

1 appointing a priest to the position of parochial Vicar be  
 2 acting on authority delegated by the Archbishop for the  
 3 Archdiocese in Mexico?  
 4 A That's correct.  
 5 Q And in deciding which priest to be appointed as  
 6 a parochial Vicar, would a potential priest's fitness to  
 7 serve be considered?  
 8 A I don't know their criteria.  
 9 Q When you became Archbishop in July of 1995, did  
 10 you consider a priest's fitness to serve as a factor in  
 11 determining whether they should be appointed to the  
 12 position of a parochial Vicar?  
 13 A I acknowledged the appointments that I had  
 14 familiarity with.  
 15 Q Did you ever acknowledge the appointment as  
 16 evidenced in Exhibit 3?  
 17 A I never had knowledge of this appointment.  
 18 Q To your knowledge in 1995 was Father Nicholas  
 19 Aguilar Rivera a priest incardinated in the Archdiocese in  
 20 Mexico?  
 21 A No.  
 22 Q To your knowledge has Father Nicholas Aguilar  
 23 Rivera ever been incardinated in the Archdiocese in  
 24 Mexico?  
 25 A I have no knowledge of his incardination.

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1 Q Besides Exhibit 3, do you have any information  
 2 regarding Father Nicholas Aguilar Rivera being granted  
 3 faculties to serve in the Archdiocese in Mexico?  
 4 A I have knowledge of this appointment and I don't  
 5 know if he would have received other appointments.  
 6 Q You acknowledge at the time of Exhibit 3  
 7 Monsignor Rutilio Ramos Rico was in fact Vicar General for  
 8 the Archdiocese in Mexico?  
 9 A He was the General Vicar.  
 10 Q Thank you. Norberto, where is Father Nicholas  
 11 Aguilar Rivera?  
 12 A I don't know.  
 13 Q When is the last time you had any knowledge  
 14 regarding the location of Father Nicholas Rivera?  
 15 A News or personal knowledge?  
 16 Q We'll start with personal knowledge.  
 17 A When he left Tehuacan.  
 18 Q Do you recall the year that he left Tehuacan?  
 19 A At the beginning of 1987.  
 20 Q You have ever reviewed any news articles or  
 21 obtained any secondary information regarding the location  
 22 of Father Nicholas Aguilar Rivera?  
 23 A After when?  
 24 Q At anytime since he left in 1987.  
 25 A Yes.

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1 Q And what information do you have in that  
 2 regard?  
 3 A He wrote me from Los Angeles, Cardinal Mahony  
 4 asked me for information. Monsignor Curry also did so.  
 5 Q And these requests from the Archdiocese, both  
 6 Mahony and Curry, were after he left the Archdiocese of  
 7 Los Angeles, correct?  
 8 A Correct. After he got to Los Angeles.  
 9 Q Okay. Have you ever reviewed any news articles  
 10 or reports regarding the current whereabouts of Father  
 11 Nicholas Aguilar Rivera?  
 12 A Yes.  
 13 Q And, first of all, what reports?  
 14 A Some contact from a newspaper person with him.  
 15 Q Do you know the name of the newspaper person?  
 16 A San Juana Martinez published the fact that she  
 17 had had a conversation with him. I believe that's a  
 18 woman.  
 19 Q And she published an article saying that she had  
 20 a conversation with Father Nicholas Aguilar Rivera?  
 21 A That's correct.  
 22 Q And where, to your knowledge, did this  
 23 conversation take place?  
 24 A She didn't reveal the name.  
 25 Q To your knowledge did this conversation take

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1 place within the Archdiocese of Mexico?  
 2 A I don't know.  
 3 Q To your knowledge does Father Nicholas Aguilar  
 4 Rivera currently hold himself out as a priest for the  
 5 Roman Catholic Church?  
 6 A I don't know.  
 7 Q When did you first meet Father Nicholas Aguilar  
 8 Rivera?  
 9 A Soon after I got to Tehuacan in 1985 or the  
 10 beginning of '86.  
 11 Q And what was the occasion that brought you two  
 12 together?  
 13 A I visited his parish in San Sebastian  
 14 Cuacnopalan.  
 15 Q Prior to meeting Father Nicholas Aguilar Rivera  
 16 had you reviewed the files, if any, maintained by the  
 17 Diocese of Tehuacan on him?  
 18 A No.  
 19 Q After meeting Father Nicholas Aguilar Rivera and  
 20 prior to the initiation of this lawsuit have you ever  
 21 reviewed the files maintained by the Diocese of Tehuacan,  
 22 if any, on Father Nicholas Aguilar Rivera?  
 23 A No.  
 24 Q What did you and Father Nicholas Rivera talk  
 25 about at the first time you met him?

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1 A As far as I can recall as to how he was doing,  
 2 his job, as to the difficulties he had because he expanded  
 3 the atrium of the charge. I don't remember anything  
 4 else.  
 5 Q Did you discuss with him any accusations of  
 6 childhood sexual abuse during the first meeting?  
 7 A No.  
 8 Q Did you discuss with him any alleged allegations  
 9 of homosexual behavior at this first meeting?  
 10 A Nothing.  
 11 Q At the time that you first met Father Nicholas  
 12 Aguilar Rivera, what was his position within the Diocese  
 13 of Tehuacan?  
 14 A He was named as the parish priest of San  
 15 Sebastian Cuacnopalan.  
 16 Q Was this a one-priest parish or were there other  
 17 parish -- other priests at the parish?  
 18 A I don't understand the question. At the same  
 19 time?  
 20 Q Yes, at the same time. At the time that you  
 21 first met Father Nicholas Aguilar Rivera was he --  
 22 A Is the question were there other priests?  
 23 Q Yes, other priests at that church?  
 24 A No, he was the only one in that church.  
 25 Q Did the church have a school affiliated with

1 A Yes.  
 2 Q What was the substance of what they told you?  
 3 A Some people mentioned -- made very positive  
 4 mentions to me as to his work of the Fathers because he  
 5 remodeled the parish materially. Other people  
 6 demonstrated their irritation because the expansion that  
 7 had been made was a result of a disoccupation or the  
 8 eviction of some federal property that they were illegally  
 9 occupying.  
 10 Q Did any parishioners voice any concerns  
 11 regarding Father Nicholas Aguilar Rivera engaging in  
 12 inappropriate sexual contact with minors?  
 13 A At that time?  
 14 MR. SELSBERG: At what time?  
 15 BY MR. WATERS:  
 16 Q At that time.  
 17 A I think it was by the following year when I got  
 18 more or less -- in the month of August I was presented by  
 19 a commission of persons who were from that town to  
 20 communicate to me that the Father had been beaten up by  
 21 some young people; maybe not young, some guys.  
 22 Q That would be my question. Do you recall the  
 23 name of the entity? Well, yes, first we'll start with the  
 24 name. Do you recall the name of the individuals that beat  
 25 up Father Nicholas Aguilar Rivera?

1 it?  
 2 A No.  
 3 Q After your meeting with Father Nicholas Aguilar  
 4 Rivera, did you discuss him with any other member  
 5 affiliated with the Diocese of Tehuacan?  
 6 MR. SELSBERG: Objection. Vague.  
 7 MR. WATERS: What I want to know is --  
 8 MR. SELSBERG: At what time?  
 9 BY MR. WATERS:  
 10 Q Initially, after the meeting did you kind of  
 11 check his references or inquire as to other individuals  
 12 that may have knowledge of Father Nicholas Aguilar?  
 13 A No.  
 14 Q During -- or shortly after your first meeting  
 15 with Father Nicholas Aguilar Rivera did you discuss his  
 16 service with the church with any parishioners of the  
 17 church to gauge how the parishioners were accepting him in  
 18 his role?  
 19 A Yes.  
 20 Q Do you recall the names of the parishioners with  
 21 whom you met?  
 22 A Impossible.  
 23 Q Do you recall the substance of what their  
 24 conversation was with you regarding Father Nicholas  
 25 Aguilar Rivera?

1 A I never knew them.  
 2 Q Do you know the ages of the individuals that  
 3 beat up Father Nicholas Aguilar Rivera?  
 4 A No, just the only information I got was that it  
 5 was some guys.  
 6 Q Did you ever receive any information as to why  
 7 these young guys, these guys, beat up Father Nicholas  
 8 Aguilar Rivera?  
 9 A The version of the people that visited me was  
 10 that it was in revenge for him having evicted them, some  
 11 of the people who had been occupying those places.  
 12 Q Do you have any other information as to why  
 13 these men beat up Father Nicholas Aguilar?  
 14 A Yes.  
 15 Q What other information do you have?  
 16 A After these people visited me, that same day I  
 17 sent word to the Father for him to explain to me as to  
 18 that event.  
 19 Q What did Father Nicholas Aguilar Rivera explain  
 20 to you regarding that event?  
 21 A The day after I called him he came to my office  
 22 and he gave me a different version.  
 23 Q And what was the version that Father Nicholas  
 24 Aguilar Rivera gave you?  
 25 A He told me that he had put up two guys in his

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1 house and that they slept with him in his same room and  
2 that that night they got up, they beat him up, and they  
3 fled through the window.

4 Q Did Father Nicholas Aguilar Rivera inform you of  
5 the age of the two guys that spent the night in his house  
6 and slept with him in the same room?

7 A No.

8 Q Did Father Nicholas Aguilar Rivera describe  
9 these as adults or as minors?

10 A He just spoke about some guys.

11 Q Did you inquire as to why -- as to the age of  
12 these individuals?

13 A No.

14 Q At the time that -- this was in August of 1986;  
15 is that correct?

16 A Toward the beginning of August '86.

17 Q During this time did the Diocese of Tehuacan  
18 maintain any policies or procedures regarding lay  
19 individuals spending the night in the room of a priest in  
20 his official residence?

21 A In the church it's always been seen as  
22 inappropriate for a priest to sleep with other people.

23 Q And so am I correct in understanding that in  
24 August of 1986 it would be inappropriate for a priest in  
25 the Diocese of Tehuacan to allow a lay individual to spend

1 presenting to me in the first place was incorrect and that  
2 it wasn't believable, that the version of the events that  
3 he was giving me was not believable.

4 Q Why did you feel that the version of the events  
5 that he was giving you was not believable?

6 A It's not correct for a priest to receive in his  
7 own bedroom persons who were unknown to him just as he  
8 said these were.

9 Q So I don't know -- I want to make sure I'm  
10 correct. Did you tell him that you did not believe what  
11 he was telling you, or did you tell him I cannot believe  
12 you did that, meaning allow lay people to spend the night  
13 in the private living quarters?

14 A I believe that he had received them in his  
15 bedroom because he was beaten up. He was visibly very  
16 perturbed, so that I did believe. What I did not believe  
17 was his version that he didn't know those guys and that  
18 they beat him up without any reason whatsoever.

19 Q Did you form the impression during this  
20 conversation that in fact there had been inappropriate  
21 sexual contact between Father Nicholas Aguilar Rivera and  
22 these gentlemen?

23 A I began to suspect that there was some kind of  
24 inappropriate behavior by him of the homosexual nature.

25 Q We have five minutes to take a break to change

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1 the night in the private living quarters of a priest?

2 A That's correct.

3 Q Why would that be inappropriate?

4 A Because the priest must have his privacy and he  
5 has made promises of celibacy and it's not appropriate for  
6 him to live with other people, men or woman.

7 Q Adults or children, correct?

8 A Of course.

9 Q Regarding the information that you were  
10 presented by persons of the town, was this a written  
11 document?

12 A Not that I recall. It was just verbal.

13 Q At anytime have you received any written  
14 documentation regarding this August 1986 incident?

15 A No.

16 Q Did you conduct any investigation into the  
17 information which you learned from the town's members as  
18 well as from Father Nicholas Aguilar?

19 A I didn't make an investigation. I just received  
20 information they gave me.

21 Q Did you do anything with the information that  
22 you received?

23 A Yes.

24 Q What did you do with that information?

25 A I told the Father that the version that he was

1 the tape. Will you let me ask this question?

2 Are you aware as to whether or not homosexuality  
3 is a crime in Mexico at the time that this event was  
4 reported to you?

