

## APPENDIX H-4

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18-10-174

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 XVIII : C-10

August 22, 2003

Room 18013, One Parkway  
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

NOT read in  
2/10/10

APPEARANCES:

MAUREEN McCARTNEY, ESQUIRE  
Assistant District Attorney

MARIANNE E. COX, ESQUIRE  
Assistant District Attorney

~~WILLIAM SPADE, ESQUIRE  
Assistant District Attorney~~

For the Commonwealth

PRESENT:

C. CLARK HODGSON, JR., ESQUIRE  
For the Witness

Reported by: Charles Holmberg  
Official Court Reporter

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MS. McCARTNEY: Okay. Are we ready?

3 Today's date is August 22. The time is  
4 now 10:04 A.M., and this is the matter of C-10.

5 We've just called a witness to the  
6 stand.

7 ---

8 ANTHONY JOSEPH CARDINAL BEVILACQUA,  
9 having been previously sworn, was examined and  
10 testified as follows:

11 ---

12 BY MS. McCARTNEY:

13 Q. Good morning, Cardinal.

14 A. Good morning.

15 Q. Could you state your name for the record, please.

16 A. Yes. Cardinal Anthony Bevilacqua, Archbishop of  
17 Philadelphia.

---

18 Q. Prior to coming here to testify today, Cardinal,  
19 you were sworn in as a witness before this grand jury by  
20 the Honorable Judge Jones?

21 A. Yes.

22 Q. And at that time your rights and obligations were  
23 explained to you as a witness before the grand jury; is  
24 that right?

25 A. Yes.

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2 Q. And you also filled out a form which also explained  
3 those rights?

4 A. Yes.

5 Q. And one of the rights that you have is to have an  
6 attorney present with you as you testify in front of this  
7 grand jury; is that correct?

8 A. Yes.

9 Q. And you in fact do have an attorney with you?

10 A. Yes.

11 MS. McCARTNEY: Counsel, for the  
12 record, could you please state your name.

13 MR. HODGSON: Yes. My name is Clark  
14 Hodgson, and I represent Cardinal Bevilacqua. I  
15 practice with the law firm of Stradley, Ronon,  
16 Stevens and Young in Philadelphia.

17 ~~MS. McCARTNEY: Thank you.~~

18 BY MS. McCARTNEY:

19 Q. And, Cardinal, when those rights were explained to  
20 you, did you understand them then and do you understand  
21 them now today?

22 A. Yes.

23 Q. Okay.

24 MS. McCARTNEY: And for the record, we  
25 have how many jurors present?

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2

3

4

5

present, which constitutes a quorum.

6

BY MS. McCARTNEY:

7

Q. Good morning, Cardinal.

8

A. Good morning.

9

Q. When we were here yesterday, we spent some time  
10 talking about the case of Monsignor David Walls.

11

Do you recall that?

12

A. Yes.

13

Q. And one of the issues that came up with regard to  
14 Monsignor Walls was whether or not -- well, we became  
15 aware of the fact that in 1988 an allegation had been  
16 brought against Monsignor Walls with regard to a sexual  
17 assault of a teenage girl, and there was also some  
18 information about a sexual contact with an adolescent  
19 male.

20

Do you recall that?

21

A. That was presented to me.

22

Q. Okay. And, Cardinal, at that time, you told us  
23 that you did not recall having the information available  
24 to you which would have indicated that the victim was a  
25 minor or an adolescent.

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2 Do you recall that?

3 A. Yes.

4 Q. Okay. I'm going to ask, Cardinal, if I could show  
5 you a document.

6 MS. McCARTNEY: And I'm going to mark  
7 this document as grand jury exhibit nine eight  
8 three.

9 (GJ-983 was marked for identification.)

10 BY MS. McCARTNEY:

11 Q. And at the same time, Cardinal, I'm going to ask  
12 that this be handed to you as well. This was marked  
13 yesterday as grand jury exhibit nine seven seven.

14 (Pause.)

15 Now, Cardinal, what I handed you, which is marked  
16 as grand jury nine eighty-three, that has a heading that  
17 says "Archdiocese of Philadelphia," and it's from the  
18 Office of the Chancery. It is directed to you, Archbishop  
19 Bevilacqua. It's from Monsignor Shoemaker, and the date  
20 of this document is May 3, 1988, and it is regarding  
21 Reverend Monsignor David E. Walls, Ph.D., and in  
22 parentheses, 1960, and that's the date of his ordination.

23 Is that right?

24 A. Yes.

25 Q. Okay. And on this document, it's a discussion

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2 about what had taken place at a personnel meeting which  
3 had been held on April 27 of 1988 in which you had said  
4 that you had wanted to see Monsignor Walls yourself.

5 And I'm going to ask specifically that you refer to  
6 the last paragraph of that document, and I'm going to read  
7 it, and I'd like you to say whether or not I've read it  
8 correctly.

9 It says: "I am enclosing the confidential  
10 memorandum from Saint Luke Institute regarding his case,  
11 and I respectfully note the recommendations which are  
12 summarized at the conclusion of the last page of this  
13 evaluation."

14 Did I read that paragraph correctly, Cardinal?

15 A. Yes.

16 Q. And on the document it has your acknowledgment that

17 you received that, because it says: "Thanks, your

18 initials "AJB" and a date of 5/4/88.

19 Is that right?

20 A. Yes.

21 Q. Okay. And your acknowledgment on the bottom which  
22 says: "Thanks," that would indicate that you had in fact  
23 reviewed that document.

24 Is that right?

25 A. Yes.

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2 Q. Okay. And looking back on to the last paragraph,  
3 Monsignor Shoemaker says that he enclosed with that  
4 memorandum that you're looking at, grand jury nine  
5 eighty-three, the Saint Luke's Institute report.

6 Is that right?

7 A. Yes.

8 Q. Okay. And I'm going to ask you to refer to what  
9 was marked yesterday as grand jury nine seven seven?

10 A. Can I read this, please.

11 Q. Sure.

12 A. The whole memorandum.

13 Q. Sure.

14 (Pause.)

15 A. Yes. You want to refer to this document?

16 Q. If you would, please, Cardinal, and I want you to

17 specifically refer to the page of this document which is

18 stamped 000946.

19 Do you see where I'm referring to?

20 A. Yes.

21 Q. Okay. And in this document, and I want to refer  
22 specifically to the third paragraph, and I want to start

23 reading where the sentence begins: "More recently in

24 1985."

25 Do you see where I'm referring to? About the



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2 middle of the paragraph.

3 A. Yes.

4 Q. Do you see that?

5 A. Yes.

6 Q. Okay. It says there: "More recently in 1985 and  
7 May of 1986, Father Walls noted that he did pursue a young  
8 woman, an adolescent, sexually and that he also was  
9 inappropriate in touching a young man. He is not aware of  
10 any abiding attraction of a sexual nature to young people.  
11 These individuals were adolescents, but were physically  
12 mature. He is not aware of any sexual interest in  
13 physically undeveloped children."

14 Is that what is written there?

15 A. Yes.

16 Q. So, Cardinal, is it fair to assume at this point in  
17 time, given the fact that you received the memo from  
18 Monsignor Shoemaker and enclosed within that memo was the  
19 Saint Luke's evaluation, that you were in fact aware in  
20 1988 that the allegations with regard to Monsignor Walls  
21 involved an adolescent?

22 A. Yes. As I said, I do not recall this.

23 Q. Okay. But it would be fair to conclude that in  
24 1988, not talking about what you remember today in 2003,  
25 but in 1988, you were in fact aware of the fact that the

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2 accuser was a adolescent, a minor?

3 A. That the accuser was an adolescent?

4 Q. Yes.

5 A. Yes, from this.

6 Q. And --

7 A. May I make a . . . in reading this, you'll have to  
8 remind me.

9 In reading this sentence, it speaks about he  
10 pursued a young woman and he also was inappropriately in  
11 touching a young man.

12 From this I cannot deduce that either one of these  
13 was the accuser. You said now, right now, that the  
14 accuser was an adolescent. This is referring to two  
15 people, but no names.

16 Q. Cardinal --

17 A. Am I --

18 Q. -- let me just refresh, if I may, the history with  
19 regard to Monsignor Walls, which I believe that we went  
20 over yesterday and that we were clear that the information  
21 had been conveyed to you.

22 There was an allegation of a young woman who wanted  
23 to remain anonymous, and the therapist of that young woman  
24 had come forward to Monsignor Shoemaker and said that  
25 Monsignor Walls had been inappropriately sexual with her

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2 and that she had reported it to her therapist and the  
3 therapist went and reported it to Monsignor Shoemaker.

4 That was the allegation that came in --

5 A. Yes.

6 Q. -- to the Office of the Chancery, in addition to  
7 which the therapist also reported to Monsignor Shoemaker  
8 that there was an adolescent male who had also been  
9 approached by Monsignor Walls.

10 Do you recall that?

11 A. Yes.

12 Q. Okay. So you're saying that even after when you  
13 read this document --

14 A. I said it was hard from this to deduce that it was  
15 the same person.

16 There seems to be a presumption of that, but these  
17 two refer to the ones that are in the allegation.

18 Q. Okay. But you had access to this document back in  
19 1988, and I can assume, Cardinal, that your memory of the  
20 events surrounding Monsignor Walls and the allegation  
21 would have certainly been much fresher in your mind when  
22 you received this memo from Monsignor Shoemaker in May  
23 1988 than they are today.

24 Would that be a fair assumption to make?

25 A. I think you could make that for that time.

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2 Q. And again, Cardinal, the recommendation from Saint  
3 Luke Institute specifically recommended that Monsignor  
4 Walls abstain from working with or mingling with youth or  
5 young adults in any unsupervised capacity; is that  
6 correct?

7 A. Yes.

8 Q. That's also recommendation number four on the Saint  
9 Luke Institute report; is that right?

10 A. Yes

11 (The witness conferred with his  
12 attorney.)

13 BY MS. MCCARTNEY:

14 Q. Now, we also spoke yesterday with regard to  
15 Monsignor Walls being given residence at Saint John  
16 Neumann in Bryn Mawr.

---

17 Do you recall that?

18 A. Yes.

19 Q. And we established yesterday that Monsignor Walls  
20 was allowed to remain in residence without an assignment,  
21 but in residence at Saint John Neumann's for fourteen  
22 years.

23 Do you recall that?

24 A. Yes.

25 Q. Okay. And we also talked about the fact that while

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2 Monsignor Walls was there, the pastor of Saint John  
3 Neumann, Monsignor Meehan, was concerned with regard to  
4 what his responsibility was vis-a-vis Monsignor Walls and  
5 what if any restrictions were on Monsignor Walls as he was  
6 in residence there.

7 Do you recall that testimony?

8 (The witness conferred with his  
9 attorney.)

10 THE WITNESS: May I talk to my lawyer.

11 MS. McCARTNEY: Sure.

12 (The witness conferred with his  
13 attorney.)

14 BY MS. McCARTNEY:

15 Q. Did you have the opportunity to consult with your  
16 attorney --

---

17 A. Yes.

18 Q. -- Cardinal?

19 A. Thank you.

20 Q. Now, we were speaking yesterday about Monsignor  
21 Meehan's request of you and someone from the Chancery  
22 office defining his role with regard to Monsignor Walls.

23 Do you recall that testimony from yesterday,  
24 Cardinal?

25 A. Yes.

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2 Q. Okay. I'm going to ask at this point that you be  
3 shown a document which I'll mark as grand jury exhibit  
4 nine eighty-four.

5 (GJ-984 was marked for identification.)

6 BY MS. MCCARTNEY:

7 Q. And looking at the first page of that, I just -- I  
8 left it open to the page that I'm ultimately going to  
9 direct you to, but at the first page of this document,  
10 it's a heading of the Archdiocese of Philadelphia, Office  
11 of the Vicar for Delaware County, and it's a memorandum,  
12 and it's to Reverend James E. Molloy from Reverend Francis  
13 A. Menna. Date is November 2, 1990, and it's regarding  
14 Monsignor David E Walls.

15 Is that how that --

16 A. Yes.

17 Q. -- heading reads?

18 A. Yes.

19 Q. Now, Cardinal, in 1990, Reverend Molloy was the  
20 Assistant Vicar in the Archdiocese of Philadelphia?

21 A. Vicar for Administration.

22 Q. The Assistant Vicar for Administration?

23 A. Yes.

24 Q. He would have been directly under Monsignor Cullen,  
25 who would have been directly under you; is that right?

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2 A. Yes.

3 Q. Okay. And Father Menna was the Vicar for Delaware  
4 County; is that right?

5 A. Yes.

6 Q. Okay. And for the record, Saint John Neumann's,  
7 which is located in Bryn Mawr, would have been part of the  
8 vicariate of Delaware County; is that correct?

9 A. Yes.

10 Q. Now, reading what is contained in this document,  
11 the first paragraph says: "Enclosed are copies of  
12 correspondence and a file memorandum sent to me by  
13 Monsignor James Meehan, the pastor of Saint John Neumann  
14 Church in Bryn Mawr, which are self-explanatory."

15 Do you see where I'm reading from, Cardinal?

16 A. Yes.

17 Q. And then as you flip through this document, there  
18 are a series of letters, all of which are authored by  
19 Monsignor Meehan, who's the pastor of Saint John Neumann;  
20 is that correct?

21 A. Yes.

22 Q. Okay. Now, I want to specifically direct your  
23 attention to the letter that is dated October 25, 1990,  
24 and it is on Saint John Neumann letterhead, and it begins  
25 with: "Dear Frank," and again, "Dear Frank" is who

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2 Monsignor Meehan is writing to, would be Francis A.

3 Meehan, the Vicar for Delaware County?

4 MR. SPADE: Menna.

5 MS. McCARTNEY: Menna. I'm sorry.

6 BY MS. McCARTNEY:

7 Q. The Vicar for Delaware County, correct?

8 A. Yes.

9 Q. Now, if you could flip to the last page of that  
10 document, under "B," do you see where I'm referring to?  
11 It's stamped 000874.

12 A. Yes.

13 Q. And under "B" it says: "I have no idea to whom  
14 Dave is accountable."

15 Do you see where?

16 A. Yes.

17 Q. Okay. And we can assume that Dave is referring to  
18 David Walls --

19 A. Yes.

20 Q. -- is that right?

21 Now, where it's under or beside where it says "D,"  
22 it says: "I make a strong request," and then in  
23 parentheses, "as strong as the boundaries of respect  
24 allow," end of parentheses, "for a legal document from a  
25 diocesan lawyer describing my liabilities. I am aware



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2 that pastors have been included in suits brought against  
3 the Church."

