

APPENDIX H-1

109-1-14

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

IN RE: : MISC. NO. 01-00-8944
: :
COUNTY INVESTIGATING : :
GRAND JURY XIX : C-1

October 31, 2003

Room 18013, One Parkway
Philadelphia, Pennsylvania

TRANSCRIPT TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA
(Taken on June 26, 2003)

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE
Deputy District Attorney

~~WILLIAM SPADE, ESQUIRE~~
Assistant District Attorney

MAUREEN McCARTNEY, ESQUIRE
Assistant District Attorney

For the Commonwealth

Reported by: Charles Holmberg
Official Court Reporter

VOLUME III

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

MR. GALLAGHER: [REDACTED]

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(The testimony of ANTHONY JOSEPH CARDINAL BEVILACQUA, taken on June 26, 2003, was read to the grand jury. The questions were read by Mr. Gallagher, and the answers were read by Mr. Spade as follows:)

(BY MR. GALLAGHER:)

"Q. Cardinal Bevilacqua, you have been called by this grand jury to testify as a witness in connection with this investigation into C-10.

"Please give the jury your name, and spell it for the record, and your address?

"A. My name is Cardinal Anthony Joseph Bevilacqua.

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2 Spell the name? My last name is B as in boy, E, V as in
3 Victor, I-L-A-C-Q-U-A, and I live at 5700 City Avenue,
4 Philadelphia.

5 "Q. Cardinal Bevilacqua, before appearing today to
6 testify, were you before Judge C. Darnell Jones II this
7 past Tuesday, at which time he swore you in as a witness
8 and advised you of your rights as described on the form
9 which you signed, as well as the requirement for secrecy
10 of these proceedings?

11 "A. Yes, I was.

12 "Q. Did you then understand those rights and do you
13 understand them today?

14 "A. I do.

15 "Q. Do you understand that you have a right to consult
16 with an attorney before or during your testimony before
17 this grand jury?

18 "A. I do.

19 "Q. And we discussed before you came in today that you
20 control the discussions with your attorney and then you
21 advise me if you need to take a recess to discuss anything
22 outside; is that correct?

23 "A. Yes.

24 "Q. Do you further understand that you have the right
25 to have an attorney present with you in this room for

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2 consultation purposes while you are testifying?

3 "A. Yes.

4 "Q. Do you wish at this time to consult with or be
5 represented by counsel?

6 "A. I have counsel.

7 "Q. Do you wish for him to be here?

8 "A. Yes."

9 (MR. GALLAGHER:) "Okay. Now, for the
10 record, counsel, could you please state your name."

11 ---

12 MR. SPADE: Counsel stated his name.

13 ---

14 (MR. HODGSON:) "My name is Clark
15 Hodgson. I practice with the law firm of Stradley,
16 Ronon, Stevens and Young, and I represent Cardinal
17 Bevilacqua."

18 (BY MR. GALLAGHER:)

19 "Q. Cardinal Bevilacqua, please inform the grand jury;
20 are you a citizen of the United States?

21 "A. Yes.

22 "Q. Are you a citizen of any other country?

23 "A. No.

24 "Q. Okay. As a cardinal, do you have any kind of
25 citizenship or any kind of relationship with the Vatican?

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2 "A. Well, not a citizenship.

3 "Q. Okay. And I think we marked it earlier, but if
4 you'd like to refer to it, I'd like you to refer to --
5 although you probably don't have to -- Commonwealth or
6 grand jury exhibit nine five one, which is your biography
7 that is produced on the Archdiocese website. I'm going to
8 ask you a couple questions concerning that."

9 (BY MR. GALLAGHER:)

10 "Q. You were born and raised in Brooklyn; is that
11 correct?

12 "A. Well, I was born there.

13 "Q. Okay.

14 "A. I was raised until the age of five in Brooklyn.
15 Then my family moved to the next borough, Queens.

16 "Q. Okay. And did you attend grade school and high
17 school --

18 "A. I did.

19 "Q. -- at that location?

20 "A. I attended public school for three years,
21 elementary school, and then I was transferred to Saint
22 Thomas the Apostle School.

23 "I graduated from there, went to Richmond Hill High
24 School for six months because there was a gap there. We
25 graduated in February, in elementary school, in my

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1 seminary that I intended to go to in Brooklyn only took
2 you in September.

3
4 "Then I went to in September in Cathedral College
5 Seminary, not as a resident, just a regular community,
6 four years. That's called Cathedral College, but four
7 years of high school, and two years, first two years of
8 college.

9 "Q. Okay. And where was that located?

10 "A. In Brooklyn.

11 "Q. What's your date of birth, please, Cardinal?

12 "A. It's June 17, 1923.

13 "Q. So you just celebrated your eightieth birthday; is
14 that correct?

15 "A. I did the other day.

16 "Q. Now, after you finished Cathedral -- what was it
17 called? Cathedral?

18 "A. Cathedral College.

19 "Q. Okay. And that was a high school?

20 "A. Four years of high school and the first two years
21 of college.

22 "Then I -- then after that, I went to the Seminary
23 of the Immaculate Conception in Huntington, New York.

24 "Q. Okay.

25 "A. That's the last two years of college and four

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1 years of theology.

2 "Q. And then that brought you up to your ordination?

3 "A. That is correct.

4 "Q. And that was on June 11 of 1949?

5 "A. That is correct.

6 "Q. Okay. And after finishing the seminary and being
7 ordained, did you pursue advanced degrees?

8 "A. I did. I was assigned to pursue them. I was sent
9 to study history and political science at Columbia
10 University.
11

12 "It was then interrupted after three years. I did
13 it by night, so it was part time while I was teaching. I
14 was assigned to study canon law in Rome, and I achieved
15 that degree in 1956. That's called the J.C.D. or Doctor
16 of Canon Law.

17 "Q. Okay. So you were in Rome from approximately 1952
18 to the 1956?

19 "A. 1953 to 1956.

20 "Q. And did you receive any subsequent degrees,
21 masters?

22 "A. Yes. I completed my master's at Columbia since I
23 had not finished before I was sent to Rome, and then I
24 achieved the master's in political science at Columbia. I
25 also went to Saint John's law school in Queens and

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2 achieved a J.D. in 1975.

3 "Q. Now, the attendance at the law school, were you
4 working at the time?

5 "A. I was.

6 "Q. Okay. Now, after you finished and got your J.D.,
7 Jurist Doctorate, at Saint John's Law School, were you
8 admitted to practice civil law in New York?

9 "A. I was.

10 "Q. Okay. And are you admitted in any other state?

11 "A. I was admitted also in Pennsylvania.

12 "Q. Okay. When was that?

13 "A. It was about -- I'm not sure of the exact date. I
14 think it was about 1984 or '85.

15 "Q. Okay. So you sat for the bar exam in both those
16 states?

17 "A. No. No, just for the first one.

18 "Q. Just for the first?

19 "A. I was accepted in Pennsylvania.

20 "And then the Supreme Court, also, I was admitted
21 to that, the Supreme Court.

22 "Q. You applied and were admitted to that in how the
23 normal course attorneys do; is that right?

24 "A. Yes.

25 "Q. Now, let's go back to your work experience,

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2 please, Cardinal.

3 "After you graduated from the seminary and was
4 ordained in 1949, what kind of work did you do as a
5 priest?

6 "A. Immediately upon ordination in 1949, I was
7 assigned as an assistant pastor at the Church of Sacred
8 Hearts-Saint Stephen's in Brooklyn. That was followed --
9 after nine months I was transferred to Saint Mary's in
10 Long Island City. That's in Queens, but still the same
11 Diocese of Brooklyn.

12 "After that, I was assigned to teach at Cathedral
13 College and that was 19 -- it was '49, '50. It would have
14 been in September of 1950; and after that, I was
15 assigned -- after three years, I was assigned to study law
16 in -- canon law in Rome.

17 "When I finished that, I was assigned as a --
18 temporarily as a chaplain in the Sisters of Saint Joseph
19 in Brentwood, New York; and I was there -- it was very a
20 temporary assignment, and then I was assigned to the
21 Chancery office in the Diocese of Brooklyn.

22 "Q. And was that in 19 --

23 "A. It would have been in 1957.

24 "Q. Okay. You didn't fill the top position in the
25 Chancellor's office. You were Assistant Chancellor?

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2 "A. No, I was an assistant chancellor.

3 "I was Assistant Chancellor for several years, and
4 then I -- while I was still Assistant Chancellor, the
5 bishop asked me to establish and be director of an office
6 for immigrants and refugees, but that was concomitant with
7 being an assistant chancellor, and then I think it was
8 1975 that I was appointed chancellor.

9 "I stayed on there doing both jobs, Director of the
10 Migration and Refugee Office.

11 "Q. So we're clear, the amount of time that you spent
12 in the parish work, how long was that?

13 "A. It would have been from July of 1949 until
14 September of 1950.

15 "Q. Okay. Now, the teaching position that you had at
16 Cathedral College, what courses did you teach?

17 "A. I taught social studies, world history, and then I
18 was on ready to take -- to teach French, because there was
19 a professor that had heart trouble, and I actually had to
20 do it for a period of time.

21 "Q. So were you teaching high school students at that
22 point, or were you teaching seminarians?

23 "A. They were what we call prep seminarians. In other
24 words, it's a seminary, but not a boarding seminary.
25 Young men interested -- it is a seminary. It's called a

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2 minor seminary. They're young men interested in becoming
3 priests.

4 "Q. Now, during the time that you were in the
5 Chancellor's office as Assistant Chancellor up through
6 1975, were you also teaching at that time, or were you
7 just working on this immigration office?

8 "A. No, I was not teaching at the time. I was doing
9 both, though, after I was teaching. In other words, after
10 '75, when I got my law degree, I was asked to teach at
11 Saint John's Law School, and also I was -- I was also
12 teaching -- while I was in those two jobs, I was teaching
13 at the Seminary of the Immaculate Conception at
14 Huntington. I was teaching canon law there as an ad-hoc
15 professor.

16 "Q. Now, the time that you spent teaching at Saint
17 John's Law School, how long was that?

18 "A. It started in 19 -- I think about a year after I
19 graduated. Just as an ad-hoc professor. I was teaching
20 immigration law at nighttime, and it continued until I --
21 until 1980.

22 "Q. And in 1976, you became a monsignor in the Church?

23 "A. Yes.

24 "Q. And that was when you were the Chancellor -- were
25 you the full Chancellor, the top guy in the Chancellor's

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1 office, at that time?

2 "A. At that time, I -- yes.

3 "Q. And you filled that position as Chancellor up and
4 through 1983; is that correct?

5 "A. That is correct.

6 "Q. Now, you're appointed or elevated to a bishop, an
7 auxiliary bishop, in Brooklyn in November of 1980; is that
8 correct?

9 "A. That is correct.

10 "Q. Okay. And did you still hold the position of
11 Chancellor?

12 "A. I did.

13 "Q. Okay. And in 1983, you were appointed Bishop of
14 Pittsburgh?

15 "A. Correct.

16 "Q. Is it called an appointment, Cardinal?

17 "A. Yes. It is.

18 "Q. And you served as Bishop of Pittsburgh from
19 October of 1983 until December of 1987; is that correct?

20 "A. Not exactly. It was December of '83.

21 "In other words, the appointment is different from
22 actually becoming the bishop.

23 "Q. You were installed as Bishop --

24 "A. In December.

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1 "Q. -- in December?

2 "A. Until 1988.

3 "Q. Okay. And then you were appointed Archbishop of
4 Philadelphia in 1988; is that correct?

5 "A. No, I was appointed in '87.

6 "Q. Okay. And when were you installed?

7 "A. Then I was installed February 11, 1988.

8 "Q. And you've had that position since?

9 "A. Yes.

10 "Q. Since that date, correct?

11 "A. Yes.

12 "Q. Now, you were elevated to Cardinal on June 28,
13 1991; is that correct?

14 "A. Correct.

15 "Q. Where did that happen?

16 "A. In Rome.

17 "Q. Okay. And that was by Pope John Paul II?

18 "A. That is correct.

19 "Q. Could you explain to the grand jurors what's the
20 difference between an archbishop and a cardinal, if any,
21 as far as your position and your authority and your
22 responsibility in the Catholic Church?
23

24 "A. When you're appointed archbishop of an
25 archdiocese, you are the head of that archdiocese. It has

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2 nothing to do with being a cardinal. In other words, I
3 was Archbishop of Philadelphia before I was a cardinal.

4 "A cardinal's responsibility -- and only very few
5 bishops or archbishops become cardinals. Right now I
6 think it's -- there might be only a hundred and fifty in
7 the whole world.

8 "It does not add to your authority in the diocese.
9 It just has to be -- a cardinal has two major functions,
10 and they are -- number one is to be among the chief
11 advisors to the Pope and also that until the age of
12 eighty, you have a right to be called to elect a new pope.

13 "It's completely distinct from being an Archbishop.
14 As I indicated, it's not because I'm a cardinal that I
15 have authority in the Archdiocese or because I'm
16 Archbishop. There are cardinals who are not bishops at
17 all, as we have one in the United States, so you don't
18 have to be a bishop to be a cardinal.

