24 member of that Conference?

25 A. I'm ex officio a member.

1 Q. What does that mean when you say "ex officio a
2 member"?

3 A. By the fact that I'm a bishop in the United
4 States, I am a member of the Conference.

5 Q. Okay. And are you aware of any bishop in the
6 United States who is not a member of the Conference?

7 A. No.

8 Q. Explain to me what your understanding is of the
9 role of the Conference in the Catholic Church in
10 America.

11 A. The Conference is at the service of bishops
12 individually and as a group. That's how I see it.

13 Q. And what is its purpose? What does it attempt
14 to do on behalf of bishops or for bishops?

15 MR. WHELAN: Objection; lacks foundation, may
16 call for speculation.

17 Q. BY MR. ZALKIN: You can answer the question.

18 A. It helps us accomplish our responsibilities as
19 local bishops in the areas of catechisms, liturgy,
20 pastoral outreach, for example.

21 Q. Is it your understanding that the Conference has
22 normative authority?

23 MR. WHELAN: Objection; vague.

24 THE WITNESS: You have to explain what you mean
25 by "normative authority."

EXHIBIT 4

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF LOS ANGELES CENTRAL DISTRICT

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CERTIFIED COPY

Coordination Proceeding)
Special Title (Rule (1550(b)))) Case No. JCCP 4297

THE CLERGY CASES II)
-----) SAN DIEGO SUPERIOR
COURT CASE
NO. GIC823004

John Roe 17, Individually,)

Plaintiff,)

vs.) VOLUME 1

Defendant Doe 1, Dioceses; and)
Does 2 through 100, inclusive,)
Defendants.)

Videotaped deposition of EDWARD ANTHONY RODRIGUE, taken
on behalf of Plaintiffs, at 295 North E Street,
San Bernardino, California, beginning at 9:14 A.M. and
ending at 5:30 P.M. on Wednesday, August 2, 2006, before
Marceline F. Noble, Certified Shorthand Reporter
No. 3024.

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Reported by:
Marceline F. Noble, CSR No. 3024
FILE No. A00677D2
PAGES 1 - 253

1 proficient in English as a study and went over my paper
2 that I wrote with him one -- line by line and I had to
3 rewrite it completely because I was saying exactly the
4 opposite of what I wanted to say.

5 I ended up getting a compliment at the end of 10:35AM

6 the year about that, so --

7 Q What did you do -- let me ask you this. Were
8 classes all year round at the seminary or did you have
9 summers off?

10 A No. We had the summer vacation. 10:35AM

11 Q So what did you do during your summer when you
12 were not in seminary?

13 A I worked at the parish.

14 Q And that was what parish?

15 A Our Lady of Sacred Heart. 10:35AM

16 Q And what did you do at the parish?

17 A There I taught the religion classes in the
18 morning, then worked on the parish grounds, or whatever,
19 or the buildings. General maintenance type situations.

20 Q Did you have -- were you -- when you taught 10:35AM
21 religion classes, was it Catechism classes?

22 A Yeah, I taught sort of Catechism classes, yes.

23 Q And would you teach -- how old were the kids
24 that you would teach?

25 A I'm not quite sure exactly because it was one 10:36AM

1 particular age group. They had other people teaching.

2 I can't remember exactly what the age group was.

3 Q And where would you teach these children?

4 A In the -- in the regular classrooms of the
5 school. 10:36AM

6 Q At Our Sacred Heart Parish School?

7 A Yes. Right.

8 Q And would you be alone with them when you were
9 teaching them?

10 A Oh, yeah. But I guess the doors were opened 10:36AM
11 because it was not a very secretive. The windows were
12 opened. Blinds were opened. There was nothing hidden
13 about it. It was --

14 Q During the summers when you were teaching at
15 Our Lady of Sacred Heart, did you ever have any sexual 10:36AM
16 encounters with any -- anyone?

17 A Not -- not there. Not that I can recall.

18 Q Did you have a sexual encounter with anyone?

19 A Yeah -- well, it was with -- I'm not sure when
20 it was, but it was someone who was working there, some 10:37AM
21 high school student that was working there at the
22 school.

23 Q Can you tell me about that?

24 A I'm not quite sure exactly how to describe
25 that. I can remember it, yes. It was sort of a short 10:37AM

1 A Uh-huh.

2 Q -- at Our Lady of Sacred Heart when you were a
3 seminarian and working there in the summers.

4 A Yeah.

5 Q Do you recall where you first -- or how you
6 first met him? 11:22AM

7 A Well, there, at -- at that -- he was working
8 for the janitor, [REDACTED]

9 Q And he was -- was he working for the school or
10 for the parish? Or both?

11 A It was -- that's an unknown quality. I don't
12 know. I'm not quite sure how that worked out. 11:23AM

13 Q How did you get to meet him?

14 A Well, just there. He was working there at --
15 that's how I met him. Because there were certain things
16 we had to do together. 11:23AM

17 Q What did you have to do together?

18 A Oh, you know, touchup work, painting, and all
19 this. General maintenance type of situation.

20 Q Did anyone see you working together?

11:23AM

21 A Oh, yeah. That was pretty open.

22 Q Who would see you working together?

23 A The janitor or anybody else passing by.

24 Q Did you ever do work together with this -- with
25 this boy in -- in the parish itself? 11:23AM

1 MS. ROBERTS: Vague and ambiguous.

2 BY MR. ZALKIN:

3 Q In the rectory.

4 A Oh, no, no. No. That was either in the parish
5 hall or the school. The grade school. Not the high
6 school. High school seemed to be separate, I guess.

11:24AM

7 Q Was the parish hall normally kept unlocked?
8 A I can't recall.

9 MS. ROBERTS: Vague and ambiguous.

10 BY MR. ZALKIN:

11 Q When you had your first sexual encounter with
12 this boy in the parish hall --

13 A Uh-huh.

14 Q -- how did you guys get in there?

15 MS. ROBERTS: Asked and answered.

11:24AM

16 MR. BUCKLEY: And calls for speculation based
17 on his prior answers.

18 THE WITNESS: It -- it was open for work or
19 something. I don't know. Any sexual encounter took
20 place would be underneath the staging area which --
21 which you had to crawl into. It wasn't a -- it wasn't
22 exactly an open -- it's a very small space.

11:25AM

23 BY MR. ZALKIN:

24 Q Do you remember that first time you were with
25 him?

11:25AM

1 MS. ROBERTS: Vague and ambiguous.

2 THE WITNESS: I -- I can't really recall that.

3 BY MR. ZALKIN:

4 Q First time you were with him sexually?

5 A Yeah, I know. I'm having -- it would have been 11:25AM
6 underneath the stage; that's all I can tell you.

7 Q Do you know if anybody else was in the parish
8 hall at the time?

9 A As far as I know, no one was.

10 Q Do you know if anybody saw you and this boy go 11:25AM
11 into the parish hall?

12 MS. ROBERTS: Calls for speculation.

13 THE WITNESS: It wouldn't be -- that would not
14 have been a problem because the parish hall was --
15 was -- would have been opened at that time to access,
16 but -- the staging area was different because there was 11:25AM
17 little cupboards which it was mostly used for storage.
18 Best I can recall.