4 Did I read that correctly?

5 A. Yes.

6 Q. Okay. Now, the next page of that, there's a P.S.  
7 You see where I'm referring to, Cardinal?

8 A. Yes.

9 Q. Now, it says on this: "P.S. John Jagodzinski,"  
10 and for the record, John Jagodzinski was the Secretary for  
11 Clergy at this time, correct --

12 A. Yes.

13 Q. -- in 1990?

14 "John Jagodzinski sent much of this information to  
15 the Archbishop prior to his visit here on October 1. I  
16 thought we would have a good discussion. However, he  
17 interviewed Ed Klein and Dave Walls in the rectory and  
18 told me he would interview me as I drove him around to  
19 visit the sick. It wasn't a good setting. He asked about  
20 Dave Walls, and I told him I felt I was sitting on a keg  
21 of dynamite as we arrived at one of the homes. The  
22 Archbishop's response, as best I can recall it, was" --  
23 and this is in quotes -- "'These problems are serious, and  
24 we cannot handle them as they were handled in the past,'"  
25 end quote. "He said no more. Given all the efforts I had

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2 made for help in this matter, I did not pursue the subject  
3 further. Maybe I gave up too easily. I have no problem  
4 with the needs of compassion. On the other hand, I cannot  
5 accept responsibility for any decisions made in regard to  
6 Dave Walls."

7 And then P.S. number two reads: "Frank, I cannot  
8 ask too strongly, but always within the bounds of respect,  
9 that any reply to the concerns of this letter be put in  
10 writing. Already I am plagued in this whole matter by who  
11 said what and when. I think it is too serious to depend  
12 on the limits of human memory."

13 Did I read that correctly, Cardinal?

14 A. Yes.

15 Q. Okay. Do you recall that conversation with  
16 Monsignor Meehan in which he asked for direction with

---

17 regard to Monsignor Walls when you visited at Saint John  
18 Neumann?

19 A. I do not.

20 Q. Okay. Do you recall visiting Saint John Neumann?

21 A. I visited so many of the parishes. I presume I did  
22 since he said so.

23 Q. Okay. And the letter that we were referring to is  
24 dated October 25, and according to Monsignor Meehan, the  
25 visit that you had made to Saint John Neumann where you

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2 had this conversation was October 1.

3 So we can assume that it was close in time to when  
4 he authored the letter, so his memory would have been  
5 fairly good?

6 A. I have to presume that.

7 Q. Okay. And as we established yesterday, Cardinal,  
8 to the best of your knowledge, nothing was done to clarify  
9 the situation with regard to Monsignor Walls at Saint John  
10 Neumann and he was allowed to remain in residence there  
11 for fourteen years; is that correct?

12 A. I -- may I say that I -- these are all the records.  
13 I don't see that. But these records and the concern of  
14 Monsignor Meehan are dated in 1990, where he asked for  
15 help. But after that, I don't know what happened.

16 There seems to be no further concern on the part of  
17 Monsignor Meehan. It is a possibility that further  
18 direction was given to him verbally in some way. So I'm  
19 not aware of anything happening after that of concern by  
20 Monsignor Meehan.

21 Q. Cardinal, the packet of documents that I showed  
22 you, just for the record, established that letters were  
23 written by Monsignor Meehan from 1988 through 1990; is  
24 that right?

25 A. Yes.

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2 Q. And in the letter that I just referred to,  
3 Monsignor Meehan asked for the clarification that he was  
4 seeking and he asked that it be put in writing; is that  
5 right?

6 A. Yes.

7 Q. And do you have any documents that establish that  
8 there was anything in writing sent to Monsignor Meehan  
9 that would establish what his responsibilities, if any,  
10 were towards Monsignor Walls?

11 A. I have no knowledge of that, no recollection.

12 Q. And do you know whether or not the Archdiocese has  
13 any documents?

14 A. I don't. No, I don't know.

15 Q. If there is documents that exist that were not  
16 contained within the secret archive file that was provided  
17 pursuant to the subpoena to our office, the secret archive  
18 file of David Walls, that would reflect that there was a  
19 clarification to Monsignor Meehan, that is not contained  
20 in the secret archive file as it was provided to us, I  
21 would ask that you would look for them and provide them to  
22 him if they in fact exist.

23 Could you do that, in fact, for us, Cardinal?

24 THE WITNESS: Could you do that?

25 MR. HODGSON: Yes.

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2 THE WITNESS: Yes.

3 BY MS. MCCARTNEY:

4 Q. But what is established on the record is the fact  
5 that we know that Monsignor Walls stayed at Saint John  
6 Neumann till 2002?

7 A. Yes.

8 Q. And he continued to say Mass there?

9 A. Again, as was seen in some of the documentation you  
10 gave me yesterday, as a resident, he would be allowed to  
11 say Mass.

12 Q. And he would be allowed to hear confessions?

13 A. Confessions, but as indicated, and it's hard for me  
14 to elaborate on it, it seems that Monsignor Meehan said  
15 that he was very, very rarely there. So I don't know the  
16 extent of his functions there in actuality.

17 ~~Q. Except to know that he was saying Mass and hearing~~  
18 confession based upon the documents that we have?

19 A. That was allowed, to do that.

20 Q. Cardinal, in retrospect, knowing what you know now  
21 in 2003, do you think it was a mistake to leave Monsignor  
22 Walls in the situation he was in at Saint John Neumann for  
23 fourteen years?

24 A. That's very hard to say. Very hard for me to  
25 answer that. He . . . he was assigned there because we

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2 were trying to comply, you know, with the Saint Luke's  
3 recommendations here.

4 Q. Cardinal, we've already been through the Saint  
5 Luke's recommendations, one of which said he not be  
6 allowed to mingle with youth or young adults.

7 That was their recommendation, correct?

8 A. Right, but there's no evidence that he did mingle  
9 with youth and young adults.

10 Q. Pardon?

11 A. I said there's no evidence that he did do that. He  
12 lived in a rectory.

13 Q. But as we've already established, Cardinal, and I  
14 don't want to go back over what we did yesterday, but he  
15 was allowed to say Mass and you are fully aware of the  
16 fact that during the course of saying a Mass and preparing  
~~17 for the Mass, there are altar boys that help the priest in~~  
18 both the preparation and the completion of the Mass,  
19 correct?

20 A. Ordinarily, yes.

21 Q. And that most of the altar boys are adolescent boys  
22 generally from grade seven through nine or ten; is that  
23 right?

24 A. Yes.

25 Q. And also the fact that an individual within the

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2 Catholic Church makes their sacrament of penance sometime  
3 after the second grade; is that right?

4 A. Yes.

5 Q. And that as a practicing Catholic, there are  
6 obligations with regard to how often one would have to go  
7 to confession during the course of a year; is that right?

8 A. The obligation's once a year.

9 Q. And --

10 A. If. If.

11 Q. I'm sorry?

12 A. Not even that necessarily.

13 Q. And that there is a school located on the property  
14 of Saint John Neumann and that, as a Catholic school, the  
15 classes are brought over on a somewhat regular basis to  
16 have confession heard during school day?

17 ~~A. I don't know if they did it at that time.~~

18 Q. Okay. But you're aware that that practice does  
19 exist?

20 A. Not in all places. Certainly not -- not in recent  
21 years. You know, it was not a regular practice in all  
22 parishes.

23 Q. Okay. And that normally the priests that hear the  
24 confessions of the schoolchildren would be the parish  
25 priest; is that right?

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2 A. Yes. But he was not a parish priest.

3 Q. Well . . .

4 A. And his functions were very limited as a resident.

5 Q. Well, Cardinal, they were limited if they were --  
6 they were limited in his ability to say Mass and his  
7 ability to hear confessions, and one of the documents that  
8 was shown to you yesterday also indicated that when  
9 Monsignor Meehan was not there, he would take over for  
10 Monsignor Meehan; he would assume his responsibilities  
11 within the parish?

12 A. I don't know the extent of that, because I  
13 mentioned yesterday also Monsignor Meehan was saying he  
14 was very rarely there, that he -- after the morning, he  
15 would be gone till ten, eleven at night, and he rarely,  
16 very rarely, saw him, very rarely had dinner with him,  
17 which also indicated that he was out a great deal.

18 I have to add here --

19 Q. I'm sorry. Go ahead.

20 A. -- that in looking at this testimony, this document  
21 here from Saint Luke's, may I be allowed to say this, that  
22 there is no indication in here that he's been diagnosed as  
23 a pedophile. Otherwise, he would never have been allowed  
24 to go there.

25 He would never have been -- it would never be



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2 recommended that he could function providing he abstain  
3 from working with or mingling with youth or young adults.  
4 So there's no diagnosis that he has the sickness of  
5 pedophilia or ephebophilia.

6 Q. Cardinal, referring back --

7 A. Horrible as any act. Don't misunderstand me. But  
8 we're not talking here with someone who has been diagnosed  
9 with that disease and therefore has the addiction.

10 Q. But just so we're clear, Cardinal, we are talking  
11 about someone who is accused of a sexual assault with an  
12 adolescent and an individual who, pursuant to the Saint  
13 Luke's evaluation, acknowledged that they had in fact  
14 engaged in that conduct.

15 That is true, correct?

16 A. I -- may I ask for an explanation of a paragraph  
~~17 you read to me before.~~

18 In that paragraph on 0946 -- excuse me, it says  
19 here -- forgive me -- "noted that he did pursue a young  
20 woman, an adolescent, sexually."

21 I never heard that expression. Could you clarify  
22 what that means, to pursue sexually.

23 Q. Well, let me ask you a question, Cardinal, because  
24 I don't know.

25 Based upon this document -- I mean, I can't give

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2 you a definition of what that means, but I'm going to ask  
3 you if you had a question as to what that meant, you  
4 received this document in 1988, two months after these  
5 allegations had been brought against Monsignor Walls, did  
6 you yourself or did you direct anybody on your staff to  
7 call Saint Luke's Institute and say: I need some  
8 clarification as to what's contained in this document  
9 because I'm confused? Did you do that Cardinal?

10 A. I don't recall.

11 Q. Do you think that if you had that question at that  
12 time, that that might have been somewhat prudent on your  
13 part to ask it, if you thought that was a question?

14 A. That someone in the Clergy office, perhaps they  
15 should have.

16 ~~Q. Okay. But you received this document. You~~  
17 yourself received and reviewed this document pursuant to  
18 the document which we just had marked as the memo from  
19 Monsignor Shoemaker, grand jury nine eighty-three.

20 Do you recall doing that or asking anybody else to  
21 do that?

22 A. I don't recall that.

23 Q. Did you at that point in time when you read that  
24 document, did you go back to Monsignor Shoemaker and say:  
25 I need you to be a little bit more clear?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 If you in fact had a question in your mind as to  
3 what the extent of the allegation was, did you go back --

4 A. I don't recall doing that.

5 Q. Did you ask at any point in time for the therapist  
6 who had come before Monsignor Shoemaker to lodge the  
7 report?

8 Did you say: You know what? I want to speak with  
9 that person, because I want to know a few more details  
10 about what Monsignor Walls is being accused of?

11 Do you recall doing that or directing anybody to do  
12 that, Cardinal?

13 A. I do not recall.

14 Q. And at that point in time, you had all of that  
15 ability to do those things if in fact those questions  
16 existed in your mind; is that right?

---

17 A. Yes.

18 Q. Did you at any point in time you made the  
19 distinction of his not being diagnosed as a pedophilia or  
20 an ephebophilia, did you at any point in time go to Saint  
21 Luke's Institute and ask them exactly what tests and  
22 evaluation process they were making an individual accused  
23 of sexual abuse undergo?

24 Did you do that?

25 A. It was not necessary since it's a reputable

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 institute. If he was a pedophile, they would have stated  
3 it.

4 Q. Do you know, Cardinal, or did you know at the time  
5 whether or not Saint Luke's Institute had any forensic  
6 sexual abuse evaluators on their staff that specifically  
7 dealt in that particular area?

8 A. That was not my responsibility to know those  
9 things.

10 Q. You indicated that you didn't need to pursue these  
11 things because Saint Luke's Institute was a reputable  
12 place; is that right?

13 A. That's my understanding.

14 Q. And your understanding of that came from -- what  
15 information did you have available to you to make that  
16 decision?

---

17 A. It was known that it was a reputable institute.

18 Q. Were you aware that there were hospitals and  
19 centers located throughout the country that had other  
20 tests available or additional tests that were available to  
21 individuals that were accused of sexual abuse that were  
22 not being implemented by Saint Luke's Institute?

23 A. I was not aware.

24 Q. Did you at any point in time ask anybody on your  
25 staff to research whether or not there were other

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 institutions that were using testing that was different  
3 than the testing utilized by Saint Luke's or Saint John's?

4 A. No. I must presume that this was a reputable  
5 institute. It wasn't necessary to search for others.

6 Q. Cardinal, let's speak for a moment, if we can  
7 again.

8 You became Archbishop of Philadelphia and you were  
9 installed in that position in February of 1988; is that  
10 right?

11 A. Yes.

12 Q. Now, soon after you became Archbishop of  
13 Philadelphia, you took from the Archdiocese of  
14 Philadelphia a priest by the name of Father John Connor.

15 Do you recall that?

16 A. Excuse me. From where? Would you repeat the  
17 question.

18 Q. From the Diocese of Pittsburgh?

19 A. Right. Yes.

20 Q. Okay. Now, speaking about Father Connor --

21 MR. HODGSON: Excuse me.

22 (The witness conferred with his  
23 attorney.)

24 THE WITNESS: I misunderstood  
25 something.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MS. McCARTNEY: I'm sorry.

3 THE WITNESS: Could you repeat the  
4 whole question.

5 BY MS. McCARTNEY:

6 Q. Cardinal, if any at any point in time you don't  
7 understand my question I'll be happy to try to repeat it.

8 A. Thank you.

9 Q. Soon after you came to Philadelphia in February of  
10 1988, a priest was transferred to the Archdiocese of  
11 Philadelphia from the Diocese of Pittsburgh by the name of  
12 Father John Connor.

13 A. Yes.

14 Q. Do you recall that?

15 A. Yes. I don't know how soon it was after, but I  
16 remember that.

---

17 Q. All right. Now, let's talk about Father Connor for  
18 a moment.

19 You recall who he was; is that right?

20 A. Yes.

21 Q. Father Connor was originally ordained in the  
22 Diocese of Camden; is that correct?

23 A. Yes.

24 Q. Does that comport with your recollection?

25 A. Yes.

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2 Q. And in 1984, Father Connor sexually assaulted a  
3 fourteen year old boy who at the time was a freshman at  
4 the school where Father Connor taught, and the allegations  
5 involved Father Connor taking the boy to Cape May, giving  
6 him beer and then sexually assaulting him, and the conduct  
7 that was described in the assault was mutual masturbation.

8 Do you recall those facts with regard to Father  
9 Connor?

10 A. I do not.

11 Q. Okay. Father Connor ultimately in Camden admitted  
12 to that conduct and was placed in a pretrial diversion  
13 program in New Jersey.

14 You were aware of that, correct?

15 A. No. I have no recollection of that at all.

16 Q. Father Connor was as a result of that conduct and a  
17 result of that admission, he was sent to Southdown, which  
18 is a treatment center; is that right?

19 A. Going to Southdown was something I think I read  
20 about a year ago when this sex scandal broke. It was in  
21 the paper, but at the time, I did not know. I did not  
22 recall anything of that.

23 Q. Okay. Well, let me see whether I can refresh any  
24 of your recollection with regard to Father Connor.

25 You at the time in 1984, that was when you were

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2 Bishop of Pittsburgh; is that right?

3 A. Yes.

4 Q. And soon after Father Connor was sent to Southdown,  
5 the Bishop of the Camden Diocese, that would have been  
6 Bishop George H. Guilfoyle, G-U-I-L-F-O-Y-L-E, that he was  
7 Bishop of Camden; is that right?

