1	IN THE UNITED STATES DISTRICT COURT			
	NORTHERN DISTRICT OF OREGON			
3	000			
4	IN RE:			
5	ROMAN CATHOLIC ARCHBISHOP OF PORTLAND			
6	IN OREGON, AND SUCCESSORS, A CORPORATION SOLE, dba THE ARCHDIOCESE OF PORTLAND			
7	IN OREGON, Bankruptcy Case No. 04-37154-elp11			
8	Debtor.			
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11				
12	DEPOSITION OF ARCHBISHOP WILLIAM J. LEVADA			
13	Monday, January 9, 2006			
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19	REPORTED BY:			
20	HOLLY MOOSE, RDR-CRR-CRP CSR NO. 6438			
21	CSK NO. 0430			
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CONFIDENTIAL PURSUANT TO PROTECTIVE ORDERS IN RE ROMAN CATHOLIC ARCHBISHOP OF PORTLAND IN OREGON

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4559, 4340, 4326, 4531, 4532, 7 pages total 219 24 34 47290 memo to Levada from Lienert, ARCH 0014, 1 page 228 44 Contract For A Jesuit's Services, ARCH 003-004, 2 pages 235 45000- 7 202 in San Francisco. The court reporter is Holly 22 Moose. 23 Will the attorneys present please identify 24 themselves and who they represent, for the record. 25 MR. LENA: Jeffrey S. Lena, attorney 9	23-29 Skipped 30 2/13/86 letter to Power from ' Arch 0814-19, 6 pages 172 31 8/23/83 letter to Cooney from Power, Arch 0039, 1 page 177 32 6/30/83 letter to Power from Gage, Arch 1070-71, 2 pages 179 33 8/21/87 memo to Levada from Peri, Arch 0528, 1 page 184 34 7/15/88 letter to Levada from Tonucci, Arch 1015, 1 page 188 3 5 12/22/88 letter to Bovone from Levada, Arch 1004, 1 page 188	 beginning of Volume I, videotape 1 in the deposition of Archbishop William J. Levada, in re Roman Catholic Archbishop of Portland in Oregon, and successors, a corporation sole, dba the Archdiocese of Portland in Oregon. That is bankruptcy case 04-37154-elp11. It is filed in the United States District Court for the District of Oregon. Today is January 9th of the year 2006. The time is 9:14. The location is the Law Offices of Tobin & Tobin. They are at 500 Sansome Street, 8th Floor, in San Francisco.
44 Contract For A Jesuit's Services, 44 Contract For A Jesuit's Services, 45 ARCH 003-004, 2 pages 46 Contract For A Jesuit's Services, 47 Contract For A Jesuit's Services, 48 Contract For A Jesuit's Services, 49 Contract For A Jesuit's Services, 40 ARCH 003-004, 2 pages 40 Contract For A Jesuit's Services, 41 Contract For A Jesuit's Services, 42 Contract For A Jesuit's Services, 43 Contract For A Jesuit's Services, 44 Contract For A Jesuit's Services, 45 ARCH 003-004, 2 pages 46 Contract For A Jesuit's Services, 47 Contract For A Jesuit's Services, 48 ARCH 003-004, 2 pages 49 Contract For A Jesuit's Services, 40 ARCH 003-004, 2 pages 40 Contract For A Jesuit's Services, 40 Contract For A Jesuit's Services, 41 Contract For A Jesuit's Services, 42 Contract For A Jesuit's Services, 43 Contract For A Jesuit's Services, 44 Contract For A Jesuit's Services, 45 Contract For A Jesuit's Services, 46 Contract For A Jesuit's Services, 47 Contract For A Jesuit's Services, 48 Contract For A Jesuit's Services, 49 Contract For A Jesuit's Services, 40 Contract For A Jesuit's Services, 40 Contract For A Jesuit's Services, 40 Contract For A Jesuit's Services, 41 Contract For A Jesuit's Services, 42 Contract For A Jesuit's Services, 43 Contract For A Jesuit's Services, 44 Contract For A Jesuit's Services, 45 Contract For A Jesuit's Services, 46 Contract For A Jesuit's Services, 47 Contract For A Jesuit's Services, 48 Contract For A Jesuit's Services, 48 Contract For A Jesuit's Services, 49 Contract For A Jesuit's Services, 40 Contract For A Jesuit's Services, 41 Contract For A Jesuit's Services, 42 Contract For A Jesuit's Services, 43 Contract For A Jesuit's Services, 44 Contract For A Jesuit's Services, 45 Contract For A Jesuit's Services, 46 Contract For A Jesuit's Services, 47 Contract For A Jesuit's Service	5 Arch 0997, 1 page 195 6 37-39 Skipped 40 10/3089 memo to File from Lienert, ARCH 007, 1 page 202 8 41 2/6/92 memo to File from Lienert, ARCH 00051, 1 page 209	 16 notice. The videotape is being produced on behalf of 17 tort claimants. 18 My name is Kevin Foor. I am a notary public 19 for the state of California, county of Marin. I work
	Arch 0997, 1 page 195 3 7-39 Skipped 7 40 10/30/89 memo to File from Lienert, ARCH 007, 1 page 202 3 41 2/6/92 memo to File from Lienert, ARCH 00051, 1 page 209 0 42 Jacobson papers, JACOBSON 4009, 4356, 4559, 4340, 4326, 4531, 4532, 7 pages 1 total 219 43 47/290 memo to Levada from Lienert,	 notice. The videotape is being produced on behalf of tort claimants. My name is Kevin Foor. I am a notary public for the state of California, county of Marin. I work for Dan Mottaz Productions at 182 Second Street, Suite 202 in San Francisco. The court reporter is Holly Moose.
7	5 Arch 0997, I page 195 5 37-39 Skipped 7 40 10/30/89 memo to File from Lienert, ARCH 007, I page 202 8 41 2/6/92 memo to File from Lienert, ARCH 00051, I page 209 9 -42 Jacobson papers, JACOBSON 4009, 4356, 4559, 4340, 4326, 4531, 4532, 7 pages total 219 23 4/2/90 memo to Levada from Lienert, ARCH 0014, I page 228 8 44 Contract For A Jesuit's Services, ARCH 003-004, 2 pages 235	16 notice. The videotape is being produced on behalf of 17 tort claimants. 18 My name is Kevin Foor. I am a notary public 19 for the state of California, county of Marin. I work 20 for Dan Mottaz Productions at 182 Second Street, Suite 21 202 in San Francisco. The court reporter is Holly 22 Moose. 23 Will the attorneys present please identify 24 themselves and who they represent, for the record.
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CONFIDENTIAL PURSUANT TO PROTECTIVE ORDERS IN RE ROMAN CATHOLIC ARCHBISHOP OF PORTLAND IN OREGON