19 "Q. So basically the Archbishop -- and tell me if I'm
20 wrong in this summation.

21 "The Archbishop is in charge of the Archdiocese of
22 Philadelphia, and that's why he's called archbishop, but
23 you're called a cardinal because you're in the College of
24 Cardinals; and you have those two functions --

25 "A. That is correct.

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1 "Q. -- which you've indicated?

2 "A. But to clarify, you can remain an archbishop even
3 though you are not the archbishop of a diocese. Once you
4 are appointed an archbishop, you remain that, though you
5 have no authority.
6

7 "In other words, when you resign from your
8 archdiocese, your title remains but not your authority.

9 "Q. And now that you've reached the age of eighty,
10 you're still a cardinal, but you are not able to be
11 involved in the election of a pope?

12 "A. That is correct.

13 "Q. Okay. Do you still have the function of advising
14 the Pope?

15 "A. Yes.

16 "Q. Okay. And how often do you advise the Pope
17 through the course of a twelve-month year?

18 "A. There's direct advice and there's indirect advice.
19 Directly, the Pope, four times. I think it's four times
20 since I've become a cardinal he has called all the
21 cardinals to Rome to give him advice on a very particular
22 issue. That's all of them.

23 "Then last year, sometimes by groups. So when he
24 calls a synod -- like, we had a synod for the laity in
25 1987. We had the synod for America just about three years

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1 ago. Those are some of the cardinals and other
2 archbishops to advise the Pope.
3

4 "But cardinals are always there, not all the
5 cardinals, but I was called in 1987 to be part of the
6 synod, and also in about three years ago, for the synod
7 for America.

8 "But you do a great deal of advising by letter and
9 through the agencies of the pope. There are the agencies,
10 for example, the various congregations. They're the top
11 agencies, equivalent to your secretaries in Washington,
12 Secretary of the Interior. So there are about seven,
13 eight congregations, and there are subdivisions of them.

14 "I was a member of four of them, and those are
15 agencies that are the kind of -- they are the delegates of
16 the Pope. So in advising them, I'm really advising the
17 Pope.

18 "Q. And when you advise the Pope, I assume -- you said
19 by writing, but when you do it, you go over to Rome; is
20 that correct?

21 "A. No. No. Most is done by mail.

22 "But at the same time, I can go to the Pope any
23 time, and I've done it several times on my own to advise
24 him about a situation. So I'm free to advise him. Any
25 cardinal is free to advise him anytime.

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1
2 "Q. We can get into that later, but last April, I
3 believe bishops were called by the Pope to meet with him
4 on this issue that we're here today?

5 "A. That's another instance of advising the Pope.

6 "Q. Were you involved in that?

7 "A. I was.

8 "All the cardinals of the United States were called
9 there.

10 "Q. Now, getting back to your career as an attorney,
11 did you ever practice law?

12 "A. I did not.

13 "Q. Okay. You taught law, but you never actually
14 practiced law; is that correct?

15 "A. I need to clarify that. I taught law, but the
16 major purpose of my becoming a lawyer was because of the
17 very high number of immigrants and refugees in the Diocese
18 of Brooklyn, and so that's why the bishop asked me to
19 establish an immigration and refugee office.

20 "And I learned quickly that most of the people had
21 legal problems, and so it was hard to take care of them
22 pastorally, and my task was to give pastoral care for
23 them, but there were so many undocumented aliens.

24 "We had over -- as far as immigrants and refugees
25 at the time in the Diocese of Brooklyn, we estimated close

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2 to a million, and so I went to law school because of their
3 need for legal advice and they couldn't afford lawyers.

4 "Q. Now, Cardinal --

5 "A. I established seven paralegal offices. That's
6 what my training helped.

7 "Q. Okay. In the neighborhoods throughout the
8 Diocese?

9 "A. That's right.

10 "Q. Now, when you were in law school and you studied
11 at Saint John's University, did you take any courses in
12 criminal law or criminal procedure?

13 "A. It was part of the curriculum.

14 "Q. Now, do you have any membership in any legal
15 association? Canon Law Society of America?

16 "A. I do.

17 "Q. And do you regularly attend their meetings?

18 "A. No.

19 "Q. Okay. And how about the American Bar Association?

20 "A. I resigned from that.

21 "Q. And the Pennsylvania Bar Association, were you
22 ever a member of that?

23 "A. I think I was a member, but I don't think I am
24 now.

25 "Q. Okay.

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1 "A. Because I did not -- I did not continue with my
2 continuing education, so I . . .

3 "Q. Well, that was my next question, Cardinal.

4 "As a lawyer in Pennsylvania, we must attend twelve
5 hours of continuing this legal education.

6 "A. Right.

7 "Q. Do you still keep up with that?

8 "A. No.

9 "Q. Okay. Now, I'm going to ask you some questions
10 concerning your role and responsibility as the Archbishop
11 of Philadelphia.

12 "What is your role as the Archbishop of
13 Philadelphia with respect to parishioners, pastoral care
14 and basically taking care of the Catholics in
15 Philadelphia?

16 "A. Theologically it's best explained. A bishop who's
17 bishop of a diocese, and I -- just to clarify, at this
18 point, there's no difference between a bishop and an
19 archbishop. It's just the kind of a honorary thing. So
20 if I use the word 'bishop,' it means the same thing as
21 archbishop.

22 "The role of a bishop who is head of a diocese, and
23 mine is Archbishop, is you take the place of Jesus Christ
24 and you carry out three major functions, and that is --
25

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that is to teach the faith, to sanctify the people and to govern the people.

"Everything falls -- everything we do falls under those three general categories. When you get into specifics, under each one of those three, it becomes very detailed. In other words, I do hundreds and hundreds of things, but they can all be put under one of those three categories.

"Q. Okay. Do you know today the number of Catholics in the Philadelphia Archdiocese? Approximate?

"A. Approximately I think it's about one million four hundred and ninety thousand, close to one and a half million.

"Q. Okay. And do you know what percentage of the population that is in the Archdiocese?

"A. The most recent thing, percentage that I have seen -- I haven't seen anything very recent. It's approximately thirty percent.

"Q. Now, the Archdiocese of Philadelphia includes not only the City of Philadelphia but the surrounding five counties; is that correct?

"A. That is correct.

"Q. Okay. Cardinal, what kind of legal --

"A. Excuse me.

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1 "Q. Yes.

2 "A. Are we talking five? Four. We're talking four
3 surrounding counties.

4 "Q. Okay. Four surrounding counties, Delaware, Bucks,
5 Chester and Montgomery?

6 "A. That's correct.

7 "Q. And Philadelphia is the fifth?

8 "A. And Philadelphia.

9 "Q. What kind of legal entity is the Archdiocese of
10 Philadelphia?
11 Philadelphia?

12 "A. I have to ask my -- my may I speak.

13 "Q. Yes, sir."

14 MR. GALLAGHER: [REDACTED] n
15 [REDACTED].

16 (THE WITNESS:) "I do not know
17 specifically. It's more of an entity but not
18 incorporated."

19 (BY MR. GALLAGHER:)

20 "Q. Okay. So it's not an unincorporated association.
21 It is an unincorporated association?"

22 MR. SPADE: [REDACTED] th
23 [REDACTED]

24 (THE WITNESS:) "It's unincorporated."
25

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(BY MR. GALLAGHER:)

"Q. Okay. So it's not a nonprofit corporation?"

MR. GALLAGHER: [REDACTED]

[REDACTED]

(THE WITNESS:) "No."

(BY MR. GALLAGHER:)

"Q. Is it a corporate sole?"

MR. GALLAGHER: [REDACTED]

[REDACTED]

(THE WITNESS:) "No."

(BY MR. GALLAGHER:)

"Q. So what is it again?"

MR. GALLAGHER: [REDACTED]

[REDACTED]

(THE WITNESS:) "It's an unincorporated entity."

(BY MR. GALLAGHER:)

"Q. But in this unincorporated entity, there's subsections that are nonprofit corporations; is that correct?"

MR. SPADE: [REDACTED]

[REDACTED]

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2 (THE WITNESS:) "Yes. Within the
3 Archdiocese, there are certain entities that are
4 nonprofit. For example, nursing homes. I mean,
5 they belong to the Archdiocese."


6 (BY MR. GALLAGHER:)

7 "Q. And how about hospitals?

8 "A. No, we do not own any hospitals.

9 "Q. Cardinal, do you know what kind of papers you have
10 to file with the state to be an unincorporated entity?"

11 MR. SPADE: 

12 
13 (THE WITNESS:) "I don't know them."

14 (MR. GALLAGHER:) "Okay."

15 (BY MR. GALLAGHER:)

16 "Q. Now, I'd like to ask you what was the structure of
17 the hierarchy in the Philadelphia Archdiocese when you
18 took over in 1988?

19 "A. Of the Archdiocese?

20 "Q. Correct.

21 "A. At that time, Cardinal Krol was the Archbishop,
22 and until the day that I took over.

23 "Q. Okay. Now, what kind of structure was the
24 hierarchy? By that I mean, how were the offices set up at
25 that point? Similar to the way they were in Pittsburgh

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2 and Brooklyn, where you have a vicar and you have a
3 chancellor's office? Do you recall?

4 "A. Yes. Well, you have -- those are by law. There
5 is a -- we're talking administration?

6 "Q. Excuse me.

7 "A. We're talking administration rather than
8 hierarchy?

9 "Q. Okay.

10 "A. Hierarchy is only the bishop, but in an
11 administration, there are certain levels of officials that
12 are required by law, canon law, and that is every bishop
13 must have a vicar general, at least one, and also a
14 chancellor, and there are other officials."

15 MR. GALLAGHER: Okay. Grand jury
16 exhibit nine five two was marked for
17 identification.

18 (BY MR. GALLAGHER:)

19 "Q. Okay. Now, I'd like to make reference to grand
20 jury exhibit nine five two. We've already had that
21 previously marked. I think I provided you and counsel
22 with a copy before we came in here.

23 "Have you had a chance to review that, Cardinal?

24 "A. Yes.

25 "Q. And that is taken from the Catholic Directory for

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1 2003.

2
3 "Is this how the administration of the Archdiocese
4 of Philadelphia is set up today?

5 "A. The way it is today, yes.

6 "Q. Okay. When you took over in 1988, it was not set
7 up this way; is that correct?

8 "A. That is correct.

9 "Q. Okay. And in fact, you did a complete
10 reorganization in the time period, 1988, 1989, 1990; is
11 that correct?

12 "A. Correct.

13 "Q. Okay. And who held the critical positions as the
14 vicar in 1988 when you took over? Do you recall?

15 "A. At the time when I took over, the most -- the
16 Vicar General was Bishop Lohmueller at the time.

17 "I don't recall whether the other auxiliary bishops
18 were also the vicars general, but Bishop Lohmueller was
19 the acting one.

20 "Q. And if you could refer to the chart, nine five
21 two, now directly under you is the Vicar for
22 Administration, Reverend Monsignor Joseph R. Cistone, V.G.
23 Is that Vicar General?

24 "A. That's right.

25 "Q. Okay. So this position was held by Bishop

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1 Lohmueller when you first took over?

2 "A. Kind of the equivalent of it.

3 "It was not exactly the same job description.

4 "Q. Okay. And who changed the job description? Did
5 you change the job description?

6 "A. Yes.

7 "Q. Okay. Now, after Bishop Lohmueller was the Vicar
8 General, Edward Cullen became the Vicar General in 1988;
9 is that correct?

10 "A. Correct.

11 "Q. And he served in that position to 1998?

12 "A. 1998? I thought it was . . . yes. Excuse me. He
13 became bishop, auxiliary bishop. Then he went to -- yes.

14 "Q. So he was a monsignor, I assume, at that time and
15 then became an auxiliary bishop in Philadelphia?

16 "A. That is correct.

17 "Q. And now he's the Bishop of Allentown; is that
18 correct?

19 "A. That is right.

20 "Q. Now, he also then filled this position of Vicar
21 for Administration?

22 "A. Correct.

23 "Q. All right. I don't know if you can agree or
24 disagree with this analogy, but let me give you an
25

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1 example.
2

3 "I was in the United States Navy, and in every
4 command there was a captain, a commanding officer and
5 there was an executive officer who handled the day-to-day
6 administrative duties of the command.

7 "Is that similar in the Archdiocese?

8 "A. It would be analogous to the Vicar for
9 Administration to handle the day-to-day details.

10 "Q. Okay. And is he basically your closest advisor
11 and assistant in the Philadelphia Archdiocese?

12 "A. Yes.

13 "Q. Now, if we could again refer to exhibit nine five
14 two, could you please tell the grand jurors who in this
15 chart has anything to do with cases of clergy accused of
16 sexual abuse of minors?

17 "A. My delegate for those situations would be the
18 Secretary for the Clergy.

19 "Q. And that's in the far right?

20 "A. That is correct.

21 "Q. Lower part of the organizational chart; is that
22 correct?

23 "A. That is correct.

24 "Q. Now, that Secretary for Clergy is Monsignor Lynn;
25 is that correct?

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1 "A. That is correct.