8 A. That is correct.

9 Q. Okay. And Bishop Guilfoyle would not allow at that  
10 time Father Connor to come back and practice as a priest  
11 within the Diocese of Camden; is that right?

12 A. I don't know.

13 Q. Okay.

14 A. I mean, my recollection. I have no recollection of  
15 that.

16 Q. Okay. Bishop Guilfoyle, began to search around for  
17 a place where Father Connor might be able to be placed,  
18 and one of the areas that he looked at was Baltimore and  
19 one of the areas that he looked at was the Diocese of  
20 Pittsburgh.

21 Do you recall that?

22 A. Not your statement about Baltimore.

23 Q. Okay. The Diocese of Baltimore refused to take  
24 Father Connor unless the Diocese of Camden provided an  
25 indemnity agreement to them.



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2 Do you know what an indemnity agreement is,  
3 Cardinal?

4 A. I just can imagine what it is. It's some kind of  
5 payment in case of liability. I'm not sure.

6 Q. The Diocese of -- you're correct.

7 The Diocese of Baltimore would not take Father  
8 Connor because they had concerns that if something  
9 happened while he was in Baltimore, that they would be  
10 liable, and so the indemnity agreement would have  
11 continued to make the Diocese of Camden liable for Father  
12 Connor?

13 A. I am not aware of that.

14 Q. Okay. You as the Bishop of Pittsburgh agreed to  
15 take Father Connor into the Diocese of Pittsburgh.

16 Do you recall doing that?

---

17 A. Yes.

18 Q. And prior to doing that, you were given in your  
19 capacity as Bishop of Pittsburgh the evaluation from  
20 Southdown that Father Connor had.

21 Do you recall that?

22 A. No.

23 Q. All right. I'm going to show you and mark -- I'll  
24 mark this document grand jury nine eighty-five.

25 (GJ-985 was marked for identification.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (Pause.)

3 THE WITNESS: I have read this.

4 BY MS. MCCARTNEY:

5 Q. Okay. This is the evaluation that was done or the  
6 recommendations from Southdown -- which is located in  
7 Canada; is that correct, Cardinal?

8 A. Yes.

9 Q. And this is dated September 3, 1985; is that right?

10 A. Yes.

11 Q. And it is a letter which is written to The Most  
12 Reverend George H. Guilfoyle, Bishop of Camden, Camden  
13 Diocesan Center, P.O. Box 709, Camden, New Jersey, 08101.

14 Is that what it says?

15 A. Yes.

16 Q. And it's regarding Reverend John Connor, correct?

17 A. Yes.

18 Q. And the first paragraph of that document reads:

19 "At your suggestion, I am directing this report to  
20 yourself as part of the effort to seek an assignment for  
21 Jack in the Diocese of Pittsburgh."

22 Is that what it says?

23 A. Yes.

24 Q. "As reported last to you on August 19, Jack  
25 continues to do very well in the program. In fact, his

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2 progress is such that we are supporting his departure at  
3 the end of September. The following points may be of  
4 assistance in your conversation with Bishop Bevilacqua.

5 "Number one, the staff at Southdown does not  
6 believe that Jack is a primary pedophile but rather  
7 someone who, under the circumstances of extreme loneliness  
8 and excessive use of alcohol, acts out sexually with some  
9 preference for late adolescent males. However, in  
10 general, his sexual drive is not outside the normal range  
11 and can be easily controlled if he does abstain from  
12 alcohol and leads a life of normal involvement with fellow  
13 priests and with adult laity. However, because of the  
14 incident for which he was apprehended, we would not  
15 recommend any ministry that would directly put him in a  
16 position of responsibility for adolescents such as a  
17 teaching situation."

18 Did I read at that correctly, Cardinal?

19 A. Yes.

20 Q. Now, after that information was conveyed to you,  
21 you in fact accepted him into the Diocese of Pittsburgh;  
22 is that right?

23 A. One moment, please.

24 Q. Sure.

25 A. The sentence, second paragraph, says: "The

1 ANTHONY JOSEPH CARDINAL BEVILACQUA  
2 following points may be of assistance in your conversation  
3 with Bishop Bevilacqua."

4 I'm presuming from this he received this before he  
5 even called me.

6 Q. Well, Cardinal, what --

7 A. I have no recollection of this, receiving this.  
8 None whatsoever.

9 Q. Do you recall talking to the bishop?

10 A. Yes, I do.

11 Q. Okay. Do you recall what the content of the  
12 conversation was with regard to Father Connor?

13 A. Substantially, it was -- I remember his call.

14 Bishop Guilfoyle was a friend of mine, in which he  
15 asked if I would take this priest. He was concerned  
16 about, my recollection, possible publicity in the Diocese

---

17 of Camden, and he said he committed on the -- my  
18 recollection's a vague recollection -- under alcohol a  
19 sexual act. I have absolutely no memory that he said  
20 anything about it being with a minor.

21 Q. Cardinal, you get a call from a bishop in  
22 Pittsburgh that says --

23 MS. COX: Camden.

24 MS. McCARTNEY: I'm sorry.

25

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2 BY MS. MCCARTNEY:

3 Q. A bishop in Camden that says: I'd like you to take  
4 a priest that I can no longer have in my diocese to your  
5 diocese because there was an incident involving alcohol  
6 and sex or --

7 A. Yes.

8 Q. Okay.

9 A. And my recollection is that it was one act, and I  
10 cannot be specific about my memory. I'm just thinking  
11 that he thought -- I thought he said, but I can't  
12 recollect it well, that it was an act of homosexuality or  
13 possibly even heterosexuality, but there was -- in my  
14 memory, there is nothing that links it with a minor.

15 Q. Cardinal, surely if that conversation had taken  
16 place, in that consistent with your memory, you would have  
17 ~~asked follow-up questions with regard to the extent of the~~  
18 act and what the details of the act were?

19 A. No.

20 Q. You wouldn't have done that?

21 A. Not ordinarily. I just say because he kept -- what  
22 I remember him saying, he says he's positive he was a very  
23 good priest and he was positive that it would probably  
24 never happen again.

25 Q. Positive it would probably never happen again?

1

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2

A. He felt it would never happen again. That's my

3

memory of it. He was very -- and I presumed it was based

4

on some kind of, you know, report of why he said that.

5

Q. So you're saying that you never asked for the

6

details.

7

Did you find out that Father Connor had been

8

arrested?

9

A. No, I did not.

10

Q. Did you find out?

11

A. I don't recall any of that.

12

Q. And you don't recall that the bishop shared with

13

you the information that the person that was assaulted in

14

the case that got Father Connor arrested was a fourteen

15

year old freshman in high school?

16

A. I have absolutely no recollection that.

~~17~~~~Q. Did he tell you that the incident occurred with a~~

18

~~student that he taught because Father Connor had been~~

19

~~assigned as a teacher in a high school?~~

20

A. I have no recollection of that.

21

Q. And you didn't ask any of those questions? That's

22

what your recollection is, Cardinal?

23

A. My recollection is I did not.

24

Q. And can you tell us why you wouldn't have asked any

25

of those questions? This year is 1985. This is the same

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2 year that the Gauthe case broke nationally, and there was  
3 a tremendous amount of publicity with regard to sexual  
4 abuse of minors.

5 A. Because I trusted Bishop Guilfoyle.

6 Q. Do you think that your trust -- if it is in fact  
7 true that that information was never conveyed to you, do  
8 you still have that same trust in the bishop?

9 A. He told me -- I have to say that he -- I have to  
10 presume he told me what he thought was necessary.

11 Q. Is Bishop Guilfoyle still alive, Cardinal, to the  
12 best of your knowledge?

13 A. He's not alive.

14 MS. McCARTNEY: I'm going to mark this  
15 document as grand jury exhibit number nine  
16 eighty-six.

---

17 (GJ-986 was marked for identification.)

18 (Pause.)

19 BY MS. McCARTNEY:

20 Q. Have you had the opportunity to review that  
21 document, Cardinal?

22 A. Yes.

23 Q. Let me ask you before we get to that.

24 Would you consider it common for bishops to  
25 misrepresent things to one another?

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2 A. No.

3 Q. Have you ever misrepresented anything to another  
4 bishop?

5 A. No.

6 Q. Would you agree that if Bishop Guilfoyle didn't in  
7 fact share with you the details which were true with  
8 regard to Father Connor when he asked you to take him to  
9 the Diocese in Pittsburgh, would that have been a  
10 misrepresentation?

11 A. Would you repeat it again, please.

12 Q. Sure. If in fact Bishop Guilfoyle did not share  
13 with you the information about Father Connor and he asked  
14 you to take him because he was a good priest who had one  
15 incident involving alcohol, would you consider that to be  
16 a misrepresentation of facts?

17 ~~A. I believed at the time, my recollection. I have no~~  
18 recollection of him describing all the details, that my  
19 recollection is he gave me sufficient information that  
20 indicated that he wanted help in accepting him, and I felt  
21 that that information, my recollection, was sufficient. I  
22 cannot remember any of the details.

23 Q. So he could have told you that the incident  
24 involved a freshman in high school or fourteen year old  
25 boy?



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2 A. I said I have no recollection of any details.

3 Q. But so you're saying that it's possible that he  
4 could have told you that or that you just don't recall  
5 now?

6 A. I don't recall any details of what he told me.

7 Q. Do you recall whether or not he told you that  
8 Father Connor was -- it was recommended that Father Connor  
9 not have any contact with adolescents?

10 A. I have no recollection of that.

11 Q. Cardinal, when this conversation came in to you as  
12 acting bishop of -- as Bishop of Pittsburgh, again,  
13 obviously, you were extremely concerned with the welfare  
14 of children in the Diocese of Pittsburgh just as you are  
15 in the Archdiocese of Philadelphia; is that right?

16 A. That is right.

~~17 Q. And so you would have been extremely concerned with~~  
18 regard to whether or not you were allowing an assignment  
19 for a priest that had a previous history that may have  
20 involved sexual contact with minors?

21 A. Yes.

22 Q. Obviously, that was something that would have been  
23 of great concern to you?

24 A. Yes.

25 Q. And having had this call come in to you from the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Bishop of Camden and part of the information that was  
3 conveyed to you was that he had been evaluated by  
4 Southdown?

5 A. I don't recall him telling me that.

6 Q. You don't recall him telling you that?

7 A. No.

8 Q. Well, Cardinal, what did you think -- I mean,  
9 clearly, you must have assumed that there was a  
10 significant problem with regard to Father Connor if he  
11 couldn't continue to act as a priest within the Diocese of  
12 Camden?

13 A. I remember Bishop Guilfoyle telling me that he was  
14 concerned about the adverse publicity.

15 Q. Well, did you ask -- I mean, it would have been in  
16 the normal course?

17 A. As I indicated before, my memory is I thought it  
18 involved an act of homosexuality or possibly of  
19 heterosexuality with an adult woman. That's my vague. I  
20 don't know why, but that's what always remained in my  
21 memory.

22 Q. Well, that's what remains in your memory today, and  
23 you don't know why you have that vague memory of it, of  
24 why you think it was a heterosexual act with an adult or  
25 homosexual act with an adult?

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2 A. That's hard for me to explain, the why I have that  
3 memory. That's the memory I have.

4 Q. Well, let me ask you this question, Cardinal. I'm  
5 going to ask you to look at the document which I had  
6 marked as grand jury exhibit nine eighty-six, and this is  
7 a memorandum which is -- the heading of this, it says:  
8 "Camden Diocesan Center."

9 You see where I'm referring to?

10 A. Yes.

11 Q. And it's dated September 12, 1988; is that correct?

12 A. Yes.

13 Q. And it's a memorandum, and it's to Monsignor  
14 Pokusa, P-O-K-U-S-A, and it's from Bishop Guilfoyle, and  
15 it's regarding Father John P. Connor; is that correct?

16 A. Yes.

---

17 Q. And the body of that document reads: "Father  
18 Connor has been assigned as an associate pastor of Saint  
19 Matthew Church, Conshohocken, PA, effective October 1  
20 1988. Archbishop Bevilacqua called to tell me of this  
21 last week. Certainly no one knows more than Archbishop  
22 Bevilacqua about Father Connor's background over these  
23 past several years."

24 Do you see that? Did I read that correctly,  
25 Cardinal?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. And this is a document which is authored by the  
4 Bishop of Camden, correct?

5 A. Yes.

6 Q. And can we assume that the Bishop of Camden was  
7 being truthful when he authored this document which  
8 indicates that no one knows better than you what Father  
9 Connor's background is?

10 A. All I can say is I have no memory of his  
11 background, and it's very hard for me to accept fully what  
12 is said in that memorandum.

13 From my knowledge, I have no recollection of having  
14 a full background of Father Connor.

15 Q. Well, certainly --

16 A. It may be a presumption on his part.

~~17 Q. You think it's a presumption on Bishop Guilfoyle's~~  
18 part when he writes: "Certainly no one knows more than  
19 Archbishop Bevilacqua about Father Connor's background  
20 over these past several years." You think that he's just  
21 presuming that you knew about it?

22 A. That's all I can presume.

23 Q. Let me show you another document, if I may,  
24 Cardinal, and this is marked grand jury exhibit nine  
25 eighty-seven.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (GJ-987 was marked for identification.)

3 (Pause.)

4 (The witness conferred with his

5 attorney.)

6 MS. McCARTNEY: I'm going to mark this

7 grand jury nine eight eight.

8 (GJ-988 was marked for identification.)

9 (The witness conferred with his

10 attorney.)

11 BY MS. McCARTNEY:

12 Q. Cardinal, have you had the opportunity to review  
13 the document that has been marked as grand jury exhibit  
14 nine eighty-eight?

15 A. Yes, I have read this one. I haven't read the  
16 other one.

17 Q. ~~Okay. We'll talk about nine eighty-eight first, if~~

18 we may. Nine eighty-eight is Office of the Bishop,

19 Diocese of Pittsburgh; is that correct?

20 A. Yes.

21 Q. And it's a memorandum, and it's to Bishop  
22 Bevilacqua from Father Dattilo, D-A-T-T-I-L-O?

23 A. Yes.

24 Q. Date of September 11, 1988, and it's regarding.

25 MR. SPADE: '85.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MS. McCARTNEY: '85. I'm sorry.

3 BY MS. McCARTNEY:

4 Q. September 11, 1985, and it's regarding Bishop  
5 Guilfoyle's request.

6 Is that what the heading says, Cardinal?

7 A. Yes.

8 Q. Now, Father Dattilo, who was he in the Diocese of  
9 Pittsburgh?

10 A. I think at the time he was in charge of the clergy.

11 Q. In charge of the clergy?

12 A. Yes.

13 Q. So that position would have been comparable to our  
14 Secretary of the Clergy in Philadelphia?

15 A. I'm fairly sure he was at that time.

16 Q. Okay. And based upon a review of this document, it

17 appears as if Father Dattilo was asking, was saying that  
18 you need more information before you can make a decision  
19 with regard to accepting Father Connor within the Diocese  
20 of Pittsburgh; is that correct?

