

1 IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OREGON

3 ----o0o----

4 IN RE:

5 ROMAN CATHOLIC ARCHBISHOP OF PORTLAND  
6 IN OREGON, AND SUCCESSORS, A CORPORATION  
7 SOLE, dba THE ARCHDIOCESE OF PORTLAND  
8 IN OREGON,

Bankruptcy Case  
No. 04-37154-elpl1

Debtor.

---

11 DEPOSITION OF ARCHBISHOP WILLIAM J. LEVADA

13 Monday, January 9, 2006

15  
16  
17  
18  
19 REPORTED BY:

20 HOLLY MOOSE, RDR-CRR-CRP  
21 CSR NO. 6438

22  
23 HOLLY MOOSE & ASSOCIATES  
24 Certified Shorthand Reporters  
25 236 Spencer Avenue  
Sausalito, California 94965  
Phone: (415)332-4959  
Fax: (415)332-4943

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

1 APPEARANCES  
2  
3 FOR THE TORT CLAIMANTS:  
4 O'DONNELL & CLARK  
5 BY: KELLY CLARK, ESQ.  
6 Fremont Place II, Suite 302  
7 1650 NW Naito Parkway  
8 Portland, OR 97209  
9 (503)306-0224  
10  
11 LAW OFFICE OF ERIN OLSON, P.C.  
12 BY: ERIN K. OLSON, ESQ.  
13 2905 NE Broadway Street  
14 Portland, OR 97232  
15 (503)546-3150  
16  
17 LAW OFFICE OF MICHAEL S. MOREY  
18 BY: MICHAEL S. MOREY, ESQ.  
19 Lakeside Plaza  
20 8 N. State Street, Suite 301  
21 Lake Oswego, OR 97034  
22 (503)636-6001  
23 LAW OFFICE OF SCOTT BECKSTEAD  
24 BY: SCOTT BECKSTEAD, ESQ.  
25 1310 SW Corona Court  
Waldport, OR 97394  
(541)563-5447  
GATTI, GATTI, MAIER, KRUEGER, SAYER AND ASSOCIATES  
BY: DANIEL J. GATTI, ESQ.  
1001 SW Fifth, Suite 1100  
Portland, OR 97204  
(503)224-1524  
FOR THE ARCHDIOCESE OF PORTLAND IN OREGON:  
SCHWABE, WILLIAMSON & WYATT  
BY: THOMAS V. DULCICH, ESQ.  
Pacwest Center, Suites 1600-1900  
1211 SW Fifth Avenue  
Portland, OR 97204  
(503)222-9981

2

2

1 APPEARANCES (CONTINUED)  
2  
3 FOR INTERESTED PARTY STATE OF OREGON:  
4 GREENER BANDUCCI  
5 BY: WILLIAM C. THARP, ESQ. (via telephone)  
6 815 W. Washington  
7 Boise, ID 83702  
8 (208)319-2600  
9  
10 FOR THE ARCHDIOCESE OF PORTLAND  
11 BULLIVANT HOUSER  
12 BY: RICHARD WHITTEMORE, ESQ. (via telephone)  
13 300 Pioneer Tower  
14 888 Southwest Fifth Avenue  
15 Portland, OR 97204  
16 (503)228-6351  
17  
18 ALSO PRESENT: Katherine Clark, Legal Assistant;  
19 Kevin Foor, Videographer  
20 Dan Mottaz Productions (415)624-1300  
21  
22 TAKEN AT:  
23 TOBIN & TOBIN  
24 500 Sansome Street, 8th Floor  
25 San Francisco, CA 94111  
(415)433-1400  
--o--  
INSTRUCTIONS NOT TO ANSWER:  
Page 18, Line 4  
Page 41, Line 15  
Page 154, Lines 6 and 17  
Page 156, Line 8  
Page 197, Line 10  
Page 234, Line 22  
Page 284, Line 18  
Page 285, Line 11

4

4

1 APPEARANCES (CONTINUED)  
2  
3 FOR ARCHBISHOP LEVADA:  
4 LAW OFFICE OF JEFFREY S. LENA  
5 BY: JEFFREY S. LENA, ESQ.  
6 1152 Keith Avenue  
7 Berkeley, CA 94708  
8 (510)665-1713  
9 SWANSON, McNAMARA & HALLER  
10 BY: MARY McNAMARA, ESQ.  
11 ALEXIS HALLER, ESQ.  
12 300 Montgomery Street, Suite 1100  
13 San Francisco, CA 94104  
14 (415)477-3800  
15  
16 LAW OFFICE OF BYRON H. DONE  
17 BY: BYRON H. DONE, ESQ.  
18 85 Bradley Avenue  
19 Walnut Creek, CA 94596  
20 (925)518-0449  
21  
22 FOR THE ARCHDIOCESE OF SAN FRANCISCO:  
23 TOBIN & TOBIN  
24 BY: PAUL GASPARI, ESQ.  
25 500 Sansome Street, 8th Floor  
San Francisco, CA 94111  
(415)433-1400  
FOR INTERESTED CLERGY PARTIES:  
COONEY & CREW  
BY: THOMAS E. COONEY, ESQ. (via telephone)  
4949 Meadows Road, Suite 460  
Lake Oswego, OR 97035  
(503)224-7600