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- A. I don't know that name.
- Q. He was a Jesuit that was apparently assigned someplace in the archdiocese. And to assist you, perhaps, in refreshing your memory, I'll mark as Exhibit 40 a letter dated October 30th, 1989.

(Exhibit No. 40

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marked for identification).

THE WITNESS: I'm sure I would have been informed of this.

MS. OLSON: Q. You would have been informed?

- A. I'm sure I would have been.
- Q. This is essentially a request that you grant faculties to Father Duffy while he's residing in the archdiocese; is that correct?
 - A. Restricted faculties, yes.
- 16 Q. What does it mean to grant someone restricted 17 faculties? 18
 - A. I think the restriction would be that he might offer mass in a convent of sisters, or some other private house, but not be available for public parish ministry.
- 22 Q. Knowing -- assuming that you have enough 23 information to know that he was being treated for sexual problems, would you have required additional information before granting him faculties, whether limited 202,

- A. I don't recall the details of that, but that is -- stick [sic] in my memory for some reason. And my 2 memory is not very airtight, as you know, but ... 3 4
 - Q. Did you take any action in response to that complaint?
 - A. I'm sure I must have discussed it with Father Lienert, or received it from him, I don't know which. And what action was taken, I'm not sure.
- 9 Q. Would something of that nature have been documented in a memorandum of some sort? 10 11
 - A. It could well have been. Certainly I would think it would have been discussed with him.
 - O. With Father Durand?
 - A. With Father Durand.
- 15 Q. Do you have any independent memory of that 16 discussion?
- 17 A. No, I don't think -- it would probably have 18 been Father Lienert that would have discussed it with 19 him.
- 20 Q. And do you know, was it Father Lienert's practice to memorialize these discussions with priests? 21 22
 - A. Yes, it was.
- 23 Q. Did you ever receive a complaint -- just to 24 finalize Father Durand, did you ever receive any complaints other than the complaint about him 25

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- to minister in your archdiocese?
- A. Well, Father Lienert would have gotten a full report, I'm sure, from Father Case the Jesuit provincial, about what the sexual problems for which he was treated are. Sometimes these would involve sexual activity with adults or whatever. I'm not sure what they were in this case.
- Q. But it would be your understanding that there would be additional information to sort of give you some idea of the nature of the sexual problems?
 - A. Correct.
- Q. How about Father Donald Durand; did you ever receive a complaint of child sexual abuse about him during your tenure as archbishop of Portland?
- A. I don't know that I would call the report I received a report of child sexual abuse. I think it would be more inappropriate behavior.
- Q. Can you describe the nature of the complaint that you recall receiving about Father Durand?
- A. I believe the report I received was one of 20 skinny-dipping in a river up towards Silverton or Salem 21 22 someplace.
 - Q. Skinny-dipping alone?
- A. With minor minor boys. 24 25
 - Q. Did you receive that from a known sou 203

- skinny-dipping with minors?
- A. That's the only thing I have a recollection of 3 at this time.
- 4 Q. Do you recall whether you received the 5 complaint personally or it was relayed to you by 6 someone, such as Father Lienert? 7
 - A. I do not recall that.
- 8 Q. Did you ever receive a complaint against Father Francis Ford while you served as archbishop of 9 10
 - A. Don't recall that name.
- 12 Q. How about Father Clement Frank? 13
 - A. Neither that name.
- 14 Q. Did you ever receive a complaint against the director of the archdiocesan choir, a sister named Jean 15 16 Clare Frolick?
 - A. I don't believe I did.
- Q. How about against a priest named Massimo 18 19 Ghilardi?
- 20 A. No, I don't recall that.
- 21 Q. I believe you did acknowledge having received 22 a complaint about Father John Goodrich.
 - A. Yes.
- 24 Q. Do you recall how that complaint came to you?
- 25 A. I don't recall how it came to me. I 205hat