21 A. (No response.)

22 Q. Well, let me --

23 A. He's asking questions, but ultimately, he's asking,  
24 you know, whether there's a risk or not.

25 Q. Right. This memo, this document was directed to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 your attention --

3 A. Yes.

4 Q. -- correct?

5 A. Yes.

6 Q. And it says: "Bishop Guilfoyle's letter requesting  
7 temporary or permanent assignment in the Diocese of  
8 Pittsburgh for Father John Connor does not indicate the  
9 nature of Father Connor's problem. We need more  
10 information."

11 Is that right?

12 A. Yes.

13 Q. And it says: "I have several concerns and  
14 questions about the request"?

15 A. I read that.

16 Q. Okay. If you look at number three, it says: "Can  
17 we trust the evaluation of Southdown, i.e., no basic or  
18 lasting problem? I seem to remember you telling Father  
19 Bober and me that you have reservations about Southdown."

20 Did I read that correctly?

21 A. Yes.

22 Q. Okay. So basically, can we assume from that  
23 sentence, "Can we trust the evaluation of Southdown," it  
24 would be a fair inference from that sentence that the  
25 evaluation from Southdown was made available to you or

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 your staff in the Diocese of Pittsburgh?

3 Would that be a fair assumption based upon that  
4 sentence, Cardinal?

5 (The witness conferred with his  
6 attorney.)

7 THE WITNESS: Can I speak to my lawyer  
8 a minute.

9 MS. McCARTNEY: Yes.

10 (The witness conferred with his  
11 attorney.)

12 THE WITNESS: May you repeat the  
13 question.

14 BY MS. McCARTNEY:

15 Q. Just for the record, have you had the opportunity  
16 to confer with your lawyer?

17 A. Yes.

18 Q. Okay. My question was: Based upon the sentence  
19 "Can we trust the evaluation of Southdown, i.e., no basic  
20 or lasting problem?" that the inference that we can draw  
21 from that sentence was that the evaluation of Southdown  
22 was made available to you and/or your staff in the Diocese  
23 of Pittsburgh?

24 A. I have to say not necessarily.

25 Q. Can you explain why you say not necessarily,



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Cardinal?

3 A. When you read what it says there, "Can we trust the  
4 evaluation of Southdown, no basic or lasting problem?" I  
5 don't know if that came from another source.

6 Q. What do you mean another source?

7 A. I don't know if whether the Office for the Clergy  
8 there, the equivalent Office of the Clergy, was in  
9 communication with Camden. That could be a possible other  
10 source.

11 Something like this is handled by the Clergy  
12 office, so I don't know what their dealings are with  
13 Camden.

14 Q. But, Cardinal, this is not an everyday request that  
15 you get from one bishop who says: I can't have this  
16 person in my diocese anymore. Can you please take him

---

17 into yours. You would consider that to be somewhat of an  
18 unusual request, right?

19 A. It's not common.

20 Q. It's not common. And because it's not common, then  
21 it probably demands and requires and gets a little extra  
22 attention than what would normally be given to a  
23 situation. Would that be fair?

24 A. Yes, but what I do not know is when a request like  
25 this comes in, the normal procedure is you hand it over to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the clergy department, Clergy office.

3 I don't know whether Bishop Dattilo was in  
4 communication with -- by phone or anyone in Camden. He  
5 would have -- ordinarily, he would follow up on this.

6 So I can't say positively that that report was read  
7 by Bishop Dattilo, Father Dattilo at the time, or myself.

8 Q. And number three says: "Can we" -- I'm sorry.

9 Number four says: "If the problem is homosexuality  
10 or pedophilia, we could be accepting a difficulty with  
11 which we have no post-therapeutic experience."

12 Is that what that sentence reads?

13 A. Yes.

14 Q. Well, Cardinal, when you saw that there was a  
15 question with regard to whether or not Father Connor was  
16 involved with pedophilia, did alarm bells go off in your  
17 head or would they have?

18 A. I don't recall, but it does indicate that it seems  
19 that by that sentence, it would seem that it's not sure  
20 whether it was a problem of homosexuality or pedophilia.

21 Q. Let's take that for a moment then, Cardinal, and  
22 you write at the bottom of this: "I cannot guarantee that  
23 there is no serious risk," and you initial it "AJB,  
24 9/17/85," correct?

25 A. Yes.

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Now, Cardinal, assuming when you got this  
3 memorandum, in this memorandum there were a series of  
4 questions and concerns raised by Father Dattilo to you  
5 with regard to Father Connor, correct?

6 A. Yes, there was a series of questions in here that  
7 he's asking.

8 Q. I'm sorry?

9 A. I say he's putting down a series of questions.

10 Q. And so we're clear, just as things worked in  
11 Philadelphia, they worked in Pittsburgh, in that  
12 ultimately the ultimate decision maker with regard to this  
13 would have been you; is that right?

14 A. I would have depended upon the recommendation of  
15 Father Dattilo.

16 Q. But you certainly could have said: I reject your  
17 ~~recommendation or I accept your recommendation.~~

18 Ultimately, it's your authorization that is needed in  
19 order to have this person come to the Diocese of  
20 Pittsburgh, correct?

21 A. Ultimately it is mine.

22 Q. Okay. And these questions were posed to you by  
23 Father Dattilo or these were questions that he had with  
24 regard to whether or not Father Connor should be accepted  
25 into the Diocese of Pittsburgh, correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. They were questions. He's asking questions. I  
3 don't know from reading this whether they're posed to me  
4 for an answer to each one.

5 The ultimate question was: Is there a risk here,  
6 and I said I cannot guarantee there's no risk.

7 Q. Cardinal -- I'm sorry. I apologize.

8 A. And I don't know whether or not I spoke to him to  
9 follow up on this.

10 It's the responsibility of the Clergy office to  
11 follow up on any kind of concerns.

12 Q. Cardinal, it's your responsibility to follow up on  
13 whether or not you are taking into your diocese somebody  
14 that poses a risk to the children of the diocese.

15 Ultimately, that is your responsibility. Is that right?

16 A. Yes.

17 Q. ~~And you've told us earlier that Bishop Guilfoyle~~  
18 was a friend of yours, right?

19 A. Yes.

20 Q. And you would think that, as your friend, you would  
21 have had conversations with him because he would have  
22 called you not only in your capacity as a bishop but also  
23 as a friend and he would have shared with you the  
24 information with regard to Father Connor. Am I assuming  
25 too much there, Cardinal?

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2 A. I think you are.

3 Q. Okay. Well, am I assuming too much when I read  
4 this memo and I say that when you got this memorandum in  
5 September of 1985, you directed Father Dattilo to get the  
6 answers to the questions that he sought?

7 A. I don't recall any conversation with Father  
8 Dattilo, but it could very well be that we spoke about  
9 this, I don't know, and I asked him to follow up on this.

10 Q. Well, how was it, Cardinal, that when this  
11 information comes to you in September 11, 1985, ultimately  
12 you make a decision that you are going to take Father  
13 Connor into the Diocese of Pittsburgh? Right? Because he  
14 ultimately comes to Pittsburgh?

15 A. Ultimately comes.

16 Q. And you've received this memorandum, and then some  
17 point later, you authorize his coming to Pittsburgh.

18 What was it that -- you know, how did you come to  
19 that conclusion, that it was okay to do so?

20 A. I have no recollection other than I presume that  
21 Father Dattilo followed up on it.

22 Q. Well, you presume. Why do you presume that,  
23 Cardinal? Tell me why. Tell us that.

24 A. Because that's the responsibility of the Clergy  
25 office.

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1  
2 Q. But you received this memorandum and you wrote that  
3 you can't guarantee that there's not a serious risk, and  
4 ultimately, it's your signature that's going to go on  
5 whatever paperwork that's needed to transfer him to  
6 Pittsburgh.

7 What did you do to ensure that there wasn't a  
8 problem with pedophilia, that the evaluation at Southdown  
9 could be trusted and make a decision as to where Father  
10 Connor would be placed once he came to Pittsburgh, and how  
11 did you come to those decisions, based upon what  
12 information?

13 A. I don't recall, other than again, I can presume  
14 that I may have spoken to Father Dattilo and asked him to  
15 follow through until the point he felt that there was no  
16 risk, at least a minimal risk.

---

17 Q. So can we assume -- and Father Dattilo you put in  
18 the position you did because you thought that he was  
19 competent, correct?

20 A. Yes.

21 Q. And in terms of being a competent person, he would  
22 have been following through on these issues and concerns  
23 that he had, correct?

24 A. I presume so.

25 Q. And if you presume that he did so, then we can also

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 presume that he was given truthful information with regard  
3 to the fact that Father Connor was arrested for molesting  
4 a fourteen year old freshman in high school, a boy,  
5 correct?

6 A. (No response.)

7 Q. And that he acknowledged his behavior with regard  
8 to that and was placed into a pretrial diversion program?

9 Can we presume that?

10 A. I -- I don't know what Father Dattilo did at the  
11 time.

12 Q. Can we presume it?

13 A. Or how much information he obtained.

14 Q. Can we presume that?

15 A. I presume he received enough information to say  
16 that there was no great risk.

---

17 Q. No great risk? No great risk, or no risk?

18 A. I'm saying no great risk.

19 Q. So the information he got may have still created  
20 the potential for risk with regard to Father Connor?

21 (The witness conferred with his  
22 attorney.)

23 BY MS. McCARTNEY:

24 Q. Is that correct?

25 A. Whenever you accept anybody from a diocese, there's

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 no problem -- there's a risk in every case. To say  
3 possibility is always, you know, something that's hard to  
4 counteract. There's a risk in anyone.

5 Q. But wouldn't you agree, Cardinal, that if someone  
6 had actually been convicted of abusing a minor, that they  
7 posed a greater risk than some others?

8 A. The report from Southdown seemed to say it was a  
9 minor -- that he could be restored to some kind of  
10 ministry. That's what I had gathered from the report.

11 Q. From the report from Southdown, but you're not sure  
12 that that report was made available to you?

13 A. That's right.

14 Q. But the report also indicates that he's not a  
15 primary pedophile. That's the words, correct?

16 A. That is correct. That's what it says.

17 Q. Do you know what that means? Does it mean he's a  
18 secondary pedophile?

19 A. When I say primary pedophile, I presume that he's  
20 not a pedophile.

21 Q. That's not what --

22 A. I don't know what the distinction -- the word  
23 "primary."

24 Q. That's not what it says, sir. It says he's not a  
25 primary pedophile, correct?



## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. That's right.

3 Q. So how many times -- have you ever sent an  
4 individual from Philadelphia to another diocese?

5 A. Yes.

6 Q. Have you ever sent an individual to another diocese  
7 while being Archbishop and Cardinal of Philadelphia? Have  
8 you sent somebody to another diocese that has been accused  
9 of sexual misconduct?

10 A. Yes.

11 Q. Do you know who those individuals were --

12 A. Just one.

13 Q. -- and where you sent them?

14 A. Just one.

15 Q. Who was that?

16 A. Excuse me.

17 ~~(The witness conferred with his~~

18 attorney.)

19 BY MS. McCARTNEY:

20 Q. Cardinal, have you had the opportunity to consult  
21 with your attorney?

22 A. Yes. I'm sorry. That the one I was thinking of  
23 was not -- would that be sexual misconduct? It was for  
24 pornography.

25 Q. Who was that?

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2 A. That was . . .

3 (The witness conferred with his  
4 attorney.)

5 BY MS. McCARTNEY:

6 Q. DePaoli?

7 A. Yes.

8 Q. Father DePaoli?

9 A. Yes.

10 Q. While you were Bishop of Pittsburgh, was there any  
11 type of an exchange with your sending somebody from  
12 Pittsburgh to Camden in exchange for Father Connor?

13 A. Did I?

14 Q. Did you send anybody from your diocese in  
15 Pittsburgh to Camden?

16 A. No, not that I . . .

17 Q. Did you send anybody from Pittsburgh to Camden when  
18 you got Father Connor?

19 A. No.

20 (The witness conferred with his  
21 attorney.)

22 THE WITNESS: May I kindly ask for a  
23 recess, please.

24 MS. McCARTNEY: Sure.

25 The time is now eleven fourteen.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MS. COX: For the record, Mr. Rayborn  
3 is coming here in a moment just to speak to you for  
4 a couple minutes about scheduling. If you could  
5 wait one second, I'll see if he's in the hallway.

6 (A recess was held.)

7 MR. SPADE: Okay. We are back on the  
8 record. The time is now 11:47 A.M., and we have?

9 GRAND JURY SECRETARY: Seventeen.

10 MS. McCARTNEY: Seventeen jurors  
11 present, so that constitutes a quorum.

12 BY MS. McCARTNEY:

13 Q. Good morning, Cardinal?

14 A. Good morning.

15 Q. Before we broke, we were discussing the case of  
16 John Connor, and we had determined that you had accepted

---

17 Father Connor into the Diocese of Pittsburgh while you  
18 were bishop there, and you remained Bishop of Pittsburgh  
19 until 1988; is that right?

20 A. Yes.

21 Q. And at that point in time, you were installed as  
22 Archbishop of Philadelphia in February of 1988; is that  
23 correct?

24 A. Yes.

25 Q. Now, Cardinal, in September of 1988, five months

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 after you became Archbishop here, you took Father Connor  
3 from the Diocese of Pittsburgh and you took him to  
4 Philadelphia and you placed him as an assistant pastor at  
5 Saint Matthew's in Conshohocken.

6 Do you recall that?

7 A. He asked to come here, and I know that he was  
8 assigned here.

9 Q. He asked to come here, so he had a personal  
10 conversation with you?

11 A. I think it was a phone call, but it could have been  
12 a letter, but my -- I'm not sure, but it may have been a  
13 phone call.

14 Q. And before you accepted him into the Archdiocese of  
15 Philadelphia, did you require any further psychiatric  
16 testing or ask for any information from his therapist with  
17 regard to whether he was still suffering from any of the  
18 problems that he did when he molested the fourteen year  
19 old boy?

20 A. When he asked, I have no recollection of anything  
21 that I did after that, other than I have to presume that I  
22 followed my usual procedure, which was to turn it over to  
23 the Clergy office.

24 Q. When you turned it over to the Clergy office, did  
25 you inform them as to Father Connor's background?

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2 A. I don't recall that. I just -- my presumption  
3 would have been that I handed over his request to come  
4 here, and it would have been handled by the Clergy office.

5 Q. When you say the Clergy office, you're talking  
6 about you handed over the request to the Clergy office in  
7 Philadelphia?

8 A. Yes.

9 Q. And they must -- well, I don't want to ask it that  
10 way.

11 Did they come to you and say: Cardinal Bevilacqua,  
12 you worked with this man. You took him from Camden to  
13 Pittsburgh. Can you tell us something about him?

14 A. I don't recall that.

15 Q. And in 1988, the people in the Clergy office, they  
16 would have been Monsignor Shoemaker?

---

17 A. Yes.

18 Q. Would have been the Chancellor?

19 A. They were handling clergy matters.

20 Q. Was there a secret archive file on Father Connor?

21 A. I don't know.

22 Q. Under canon law, when the crime occurred in Camden  
23 and the nature of it, being the fact that he had sexual  
24 contact with a teenage boy, under canon law, a secret  
25 archive file would have had to have been generated based

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2 on that; is that true?