5 A At this time it was a crime and, furthermore, it  
6 was considered to be an illness.

7 Q Had you learned that -- when you learned that  
8 these guys beat up Father Aguilar, you suspected some type  
9 of sexual activity, correct?

10 MR. SELSBERG: Objection. Mischaracterizes the  
11 witness's testimony.

12 MR. WATERS: You may answer.

13 THE WITNESS: I suspected, I repeat, that there had  
14 been something improper and that improper behavior was of  
15 a homosexual nature.

16 BY MR. WATERS:

17 Q Had you learned that these individuals spending  
18 the night in the private living quarters of Father  
19 Nicholas Aguilar Rivera were in fact minors, would you  
20 have concluded or presumed that the subsequent beating was  
21 a result of inappropriate sexual contact with the  
22 minors?

23 MR. SELSBERG: Objection. Assumes facts not in  
24 evidence and calls for speculation.

25 MR. WATERS: You can answer.

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1 THE WITNESS: I can't talk about minors because  
 2 nobody mentioned that to me. Nobody mentioned minors.  
 3 BY MR. WATERS:  
 4 Q But had somebody mentioned minors at this time,  
 5 would you have assumed or presumed that the subsequent  
 6 beating was a result of inappropriate sexual contact with  
 7 the minors?  
 8 MR. SELSBERG: Objection. That calls for  
 9 speculation.  
 10 THE WITNESS: I cannot. I can only talk about  
 11 facts.  
 12 MR. WATERS: Off the record.  
 13 (Break taken from 1:35 p.m. to 1:55 p.m.)  
 14 MR. WATERS: Back on the record.  
 15 BY MR. WATERS:  
 16 Q Norberto, prior to the last break we were  
 17 discussing the battery of Father Nicholas Aguilar Rivera.  
 18 Can you describe for me the injuries which you  
 19 observed when he came to speak with you at your request?  
 20 A As far as I can recall he had injuries on this  
 21 side of his face (indicating).  
 22 MR. WATERS: Let the record reflect that Norberto was  
 23 referring to the left side of his face.  
 24 THE WITNESS: Correct, this side of his face, and he  
 25 was very nervous. That's what I remember?

1 Q During this time, August of 1986, did you know  
 2 an individual by the name of Hipolito, H-i-p-o-l-i-t-o,  
 3 Perez Sylva?  
 4 A No.  
 5 Q The premises which served as Father Nicholas  
 6 Aguilar Rivera's residence, did it have a maid?  
 7 A I don't remember.  
 8 Q Was it common in August of 1986 for priest's  
 9 residence to have maids?  
 10 A For some, yes, others no.  
 11 Q Was -- as you sit here today do you recall as to  
 12 whether or not the residence Father Nicholas Aguilar  
 13 Rivera maintained in 1986 had a maid?  
 14 A I don't remember.  
 15 MR. SELSBERG: Objection. Asked and answered.  
 16 THE WITNESS: I answered.  
 17 BY MR. WATERS:  
 18 Q If the residence of which Father Nicholas  
 19 Aguilar Rivera did in fact have a maid, would that maid be  
 20 compensated by the Diocese of Tehuacan?  
 21 MR. SELSBERG: Objection. Assumes facts not in  
 22 evidence and calls for speculation.  
 23 THE WITNESS: The Diocese of Tehuacan has never paid  
 24 for a maid for anybody.  
 25 BY MR. WATERS:

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1 BY MR. WATERS:  
 2 Q Did he mention to you the mechanism of injury to  
 3 the left side of his face?  
 4 A He did not explain how they beat him up, only  
 5 that they beat him up.  
 6 Q Did you notice any bite marks on Father Nicholas  
 7 Aguilar Rivera's person?  
 8 A No, I just saw him beat up on this side and very  
 9 nervous.  
 10 Q Did -- the beat-up on the left side of the face,  
 11 are you talking about black-and-blue marks?  
 12 A Yes.  
 13 Q Cuts?  
 14 A No, a big bruise.  
 15 Q Did it appear that that bruise could have been  
 16 inflicted by a game stick?  
 17 INTERPRETER TUCK: Game stick?  
 18 MR. WATERS: Yes.  
 19 INTERPRETER TUCK: What is a game stick?  
 20 MR. DRIVON: Like a pool cue.  
 21 THE WITNESS: I would not know to explain it.  
 22 BY MR. WATERS:  
 23 Q During this time period, August of 1986, did you  
 24 know an individual by the name of Angel Perez Castillo?  
 25 A No.

1 Q Do parishioners or members of the committee of  
 2 the faithful volunteer as maids for the residence of  
 3 priests? Is that a common practice or custom?  
 4 A No.  
 5 Q Do you know the name or do you know the  
 6 individual by the name of Marina Panojas, P-a-r-o-j-a-s?  
 7 A No.  
 8 Q You have ever reviewed any official report  
 9 regarding the August 1986 beating of Father Nicholas  
 10 Aguilar Rivera?  
 11 A Nobody has delivered any report to me.  
 12 MR. WATERS: May I have this marked next in order?  
 13 BY MR. WATERS:  
 14 Q I'm handing you what I've had marked Exhibit 4.  
 15 Would you please review this document, and after review my  
 16 first question will be have you ever seen this document  
 17 before today?  
 18 (The document referred to was marked as  
 19 Plaintiff's Exhibit 4 for identification and  
 20 attached to this deposition.)  
 21 THE WITNESS: I've read it.  
 22 BY MR. WATERS:  
 23 Q You have ever seen this document before today?  
 24 A No.  
 25 Q In this document Mr. Angel Perez Castillo

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1 informs a sub agent of the justice department that a  
2 priest had been bitten. The sub agent went to the  
3 priest's house and found the priest on the floor. He also  
4 states that there were prints of blood close to the table  
5 and he also found a game stick with blood on it. In  
6 inquiring about this, the sub agent spoke to Mr. Hipolito  
7 Perez Sylva who works at the parish and Mr. Perez Sylva  
8 informs him that kids were spending the night there from  
9 different communities.

10 My question is at anytime prior to today has  
11 anybody ever informed you that children from different  
12 communities were spending the night in the private living  
13 quarters of Father Nicholas Aguilar Rivera?

14 MR. SELSBERG: Objection. I want him to answer the  
15 question but it's misleading and assumes facts not in  
16 evidence, and I want to clear this up with you.

17 My version of the Spanish document and English,  
18 in English does not say that the priest had been bitten;  
19 it says he's been hit.

20 MR. WATERS: Okay.

21 MR. SELSBERG: Do you want to ask the interpreter?

22 MR. WATERS: That's no problem. We can take your  
23 reference as hit.

24 MR. SELSBERG: Okay.

25 BY MR. WATERS:

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1 Q Do you recall the department or municipality for  
2 which the policeman worked?

3 A I didn't ask him.

4 Q This police report seems to be authored by an  
5 individual by the name of Miguel Perez; does that name  
6 refresh your recollection as to the name of the policeman  
7 who came to your office a couple of days after the  
8 beating?

9 A I don't know if it's the same one.

10 Q To your knowledge has Mr. Hipolito Perez Sylva  
11 ever been employed by the Diocese of Tehuacan?

12 A No, only for the parish.

13 Q Do you know if Mr. Hipolito Perez Sylva is still  
14 employed by the parish?

15 A I never met him. I don't know him and I don't  
16 know how long he may have been there.

17 Q You'd agree with me, Norberto, that Exhibit 4  
18 documents problems with children spending the night in the  
19 private living quarters of Father Nicholas Aguilar Rivera,  
20 correct?

21 MR. SELSBERG: Objection. Assumes facts not in  
22 evidence.

23 THE WITNESS: I have no knowledge of this document.  
24 I repeat, it does not speak of children. It speaks of  
25 guys, and "guys" ordinarily is understood throughout this

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1 Q The thrust of my question is whether or not  
2 prior to today you had ever seen or heard any allegations  
3 that the beating of August 1986 was a result of many kids  
4 spending the night in the private living quarters of  
5 Father Nicholas Aguilar Rivera?

6 A That's correct. I've heard a policeman that a  
7 few days after the event came to my office and told me  
8 that the Father had been beaten up, and not only beaten up  
9 but that he suspected that there were signs of  
10 homosexuality because of the guys who came into the  
11 Father's bedroom. That's what a policeman told me.

12 MR. SELSBERG: Objection to the responsiveness to the  
13 question. That's not what he asked you.

14 BY MR. WATERS:

15 Q I appreciate that information. During this time  
16 that the policeman came to speak with you a couple of days  
17 after the beating, did the policeman tell you that little  
18 boys and kids from different communities would come and  
19 spend the night in Father Nicholas Aguilar Rivera's  
20 private living quarters?

21 A He never told me that.

22 Q Did -- do you recall the name of the priest  
23 or -- excuse me. Scratch that. Do you recall the name of  
24 the policeman who came to speak with you?

25 A I don't remember his name.

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1 region and among ourselves, it can mean males from 18 to  
2 30 years of age. I don't see it speak of children here,  
3 or at least I don't manage to see it.

4 BY MR. WATERS:

5 Q At anytime in learning of the information  
6 related to the August 1986 beating of Mr. Aguilar, did you  
7 cause for a investigation by the Diocese of Tehuacan to be  
8 initiated?

9 A No because I already had the information.

10 Q If you had a copy of this police report  
11 identified as Exhibit 4 in 1986, would you have caused an  
12 investigation to have been initiated into the beating of  
13 Father Nicholas Aguilar Rivera?

14 MR. SELSBERG: Objection. Calls for speculation.

15 THE WITNESS: The fact is I didn't have it.

16 BY MR. WATERS:

17 Q I understand that, but had you had it?

18 MR. SELSBERG: Objection. Calls for speculation.

19 THE WITNESS: The fact is I had no knowledge of that  
20 report.

21 BY MR. WATERS:

22 Q I understand you had no knowledge of that  
23 report. My question is --

24 A If my chair had wheels, it might be a bicycle.

25 Q Well, it would also need pedals. My question

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1 though is a little different.  
 2 A It's speculation.  
 3 Q Okay. Nobody wants you to speculate.  
 4 MR. DRIVON: You don't even have an approximation?  
 5 MR. SELSBERG: Excuse me.  
 6 MR. DRIVON: Withdrawn.  
 7 BY MR. WATERS:  
 8 Q Did you question Father Nicholas Aguilar Rivera  
 9 about whether or not his beating was related to homosexual  
 10 activity?  
 11 A I've told that I suspected, more than anything  
 12 after talking with the policeman, that I suspected that  
 13 that was some kind of sexual activity, and he flatly  
 14 denied it.  
 15 Q When -- you said he flatly denied it. What was  
 16 your accusation, as best as you can recall?  
 17 A I told him that his version didn't appear  
 18 credible to me, that he had to tell me the truth.  
 19 Q And what was his denial?  
 20 A He denied that anything improper had happened,  
 21 not only not homosexual but also nothing improper as to  
 22 his behavior. I told him his version was not credible.  
 23 Q So you did not believe him?  
 24 A I didn't believe him.  
 25 Q As a result of not believing Father Nicholas

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1 Aguilar Rivera, did you remove him from his position  
 2 within the Diocese of Tehuacan?  
 3 A I told him that if he was not going to give me a  
 4 true explanation, he could not continue exercising his  
 5 ministry in his parish.  
 6 Q Did you initiate any formal proceedings to  
 7 suspend his faculties within the Diocese of Tehuacan?  
 8 A That's correct.  
 9 Q What did you do to suspend his faculties within  
 10 the Diocese of Tehuacan?  
 11 A The first thing was the warning that I gave him  
 12 there that if he wouldn't give me an explanation, a true  
 13 explanation, that I would remove him from the parish.  
 14 Q Did he give you an explanation?  
 15 A He never gave me any explanation.  
 16 Q Did you remove him from the parish?  
 17 A Some days later I called him back to tell him to  
 18 maintain that decision -- to ask him if he was still  
 19 holding to that decision, and he told me that he would  
 20 withdraw and that he wanted a rest.  
 21 Q Did you ask him what he meant by "a rest"?  
 22 A No.  
 23 Q As a result of this conversation, did you  
 24 initiate any formal proceedings to suspend Father Nicholas  
 25 Aguilar Rivera's faculties within the Diocese of

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1 Tehuacan?  
 2 A That's correct.  
 3 Q What did you initiate? What proceedings did you  
 4 initiate to suspend his faculties within the Diocese of  
 5 Tehuacan?  
 6 A I called him back and I repeated to him that I  
 7 thought that his withdrawing from there, from his parish,  
 8 and he answered to me that he would present his  
 9 resignation to me and he wanted to go to Los Angeles where  
 10 he had family.  
 11 Q And was this resignation that he was going to  
 12 present to you a resignation from his position at the  
 13 parish or was it his resignation and request to be  
 14 returned to the lay state?  
 15 A No.  
 16 Q So was his resignation from the parish?  
 17 A His resignation was irrevocable from the parish  
 18 sometime later toward the beginning of the following year,  
 19 '87.  
 20 Q Did you require that Father Nicholas Aguilar put  
 21 this resignation in writing?  
 22 A That's correct.  
 23 MR. WATERS: I would like this next in order.  
 24 I'm handing you what has been marked Exhibit 5. For  
 25 defense counsel's reference, Bate Stamp No. 00022.