3

3

1 INDEX  
2  
3 DEPOSITION OF ARCHBISHOP WILLIAM J. LEVADA  
4  
5 EXAMINATION BY: PAGE  
6 MR. CLARK 12, 290  
7 MR. MOREY 151, 287  
8 MS. OLSON 199  
9 MR. GATTI 253  
10 AFTERNOON SESSION 95  
11  
12 LEVADA EXHIBITS  
13  
14 1 Perone's priest file, ARCH 007-014,  
15 016-020,022, 024-028, 030-033, 023, 035,  
16 004-006, and seven non-Bates-stamped  
17 pages, 35 pages total 9  
18 2 Baccellieri's priest file, ARCH 0002-  
19 005, 007-009, 041-042, 086, BACCCELLIERI  
20 15003-04 and 15024; 13 pages total 9  
21 3 Guzman-Chavez's priest file, CHAVEZ  
22 1040-41 and 1099, 3 pages total 9  
23  
24 4 Domin's priest file, DOMIN 2221-27,  
25 7 pages total 9  
5 Withdrawn  
6 Grammond's priest file, ARCH 00004-05,  
00010, 00013-15, 00026-27, 00030-32,  
00049-53, 00069, JACOBSON 4005,  
18 pages total 9  
7 Jacobson's priest file, JACOBSON 4288-89,  
4434, 4453, 4456-57, 4459-61, 4564-65,  
4567, 4584-85, 4588-89, 4595-97, 4660,  
4662, 21 pages total 9

5

5

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

1	LEVADA EXHIBITS (CONTINUED)	PAGE
2		
3	8 Mikulich's priest file, MILKULICH 6067	
4	6070, 2 pages total	9
5	9 Orso-Manzonetta's priest file, JASPER	
6	0284-85, 0283, 0240, 0278-80, 0282, 0259,	
7	0270, 0266 and eight non-Bates-stamped	
8	pages, 19 pages total	9
9		
10	10 Senko's priest file, SENKO 09041, 09300-05,	
11	09308, 09310, 9 pages total	9
12	11 Reserved	
13	12 Reserved	
14	13 Reserved	
15	14 Reserved	
16	15 Reserved	
17	16 New Catholic Encyclopedia, Second Edition,	
18	"Mental Reservation," 5 pages	8
19		
20	17 United States Conference Of Catholic	
21	Bishops, Diocesan Policies On Dealing With	
22	Sexual Abuse Of Minors, 3 pages	8
23		
24	18 Restoring Trust, A Pastoral Response To	
25	Sexual Abuse, 87 pages	8
	19 Child Abuse Policy Of The Archdiocese Of	
	Portland In Oregon, 9 pages	8
	20 Sentinel article, "Portland Priest To	
	Begin Serving Sentence Tuesday," 1 page	8
	21 20A Sentinel articles, "Church Tries To Heal	
	Pain Of Priest, Those He Abused," "Priest	
	Sentenced For Sexual Abuse," "Portland	
	Priest To Begin Service Sentence Tuesday,"	
	3 pages	8
	22 21 Levada's CV from the Archdiocese of San	
	Francisco's Web site, 4 pages	8
	25 6	6

1 BE IT REMEMBERED that, pursuant to Notice and  
2 on Monday, January 9, 2006, commencing at the hour of  
3 9:14 a.m., before me, HOLLY MOOSE, CSR No. 6438, a  
4 Certified Shorthand Reporter in the State of California,  
5 there personally appeared  
6  
7 ARCHBISHOP WILLIAM J. LEVADA,  
8  
9 called as a witness by the tort claimants, who, having  
10 been first duly placed under oath, was examined and  
11 testified as hereinafter set forth.  
12  
13  
14  
15 ---o0o---  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25 8