19 You know, it just would be a staging area
20 from -- this would be the stage and this would be the
21 floor, as here, (indicating), and they had these 11:26AM
22 cupboards.

23 BY MR. ZALKIN:

24 Q You said you knew that the boy lived near you.
25 A Yes.

11:26AM

1

Q How did you know that?

2

A I saw him go home sometimes and turn off

3

into -- off the main street there that -- I think it's a

4

Poplar Street, Fairmont Avenue was this way and Poplar

5

was this wide street there and he went off this way and

11:26AM

6

I can go off this way different, and that would be going

7

to -- towards my area of -- I think it was called

8

Fairmont Park at that time, the housing development that

9

we were living in which would have been about quarter of

10

a mile.

11:27AM

11

Q Did you walk home on occasion with him?

12

A I'm not sure if I -- how I got home. Whether I

13

walked or I took a bus. I'm not sure what the situation

14

was. I can't remember.

15

Q Did --

11:27AM

16

A But I didn't walk home with him regularly or

17

anything like that. It was just on rare occasions.

18

That's all I knew.

19

Q And you don't recall his name?

20

A I can't recall his name, not even the first

11:27AM

21

name. I'm not even sure what school he went to.

22

Q Did you see him on a daily basis in the summer?

23

A Monday through Friday type situation, yeah.

24

Q And you said you would see him every summer.

25

A Well, at least three or four summers, roughly

11:28AM

1 speaking. I'm not quite sure exactly.

2 Q How old was he when you first had your first
3 sexual encounter with him?

4 MS. ROBERTS: Objection. Asked and answered.

5 THE WITNESS: Could have been as young as 14. 11:28AM

6 Could have been. I'm not quite sure.

7 BY MR. ZALKIN:

8 Q So you might have had sexual encounters with
9 him up until the age of 18 or so? He was up to the age
10 of 18? 11:28AM

11 A No, I don't think so. Not that long, no.

12 Q Could he have been younger than 14 when you
13 started having sexual relations with him?

14 MS. ROBERTS: Objection, asked and answered.

15 Calls for speculation. 11:28AM

16 THE WITNESS: I really can't answer that
17 question to be exact. I've only got a vague memory.

18 BY MR. ZALKIN:

19 Q How many times did you have a sexual
20 relationship with him each summer? 11:29AM

21 MS. ROBERTS: Objection, asked and answered.

22 THE WITNESS: I told you total amount of times
23 is between three or four for the whole time.

24 BY MR. ZALKIN:

25 Q Do you know why it stopped? 11:29AM

1 Q -- eat lunch with you?
2 All right. Let's go back to
3 Mary Star of the Sea.
4 A Uh-huh.
5 Q And we were talking about the way the upstairs
6 living quarters were laid out.
7 A Right.
8 Q During that time, did you have sexual
9 encounters with boys?
10 A I do not think so the first year. The second
11 year, yes. 11:31AM
12 Q When did you first have sex with a boy that
13 second year, if you recall?
14 A I'm not quite sure about -- cannot exactly
15 remember. I know it took place. 11:32AM
16 Q Do you know where?
17 A It might have happened in the sacristy the
18 first time. I think.
19 I don't know.
20 Q Do you know who? 11:32AM
21 A No.
22 Q Do you know what age the boy was?
23 A I would guess 4th or 5th grade.
24 Q Why do you say that?
25 A That seems to be my weakness. 11:32AM

1 A Someone came to do the cooking. I know that
2 much, yes.

3 Q And do you have any memory of who that was?

4 A No, I can't remember who that was.

5 Q Was there a cook at Mary Star of the Sea? 01:44PM

6 A Yeah. Colleen.

7 Q Irish girl?

8 A Irish girl, yeah.

9 Q And she would also clean?

10 A Yeah, that's cook, housekeeper, yeah. 01:45PM

11 Q Okay. And then at Our Lady of Perpetual Help,
12 there was, you said, your room, your small room was
13 across from the dining area.

14 A Yeah. Near the -- very near the dining area.

15 There might have been a little hallway there that went 01:45PM
16 down to the pastor's quarter, but I can't quite remember
17 it, too far -- and there was a bathroom right there for
18 my use.

19 Q Now, did you abuse any boys while you were a
20 priest at Our Lady of Perpetual Help? 01:45PM

21 A Yes. But not in those quarters.

22 Q Do you recall who any of these boys were?

23 A I can picture them, but I can't recall their
24 names.

25 Q How old were they? 01:45PM

1 THE WITNESS: There were one or two people, I'm
2 not sure of who they are but they were there on Mondays.

3 BY MR. ZALKIN:

4 Q Counting collections?

5 A Yes.

02:19PM

6 Q Do you recall sexually abusing any boys while
7 you were a priest with St. John the Evangelist?

8 A Yes.

9 Q Did you have full faculties as a priest there?

10 A Yes.

02:19PM

11 Q Do you recall how many boys you abused there?

12 A My best guess is three or four or so. Maybe
13 five. I'm not quite sure.

14 Q Do you recall -- let me show you Exhibit 11.

15 Let me show you Plaintiffs' 11.

02:20PM

16 (Deposition Exhibit 11 was marked for
17 identification by the court reporter.)

18 BY MR. ZALKIN:

19 Q Do you recognize what's depicted in that --

20 who's depicted in that picture?

02:20PM

21 A That's [REDACTED]

22 Q Is it?

23 A Yes.

24 Q Do you recall [REDACTED]

25 A Yes, I do.

02:20PM

1 I mean, I do remember [REDACTED] in August of '67,
2 when I was at the beach around noontime there, and that
3 was a very distinctive memory in the sense that he was
4 very angry that day, I don't know why. But he came and
5 I could tell he was angry. I have no idea what -- what
6 caused it, but I remember the time frame. 02:24PM

7 He sat down at the beach and just as angry
8 as -- I -- I -- didn't say any much, but I don't know, I
9 just was very curious what was going on, and I didn't
10 find out anything. 02:25PM

11 Q Did you have sex with [REDACTED]
12 A I wouldn't say I had sex with [REDACTED] but I
13 had -- I might have touched him in the wrong way,
14 inappropriate way.

15 Q What does that mean? 02:25PM

16 A Grabbed his -- his penis or his -- his scrotum.

17 Q Over the clothing --

18 A Over the clothing, yes.

19 Q That's it?

20 A That -- that I think is it, yes. 02:26PM

21 Q Just for the record, let me show you 13.
22 (Deposition Exhibit 13 was marked for
23 identification by the court reporter.)