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1 (The document referred to was marked as  
 2 Plaintiff's Exhibit 5 for identification and  
 3 attached to this deposition.)  
 4 BY MR. WATERS:  
 5 Q Have you seen Exhibit 5 before today?  
 6 A Yes. This one, yes.  
 7 Q What is Exhibit 5? Just what is this  
 8 document?  
 9 A The resignation, the irrevocable resignation  
 10 from the parish of San Sebastian Martir of Cuacnopalan,  
 11 which makes the Presbyter Nicholas Aguilar Rivera for  
 12 health reasons on the date indicated here. Tehuacan  
 13 Puebla, January 27, 1987, pursuant to the Canon 538,  
 14 Paragraph 1, and the acceptance of the resignation by  
 15 Norberto Rivera Carrera, Bishop of Tehuacan, and drafted  
 16 and signed by Felix Rojas Rojas, Presbyter Chancellor  
 17 Secretary.  
 18 Q Is Felix Rojas, Presbyter still alive? Is he  
 19 still alive?  
 20 A No, he's dead.  
 21 Q Sorry. The signature above the Norberto Rivera  
 22 Carrera, is that your signature?  
 23 A It was at the time. It's not my current  
 24 signature.  
 25 Q But you do not dispute that that's your hand

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1 putting pen to paper?  
 2 MR. SELSBERG: Objection. Asked and answered.  
 3 THE WITNESS: I believe that's my signature.  
 4 BY MR. WATERS:  
 5 Q And this document is Nicholas Aguilar Rivera  
 6 tendering his irrevocable resignation at his job at the  
 7 parish, correct?  
 8 A Yes.  
 9 Q As pastor of the parish, correct?  
 10 A As the pastor of the parish of San Sebastian  
 11 Cuacnopalan.  
 12 Q After Father Nicholas Aguilar Rivera tendered  
 13 his irrevocable resignation as evidenced in Exhibit 5, he  
 14 still had faculties in the Diocese of Tehuacan, correct?  
 15 A Correct.  
 16 Q What were his faculties within the Diocese of  
 17 Tehuacan after he provided you Exhibit 5?  
 18 A I don't -- what were his what?  
 19 Q Faculties.  
 20 A He had no position after that, as far as I know,  
 21 up to the -- up to today.  
 22 Q My question is not whether or not he had a  
 23 official position. My question is whether or not after  
 24 tendering you this irrevocable resignation as pastor, did  
 25 he still have faculties to minister within the Diocese?

1 THE WITNESS: That's correct.  
 2 BY MR. WATERS:  
 3 Q And which documents to wit are you referring?  
 4 A To a letter that I delivered to the Father, a  
 5 letter of recommendation.  
 6 INTERPRETER TUCK: Strike that. A letter of  
 7 introduction.  
 8 THE WITNESS: A letter of introduction so that he  
 9 could be with his family in Los Angeles.  
 10 BY MR. WATERS:  
 11 Q At anytime did you write a letter of  
 12 recommendation for Father Nicholas Aguilar?  
 13 A No, only a letter of introduction.  
 14 Q At anytime did you provide information to any  
 15 instrumentality to the Catholic church that you did not  
 16 feel that Father Nicholas Aguilar Rivera was fit to  
 17 minister to the community of the faithful?  
 18 A I presented to Cardinal Mahony the information I  
 19 knew of up to that moment.  
 20 Q And what information was that?  
 21 A The information that I gave to the Cardinal as  
 22 far as I can recall is that in the parish that he had been  
 23 in he had a good name with some of the faithful but that I  
 24 suspected that the incident that he had in that parish had  
 25 aspects of homosexuality. That's what I recall about the

1 A Not for Tehuacan because he himself stated his  
 2 wish to transfer to Los Angeles.  
 3 Q Did the Diocese of Tehuacan after receiving  
 4 Exhibit 5 implement any proceedings to withdraw or revoke  
 5 Father Nicholas Aguilar Rivera's faculties to minister?  
 6 A No.  
 7 Q Did the Diocese of Tehuacan ever initiate  
 8 procedures for excommunication of Father Nicholas Aguilar  
 9 Rivera?  
 10 A No because the Father is not religious, he  
 11 cannot receive a sentence of excommunication.  
 12 Q Are there any documents which reflect that at  
 13 anytime the Diocese of Tehuacan initiated any proceeding  
 14 to return Father Nicholas Aguilar Rivera to the lay state?  
 15 A No.  
 16 Q Are there any documentation generated by the  
 17 Diocese of Tehuacan that grants Father Nicholas Aguilar  
 18 Rivera permission to live outside the Diocese of  
 19 Tehuacan?  
 20 MR. SELSBERG: Will you read that back?  
 21 (Record read:  
 22 "Question: Are there any documentation  
 23 generated by the Diocese of Tehuacan that grants  
 24 Father Nicholas Aguilar Rivera permission to  
 25 live outside the Diocese of Tehuacan?")

1 letter now.  
 2 Q At anytime did the Diocese of Tehuacan grant  
 3 Father Nicholas Aguilar Rivera permission for a leave of  
 4 absence to minister in the Archdiocese of Los Angeles?  
 5 A That's two questions. I'll answer the first  
 6 one. I did give him permission to be absent from the  
 7 Diocese of Tehuacan, and the question of exercising a  
 8 ministry was not my decision. That's the decision of the  
 9 Bishop who receives him. That's the decision of the  
 10 Bishop who receives the priest; only he can give him the  
 11 rights to minister within his Diocese.  
 12 Q But don't you also have to give your -- a priest  
 13 that was incardinated in your Diocese permission to serve  
 14 the other Archdiocese?  
 15 A I gave him permission, I repeat again, to move  
 16 to the Archdiocese of Los Angeles and the Bishop of Los  
 17 Angeles would decide whether or not he's going to exercise  
 18 a ministry there.  
 19 Q Do you have any written documentation regarding  
 20 your granting Father Nicholas Aguilar Rivera leave of  
 21 absence?  
 22 A Yes.  
 23 Q Which documentation do you have?  
 24 A I didn't bring any document. I didn't bring any  
 25 document.

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1 Q What type of documentation is it?  
 2 A The letter of introduction that I sent and the  
 3 letter in which the Cardinal asks for me for information,  
 4 for confidential information.  
 5 Q When a priest are incardinated into a Diocese,  
 6 the priest must take an oath of obedience to the Diocese  
 7 Bishop as well as his successors, correct?  
 8 A That's correct.  
 9 Q At anytime have you released Father Nicholas  
 10 Aguilar Rivera from his oath of obedience to you?  
 11 A No.  
 12 Q When Father Nicholas Aguilar Rivera was residing  
 13 in Los Angeles, he was still serving under that oath of  
 14 obedience to you as the Bishop for the Diocese of  
 15 Tehuacan, correct?  
 16 A That's correct.  
 17 Q And he was still incardinated in the Diocese of  
 18 Tehuacan, correct?  
 19 A That's correct.  
 20 Q As we sit here today, do you have any  
 21 information as to whether or not Father Nicholas Aguilar  
 22 Rivera is currently incardinated in the Diocese of  
 23 Tehuacan?  
 24 A I don't know.  
 25 Q Do you know as to whether or not Father Nicholas

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1 Aguilar Rivera is incardinated into the Archdiocese of  
 2 Mexico?  
 3 A He's not in this Archdiocese.  
 4 Q At anytime have you caused to be initiated  
 5 laicization proceedings against Father Nicholas Aguilar  
 6 Rivera?  
 7 A That's not my decision. I'm not the Bishop of  
 8 Tehuacan.  
 9 Q But prior to your leaving as the Bishop of  
 10 Tehuacan?  
 11 A I did not begin.  
 12 Q To your knowledge did Father Nicholas Aguilar  
 13 Rivera ever seek voluntary laicization from the Diocese of  
 14 Tehuacan?  
 15 A I don't know.  
 16 Q To your knowledge as you sit here today, is  
 17 Father Nicholas Aguilar Rivera still a member, a clerical  
 18 member, of the Roman Catholic church?  
 19 A I don't know what decisions may have been  
 20 made.  
 21 Q Did father -- strike that. Father Nicholas  
 22 Aguilar Rivera informed you that he desired to travel to  
 23 Los Angeles, correct?  
 24 A That's correct.  
 25 Q Did he provide you an itinerary regarding his

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1 trip?  
 2 A No.  
 3 Q Did the Diocese of Tehuacan facilitate with the  
 4 Department of Immigration either with the United States or  
 5 with Mexico Father Nicholas Aguilar Rivera's movement from  
 6 the Diocese of Tehuacan to the Archdiocese of Los  
 7 Angeles?  
 8 A No.  
 9 Q Did the Diocese of Tehuacan purchase for Father  
 10 Nicholas Aguilar Rivera his plane ticket to travel to the  
 11 Archdiocese of Los Angeles?  
 12 A No.  
 13 MR. SELSBERG: Objection. Assumes facts not in  
 14 evidence.  
 15 BY MR. WATERS:  
 16 Q Did the Diocese of Tehuacan provide  
 17 transportation of any method for Father Nicholas Aguilar  
 18 from Mexico to Los Angeles?  
 19 A No.  
 20 Q You've made some trips to the United States,  
 21 correct?  
 22 A That's correct.  
 23 Q When you have traveled to the United States,  
 24 were you required to obtain any type of travel documents  
 25 prior to leaving Mexico?

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1 A I don't understand the question. Would you make  
 2 it more clear?  
 3 Q Sure. When you left Mexico to travel to the  
 4 United States, were you required to obtain a visa  
 5 passport?  
 6 A That's correct.  
 7 Q Did the Diocese of Tehuacan assist Father  
 8 Nicholas Aguilar Rivera in obtaining any visas for his  
 9 travel to the United States?  
 10 A No.  
 11 Q Did the Diocese of Tehuacan facilitate a  
 12 passport being issued for Father Nicholas Aguilar Rivera  
 13 for his transport to the United States?  
 14 A No.  
 15 MR. WATERS: Here's what I'd like to do. I would  
 16 like to take a brief break at this time. We have  
 17 sandwiches being brought in for this side of the table.  
 18 They've informed me that there are sandwiches or food  
 19 available for the defense, so I would like to take a  
 20 45-minute break for some nourishment and some rest and  
 21 we'll back, and I think we will be able to knock it down.  
 22 MR. SELSBERG: Okay.  
 23 (Lunch recess taken from 2:40 p.m. to 3:32 p.m.)  
 24 BY MR. WATERS:  
 25 Q We're back on the record after a lunch break.