2 "Q. And how long has he been in that position? Do you
3 recall?
4

5 "A. I don't recall exactly.

6 "Q. Would I refresh your recollection to say that he's
7 been there since 1993 until today?

8 "A. Yes. It could very well be. I was going to say
9 at least ten years.

10 "Q. Okay. Now, who does he answer to as far as the
11 chain of command?

12 "A. All of them are answerable first through the Vicar
13 for the Administration and through that to me.

14 "Q. Okay. Now, as far as dealing with clergy accused
15 of sexual abuse of minors, who else works in his office to
16 do that?

17 "A. Well, he's the only delegate, but there is a -- he
18 has an assistant that might assist him in certain times.

19 "Q. Okay. Now, these other offices in the Secretary
20 for Clergy, Chaplaincy, Permanent Deacons, Priest
21 Personnel, Retired Clergy, Continuing Formation of the
22 Priests, Seminary and Vocations, do they have anything to
23 do with investigating or handling cases of clergy accused
24 of sexual abuse of minors?

25 "A. No.

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2 "Q. So it's specifically Monsignor Lynn, and who's his
3 assistant?

4 "A. It would be -- right now it would be Father
5 Vincent Welsh.

6 "Q. And they answer directly to the Vicar of
7 Administration?

8 "A. Yes.

9 "Q. And he answers directly to you; is that correct?

10 "A. That is correct.

11 "Q. Okay. If they work on a specific case where
12 there's a claim made, who do they report to and how is the
13 information on what they find communicated to you?"

14 MR. SPADE: [REDACTED]

15 [REDACTED].

16 (BY MR. GALLAGHER:)

17 "Q. When I say who, I mean, Monsignor Lynn and Father
18 Welsh?

19 "A. They would frequently go to -- regularly go to
20 Monsignor Cistone, but in cases like this, it would not
21 be -- there would be times when he would report to me.

22 "Q. Directly to you?

23 "A. Yes.

24 "But I'm presuming he's already reported to
25 Monsignor Cistone.

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1 "Q. Now, during the time period 1990 -- strike that.

2 "1988 through 1998, when Monsignor Lynn had this
3 position, he answered to now Bishop Cullen?

4 "A. Monsignor Cullen at that time.

5 "Q. If Monsignor Lynn and Father Welsh take any action
6 on a case, how is that reported to you?

7 "A. Many times they would call me and I would speak to
8 them on the situation.

9 "Q. Are all the activities and actions on a particular
10 allegation, a particular case, completely noted in the
11 secret archive files?

12 "A. I -- I presume so."

13 MR. GALLAGHER: Grand jury nine five
14 three was marked.

15 (BY MR. GALLAGHER:)

16 "Q. All right. I'd like to now look at grand jury
17 exhibit nine five three, a copy of which was provided
18 to you earlier."

19 (MR. GALLAGHER:) "Do you have this,
20 counsel? You left it outside?"

21 (BY MR. GALLAGHER:)

22 "Q. Now, Cardinal, have you had an opportunity to
23 review that today? That's nine five three, which is
24 entitled 'Notice of Submission of Investigation.'
25

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1 "A. I did not.

2 "Q. Okay. Do you have it?

3 "A. I did not have time to review it.

4 "Q. Okay."

5 MR. GALLAGHER: [REDACTED]

6 [REDACTED]

7 (MR. GALLAGHER:) "Review it now."

8 (THE WITNESS:) "Okay."

9 MR. GALLAGHER: [REDACTED]

10 [REDACTED]

11 (THE WITNESS:) "I have read this."

12 ---

13 (BY MR. GALLAGHER:)

14 "Q. Cardinal, that is the official document that
15 initiated this investigation.

16 "I'm not going to ask you specifics what's in that
17 document, but without telling us what you discussed, have
18 you discussed the topic of this investigation with your
19 attorney?"

20 MR. GALLAGHER: [REDACTED]

21 [REDACTED]

22 (THE WITNESS:) "I would like to
23 discuss this with my attorney at recess."

24 (MR. GALLAGHER:) "Fine. Okay."

25

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(BY MR. GALLAGHER:)

"Q. Generally, what I'm talking about is you're aware of what the purpose of this grand jury is; is that correct?

"A. I'm generally aware of it.

"Q. Okay. And now you're specifically aware of it by reading the document that you've seen, correct?

"A. Yes.

"Q. All right. What I'd like to know -- the next question is a broad question, and I'll follow up with other questions, but what I'd like to know and what the grand jury would like to know is what did you know about the problem of sexual abuse of minors by members of the clergy when you became the archbishop in the Archdiocese of Philadelphia?

"A. You say when I first came here?

"Q. Yes, sir.

"A. I did not know anything. It was not brought to my attention that I recall when I first came here.

"Q. Okay. Did you know anything about the problem of sexual abuse of minors by members of the clergy in the Catholic Church from your other positions at Pittsburgh and Brooklyn?

"A. Well, I knew generally . . . yes, I had some idea

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1 of it at that time.

2 "You're talking about when I came here, did I have
3 previous knowledge? Is that correct?
4

5 "Q. Yes.

6 "A. Yes, because it had come up already in the
7 Conference of Bishops.

8 "Q. Now, you personally in the position of Chancellor
9 at Brooklyn and then the Bishop of Pittsburgh, did you
10 have experience with these type allegations and problems,
11 that is, clergy sexual abuse of minors in those two
12 dioceses?

13 "A. In Brooklyn, I'm not sure, because I was not
14 responsible at the time, but there were two instances
15 brought to my attention that may have been -- this goes
16 back, and I have very vague recollection of this because
17 it had to be in the late sixties or early seventies, but I
18 don't even know if they were actual sexual abuse.

19 "Q. Okay. Did you work on those cases as a chancellor
20 in Brooklyn?

21 "A. There was just a one interview in both cases.

22 "An individual, no investigation or anything.

23 "Q. Now, back in those days, was the Chancellor's
24 office charged with the responsibility of looking into
25 these allegations?

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1 "A. Yes.

2 "Q. Okay. But you only worked -- you recall at this
3 point only two?
4

5 "A. Yes. I was Vice Chancellor at the time.

6 "Q. And when you became Chancellor in Brooklyn as the
7 Auxiliary Bishop there?

8 "A. Never had a case.

9 "Q. Okay. How about when you went to Pittsburgh as a
10 bishop between 1983 and 1987?

11 "A. I remember a few cases there.

12 "Q. Okay.

13 "A. I mean, in the sense I don't remember the details
14 but I remember that there were several instances.

15 "Q. Okay. When you had these cases, did you at that
16 time research any information about this problem?

17 "A. It was not personally. Again, it was delegated to
18 the equivalent of the Secretary for the Clergy.

19 "Q. Okay. That's in Pittsburgh?

20 "A. In Pittsburgh.

21 "Q. And he reported to you also; is that correct?

22 "A. Yes. He generally would.

23 "Q. Okay. I'm talking -- now I'm going to talk about
24 since that time when you were in positions of
25 administrative supervision in Brooklyn, Pittsburgh and now

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA
2 in Philadelphia.

3 "What did you know about this topic? What did you
4 learn about this topic?"

5 MR. SPADE: [REDACTED]

6 [REDACTED]

7 (THE WITNESS:) "I have . . ."

8 MR. GALLAGHER: [REDACTED]

9 [REDACTED]

10 (BY MR. GALLAGHER:)

11 "Q. All right. Let me ask you --

12 "A. I say the reason why I'm hesitant is that I can
13 make so many distinctions. Your questions are extremely
14 broad. What do I know about it?

15 "Q. All right. Let me ask you some specific
16 questions.

17 "You have some knowledge of this topic, correct?

18 "A. Yes. Yes.

19 "Q. Okay. Is your knowledge based on meetings that
20 you had at the now called the U.S. Conference of Catholic
21 Bishops, previously called the NCCB, which was the
22 National Conference of Catholic Bishops? Is your
23 knowledge -- was it gleaned from those meetings?

24 "A. Mostly from them.

25 "Q. Okay. Did you sit on any special committees on

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1 this dilemma on those committees?

2 "A. Specific for the --

3 "Q. On those --

4 "A. Specific of this issue?

5 "Q. Yes.

6 "A. No.

7 "Q. Did you have discussions with other bishops during
8 your time as an auxiliary bishop, then Bishop in
9 Pittsburgh and now Archbishop of Philadelphia, about
10 this --

11 "A. Could you repeat that, please.

12 "Q. Did you have any discussions with other bishops?

13 "A. Yes.

14 "Q. Okay. Did you attend through the years -- and now
15 I'm talking about your full career at this point, not just
16 directly.

17 "Did you attend any workshops on clergy abuse of
18 minors?

19 "A. There were several workshops that were sponsored
20 by the Conference of Bishops. I did.

21 "Q. Okay. Do you recall when they were?

22 "A. The last one was -- had to be a good six, seven
23 years ago.

24 "Q. And how about seminars here in Philadelphia or in
25

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1 Pittsburgh on this?

2 "A. No.

3 "Q. It's always associated through the USCCB?

4 "A. Yes.

5 "Q. Have you read anything in the news media about
6 this? In other words, there's been large articles written
7 in the news media, in the New York Times, the Boston
8 Globe. I don't think there's anything in the Philadelphia
9 papers about this, but in those two publications, there's
10 been a lot of articles written.
11

12 "Have you conferred with those?

13 "A. Forgive me. What kind of articles?

14 "Q. On clergy abuse of minors?

15 "A. (No response.)

16 "Q. Clergy sexual abuse of minors?

17 "A. Well, I read the New York Times and also the local
18 paper.

19 "Q. Okay. When the New York Times prints a news story
20 about this topic, do you read it?

21 "A. Well, frequently I do.

22 "Q. Okay. And how about the Boston Globe? They've
23 been following this topic since early 2002.

24 "Have you read the Boston Globe?

25 "A. I've never read the Boston Globe.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Not one article at all?

3 "A. Not even one.

4 "Q. And how about the television programs? They've
5 had some television news programs on this topic.

6 "A. If it was a news item, at times I would. I don't
7 watch television that much, but sometimes I would.

8 "Q. Okay. There's also over the years been several
9 books written on this subject.

10 "Have you read any of them?

11 "A. No.

12 "Q. Have you read any reviews of a book called the
13 Slayer of the Soul by Father Stephen Rossetti?

14 "A. No.

15 "Q. How about have you read any reviews, or do you
16 know anything -- have you ever heard anyone speak about
17 these other books?

18 "A. I've read none.

19 "Q. Okay. Pedophiles and Priests: Anatomy of a
20 Contemporary Crisis by Philip Jenkins, who is a professor
21 at Penn State University, do you know of him?

22 "A. I know of him, yes, but I did not read his book.

23 "Q. Okay. How do you know of him?

24 "A. Well, through publicity, and also, he was on our
25 commission. He was a member of the commission, what we

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1 call the Alvare Commission.

2 "Q. And one of the initial books on this, books in the
3 last fifteen years -- strike that -- the last eighteen
4 years, was a book entitled 'Lead Us Not Into Temptation:
5 Catholic Priests and the Sexual Abuse of Children' by
6 Jason Berry.
7

8 "Are you aware of that book?

9 "A. No.

10 "Q. And another book by A.W. Richard Sipe, called
11 'Sex, Priests, and Power: Anatomy of a Crisis,' that was
12 published in 1995, are you familiar with that book?

13 "A. No.

14 "Q. Are you familiar with any of the writings of
15 Richard Sipe?

16 "A. No.

17 "Q. And the most recent book -- well, not the most
18 recent book. Strike that.

19 "A book that came out the last year, called
20 'Betrayal: The Crisis in the Catholic Church,' by the
21 investigative staff of the Boston Globe, Ben Bradlee Jr.,
22 are you familiar with that book at all?

23 "A. No.

24 "Q. Have you read reviews or have you talked to
25 anybody about these books?

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1 "A. No.

2 "Q. Okay. When you -- let me ask you about experts.

3 "Have you contacted, had any contact with experts
4 that have worked in this field? In other words,
5 specifically, did you meet personally with any experts in
6 the psychiatric field that worked or treated victims of
7 sexual abuse of minors or adult survivors to learn about
8 this problem?
9

10 "A. Did I meet with them?

11 "Q. Yes.

12 "A. I did not.

13 "Q. Okay. Did you know of anybody on your staff,
14 Monsignor Lynn or Monsignor Cistone or Bishop Cullen?

15 "A. I'm not sure, but I'd like to discuss this with my
16 lawyer.

17 "Q. Okay. Go ahead."

18 MR. SPADE: [REDACTED]

19 [REDACTED]

20 (THE WITNESS:) "Could I ask for
21 clarification."

22 (MR. GALLAGHER:) "Sure."

23 (THE WITNESS:) "I didn't hear --
24 perhaps I didn't understand. You said did I meet
25 with victims?"

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2 (MR. GALLAGHER:) "Yes."

3 (THE WITNESS:) "No. I thought it was
4 just experts."5 (MR. GALLAGHER:) "No. No. That's my
6 next question."

7 (THE WITNESS:) "Oh."

