

## APPENDIX H-5

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14-1-21

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

IN RE: : MISC. NO. 01-00-8944  
: :  
COUNTY INVESTIGATING : :  
GRAND JURY XIX : C-1  
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November 6, 2003

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Room 18013, One Parkway  
Philadelphia, Pennsylvania  
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TRANSCRIPT TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA  
(CONTINUED)  
(Taken on June 27, 2003)  
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APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE  
Deputy District Attorney

~~WILLIAM SPADE, ESQUIRE~~  
Assistant District Attorney

MAUREEN McCARTNEY, ESQUIRE  
Assistant District Attorney

For the Commonwealth

Reported by: Charles Holmberg  
Official Court Reporter

1 - COLLOQUY -

2 MS. McCARTNEY: Just for the purposes  
3 of logistics for today, we told you next week we're  
4 having Bishop Cullen in, so we wanted to give you  
5 the benefit of hearing the testimony that Cardinal  
6 Bevilacqua offered during the last grand jury.

7 We have a couple more transcripts that  
8 we need to go through. I think he testified five  
9 times before the last grand jury.

10 We also have today a fact witness.  
11 Father Gana will be coming in, so we don't expect  
12 that that will take overly long. But then we'll  
13 finish up with the transcripts, and tomorrow we  
14 have more of Cardinal Bevilacqua's transcripts as  
15 well as one additional witness, a fact witness that  
16 will be testifying.

17 -----

18  
19 MS. McCARTNEY: We don't know yet.

20 MR. GALLAGHER: I'm in contact with his  
21 attorney to set up the dates. I spoke with him  
22 just this week.

23 MS. McCARTNEY: He has been subpoenaed.

24 MR. GALLAGHER: Okay. May the record  
25 reflect that it's now 10:07 A.M. on November 6,

1 - COLLOQUY -

2 2003, and do we have a quorum?

3  
4  
5 (Pause.)

6 MS. MCCARTNEY: Regular jurors just  
7 raise your hands.

8  
9 jurors.

10 MR. GALLAGHER: Nineteen regular  
11 jurors, and alternates?

12  
13 MS. MCCARTNEY: Seven alternates. So  
14 that's a quorum. Thank you.

15 MR. GALLAGHER: Last week when we  
16 adjourned for day we were going through the  
17 testimony of Cardinal Bevilacqua before the last  
18 grand jury and his testimony of June 27, 2003. At  
19 that time we ended at page fifty-five in the middle  
20 of discussion of several priests who were given  
21 leaves of absence in the spring of 2002.

22 In order to pick up in context and  
23 there's some continuity here, we're going to pick  
24 up on page fifty-four, line thirteen.

25 Charles Gallagher was doing the

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2 questioning. Present was William Spade and Maureen  
3 McCartney. And as I indicated, the witness was  
4 Anthony Joseph Bevilacqua.

5 I will start on line thirteen. I will  
6 be reading the questions, and assistant DA Maureen  
7 McCartney will be providing the answers as per the  
8 transcript.

9 ---

10 (The testimony of ANTHONY JOSEPH  
11 CARDINAL BEVILACQUA, taken on June 27, 2003, was  
12 read to the grand jury. The questions were read by  
13 Mr. Gallagher, and the answers were read by Ms.  
14 McCartney as follows:)

15 ---

16 (BY MR. GALLAGHER:)

17 "Q. Could you turn to the next priest, Father Thomas  
18 Wisniewski.

19 "With Father Wisniewski, the profile indicates that  
20 he was given administrative leave on March 15, 2002; is  
21 that correct?

22 "A. Yes.

23 "Q. And if we could go down to the previous  
24 assignments, it indicates that he was the parochial vicar  
25 at Saint Pius X in Broomall from June of 1991 through July

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2 of 1992; is that correct, Cardinal?

3 "A. Yes.

4 "Q. And in July of 1992 until September of 1993, he  
5 was on health leave, and he resided for that time period  
6 at Saint John Vianney Hospital?

7 "A. Yes.

8 "Q. Is that correct?

9 "A. Yes.

10 "Q. And then from September of '93 through June of  
11 '95, he was the staff, Office of the Metropolitan  
12 Tribunal; is that correct?

13 "A. Yes.

14 "Q. What is the staff of the Office of the  
15 Metropolitan Tribunal?

16 "A. I don't know specifically. It means that he was  
17 not an official of the Metropolitan Tribunal, meaning he  
18 was not one of the judges.