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1 Norberto, you realize you're still under oath?  
2 A Yes, correct.  
3 Q During the break your attorney provided me  
4 copies of documents which you reviewed in preparation for  
5 today's deposition. I will have those marked next in  
6 order as one complete exhibit.  
7 Will you please take a look at Exhibit 6, and  
8 after your review I will ask you to confirm for me and the  
9 record that those documents contained in Exhibit 6 are all  
10 the documents that you reviewed in preparation for today's  
11 deposition.  
12 (The document referred to was marked as  
13 Plaintiff's Exhibit 6 for identification and  
14 attached to this deposition.)  
15 THE WITNESS: Very well.  
16 BY MR. WATERS:  
17 Q Are those documents contained in Exhibit 6 all  
18 the documents that you reviewed prior to today's  
19 deposition?  
20 MR. SELSBERG: You mean in the last couple of days?  
21 MR. WATERS: Yes, in preparation for today's  
22 deposition.  
23 MR. SELSBERG: Yes. It's a different question.  
24 BY MR. WATERS:  
25 Q Just so the record is crystal clear, besides

1.22

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1 Exhibit 5, correct?  
2 A Correct.  
3 Q Did you at anytime consult with a Canon lawyer  
4 within the Diocese of Tehuacan regarding the proper  
5 canonical procedure for obtaining resignation of a parish  
6 priest from the parish?  
7 A I understand the term "irrevocable resignation"  
8 and when it needs to be put in question.  
9 Q Did you consult the Canon lawyer regarding  
10 accepting the resignation of Father Nicholas Aguilar  
11 Rivera?  
12 A About the acceptance of his resignation?  
13 Q Yes.  
14 A The same secretary.  
15 Q So the Canon lawyer is the person you were  
16 consulting?  
17 A He is the expert in Canon law.  
18 Q Did you consult with the same secretary  
19 regarding the sending of Father Nicholas Aguilar Rivera to  
20 the Archdiocese of Los Angeles?  
21 MR. SELSBERG: Objection. Assumes facts not in  
22 evidence and mischaracterizes the witness's testimony.  
23 MR. WATERS: And I acknowledge -- I'm not trying  
24 to -- I used a poor word, so let me withdraw the question  
25 and ask this.

1.24

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1 those documents contained in Exhibit 6, you reviewed no  
2 other documents in preparation for today's deposition?  
3 A Not in these days.  
4 Q Have you reviewed any documents at anytime  
5 besides the documents contained in Exhibit 6 for  
6 preparation for today's deposition?  
7 A No, these are the documents I have knowledge  
8 of.  
9 Q Very well. Just some housekeeping issues. I  
10 would like to refer you back to Exhibit 4.  
11 A Yes.  
12 Q And ask you how you interpret the term  
13 "chamaco"?  
14 A Boys, people 18 to 30 years of age.  
15 Q Do you interpret the term "chamaco" as a  
16 child?  
17 A I don't know what you mean when you say "child."  
18 Q Person under the age of 18.  
19 A No.  
20 Q So as you view the term chamaco, it refers to an  
21 individual above the age of 18?  
22 A That's how you normally express it.  
23 Q Okay. Prior to the lunch break you testified  
24 that Father Nicholas Aguilar Rivera tendered you his  
25 irrevocable resignation from the parish as documented by

1.23

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1 BY MR. WATERS:  
2 Q Did you consult with your Canon lawyer regarding  
3 allowing Father Nicholas Aguilar Rivera to travel to the  
4 Archdiocese of Los Angeles?  
5 A I made the decision.  
6 Q But did you consult with your Canon lawyer?  
7 A No.  
8 Q Did you consult with your Canon lawyer regarding  
9 the proper procedure for allowing Father Nicholas Aguilar  
10 Rivera to transfer, or to travel to the Archdiocese of Los  
11 Angeles?  
12 A I never sent him. As I repeated I never helped  
13 him, as I repeated. All I did was give him a permit.  
14 Q Let me ask you this then. Did you consult with  
15 your Canon lawyer regarding your granting a permit for  
16 Father Nicholas Aguilar Rivera to travel to the  
17 Archdiocese of Los Angeles?  
18 MR. SELSBERG: Hold on a second. I don't know where  
19 Vernon got the word "permit" from. You misspoke and he  
20 picked up on it.  
21 INTERPRETER TUCK: "Permission," if there's any  
22 difference. To the extent there is, it is permission.  
23 MR. SELSBERG: There is.  
24 MR. WATERS: Okay, let me just withdraw the question.  
25 I took it from the translation.

1.25

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1 MR. SELSBERG: I know you did, but he misinterpreted  
 2 what the Cardinal said.  
 3 MR. WATERS: No problem. Let's get the  
 4 interpreter then to correct the interpretation.  
 5 INTERPRETER TUCK: Strike the reference to "permit"  
 6 and replace it with "permission."  
 7 BY MR. WATERS:  
 8 Q Did you consult with your Canon lawyer regarding  
 9 your decision to grant Father Nicholas Aguilar Rivera  
 10 permission to travel to the Archdiocese of Los Angeles?  
 11 A No.  
 12 Q Did you discuss your decision to permit - to  
 13 grant permission to Father Nicholas Aguilar Rivera to  
 14 travel to the Archdiocese of Los Angeles with anybody?  
 15 MR. SELSBERG: Objection, vague. Then or now?  
 16 MR. WATERS: With anybody associated with the Diocese  
 17 of Tehuacan.  
 18 MR. SELSBERG: At anytime?  
 19 MR. WATERS: At anytime.  
 20 THE WITNESS: No.  
 21 BY MR. WATERS:  
 22 Q When a Diocesan priest is incardinated into a  
 23 Diocese, that Diocesan priest is a responsibility of the  
 24 Diocese in which he's incardinated, correct?  
 25 MR. SELSBERG: Objection to the form. That's vague

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1 provide ministry, there must be documentation, correct?  
 2 A No.  
 3 Q Is there a procedure in Canon law for a Bishop  
 4 to remove a Diocesan priest's faculties?  
 5 A The faculties are expressly determined for the  
 6 time stated in the instrument.  
 7 Q My question is a little different.  
 8 MR. WATERS: Please read the question.  
 9 (Record read:  
 10 "Question: Is there a procedure in Canon law  
 11 for a Bishop to remove a Diocesan priest's  
 12 faculties?")  
 13 THE WITNESS: That's correct. He may remove them  
 14 before the time established for a serious cause.  
 15 BY MR. WATERS:  
 16 Q At anytime did you remove Mr. Nicholas Aguilar  
 17 Rivera's faculties for a serious cause?  
 18 A No.  
 19 Q When father Nicholas Aguilar Rivera traveled to  
 20 the Archdiocese of Los Angeles, he still had faculties  
 21 with the Diocese of Tehuacan, correct?  
 22 A That's correct.  
 23 Q And when Father Nicholas Aguilar Rivera left the  
 24 Archdiocese of Los Angeles, he still had faculties with  
 25 the Diocese of Tehuacan, correct?

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1 and misleading.  
 2 THE WITNESS: For some things it's responsible. As  
 3 far as for his personal actions, it's not responsible.  
 4 BY MR. WATERS:  
 5 Q And the Diocese in which he's incardinated  
 6 remains responsible for that Diocesan priest until that  
 7 Diocesan priest is separated from the Diocese by  
 8 excardination, correct?  
 9 MR. SELSBERG: Same objection. It's vague. I'm  
 10 having trouble with the word "responsibility."  
 11 BY MR. WATERS:  
 12 Q Well, an individual incardinated into a Diocese  
 13 is associated with that Diocese, correct?  
 14 A Correct.  
 15 Q He takes an oath of obedience to the Bishop of  
 16 the Diocese of which he's incardinated, correct?  
 17 A I already answered that yes.  
 18 Q And that oath of obedience to that Bishop of the  
 19 Diocese of which he's incardinated remains in effect until  
 20 that priest is excardinated, correct?  
 21 A Only when he has licenses.  
 22 Q Faculties, correct? Only when he has faculties  
 23 to provide ministry?  
 24 A That's correct.  
 25 Q And in order to withdraw those faculties to

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1 A His faculties ended in January.  
 2 Q In January of which year?  
 3 A Of 1987. 1987.  
 4 Q And what - is there any documentation which  
 5 supports your statement that Father Nicholas Aguilar  
 6 Rivera's faculties within the Diocese of Tehuacan were  
 7 revoked as of January 1981 - scratch that, 1987?  
 8 A That's correct.  
 9 Q Which documentation is that to which you  
 10 refer?  
 11 A A letter dated January 27th expressly sets forth  
 12 to the Cardinal Rogelio Mahony that for family reasons and  
 13 health reasons Father Nicholas Aguilar Rivera from the  
 14 Parish of Cuacnopalan Pueblo, pertaining to this church of  
 15 Tehuacan, wishes to remain for one year in the service of  
 16 the Archdiocese of Los Angeles. I have no problem with  
 17 granting this permission if Your Excellency accepts it for  
 18 him to work in your local church.  
 19 That's how it's understood by the Cardinal and  
 20 his Vicar, Monsignor Curry. I don't remember his name.  
 21 Monsignor Thomas Curry, Vicar for --  
 22 MR. SELSBERG: I will object to any more answer  
 23 because you have already answered the question.  
 24 BY MR. WATERS:  
 25 Q Do you have any documents which specifically

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1 references the fact that Father Nicholas Aguilar Rivera's  
 2 faculties within the Diocese of Tehuacan were to be  
 3 revoked as of January 1987?  
 4 A I repeat again, those faculties are expressly  
 5 for one year, no more.  
 6 Q Okay. Besides the letter to which you just  
 7 referenced, the letter dated January 27, 1987 -  
 8 A Excuse me.  
 9 Q Besides the letter that you just referenced,  
 10 that letter of January 27, 1987 from yourself to  
 11 Archbishop Roger Mahony, is there any other document of  
 12 which you are aware of that supports your claim that as of  
 13 January 1987 Father Nicholas Aguilar Rivera's faculties  
 14 within the Diocese of Tehuacan were removed?  
 15 A I don't remember.  
 16 MR. SELSBERG: January 1987?  
 17 MR. WATERS: Yes.  
 18 THE WITNESS: They ended in January of 1987.  
 19 BY MR. WATERS:  
 20 Q And besides the letter of January 1987 you have  
 21 no other document that support your allegation?  
 22 THE WITNESS: They began -- they ended in '87.  
 23 INTERPRETER TUCK: That was not to your question.  
 24 Can you repeat the question?  
 25 MR. WATERS: I will withdraw the question.

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1 BY MR. WATERS:  
 2 Q Referring you back to Exhibit 5.  
 3 A Is this Exhibit 5?  
 4 Q Yes. Do you have any idea as to the health  
 5 reasons to which Father Nicholas Aguilar Rivera refers?  
 6 A Yes.  
 7 Q What are the health reasons?  
 8 A When the Father requested this permission and  
 9 when he presents his resignation, evidently he's been  
 10 beaten up and evidently he was perturbed, nervous, and  
 11 third, I suspected that there had been suspicions. I  
 12 suspected that had there had been events, homosexual  
 13 events, and homosexuality was considered in Mexico to be  
 14 an illness.  
 15 Q Did you send him to treatment at any mental  
 16 health facility or any other facility for this illness?  
 17 A No.  
 18 Q Did you recommend to him that he receive  
 19 therapy?  
 20 A He decided it, that it would be attended to.  
 21 Q To your knowledge did he ever receive therapy?  
 22 A He received therapy.  
 23 Q Do you know the institution or place where he  
 24 received therapy?  
 25 A I don't remember the name.

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1 Q Was it with the Servants of the Paracletes in  
 2 New Mexico?  
 3 A No, it was here with some psychologists in  
 4 Mexico.  
 5 Q Do you recall the name of the psychologist?  
 6 A No.  
 7 Q Did you receive any reports from the  
 8 psychologists?  
 9 A I don't remember.  
 10 Q Did you speak to any psychologist regarding  
 11 therapy rendered to Father Nicholas Aguilar Rivera?  
 12 A No, I never talked with his psychologist.  
 13 Q Do you know if anybody within the Diocese of  
 14 Tehuacan receives any conversations or written  
 15 correspondence with any therapist regarding treatment  
 16 rendered to Father Nicholas Aguilar Rivera?  
 17 A I don't remember if anybody did.  
 18 Q Did the Diocese of Tehuacan pay for the cost of  
 19 the therapy rendered to Father Nicholas Aguilar Rivera?  
 20 A Not in my time.  
 21 MR. WATERS: For housekeeping, after the lunch break  
 22 your attorney provided me with another document which  
 23 could be responsive to our document request and we  
 24 previously marked that type of document category as  
 25 Exhibit 2.