24 BY MR. ZALKIN: *
 *
 *

25 Q Do you recognize that -- whose in that picture? 02:26PM

1 I mean, it was -- no buildings there.

2 Q At any time did anyone who was either a priest
3 or somebody working at the parish bring any kids to your
4 room? Escort them to your room? Bring them to your
5 room? 03:11PM

6 A Not that I know about.

7 Q Now, this confrontation occurred how soon
8 before you were transferred from St. John the
9 Evangelist? 03:11PM

10 A I cannot recall that exactly.

11 I mean, it's hard -- I can recall the incident
12 but I can't recall the time frame. It's --

13 Q You do recall being transferred from there?

14 A Yes. But I don't -- I don't -- I can't relate
15 it between this confrontation. 03:12PM

16 Q And how did you first learn you were going to
17 be transferred from St. John?

18 A Well, I presume it was in September or October,
19 and the priest from Oceanside, the Dean came down and
20 mentioned something to me. I'm not sure which words -- 03:12PM

21 what kind of words he said or what he said, but he could
22 have said some sort of a -- "You have to be careful" or
23 something or, you know. And I'm not quite sure exactly.

24 I got the impression, but not -- not clearly
25 stated. 03:13PM

1 Q What was the impression?

2 MS. ROBERTS: I'm sorry, I move to strike as
3 nonresponsive and misstates his testimony and calls for
4 speculation. Irrelevant as to the new question.

5 BY MR. ZALKIN:

6 Q It's called an objection in anticipation.

7 A Right.

8 MS. ROBERTS: No, you asked the question what
9 was the impression?

10 BY MR. ZALKIN:

11 Q What was the impression you had?

12 A The impression --

13 MS. ROBERTS: Same objections.

14 BY MR. ZALKIN:

15 Q What is the impression you had?

03:13PM

16 MS. ROBERTS: Vague and ambiguous.

17 THE WITNESS: The impression I received was I
18 should be -- it was some sort of a warning and that it
19 wasn't clear to me, but I did understand something of
20 the nature that "you have to be careful" or something of
21 that nature. And -- I mean I --

03:13PM

22 Q Careful about what?

23 MS. ROBERTS: Same objections. Calls for
24 speculation.

25 THE WITNESS: Careful about the company I keep

03:14PM

1 and careful about having kids hanging around or
2 something of that nature, that's all I can tell you.

3 And I really at that time put the move -- put
4 the move on -- on the nun's fault as being angry with
5 me. That's what I used as an excuse for my own personal 03:14PM
6 excuse, because she was angry about losing the argument
7 with me.

8 BY MR. ZALKIN:

9 Q What do you mean careful about the company you
10 keep and the kids? 03:14PM

11 A Well, that --
12 MS.. ROBERTS: Objection, calls for speculation,
13 lack of foundation.

14 THE WITNESS: That's just the sense I got.
15 Nothing was very clear. 03:15PM

16 BY MR. ZALKIN:

17 Q Did you have any sense that it was because of
18 your sexual conduct?

19 MS. ROBERTS: Same objection.

20 THE WITNESS: I -- I could guess that, but I 03:15PM
21 didn't put it off that way. I excused myself by saying
22 it's just this nun's anger at me for having to accept
23 this kid in the school.

24 BY MR. ZALKIN:

25 Q That was the excuse you gave yourself? 03:15PM

1 A I gave myself that excuse, yes.

2 Q That's not what the Dean told you?

3 A No, no, no. He didn't mention anything about
4 that. I mean --

5 MR. ZALKIN: Want to take a tape changer? 03:15PM

6 THE WITNESS: He was very vague. He was very
7 vague.

8 THE VIDEOGRAPHER: We're going off the record
9 at 3:15 p.m. This ends videotape No. 2.

10 (Off record.)

03:16PM

11 THE VIDEOGRAPHER: All right. Stand by,
12 please.

13 And we're now back on the record in the
14 continuing deposition of Edward Anthony Rodrigue. The
15 time is 3:17 p.m.

03:17PM

This is the beginning of videotape No. 3.

17 BY MR. ZALKIN:

18 Q Do you know who the Dean was that came down to
19 talk to you?

20 A I don't recall his name, no. 03:17PM

21 Q Until that time, nobody had -- you'd had no
22 conversations with anyone about being transferred at any
23 of the other parishes when you were transferred, this
24 was different than the normal proceeding, wasn't it?

25 A Yes. 03:18PM

1 MS. ROBERTS: Objection, leading and suggestive
2 of the answer.

3 BY MR. ZALKIN:

4 Q Was this different than the normal procedure?

5 A This was different, yes. 03:18PM

6 Q And in your experience, up until that time, had
7 you ever had a Dean come up and talk to you about
8 anything?

9 A No.

10 Q Do you know what a Dean is? 03:18PM

11 A He was in charge of a certain number of
12 parishes in a certain area.

13 Q Do you recall the content at all of the
14 conversation with the Dean?

15 MS. ROBERTS: Objection. 03:18PM

16 THE WITNESS: No, I don't --

17 MS. ROBERTS: Excuse me.

18 Objection, calls for speculation in light of
19 his testimony. Asked and answered.

20 BY MR. ZALKIN: 03:18PM

21 Q Do you recall any of the content of the
22 testimony -- of the discussion with the Dean?

23 MS. ROBERTS: Same objections.

24 THE WITNESS: I don't recall any content, no.
25 Except it was very vague. 03:19PM

1 BY MR. ZALKIN:

2 Q Do you recall the impression you had of what
3 the Dean was talking to you about?

4 MS. ROBERTS: Objection, asked and answered,
5 calls for speculation. 03:19PM

6 THE WITNESS: I mentioned it about as best as I
7 can. It had some sexual intones to it, but I was not in
8 the receptive mood to receive it at that time I can tell
9 you that much.

10 BY MR. ZALKIN:

11 Q You didn't want to hear it?

12 A Of course.

13 Q Is that it?

14 A That's right.

15 Q But you knew what it was about, didn't you? 03:19PM

16 MS. ROBERTS: Objection, leading and suggestive
17 the answer. We're getting very close to having to call
18 the judge, Counsel.

19 BY MR. ZALKIN:

20 Q Did you know what it was about? 03:19PM

21 A I felt what it was about but I didn't really
22 know.

23 Q What did you feel it was about, Tony?

24 MS. ROBERTS: Same objections.

25 THE WITNESS: Sexual misconduct. 03:20PM

1 BY MR. ZALKIN:

2 Q Where did they send you?

3 A To Calexico.

4 Q Out to the desert?

5 A Yes.

03:20PM

6 Q How far from the beach was St. John's?

7 A Two blocks. Roughly speaking.

8 Q Let me show you Exhibit 17.

9 A Okay.

10 (Deposition Exhibit 17 was marked for
11 identification by the court reporter.)