19 "He could have had another function there, and I'm  
20 not aware of what that function was.

21 "Q. Okay. It then indicates that from June of 1995  
22 through March of 2002 -- strike that. I'm sorry. These  
23 are hard to read.

24 "September of 1993 until June of 2001 he was a  
25 resident at Saint Justin the Martyr in Narberth; is that

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2 correct?

3 "A. Correct.

4 "Q. Do you know if he had any contact with the altar  
5 boys at that Narberth parish?

6 "A. I do not know that.

7 "Q. Okay. And from June of 1995 until March of 2002,  
8 he was the chaplain at Immaculate Mary Home, and then from  
9 June of 2001 to March of 2002, he was resident at Saint  
10 Callistus in Philadelphia; is that correct?

11 "A. Yes.

12 "Q. Do you know if he had any contact or interaction  
13 with children --

14 "A. I do not.

15 "Q. -- at those assignments?

16 "A. I do not know.

17 "Q. But he was initially given health leave back in

---

18 1992, and then in March of 2002, he was given

19 administrative leave; is that correct?

20 "A. Yes.

21 "Q. Okay. Do you know why he was given administrative  
22 leave in March 2002?

23 "A. Yes.

24 "Q. Why?

25 "A. Because it was determined that he was guilty of

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2 sexual abuse of a minor.

3 "Q. And as of March 2002, his address is the Secretary  
4 for the Clergy, Monsignor Lynn's office?

5 "A. Correct.

6 "Q. Do you know in fact where he's living?

7 "A. I do not know.

8 "Q. And do you know in fact whether or not he has any  
9 access to children or altar boys?

10 "A. I do not know. He ordinarily -- may I ask this.

11 "Since he's prevented from saying any public Mass,  
12 he ordinarily should not have any contact with altar boys,  
13 but I cannot be absolute, so . . .

14 "Q. Without going through every one in detail, I did  
15 indicate there were twelve priests here between March 2002  
16 and May of 2002 that were granted administrative leave or  
17 separated.

---

18 "Cardinal, do you know why the Archdiocese waited  
19 until that time if these priests had previous credible  
20 allegations of sexual abuse of minors?

21 "A. Because . . ."

22 MR. GALLAGHER: And then the witness  
23 conferred with his attorney.

24 (THE WITNESS:) "Because up until that  
25 time, I could see that these were either given --



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2 put on full leave, or they were on restricted  
3 ministry, and at that time we felt that was  
4 sufficient according to our policy."

5 (BY MR. GALLAGHER:)

6 "Q. And why did you change that policy at that time?

7 "A. That was recommended to me by Monsignor Lynn."

8 ---

9 (BY MR. GALLAGHER:)

10 "Q. Do you know when he specifically recommended that  
11 to you?

12 "A. Excuse me. May I for a moment."

13 MR. GALLAGHER: Then the witness  
14 conferred with his attorney.

15 (THE WITNESS:) "See, I just want to  
16 amplify that Monsignor Lynn had come to me earlier  
17 in the year and recommended that all those that  
18 were on restricted leave who were guilty of sexual  
19 abuse of minors should be removed completely from  
20 ministry, and I acceded to that recommendation."

21 (BY MR. GALLAGHER:)

22 "Q. Did he give you the basis for why he came to that  
23 recommendation?

24 "A. No. He just thought it would be best to do it  
25 that way.

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2 "Q. Okay. Did you ask him for an explanation of why  
3 he thought it was wise to do it at that point?

4 "A. I did not ask him that I recall.

5 "Q. It's possible that he may have a recollection of  
6 that, Cardinal, as to the basis of why he recommended this  
7 to you?

8 "A. Yes, it's possible, but I don't recall it.

9 "Q. Well, when he makes recommendations for you, for  
10 someone to go on administrative leave, and that basically  
11 means with these twelve priests, that they no longer even  
12 practice restricted ministry, he doesn't do that lightly,  
13 does he, Cardinal?

14 "A. No. But he -- when he's -- when he made that  
15 recommendation, I acceded to it because he always has good  
16 reasons for it.

17 "Q. Well, quite frankly, Cardinal, don't you think  
18 that it would be more than possible that he knows the  
19 reasons why he made those recommendations to you?

20 "A. Well, I'm sure he had reason for it, so I presume  
21 he knows it.