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1 So as long as there's no objection with opposing  
 2 counsel, I will propose adding that one-page document to  
 3 Exhibit 2 thereby making Exhibit 2 a three-page document.  
 4 MR. SELSBERG: No objection.  
 5 MR. WATERS: Thank you.  
 6 BY MR. WATERS:  
 7 Q Norberto, you endorsed a declaration in support  
 8 of a motion to quash service of summons for lack of  
 9 personal jurisdiction, correct?  
 10 A That's correct.  
 11 Q And in fact a copy of that declaration is  
 12 contained in Exhibit 6; is that correct?  
 13 A Yes, correct.  
 14 Q May I ask you, who assisted you in the  
 15 preparation of this declaration?  
 16 A My United States attorneys together with the  
 17 attorney from Mexico Fernandez del Castillo.  
 18 Q Prior to your endorsements on this declaration,  
 19 did you review any documents?  
 20 A What kind?  
 21 Q Any kind of documents.  
 22 A Yes.  
 23 Q Did you review all the documents which Father  
 24 Baldemar obtained?  
 25 A I'm not sure if it was all of them but I saw

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1 something, I saw some documents.  
 2 Q And you have personal knowledge of all facts put  
 3 forth in this declaration, correct?  
 4 A That's correct.  
 5 Q I would like to refer you to paragraph No. 9 of  
 6 your declaration. You don't need to read it out loud. I  
 7 just wanted to refer you to that paragraph and then I will  
 8 ask you some questions.  
 9 A Okay. Thank you.  
 10 Q You have read paragraph No. 9?  
 11 A I read No. 9.  
 12 Q Is it true that in '86 in your capacity as  
 13 Bishop of the Diocese of Tehuacan you learned the  
 14 Defendant, Father Nicholas Aguilar, who was then a parish  
 15 priest at the parish of San Sebastian Martir had been  
 16 assaulted at his parish residence on August 7t, 1986?  
 17 MR. SELSBERG: Objection. Asked and answered.  
 18 THE WITNESS: That's correct, and I answered that  
 19 twice.  
 20 BY MR. WATERS:  
 21 Q Okay. And how -- besides -- have you told me  
 22 every method upon which you learned of the assault, and I  
 23 believe your testimony was you learned from another  
 24 individual and then you contacted Father Nicholas Aguilar  
 25 Rivera yourself and he informed you of the attack; is that

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1 correct?  
 2 A That's correct, these two, but you have  
 3 forgotten that I also mentioned the policeman.  
 4 Q Okay.  
 5 A Also, I must say that I heard these rumors when  
 6 the news was heard about the Father having been  
 7 assaulted.  
 8 Q And the rumors which you heard are what?  
 9 Describe for me the rumors.  
 10 A The rumors were that that had already happened  
 11 previously and others, other guys, were coming to the  
 12 parish house and were spending the night there and that  
 13 these guys were from different places.  
 14 Q Okay. And when you say that it had happened  
 15 before, are you saying that it happened before in 1986 or  
 16 was it rumored that this type of activity had happened  
 17 before in the more distant past?  
 18 A They were saying that it had happened before.  
 19 Q Did they tell you a time frame?  
 20 A They were saying that it happened before and I  
 21 did not ask anybody for dates.  
 22 Q Paragraph 10 of your declaration, you state that  
 23 you ordered Father Nicholas Aguilar Rivera to seek rest;  
 24 is that a true statement?  
 25 A That's correct.

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1 Q Did you suggest where he should seek rest?  
 2 A No.  
 3 Q Did you suggest that Father Nicholas Aguilar  
 4 Rivera seek rest in Los Angeles, California?  
 5 A He stressed that to me that he wanted to rest in  
 6 Los Angeles and that there is where he would be attended  
 7 to.  
 8 Q You also say that you ordered him for  
 9 psychiatric help?  
 10 A What?  
 11 Q You also state in paragraph 10 that you ordered  
 12 Father Nicholas Aguilar Rivera for psychiatric help?  
 13 A Correct because he looked very disturbed to  
 14 me.  
 15 Q Any other basis besides his affect that you  
 16 observed? Affect, A-f-f-e-c-t.  
 17 A I didn't understand your question.  
 18 Q Besides his physical appearance and demeanor,  
 19 was there anything else that led you to order him to seek  
 20 psychiatric help?  
 21 A Yes.  
 22 Q What else?  
 23 A I have repeated several times to you that I  
 24 suspected after reading information that that event of a  
 25 homosexual nature had occurred.

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1 Q Who was the priest that replaced Father Nicholas  
 2 Aguilar Rivera?  
 3 A Father Florencio de Los Santos.  
 4 Q Did you explain to this Father as to why you  
 5 were appointing him to replace Father Nicholas Aguilar  
 6 Rivera?  
 7 A It wasn't necessary.  
 8 Q Do you know if this Father who replaced Father  
 9 Nicholas Aguilar Rivera is still alive?  
 10 A I believe so.  
 11 Q Do you have any information as to where he can  
 12 be located?  
 13 A I don't know where is he now.  
 14 Q Is he still a priest affiliated with the Diocese  
 15 of Tehuacan?  
 16 A I believe so.  
 17 Q At anytime has this priest approached you  
 18 regarding any rumors which he has heard about Father  
 19 Nicholas Aguilar Rivera?  
 20 A Never.  
 21 Q On January 27th, 1987 you wrote a letter of  
 22 introduction to Roger Mahony introducing Roger Mahony to  
 23 Nicholas Aguilar Rivera, correct?  
 24 A Correct.  
 25 MR. WATERS: I would like this marked Exhibit 7?

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ORIGINAL

1 (The document referred to was marked as  
 2 Plaintiff's Exhibit 7 for identification and  
 3 attached to this deposition.)  
 4 BY MR. WATERS:  
 5 Q I've marked as Exhibit 7?  
 6 A Yes.  
 7 Q Do you recognize that letter?  
 8 A Yes.  
 9 Q Is that the letter of introduction which you  
 10 wrote to Roger Mahony?  
 11 A I believe so.  
 12 Q I notice that on that copy the document is not  
 13 signed by your pen?  
 14 A That's correct, it's not signed.  
 15 Q Is it your custom and practice to not retain  
 16 copies of documents which you signed?  
 17 MR. SELSBERG: You mean -- you want to state it a  
 18 different way? You're trying to ask him if he retains  
 19 copies that have his signature?  
 20 MR. WATERS: Exactly.  
 21 BY MR. WATERS:  
 22 Q Is it your custom to retain copies that have  
 23 your signature?  
 24 A No, lots of times I don't sign copies.  
 25 Q Do you recall if you signed that letter, the

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1 different. Is the phrase quote, "family and health  
 2 reasons," end quote, used within the church to warn that a  
 3 priest suffers from some sort of problem?  
 4 A I believe that you're distorting this letter. I  
 5 don't put anything in parenthesis, family reasons and  
 6 health reasons, at least I don't do it in this letter.  
 7 INTERPRETER TUCK: Strike the word "parenthesis" and  
 8 replace it with "quotation marks."  
 9 BY MR. WATERS:  
 10 Q I would like to refer you to page 4.  
 11 A Page 4 of what document?  
 12 Q Of your declaration.  
 13 A Yes, very well. Page 4, yes.  
 14 Q Specifically beginning at line 5, would you  
 15 please read that statement?  
 16 A "It was for health and family reasons."  
 17 Q Read the next sentence, please.  
 18 A "The phrase family and health reasons was used  
 19 within the church to give warning that a priest suffers  
 20 from some type of problem, evidently health."  
 21 Q When has the term "family and health reasons"  
 22 been used within the church to warn of a priest having  
 23 some sort of problem?  
 24 A I wouldn't know to tell you since when, and it's  
 25 not a term used only in the church. It's a common

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1 original of that letter?  
 2 A The original, I surely did.  
 3 Q In this letter you inform Cardinal Mahony that  
 4 for family and health reasons Father Nicholas Aguilar  
 5 Rivera desires to work in Los Angeles?  
 6 A That's correct.  
 7 Q And what do you mean when you speak of "family  
 8 and health reasons"?  
 9 A Family reasons and health reasons means that he  
 10 had asked to go spend time with his family and those are  
 11 the reasons he had to go see his family, and for health  
 12 reasons I've already explained. The Father, in addition  
 13 to having been assaulted, was also disturbed. He needed  
 14 to be attended to for the problem that I suspected he had,  
 15 which was a health problem, upon mentioning  
 16 homosexuality.  
 17 Q Is the phrase, quote, "family and health  
 18 reasons," end quote, used within the church to warn that a  
 19 priest suffers from some sort of problem?  
 20 A Not only in the church but it's commonly used in  
 21 Mexico to submit a resignation for health reasons.  
 22 Q No problem.  
 23 A Without that meaning, what kind of health  
 24 problems?  
 25 Q I understand. My question is a little

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1 everyday term.  
 2 Q Have you been instructed from any  
 3 instrumentality in Rome to use the term "family and health  
 4 reasons" to warn that a priest suffers from some sort of  
 5 problem?  
 6 A Never from Rome. Rome never dictates to me.  
 7 Q Has anybody within the Diocese of Tehuacan  
 8 informed you that the phrase "family and health reasons"  
 9 used to warn that a priest suffers from some sort of  
 10 problem?  
 11 A No. I used it because it's a common everyday  
 12 term. Nobody dictated it to me, neither from Rome nor  
 13 from Tehuacan.  
 14 Q To your knowledge when you authored the letter  
 15 of January 27th, 1987, was pedophilia considered an  
 16 illness?  
 17 A Repeat the question. I did not understand the  
 18 question.  
 19 (Record read:  
 20 "Question: To your knowledge when you  
 21 authored the letter of January 27th, 1987,  
 22 was pedophilia considered an illness?")  
 23 MR. SELSBERG: I object to that question as  
 24 misleading. You can ask him if it was considered an  
 25 illness then but it has nothing to do with the letter he

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1 wrote because the letter did not have any reference  
 2 whatsoever.  
 3 MR. WATERS: That's fine. The question stands.  
 4 THE WITNESS: I never mentioned the word pedophilia  
 5 as word for the father's illness.  
 6 BY MR. WATERS:  
 7 Q No doubt. When you wrote the letter of January  
 8 27th, 1987, did you in your mind view pedophilia as an  
 9 illness?  
 10 A I considered that pedophilia was an illness, a  
 11 very serious one.  
 12 Q And by using the term family and health reasons  
 13 in the January 27th, 1987 letter, you anticipated that  
 14 Cardinal Mahony would request more information regarding  
 15 Father Nicholas Aguilar Rivera's history and service in  
 16 the Diocese of Tehuacan, correct?  
 17 A Necessarily no Bishop can receive a priest if he  
 18 does not have confidential information.  
 19 Q And you anticipated that Cardinal Mahony would  
 20 request confidential information that you would have on  
 21 Father Aguilar Rivera, correct?  
 22 A That's correct, in the events that he may need  
 23 him to give him some employment on ministry.  
 24 Q And you anticipated that he would need this  
 25 information because you used the language "family and

1 health reasons," correct?  
 2 A That's correct, but not only for that reason but  
 3 rather because I suppose with all reasons that the  
 4 Cardinal knows Canon law.  
 5 Q And what do you suppose he knows about Canon law  
 6 that would require him to request more detailed  
 7 information?  
 8 A That in order to receive a priest he has to have  
 9 information on the person he's going to receive and whom  
 10 he wants to entrust a ministry.  
 11 Q After your January 27th -- scratch that. Did  
 12 you give Father Nicholas Aguilar Rivera a copy of this  
 13 January 27th, 1987 letter to hand carry to Roger Mahony?  
 14 A I did not give him a copy. I gave him an open  
 15 letter for him to deliver as a presentation, or  
 16 introduction.  
 17 INTERPRETER TUCK: Strike "presentation."  
 18 THE WITNESS: To the Cardinal Mahony.  
 19 BY MR. WATERS:  
 20 Q At some time after writing the January 27th,  
 21 1987 letter did you receive a request from Father Nicholas  
 22 Aguilar Rivera to provide more information to the  
 23 Archdiocese of Los Angeles?  
 24 A That's correct. It seems to me --  
 25 MR. SELSBERG: You answered the question.