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CONFIDENTIAL PURSUANT TO PROTECTIVE ORDERS IN RE ROMAN CATHOLIC ARCHBISHOP OF PORTLAND IN OREGON

- A. I believe he did put on a seminar. 1 Q. Okay. Did you attend a seminar put on by 3 Robert McMenamin? 4 A. I'm not sure. 5 Q. Do you recall receiving correspondence from Mr. McMenamin recommending that there be additional 6 seminars put on for archdiocesan priests concerning 7 8 their obligations to report child abuse? Q A. I don't know whether he -- whether he sent me 10 a letter or spoke to me about it in one of his meetings 11 with me. 12 Q. Do you recall his request that there be additional seminars put on for the clergy? 13 14 A. I think it was -- he made that recommendation. 15 Q. Do you recall responding to that recommendation that you had more important things to 16 17 talk to your priests about? 18 A. Well, you may recall that my relations with McMenamin deteriorated for a number of reasons. I felt 19 he was not -- he was taking initiative that he should 20 talk to me about beforehand. And if I said such a thing to him, it was probably to say that, in other words, that I did not want to rely on him to do that work. 24 Q. You've had depositions taken previously, 25 correct? 242 A. Yes. 2 Q. How many times have you been deposed in civil
- believe so. 2 MS. OLSON: Q. Does the obligation to 3 investigate allegations of child abuse against priests that are under your supervision arise in canon law? 4 5 A. Yes. Q. Do you know what canons apply to your duty to 6 7 investigate allegations against your priests? MS. McNAMARA: Regarding -- this pertains to 8 the time period when he was the bishop of Portland, I 9 10 take it? 11 MS. OLSON: Well, I think the code of canon law hasn't changed since 1983, so -- but yes. 12 MS. McNAMARA: You know more about it than I 13 14 15 MR. LENA: The question is his understanding 16 during the period, is it not? 17 MS. OLSON: Yes, it is. THE WITNESS: I'm going to say I believe 1317 18 19 to 1322 are the relevant canons. 20 MS. OLSON: Q. And to the best of your recollection, did you respond, in accordance with those 21 canons, to the complaints that you received while you 22 were the archbishop of Portland? 23 A. We -- I always took appropriate canonical 24 advice on what our obligations were. So I thin 244uld 25

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actions involving clergy sex abuse?

A. Is this, now -

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Q. Not counting today. And you can exclude the one involving Mr. Slader, Mr. Anderson and Mr. Barton last April -- or in April of 2004.

A. What about depositions regarding clergy abuse in regard to the archdiocese of San Francisco?

Q. Any cases that you've been asked questions concerning your experiences as an ordinary.

A. Well, apart from the one you mentioned, the previous one -- was it one that you mentioned or two?

Q. This one and then the one in -- I think it was April.

A. The previous one with Anderson. I'm going to say two or three.

Q. Did those two or three involve the archdiocese of San Francisco?

A. Yes.

Q. Have you been deposed in any cases arising out of Oregon?

MS. McNAMARA: Other than this?

MS. OLSON: Other than this one and the one --

THE WITNESS: The previous one? I do 243

say yes to that.

Q. Was your canonical advisor, while you were the archbishop of Portland, Bertram Griffin?

A. The canonical advisor -- the principal canonical advisor I used during my first years there was Father Patrick Brennan, who was the judicial vicar.

Q. What was Father Griffin's role, in terms of being a canon lawyer in the archbishop [sic] of Portland, during your tenure there?

MR. DULCICH: Did you mean to say Father Brennan or Father Griffin?

MS. OLSON: I meant to say Father Griffin. THE WITNESS: Father Griffin was pastor of St. Pius X parish and I believe did work for the matrimonial tribunal and would be asked for canonical advice by me or by Father Peri or Father Lienert, as

MS. OLSON: Q. Did you ever review a - I guess it was a Law Review article that he wrote on reassigning clergy after they'd been accused of child sex abuse? Would have been about 1987.

A. I don't recall the gist of the article, but if he wrote it in '87, I'm sure I would have read it.

Q. Were he to write something like that, would he have to have your approval to do so? 245

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REPORTER CERTIFICATE

I hereby certify that the witness in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and place herein named; that the deposition is a true record of the witness's testimony as reported to the best of my ability by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed under my direction into typewriting by computer; that the witness was given an opportunity to read and correct said deposition and to Should the signature of the witness subscribe the same. not be affixed to the deposition, the witness shall not have availed himself or herself of the opportunity to sign or the signature has been waived.

I further certify that I am not interested in the outcome of said action, nor connected with, nor related to any of the parties in said action, nor to their respective counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of January, 2006.

HOLLY MOOSE, CSR NO. 6438

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