22 "Q. Okay. Cardinal, in subsequent comments by your  
23 spokeswoman, Catherine Rossi, she again reiterated that of  
24 the thirty-five credible evidence of sexually abusive  
25 priests over the past fifty years of Philadelphia, that

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2 only six had been dismissed and their allegations became  
3 known to law enforcement, plus they were charged, arrested  
4 and prosecuted.

5 "Do you remember when she made that pronouncement?

6 "A. I can't remember exactly. No, I cannot.

7 "Q. Do you know if that pronouncement by her was  
8 correct?

9 "A. That there were thirty-five? That there were six,  
10 yes, I recall that number.

11 "Q. Six were dismissed because their allegations  
12 became known to law enforcement, and they were charged,  
13 arrested and prosecuted?

14 "A. I don't recall that area, the nuances that you  
15 just gave. I recall those six, that number six.

16 "Q. Well, what nuances do you recall?

17 "A. Just that there were six priests.

---

18 "Q. Okay. Dismissed because they became known to law  
19 enforcement and were prosecuted and arrested?

20 "A. That's the part that I don't recall"

21 MR. GALLAGHER: Okay. And then the  
22 witness conferred with his attorney.

23 ---

24 (THE WITNESS:) "Yes. May I ask you to  
25 read the press release."

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2 (MR. GALLAGHER:) "It's now eleven  
3 forty-nine.

4 "I will get that out for you, Cardinal,  
5 and then we will take a recess at this point for  
6 ten minutes. Only ten minutes.

7 "Now, Cardinal, while -- well, let's  
8 extend that. Let's make that fifteen minutes.

9 "During that time period, I will  
10 ascertain whether or not any of the grand jurors  
11 have questions of you, and do you understand the  
12 process? They pose the questions in recess to me,  
13 and then I ask you those questions.

14 "Do you understand that, Cardinal?"

15 (THE WITNESS:) "Yes."

16 (MR. GALLAGHER:) "Okay. We'll take a  
17 recess."

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18 MS. McCARTNEY: Eighty-two.

19 MR. GALLAGHER: Then it was reconvened,  
20 and I continued questioning the Cardinal.

21 ---

22 (BY MR. GALLAGHER:)

23 "Q. Cardinal, the grand jurors have posed to us a  
24 series of questions, and I'm going to go through them at  
25 this point.

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2 "Cardinal, yesterday you indicated that you cannot  
3 force priests into treatment. If you have a case of a  
4 credible allegation and you've made that determination,  
5 how do you get these priests treatment?

6 "A. We strongly recommend it, and I do not know of any  
7 that I recall that did not accept that. There's -- as a  
8 general rule, they go for treatment when we ask them.

9 "Q. Have you had any cases where once they go for  
10 treatment, they've walked away from treatment?

11 "A. I don't know. I cannot -- I cannot identify -- I  
12 think there was one or two priests, but not necessarily in  
13 sexual abuse, that may have walked out of a treatment  
14 house, but I'm not positive.

15 "Q. Okay. We were only --

16 "A. I'm -- not connected with sexual abuse  
17 necessarily.

---

18 "Q. We're only talking about sexual abuse.

19 "A. I don't know of any.

20 "Q. You don't know of any that have walked away from  
21 treatment?

22 "A. That's right.

23 "Q. But it is possible; is that correct, Cardinal?

24 "A. Yes, it is. I -- you have to say it's possible.

25 "Q. When you became the Archbishop in February of

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2 1988, do you know if any of the secret archive files  
3 dealing with matters of sexual abuse were thrown out?

4 "A. I do not know that, and that would be contrary to  
5 the law.

6 "Q. Do you know if any of the files that were in the  
7 custody of the Archdiocese of Philadelphia were thrown out  
8 before you took over in 1988?

9 "A. I do not know that.

10 "Q. Okay. Do you know if any of the files, secret  
11 archive files, have been thrown out or shredded or  
12 destroyed since you took over in February of 1988?

13 "A. Again, I can't say that, but it would be against  
14 the law to do that.

15 "Q. Isn't there a requirement under the canon law for  
16 secret archive files to be thrown out and shredded or  
17 destroyed after a period of ten years?

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18 "A. That's in criminal cases.

19 "Q. What do you mean by that, Cardinal?

20 "A. I mean, if someone, a priest, was charged with a  
21 crime in canon law, but there could be secret archives for  
22 other reasons.