1 BY MR. WATERS:  
 2 Q What I have had marked plaintiff's Exhibit 8 --  
 3 A Very well.  
 4 Q -- is this a copy of the letter which you  
 5 received from Father Nicholas Aguilar Rivera?  
 6 A I believe so.  
 7 Q In response to this letter from Father Nicholas  
 8 Aguilar Rivera, did you provide a letter to the  
 9 Archdiocese of Los Angeles in response?  
 10 A Yes, I answered.  
 11 Q And did you answer in written form?  
 12 A Correct.  
 13 Q I'm handing you what I've had marked No. 9.  
 14 Do you recognize what has been marked Exhibit 9?  
 15 A That's correct.  
 16 Q In this letter -- first of all, do you  
 17 personally recall transmitting this correspondence to  
 18 Excellency Archbishop Roger Mahony?  
 19 A I dictated the letter and I had it sent to a  
 20 religious person to be sent through the mail.  
 21 Q As you sit here today you specifically remember  
 22 causing this letter to be transmitted to the Archdiocese  
 23 of Los Angeles?  
 24 A That's correct.  
 25 Q And you had it transmitted to Archbishop Roger

1 Mahony?  
 2 A I wrote the letter not only to Cardinal Mahony  
 3 but a separate copy of the letter to Monsignor Thomas  
 4 Curry, General Vicar of the clergy.  
 5 (The documents referred to were marked as  
 6 Plaintiff's Exhibits 8 and 9 for identification and  
 7 attached to this deposition.)  
 8 MR. WATERS: We will switch the tape right now.  
 9 (Break taken from 4:32 p.m. to 4:36 p.m.)  
 10 BY MR. WATERS:  
 11 Q Norberto, in your March 23, 1987 letter you  
 12 inform Roger Mahony and Monsignor Thomas Curry by copy of  
 13 your suspicion that Father Nicholas Aguilar Rivera suffers  
 14 problems of homosexuality, correct?  
 15 A That's correct. I repeated it several times.  
 16 Q And did Cardinal -- excuse me. Did Archbishop  
 17 Roger Mahony ever contact you in the calendar year 1987  
 18 regarding the elevations put forth in your March 23, 1987  
 19 letter?  
 20 A That's correct.  
 21 Q He did contact you by telephone regarding the  
 22 elevations?  
 23 A Yes.  
 24 Q When did he contact you?  
 25 A Around when I got his written communications.

NO. 11/11/87

1 Q Which written communications are those that you  
2 refer to?  
3 A Let me take a moment to see if I can find it.  
4 I'm referring to his letter dated March 4, 1988.  
5 Q Did you call Cardinal -- excuse me. Did you  
6 call Roger Mahony or did Roger Mahony call you?  
7 A He called me.  
8 Q If you can please tell me everything that Roger  
9 Mahony said to you and everything that you said to him  
10 during this telephone conversation.  
11 A In broad general terms I remember that he told  
12 me that the Father had been accused in the parish, I don't  
13 remember the parish name, where he was serving; that he  
14 had left Los Angeles and that they -- that I should send  
15 him information about his family members and about the  
16 places where he might be located.  
17 Q And did he ask you during this telephone  
18 conversation to investigate as to the whereabouts in the  
19 country of Mexico as to where Father Nicholas Aguilar  
20 Rivera was located?  
21 A He did not ask me to investigate, he asked  
22 me -- he didn't ask me to investigate.  
23 Q After this conversation with Roger Mahony, did  
24 you investigate as to the whereabouts of Father Nicholas  
25 Aguilar Rivera?

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1 Q Father Mahony told you that the Mexican police  
2 were investigating his whereabouts?  
3 A He reports to me the police. He speaks of the  
4 police. "We know that he's gone back to Mexico and we  
5 want to fully cooperate with the police from Los Angeles  
6 in looking for him and arresting him. It's necessary for  
7 this priest to be arrested and for him to return here to  
8 Los Angeles." That's work that is already being done and  
9 that's why.  
10 Q And to which letter are you referring when you  
11 read that?  
12 A I've mentioned a few moments ago the letter of  
13 March 4, 1988.  
14 Q And that letter is from the Archdiocese of Los  
15 Angeles, correct?  
16 A That's how it's signed by the Reverend Monsignor  
17 Roger Mahony, Archbishop of Los Angeles, and it has his  
18 heading for the Los Angeles Diocese -- Archdiocese.  
19 Q I agree. So this letter tells you what the  
20 Archdiocese of Los Angeles is doing to locate Father  
21 Nicholas Aguilar Rivera, correct?  
22 A Yes.  
23 Q Is the Diocese of Tehuacan doing anything during  
24 this time period to locate the whereabouts of Father  
25 Nicholas Aguilar Rivera?

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1 A No.  
2 Q After this telephone conversation with Roger  
3 Mahony did you cause to have an investigation begun as to  
4 the whereabouts of Father Nicholas Aguilar Rivera?  
5 A No.  
6 Q At anytime since Father Nicholas Aguilar Rivera  
7 traveled to the Archdiocese of Los Angeles in 1987 until  
8 present have you ever instituted an investigation as to  
9 his whereabouts?  
10 MR. SELSBERG: Can you read that question?  
11 (Record read:  
12 "Question: At anytime since Father  
13 Nicholas Aguilar Rivera traveled to the  
14 Archdiocese of Los Angeles in 1987 until present  
15 have you ever instituted an investigation as to  
16 his whereabouts?"  
17 THE WITNESS: No.  
18 BY MR. WATERS:  
19 Q Have you ever caused to have an investigation  
20 instituted as to his whereabouts during that same time  
21 frame?  
22 A No.  
23 Q Why?  
24 A Because that's being done by the police, that's  
25 what Cardinal Mahony informed me of.

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1 A Yes, I did what was asked of me by the  
2 Cardinal.  
3 Q Did you do anything on your own volition as  
4 Bishop of the Diocese of Tehuacan to try to locate Father  
5 Nicholas Aguilar Rivera after he left the Archdiocese of  
6 Los Angeles?  
7 A I did what the Cardinal was asking me to do. I  
8 immediately responded with another letter reporting to him  
9 everything that I knew at that time.  
10 Q Did you conduct any independent investigation?  
11 A No.  
12 MR. SELSBERG: I'm sorry. Did you finish your  
13 question, Rob?  
14 MR. WATERS: I did.  
15 MR. SELSBERG: I did not get a chance to object, but  
16 it's vague. Did you conduct any independent investigation  
17 is vague, and it's been asked and answered.  
18 BY MR. WATERS:  
19 Q In your March 23rd, 1987 letter, which is marked  
20 as Exhibit 9, you mention the accusations about his  
21 homosexuality are several. You tell me about -- we spoke  
22 about the rumors that surrounded the beating in August of  
23 '86 and you told me about past rumors about homosexual  
24 activity, or which you attributed as homosexual activity.  
25 Have you told my everything you know regarding

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1 accusations about Father Nicholas Aguilar Rivera's  
2 homosexuality?  
3 A What I know at this time, yes.  
4 Q I am showing you what has been marked as  
5 Plaintiff's 10, and it appears that Exhibit 10 actually  
6 precedes Exhibit 9 in the way that these letters came into  
7 existence; is that correct?  
8 MR. SELSBERG: It's the other way around.  
9 MR. WATERS: That's what I'm saying. Exhibit 10  
10 precedes Exhibit 9 chronologically.  
11 THE WITNESS: Is this 9?  
12 MR. WATERS: Yes.  
13 THE WITNESS: And this is 10.  
14 MR. SELSBERG: He's asking you which one you wrote  
15 first, if you know.  
16 THE WITNESS: I'm writing them both on the exact same  
17 date. I don't know. I believe, as far as I can recall, I  
18 believe that the letter to the Cardinal Roger Mahony is  
19 the one I wrote first.  
20 MR. WATERS: Okay.  
21 THE WITNESS: And that's why I'm mentioning to Father  
22 Nicholas that I'm sending that letter today.  
23 MR. WATERS: Thank you for clarifying that.  
24 BY MR. WATERS:  
25 Q I'm having marked next as Plaintiff's Exhibit

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1 Diocese?  
2 A That's correct.  
3 Q So, yes, under Canon law you as the Bishop of  
4 Tehuacan in which Father Nicholas Aguilar Rivera is  
5 incardinated would have to grant permission in order for  
6 him to serve permanently in the Los Angeles Archdiocese?  
7 A That's correct.  
8 Q In fact, pursuant to a document produced at  
9 today's deposition, page 3 of Exhibit 2, in order for  
10 Father Nicholas Aguilar Rivera to serve in definitely in  
11 the Archdiocese of Los Angeles he would have to be  
12 excardinated from Diocese of Tehuacan and then  
13 re-incardinated into the Archdiocese of Los Angeles,  
14 correct?  
15 A That's correct.  
16 MR. SELSBERG: I'd like you to read the exhibit  
17 before you answer.  
18 THE WITNESS: I've read it.  
19 MR. SELSBERG: And he's already answered the  
20 question.  
21 MR. WATERS: No problem.  
22 MR. WATERS: I've marked a document as Plaintiff's  
23 12.  
24 (The document referred to was marked as  
25 Defendant's Exhibit 12 for identification and

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1 11, do you recall receiving this letter?  
2 A That's correct.  
3 (The documents referred to were marked as  
4 Plaintiff's Exhibits 10 and 11 for identification  
5 and attached to this deposition.)  
6 BY MR. WATERS:  
7 Q And in this letter Father Nicholas Aguilar  
8 Rivera requests permission to serve indefinitely in the  
9 Los Angeles Diocese; is that correct?  
10 A That's correct.  
11 Q Did you respond to this letter?  
12 A No.  
13 Q At anytime did you grant -- at anytime did you  
14 grant Father Nicholas Aguilar Rivera to serve indefinitely  
15 in the Los Angeles Diocese?  
16 A No.  
17 Q Do you have any information as to why Father  
18 Nicholas Aguilar Rivera was requesting permission from you  
19 to serve indefinitely in the Los Angeles Archdiocese?  
20 MR. SELSBERG: Objection. Calls for speculation.  
21 THE WITNESS: I don't know what his reasons may be.  
22 BY MR. WATERS:  
23 Q Are you aware as to whether or not Canon law  
24 would require you as Bishop of the Diocese of Tehuacan to  
25 grant him permission to serve indefinitely in another

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1 attached to this deposition.)  
2 BY MR. WATERS:  
3 Q Do you recognize this document?  
4 A Yes.  
5 Q Did you receive this document, this  
6 correspondence dated January 11, 1988 in your official  
7 capacity as Bishop of Tehuacan?  
8 A That's correct.  
9 Q Is this the first time that you learned from any  
10 source accusations of inappropriate activity with children  
11 on behalf of Father Nicholas Aguilar Rivera?  
12 A That's correct.  
13 Q Did you have a telephone conversation with  
14 reverend Monsignor Tom J. Curry regarding this January  
15 11th, 1988 letter?  
16 A No.  
17 Q Did you have a conversation affiliated with  
18 anybody from the Archdiocese of Los Angeles regarding this  
19 January 1988 letter?  
20 A No.  
21 MR. WATERS: Please mark this as Plaintiff's next in  
22 order.  
23 BY MR. WATERS:  
24 Q Before we get to Exhibit 13 I think I have some  
25 follow-up questions regarding Exhibit 10?

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10-11-1988



1 A Yes.  
2 Q Regarding Exhibit 9.  
3 A Yes.  
4 Q Were those documents written in your official  
5 capacity as Bishop of the Diocese of Tehuacan?  
6 A That's correct.  
7 Q In regards to -- I'm looking for the exhibit of  
8 the January 27th, 1987 letter to Los Angeles from  
9 Norberto.  
10 In regards to Exhibit 7, was that letter  
11 authored in your official capacity as the Bishop of the  
12 Diocese of Tehuacan?  
13 A Correct.  
14 Q Now, I will show you Exhibit No. 13. Do you  
15 recall receiving that correspondence?  
16 A Yes.  
17 (The document referred to was marked as  
18 Plaintiff's Exhibit 13 for identification and  
19 attached to this deposition.)  
20 BY MR. WATERS:  
21 Q And was that letter received in your official  
22 capacity as Bishop of the Diocese of Tehuacan?  
23 A Correct.  
24 Q And enclosed with that correspondence, were  
25 there newspaper articles?