3 A. Well, I ask clarification. Generated where?

4 Q. Generated in the office in Camden, in the --

5 A. I presume so.

6 Q. Okay. Canon law is -- every diocese has to follow  
7 canon law, correct?

8 A. Yes.

9 Q. And canon law doesn't change from diocese to  
10 diocese; is that correct?

11 A. Generally, no.

12 Q. Okay. The canon laws that deal with the generation  
13 or the creation of a secret archive file and the  
14 maintenance of a secret archive of file, that doesn't  
15 change from diocese to diocese?

16 A. Generally not.

---

17 Q. So back in 1988 when you were having your  
18 discussions with the bishop in Camden, did you ever ask  
19 either yourself personally or the person that you had put  
20 in charge of these cases, did you ask them to review the  
21 secret archive file on Father Connor?

22 A. I don't recall any discussion that I had with the  
23 Diocese of Camden at that time.

24 Q. If an individual is transferred from one diocese to  
25 another and they have a secret archive file, is that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 something that gets transferred with them?

3 A. Ordinarily, if there's anything that is  
4 confidential, ordinarily showing the background,  
5 ordinarily that should be transferred.

6 Q. So if the ordinary practice was maintained in this  
7 particular situation, then the secret archive file that  
8 was generated in Camden would have been transferred to  
9 Pittsburgh?

10 A. I don't know if a request was made.

11 Q. A request has to be made for it to be transferred  
12 with the individual or it just doesn't come as a normal  
13 course?

14 A. Yes. No.

15 Q. Okay.

16 A. You request that the other diocese will send you  
17 relevant information.

18 Q. When you decided to accept Father Connor into  
19 Philadelphia, did you request or direct anybody in the  
20 Chancellor's office to obtain his secret archive file?

21 A. I would not have ordinarily been the one that, you  
22 know, directing every incident or every procedure by  
23 handing it over to those in charge of the clergy. They  
24 would follow through on their procedure.

25 Q. But certainly, this being an unusual situation, in

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2 that it was someone who was coming from one diocese to  
3 another and it was coming from a diocese that this person  
4 had been sent from Camden to Pittsburgh, where you were  
5 the bishop, and now to Philadelphia, you don't recall any  
6 conversations taking place that would have asked for your  
7 personal information with regard to Father Connor?

8 A. I don't recall that.

9 Q. And when you say you don't recall that, are you  
10 saying -- you're not saying it doesn't happen; you're just  
11 saying you don't remember?

12 A. I have to say -- yes, I don't remember.

13 Q. Now, Father Connor was ultimately assigned to Saint  
14 Matthew's Parish in Conshohocken; is that correct?

15 A. If it's so stated, I presume I have to say yes.

16 Q. Okay. And again, Cardinal, the ultimate decision  
17 of whether to send someone or accept someone into a  
18 diocese from another diocese, that decision ultimately  
19 rests with you, correct?

20 A. The ultimate decision is mine.

21 Q. And ultimately, the decision of where to place  
22 someone within the Archdiocese of Philadelphia is yours to  
23 make; is that correct?

24 A. The ultimate decision is mine. Yes.

25 Q. And the ultimate decision that you reached in this



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2 case was to send Father Connor to Saint Matthew's in  
3 Conshohocken, and that was effective as of October 1,  
4 1988; is that correct?

5 A. If you say so. I have to state that that is  
6 correct.

7 Q. Okay. And Saint Matthew's in Conshohocken, that  
8 has a school associated with the parish; is that correct?

9 A. Yes.

10 Q. And there were no limitations or restrictions  
11 placed on Father Connor when he was assigned or as an  
12 associate pastor at that parish; is that correct?

13 A. I don't know.

14 Q. Well, if there were restrictions or limitations  
15 placed on him, would that have been indicated by you in  
16 your letter of assignment to him?

---

17 A. I don't recall.

18 Q. I understand that you don't recall whether there  
19 were, but my question to you is this, Cardinal: If there  
20 were limitations and restrictions that were placed on him,  
21 they would have been detailed to him as part of the  
22 assignment letter that he received; is that correct?

23 A. Yes. But I don't -- not necessarily in my letter.  
24 It could have been -- if there are any restrictions, they  
25 could have been in a separate memorandum or letter from

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2 someone from the Clergy office. That's a possibility.

3 Q. Okay. But if there were any restrictions or  
4 limitations placed on Father Connor's ministry, they would  
5 have been documented somewhere, correct?

6 A. If they were, yes, they should have been  
7 documented.

8 Q. And can we assume that if we don't have any  
9 documents which detail any limitations or restrictions on  
10 his ministry, that those documents were not generated and  
11 that there were no limitations or restrictions?

12 A. I don't know. I can't conclude from that  
13 necessarily. I don't think it would have been  
14 communicated verbally.

15 Q. Are you saying, Cardinal, that there are times when  
16 you restrict someone's ministry and limit their ability to  
17 do certain things, that those restrictions and limitations  
18 are conveyed verbally and not in writing?

19 A. I don't know what the Clergy office would have  
20 done. In other words, I'm just saying ordinarily they  
21 would be done in writing, but I just don't know.

22 Q. Have you ever heard of a limitation or a  
23 restriction placed on a priest's ability to minister being  
24 conveyed verbally to them?

25 A. Sometimes, and I can't say generally, if you want

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2 to put the restrictions by informing the pastor, it's very  
3 possible that they are -- could have been conveyed  
4 verbally at times.

5 Q. All right. Cardinal, if the pastor had been  
6 informed of any restrictions or limitations, generally  
7 that would have also been done in writing; is that right?

8 A. Say, generally.

9 Q. That's the normal course of how things operate?

10 A. Generally, but in writing.

11 Q. And the reason that restrictions and limitations  
12 and things of that nature are put in writing is because  
13 there need be a mechanism available to take administrative  
14 action under canon law if those restrictions or  
15 limitations are not followed through on that. That's one  
16 of the reasons that things are put in writing. Correct?

---

17 A. Generally, yes.

18 Q. Okay. And something as important as your inability  
19 or a priest's inability to function within the youth is  
20 something that would have extremely serious consequences  
21 if those limitations were not abided by; is that right?

22 A. I would say yes.

23 Q. And given the fact that that is such an important  
24 restriction or limitation, if one existed in the case of  
25 Father Connor, that would have been something that would

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2 have and should have been in writing; is that correct?

3 A. Generally.

4 Q. Well, when you say generally, Cardinal, the normal  
5 course of how things work and would have been, that it  
6 would have been in writing, right?

7 A. Generally.

8 Q. And the fact that there are no documents which  
9 detail that, then that would be an unusual situation if  
10 they existed; is that right?

11 A. I think you could say unusual.

12 Q. And you indicated earlier to one of my questions  
13 that you were unaware of certain aspects of the Father  
14 Connor case until you read a newspaper report about it?

15 A. About the -- it came to me when the newspaper  
16 report about his being at Southdown and also about his  
17 being involved with a minor.

18 Q. And that newspaper report was -- do you recall what  
19 newspaper that was published in?

20 A. I remember it was on the fact that he was involved  
21 with a minor, was a press conference. Someone asked me  
22 the question, caught me by surprise, but I don't remember.  
23 It was sometime in -- I think 2002.

24 Q. And, Cardinal, if someone asked you a question at a  
25 press conference that caught you by surprise, did you at

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2 that point in time go back and try to figure out what  
3 information was there that you were not made available and  
4 why you weren't made aware of that information?

5 A. I did not.

6 Q. And you have staff that is -- that part of their  
7 responsibility is to keep you informed of certain things;  
8 is that right?

9 A. Yes.

10 Q. And you certainly are -- you take your press  
11 conferences seriously and you want to convey the  
12 appearance of being aware of what goes on in the  
13 Archdiocese of Philadelphia; is that right?

14 A. If it's something that they think I might be  
15 questioned about in a press conference.

16 Q. And after being asked that question and being  
17 ~~caught off guard, you didn't go back and speak with~~  
18 anybody about a lack of communication that you say existed  
19 between yourself and members of your staff --

20 A. I did not.

21 Q. -- when Father Connor -- why not, Cardinal?

22 A. I just did not.

23 Q. Were you concerned about the information that had  
24 been given to you in the press conference that you  
25 apparently or allegedly were unaware of?

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2 A. Well, it disturbed me to realize that, that he was  
3 involved with a minor, but I did not probe any further.

4 Q. Did you feel when that question was asked of you  
5 that ultimately it had been your responsibility both in  
6 1985 and 1988 to know what Father Connor's background was  
7 as the bishop?

8 A. Could you please rephrase the question.

9 Q. Sure. Did you feel as if when that question -- you  
10 said you were disturbed by the fact that, you know, you  
11 didn't apparently have that information.

12 Did you feel as if you had an obligation as Bishop  
13 of Pittsburgh and Archbishop of Philadelphia to know that  
14 information about one of your priests, that you  
15 singlehandedly took from one diocese to the other and then  
16 took with you to Philadelphia?

---

17 A. I have to answer what I -- when previous questions  
18 were asked about that, I didn't recall anything about his  
19 being involved with a minor.

20 Q. When Father Connor was assigned to the parish in  
21 Conshohocken with the school, do you know whether or not  
22 that assignment was posted in The Catholic Standard and  
23 Times?

24 A. I do not know.

25 Q. Is that the normal course that it would be?

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2 A. It certainly is for our priests, the diocesan  
3 priests. I don't know whether his name was posted.

4 Q. Do you know whether or not anybody in the parish  
5 was told about Father Connor's background? When I say the  
6 parish, I'm talking about Saint Matthew's.

7 A. I do not know.

8 Q. Do you think that there was, or you just don't  
9 know?

10 A. I don't know.

11 Q. Whose responsibility would it have been to inform  
12 the parish that they had a priest assigned to them as an  
13 assistant pastor that had been accused of and admitted  
14 sexually abusing a fourteen year old boy?

15 A. There's a word that I would like you to repeat --  
16 I'm not sure that you said -- could you repeat that.

---

17 Q. Sure. Whose responsibility would that have been to  
18 inform the parish that Father Connor had been accused of  
19 and admitted to sexually abusing a fourteen year old boy?

20 A. May I consult with my attorney, please.

21 Q. Sure.

22 (The witness conferred with his  
23 attorney.)

24 BY MS. McCARTNEY:

25 Q. Did you have the opportunity to consult with your

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 attorney --

3 A. Yes.

4 Q. -- Cardinal?

5 A. If I recall your question, whose responsibility  
6 would it have been to inform the parish --

7 Q. Yes.

8 A. -- of the background?

9 First of all, I had no recollection that he had any  
10 background that would have had to have been reported.

11 Number two is I don't think it would have been  
12 anybody's responsibility because I don't see there's an  
13 obligation, that there was an obligation to report that.

14 Q. When you say, Cardinal, that you don't believe that  
15 there's an obligation to report that, are you talking  
16 about a legal obligation, or are you talking about a moral  
17 obligation, or either?

18 A. Either.

19 Q. You don't believe that a parent who sends their  
20 child to a grade school or a parent who sends their child  
21 to confession or a parent who allows their child to be an  
22 altar boy has a right to know who it is that their child  
23 is associating with or what that person's background is,  
24 particularly -- well, we'll start there.

25 A. I'm saying that he was cleared to be assigned as



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2 far as we can tell from Southdown. Seems that the report  
3 got that he was cleared to return to ministry.

4 Q. Cardinal, I don't want to -- you can certainly  
5 review it yourself. You're free to review that. But I  
6 think what the report says was that he was not a primary  
7 pedophile and that there was a recommendation that he not  
8 associate with youth or be in a position of authority over  
9 youth.

10 A. Such as teaching, because if something like this --  
11 this is where he didn't seem to pose any danger.

12 Q. But, Cardinal, you weren't aware, according to your  
13 testimony today, of that Southdown report; is that right?

14 A. That's right.

15 Q. Okay. But I'm asking you if -- and that doesn't  
16 really answer my question, so I'll ask it to you again.

---

17 You don't believe that a parent of a parish has an  
18 obligation, that you have any obligation to inform the  
19 parents with regard to an individual that you have  
20 knowledge of with the background such as Father Connor's,  
21 you don't think that those parents have any obligation or  
22 you have any obligation to inform them of that?

23 (The witness conferred with his

24 attorney.)

25 THE WITNESS: I would like to repeat

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2 what I said before. I do not feel that I have --  
3 that there was any obligation moral or legal.

4 BY MS. MCCARTNEY:

5 Q. I need to ask you, Cardinal. You don't believe  
6 that a parent has a right to know that? You don't believe  
7 that there's any obligation on your part?

8 (The witness conferred with his  
9 attorney.)

10 THE WITNESS: Yes. There's no  
11 obligation on my part.

12 (The witness conferred with his  
13 attorney.)

14 BY MS. MCCARTNEY:

15 Q. Have you had the opportunity to consult with your  
16 attorney, Cardinal?

17 A. Yes. I have an obligation certainly not to -- you  
18 know, to assign someone who doesn't . . . represent the  
19 great risk to others, but I have an obligation that if a  
20 medical report says the man can be returned to ministry,  
21 then it means that I can assign him.

22 Q. Cardinal, do you believe that you as the Cardinal  
23 or the Archbishop of Philadelphia had a duty of care to  
24 the children within the Archdiocese?

25 A. I always have that.

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2 Q. And you just said that you feel as if you have an  
3 obligation not to assign someone who poses a great risk.  
4 I don't want to misquote you. Is that what you said?

5 A. That is right.

6 Q. Do you think that you have a duty or you have an  
7 obligation not to assign someone that poses any risk to  
8 children?

9 A. Depending on what? If there's been any?

10 Q. Foreseeable risk, Cardinal. I'm sorry. I want to  
11 say foreseeable risk.

12 A. That means a great risk. Foreseeable risk I'd  
13 identify with a great risk.

14 Q. And foreseeable would be one that could be able to  
15 be predicted based upon prior conduct?

16 A. I'm not a doctor.

---

17 Q. Cardinal, do you think -- but I'm going to go back  
18 just for a moment.

19 Do you think that the fact that you think that you  
20 have no obligation or no duty to inform the parents with  
21 regard to decisions, in making informed decisions with  
22 regard to what activities, if any, their children  
23 participate in with a particular priest, do you think that  
24 that would be something that they would want to know, a  
25 parent?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. That was a long question.

3 (Pause.)

4 Q. I'm sorry?

5 A. I said it was a rather long question. Do you  
6 mind --

7 Q. Actually, let me get back to it in a moment, if I  
8 could.

9 The duty that you say you have to the children,  
10 could you define how you perceive that, what you perceive  
11 that duty to be?

12 A. As far as assignment of priests?

13 Q. Yes.

14 A. My general -- I have care for all children and for  
15 all people. My duty is not to present any kind of

16 ~~general -- any grave risk to them by the assignment of a~~  
17 priest. No.

18 Q. And part of that duty would be exercising an  
19 appropriate care in making the assignment; is that right?

20 A. That is correct.

21 Q. And part of that duty would be exercising  
22 appropriate care in appointing people to work on your  
23 staff?

24 A. Correct.

25 Q. And part of that duty would be exercising care in

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 managing or supervising the individuals that work on your  
3 staff; is that correct?

4 A. Correct. But may I add.

5 Q. Sure.

6 A. As far as supervising, it doesn't mean that I have  
7 to handle it personally.

8 Q. If in fact you had known about the background of  
9 Father Connor and you assigned him, you took him into  
10 Philadelphia and you assigned him to Saint Matthew's,  
11 would you without restrictions, would you say that you  
12 showed a lack of care to the children of the parish?