12 BY MR. ZALKIN:

13 Q Do you recognize that?

14 A Yes. I mean, I would presume that's the way I
15 received my letters all the time, so --

03:21PM

16 Q Do you recall when you received this letter
17 relative to the meeting with the Dean?

18 A Shortly thereafter, I -- I presume. I just
19 presume. I -- I don't --

20 Q Does the name [REDACTED] sound familiar to
21 you? Reverend [REDACTED]?

03:22PM

22 A Yeah, it sounds familiar. He's probably the
23 one.

24 Q He's the Dean?

25 A I think he was the Dean at that time.

03:22PM

1 Q Who is the pastor at Calexico when you got
2 there?

3 A [REDACTED]

4 Q Did you know [REDACTED]

5 A Not before I got there, no. 03:22PM

6 Q Was there an assistant pastor there?

7 A Yes.

8 Q Who was that?

9 A And I think it was [REDACTED] at that time.

10 Q Did you know [REDACTED]? 03:23PM

11 A Yes.

12 Q How did you know [REDACTED]?

13 A I knew him from the seminary, that's all.

14 Q Did you -- at the time he was in the seminary,

15 did you know of him having any kind of homosexual 03:23PM

16 relations with anyone there?

17 A Not that I know of, no.

18 Q Did you abuse boys at Our Lady of Guadalupe in

19 Calexico?

20 A Yes. 03:23PM

21 Q Do you know how many?

22 A Not really. I can't really give a good

23 estimate of that. More than five, though, I would say.

24 Q Did you know [REDACTED]?

25 A Yes. 03:24PM

1 A No. Might have been there, but I --
2 Q Was there a secretary there?

3 A Not in the rectory I was in. She might have
4 been over there at school or the other rectory.

5 I don't know. 04:31PM

6 Q Was this -- how old was the boy that you had a
7 sexual relation with?

8 A He was somewhere between 20 and 30. Closer to
9 20 than 30.

10 Q So he was an adult? 04:31PM

11 A Yeah.

12 Q Did you have sexual relationships with any
13 children while you were at Our Lady of Perpetual Help?

14 MS. ROBERTS: Asked and answered.

15 THE WITNESS: Probably. But it was some -- it 04:32PM
16 wouldn't go into the Catholic school, so I don't know
17 who -- who they were for sure.

18 BY MR. ZALKIN:

19 Q These were kids that were from the area?

20 A Yeah. Or something. I don't know what the 04:32PM
21 deal was.

22 They knew the housekeeper anyway. Somewhat.

23 Q Where did you have sex with these kids?

24 MS. ROBERTS: Calls for speculation, assumes
25 facts not in evidence. 04:32PM

1 THE WITNESS: Probably there at the rectory.

2 BY MR. ZALKIN:

3 Q Okay. And you said [REDACTED] lived in the
4 same rectory as you?

5 A Yeah. But not right away. I'm talking about 04:32PM

6 when I was first there. He came for a couple of months
7 of me being there.

8 Q Did you have sex with these kids in your room
9 at the rectory at a time when he was living in that
10 rectory?

11 A I don't know -- 04:33PM

12 MS. ROBERTS: Misstates his testimony, calls
13 for speculation.

14 MR. ZALKIN: Could you let him --

15 MR. HOLMES: She has a right to have the 04:33PM

16 objection before he gives his answer.

17 THE WITNESS: I don't believe so.

18 I appreciated [REDACTED] company.

19 BY MR. ZALKIN:

20 Q Do you recall about how many of these kids 04:33PM
21 there were that you had sexual relations with?

22 MS. ROBERTS: Same objections.

23 THE WITNESS: Be just about two maybe and
24 that's all.

25 MS. ROBERTS: Misstates his testimony. 04:33PM

1 Q In any event, you're -- your next assignment
2 was to St. Joseph's parish in Barstow?

3 A Right.

4 Q Okay. And who was the pastor there at the
5 time?

04:47PM

6 A [REDACTED]

7 Q Right.

8 Is that 29? Did we mark that as 29?

9 A This is 27.

10 Q Yes. Okay. Just lost my place in my exhibits.
11 Who else was -- oh, were there any other
12 priests living there at that time?

04:48PM

13 A Yes.

14 Q Who else?

15 A Well, [REDACTED] or something
16 like that.

04:48PM

17 Q [REDACTED]

18 A [REDACTED]

19 [REDACTED] was it?

20 Q Uh-huh.

21 A Okay.

22 Q Did you -- did they have altar boys there?

23 A Yes.

24 Q Did you abuse any of the altar boys?

25 A Yes.

04:49PM

1 Q Do you know how many?
2 A No.

3 Q You were there -- you served as St. Joseph's
4 for how long?

5 A Approximately a year and a half I guess. 04:49PM

6 Q Do you recall any of the names of any of the
7 alter boys that were -- that you abused?

8 A No, I can't.

9 Q How old were the boys?

10 MS. ROBERTS: Calls for speculation. Lack of
11 foundation. 04:49PM

12 THE WITNESS: It's -- 10 to 12, 13, something
13 like that.

14 BY MR. ZALKIN:

15 Q Do you recall where you sexually abused these
16 boys? 04:50PM

17 A For one, yes, I know where.

18 Q Where was that?

19 A Probably Lake Mead.

20 Q Why do you say "probably Lake Mead"? 04:50PM

21 A Because I went there with his family.

22 Q Was that [REDACTED]?

23 A No.

24 Q You don't remember his name?

25 MS. ROBERTS: Vague and ambiguous. 04:50PM

1 A Yes, that's right.

2 Q You replaced him?

3 A Yes.

4 Q Where did he go; do you know?

5 A I don't recall where he went. 05:07PM

6 Q Did you teach any kind of a class?

7 You said they erected a little classroom in the

8 patio --

9 A Yes.

10 Q -- of the church. 05:07PM

11 What class did you teach?

12 A I'm not sure which class it was, but it was --
13 it wasn't a First Communion class but it was after the

14 First Communion class, basically 3rd or 4th graders or
15 something like that. I'm really not quite -- my memory 05:07PM
16 isn't that good on that part exactly.