23 "Q. Okay. I'm talking about secret archives files  
24 dealing with sexual abuse.

25 "A. Well, that's -- secret archives is a general

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2 category. One of them would be, you know, criminal cases,  
3 one of which would be sexual abuse. There is a law to  
4 that effect.

5 "Q. Okay. When you say criminal cases, do you mean  
6 criminal cases in the secular world in law enforcement  
7 that I'm charged with investigating and prosecuting, or do  
8 you mean in the canon law?

9 "A. I said in church law, canon law.

10 "Q. So if it's a criminal case in canon law for sexual  
11 abuse of a minor, there is a provision in canon law for  
12 those files to be destroyed; is that correct?

13 "A. After the completion of the case.

14 "Q. Okay. And, Cardinal, for clarification to the  
15 jury, can you explain what do you mean by after completion  
16 of the case?

17 "A. When a decision has been made, frequently --

---

18 frequently there are two ways of finalizing a case. One  
19 is an administrative decision that would come from the  
20 bishop himself.

21 "The other is if it went to the judicial court of  
22 the diocese and the judge would render a decision; and  
23 once you have it, either the person is innocent or guilty  
24 of the crime, and the penalty is imposed. That's the  
25 completion of the case, and provided there are no appeals

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2 from that.

3 "Q. So there's two categories, correct? Ones in which  
4 they're administratively handled by the bishop, and ones  
5 which go through the Metropolitan Tribunal. Is that  
6 correct?

7 "A. Not the Metropolitan, no. The Archdiocesan. To  
8 distinguish the Metropolitan Tribunal, it's different from  
9 the Archdiocesan Tribunal.

10 "Philadelphia is a metropolitan Archdiocese,  
11 meaning I'm a metropolitan for all the suffragan bishops  
12 of Pennsylvania. When they have a court case, generally  
13 an annulment, in order to -- you must have two decisions,  
14 the original one of the diocese, and then it must be  
15 appealed to the Metropolitan Tribunal. That's what the  
16 metropolitan tries, the appeal court for other diocese.

17 "Q. Okay. Cardinal, so I can make sure this is  
18 understood by the grand jury, we're not talking about  
19 annulments here. We're talking about --

20 "A. I used that as an example.

21 "Q. We're talking about charges of criminal violations  
22 under canon law dealing with sexual abuse of minors.  
23 There's two avenues for those cases to be pursued in the  
24 Archdiocese under canon law; is that correct?

25 "A. Right.



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2 "Q. Those two methods of pursuing those cases is  
3 administrative as well as the court --

4 "A. That's right.

5 "Q. -- correct?

6 "And if it's handled administratively and the  
7 bishop makes the decision, when are those secret archive  
8 files permitted to be destroyed as you understand canon  
9 law?

10 "A. After the final appeal is made, either  
11 administratively or judicially.

12 "Q. Okay.

13 "A. That's when it's fully completed.

14 "Q. Okay.

15 "A. Then ten years after that, they can be destroyed.

16 "Q. So it's ten years after the appeal; is that  
17 correct?

---

18 "A. That's right. If there is one.

19 "Q. Where does the appeal go?

20 "A. If it's administratively, it's a recourse to the  
21 Holy See, to the Vatican. If it's judicial, then it would  
22 go to the Rota in Rome.

23 "Q. And when you say the Holy See, you mean the Pope,  
24 correct?

25 "A. Well, it means not personally. It means his

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2 administrative bodies there.

3 "Q. So if you made an administrative decision as a  
4 result of being the Bishop of Philadelphia and you made a  
5 decision on a case of child sexual abuse by a priest --

6 "A. Yes.

7 "Q. -- that priest could appeal that to the Holy See;  
8 is that correct?

9 "A. That is correct.

10 "Q. And when you say the Holy See, so it's clear for  
11 everyone, what do you mean by that?

12 "A. It means all of the various departments that  
13 administer the work of the Holy See.

14 "So there are about eight congregations that are --  
15 that minister various functions of the Church according to  
16 our federal government, Secretary of Commerce and so on,  
17 so they're divided into various categories.

18 ~~"At the present time, an appeal from an~~  
19 administrative decision in the sexual abuse case would go  
20 to the Congregation for the Doctrine of the Faith.

21 "Q. Okay.

22 "A. At the present time.

23 "Q. Now, you say at the present time. How about over  
24 the last fifteen years?