13 (The witness conferred with his  
14 attorney.)

15 BY MS. McCARTNEY:

16 Q. Would that have been a violation of your duty of  
17 care to the children of that parish?

---

18 (The witness conferred with his  
19 attorney.)

20 THE WITNESS: You asked . . .

21 (The witness conferred with his  
22 attorney.)

23 THE WITNESS: I think you asked if I  
24 had known?

25 MS. McCARTNEY: Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 THE WITNESS: I do not think it's a  
3 dereliction of duty to comply with a recommendation  
4 of expert medical witness, medical experts.

5 BY MS. McCARTNEY:

6 Q. But if the evaluation at Southdown was known, part  
7 of their recommendations was that he not --

8 (The witness conferred with his  
9 attorney.)

10 BY MS. McCARTNEY:

11 Q. Part of the recommendation from Southdown was: "We  
12 would not recommend any ministry that would directly put  
13 him in a position of responsibility for adolescents such  
14 as a teaching situation."

15 That's an example of a position of responsibility.  
16 It doesn't exclude other examples, Cardinal.

17 A. ~~It seems to focus on teaching, because he was a~~  
18 teacher apparently.

19 Q. I'm sorry?

20 A. I said it seems to focus on teaching, because  
21 apparently from what the records show here, he was a  
22 teacher.

23 MS. McCARTNEY: I'm going to mark this  
24 as grand jury exhibit number nine eight nine.

25 (GJ-989 was marked for identification.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. McCARTNEY:

3 Q. But, Cardinal, just so we're clear, the sentence  
4 reads: However, because of the incident for which he was  
5 apprehended, we would not recommend any ministry that  
6 would directly put him in a position of responsibility for  
7 adolescents such as a teaching situation." That's how the  
8 sentence reads, correct?

9 (The witness conferred with his  
10 attorney.)

11 THE WITNESS: You want me to read this  
12 letter? Is that . . .

13 MS. McCARTNEY: Well, you can just --  
14 I'm going to ask you a question about that letter,  
15 but sure, so take a moment and read it.

16 (Pause.)

~~17 (The witness conferred with his  
18 attorney.)~~

19 BY MS. McCARTNEY:

20 Q. Cardinal, let me ask you to look at that document  
21 that was just marked and put in front of you.

22 This is from the Office of the Archbishop. The  
23 date of it is September 7, 1988. It's addressed to  
24 Reverend John P. Connor, and it's signed by yourself,  
25 Archbishop of Philadelphia.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 This is his appointment letter to Saint Matthew's  
3 Church, Conshohocken, effective as of Saturday, October 1,  
4 1988; is that right?

5 A. Yes.

6 Q. Okay. And I'm going to ask you to look at the  
7 second paragraph, and I'm going to read this sentence.

8 "Rooted in the reverent celebration of divine  
9 worship and the worthy administration of the sacraments,  
10 your priestly zeal should be truly Christlike to know the  
11 people, to care for the poor and lowly, to educate youth,  
12 to attend to the sick and dying, and to cooperate in the  
13 maintenance of the parish and in the social and ecumenical  
14 programs of the community."

15 That was the assignment letter that Father Connor  
16 received; is that right?

17 A. Yes.

18 Q. Part of which you directed him to do, which would  
19 be to educate the youth; is that right?

20 A. May I comment on this letter.

21 Q. You certainly can comment, but in answer to my  
22 question, part of the assignment that he got --

23 A. Yes.

24 Q. -- along with these other things, was to educate  
25 the youth; is that correct?



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes. Yes.

3 Q. Okay. Yes, you can comment.

4 A. First of all, this is a letter sent to all  
5 assignments at that time, to any priest. It's a form  
6 letter.

7 Secondly, you emphasized the phrase "to educate  
8 youth." Education is a very broad term in the Church.  
9 You educate just by example. You educate by preaching.  
10 You educate in all kinds of ways.

11 This letter would have gone to someone even if  
12 there's no school in the parish. You educate youth in a  
13 dozen ways. So it's not restricted to teaching, you know,  
14 in a classroom or anything similar to that.

15 Q. And part of educating the youth of the parish would  
16 be teaching the new altar boys, and that's an example,  
17 correct?

18 A. Well, I . . .

19 Q. I mean, that's an example of educating the youth,  
20 right?

21 A. It is.

22 Q. Okay. Cardinal, let me ask you. When you said  
23 that you had this press conference or there was a press  
24 conference in which you were informed about Father Connor  
25 and you had not been aware of that prior to that, what did

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 you do in terms of taking action against your staff that  
3 had not informed you of that?

4 A. I don't recall any action that I did take.

5 Q. I'm sorry?

6 A. I say I don't recall any.

7 Q. If what you say is the way that things happened,  
8 Cardinal, that kind of you were just sort of informed and  
9 you hadn't known anything about Father Connor's past, how  
10 were you -- if you didn't take any action, how were you  
11 going to ensure that something like that hadn't happened  
12 with regard to other people and that it wasn't going to  
13 happen in the future?

14 A. I . . . Father Connor, as you know, at that time of  
15 the press conference, was no longer in Philadelphia, and  
16 it is possible that I may have spoken to someone in the  
17 ~~Clergy office, but I don't recall. I don't recall asking~~  
18 anyone.

19 Q. Cardinal, but if what you say is true, that Father  
20 Connor was allowed to or Father Connor was accepted into  
21 Pittsburgh and to Philadelphia and that there was no  
22 knowledge that was conveyed to you with regard to his  
23 past, which included sexual abuse and admission of a  
24 minor, how were you to ensure that you were getting all of  
25 the relevant information on cases if that had not been

1 ANTHONY JOSEPH CARDINAL BEVILACQUA  
2 conveyed to you, something as significant as that?

3 (The witness conferred with his  
4 attorney.)

5 THE WITNESS: May I, please.

6 MS. McCARTNEY: Sure. Yes.

7 (The witness conferred with his  
8 attorney.)

9 THE WITNESS: I have to clarify  
10 something with my lawyer again.

11 MS. McCARTNEY: Sure.

12 (The witness conferred with his  
13 attorney.)

14 BY MS. McCARTNEY:

15 Q. Have you had the opportunity to consult with your  
16 lawyer, Cardinal?

---

17 A. Yes. I . . . there's a good possibility, since it  
18 goes back about 2002, that I may have made an inquiry, but  
19 I don't recall it. Left to the Clergy office of how I did  
20 not know this, but I don't recall it.

21 Q. But, Cardinal, I have to ask you again. If the  
22 situation with Father Connor happened without your  
23 knowledge and the reason that you didn't have the  
24 knowledge was because you relied on people on your staff  
25 to provide it to you, somebody dropped the ball. Would

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 you agree with that?

3 A. I'm not sure.

4 Q. Somebody dropped the ball in that?

5 A. Well, wait a minute. Provide information to me for  
6 a press conference?

7 Q. No, sir. Provide information to you with regard to  
8 Father Connor's background?

9 A. I don't know if someone dropped the ball. That's  
10 the usual practice, is that, you know, any information is  
11 between one Clergy office and another, but that doesn't  
12 necessarily mean they send all the information up to me.  
13 I have to rely on them, you know, to carry out their  
14 proper functions.

15 Q. So you're saying, Cardinal -- and if I'm wrong,  
16 please correct me. You're saying that it's possible that  
17 the people that work for you in your own Clergy office got  
18 information about Father Connor, that information that was  
19 available, being that he had molested a fourteen year old  
20 boy and admitted to doing it, and that they didn't provide  
21 that information to you? Is that -- I don't want to . . .

22 (The witness conferred with his  
23 attorney.)

24 THE WITNESS: May I answer your  
25 question.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MS. McCARTNEY: Yes.

3 THE WITNESS: Whether or not, if I  
4 repeat it myself, whether or not the Clergy office  
5 should not have informed me about this, and I must  
6 state that I -- I don't know whether the Clergy  
7 office of Philadelphia has that information.

8 BY MS. McCARTNEY:

9 Q. But certainly you would agree that they had an  
10 obligation to seek that information out?

11 A. That's the normal practice.

12 Q. And --

13 A. But I don't know whether they had it or not.

14 Q. But the information, if they didn't have it, if  
15 they didn't have it, it was because they didn't ask for it  
16 or because it wasn't provided? It certainly was  
17 available. ~~Would you agree with that?~~

18 A. It should have been available.

19 Q. Okay. Cardinal, you've now testified that in two  
20 separate cases, the case of Father John Connor and the  
21 case of Father Monsignor David Walls, that crucial  
22 information about priests who admitted to sexually abusing  
23 minors was not conveyed to you? That's --

24 A. I think I said in both times I don't recall.

25 Q. Okay. If it's true that it wasn't conveyed to you,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 would you agree that the administrative system that you  
3 had in place to protect children and youth was  
4 significantly faulty?

5 A. I could not say that.

6 Q. Would you say that as Archbishop, if it was faulty,  
7 if this information was not conveyed to you, this very  
8 crucial information wasn't conveyed to you, if that is  
9 true, if the information wasn't conveyed to you, would you  
10 say that the system was faulty or no?

11 A. I'm saying not necessarily that it was faulty.

12 Q. If there is a fault in the system with regard to  
13 how information is conveyed and what information  
14 ultimately comes to you and that information is used in  
15 the assignment of priests that come in contact with  
16 children, if there is a fault in that system that's in  
17 place, would you agree that the fault lies ultimately with  
18 you?

19 A. I'd have to -- may I.

20 Q. Sure.

21 (The witness conferred with his  
22 attorney.)

23 BY MS. McCARTNEY:

24 Q. I'm sorry. Did you have the opportunity to consult  
25 with your lawyer?

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes. I would answer the question by saying I don't  
3 necessarily see that it would involve a fault in the  
4 system. It is possible there was some kind of human  
5 error, but that doesn't necessarily fault the whole  
6 system.

7 Q. So you're saying that if in fact the crucial  
8 information that we discussed with regard to Monsignor  
9 Walls and Father Connor, if in fact that information was  
10 not conveyed to you, you're saying that that does not  
11 indicate a fault in the system?

12 A. Yes.

13 Q. Okay. Now, at the time that Father Connor, that  
14 you accepted Father Connor into the diocese, the  
15 Archdiocese of Philadelphia, that was right in the middle  
16 of the case involving Father Jones.

~~17 Are you familiar with the case involving Father~~  
18 Jones?

19 A. No.

20 Q. Father Richard Jones?

21 A. I do not know the name.

22 MS. McCARTNEY: I'll mark this as nine  
23 ninety. Grand jury nine ninety.

24 (GJ-990 was marked for identification.)

25 THE WITNESS: I have no memory of that.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (Pause.)

3 (The witness conferred with his  
4 attorney.)

5 THE WITNESS: I have no memory of this  
6 name at all.

7 BY MS. McCARTNEY:

8 Q. Father Jones, based upon -- I showed you what's  
9 marked as grand jury nine ninety. That's the priest  
10 profile, priest data profile, of a Reverend Richard G.  
11 Jones; is that right?

12 A. Yes.

13 Q. And his address is listed "Care of Secretary for  
14 the Clergy"?

15 A. Yes.

16 Q. And it says: "Left active ministry on 10/1/93."

~~17 What does that mean, Cardinal, left active~~  
18 ministry?

19 A. It means that not functioning anymore as a priest.

20 Q. That doesn't mean that he's been laicized; is that  
21 right?

22 A. No.

23 Q. Is that a decision that he makes, that he left the  
24 active ministry? Is that how that happens?

25 A. It generally does, that he chose to leave active



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 ministry.

3 Q. But under the canon law, he's still a priest within  
4 the -- he's still a priest, is that right, since he's not  
5 been laicized?

6 A. Can I make a distinction?

7 Q. Sure.

8 A. Just for the sake of accuracy, that if you are  
9 laicized, you still remain a priest.

10 Q. Okay.

11 A. So he's always a priest. I just want to make that  
12 clear.

13 To be laicized, he's no longer attached to any kind  
14 of diocese or religious community. It means while he  
15 remains a priest, he only has the rights of a layperson,  
16 with certain exceptions.

---

17 Q. Okay.

18 A. You know, danger of death or something like that.

19 But this does not indicate laicization.

20 Q. Let me see if I can refresh your recollection at  
21 all with the case of Father Jones.

22 In September of 1988, it came to the attention of  
23 the Chancellor's office, specifically Father Pepe --

24 A. Yes.

25 Q. -- that Father Jones himself had come to the office

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 to report that he had been caressing and fondling three  
3 men of the Ephphatha community, E-P-H-P-H-A-T-H-A, off and  
4 on for a period of some five or six years?

5 A. Three?

6 Q. Three men of that community.

7 Were you familiar with that community?

8 A. How do you -- what are the letters after it? "P?"

9 Q. It's E-P-H-P-H-A-T-H-A.

10 A. Ephphatha?

11 Q. Yes.

12 A. No, I'm not familiar with it.

13 Q. It appears as if it's a covenant community under  
14 the leadership of at the time a lay coordinator by the  
15 name of Mr. William Gannon, and Father Jones was the  
16 chaplain there.

17 A. I'm not familiar with that.

---

18 Q. There was a house for formation of young men as  
19 part of the community and that the house was located on  
20 the grounds of Saint Peter and Paul Cemetery?

21 Does that --

22 A. I have no recollection of that.

23 Q. The Chancellor's office started to investigate  
24 based upon what Father Jones had acknowledged on his own,  
25 and ultimately, they spoke with eleven victims.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Does that refresh your recollection with regard to  
3 the extent of the abuse that Father Jones was engaged in?

4 A. No. I'm afraid it does not.

5 Q. Were you aware of the fact that one of the  
6 individuals that was allegedly abused was a minor?

7 A. I have no recollection of that.

8 (The witness conferred with his  
9 attorney.)

10 BY MS. McCARTNEY:

11 Q. Cardinal, you would agree that the number of  
12 victims, the number of victims involved in this particular  
13 case being eleven, is fairly significant?

14 A. Are they all minors? Were they all minors?

15 Q. No. I'm not saying that they're all minors, just  
16 the fact that eleven people came forward.

17 A. Yes, it would be. I think it's a horror.

18 Q. And do you have any -- and yet you don't remember  
19 the case of Father Jones?

20 A. No, I do not. I don't. I'm sorry.

21 Q. Okay. And I'm going to show you what I'm going to  
22 mark as grand jury nine nine one.

23 (GJ-991 was marked for identification.)

24 (Pause.)

25 (The witness conferred with his

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 attorney.)

3 BY MS. MCCARTNEY:

4 Q. Have you had the opportunity to review that  
5 document, Cardinal?

6 A. Yes.

7 Q. And this is from the Archdiocese of Philadelphia,  
8 Office of Chancery. It says: "To Archbishop Bevilacqua  
9 from Father Graf," and at the time in 1988, Father Graf  
10 would have held the position of assistant chancellor; is  
11 that correct?

12 A. Yes.

13 Q. And it is regarding Father Richard Jones -- or I'm  
14 sorry. The date's actually missing off of this, but it's  
15 regarding Father Richard Jones, Assistant Pastor, Saint  
16 Thomas the Apostle, Chester Heights, and that document

17 talks about what Richard, what Father Jones was involved  
18 in; is that correct?