17 Q Did you sexually abuse boys in Eagle Mountain?

18 A Yes.

19 Q Do you recall how many?

20 A Most of them were not Catholic, so I don't know 05:07PM
21 who they were exactly.

22 Q Do you know how many?

23 A No.

24 I would say three, four, maybe five.

25 Q And were these boys from the neighborhood? 05:08PM

1 A Fondling and oral copulation. That was all.

2 Q Would you orally copulate them or would they --

3 A Yes. I would.

4 Q Would you have them orally copulate you?

5 A No. 05:12PM

6 Q Was there masturbation involved?

7 A I don't think so, no.

8 Q Was there alcohol involved?

9 A No.

10 Q Were there pornographic films involved? 05:13PM

11 A No.

12 Q Was there an investigation of you that you
13 learned about at that time?

14 MS. ROBERTS: Objection, leading, suggestive of
15 the answer, argumentative. 05:13PM

16 THE WITNESS: There was at the end of my time
17 there and --

18 When -- one of the parishioners mentioned it to
19 me and he said that they found nothing but --

20 BY MR. ZALKIN:

21 Q Did they tell you somebody complained?

22 A Yes.

23 Q What did he tell you?

24 A It's -- I got the impression that somebody
25 complained, and I am not sure exactly how -- how it came 05:14PM

1 about. But the Dean of Palm Springs called me up and
2 said something of the nature that would lead one to
3 believe there was an investigation, but I'm not sure if
4 he -- how he said it or how, or got it, but one of the
5 parishioners happened to mention to me that they
6 investigated and they found nothing and that was -- that
7 was an ex-priest there that was a teacher at one of the
8 schools in Eagle Mountain.

05:14PM

9 Q What was his name?

10 A Masade (phonetic).

05:15PM

11 Q Did he have a son there?

12 A Yes. He had a son named Alex.

13 Q Did you sexually abuse Alex?

14 A No.

15 Q Did you ever -- did you ever receive any kind
16 of a communication from Alex?

05:15PM

17 A I received a letter in prison from his mother.

18 Q What was the letter about?

19 A Sympathy for me and I'm not sure exactly how

20 she writes -- took her a long time to write and I guess
21 she got this stuff from Internet and I answered her
22 letter.

05:16PM

23 Q And did she want to know if you abused her son?

24 A No. She mentioned in the second letter that it
25 was in January of this year that Alex had told her some

05:16PM

1 other things that he was aware of.

2 Q What other things?

3 A Somebody -- somebody had told him that I
4 sexually abused this person.

5 Q Who? 05:16PM

6 A I don't know who the person is.

7 Q What did the Dean from Palm Springs say?

8 A He -- he -- I'm not sure exactly. I think he
9 was very vague on what he was ever saying, but he
10 wouldn't come out and be blunt about it. 05:17PM

11 Q Did he tell you you were going to be
12 transferred?

13 A Somehow or other he suggested that and that --
14 that I wasn't quite sure exactly what was going on.

15 Q Did he tell you what the -- did you get an 05:17PM

16 impression of what this conversation was all about with
17 the Dean?

18 A Yes. I got an impression.

19 Q What was that impression?

20 A It wasn't very good. 05:17PM

21 Q What was it?

22 A About me, I guess.

23 Q What about you?

24 A And he didn't come out and say it, but I got
25 that impression he was concerned about my sexuality. 05:17PM

1

EDWARD ANTHONY RODRIGUE,

2

having been first duly sworn was examined and testified
3 as follows:

4

EXAMINATION

5

BY MR. CALKIN:

6

Q Good morning, Mr. Rodrigue.

7

A Good morning.

8

Q Yesterday, we left off when you had been

9

ordered or removed from Eagle Mountain from

10

Saint Augustine and sent back to San Diego.

09:13AM

11

A Yes.

12

MS. ROBERTS: Objection. Belated objection.

13

Misstates the testimony as to "ordered."

14

BY MR. CALKIN:

15

Q Did you ask to leave Eagle Mountain?

09:13AM

16

A I did not ask to -- personally asked to leave

17

Eagle Mountain but it was suggested to me to write a

18

letter to ask to be relieved from Eagle Mountain.

19

Q And that -- and who suggested that?

20

A I presume the -- I think it was the Dean,

09:13AM

21

Monsignor Nolan.

22

Q Okay. When you came back to San Diego, you

23

lived at home you said?

24

A That's what I believed.

25

Q Okay. How -- do you have a memory of living at

09:13AM

1 Do you see that?

2 A Yes, I see that.

3 Q Do you believe that's how you were made aware
4 of arrangements for you to go to San Antonio?

5 MS. ROBERTS: Objection, leading. 09:16AM

6 THE WITNESS: That was -- as best as I can
7 recollect, that would be the only thing that I had. And
8 I don't remember receiving the letter as such, but it
9 does sound like it's the letter I received.

10 BY MR. ZALKIN: 09:15AM

11 Q Okay. That letter also refers to you taking a
12 Berlitz course or the possibility of taking that. Do
13 you remember doing that?

14 A I remember taking intensive six-week course in
15 Spanish there, yes. 09:15AM

16 Q And that was at San Antonio?

17 A San Antonio, yes, after -- after this two-month
18 pastoral thing.

19 Q Okay. But this letter, Exhibit 34 --

20 A Uh-huh. 09:19AM

21 Q -- in that second paragraph, it says, "Perhaps
22 you could remain at Poway and take a Berlitz course in
23 Spanish in San Diego for about a month's time."

24 Did you do --

25 A No. 09:20AM

1 MS. ROBERTS: Objection, assumes facts not in
2 evidence. Leading.

3 THE WITNESS: There in El Centro.

4 BY MR. ZALPHIN:

5 Q Where in El Centro? 11:06AM

6 A In the bedroom.

7 Q Was this other boy there, too?

8 A Yes, he was.

9 Q Did you abuse the other boy?

10 A No.

11:07AM

11 Q Did you abuse [REDACTED] in front of that
12 boy?

13 A I would say no, but he was present.

14 Q What was the abuse that you inflicted on

15 [REDACTED]? 11:08AM

16 A Oral sex.

17 Q Did you give him alcohol?

18 A No.

19 Q How did you induce him to allow you to have

20 oral sex with him? 11:09AM

21 A I don't know.

22 MS. ROBERTS: Objection, misleading. Leading,
23 misstates his testimony. Assumes facts not in evidence.

24 THE WITNESS: It's -- I don't know. Just

25 somehow my attitude it was expressed in some which way, 11:09AM

1 [REDACTED] at 1 o'clock on Sunday.

2 MR. CALHUN: Stop right there. We need a tape
3 change.

4 THE WITNESS: Okay.

5 THE VIDEOGRAPHER: Going off the record at 11:29AM

6 11:29 a.m.

7 This is the end of tape No. 1.

8 (C25 record.)

9 THE VIDEOGRAPHER: Stand by.

10 All right. We're now back on the record in the 11:30AM

11 continuing deposition of Edward Anthony Rodriguez.

12 The time is now 11:30 a.m.

13 This is the start of videotape No. 2.

14 BY MR. CALHUN:

15 Q You said that you went to see 11:31AM

16 Monsignor Balderas.

17 A Yes.

18 Q And that was that Saturday afternoon?

19 A No. Sunday afternoon.

20 Q Sunday afternoon? 11:32AM

21 A Yeah.

22 Q And did you see him in Calexico?

23 A Yes. I did.

24 Q Was there anybody else present when you met

25 with him?