8 (MR. GALLAGHER:) "You're anticipating
9 things."10 MR. GALLAGHER: We're trying to give
11 you all the details.

12 (BY MR. GALLAGHER:):

13 "Q. I want to know if you met with any experts,
14 psychiatrists, psychologists, in the field that worked or
15 treated victims?"

16 ---

17 (THE WITNESS:) "I can say that I met
18 them, but I did not discuss much with them.19 "Those that were on that commission,
20 there were several experts when I established the
21 commission, I met with all of them first to thank
22 them for participating and all, but it wasn't any
23 kind of discussion really that I recalled."

24 (BY MR. GALLAGHER:)

25 "Q. Have you read anything from any source on this

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1 issue of clergy abuse, sexual abuse of minors?

2 "A. There are -- yes. I -- you know, ecclesiastical
3 magazines. There have been a number of articles from so
4 many different viewpoints, you know, from different
5 angles. I read them, but I didn't read any of the ones
6 that you mentioned.

7 "Q. There's a magazine called 'America, The Catholic
8 Weekly,' and they ran a series of articles last May and
9 June. Did you read those?

10 "A. I did not.

11 "Q. What magazines or periodicals did you read?

12 "A. Well, I read the Homiletic and Pastoral Review.

13 "Q. Excuse me?

14 "A. Homiletic and Pastoral Review.

15 "Q. Who's that published by?

16 "A. I think it's our Sunday Visitor. It's a

17 newspaper, and the Sunday Visitor also is a weekly
18 newspaper, and they would have articles. The Catholic
19 Register is another newspaper, Catholic newspaper, and
20 they would have articles, and I would read those.

21 "Q. Okay. Have you directed any of your staff, that's
22 Monsignor Cistone or Monsignor Lynn, to keep track and
23 abreast of these items like I've mentioned?

24 "Have you directed them to read any of these books?
25

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2 "A. No. No.

3 "Q. Have they indicated to you that they've read any
4 of these books?

5 "A. No.

6 "Q. Have you met with victims of sexual abuse, either
7 the children and the parents, or have you met with any
8 adult survivors of childhood sexual abuse at the hands of
9 clergy?

10 "A. Yes.

11 "Q. Where and when did that happen?

12 "A. It happened during the past year, and it would
13 occur at the rectory at the Cathedral, my Cathedral.

14 "Q. And how many people did you meet with?

15 "A. I guess -- I can just approximate. I think about
16 seven or eight.

17 "Q. Prior to that, you never met with any victims of
18 clergy abuse, sexual abuse of minors?

19 "A. In a general way. I met at the time of the
20 meeting of the bishops in Dallas in 2002. There was --
21 they asked for some of us to meet with the victims, and I
22 went, and there was something like about -- must have been
23 about three cardinals were there, several bishops, and
24 there were about twenty to twenty-five, in that area, of
25 victims.

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1 "Q. How long did that last?

2 "A. That lasted a couple of hours.

3 "Q. Okay. So there was approximately thirty people in
4 the room discussing this topic; is that correct?

5 "A. Yes.

6 "Q. Did you seek out and discuss information about
7 sexual predators from anyone in law enforcement?

8 "A. No.

9 "Q. When did you first learn about pedophilia?

10 "A. I first learned about it in the Conference of
11 Bishops when we had some of the workshops and we had
12 doctors there, and they defined the terms.

13 "I never heard the terms before, to be honest with
14 you, but they explained the terms and the distinctions
15 between the two.

16 "Q. When was that?

17 "A. I'd say the last one -- it was several times.
18 Around -- probably one of the first ones was around 19 --
19 I think around 1987, '88. Then there was one a few years
20 later, about '92, '93.

21 "Q. Did you learn anything about treatment of
22 pedophilia?

23 "A. From the medical point of view?

24 "Q. Yes.

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2 "A. Well, I presume. I don't remember any specifics
3 of that. I'm sure they talked about it, but . . .

4 "Q. Did you ever learn about the average number of
5 victims that a pedophile has?

6 "A. No.

7 "Q. Did you read or study any psychiatric or
8 psychology books on paraphilias or specifically of
9 pedophilia?

10 "A. Psychology books? No.

11 "Q. And the only experience that you had in this area
12 as the auxiliary bishop and chancellor in Brooklyn in '80
13 to '83 and Pittsburgh were two cases in Brooklyn and how
14 many cases in Pittsburgh?

15 "A. I don't -- see, I must clarify. I don't know if
16 there was sexual abuse in Brooklyn, but I remember two
17 that came to me, and it's only afterwards that I --
18 looking back, that they may have been sexual abuse.

19 "Q. Okay. When you say you don't know if there was
20 any in Brooklyn, you mean you don't know if you worked on
21 any in Brooklyn; is that correct?

22 "A. Oh, I did not work on any specifically.

23 "Because -- I mean, do I have to describe the case?

24 "Q. No. I don't want you to describe the case. I
25 just want to know -- my topic in this line of questioning,

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Cardinal, and if I'm not making myself clear, is to
3 understand the depth and the breadth of your knowledge and
4 experience in dealing with these cases.

5 "A. I'd say the ones in Brooklyn I didn't even connect
6 it with it, with sexual abuse of a minor. Strictly
7 speaking, I didn't.

8 "In Pittsburgh, there were just a few cases that
9 were brought to my attention by I presume at the time the
10 Secretary of the Clergy equivalent, and they were sexual
11 abuse of minors, but they --

12 "Q. You're talking about Pittsburgh now?

13 "A. Pittsburgh, yes. And it was just described to me
14 what occurred, but didn't go in depth about it.

15 "Q. Did you make any decisions in those cases?

16 "A. I followed the recommendation of the Secretary of
17 the Clergy, but I remember, you know, that I followed his
18 recommendation.

19 "Q. And was his recommendation to put the particular
20 priest back into parish work?

21 "A. No. No. My -- I know one thing was that he was
22 sent away for psychiatric evaluation, and then after that,
23 I do not recall, you know, what the recommendation -- we
24 generally follow the recommendations of the medical
25 experts.

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1 "Q. Okay.

2 "A. But I'd say I just have a vague recollection that
3 we did not put them back into any environment involving
4 children.
5

6 "Q. Okay. Was law enforcement informed about these
7 cases?

8 "A. (No response.)

9 "Q. In Pittsburgh I'm talking about?

10 "A. In an official manner, I don't -- I -- I can't
11 recall that.

12 "Q. Okay. I think at this point now we've been here
13 an hour. I'm going to take a break.

14 "A. Okay."

15 MR. GALLAGHER: [REDACTED]

16 [REDACTED]

17 MR. SPADE: [REDACTED]

18 MR. GALLAGHER: [REDACTED]

19 MR. SPADE: [REDACTED]

20 [REDACTED]

21 MR. GALLAGHER: [REDACTED]

22 (BY MR. GALLAGHER:)

23 "Q. Cardinal, just to go back a little bit to what we
24 were discussing, you indicated that you met with some
25 victims here in Philadelphia and some in Dallas at the

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 last year's USCCB meeting; is that correct?

3 "A. That is correct.

4 "Q. Prior to those meetings, you've never met with any
5 victims of clergy abuse of minors; is that correct?

6 "A. That is correct.

7 "Q. Okay. Did you have a policy?

8 "A. That is correct.

9 "Q. Did you have a policy of not meeting with the
10 victims prior to 2002?"

11 MR. SPADE: [REDACTED]

12 [REDACTED].

13 (THE WITNESS:) "As a general --
14 generally, I did not meet with them."

15 (BY MR. GALLAGHER:)

16 "Q. Well, my question is --

17 "A. I don't recall. I may have met with one, but I'm
18 not sure.

19 "Q. Okay. But did you have a policy?

20 "A. No.

21 "Q. Did you pronounce to your Vicar General as well as
22 to the Secretary of the Clergy that you would not, you
23 personally would not, meet with victims?"

24 MR. SPADE: [REDACTED]

25 [REDACTED]

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1
2 (THE WITNESS:) "Yes. It's hard to say
3 it was a policy, but I generally did not meet with
4 them, and I asked my advisors and my counselor
5 about it, you know, as far as meeting victims, and
6 it was recommended that I do not."

7 (BY MR. GALLAGHER:)

8 "Q. You had someone advise you not to do that?"

9 MR. SPADE: [REDACTED] S

10 [REDACTED]

11 (THE WITNESS:) "Yes."

12 (BY MR. GALLAGHER:)

13 "Q. Who was that?"

14 "A. Generally, my Vicar -- my Secretary for the Clergy
15 and my Diocesan Legal Counselor.

16 "Q. Okay.

17 "A. But it was not an absolute. In other words, if
18 there was a reason to meet with them, I would have.

19 "Q. Okay. But you did not. You only remember meeting
20 with one prior to 2002?

21 "A. I think there was just one, yes.

22 "Q. We previously discussed your sources of knowledge
23 for this subject, and you've indicated it's basically
24 discussions with other bishops at the meetings of the
25 USCCB, but you haven't done any independent research

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2 yourself; is that correct?

3 "A. Just reading various articles, which also -- I
4 neglected that when we went to these workshops of the
5 bishops, they would give us written information, binders.

6 "Q. Okay.

7 "A. And there was -- there was a great deal of
8 information in those.

9 "Q. Okay. Outside of reading those things and all
10 those, you didn't do any of those other things I
11 indicated?

12 "A. No, I did not.

13 "Q. Why didn't you do that?

14 "A. I didn't think it was necessary.

15 "Q. Now, I want to talk to you about your arrival here
16 in Philadelphia and the issue and the scope of clergy
17 sexual abuse of minors.

18 "What steps did you take to become familiar with
19 the scope of the problem in Philadelphia when you arrived
20 and took over the Diocese from Cardinal Krol in 1988?

21 "A. At the beginning, I had to get used to a lot of
22 things, as you can imagine, as Archbishop, and I
23 received -- I waited for about six or seven months to
24 learn about the Archdiocese; and then I needed to look for
25 someone to be my Vicar for Administration, and when I

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found him in Monsignor Cullen, we established this new structure.

"And then it was about that time that I began to probe into this particular issue and ask what is the situation here, because there was no -- nothing was ever brought to my attention in the first, six, seven months, that there was any kind of allegation. So I wanted to know what -- you know, what was the situation here.

"I don't remember all the details of that, and that's when I established the Secretary for the Clergy and delegated him to handle any cases that would come. That's how it began.

"Q. Okay. But during that seven-month period, who continued to handle if cases came in?

"A. Until then, it was the Chancellor.

"Monsignor Shoemaker.

"Q. And did he report to you?

"A. Yes, but I don't -- I don't recall any cases reported to me.

"Q. And did you meet with Cardinal Krol and Archbishop Lohmueller and Monsignor Shoemaker and assistants concerning the scope of the cases that were present at that time?

"A. No, I did not.

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1
2 "Q. Why didn't you meet with them?

3 "A. I felt that if it was something very serious at
4 that time, you know, allegation or anything, they would
5 have brought it to my attention, but I had -- I was coping
6 with so many issues in the first, six, seven months, that
7 the fact that they didn't mention anything to me meant
8 that it was -- you know, there was nothing critical at the
9 time.

10 "Q. Okay. How about Cardinal Krol? Did you have any
11 discussions with him about this?

12 "A. Cardinal Krol?

13 "Q. Cardinal Krol. Correct.

14 "A. No. No.

15 "Q. How about at the meetings of the United States
16 Conference of Bishops when it came up? Do you recall any
17 conversations with Cardinal Krol about this when you were
18 in Pittsburgh and he was here in Philadelphia?

19 "A. No.

20 "Q. Okay. Now, specifically, did you review the
21 secret archives files of all the priests who had
22 previously been accused of sexual abuse of minors as well
23 as their current status in the Archdiocese when you took
24 over in 1988?

25 "A. I did not.

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1 "Q. Why did you not do that?

2 "A. Because I felt it was adequately handled by the
3 Secretary for the Clergy that I had appointed.
4

5 "Q. Okay. And how did you know that it was adequately
6 handled by him?

7 "A. I presumed because I picked someone at the time
8 that was, you know, a very competent person.

9 "Q. Okay?

10 "A. That was his responsibility.

11 "Q. Did you review the personnel files of those
12 priests who also had secret archive files?

13 "A. I did not.

14 "Q. Okay. And why didn't you do that?

15 "A. Because I relied on my Secretary of the Clergy's
16 recommendations if anything was necessary to be done.

17 "And if he felt that I had to be told, he would
18 have told me.

19 "Q. Do you remember him bringing any particular files,
20 secret archive files or personnel files to your attention
21 at that time?

22 "A. I don't recall that. No. I don't recall that.

23 "Q. When you took over, did you ascertain what priests
24 had current allegations lodged against them?

25 "A. I did not.

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 "Q. Okay. And why didn't you do that?

2 "A. Because I relied that it was being handled by the
3 Secretary for the Clergy.
4

5 "Q. And how did you know that he was competently
6 handling it?

7 "A. The fact that he didn't tell me anything meant
8 that he was . . . you know, there wasn't anything critical
9 at the time, and I knew that the Secretary for the Clergy,
10 if it was something critical, would have told me and also
11 that he would have always sought advice from legal counsel
12 if there's something critical.