19 A. Yes.

20 Q. And it says: "As we told you, we were in the  
21 process of interviewing a variety of young men who have  
22 been inappropriately and sexually touched by Father  
23 Richard G. Jones. So far, only one gentleman mentioned  
24 that he was a minor."

25 That's what that document says; is that correct?

## ANTHONY JOSEPH CARDINAL BEVILACQUA

1  
2 A. Yes.

3 Q. So at the time when this document was written, and  
4 you acknowledged receiving this document on 10/20/88, you  
5 were aware of the fact that Father Jones had been involved  
6 with a variety of individuals, men, and that one of those  
7 persons was a minor; is that correct?

8 A. That's what it states here.

9 Q. Okay. Cardinal, let me ask you that.

10 When you testified you were interviewed on the Lynn  
11 Doyle show -- we talked about that yesterday --

12 A. Yes.

13 Q. -- you recall?

14 And again, for the record, that was on June 24,  
15 2002, it was taped, and it was broadcast on June 25, and  
16 it's been previously marked as grand jury nine five six.

---

17 One of the topics -- the topic that was being  
18 discussed on the Lynn Doyle show was this issue of clergy  
19 sexual abuse.

20 Do you recall that interview?

21 A. Yes.

22 Q. Okay. And one of the things that you told the  
23 viewers of that show -- and this is something that Lynn  
24 Doyle is asking or saying. This is Lynn Doyle speaking:

25 "And one thing I would like to point out, so many

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 times when I've done this topic on this show, we talk  
3 about the Catholic Church and we talked about it, people  
4 assumed that it's Philadelphia, but really Philadelphia  
5 has not been touched by --"

6 And you interject there, and you say: "Very  
7 little."

8 Lynn Doyle says: "-- very few accusations of  
9 sexual misconduct, because of programs that you've put in  
10 place a very long time ago."

11 And you respond: "Right."

12 You further talk about: "We've had some problems,  
13 but nowhere near what some of the other dioceses and  
14 archdioceses."

15 Do you recall those? Do you recall having part of  
16 that conversation with Lynn Doyle?

---

17 A. You read it to me.

18 Q. Okay. So you're indicating that Philadelphia  
19 doesn't really have the problems of other dioceses with  
20 regard to this issue and that there weren't a significant  
21 number of problems?

22 A. I said not as much as other dioceses, archdioceses  
23 or dioceses.

24 Q. And in the course of yesterday and today, we've  
25 talked about within the first six or seven months of your

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 becoming Archbishop of Philadelphia, you already talked  
3 about tremendous cases involving allegations of sexual  
4 abuse, one of which had eleven victims.

5 Do you think that that's a significant problem,  
6 Cardinal?

7 A. I think the subject is on minors. I think the  
8 interview was on sexual abuse of minors.

9 Q. It is, but we've established through documents --

10 A. Three. Three.

11 Q. I'm sorry?

12 A. I said we established three. You talked about  
13 three, two from Monsignor Walls and one from here.

14 Q. Three. Would you disagree with the fact that three  
15 is a lot within the first seven months of your taking  
16 over?

---

17 A. I think, if I'm not mistaken -- may I ask for a  
18 clarification of the dates for Monsignor Walls.

19 Q. Monsignor Walls was February of 1988.

20 (The witness conferred with his  
21 attorney.)

22 THE WITNESS: When did the abuses take  
23 place?

24 MS. McCARTNEY: It was a couple years  
25 before that.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 THE WITNESS: I was not the Archbishop

3 then.

4 BY MS. McCARTNEY:

5 Q. I understand that, Cardinal, but I'm saying these  
6 situations came to your letter attention, and we're  
7 talking about whether or not this problem -- you were  
8 talking to Lynn Doyle about whether or not these problems  
9 existed in Philadelphia or the extent of the problem in  
10 Philadelphia?

11 A. The question was about under my, you know, under my  
12 tenure here, and thus far it's one.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

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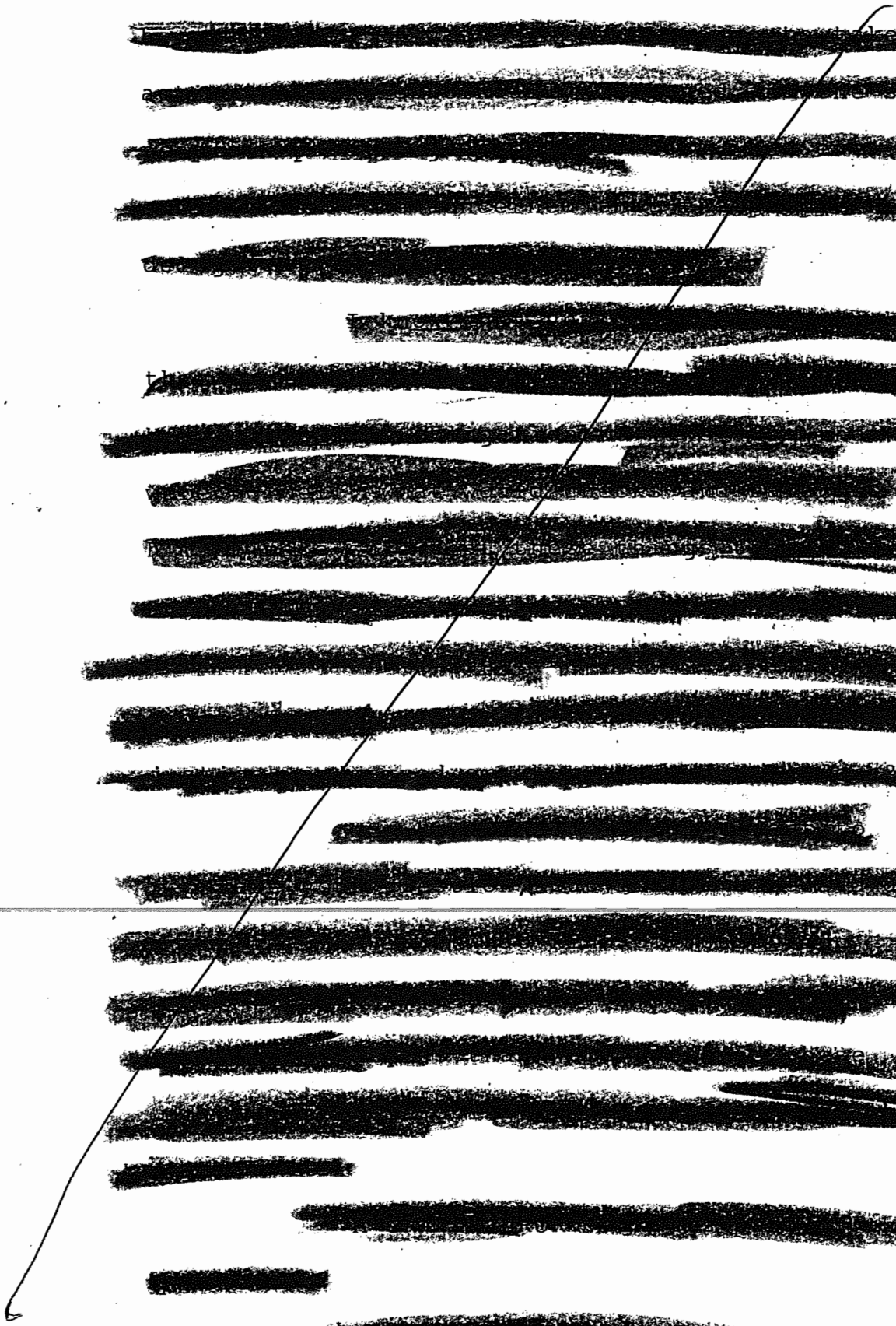
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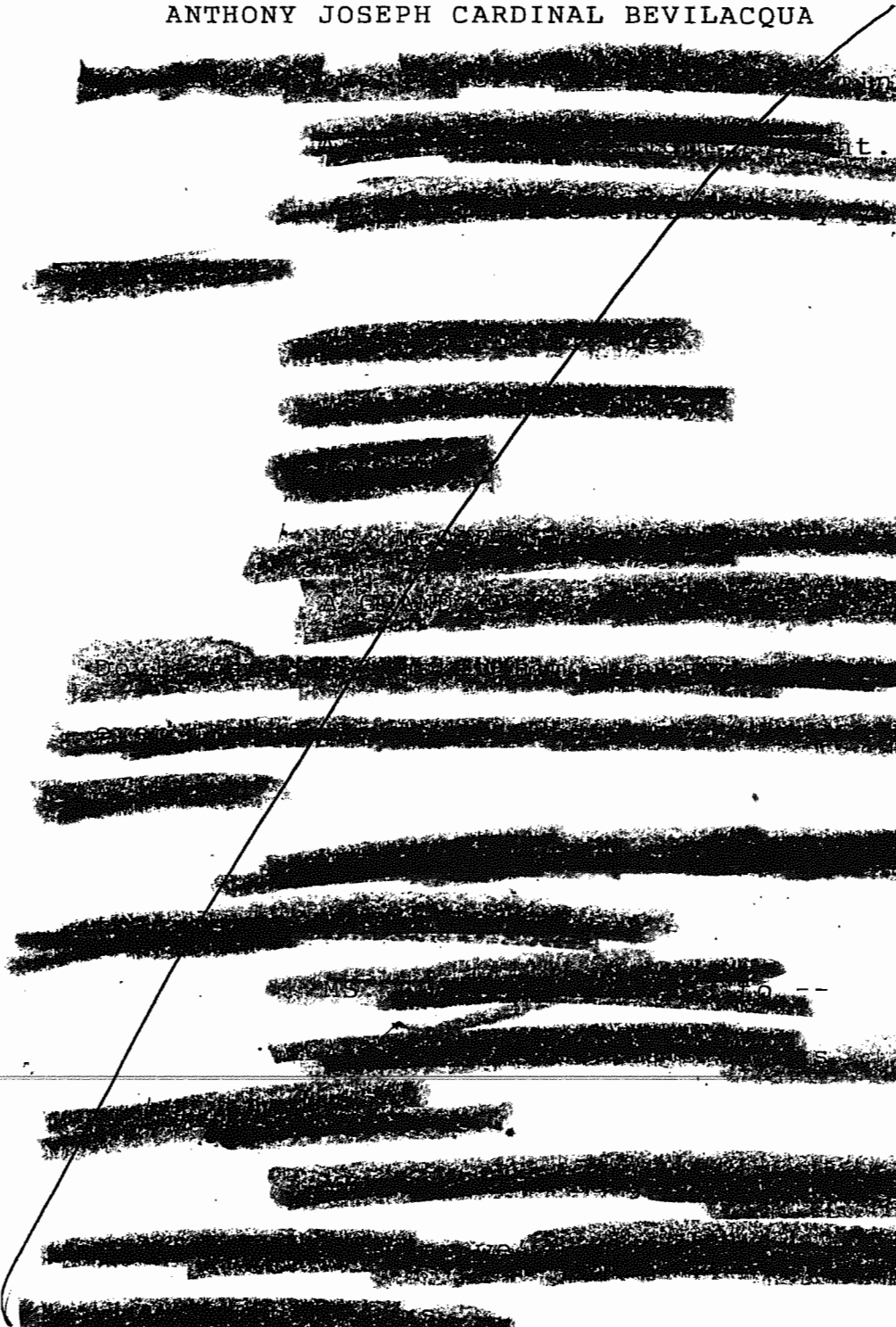


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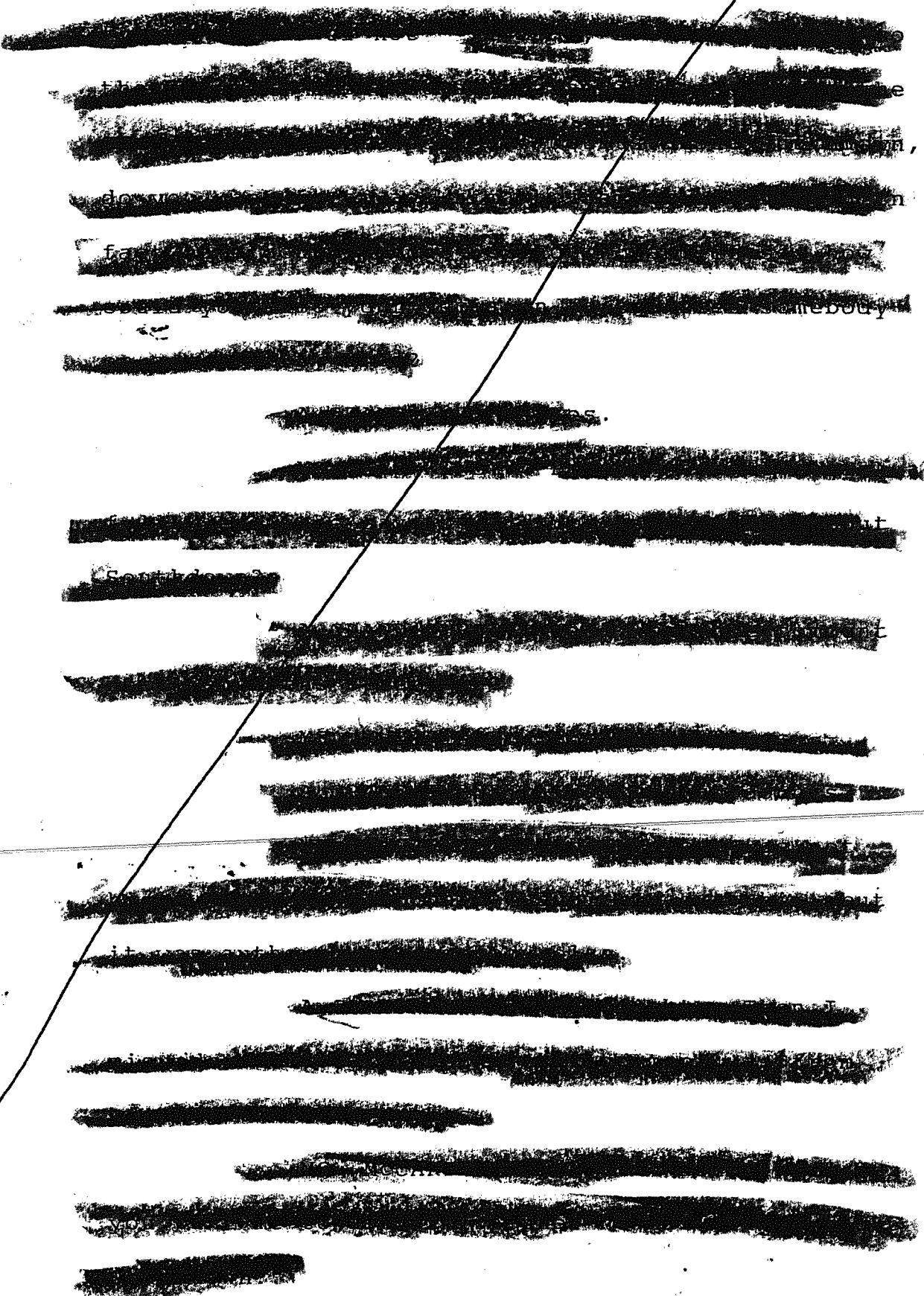
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1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. McCARTNEY:

3 Q. Good afternoon, Cardinal. I have some questions.

4 A. Good afternoon.

5 Q. I have some questions I want to put to you from the  
6 jurors.

7 The first is that you have testified that you  
8 believe that you have no legal or moral obligation to tell  
9 the parishioners that a sex offender is assigned to the  
10 parish.