11:31AM

1 A No.
2 Q What was discussed at that meeting with
3 [REDACTED]
4 [REDACTED] P

5 A He told me what he heard about [REDACTED] and --
6 and the other boys and -- and that I was sort of [REDACTED] 11:02AM
7 involved and the Bishop wanted to see me on Monday.

8 Q What did he tell you your involvement was?

9 A He didn't -- was not specific.

10 Q What did you say to him?

11 A I'll do that. 11:02AM

12 Q Did you deny being involved?

13 A No, I did not.

14 Q Did he tell you you'd been accused of abusing
15 boys in February?

16 MS. ROEPPER: Objection, calls for speculation,
17 asked and answered. 11:02AM

18 THE WITNESS: I don't think he said that, no.

19 BY MR. DALMON:

20 Q Did you ask him what he meant by you were
21 involved? 11:02AM

22 A No, I did not ask.

23 Q How long was the conversation?

24 A Less than 20 minutes.

25 Q What else did you talk about for 20 minutes?

A That was just about it. 11:02AM

1 THE WITNESS: I can't remember whether it was
2 10 o'clock or 1 o'clock. But I can't remember right
3 now.

4 I know I gave one time before. I'm not sure
5 what it was.

11:40AM

6 BY MR. SKIRIN:

7 Q Did you go straight to the Bishop?

8 A Yeah.

9 Q Where did you meet with the Bishop?

10 A In his office.

11:40AM

11 Q And where was that at the time?

12 A In the chancery at Acala Park there.

13 Q Was there anybody else with the Bishop?

14 A Not in the meeting, no. One on one with him.

15 Q What did the Bishop -- what was the
16 conversation with the Bishop?

11:40AM

17 A He showed me the letter that he received.

18 Q Is that Bishop Heber?

19 A Yes.

20 Q What did -- what letter did he show you? 11:40AM

21 A The letter that was written and signed by the
22 people of Heber, written by [REDACTED] I presume, and
23 on my typewriter.

24 Q What makes you say it was on your typewriter?

25 A I noticed the -- the letter "E" throughout the 11:41AM

1 thing there, which was significant of my typewriter.

2 Q And did your typewriter have a problem with the
3 letter E?

4 A Yes, it did.

5 Q What was the problem?

11:41AM

6 A Off alignment.

7 Q Did you recognize the signatures?

8 A I didn't recognize the signatures, but I knew
9 they were the people of Heber, because the names were
10 there. I was not -- I did not read the names or
11 anything like that. I just saw signatures.

11:41AM

12 Q Do you know how many signatures might have been
13 on that line?

14 A I presume at least ten. I didn't count.

15 Q You said [REDACTED]

11:42AM

16 Did you mean [REDACTED]?

17 A Yes, I do.

18 Q All right.

19 A I meant him, of course.

20 Q What did the Bishop tell you in that meeting?

11:42AM

21 A He didn't say much, but he did say basically --
22 all he said was -- he asked me what I had to say and I
23 didn't say anything. And --

24 Q Did he say you'd been accused of sexual
25 misconduct?

11:42AM

1 A Well, that -- that I presume was in the -- in
2 the letter, you see, and I just presumed it was. And
3 the demeanor suggested it, but he didn't come out and
4 say that.

5 Q Did you -- did you deny it? 11:42AM

6 A I denied it -- no, I did not deny anything.

7 Q Did you tell him you were never at Heber Beach?

8 A No. I didn't say anything about that. Because
9 I didn't read the letter. I didn't know what it was.

10 I mean, I just know I was guilty of sexual 11:43AM
11 misconduct, that's for sure -- that's for sure.

12 See, I wasn't worried about that. I knew that
13 I wasn't there, you see.

14 Q How long was your meeting with the bishop?

15 A Less than 30 minutes. 11:43AM

16 Q What did you talk about with the bishop for
17 less than 30 minutes?

18 A I didn't -- he did most of the talking. I did
19 not say or deny anything or I -- and basically he told
20 me, "Well, go back, pack your stuff and move to your 11:43AM
21 parents' house and we'll go from there." That was
22 basically what he said.

23 Q Did you ask him why you were being sent to your
24 parents' houses?

25 A No. I didn't have the question. 11:43AM

1 Q Did he tell you why?

2 A No.

3 Q He just said you're going to your parents'
4 house?

5 A He just said, "Go to" -- "pack your stuff, go 11:43AM
6 to your parents' house and we'll go from there."

7 Q Did he ever -- he never -- did he ever say to
8 you is it true what people are saying about you at
9 Hester Beach?

10 A No, he did not say anything like that. 11:44AM

11 Q He didn't ask you whether these were false
12 accusations?

13 A No.

14 Q Tell me everything you remember about that
15 conversation with the fisher that took somewhat less
16 than 30 minutes. 11:44AM

17 A That was it.

18 Q Did he mention sexual misconduct at all during
19 that conversation?

20 A No. He felt that the letter said it all. I 11:44AM
21 don't -- that's -- that's what I felt.

22 Q Did he show you the letter?
23 MR. FOREBTS: Move to strike as nonresponsive.

24 THE WITNESS: He handed me the letter, yes.

25 ///

11:44AM

1 BY MR. CALKIN:

2 Q Did you look at letters?

3 A I looked but I did not read it.

4 Q Why didn't you read it?

5 A I only looked at the Spanish side. I did not
6 look at the English side.

7 Q Why didn't you read it?

8 A I -- I could not read the letter.

9 Q You didn't need to read the letter; is that
10 right?

11:45AM

11 A No. I could not read the letter. I didn't
12 want to hear what was said in that letter. True or
13 false, I didn't want the rear what it said, period.

14 Q Let's call it -- take a break.

15 THE VIDEOGRAPHER: We're going off the record. 11:55AM

16 It's now 11:45.

17 (Short recess.)

18 MR. CALKIN: Can we get started?

19 THE VIDEOGRAPHER: All right.

20 We're back on the record at 12:59 P.M. 12:59PM

21 BY MR. CALKIN:

22 Q Good afternoon, Mr. Rodriguez.

23 A Good afternoon.

24 Q What was Bishop Maher's demeanor like in --
25 during the meeting that you had with him on Sunday 01:00PM

1 following the incident -- or the allegations regarding
2 Hebert?

3 A On Monday.

4 Q On Monday.

5 A Yeah.

6 Q Yes.

7 A Sympathetic. That's about as much -- as much
8 word as I could describe it.

9 Q What did you do following the meeting with

10 Bishop Maher?

01:00PM

11 A I went back to El Centro. And I got ready to
12 peck and I ran into [REDACTED]

13 Q Wisconsin.

14 A Wisconsin.

15 Q What happened when you ran into [REDACTED]? 01:00PM

16 A He was yelling and screaming at me and he says:

17 "These boys lied for you. They lied for you."