25 "A. It would have gone -- it would have gone probably

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2 to the Congregation for the Clergy, but about two or three  
3 years ago, the Holy Father changed that, so that all cases  
4 of sexual abuse of minors go to the Congregation of the  
5 Doctrine of the Faith.

6 "Q. Was there ever an explanation as to why that was  
7 changed?

8 "A. Yes. The Congregation for the Doctrine of the  
9 Faith handles what we call very grave crimes, and there  
10 are about six of them in the Church. You would not be  
11 interested in the other. They're more on the sacraments.

12 "About three years ago, it was decided that sexual  
13 abuse of a minor is now a graver crime than others. It's  
14 a -- it is a very -- it's a word of art. In other words,  
15 it's a scientific term, called a graver delict. That's  
16 its actual term.

17 "Once it became a graver delict, then it  
18 ~~automatically -- the Holy Father switched it over to the~~  
19 Congregation of the Faith, which handles those kinds of  
20 crimes.

21 "Q. And when did that occur?

22 "A. I think it was about three years ago.

23 "Q. So it would have been 2000 or 1999?

24 "A. Yes, about then.

25 "Q. Okay. So prior to let's say 2000, the

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2 Congregation for the Clergy handled these appeals?

3 "A. That's where I think --

4 "Q. The administrative appeals?

5 "A. The administrative.

6 "Q. From the time that you took over as Archbishop in  
7 Philadelphia in 1988, were there any cases handled  
8 administratively by you that resulted in canon law  
9 criminal prosecution of a priest for sexual abuse of a  
10 minor?

11 "A. You're talking up until the present time, may I  
12 ask?

13 "Q. No. Fine. Up until the present time.

14 "A. Yes.

15 "Q. What were those cases?

16 "A. I don't -- there were cases when -- well, any time  
17 I put a priest on administrative leave and removed all of  
18 ~~his functions, that's an administrative decision.~~

19 "Q. Okay. And how many times did you do that in the  
20 last fifteen years?

21 "A. I only did them recently, and I don't remember the  
22 exact number, but it's at least six.

23 "Q. Now, these cases that I talked about earlier, that  
24 I gave you the profile that's still sitting in front of  
25 you, which is in grand jury exhibit nine fifty-seven --

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2 no, not that.

3 "Were those cases handled by you administratively  
4 as far as -- are they considered canon law, criminal law  
5 cases?

6 "A. I'd have to -- you know, I don't want to be  
7 absolute that all of them are. They could be, but I'm  
8 just not absolutely sure. Some of them are.

9 "Q. Well, the six that you mentioned, are they in that  
10 group?

11 "A. I think they are, but I'm not sure. I don't  
12 recall.

13 "Q. Would you be able to check that and let us know  
14 later?

15 "A. Well, sure."

16 (THE WITNESS:) "Could you ask the  
17 question again so we can put it down."

18 (BY MR. GALLAGHER:)

---

19 "Q. What I want to know is of the -- actually, there's  
20 thirteen there, profiles. You were given thirteen priests  
21 that were earlier mentioned in the record. That's marked  
22 as grand jury exhibit nine fifty-seven.

23 "Which one of those cases were handled by you as  
24 the Bishop in the administrative method that you  
25 indicated?

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2 "A. In which I imposed a penalty?

3 "Q. Correct.

4 "A. Okay.

5 "Q. Do you know if any of those cases were appealed  
6 to -- that would be now the Congregation of Faith, because  
7 those thirteen were handled in the last year and a half?

8 "A. In looking them over, I have to say I know of two  
9 of them.

10 "Q. Which two?

11 "A. Thomas Wisniewski and Stanley Gana.

12 "Q. Have their appeals been resolved by the  
13 Congregation of the Faith?

14 "A. The only one I know of that has been resolved is  
15 the Father Gana, Stanley Gana.

16 "Q. And what was the resolution of that?

17 "A. It was an in our favor to uphold our decision.

18 ~~"Q. Your decision to do what?~~

19 "A. That he cannot perform any functions as a priest.

20 "Q. Okay. And when did you make that decision?

21 "A. That would have been in the early part of last  
22 year.

23 "Q. As indicated in the profile for --

24 "A. Yes.

25 "Q. -- for Father Gana, it indicates --

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2 "A. I think it was February or March of 2002.

3 "Q. I believe the exhibit indicates that Stanley Gana  
4 was given administrative leave on April 2, 2002; is that  
5 correct?