11 Is that something that you would want to publicly  
12 admit?

13 A. My response would have to be qualified, that it  
14 wasn't put that way, that I have no legal or moral  
15 obligation to inform the people of a sex offender being  
16 assigned to a parish.

17 Simply when there's very little risk that that  
18 person has for the people -- I mean, that's a general  
19 question. I couldn't answer to that, except I said that  
20 if there is a great risk, I would be obliged to inform the  
21 people.

22 I would not obviously assign someone if there was a  
23 great risk.

24 Q. Do you think if someone had been accused of a  
25 sexual offense involving a minor and had admitted it and

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 had been assigned to a parish, under those circumstances  
3 would you believe that you had a legal or moral obligation  
4 to inform the parishioners of that?

5 A. I would have to say it would have to depend a great  
6 deal as a major factor what the medical report said.

7 Q. If the medical report under the circumstances that  
8 I laid out to you, that that someone had been accused of  
9 it and they had admitted engaging in the conduct and they  
10 were evaluated and the evaluation said that they were okay  
11 to be put back in ministry, under those circumstances,  
12 would you feel as if there was any legal or moral  
13 obligation to inform the parishioners?

14 (The witness conferred with his  
15 attorney.)

16 THE WITNESS: If the medical report  
17 cleared the person that there is no risk, I'd have  
18 to say there is no legal or moral obligation to  
19 report to the people.

20 BY MS. MCCARTNEY:

21 Q. And that's a position that you're comfortable with  
22 and that you would not have any problem publicly  
23 acknowledging?

24 A. I would make that -- yes, I'm comfortable with that  
25 position.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. The second question, Cardinal, is that you've  
3 testified that secret archive files would actually have to  
4 be asked for if an individual were transferred from one  
5 diocese to another, that that's not something that would  
6 automatically go with the person.

7 Am I correct in that?

8 A. Generally you seek -- the general procedure is you  
9 seek the information about a priest coming. I'll add  
10 something, which was not in the original testimony, that  
11 today, today, as a result of our meeting in Dallas, you  
12 know, that is now considered a policy, that you inform --  
13 if there's a transfer of any kind, that you are to inform  
14 the other diocese if there's any kind of abuse of -- you  
15 know, any kind of sexual abuse.

16 Q. So prior to the -- and you're talking about the  
17 National Conference of Bishops, that conference that was  
18 held in Dallas in 2002?

19 A. Yes.

20 Q. And prior to that, there was no such policy that  
21 existed?

22 A. It may not have been a policy, but it was generally  
23 an accepted procedure.

24 Q. And if the receiving diocese didn't specifically  
25 ask for information, then it wouldn't automatically be

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 conveyed to them. Is that how it worked?

3 A. Not automatically, but you still might send it.

4 Q. Okay. You indicated that restrictions or  
5 limitations to someone's ministry are sometimes conveyed  
6 to the individual verbally?

7 A. It could happen.

8 Q. Under the circumstances where that would be the  
9 case, where something were conveyed verbally, how is that  
10 person monitored?

11 A. Generally it would -- when I say verbally,  
12 generally -- you say if it happened verbally, and I'm just  
13 talking generally, it would be in writing, but if it did  
14 happen verbally, you inform the pastor of the parish or  
15 whosoever the superior, if it's not in the parish and the  
16 Clergy office, would ask the -- you know, the pastor or  
17 superior to be the monitor.

---

18 Q. Do you have a policy in the Archdiocese of  
19 Philadelphia that any restriction or limitation on  
20 someone's ministry is to be in writing?

21 A. I don't think it's a written policy, but that's the  
22 general procedure.

23 Q. Why is there no written policy, and do you think  
24 that there should be?

25 A. I don't know whether there's a written one, but

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 it's just an accepted policy.

3 Q. Why are you minimizing the seriousness of a sexual  
4 offense by drawing a distinction based upon the victim's  
5 age?

6 A. All sexual offenses are bad. All of them. But I  
7 think we all recognize that any kind of sexual offense to  
8 a child is much more grievous than when there's consensual  
9 sex, which could be, or any abuse, you know, of an adult,  
10 you always feel with children it's much worse. I think  
11 that's an accepted social, you know, act. I think it's  
12 accepted socially that it's worse for children.

13 Q. But you acknowledge that you as the Archbishop of  
14 Philadelphia, you have a duty to all of the people within  
15 that diocese, children and adults alike, correct?

16 A. Yes.

17 Q. Okay. If by listening to your answer, Cardinal,  
18 that it's your belief and you believe society's belief  
19 that injury to a child is more grievous, then how is it  
20 that you can say that when these allegations came to your  
21 attention, that you didn't ask the question as to what the  
22 age of the victim was if you believed that children being  
23 injured is the most grievous offenses that could occur?

24 (The witness conferred with his  
25 attorney.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. McCARTNEY:

3 Q. Are you asking me what allegations I'm referring  
4 to, Cardinal?

5 I'm referring to the allegation involving Monsignor  
6 Walls, where you testified yesterday that you had the  
7 allegation, but you weren't aware of the fact that it was  
8 a child that was the victim of it.

9 A. I had no recollection of it, yes, but let me --  
10 could you repeat the question, please.

11 Q. I'll try.

12 (The witness conferred with his  
13 attorney.)

14 BY MS. McCARTNEY:

15 Q. Given the fact that you acknowledged that the  
16 injury to a child is more grievous, wouldn't it be natural  
17 that when an allegation came to you with regard to

---

18 Monsignor Walls, that you would have asked the question:  
19 How old was the victim?

20 A. That's very general. I don't know whether --

21 Q. Well, with all due respect, it's not general. I'm  
22 referring to you specifically about the case of Monsignor  
23 Walls.

24 A. But in what -- may I ask again. In what context is  
25 that being addressed to me?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. In the context of your acknowledging that you  
3 believe that an injury to a child is the most grievous of  
4 injuries. Wouldn't you want to know what the age of the  
5 victim was to ensure or to put your mind at ease that it  
6 wasn't the child that was the victim?

7 A. I mean, it depends on the context again of the  
8 information. I mean, sometimes I would not. Sometimes I  
9 would. I couldn't answer that question.

10 (The witness conferred with his  
11 attorney.)

12 BY MS. MCCARTNEY:

13 Q. Okay. What sort of monitoring procedures do you  
14 have in place to ensure that the people that you've  
15 delegated the responsibility with regard to these cases,  
16 what sort of monitoring do you have for whether or not  
17 they're being handled properly?

---

18 A. In my relationship to my staff?

19 Q. Yes. Yes.

20 A. I don't have any special oversight over all my  
21 staff. I depend -- my staff I having chosen, chosen them  
22 for good reasons. I presume they are efficient.

23 If anything comes to me, if there's someone is  
24 inefficient, it would -- after a while, I would start --  
25 somebody might report it to me or report it to the Vicar



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 for Administration.

3 Q. I'm not referring to all your staff, though,  
4 Cardinal, just so we're clear; and if you want to change  
5 your answer, you certainly may.

6 I'm referring to your staff, the individuals,  
7 specifically the ones in the Secretary for Clergy, that  
8 are responsible for dealing with these cases involving  
9 sexual abuse.

10 A. I don't have -- I do not have a monitoring of them,  
11 but if -- I'll add to what I said before.

12 Q. So if these cases were not being handled properly,  
13 you don't have any mechanism in place to make sure that  
14 you are aware of that?

15 A. I don't have a -- you know, some kind of written  
16 system. I don't have any persons -- it would just be  
17 brought -- I would hope it would be brought to my  
18 attention if they were not being handled properly.

19 Q. So you're just working on the assumption that  
20 everybody's doing their job and doing it well?

21 A. Yes.

22 Q. You're aware, Cardinal, that rectories are  
23 oftentimes staffed, at least on a part-time basis, by  
24 children, that children work there? They answer the  
25 phones. You're aware of that. Correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. No, I am not aware that children do that.

3 Q. You have no knowledge of the fact that children  
4 oftentimes work in rectories?

5 A. How old?

6 Q. Eighth grade. High school students.

7 A. I don't --

8 Q. I'm not talking about toddlers.

9 A. Well, I don't consider that those in high school  
10 are children.

11 Q. Young adolescents?

12 A. Yes.

13 Q. Can we?

14 A. Yes.

15 Q. Are you aware of the fact that adolescents often  
16 work in rectories?

17 A. Yes. Often they do.

---

18 Q. What safeguards were in place to ensure the safety  
19 of children who work there prior to 2000 and three?

20 A. If you're talking about some specific safeguards  
21 that we elaborated on, I can't say that there were --  
22 we . . .

23 Q. So -- I'm sorry.

24 A. You asked a question. I was --

25 Q. I'm sorry.

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I said we don't have any -- you know, did not at  
3 that time have any kind of set safeguards. We just  
4 presumed that the whole environment of the rectory, you  
5 know, presented little risk to those working there.

6 You always have in a rectory, you know, a number of  
7 people working there, whether it be the housekeepers,  
8 cooks, other priests at times, but I -- we always presumed  
9 on the goodness of the priests themselves.

10 Q. Can I just have a moment.

11 (Pause.)

12 Do you, Cardinal, believe that you were in any way  
13 negligent in the assignment or transfer of any priest who  
14 was accused of sexually abusing a minor?

15 A. You asked the question was I aware. You mean  
16 knowingly? At no time knowingly did I say that I was  
17 negligent in assigning any priest.

18 Q. Do you think, Cardinal, that you are in any way or  
19 were in any way negligent in not knowing that Monsignor  
20 Walls had abused a minor and to have assumed that it was  
21 not a minor?

22 A. I don't see how I could say that I was negligent in  
23 not knowing.

24 Q. Why would you accept anyone into your diocese for a  
25 full ministry who had been criminally charged with sexual

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 abuse, whether the person that was the victim was a minor  
3 or not?

4 A. First of all, I did not know, distinguishing I did  
5 not know, did not recall that there was any involvement  
6 with a minor. You're asking what? About another age?

7 Q. Yes.

8 A. Because we feel when it's an involvement with  
9 another person, we might accept that person, that priest,  
10 even though involved, say, with an adult.

11 Again, generally, there might be circumstances that  
12 you say you do not accept him. There are circumstances  
13 where you could accept him. Now, it depends on each case.

14 We don't have any general policy on that. So it's  
15 case by case.

16 (The witness conferred with his  
17 attorney.)

---

18 BY MS. McCARTNEY:

19 Q. So is your testimony, Cardinal, that you did not  
20 know that Father Connor had been criminally charged with  
21 sex abuse, the age of the victim notwithstanding?

22 A. I'm saying I have no recollection of it.

23 Q. If you had known, would you have accepted him into  
24 your diocese?

25 A. Here in Philadelphia?

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Or in Pittsburgh?

3 A. It depends on -- it depends on the -- on the  
4 recommendation of the medical experts, and I mean, again,  
5 it would be case by case.

6 Q. There was a document that had been shown to you  
7 during the course of your testimony where -- and it was  
8 the document -- it's nine eighty-eight.

9 I don't know whether you have it in front of you or  
10 not. It's the document that was directed to you from  
11 Father Dattilo, nine eighty-eight.

12 A. Yes.

13 Q. Do you see it? There was a statement on that  
14 document, that number three in particular: "Can we trust  
15 the evaluation of Southdown, i.e., no basic or lasting  
16 problem? I seem to remember your telling Father Bober and  
17 me that you have reservations about Southdown."

---

18 Do you or did you in fact have reservations about  
19 Southdown?

20 A. It was -- it must have been that was a personal,  
21 just purely personal, because it goes back many, many  
22 years, goes back into the 19 -- must have been in the  
23 sixties or seventies, that there was just one instance,  
24 and that's why I had it, just that kind of a mild  
25 reservation that they had to treat a priest from the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Diocese of Brooklyn, and some of us were not -- have  
3 reservations about how he was treated.

4 That's what it came from, more than likely. I  
5 don't recall. But they -- I can say this, that they have  
6 since had changes there in their leadership, and it's  
7 become one of the very reputable institutes.

8 Q. Cardinal, you had stated in the Lynn Doyle  
9 interview that you never transferred a priest who had  
10 admitted abusing a minor. We now have seen two cases  
11 where you did.

12 Do you think that your statement that you made on  
13 the Lynn Doyle show is incorrect?

14 A. I asked -- I think it may have been that the  
15 word -- or omitted, or I may, you know, have failed to  
16 say. I always use the word "knowingly."

17 Q. So the statement that you intended to make on the  
18 Lynn Doyle show is that you never knowingly transferred a  
19 priest?

20 A. That's my general policy on, but . . .

21 Q. If you were a parent of a child in a parish, would  
22 you want to know that a priest in that parish had sexually  
23 abused a child?

24 (The witness conferred with his  
25 attorney.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 THE WITNESS: Can I ask you --

3 BY MS. MCCARTNEY:

4 Q. Just for the record, you did have an opportunity to  
5 consult with your attorney?

6 A. Yes. Yes. Can I ask you to repeat it.

7 Q. Sure. If you were a parent of a child in a parish,  
8 would you want to know that a priest in that parish had  
9 sexually abused a child?

10 (The witness conferred with his  
11 attorney.)

12 THE WITNESS: That's a -- I have to be  
13 clear that I find that difficult to answer since I  
14 am not a parent, but possibly I would be concerned  
15 and would want to know, but I cannot speak when I'm  
16 not a parent myself.

17 BY MS. MCCARTNEY:

18 Q. Do you think that a priest who sexually abuses a  
19 child should be criminally charged and prosecuted?

20 A. He has committed a crime. Depends on the law.  
21 Depends on the circumstance of the case. But I don't  
22 know.

23 Q. So you have some questions or reservations with  
24 regard to whether or not a priest who sexually abused a  
25 child should be criminally charged and prosecuted?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. McCARTNEY:

3 Q. Do you feel you had? Did you feel you had a duty  
4 to report?

5 A. May I -- that's not the same as obligation.

6 Q. Well, aside from a legal obligation, did you feel  
7 like you had any other duty or moral obligation to do so?

8 (The witness conferred with his  
9 attorney.)

10 BY MS. McCARTNEY:

11 Q. I'm sorry. Go ahead.

12 A. Say, my obligation, you know, before the charter  
13 was to always comply with the law, and we did.

14 (The witness conferred with his  
15 attorney.)

16 BY MS. McCARTNEY:

17 Q. Do you think, Cardinal, that if the policy that was  
18 adopted in 2002, meaning that these cases were reported to  
19 the civil authorities, if that policy had been in effect  
20 from the time that you became Archbishop of Philadelphia,  
21 do you think that less children would have -- do you think  
22 that the children would have been better protected?

23 A. That's an abstract question, if I may say. That's  
24 a lot of if's in that. That's very difficult to answer.

25 (The witness conferred with his




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6	<u>EXHIBITS</u>		<u>IDENTIFICATION</u>
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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