13 "Q. Okay. Let's talk about the time period from 1989
14 through 1993. The Secretary for the Clergy at that time
15 was John Jagodzinski; is that correct?

16 "A. Correct.

17 "Q. And that's the person that you relied upon --

18 "A. Yes.

19 "Q. -- during that time period when you were taking
20 over the reign of the Archdiocese of Philadelphia --

21 "A. Yes.

22 "Q. -- to handle all these matters?

23 "A. Yes.

24 "Q. And if he had files or secret archive files that
25 needed your attention, he would bring them to your

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1 attention?

2 "A. Generally.

3 "Q. Okay. And did that practice continue from '89
4 through '93?
5

6 "A. Yes.

7 "Q. And from '93 until today, it's Monsignor Lynn; is
8 that correct?

9 "A. That is correct.

10 "Q. So I'm correct to say that you did not read the
11 files of problem priests who have been accused of sexual
12 abuse of minors when you took over in 1988?

13 "A. That is correct.

14 "Q. You didn't read any of the files?

15 "A. That is correct.

16 "Q. Did you ever ask to personally review memos on the
17 priests who had allegations in the past during the
18 administration of Cardinal Krol?

19 "A. I don't recall it, asking anyone to do that.

20 "Q. Okay. So there could have been priests at that
21 time when you took over who had allegations who could have
22 still been abusing children; is that correct?

23 "A. I think that's . . ."

24 MR. SPADE: [REDACTED]

25 [REDACTED]

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2 (THE WITNESS:) "I'd like to discuss
3 this with my legal counsel."

4 MR. SPADE: [REDACTED]
5 [REDACTED]

6 (THE WITNESS:) "May I ask you to
7 repeat the question again."

8 (BY MR. GALLAGHER:)

9 "Q. The question was: You relied upon Monsignor
10 Jagodzinski -- strike that:

11 "You relied upon Monsignor Shoemaker, Monsignor
12 Jagodzinski at that time period, I'm talking about the
13 transition period when you first came to the Archdiocese,
14 to handle these cases; and my question is: Do you know,
15 because you didn't look into it, but do you know if there
16 were any priests at that time who had previously been
17 accused of abusing children, did you know they were still
18 operating in the Archdiocese?

19 "A. It would -- I don't recall being told that. It's
20 very hard to answer the question. I can't answer that. I
21 can't make a judgment on that.

22 "Q. Recently you appeared on Lynn Doyle in June of
23 2002 and discussed this topic. Do you remember that
24 appearance, Cardinal?

25 "A. Very general, yes.

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1 "Q. And at that time, you assured her and the viewing
2 public and the members of the Catholic Church here in
3 Philadelphia that as best as you could tell, there was no
4 one presently in the Archdiocese of Philadelphia that was
5 sexually abusing children.
6

7 "Do you remember saying that?

8 "A. Yes. After 2002.

9 "Q. Yes. Okay. When you took over in 1988, in 1989,
10 would you have been able to make that same proclamation to
11 the people of Philadelphia?

12 "A. I don't know whether anyone -- that anyone's
13 actually abusing, but -- or had been. No one brought it
14 to my attention at the beginning.

15 "Q. So since you didn't look at any files back in
16 '88 --

17 "A. No.

18 "Q. -- of previous priests --

19 "A. That's right.

20 "Q. -- you didn't take any notations or open any files
21 or anything in that regard?

22 "A. I did not.

23 "Q. Do you recall meeting with anyone who had been
24 directed to investigate these allegations of sexual abuse
25 of minors?

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1
2 "A. When I first took over?"

3 MR. SPADE: [REDACTED]
4 [REDACTED].

5 (THE WITNESS:) "There's -- the only
6 thing I can say that I recall, and that was I
7 directed that at that time, and it must have been
8 about '89, that we have to be very careful about
9 any such cases, and that I wanted them, you know,
10 to be responsible for them, but I can't recall any
11 other."

12 (BY MR. GALLAGHER:)

13 "Q. Do you recall in those early stages of taking over
14 the Archdiocese whether you directly met with any priest
15 who had been accused of sexual abuse of minors?

16 "A. I may have met with them, did not know that they
17 were being accused at the time.

18 "Q. Okay. Did you meet with them because of the fact
19 that they had been accused?

20 "A. No.

21 "Q. Were meetings going on with priests that had been
22 accused at that time?

23 "A. Between my -- I entrusted everything to my
24 Secretary for the Clergy. I don't know whether they were
25 meeting with them.

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1
2 "Q. Without telling me specifically any information
3 that you gleaned from this meeting, I want to know whether
4 or not when you first took over in 1988, did you discuss
5 any of the pending cases or the current cases and the past
6 cases with the attorneys for the Archdiocese?"

7 MR. SPADE: [REDACTED]

8 [REDACTED]
9 (THE WITNESS:) "I would like to
10 discuss this at recess with my attorney."

11 (BY MR. GALLAGHER:)

12 "Q. Now, when you took over in 1988, did you review
13 the assignment of every priest who had ever had
14 allegations against him in the Archdiocese of
15 Philadelphia?"

16 "A. I don't recall that.

17 "Q. Cardinal, could you speak up a little bit.

18 "A. Excuse me. I'm sorry.

19 "Q. You don't recall?"

20 "A. I said I don't recall that.

21 "Q. Okay. So you could have reviewed the assignment;
22 you just don't remember?"

23 MR. SPADE: [REDACTED]

24 (BY MR. GALLAGHER:)

25 "Q. And I'm talking about the assignment of priests

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1 who had previously been accused of sexual abuse of minors?

2 "A. At the beginning, I . . . I'd have to be -- say it
3 would lean more I never did, but I don't recall any.

4 "Q. All right. Now, I'd like you to explain to the
5 grand jurors what is the process for reviewing allegations
6 of sexual abuse of minors by priests that this Archdiocese
7 has followed in the fifteen years since you've taken over
8 as Archbishop.

9 "A. I know from the time that I reorganized the
10 administrative process, that it would have been -- when I
11 finally established it under Monsignor Jagodzinski, pretty
12 much that's what my recollection is.

13 "We followed this process, continued until we made
14 it a written policy a few years later, that when an
15 allegation is made, comes in -- and I hope I remember all
16 the steps.

17 "When an allegation comes in, my delegate, the
18 Secretary of the Clergy, would immediately interview the
19 accuser and establishing whether or not it was a credible
20 allegation, and as soon as he felt it was a credible
21 allegation and then generally offer to try to help the
22 person himself or herself.

23 "The accused, that is the priest accused, would
24 then be called in immediately many times -- when I say
25

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1 many times, several times. We had these cases. It could
2 be the same day. It never, that I recall, went beyond
3 twenty-four to forty-eight hours, depending on whose
4 available. So it was quite promptly after the accusation
5 was made.
6

7 "If the priest admitted it, he would be sent for
8 psychological evaluation but would be removed from his
9 assignment. If the priest denied it, generally he would
10 also be asked to undergo an evaluation and -- but he would
11 be told that this process of seeking psychological
12 examination and perhaps even temporarily being removed
13 from his assignment was not an indication of guilt or
14 innocence if he had denied it.

15 "Depending on the evaluation of the medical experts
16 who we would follow through, following their
17 recommendation, he might be sent for further treatment,
18 either in-house resident treatment or outpatient. We
19 would then await, and we would also try to inform the
20 accuser of what occurred.

21 "Depending on the recommendation of the medical
22 expert, we would determine whether or not such a person
23 would be given a further assignment.

24 "If there was admission or further evidence,
25 sufficient evidence that he was guilty, at that time the

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1
2 medical experts might make a recommendation as far as for
3 the ministry. But my recollection is from pretty much
4 from the very beginning, that person -- if it was a
5 recommendation that this person, they might say, was
6 capable of returning to ministry, let's say, if that was a
7 recommendation, that that person would not be given an
8 assignment involving any kind of contact with children,
9 what we would call restricted ministry.

10 "Whenever an accusation was made, another step that
11 was a regular practice, immediately the Secretary for the
12 Clergy would be in contact with our diocesan lawyers
13 regarding, you know, what civil obligations are required.
14 It could be about reporting and so on and how to act.

15 "The recommendations sometimes of the medical
16 experts might be that this person should be under
17 supervision even though under restricted ministry, and we
18 would follow as much as we could the supervision aspects
19 of the directives of the medical experts.

20 "The accuser would be informed of what we have
21 done, and that is pretty much the general outline of the
22 process.

23 "Q. All right. I'd like to direct you back to the
24 first step in the process where you said that there would
25 be a determination of whether or not there was a credible

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 allegation.

3 "What factors or what standards did you put in
4 place to make that determination?

5 "A. I don't think we set down any criteria. It was
6 the Secretary of the Clergy would sense it. Most of the
7 time we'd always try to follow as much as possible any
8 allegation.

9 "When I talk credible, it would be one that's
10 not -- at least not frivolous. There are some -- certain
11 instances at times when it's a very frivolous accusation.

12 "Even then I recall that in one instance, that's
13 the only thing, one instance I remember, was so frivolous
14 that we still investigated, though.

15 "Q. Okay. Did you sit down with your Vicar General
16 and the Secretary of the Clergy and instruct them as to
17 how you wanted them to investigate these allegations?

18 "A. No. I left it up to their knowledge.

19 "Q. Okay. And leaving it up to their knowledge, what
20 did you know about their knowledge as far as how to do
21 this?

22 "A. I relied on their -- I relied on them as far as
23 their intelligence and their knowledge of canon law,
24 because we have our own investigative process, even in our
25 own canon law, and that they would follow -- they would

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1 follow that procedure, which was a very adequate
2 procedure.
3

4 "Q. Okay. What was it?

5 "A. (No response.)

6 "Q. What was that procedure that they would follow?

7 "A. Well, I mean, they borrow from that, that you
8 would listen to your accuser and ask if there were any --
9 you know, what evidence you have. They could be asked
10 witnesses, any kind of information that would corroborate
11 their story.

12 "Q. Now, is this process dictated by canon law?

13 "A. There is a process in canon law for
14 investigations. Yes.

15 "Q. Okay. Explain that to the grand jurors?

16 "A. In a Code of Canon Law, whenever someone's accused
17 of something that in the church is considered a crime, and
18 ~~this would be one of them, there is a preliminary~~
19 investigation made, and they use all the normal means,
20 witnesses, written material, whatever; and you would --
21 based on that, and you'd see is this a reason, is this a
22 credible one, meaning that very obviously the person is
23 not unreasonable in the accusation.

24 "By that I mean, there are extreme cases where you
25 can tell. I mean, not that it happened to me, but I

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1
2 remember -- use an example of one of the bishops in the
3 conference saying that there was a person in his diocese,
4 as soon as somebody's name appeared in the paper,
5 immediately called up and say that person abused her. I
6 mean, it would be dozens and dozens, but that would be
7 considered a frivolous one.

8 "But we generally gave credence to allegations. I
9 do not know of any that was not given some kind of
10 acceptance in a sense of considered something we should
11 investigate.

12 "Canon law also says you must ask -- call in the
13 accused and listen to his story and use the normal means
14 of -- you know, of follow up on what he says as far as
15 investigation.

16 "Q. Did Monsignor Shoemaker, Monsignor Jagodzinski and
17 then Monsignor Lynn, did they have any training on how to
18 investigate these cases?

19 "A. Except their knowledge of canon law -- I'm not
20 talking about formal training. I'm not aware of any.

21 "Q. Now, you said that the most immediate call after
22 you got an allegation was to the lawyers for the
23 Archdiocese; is that correct?

24 "A. As a general rule.

25 "Q. Okay.

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1 "A. The Secretary of the Clergy was to be in contact
2 with the lawyers.
3

4 "As far as guidance on -- you know, on reporting it
5 to the civil authorities and perhaps some other issues. I
6 don't know any in specific, but they would be in contact
7 with our lawyers.

8 "Q. Okay. So the law enforcement wasn't called in?

9 "A. Excuse me?

10 "Q. Law enforcement was not called when you had a
11 determination there was a credible allegation?

12 "A. Not that I recall.

13 "Q. Okay. Why weren't they called?

14

15

16

17

18

19

20

21

22

23

24

25

(THE WITNESS:) "They would talk to our
lawyers. They would talk to our lawyers. The fact
~~that the lawyers did not suggest that they report~~
it to the police, then they were not.

But I did forget, in the process, that the victim
was always told that they have a right to report it
to the police, and there were times I -- I even
think they were encouraged to do it."

(BY MR. GALLAGHER:)

"Q. Okay. Now, you've told me that law enforcement

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1 was not called because you checked with your lawyer or you
2 talked about it with the victim and sometimes you would
3 encourage them to contact law enforcement; is that
4 correct?
5

6 "A. I think that that's -- at times that would happen,
7 yes.

8 "Q. My question, Cardinal, is: Why did not the person
9 who this was reported to and why did you not direct that
10 person to report it to law enforcement themselves?"

11 MR. SPADE: [REDACTED]
12 [REDACTED]

13 (THE WITNESS:) "One of -- from the
14 very beginning I, -- we're always conscious that we
15 had to conform to the law of the state, and that's
16 what we did.