18 Q Which boys?

19 A He was talking about the boys that were with me
20 on a Friday night, Saturday morning, Sunday night. 01:01PM

21 Q The El Centro boys?

22 A Yes.

23 Q When he said those boys lied for you --

24 A Yes.

25 Q -- did you know what he was talking about? 01:01PM

1 unknown for me not to have -- not to have done that.
2 MS. ROBERTS: Move to strike as nonresponsive.

3 BY MR. ZALKIN:

4 Q You said you think you were in San Diego for
5 about a week or two, and then what happened? (11:15PM)

6 A Then as best I -- I got this temporary
7 assignment to Coachella.

8 Q And was that to Our Lady of Soledad?

9 A Soledad or Solitude, yes.

10 Q Who is the pastor at Our Lady of Soledad? (11:15PM)

11 A [REDACTED]

12 Q What did you -- what did you understand your
13 assignment to be at Our Lady of Soledad?

14 A Just to say an occasional mass or whatever, do
15 any help around that I might be able to do. (11:15PM)

16 Q And who made that assignment?
17 MS. ROBERTS: Calls for speculation, lack of
18 foundation.

19 THE WITNESS: It wasn't really -- I don't know.
20 It was just to be of help, period. (11:15PM)

21 BY MR. ZALKIN:

22 Q But whose -- who --

23 A The Bishop's letter probably said that.
24 MS. ROBERTS: Move to strike as nonresponsive.

25 ///

1 BY MR. ZALKIN:

2 Q Do you recall if you got a letter from the
3 Bishop assigning you to Our Lady of Soledad?

4 A I don't recall that for sure. I got some copy
5 of a message from the Bishop to go there. 01:16PM

6 Q Okay. Did -- was there any restrictions of any
7 kind that were put on you?

8 A No.

9 Q Do you recall when you arrived at Our Lady of
10 Soledad? 01:16PM

11 A No, I cannot recall that.

12 Q Would that have been around the summer of 1976?
13 A It was.

14 MS. ROBERTS: Leading, calls for speculation.

15 BY MR. ZALKIN: 01:16PM

16 Q When you arrived at Our Lady of Soledad --
17 maybe it is Solitude.

18 A Let me look here. I think it's Soledad.

19 MS. ROBERTS: Solitude.

20 MR. ZALKIN: Is it Solitude? 01:17PM

21 MS. ROBERTS: Yes.

22 BY MR. ZALKIN:

23 Q Okay. We'll change that to Our Lady of
24 Solitude.

25 A Okay. 01:17PM

1 Q And that's a discharge summary apparently you
2 were copied with?

3 A Okay. Now I read it.
4 Q Do you recall that letter -- did you read that
5 discharge before?

01:56PM

6 A I probably have, but I locked it away and I
7 have not read it since today.

8 Q I want to draw your attention to the last
9 page --

10 A Right.

01:57PM

11 Q -- to Paragraph 3 under "Recommendations."

12 A Uh-huh.

13 Q It says there, "It is recommended that

14 Fr. Rodriguez reestablish his contact with Fr. Sperrazzo
15 or contact another therapist."

01:57PM

16 A Right.

17 Q Do you see that?

18 A Yes. And I do not think that took place.

19 Q That you never contacted another therapist or

20 Dr. Sperrazzo?

01:57PM

21 A That's right.

22 Q Did -- did anyone from the diocese ever talk to
23 you about reestablishing contact with Dr. Sperrazzo or
24 making contact with another therapist?

25 A I do not think so. I don't recall anything of

01:57PM

1 such. It might have happened, but then it might not
2 have happened.

3 I know I did not seek a therapist even though I
4 should have.

5 Q Okay. If -- if they -- if Dr. Bishop had told (J:EFW
6 you to do that, would you --

7 A I would have done so.

8 (Deposition Exhibit 57 was marked for
9 identification by the court reporter.)

10 BY MR. ZALKIN:

11 Q I'm going to show you Exhibits 57 --

12 Exhibit 57, which is two pages, I'll mark as A and B.

13 These are some documents -- or it is a document with two
14 pages that you provided to us as well. Correct.

15 Do you see these? (J:EFW

16 A Yes, I do.

17 Q Were these documents -- was this a document
18 that you provided -- or these two documents provided to
19 us?

20 A Yes. I provided them. They were in my safety (J:EFW
21 deposit box.

22 Q If you look at the first one, A --

23 A Yes.

24 Q -- there at the bottom it says, "Totale,
25 \$4,065, maximum payable 4,000 with a balance of \$56. (J:EFW

1 St. George's [partially] games in sort of a tournament
2 type of situation. I don't know what the deal was.

3 Q So you might have taken some kids in your
4 truck?

5 A Yeah.

(03:18:10)

6 MS. ROBERTS: Cells for speculation, leading.

7 BY MR. DALKIN:

8 Q Do you recall a boy named [redacted]

9 A Uh-huh.

10 Q Yes?

(03:18:15)

11 A Yes.

12 Q Do you recall where you met the boy named [redacted]

13 A Somewhere on the grounds of St. George's. He

14 was -- I don't think he was a Catholic.

15 Q Do you know what [redacted] last name is?

(03:18:20)

16 A No, I don't know what his last name is.

17 Q Do you recall sexually abusing [redacted]

18 A Yes.

19 Q Can you tell us about that.

20 A Oral copulation.

(03:18:25)

21 Q Where did that occur?

22 A I know it occurred once in the church

23 someplace, not the main part of the church, but

24 someplace in the church. I'm not quite sure exactly

25 where it was.

(03:18:30)

1 THE WITNESS: They might have, but I don't
2 recall that.

3 BY MR. CALKIN:

4 Q And did you expose these boys?

5 A To my knowledge, no.

03:24PM

6 Q Did you have kids come into your room in the
7 rectory? Is that a common practice for you?

8 MS. FORESTER: Vague and ambiguous. Asked and
9 answered.

10 THE WITNESS: Yes.

03:24PM

11 BY MR. CALKIN:

12 Q And when you would bring the boys into the
13 rectory, you take them in through the main door up the
14 stairs?

15 A No.

03:24PM

16 Q How did you get them into the rectory?

17 A Because I was only upstairs a short time. And
18 then I moved down to the housekeeper's quarters after
19 the incident with stolen money and all that kind of
20 stuff. It was then that I -- I lived downstairs.

03:25PM

21 Q Okay. So your room downstairs where the
22 housekeeper's quarters were, to get there you'd have to
23 go through the main door?

24 A No. Go through the back -- back door.

25 Q They had a back door?

03:25PM

1

A Yes.

2

Q Did you ask to live downstairs?

3

A Yes, I did.

4

Q Why did you ask to live downstairs?

5

A I don't know. Just for privacy of the bathroom. (03:25:16)

6

I guess.

7

Q Did you feel that would give you more privacy
to bring children in your room?

8

MS. POERTS: Objection, leading.

9

THE WITNESS: No.