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1 A I remember that there would have been an article  
2 with it.  
3 Q Do you recall reading the articles?  
4 A Yes.  
5 Q After reading the article did you conduct any  
6 investigation?  
7 MR. SELSBERG: Why don't you let him use the stack  
8 that I gave you that has the articles?  
9 MR. WATERS: Exhibit 6.  
10 MR. SELSBERG: Because I think some are in Spanish  
11 and some in English.  
12 MR. WATERS: That it is right in front of you.  
13 BY MR. WATERS:  
14 Q After reviewing the articles did you investigate  
15 as to the whereabouts of Father Nicholas Aguilar Rivera?  
16 A No.  
17 Q After reviewing the articles did you cause to  
18 have an investigation initiated as to the whereabouts of  
19 Father Nicholas Aguilar Rivera?  
20 A No.  
21 MR. SELSBERG: Objection. Asked and answered.  
22 BY MR. WATERS:  
23 Q After receiving the February 23rd, 1988 Reverend  
24 Monsignor Thomas J. Curry, did you contact the Archdiocese  
25 of Los Angeles in regards to locating Father Nicholas

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1 Aguilar Rivera?  
2 MR. SELSBERG: Apart from the letters that he wrote  
3 that he's already testified to?  
4 MR. WATERS: Yes. By telephone, sorry.  
5 MR. SELSBERG: By telephone.  
6 THE WITNESS: By telephone he called me.  
7 MR. SELSBERG: No, he asked if you contacted him by  
8 telephone.  
9 THE WITNESS: No.  
10 BY MR. WATERS:  
11 Q I've marked this as Exhibit 14. I believe we  
12 already discussed this letter because it was contained in  
13 Exhibit 6, but I want to ask you this question, did you  
14 receive Exhibit 14 in your official capacity as Bishop of  
15 the Diocese of Tehuacan?  
16 A That's correct.  
17 Q After receiving this letter you and Roger Mahony  
18 had a telephone conversation, correct?  
19 A He called me.  
20 Q And that -- you already told me everything that  
21 you can recall about that telephone conversation?  
22 A Correct.  
23 Q You have had any other telephone conversations  
24 with Roger Mahony regarding Father Nicholas Aguilar  
25 Rivera?

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1 A No.  
2 Q Have you had any other conversations with  
3 anybody affiliated with the Archdiocese of Los Angeles  
4 regarding Father Nicholas Aguilar Rivera?  
5 A No.  
6 Q I've had this document marked as Exhibit 15. Do  
7 you recognize this document?  
8 A Correct.  
9 Q Did you write this letter in your official  
10 capacity as the Bishop of the Diocese of Tehuacan?  
11 A Correct.  
12 (The documents referred to were marked as  
13 Plaintiff's Exhibits 14 and 15 for identification  
14 and attached to this deposition.)  
15 BY MR. WATERS:  
16 Q In the letter you indicate to Roger Mahony that  
17 you are not in a position to find him much less force him  
18 to return and appear in court; is that correct?  
19 A Yes.  
20 Q What do you mean you're not in a position to  
21 find him?  
22 A Because I did not know where he was.  
23 Q But at this time you were still the head of the  
24 Diocese of Tehuacan, correct?  
25 A Correct.

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1 Q And at this time he was still incardinated in  
 2 the Diocese of Tehuacan, correct?  
 3 A Correct.  
 4 Q You also go on to say that you are willing to  
 5 collaborate so that justice is served and scandal is  
 6 avoided. What do you mean by "and scandal is avoided"?  
 7 A I'm telling him, the Cardinal, that I'm willing  
 8 to cooperate with that as far as I can in those matters  
 9 that are within my possibilities. What else did you ask?  
 10 Q Besides providing the Archdiocese of Los Angeles  
 11 the names of his relatives, did you do anything to try to  
 12 locate Father Nicholas Aguilar Rivera?  
 13 MR. SELSBERG: Objection. Asked and answered.  
 14 THE WITNESS: I already answered that I was informed  
 15 that the police were doing their job.  
 16 MR. WATERS: Why don't we take a five-minute break  
 17 I think I'm pretty much near the end.  
 18 (Break taken from 5:10 p.m. to 5:20 p.m.)  
 19 BY MR. WATERS:  
 20 Q Father, I just have a couple of follow-up  
 21 questions.  
 22 A Very well.  
 23 Q After being notified in January 11th,  
 24 1998 -- scratch that. After being notified by letter  
 25 dated January 11th, 1988 of allegations of Father Nicholas

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1 Aguilar Rivera acting inappropriately with minors, did you  
 2 notify other Catholic clerics in Mexico of those  
 3 allegations?  
 4 A No.  
 5 Q At anytime have you notified other Catholic  
 6 clerics in Mexico of the allegations?  
 7 A No.  
 8 Q At anytime did you notify Catholic clerics in  
 9 Mexico, the Archdiocese in Los Angeles that the  
 10 authorities in the United States were trying to locate  
 11 Father Nicholas Aguilar Rivera?  
 12 A No, and I'll give you my reasons.  
 13 Q Shoot.  
 14 A That was news that was published throughout  
 15 Mexico.  
 16 Q And what's your basis for that information?  
 17 A The press, television, the radio.  
 18 Q Are you aware as to whether or not Catholic  
 19 clerics in Mexico read those newspapers, watch those  
 20 television TV shows, or listen to those radio stations?  
 21 A They are informed.  
 22 Q And they were informed by people besides  
 23 yourself, that's your testimony?  
 24 A That's correct.  
 25 Q But am I correct in that you never informed

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1 Catholic clerics in Mexico regarding the search for Father  
 2 Nicholas Aguilar Rivera?  
 3 A That's correct.  
 4 Q At anytime have you contacted -- scratch that.  
 5 Prior to being the Archbishop for the Archdiocese in  
 6 Mexico, did you ever contact the Archdiocese in Mexico and  
 7 inquire as to whether or not anybody at Archdiocese of  
 8 Mexico was aware of Father Nicholas Aguilar Rivera's  
 9 whereabouts?  
 10 A No.  
 11 Q At anytime after you were informed that Father  
 12 Nicholas Aguilar Rivera left the Archdiocese of Los  
 13 Angeles did you contact or consult with any Canon lawyers  
 14 to inquire as to what authority you had as Bishop of  
 15 Tehuacan to order his return to California?  
 16 A I did not consult.  
 17 Q Did you have an understanding at anytime as to  
 18 what authority you had as Bishop of Tehuacan to order  
 19 Father Francisco -- scratch that, to order Father Nicholas  
 20 Aguilar Rivera to return to California?  
 21 A I did not understand the question.  
 22 Q I will withdraw it and ask another one. Sorry.  
 23 At anytime prior to today, did -- have you ever come to  
 24 the conclusion as to what authority you had as Bishop of  
 25 Tehuacan to order Father Nicholas Aguilar Rivera to return

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1 to California?  
 2 A Yes.  
 3 Q And what understanding have you come to?  
 4 A That a process had to be followed, a judicial  
 5 process, in which he committed the crimes both by the  
 6 civil authorities as well as by the ecclesiastical  
 7 authorities.  
 8 Q And which ecclesiastical authorities are you  
 9 referring?  
 10 A To the ecclesiastical tribunal that must exist  
 11 in each Diocese.  
 12 Q Did you ever initiate any ecclesiastical  
 13 proceedings in the Diocese of Tehuacan against Father  
 14 Nicholas Aguilar Rivera?  
 15 A No.  
 16 Q At the time that Father Nicholas Aguilar Rivera  
 17 left the Diocese of Los Angeles, he still remained under  
 18 an oath of obedience to yourself as the Archbishop of the  
 19 Diocese of Tehuacan, correct?  
 20 A Correct.  
 21 Q Do you own any real property in the State of  
 22 California?  
 23 A No.  
 24 Q Do you have any bank accounts in the State of  
 25 California?

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10-11-98

1 A No.  
 2 Q Do you maintain any type of investment accounts,  
 3 money market funds in the State of California?  
 4 A No.  
 5 Q Do you maintain any personal property, cars  
 6 boats, trailers in the State of California?  
 7 A No.  
 8 Q Have you ever traveled to the state of  
 9 California on business?  
 10 A No.  
 11 Q Have you ever appeared in the State of  
 12 California as an official of the Diocese of Tehuacan?  
 13 A Never.  
 14 Q Have you ever appeared in the State of  
 15 California as an official for the Archdiocese of Mexico?  
 16 A No.  
 17 Q Besides Nicholas Aguilar Rivera during the time  
 18 that you were Bishop of Tehuacan did you grant any other  
 19 priest or cleric permission to travel to the state of  
 20 California?  
 21 A Another priest.  
 22 Q One other priest?  
 23 A Yes.  
 24 Q Only one other priest?  
 25 A Yes.

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1 Q Can you please provide me the priest's name?  
 2 A Yes.  
 3 Q What his name?  
 4 A Father Alfonso.  
 5 MR. SELSBERG: Are you talking about him  
 6 (indicating)?  
 7 THE WITNESS: No. He's asking me about another one.  
 8 MR. SELSBERG: Okay.  
 9 BY MR. WATERS:  
 10 Q Since being Archbishop of Mexico you have  
 11 granted permission for a priest or other Catholic cleric  
 12 to travel to the State of California?  
 13 A As far as I can recall, to the State of  
 14 California, one.  
 15 Q And what is that priest's name?  
 16 A Also Alfonso.  
 17 Q As to Father --  
 18 A Alfonso Roman del Real.  
 19 Q As to Father Alfonso from Tehuacan, what year  
 20 did you grant him permission to serve in California?  
 21 A I think it was in the year '90.  
 22 Q As to Father Alfonso Roman del Real, what  
 23 year?  
 24 A It's been more or less nine years ago.  
 25 Q Any other priests or Catholic clerics which you

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1 granted permission to go to California?  
 2 A I don't remember any other.  
 3 Q Have you ever accepted any priests from  
 4 California to serve in the Diocese of Tehuacan while you  
 5 were Bishop of Tehuacan?  
 6 A No.  
 7 Q What about since you have been Archbishop of  
 8 Mexico?  
 9 A Not that I recall.  
 10 Q Have you ever received any gifts or donations  
 11 from persons or entities residing in California?  
 12 A Small gifts, yes.  
 13 Q From whom?  
 14 A From my female cousins, my first cousins.  
 15 Q Anybody who is not a family member?  
 16 A I don't believe.  
 17 Q Does the Diocese of Tehuacan receive any  
 18 donations or gifts from the citizens of the State of  
 19 California?  
 20 A Not that I'm aware of.  
 21 Q What about the Archdiocese of Mexico?  
 22 A No.  
 23 Q At anytime have you provided official services  
 24 in the State of California?  
 25 A No.

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1 Q Does anybody from the Diocese of Tehuacan  
 2 provide official services in the State of California?  
 3 A Currently I don't know.  
 4 Q What about law when you were Bishop of the  
 5 Diocese of Tehuacan?  
 6 A Only the two priests that I mentioned.  
 7 Q Got you. You were not Bishop of Tehuacan --  
 8 MR. SELSBERG: I'm sorry, can you read back his last  
 9 question, please.  
 10 (Record read:  
 11 "Question: What about law when you were Bishop  
 12 of the Diocese of Tehuacan?")  
 13 MR. SELSBERG: The question before that, sorry.  
 14 (Record read:  
 15 "Question: Does anybody from the Diocese of  
 16 Tehuacan provide official services in the State  
 17 of California?")  
 18 BY MR. WATERS:  
 19 Q My question should have been -- let me ask this  
 20 question, does anybody from the Archdiocese of Mexico  
 21 provide services, official services, related to the  
 22 Archdiocese of Mexico in the state of California?  
 23 A The one who is mentioned.  
 24 Q The one who is mentioned in Exhibit 2?  
 25 A Jose Alfonso Real?