17 "We did it exactly what the law of the
18 ~~state required, but you know, there are times, I~~
19 would say, we always told the victims you are free
20 to do it, but at that time, as I recall, can
21 I . . ."

22 MR. SPADE: [REDACTED]
23 [REDACTED]

24 (THE WITNESS:) "It was our standard
25 policy that we always conform with what the law

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required, and that's it. I mean, when the law

required it, then we did it."

(BY MR. GALLAGHER:)

"Q. So the only time that -- and I'm talking about the early stages when you took over in '88 through '89 up through '93, when Lynn took over.

"The only time that you would report this to law enforcement or direct it to be reported to law enforcement is if the law required it; is that correct?

"A. That's pretty much the situation. Yes.

"Q. Well, the law at that time did not necessarily require it, but my question to you is: Why did you not report it to law enforcement?

"You said it was a crime under canon law. You know the criminal law because you studied it. Why didn't you direct the people that were in charge to report these violations of the criminal law to law enforcement?"

"A. We always wanted to conform to what the law required.

"Q. You wanted to conform to what the law required.

"My question is: You knew it was a crime. The people that were working on this knew it was a crime. As a citizen of this city and county, why did not they report that crime to law enforcement?

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2

3

4

(THE WITNESS:) "I have to repeat that

5

the victims always were free to report it."

6

(BY MR. GALLAGHER:)

7

"Q. Excuse me, Cardinal. I'm not talking about the

8

victims. I'm talking about you and the men that worked

9

for you that this report came into about a crime.

10

"I'm not talking about the victims. I'm talking

11

about not what was required of you?

12

"A. I understand.

13

"Q. But what as a normal person walking out in the

14

street would report a grievous offense like this, why

15

didn't you do it?

16

"A. Because the Secretary of the Clergy was advised by

17

our legal counsel that they did not have to do it.

18

"Q. Okay. As a human being, regardless of who they

19

were, Secretary of the Clergy, regardless of who they

20

were, advised by an attorney, as a human being, if they

21

knew a crime was committed, why didn't they report it to

22

law enforcement?"

23

MR. SPADE:

24

25

(THE WITNESS:) "I have to repeat that

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 at the time, we felt that we were doing what we
3 were supposed to do, and that's conform to the
4 law."

5 (BY MR. GALLAGHER:)

6 "Q. Okay. Let me ask you in another way, Cardinal. I
7 hate to belabor this issue, but it's a very important
8 issue. Okay.

9 "What we're talking about here, if it's a credible
10 allegation and you found it to be a credible allegation,
11 is what has been termed in some areas as soul murder,
12 murder of an innocent child's soul, that was brought to
13 the attention of the people that worked for you and to
14 you.

15 "If a murder, a physical murder where we had a body
16 and corpus and they had some evidence of that, wouldn't
17 you expect that you and the people that work for you would
18 report this to law enforcement?"

19 MR. SPADE: [REDACTED]

20 [REDACTED]

21 (THE WITNESS:) "In this area, I think
22 I'd like to discuss this at recess with my lawyer."

23 (BY MR. GALLAGHER:)

24 "Q. You relied upon -- he's now Monsignor Jagodzinski.
25 He's the pastor at Saint Katharine of Siena, correct,

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Cardinal?

3 "A. Correct.

4 "Q. And Monsignor Lynn, he's still Secretary for the
5 Clergy?

6 "A. Yes.

7 "Q. They're the two main guys that you relied upon to
8 look into these clergy abuse sexual abuse of minors,
9 correct?

10 "A. That is correct.

11 "Q. Basically for the last fifteen years?

12 "A. Yes.

13 "Q. They're like the go-to guy, correct?

14 "A. Yes.

15 "Q. And you relied upon their setting the standards
16 and the factors to rely upon in determining whether or not
17 they were credible allegations --

18 "A. That's correct.

19 "Q. -- correct?

20 "And you indicated that you relied upon them to
21 find these credible allegations, relying upon their
22 knowledge of what they'd have to look at as far as canon
23 law is concerned --

24 "A. Yes.

25 "Q. -- correct?

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"Do either of these men have a degree in canon law?

"A. No.

"Q. Well, where did they get their experience as far as determining credible allegations and rely upon canon law?

"A. First of all, they learned canon law in the seminary. They did not get a degree in it, but they were taught canon law, and I presume -- I have to say presumption, that when they were involved in this, they may have studied more particularly this area of the law of the Church. Other than that, I -- I cannot add.

"Q. You taught canon law yourself --

"A. I did.

"Q. -- is that correct?

"Did you ever have conversations with them that indicated that you were sufficiently satisfied that they knew what they were doing as far as determining credible allegations?

"A. Not specifically on that, but I trusted them.

"Q. Okay. Now, after they made these investigations and they came up with credible allegations, would they bring them to your attention?

"A. They would indicate -- they didn't indicate. They did not report to me every step of the way. But they

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1 would generally inform me what the result was, whether the
2 priest admitted it, or what was the next step, that he did
3 not admit it, and they were going to send him for a
4 medical evaluation and that he was going to have to stay
5 in the psychological facility for a period of time.
6

7 "Q. But in a particular case when allegations come in
8 and they did their investigation and they determined it
9 was a credible allegation and then they went and they
10 talked with the priest and they got a response from him
11 and then a decision had to be made as to whether or not to
12 remove someone from a parish or an assignment --

13 "A. Yes.

14 "Q. -- they would bring that --

15 "A. Generally they would bring it to me.

16 "Q. Okay. And who would make the decision as to
17 whether or not someone would be sent for a medical
18 evaluation?

19 "A. It's not a decision, because you cannot force
20 someone to undergo psychiatric treatment.

21 "Q. Well, then now let me ask you another way.

22 "Was a decision made by -- excuse me -- by
23 Monsignor Jagodzinski and Monsignor Lynn that that was the
24 step that had to be taken in your process?

25 "A. It would be the recommendation."

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MR. SPADE: [REDACTED]

MR. GALLAGHER: [REDACTED]

MR. SPADE: [REDACTED]

(BY MR. GALLAGHER:)

"Q. Okay. And that recommendation would go to the priest.

"How many priests --

"A. They would recommend it to me.

"Q. Okay.

"A. Generally, and I would concur with their recommendation.

"Q. And would you direct them then to go to the priest and recommend to him that he seek medical treatment?

"A. Yes.

"Q. So those decisions were made by you as far as who would have to be referred to medical treatment and who would not?

"A. The ultimate decision.

"Q. But the decision as to that step of the process that the person had to go, the priest had to go for medical treatment, that ultimate decision was made by you?

"A. It's not -- it's not a question that you could

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 force him.

2 "Q. I understand that, but the decision to make that
3 recommendation to him, every one of those was directed by
4 you; is that correct?
5

6 "A. I think generally they did."

7 MR. GALLAGHER: [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 MR. SPADE: [REDACTED]

13 ---

14 (A luncheon recess was held.)

15 ---

16 AFTERNOON SESSION

17 ---

18 MR. GALLAGHER: [REDACTED]

19 [REDACTED]
20 [REDACTED]

21 GRAND JURY SECRETARY: [REDACTED]

22 [REDACTED]

23 MR. SPADE: [REDACTED]

24 MR. GALLAGHER: [REDACTED]

25 [REDACTED]

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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4

5 (BY MR. GALLAGHER:)

6 "Q. Okay. Now, when they came to you with a work-up
7 of a case, that is, the initial allegation, the initial
8 investigation, the decision and the investigation of from
9 the priest, what he said, and then the decision to send
10 the priest, take him out of the assignment, okay, how was
11 that done? Over the phone? In meetings? In writing?

12 "A. It would vary, my recollection. That it -- it
13 could be over a phone. It could be in the person, that he
14 wanted to come and see me, that it -- and I don't recall
15 whether at times it might have been in a memorandum, but I
16 don't recall.

17 "Q. But this has happened several times in the last
18 fifteen years, correct?

19 "A. Yes. I don't recall a large number of times.
20 Several times.

21 "Q. Okay. And did you have a standard practice of how
22 you would do this?

23 "Would you just sit down with Monsignor Jagodzinski
24 and Monsignor Lynn and go over their findings, go over
25 their memos and make a decision?"

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2 "Was there give and take between you and them as
3 far as reaching that decision?

4 "A. It was where -- the process would vary, and there
5 was not a standard process.

6 "Q. Okay.

7 "A. It would be a communication of some sort, and if I
8 wanted to inquire more, I would call him up or I'd say
9 come up and see me, because all of this was considered
10 confidential.

11 "Q. But --

12 "A. And most of the time that I recall, you know, I
13 wouldn't ask questions. I would listen to them, and they
14 would tell me. I'd say: I accept the recommendation.

15 "Q. Now, when you listened to them, did you take notes
16 yourself?

17 "A. I did not.

18 "Q. Okay. Do you maintain any notes on these
19 allegations yourself?

20 "A. No. I never did.

21 "Q. Okay. Where are the notations of your decisions
22 about this maintained?

23 "A. It could be verbal. If it was a memorandum, and I
24 don't recall any, I would just sign my initials.

25 "Q. Okay. And where would that paperwork go?

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2 "A. It would be back to the Secretary for the Clergy.

3 "Q. And where would he put it?

4 "A. I presume in the -- you know, with the file on
5 this particular priest, and that would be considered a
6 special secret archive file.

7 "Q. Okay. Now, these notations, when you made these
8 decisions, and they came in and presented to you, would
9 you also ask for them to look at the personnel file so you
10 could see that particular priest's history in the
11 Archdiocese?

12 "A. I know I did not.

13 "Q. Okay. So the only thing you relied upon is the
14 memos from these --

15 "A. Not necessarily a memo. It could be a personal
16 meeting. If it was a memo, then I would render my
17 decision on his recommendation.

18 "Q. Okay. And when they came in and they talked to
19 you over the phone or in a meeting or in a recommendation,
20 would you ever send back to them directions to further
21 investigation or take other steps in an investigation?

22 "A. I don't recall any, because I accepted the
23 recommendation.

24 "Q. Now, you have in the Archdiocese, in running this
25 hierarchy, you have what is called issues meetings; is

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1 that correct?

2 "A. It's not part of that. It's a practice that I
3 have.
4

5 "Q. Okay.

6 "A. It's not required by law, but -- in any way. I
7 just do it for myself personally.

8 "Q. Okay. And these issues meetings are held how
9 often?

10 "A. There's no set schedule. My Vicar for
11 Administration will let me know. Sometimes it averages
12 every couple -- two weeks or so.

13 "Q. Every two weeks?

14 "A. About. About. Sometimes it could go longer than
15 that. It could be three weeks.

16 "Q. Okay.

17 "A. And it would be a variety of issues that he would
18 just want my other -- him and my other advisors to reflect
19 on.

20 "Q. Now, at these issues meetings, would you ever
21 discuss allegations of sexual abuse of minors by clergy?

22 "A. No. No. I don't recall ever having that as an
23 issue. Never discussed it, that I recall --

24 "Q. No particular case?

25 "A. -- no.

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2 "Q. Was ever discussed at an issues meeting?

3 "A. No. I can't recall any single one.

4 "Q. Now, in the Archdiocese, there's a Personnel
5 Board; is that correct?

6 "A. Yes.

7 "Q. And what is that?

8 "A. It's a board made up of appointees of myself that
9 I have appointed, and others are elected by the priests,
10 about half and half, mostly I think elected by priests.

11 "Its purpose is to recommend to me assignments of
12 priests in the Archdiocese. That's its main purpose. And
13 at times if we want a change in policy on personnel
14 assignments, I would -- they would be the body that would
15 handle that, to make recommendations to me.

16 "Q. And how often does the Personnel Board meet?

17 "A. On average, about -- I think about four times a
18 year.

19 "Q. Okay. Do they meet in anticipation of the annual
20 reassignments that happened in the springtime, late
21 springtime?

22 "A. They meet less frequently in the fall and all, but
23 the last part of the assignment, generally have the last
24 two meetings generally close together as we approach the
25 spring assignments.

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1 "Q. And do you preside over those meetings?

2 "A. I do.

3 "Q. And at those meetings, priests that have had
4 previous allegations of sexual abuse of minors and their
5 assignments, are they discussed?
6

7 "A. No.

8 "Q. You never discussed that a priest had had a
9 previous allegation against him --

10 "A. No.

11 "Q. -- at the Personnel Board?

12 "A. I don't recall ever discussing that at a Personnel
13 Board meeting. Those would be handled separately.
14 Handled separately.

15 "Q. Recently since -- when did you set up -- and it's
16 on the chart there. I don't know if you have it in front
17 of you.

18 "You originally set up regional vicars; is that
19 correct?

20 "A. That is correct.

21 "Q. When was that? Do you recall, Cardinal?

22 "A. That was pretty much at the beginning, but around
23 the end of '88, maybe a little longer, because I had an
24 advisory committee set up on that, so it may have gone
25 into '89. It may have.

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1 "Q. But since 1989, you've had regional vicars?

2 "A. I do.

3 "Q. And how often do you meet with them?