(03:25:21)

10

BY MR. CALKIN:

11

Q How would you bring the children into the
recreary?

12

MS. POERTS: Asked and answered.

13

THE WITNESS: I'm -- just right through the (03:25:26)

14

back door without any questions or conscious or whatever.

15

BY MR. CALKIN:

16

Q Did you try to be secretive or --

17

A No, I did not.

18

Q Did anybody -- did you ever -- did anybody ever (03:25:31)
say anything to you about bringing children into the
room?

19

A I don't think so.

20

They might have.

21

Q Did anybody object to you moving downstairs?

(03:25:36)

1 A I was not aware of it.

2 Q Did you abuse children in the rectory in your
3 room downstairs?

4 A Yes, I did.

5 Q Who did you abuse down there?

03:20:16

6 A I can't recall right offhand.

7 Q Do you know how many?

8 A It's rather difficult to give an accurate
9 estimate.

10 Q Do you know if there was -- you would have boys
11 in there at the same time when you were abusing them? 03:20:18

12 A No. I don't think so.

13 Q Did you give them alcohol?

14 A No, I did not.

15 Q Did you keep alcohol in your room?

03:20:19

16 A I had alcohol in my room, yes.

17 Q Did they drink alcohol in your presence?

18 A Not that I know of.

19 Q Were they ever drunk in your presence?

20 A No.

03:20:20

21 Q Did you show them pornography?

22 A No.

23 Q Did they view pornography in your room?

24 A Not that I was ever aware of.

25 Q Did you know [REDACTED]?

03:20:21

1 But that is a wrong statement on my part. I
2 know that.

3 Q In the next paragraph, it says that the
4 "Suspect Rodrigue said he never admitted he had a
5 problem with molesting boys until he was about 40 years 12:52PM
6 old. He said as a Catholic priest, he molested about
7 five or six boys per year for over 20 years."

8 A Yes.

9 Q Do you see that?

10 A Yes. 12:52PM

11 Q Is that an accurate statement?

12 A That's an accurate statement.

13 Q Do you remember all of the boys you molested?

14 A For the most part. I'm sure they're -- I'm
15 sure there must be some that I have not remembered. 12:53PM

16 Q You don't recall their names?

17 A No.

18 Q The boy from Sacred Heart that you knew when
19 you were doing custodial-type work there --

20 A Uh-huh. 12:53PM

21 Q -- over the summers, could you describe that
22 boy for us, what he looks like?

23 MS. ROBERTS: Objection, asked and answered,
24 calls for speculation in light of his prior testimony.

25 THE WITNESS: Well, as much as I could describe 12:53PM

09:24:54 1 Q. As you sit here right now, can you recall
09:24:56 2 anything that the Dean of Palm Springs, whom you do not
09:25:00 3 recall specifically who that was -- do you have any
09:25:04 4 recollection as to anything he said to you during that
09:25:07 5 call?

09:25:14 6 A. My impression was he told me to write the
09:25:19 7 letter to ask for my removal from Eagle Mountain. That
09:25:27 8 was not done willingly on my part. It was done on his
09:25:31 9 encouragement.

09:25:35 10 Q. Other than an impression that you have, as
09:25:39 11 you sit here right now, can you recall any specific
09:25:41 12 words the Dean of Palm Springs spoke to you in this
09:25:44 13 conversation approximately 33 years ago?

09:25:54 14 A. I cannot recall the exact words, but I know
09:25:59 15 that those were the words that I put in that letter.

09:26:05 16 Q. And those were the words that you were
09:26:08 17 feeling lonely and you were feeling the isolation of

09:26:12 18 being at Eagle Mountain, correct?

09:26:14 19 A. Yes.

09:26:14 20 Q. And those were, in fact, words that
09:26:16 21 reflected how you actually felt at the time, correct?

09:26:27 22 A. I cannot say that's what I felt at that
09:26:28 23 time, but that's what I had to do, at his encouragement,

09:26:37 24 to express it that way. I didn't do it voluntarily. I
09:26:40 25 did it under pressure. That's what I felt at that time.

09:26:43 1 Q. What did the Dean say to you? What were his
09:26:52 2 words?

09:26:53 3 A. I don't remember his exact words except for
09:26:55 4 what I wrote down in the letter under his guidance.

09:26:59 5 Q. Were you taking notes of your conversation
09:27:02 6 with the Dean?

09:27:03 7 A. I took -- never took notes.

09:27:05 8 Q. Did you type the letter as you were speaking

09:27:07 9 to the Dean?

09:27:07 10 A. No.

09:27:10 11 Q. Did you type the letter that we marked as
09:27:12 12 November 20 -- or we've marked as Exhibit 31, dated

09:27:15 13 November 21, 1974?

09:27:18 14 A. Yes, I did.

09:27:19 15 Q. And I think we established through your
09:27:21 16 testimony yesterday that at the time that you were at

09:27:23 17 Eagle Mountain with the assignment of being the pastor

09:27:28 18 of St. Augustine that you were feeling lonely and you

09:27:30 19 were feeling isolated. Do you recall your testimony

09:27:34 20 yesterday to that effect?

09:27:35 21 MR. ZALKIN: I think that mischaracterizes his

09:27:36 22 testimony.

09:27:40 23 JUDGE JONES: I don't remember that testimony

09:27:42 24 yesterday regarding a letter at all. It may have been

09:27:50 25 some other.

09:27:52 1 MS. ROBERTS: It was during my questioning. It
09:27:53 2 was during my questioning of him.

09:27:57 3 THE WITNESS: I'm not sure how I answered that
09:27:59 4 yesterday, but I was trying to answer it in the respect
09:28:09 5 that I was being pressured.

09:28:16 6 BY MS. ROBERTS:

09:28:17 7 Q. As you sit here right now, you do not recall
09:28:19 8 any of the things that the Dean of Palm Springs

09:28:23 9 allegedly said to you when you had a conversation with

09:28:25 10 him 33 years ago; is that correct?

09:28:28 11 MR. ZALKIN: That mischaracterizes his testimony.

09:28:43 12 THE WITNESS: He didn't order me to write the
09:28:47 13 letter, but he encouraged me where that I -- that a
09:28:52 14 refusal on my part would have been murder, so to speak.

09:29:04 15 My words. I'm just talking about my words.

09:29:07 16 BY MS. ROBERTS:

09:29:07 17 Q. So, in your words, you believed that if you
09:29:10 18 didn't write a letter requesting your transfer from
09:29:13 19 Eagle Mountain that you would be murdered?

09:29:17 20 A. Not physically murdered but psychologically
09:29:21 21 murdered. Under that kind of -- type of pressure, I'm
09:29:24 22 talking about. I'm using those words as -- of my own
09:29:26 23 will.

09:29:33 24 Q. When you were at Eagle Mountain, you were
09:29:36 25 separated from your father and your brothers, correct?