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1 Q Yes.  
2 A Jorge Alfonso Armando Real.  
3 Q Anything else besides?  
4 A Not that I'm aware of.  
5 Q Were you not Bishop of Tehuacan in 1976,  
6 correct?  
7 A Correct.  
8 Q You have ever become aware of any health reasons  
9 that Father Nicholas Aguilar Rivera suffered in July of  
10 1976 which caused his formal resignation from the parish  
11 of All Saints Xochitlan, X-o-c-h-i-t-l-a-n?  
12 A I don't know.  
13 Q Have you ever seen this document?  
14 A I don't remember it.  
15 Q Norberto, you'd agree with me that it is never  
16 okay for a priest to engage in sexual touching with  
17 children, correct?  
18 A That's correct.  
19 Q And you'd agree with me that if there are  
20 circumstances suspicious for the sexual abuse of children  
21 by a priest, those circumstances should be reported to the  
22 Bishop or Archbishop, correct?  
23 MR. SELSBERG: I object to the form -- to the  
24 question as being vague and misleading, and also I'd like  
25 to know what this has to do with jurisdiction.

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1 MR. WATERS: Well, regarding jurisdiction we allege  
2 there were circumstances indicative or indicating the  
3 sexual abuse of children made aware to the Diocese by a  
4 reporter, and as a result of those circumstances and the  
5 potential sexual abuse of children he was transferred from  
6 the Diocese of Tehuacan to the Archdiocese of Los Angeles  
7 where he offended again. And when those circumstances  
8 became aware to the Archdiocese of Los Angeles he was  
9 assisted in fleeing the jurisdiction and accepted back in  
10 the Archdiocese in Mexico or another Diocese in Mexico.  
11 So I want to confirm that as he was the head of the  
12 Diocese of Tehuacan he would agree that the is  
13 circumstances suspicious of child sexual abuse by a priest  
14 should be reported to his office.

15 MR. SELSBERG: We don't think there's any evidence to  
16 support any of those allegations.

17 MR. WATERS: I understand that.

18 MR. SELSBERG: If you want to ask him something  
19 pertaining to Nicholas Aguilar, which you've done, that's  
20 fine, but I don't think it's appropriate to ask him the  
21 question that has nothing to do with jurisdiction.

22 MR. WATERS: I have two questions. If you want to  
23 instruct him not to answer, that's fine. I have one more  
24 and then I think I'm done.

25 MR. SELSBERG: Ask him the question again, please.

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1 BY MR. WATERS:

2 Q You'd agree that if there are circumstances  
3 suspicious for childhood sexual abuse by a priest, those  
4 circumstances should be reported to the head of the  
5 Diocese?

6 MR. SELSBERG: I object to the question as calling  
7 for speculation and assuming facts not in evidence. I  
8 also think it does not relate to jurisdiction, but since  
9 he's answering anyway, I will take that up with the judge  
10 at another time when it's relevant.

11 MR. WATERS: You can answer the question.

12 THE WITNESS: Suspicious should not be reported but  
13 rather facts should, or that are verified.

14 BY MR. WATERS:

15 Q So circumstances or facts indicative of the  
16 sexual abuse of children by a priest if observed by a  
17 member of the Diocese should be reported to the Bishop?

18 A That's correct.

19 Q You'd also agree with me that if a priest is  
20 found to have engaged in childhood sexual abuse, he is  
21 unfit for service in the priesthood?

22 A No priest who has abused children can continue  
23 in the priestly ministry.

24 Q And so as a result, if a priest has engaged in  
25 sexual childhood abuse, it's your testimony he should be

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1 removed from the priesthood?

2 A It should be reported. The procedure is to  
3 report him, to report all of this information.

4 Q One more question. We sent your attorney some  
5 written questions that we asked you to respond to and one  
6 of the questions asks, and for the record it's response to  
7 Interrogatory No. 11.

8 The question is "Is Cardinal Rivera aware that  
9 Nicholas Aguilar became associated with the Roman Catholic  
10 Archbishop of Los Angeles, a corporation sole."

11 MR. WATERS: We will switch tapes.

12 (Pause in proceedings.)

13 MR. WATERS: We were taking a break and during the  
14 break Cardinal Rivera was able to review his response to  
15 Interrogatory No. 11.

16 BY MR. WATERS:

17 Q As drafted on the second paragraph from line 19  
18 to 20, it says "On January 27, 1987, Father Aguilar  
19 tendered his irrevocable resignation from the Diocese of  
20 Tehuacan where Cardinal Rivera then presided as Bishop."  
21 Now, Norberto, is that correct?

22 A No. I made a mistake. He did not resign from  
23 the Diocese but rather he resigned from the parish of San  
24 Sebastian Cuacnopalan. That's an error I did not  
25 notice.

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NOV 1987

1 Q Thank you. I thought it was an error when I  
2 read it and that's why I wanted to clarify.  
3 MR. WATERS: All right. Subject to reviewing the  
4 original documents and any questions that we might have  
5 regarding the original documents, I believe we're done.  
6 And the only question I think that I might have  
7 is on the original document review is Document RIV0019  
8 appears to have a stamp on it that is not clear on the  
9 copy and so I would like information on what the status  
10 was on the original.  
11 (The document referred to was marked as  
12 Plaintiff's Exhibit 16 for identification and  
13 attached to this deposition.)  
14 MR. SELSBERG: Okay. I'll check. I don't think we  
15 have the original. I think our copy is as bad as yours.  
16 MR. WATERS: If that's the case, let me know. Let me  
17 know by writing.  
18 MR. SELSBERG: You're passing the witness? I have a  
19 couple of questions.  
20 MR. WATERS: Yes, pass the witness.  
21 EXAMINATION  
22 BY MR. SELSBERG:  
23 Q Norberto, could you please pull Exhibit 7. It's  
24 a January 27th, 1987 letter.  
25 A January 27th, 1987.

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1 more or less from 18 years to 30 years old.  
2 Q Do you know what the word "minor" means in the  
3 United States?  
4 A I don't know exactly.  
5 Q After you became the Archbishop of the  
6 Archdiocese of the Mexico in July of 1995, did you become  
7 aware that Nicholas Aguilar served in the Archdiocese of  
8 Mexico?  
9 A I learned recently.  
10 Q Is that the document that plaintiff's counsel  
11 asked you questions about earlier today?  
12 A From those documents I suspect that he did  
13 provide services, but I didn't. I can't give assured of  
14 that.  
15 Q Let's look at Exhibit 3. Is this the document  
16 that you're referring to?  
17 A This is the document that causes me to suspect  
18 that he could render services here, but I can't affirm  
19 it.  
20 Q To the best of your knowledge is that document  
21 written on the letterhead of the Archdiocese of Mexico?  
22 A I don't know.  
23 Q To the best of your knowledge?  
24 A It looks like it.  
25 Q Do you know whether that document was ever given

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1 Q Do you recall testifying earlier today that  
2 Nicholas's faculties expired in 1987?  
3 A If I did that, I made a mistake. The license is  
4 for one year and it would end in January of 1988. If I  
5 said 1987, I made a mistake.  
6 Q You did say 1987. And is your basis for  
7 testifying the faculties expired in 1988 the statement in  
8 Exhibit 7 that the fact he has permission for one year  
9 from January 1987?  
10 A That's correct.  
11 Q Norberto, who told you - taking you back to the  
12 attack on Nicholas Aguilar in August of 1986, who told you  
13 that the persons who attacked him were muchachos?  
14 A The people from the town said that, the ones who  
15 came to notify me. The father himself told me and the  
16 policeman also told me.  
17 Q Has anyone described the persons who attacked  
18 Nicholas Aguilar in August of 1986 as anything other than  
19 muchachos to you at anytime?  
20 A Nobody described them, they just spoke of  
21 muchachos.  
22 Q What is your understanding of the age range of  
23 muchachos?  
24 A My understanding of muchachos is that they've  
25 already reached majority age but they are still not old,

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1 to Nicholas?  
2 A I don't know. I totally don't know whether it  
3 was delivered to him or not and I don't know if it came  
4 from his office.  
5 Q Were you ever told by anyone or aware in any way  
6 before September of 2006 that Nicholas Aguilar may have  
7 served in the Archdiocese in Mexico?  
8 A Yes, I learned of it through a complaint.  
9 Q What complaint?  
10 A Filed by Mr. Aguilar saying that the Father was  
11 there in that parish, but I don't know if he had an  
12 appointment.  
13 Q Okay. Other than that complaint, did you have  
14 any other reason?  
15 A No.  
16 Q You testified earlier that Nicholas Aguilar got  
17 therapy in Mexico; do you remember that testimony?  
18 A That's correct.  
19 Q Do you know whether Nicholas Aguilar got therapy  
20 in Mexico for homosexuality?  
21 A I don't know.  
22 Q Is it possible that Nicholas Aguilar got therapy  
23 in Mexico for some other reason?  
24 MR. DRIVON: Objection. Calls for speculation.  
25 MR. WATERS: Objection. Calls for speculation.

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1 MR. SELSBERG: You can answer. Is it possible?  
 2 THE WITNESS: It's possible.  
 3 BY MR. SELSBERG:  
 4 Q One last question. Do you know whether it's  
 5 common in the church in the United States to use the  
 6 phrase "family and health reasons"?  
 7 MR. WATERS: Objection. Calls for speculation, lacks  
 8 foundation.  
 9 MR. SELSBERG: You can answer.  
 10 THE WITNESS: I don't know if they use it in the  
 11 United States.  
 12 BY MR. SELSBERG:  
 13 Q You don't know either way?  
 14 A I don't know if they use it.  
 15 Q Do you know whether the phrase family and health  
 16 reasons is used in the church in any country outside of  
 17 Mexico and the United States?  
 18 A I don't know.  
 19 Q But it is used in your church in Mexico?  
 20 A That's correct.  
 21 MR. SELSBERG: Pass the witness.  
 22 THE WITNESS: You said that was the last one.  
 23 MR. WATERS: No further questions. There's something  
 24 we need to put on the record. Regarding the media for  
 25 today's proceedings, the video, I propose the court

1 \*\*\*  
 2  
 3 INTERPRETER'S AFFIDAVIT  
 4  
 5 I, \_\_\_\_\_, do solemnly  
 6 declare under penalty of perjury that I have truly and  
 7 correctly read the foregoing deposition to  
 8 \_\_\_\_\_, translating  
 9 the English language into \_\_\_\_\_.  
 10  
 11  
 12  
 13 In witness whereof, I hereby subscribe my name this  
 14 date: \_\_\_\_\_.  
 15  
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 19 \_\_\_\_\_  
 20 INTERPRETER SIGNATURE  
 21  
 22  
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 24  
 25

1 reporter, who is an officer of the court of the State of  
 2 California, take custody of the media, and her office has  
 3 the capacity to make the DVDs and do whatever we need to  
 4 do in that order, so that way I think it's a lot better  
 5 and we have an officer of the court of the State of  
 6 California for chain of custody, so I suggest we have a  
 7 stipulation to that effect.  
 8 MR. SELSBERG: So stipulated.  
 9 (Proceeding concluded at 6:01 p.m.)  
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1 \*\*\*  
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 5 I do solemnly declare under penalty of perjury  
 6 that the foregoing is my deposition under oath; that these  
 7 are the questions asked of me and my answers thereto; that  
 8 I have read same and have made the necessary corrections,  
 9 additions or changes to my answers that I deem necessary.  
 10 In witness thereof, I hereby subscribe my name  
 11 this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
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CERTIFICATE  
OF  
CERTIFIED SHORTHAND REPORTER

The undersigned certified shorthand reporter of  
the state of California does hereby certify:

That the foregoing proceeding was taken before  
me at the time and place therein set forth, at which time  
the witness was duly sworn;

That the testimony of the witness and all  
objections made at the time of the proceeding were  
recorded stenographically by me and thereafter  
transcribed, said transcript being a true copy of my  
shorthand notes thereof.

In witness thereof, I have subscribed my name  
this date \_\_\_\_\_

  
Dana Christensen, CSR #11251



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NO. 1114