8

1	LEVADA EXHIBITS (CONTINUED)	PAGE
2		
3	22 Executive Summary Part 1, A0632-62;	
4	Executive Summary Part 2, A0665-83,	
5	50 pages total	8
6	23-29 Skipped	
7		
8	30 2/13/86 letter to Power from "	
9	Arch 0814-19, 6 pages	172
10	31 8/23/83 letter to Cooney from Power,	
11	Arch 0039, 1 page	177
12		
13	32 6/30/83 letter to Power from Gage,	
14	Arch 1070-71, 2 pages	179
15	33 8/21/87 memo to Levada from Peri,	
16	Arch 0528, 1 page	184
17		
18	34 7/15/88 letter to Levada from Tonucci,	
19	Arch 1015, 1 page	188
20	35 12/22/88 letter to Bovone from Levada,	
21	Arch 1004, 1 page	188
22		
23	36 5/7/92 memo to Chuck from Georgiana,	
24	Arch 0997, 1 page	195
25	37-39 Skipped	
	40 10/30/89 memo to File from Lienert,	
	ARCH 007, 1 page	202
	41 2/6/92 memo to File from Lienert,	
	ARCH 00051, 1 page	209
	42 Jacobson papers, JACOBSON 4009, 4356,	
	4559, 4340, 4326, 4531, 4532, 7 pages	
	total	219
	43 4/2/90 memo to Levada from Lienert,	
	ARCH 0014, 1 page	228
	44 Contract For A Jesuit's Services,	
	ARCH 003-004, 2 pages	235
	---o0o---	7

1 PROCEEDINGS 9:14 A.M.  
2 (Exhibit Nos. 1-22 premarked).  
3 THE VIDEOGRAPHER: Good morning. This is the  
4 beginning of Volume I, videotape 1 in the deposition of  
5 Archbishop William J. Levada, in re Roman Catholic  
6 Archbishop of Portland in Oregon, and successors, a  
7 corporation sole, dba the Archdiocese of Portland in  
8 Oregon. That is bankruptcy case 04-37154-elp11. It is  
9 filed in the United States District Court for the  
10 District of Oregon.  
11 Today is January 9th of the year 2006. The  
12 time is 9:14. The location is the Law Offices of Tobin  
13 & Tobin. They are at 500 Sansome Street, 8th Floor,  
14 in San Francisco.  
15 This deposition is being taken pursuant to  
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.  
25 MR. LENA: Jeffrey S. Lena, attorney 9

9

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

1 A. I don't know that name.  
2 Q. He was a Jesuit that was apparently assigned  
3 someplace in the archdiocese. And to assist you,  
4 perhaps, in refreshing your memory, I'll mark as Exhibit  
5 40 a letter dated October 30th, 1989.  
6 (Exhibit No. 40  
7 marked for identification).  
8 THE WITNESS: I'm sure I would have been  
9 informed of this.  
10 MS. OLSON: Q. You would have been informed?  
11 A. I'm sure I would have been.  
12 Q. This is essentially a request that you grant  
13 faculties to Father Duffy while he's residing in the  
14 archdiocese; is that correct?  
15 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  
19 offer mass in a convent of sisters, or some other  
20 private house, but not be available for public parish  
21 ministry.  
22 Q. Knowing -- assuming that you have enough  
23 information to know that he was being treated for sexual  
24 problems, would you have required additional information  
25 before granting him faculties, whether limited 202,

202

1 A. I don't recall the details of that, but that  
2 is -- stick [sic] in my memory for some reason. And my  
3 memory is not very airtight, as you know, but ...  
4 Q. Did you take any action in response to that  
5 complaint?  
6 A. I'm sure I must have discussed it with Father  
7 Lienert, or received it from him, I don't know which.  
8 And what action was taken, I'm not sure.  
9 Q. Would something of that nature have been  
10 documented in a memorandum of some sort?  
11 A. It could well have been. Certainly I would  
12 think it would have been discussed with him.  
13 Q. With Father Durand?  
14 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  
21 practice to memorialize these discussions with priests?  
22 A. Yes, it was.  
23 Q. Did you ever receive a complaint -- just to  
24 finalize Father Durand, did you ever receive any  
25 complaints other than the complaint about him 204

204

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

203

1 skinny-dipping with minors?  
2 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  
9 Father Francis Ford while you served as archbishop of  
10 Portland?  
11 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  
15 director of the archdiocesan choir, a sister named Jean  
16 Clare Frolick?  
17 A. I don't believe I did.  
18 Q. How about against a priest named Massimo  
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.  
23 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

205

52 (Pages 202 to 205)