4 "A. I meet them about four times a year.

5 "Q. And do you meet them collectively, all the
6 regions?

7 "A. Yes.

8 "Q. Now, at these meetings, do you ever discuss the
9 reassignment of priests based on previous sexual
10 allegations of abuse of minors?

11 "A. I never recalled that being discussed at any of
12 those meetings.

13 "(Pause.)

14 "Q. When decisions concerning the assignment of
15 priests who had allegations filed in the secret archive
16 file were being discussed, did you or your staff review
17 the contents of the secret archive file as well as the
18 personnel file to assist you in making these decisions of
19 assignment?
20

21 "A. Did I do it?

22 "Q. Yes.

23 "A. I did not.

24 "Q. Okay."

25 MR. SPADE: 

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1

2 [REDACTED].

3

(THE WITNESS:) "Oh, excuse me."

4

(BY MR. GALLAGHER:)

5

"Q. Did you or your staff?

6

"A. Oh, or your staff.

7

"I presume my staff would review the file before they would make a recommendation.

9

"Q. Okay. And what I'm talking about here, Cardinal, is an allegation was made maybe during Cardinal Krol's reign, and then subsequent to that, there was an investigation and there was a secret archives file opened on a particular priest, and he was given a new assignment, maybe a restricted ministry or full ministry. That's happened, correct?

16

"A. I don't recall that.

17

"Q. You don't recall ever assigning someone to a new assignment who had previous allegations against him?

19

"A. No. You said full ministry.

20

"There's a difference between restricted and full ministry.

22

"By restricted ministry -- by full ministry would be any ministry. It could be anything, but including that in a parish or a facility that has children, I don't recall that.

25

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"Restricted, if someone had a -- if someone was guilty of sexual abuse of a minor, I don't recall that they were ever -- when an assignment was to be made under my tenure, I can't recall any time actually assigning that person to a parish where children were involved.

"It was restricted, meaning it could be a chaplaincy in a hospital, depending -- depended a great deal on the -- you know, the recommendation of the medical experts.

"In one instance, I recall there was no ministry. That person was not assigned to any.

"Q. So you're confident that in the last fifteen years, there's been no priest who had a previous allegation of sexual abuse of a minor ever assigned a full ministry in this Archdiocese."

MR. SPADE: [REDACTED]

(THE WITNESS:) "That's hard for me to answer. I'd like to discuss that with my lawyer."

(MR. GALLAGHER:) "Okay."

MR. SPADE: [REDACTED]

The lawyer answers: "Yes." The witness answers: "Yes."

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1 (BY MR. GALLAGHER:)

2 "Q. What's your answer?

3 "A. Forgive me. I have to say I don't recall any, but
4 it's possible. It's possible without my knowledge that
5 one or two may have slipped through as far as being
6 assigned to a full ministry, but I don't recall any of
7 them.
8

9 "Q. So it could have happened but you just don't know
10 about it?

11 "A. That's right. Although . . ."

12 MR. SPADE: [REDACTED]

13 [REDACTED]

14 (THE WITNESS:) "It's hard -- I just
15 don't recall anytime that happening."

16 (BY MR. GALLAGHER:)

17 "Q. Would Monsignor Jagodzinski or Monsignor Lynn know
18 about it happening?

19 "A. I -- you'd have to ask them. I don't . . ."

20 "Q. As a result of the subpoena that was issued for
21 the secret archive files, this investigation has been
22 given a hundred and twenty files, approximately, of
23 priests that have been accused of sexual abuse of minors.

24 "Are you aware of that, Cardinal?"

25 "A. I know they were subpoenaed and we cooperated

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1 fully.

2 "Q. We got seven boxes, and it breaks down to
3 approximately a hundred and twenty different priests.
4 Some are Archdiocesan. The majority of which are
5 archdiocesan priests, some of which are religious order
6 priests.
7

8 "Are you aware of that?

9 "A. May I ask you. You said there were a hundred and
10 twenty different priests?

11 "Q. Yes.

12 "A. I did not know there was that number.

13 "Q. Well, there were seven boxes, and we've gone
14 through them, and there's a hundred and twenty different
15 priests, the majority of which are diocesan priests, some
16 of which are religious order priests?

17 "A. This is the first time I heard that number.

18 "Q. ~~When decisions are made as far as a new assignment~~
19 ~~is concerned, is every assignment -- does every assignment~~
20 need your approval?

21 "A. Yes. You're talking about priests now?

22 "Q. Correct.

23 "A. Yes.

24 "Q. And --

25 "A. And we're talking diocesan priests?

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1
2 Clergy would have recommended, have in his mind what that
3 supervision meant, and also it would be in conformity
4 generally with the recommendations made by the medical
5 facility.

6 "They might vary on what kind of supervision he
7 would need, and I would accept the recommendation of the
8 Secretary for the Clergy.

9 "Q. Okay. Were you informed about whether or not they
10 abided by these restrictions?

11 "A. Not . . . I mean, all I can say is I probably
12 would have been informed if they found out that they
13 violated them. So until I was informed of that, it
14 wasn't -- I was constantly sent reports on it.

15 "Q. Was anyone directed to monitor these restrictions.

16 "Did you direct anybody to monitor the restriction
17 if a restriction was put on a priest?

18 "A. I presume the one in charge would be -- that the
19 Secretary of the Clergy would see to that as whether he
20 was properly monitored.

21 "Q. I want to ask you a series of questions about
22 various actions in following through and implementing this
23 topic that we're talking about, and that is the policy and
24 the procedure when allegations came in.

25 "I'd like to know who had the authority to take the

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1 following action: Decisions of what action to take to
2 investigate a complaint?

3 "A. That would be part of our policy, and the
4 Secretary for the Clergy would follow through on the
5 investigation.
6

7 "Q. Who made a decision whether or not an
8 investigation was complete,

9 "A. That would be the Secretary for the Clergy.

10 "Q. Did you ever disagree with their decisions?

11 "A. My recollection is I never -- I did not.

12 "Q. So you accepted every one of their investigations
13 as being complete; is that correct?

14 "A. If they recommended so, yes.

15 "Q. Okay. Who had the authority to make a decision as
16 to what to tell a current parish when an investigation was
17 underway?

18 ~~"A. The recommendation would be from the Secretary for~~
19 ~~the Clergy.~~

20 "Q. And you would make that decision to tell him go
21 ahead, go ahead with that recommendation as to what to
22 tell a parish when an investigation was underway?

23 [REDACTED]
24 [REDACTED]
25 (THE WITNESS:) "At -- yes. In this

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matter also, I'd have to say that if he recommended it, he more than -- he would ask me, and it would be ultimately my decision."

(BY MR. GALLAGHER:)

"Q. So in other words, he would say it was okay to tell the parish no, there isn't an allegation of child abuse, but Father so and so is ill and he needs a leave of absence? You would direct that?

"A. I would upon his recommendation, yes.

"Q. And who would make a decision whether or not to notify law enforcement if a credible allegation came into the Secretary of Clergy and to you after an investigation?"

MR. SPADE: 


(THE WITNESS:) "Because -- well, let

me put it this way. I -- he probably would -- the Secretary of the Clergy would probably do it himself, if he ever had to do that."

(BY MR. GALLAGHER:)

"Q. Do you ever remember in the last fifteen years directing either of these two Secretaries of Clergy to notify law enforcement?

"A. Yes. After 2002.

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1 "Q. Okay. Before 2002?

2 "A. No, I don't recall anytime.

3 "Q. So of all the cases that we've looked at, you've
4 never directed anyone to notify law enforcement; is that
5 correct?
6

7 "A. But the victim was told that they could.

8 "Q. No. No. I'm talking about people that work for
9 you.

10 "A. No. No, I don't recall ever directing anyone.

11 "Q. The decision as to whether or not a recommendation
12 would be made for a priest to go for initial psychiatric
13 and psychological evaluation, who would make that
14 decision?

15 "A. Again, it's part of our policy. I think I
16 explained before it's part of our policy of always any
17 allegation, that the priest ordinarily would be asked to
18 ~~undergo psychological evaluation.~~

19 "My Secretary of the Clergy, as a general policy,
20 would inform me of that, and I would agree with that
21 recommendation, that he be recommended to go --

22 "Q. So you made the decision?

23 "A. I made -- I agreed --

24 "Q. For a person to get psychiatric evaluation?

25 "A. Yes, that he be --

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1 "Q. The priest?

2 "A. That he be asked to go.

3 "Q. And as far as a new assignment, after the case was
4 completely investigated and after he was evaluated, a
5 decision on a new assignment, that would be made by you?
6

7 "A. Yes. Upon recommendation, all assignments of
8 priests are made -- ultimately, it's my decision.

9 "Q. Okay. And as far as the particulars of the
10 restrictions, if there was a restriction put, as far as
11 the ministry, as well as contact with -- well, as far as
12 the ministry is concerned, those recommendations would be
13 made to you and you would either approve or disapprove; is
14 that correct?

15 "A. That is correct.

16 "Q. Okay. How about contact with the victim and their
17 families? Who would make a decision as to what to tell
18 those people?

19 "A. That's part of the policy, and that would be the
20 Secretary of the Clergy would inform the victim and the
21 family of any developments that he felt he should tell
22 them. Ordinarily, that would not be brought to my
23 attention.

24 "Q. Okay. Was it ever brought to your attention that
25 we're not going to tell these people anything?

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1 "A. I don't ever recall that.

2 "Q. So in every case, after there was an allegation,
3 it was the policy that your Secretary of the Clergy would
4 have to explain to the victim and his or her family what
5 the resolution of the case was; is that correct?
6

7 "A. That is correct."

8 MR. SPADE: [REDACTED]
9 [REDACTED]

10 (THE WITNESS:): "It's part of the
11 policy, and as a general rule, that's what he would
12 do."
13

14 (BY MR. GALLAGHER:)

15 "Q. As far as a notification of a new assignment, how
16 would that be communicated to the priest?

17 "A. A recommendation would be made to me, and a letter
18 would be addressed to the priest, and that would be
19 assigned by me as a general rule. This is your new
20 assignment.

21 "Q. And how about notification to the parish where he
22 was leaving and the parish where he was being reassigned?
23 Who would do that notification?

24 "A. It could be done as a general rule verbally, and I
25 don't say it's an absolute practice. He would inform the

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1 pastor of the parish, or whoever the superior of his
2 previous assignment, that this priest is going to be
3 transferred, and I frequently, not as a general -- not
4 necessarily absolute, the priest or superior, whoever it
5 was, to the place where the priest was to go to, would be
6 informed perhaps verbally by telephone, as far as those
7 two, but the -- and there would be a public -- there would
8 be a public, as a general -- typically, there would be a
9 public announcement in our diocesan paper. It would be
10 published there.
11

12 "Q. Was the parish that he was removed from because of
13 a credible allegation, were they ever informed as to the
14 fact that there was a finding of a credible allegation by
15 the Archdiocese' Secretary of the Clergy.

16
17

18 (THE WITNESS:) "I'd have to say
19 generally they were not informed."

20 (BY MR. GALLAGHER:)

21 "Q. Generally they were not informed?

22 "A. That is correct.

23 "Q. Okay. And how about the new parish? Generally,
24 were they informed that there had been an investigation
25 and a decision made by the Archdiocese as to the

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1 whether that allegation was frivolous or credible? Was
2 that ever communicated to the parishioners of the new
3 parish?
4

5 "A. Generally they were not informed.

6 "Q. Okay. Why weren't the old parish and the new
7 parish told about priests who had been -- received
8 allegations and been the subject of allegations of clergy
9 abuse, sexual abuse of a minor?

10 "A. I think here we have to consider the importance of
11 confidentiality at certain times. Even when there's
12 investigation, if there was not an admission or proof, the
13 fact that there's an investigation doesn't mean the priest
14 was guilty yet.

15 "It may be -- maybe there would be -- I'm talking
16 in the abstract. Maybe there was reason to transfer that
17 priest. That doesn't mean he was guilty.

18 "Q. Well, let's just talk about the credible
19 allegations where he was guilty and in fact not only was
20 there a credible allegation --

21 "A. I don't --

22 "Q. Excuse me. Not only was there a credible
23 allegation, but there was an admission by the priest?

24 "A. First of all, I don't -- I don't recall ever we
25 would send -- send that priest to another parish. Might

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1 be . . . so it might be that the recommendation would say
2 he may be reassigned to another ministry, and as a general
3 rule, I -- you know, we would . . . I don't know what it
4 involved. We would inform the . . ."

6 MR. SPADE: [REDACTED]
7 [REDACTED].

8 (THE WITNESS:) "Could I ask to repeat
9 the question, please."

10 (BY MR. GALLAGHER:)

11 "Q. Okay. The question was: There was a credible
12 allegation against a priest, okay, and he admits it. He's
13 sent off for treatment. He's then put in a new ministry.

14 "Are the people that he's dealing with in the new
15 ministry informed that he was guilty of a credible
16 allegation of sexual abuse of a minor?"

17 "A. I have to repeat that as a -- generally, my
18 recollection that he would not be sent to a parish, but it
19 could be another ministry, a chaplaincy, a restricted
20 ministry like that.