CASE NOS. 04-37154-ELP11;  
04-03326-ELP; 04-03373-ELP; 04-03375-ELP

PD 0282

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

1 A. I believe he did put on a seminar.  
2 Q. Okay. Did you attend a seminar put on by  
3 Robert McMenamain?  
4 A. I'm not sure.  
5 Q. Do you recall receiving correspondence from  
6 Mr. McMenamain recommending that there be additional  
7 seminars put on for archdiocesan priests concerning  
8 their obligations to report child abuse?  
9 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  
13 additional seminars put on for the clergy?  
14 A. I think it was -- he made that recommendation.  
15 Q. Do you recall responding to that  
16 recommendation that you had more important things to  
17 talk to your priests about?  
18 A. Well, you may recall that my relations with  
19 McMenamain deteriorated for a number of reasons. I felt  
20 he was not -- he was taking initiative that he should  
21 talk to me about beforehand. And if I said such a thing  
22 to him, it was probably to say that, in other words,  
23 that I did not want to rely on him to do that work.  
24 Q. You've had depositions taken previously,  
25 correct? 242

242

1 believe so.  
2 MS. OLSON: Q. Does the obligation to  
3 investigate allegations of child abuse against priests  
4 that are under your supervision arise in canon law?  
5 A. Yes.  
6 Q. Do you know what canons apply to your duty to  
7 investigate allegations against your priests?  
8 MS. McNAMARA: Regarding -- this pertains to  
9 the time period when he was the bishop of Portland, I  
10 take it?  
11 MS. OLSON: Well, I think the code of canon  
12 law hasn't changed since 1983, so -- but yes.  
13 MS. McNAMARA: You know more about it than I  
14 do, so.  
15 MR. LENA: The question is his understanding  
16 during the period, is it not?  
17 MS. OLSON: Yes, it is.  
18 THE WITNESS: I'm going to say I believe 1317  
19 to 1322 are the relevant canons.  
20 MS. OLSON: Q. And to the best of your  
21 recollection, did you respond, in accordance with those  
22 canons, to the complaints that you received while you  
23 were the archbishop of Portland?  
24 A. We -- I always took appropriate canonical  
25 advice on what our obligations were. So I thin 244uld

244

1 A. Yes.  
2 Q. How many times have you been deposed in civil  
3 actions involving clergy sex abuse?  
4 A. Is this, now --  
5 Q. Not counting today. And you can exclude the  
6 one involving Mr. Slader, Mr. Anderson and Mr. Barton  
7 last April -- or in April of 2004.  
8 A. What about depositions regarding clergy abuse  
9 in regard to the archdiocese of San Francisco?  
10 Q. Any cases that you've been asked questions  
11 concerning your experiences as an ordinary.  
12 A. Well, apart from the one you mentioned, the  
13 previous one -- was it one that you mentioned or two?  
14 Q. This one and then the one in -- I think it was  
15 April.  
16 A. The previous one with Anderson. I'm going to  
17 say two or three.  
18 Q. Did those two or three involve the archdiocese  
19 of San Francisco?  
20 A. Yes.  
21 Q. Have you been deposed in any cases arising out  
22 of Oregon?  
23 MS. McNAMARA: Other than this?  
24 MS. OLSON: Other than this one and the one --  
25 THE WITNESS: The previous one? I do 243

243

1 say yes to that.  
2 Q. Was your canonical advisor, while you were the  
3 archbishop of Portland, Bertram Griffin?  
4 A. The canonical advisor -- the principal  
5 canonical advisor I used during my first years there was  
6 Father Patrick Brennan, who was the judicial vicar.  
7 Q. What was Father Griffin's role, in terms of  
8 being a canon lawyer in the archbishop [sic] of  
9 Portland, during your tenure there?  
10 MR. DULCICH: Did you mean to say Father  
11 Brennan or Father Griffin?  
12 MS. OLSON: I meant to say Father Griffin.  
13 THE WITNESS: Father Griffin was pastor of  
14 St. Pius X parish and I believe did work for the  
15 matrimonial tribunal and would be asked for canonical  
16 advice by me or by Father Peri or Father Lienert, as  
17 appropriate.  
18 MS. OLSON: Q. Did you ever review a -- I  
19 guess it was a Law Review article that he wrote on  
20 reassigning clergy after they'd been accused of child  
21 sex abuse? Would have been about 1987.  
22 A. I don't recall the gist of the article, but if  
23 he wrote it in '87, I'm sure I would have read it.  
24 Q. Were he to write something like that, would he  
25 have to have your approval to do so? 245

245

62 (Pages 242 to 245)

CASE NOS. 04-37154-ELP11;  
04-03326-ELP; 04-03373-ELP; 04-03375-ELP

PD 0283

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 subscribe the same. Should the signature of the witness 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