21 "Q. Okay. Let me give you an example.

22 "Say someone was put in a ministry, a chaplaincy of
23 a hospital, and there was children in that hospital. Were
24 the hospital and the people that the children in that
25 hospital, or their families, were they notified that this

()

()

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2 priest had a credible allegation of sexual abuse of a
3 minor?

4 "A. That's . . . I -- I don't recall ever that
5 everybody in that hospital would be notified, but it was
6 not -- it was typically the superior of that new
7 assignment would be informed.

8 "Q. And was he directed to let the people know that
9 this priest was working with --

10 "A. I do not recall.

11 "Q. -- had a previous credible allegation?

12 "A. I did not direct that.

13 "Q. Okay. Why did you direct it?

14 "A. What?

15 "Q. Why did you not direct that?

16 "A. Because I think the confidentiality has to be
17 respected here and they have to make the judgment.

18 "Q. Okay. Did you ever check with the victim whether
19 or not they were comfortable with the confidentiality --

20 "A. Well, it's my --

21 "Q. -- or did you ever ask the victim whether they
22 thought it would be wise for you to tell, someplace where
23 the priest was going, what they had done to that victim?

24 "A. I left further questions on that to my Secretary
25 for the Clergy. I mean, I did not do it myself.

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1
2 "Q. Okay. But did you ever think about telling them
3 to do it?"

4 MR. SPADE: [REDACTED]

5 [REDACTED]
6 (THE WITNESS:) "To give a clear
7 answer, may I just disturb you and ask you to ask
8 the question again."

9 (BY MR. GALLAGHER:)

10 "Q. Well, just so you're clear about the question I
11 asked and I'm clear about it, why don't I have the
12 stenographer read it back, please.

13 "(The court reporter read back the
14 following:

15 "'QUESTION: Or did you ever ask the
16 victim whether they thought it would be wise for
17 you to tell, someplace where the priest was going,
18 what they had done to that victim?"

19 "'ANSWER: I left further questions on
20 that to my Secretary for the Clergy. I mean, I did
21 not do it myself.

22 "'QUESTION: Okay. But did you ever
23 think about telling them to do it?')

24 [REDACTED]

25 [REDACTED]

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2 (THE WITNESS:) "In answer to that
3 question, I never directed the Secretary of the
4 Clergy."

5 (BY MR. GALLAGHER:)

6 "Q. To do that?

7 "A. To do that.

8 "Q. Why?

9 "A. We relied on the advice of the medical experts,
10 and I presume the Secretary for the Clergy relied on that,
11 and no one ever said, you know, we should be asking the
12 victims.

13 "Q. What advice did you get from the medical experts
14 as far as how to handle this?

15 "A. I did not always see the medical reports, but they
16 would -- they would indicate as a final recommendation
17 some specific.

18 "Now, either don't assign this priest -- I'm just
19 talking in general, that he should not be assigned, or
20 they might make distinctions and say this priest can be
21 assigned. We think he is -- whether they use the word
22 healed or cured, I don't know, that he can be given some
23 kind of ministry. We suggest that he not be assigned in
24 any place where children are involved.

25 "It depends on the period of time, too. In the

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1
2 early history, I have read that some medical experts even
3 allow them to go back to parish ministry. It depends on
4 the development of learning even among the medical
5 experts.

6 "And so if the recommendation was made by the
7 medical facility that this priest is sufficiently helped
8 by us and that he is capable of a ministry, we would
9 generally at that time follow the recommendation, assign
10 him to a ministry.

11 "But they wouldn't tell us that you have to tell
12 anybody. Ordinarily, I don't recall that.

13 "Q. In answer to this previous question, you indicated
14 that you would rely upon what the medical community told
15 you as far as how to address this issue with the victims?

16 "A. No, I -- I don't recall that, believe, if I did,
17 how to address it, as far as telling the new community or
18 the new assignment.

19 "Q. My question is this: If you had a credible
20 allegation, you took that credible allegation back and
21 told the victim, okay, would you then ask the victim
22 whether or not they thought it was a good idea to tell the
23 next assignment where this credible perpetrator was going,
24 whether or not he had -- and whether he had done something
25 to that victim?

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1 "Do you understand my question?

2 "A. Yes. You're asking me whether or not we asked the
3 victim as to the feasibility of the new assignment and
4 whether the new assignment should be informed; is that
5 correct?
6 correct?

7 "Q. That's right.

8 "A. I don't recall ever asking -- directing the victim
9 to be asked that question.

10 "Q. Okay. Would you ask the victim whether or not
11 they thought it was wise for you to put a credible
12 predator priest and what to tell the new assignment?"

13 MR. SPADE: [REDACTED]

14 [REDACTED].

15 (THE WITNESS:) "I see I'm getting
16 confused about the question. May I ask for a
17 recess with my lawyer."

18 (MR. GALLAGHER:) "Sure."

19 ---

20 MR. GALLAGHER: [REDACTED]

21 [REDACTED]

22 MR. SPADE: [REDACTED]

23 MR. GALLAGHER: [REDACTED]

24 [REDACTED]

25

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (BY MR. GALLAGHER:)

3 "Q. Cardinal, I want to talk about the parish where
4 the priest was assigned when the credible allegation came
5 in. That's what I want to talk about.

6 "In any of these cases, did you and your staff ever
7 notify the parishioners in his present parish that a
8 priest in their parish have been accused of sexually
9 molesting a child?"

10 MR. SPADE: [REDACTED]

11 [REDACTED].

12 (THE WITNESS:) "The reason I'm

13 hesitant was, asking that, generally, no."

14 (BY MR. GALLAGHER:)

15 "Q. And why wouldn't you do that?

16 "A. In one case I did go up to the parish.

17 "Q. Okay. What parish was that, Cardinal?

18 "A. That would have been Saint Helena's. Saint

19 Helena's Parish.

20 "Q. Was that Father Craig Brugger?

21 "A. Yes. I did that because it was already public.

22 "Q. Okay. And in no other case in the last fifteen
23 years did you go to the parish where the priest was
24 residing and inform them that there was an allegation of a
25 child being molested by a priest in that parish; is that

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 correct?

2 "A. I never went to any other parish.

3 "Q. Did you ever direct the Secretary of the Clergy or
4 the pastor or anyone in the Archdiocese to tell the parish
5 that there was an allegation of sexual abuse by one of the
6 priests?
7

8 "A. No.

9 "Q. Why not?

10 "A. Because if the priest was in an assignment --
11 you're talking about the priest already assigned, I
12 presume.

13 "Q. Correct.

14 "A. We relied on the medical recommendations, and
15 medical recommendations, first of all, did not recommend
16 that. They didn't say anything.

17 "They wouldn't tell us that this priest is suitable
~~18 for an assignment, and to have the parishioners told that~~
19 this man had been -- you know, had a credible accusation
20 that even he admitted it, that he would not be able to
21 function in that parish anymore.

22 "Q. I'm not worried about whether he would be able to
23 function. I'm worried about whether or not you went back
24 to that parish and told them that a priest had been
25 assigned there had a credible allegation against him. Why

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 didn't you do that?

2 "A. This is after he's left the parish?

3 "Q. Correct.

4 "A. Yes. When he was -- you mean, when he was
5 removed.

6 "Q. Yes. After he left.

7 "A. I saw no reason to do that.

8 "Q. Wouldn't it have been advisable to go back to the
9 parish and advise them to find out whether or not that
10 priest had any other victims in that parish?
11

12 "A. I'm saying that I -- you know, I did not think it
13 was advisable.

14 "Because I didn't see any -- anyone who was -- who
15 happened to be abused by the priest in that parish, they
16 knew they could come to us anytime.

17 "Q. Okay. But what I'm saying to you is: Did your
18 ~~investigators or anyone in the parish, the pastor, ever~~
19 inform that parish where he had abused someone that there
20 was an abuser amongst them?

21 "A. He did not.

22 "Q. Okay. And don't you think it would have been
23 advisable to do that, to find out if he had abused anyone
24 else?

25 "A. I repeat what I said before, we did not see it was

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 necessary because no one was held back from reporting it.

2 "Q. Weren't you concerned about whether or not there
3 were other victims in that parish?
4

5 "A. Oh, I'd be concerned about any victim, but
6 there's -- if they wanted to come to us, they could have
7 come anytime.

8 "Q. So you left it all up to these innocent children
9 to come forward and make these claims; is that correct?

10 "A. Their families.

11 "I don't see -- there was no restriction on
12 anybody. They could come any time at all.

13 "Q. I'm not questioning the restriction that you may
14 or may not have intentionally or unintentionally put upon
15 the other parishioners.

16 "All I'm asking is: Don't you think it would have
17 been wise to go back to that parish to find out if there
18 were other victims in that parish?

19 "A. No, I didn't think it was necessary, and I don't
20 see why we had to do that.

21 "Q. Weren't you concerned about the other children of
22 this victim?

23 "A. I'm always concerned about victims. Always."

24 MR. GALLAGHER: [REDACTED]

25 [REDACTED].

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Next question:

(BY MR. GALLAGHER:)

"Q. Did you or anyone in the Archdiocese ever ask any parishioner to contact law enforcement if there were allegations of sexual abuse by a priest and the priest admitted molesting the child?

"A. Forgive me. Could -- there are so many elements to that.

"Q. Did you or anyone in the Archdiocese ever ask any parishioner to contact law enforcement if there were allegations of sexual abuse by a priest and the priest admitted molesting the child?

"A. I don't recall any time, no. I don't recall any time having -- doing it or having anyone in my staff --

"Q. So the standard practice of the Archdiocese of Philadelphia is that if you found a priest molesting children, you would never advise the parents of that child or anyone in that parish to notify law enforcement?

"A. Oh, I told you it was part of the policy that when a victim and family came in, they -- as a general rule, they were told that they are free to go to the police authorities and report it.

"Q. So they're told as a general rule they're free to do it. ;

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"Did you direct anyone in the Archdiocese of Philadelphia that you thought it was a good idea for them to notify law enforcement that their child had been molested?

"A. I don't recall specifically, except that at times they could actually be encouraged to do that.

"Q. And how would they be encouraged to do that?

"A. The Secretary for the Clergy would tell them.

"Q. Of, how would he do that?

"A. When they're with him and during the interview, he could encourage them to go to the civil authorities.

"Q. Now, so far we've been talking about the policy in generalities, but the reality is that you in fact promulgated a written policy about the handling of allegations of sexual abuse of minors by clergy when you became the Archbishop -- strike that -- in 1993; is that correct?

"A. Yes.

"Q. And that was published in the Catholic Standard and Times?

"A. Yes.

"Q. Who drafted that policy?

"A. It would have been primarily the Secretary of the Clergy, and he could have had others assisting him in

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 that.

2
3 "At the same time, there could have been guidance
4 from materials supplied by the Conference of Bishops. In
5 other words, with the various workshops, they gave us
6 material, and there were recommendations in that on
7 setting up a written policy.

8 "Q. Okay. So you don't specifically remember who
9 drafted the policy here in Philadelphia?

10 "A. I am presuming at the time if Monsignor Lynn was
11 the Secretary of the Clergy, he would have been the final
12 one to recommend it.

13 "Q. And let's say it was Monsignor Lynn in 1993, did
14 the ultimate policy that was published in the Catholic
15 Standard and Times, was that approved by you?

16 "A. Yes.

17 "Q. Okay. What prompted you to do a written policy in
18 1993?

19 "A. Because we were evolving, we had a verbal policy,
20 that is, an unwritten policy before, which was pretty much
21 the written policy but was not set down and promulgated,
22 but in -- as we have workshops in the Conference of
23 Bishops, they more and more recommended that it be a
24 written policy and that it be published, and we decided to
25 follow that suggestion.

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1
2 "Q. Had you ever considered yourself doing that prior
3 to 1993?

4 "A. I think we did, but we were trying to find out
5 what other dioceses were doing, because it was . . . we
6 were looking -- most dioceses I think at that time did not
7 have a written one, and so we were looking for models from
8 others, and so it helped us a great deal.

9 "Q. So each diocese has put out their own written
10 policy; is that correct?

11 "A. That is correct.

12 "Q. Why isn't there a universal policy for all the
13 churches in the United States?

14 "A. Each diocese is completely autonomous. There is
15 no kind of board or superior to the dioceses in the United
16 States. Each one is independent. You only report to the
17 Pope.

18 ~~"And so it's up to each diocese to decide whether~~
19 it wanted a policy, and in having a policy, whether it
20 should be written or not, and that evolved over a period
21 of time that more and more dioceses would have a written
22 policy, but it was not obligatory from any source."

23 MR. GALLAGHER: Okay. That concluded
24 the first day of testimony on June 26, 2003.

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EXHIBITS

IDENTIFICATION

GJ-951, (Previously marked exhibit.)

5

GJ-952, (Previously marked exhibit.)

24

GJ-953, (Previously marked exhibit.)

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the trial of the above cause, and that this copy is a correct transcript of the same.


Official Court Reporter

The foregoing record of the proceedings upon the trial of the above cause is hereby approved and directed to be filed

Judge