6 "A. I'm looking for that here.

7 "Q. It's in the top part of the profile, Cardinal.

8 "A. Oh, I'm sorry. Then that would be correct.

9 "Q. So therefore, his file will be destroyed in ten  
10 years?

11 "A. The law permits it, but it isn't necessarily done  
12 always.

13 "Q. Now, prior to this group, do you recall other  
14 cases in the last fifteen years where you administratively  
15 removed a priest as a result of canon law?

16 "A. I don't recall any besides the present cases.

17 "Q. When you say the present cases --

~~18 "A. I mean the ones you're talking about here.~~

19 "Q. The twelve --strike that.

20 "The thirteen in exhibit nine fifty-seven?"

21 ---

22 (BY MR. GALLAGHER:)

23 "Q. Cardinal, the grand jurors have a few other  
24 questions I'd like to go into because it's now twelve  
25 forty-nine and we want to conclude by one o'clock.

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2 "Have you ever met with a priest who has been  
3 accused of sexual abuse of a minor?

4 "A. Yes.

5 "Q. How many times, and do you recall who those  
6 priests were?

7 "A. I've met with Father Joseph P. Gallagher I think  
8 about maybe two or three times, and I recall meeting with  
9 Father Stanley Gana, but I only recall once.

10 "Q. And do you recall when the meetings were with  
11 Father Gallagher, Joseph P. Gallagher?

12 "A. I think it's possible both of them were in the  
13 early part of this year.

14 "Q. That's the early part of 2003?

15 "A. Yes. Separated by several months. Maybe in the  
16 early part of 2003. Maybe two months later again.

17 "Q. And how about meeting with Reverend Stanley Gana?  
18 When was that?

---

19 "A. I think that was last year, in 2002.

20 "Q. Before or after you imposed the --

21 "A. After.

22 "Q. -- administrative leave?

23 "A. I think it was after.

24 "Q. It was after April 2, 2002; is that correct?

25 "A. That's my recollection, yes.



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2 "Q. Do you recall any other priests that you've met  
3 with that have been accused -- not in that group, any  
4 priests that were accused in the last fifteen years?

5 "A. That were accused? No, I don't recall that.

6 "Q. Have you, without indicating or remembering their  
7 names, have you regularly met over the last fifteen years  
8 with priests that have been accused of sexual abuse of  
9 minors?

10 "A. No. As a general rule, I did not meet with them.

11 "Q. So you're --

12 "A. Unless they requested it.

13 "Q. So besides Gallagher and Gana, there may have been  
14 other priests over the last fifteen years that you've met,  
15 that have been accused of sexual abuse of a minor?

16 "A. I do not know, was not aware of it.

17 "Q. Excuse me?

18 ~~"A. It's possible that I was not aware of it.~~

19 "Q. Aware of what?

20 "A. That they were not accused.

21 "Q. I'm not worried about your meeting priests just  
22 for the sake of meeting them in your capacity as their  
23 bishop. I'm asking about specifically priests that have  
24 been accused of sexual abuse of a child, how many priests  
25 over the last fifteen years have you met with?

## 1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. I can only recall in meeting with them the two I  
3 mentioned to you. I do not recall others.

4 "Q. But other cases have been brought to your  
5 attention by Monsignor Cistone, then at that time  
6 Monsignor Cullen, and also Monsignor Lynn over the last  
7 fifteen years; is that correct?

8 "A. Generally, Monsignor Lynn, yes.

9 "Q. Right. Right. But you yourself have only met  
10 with Gana and Gallagher as you can recall --

11 "A. That is correct.

12 "Q. -- as of today?

13 "A. That is correct.

14 "Q. Have you ever had it as a standard policy for you  
15 to meet with a priest who has an allegation of sexual  
16 abuse in order for you yourself to determine whether or  
17 not it was a credible allegation?

18 "A. I did not have that policy.

---

19 "Q. Okay. When you met with Father Joseph Gallagher  
20 and Father Stanley Gana, did you meet with them for the  
21 purpose of ascertaining for you yourself whether or not it  
22 was a credible allegation?

23 "A. No.

24 "Q. What was the purpose of meeting with Father  
25 Gallagher and Father Gana?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. They asked to see me.

3 "Q. So it's the best of your recollection you've never  
4 asked or never directed to meet with a priest yourself  
5 over the last fifteen years who has been charged with an  
6 allegation of sexual abuse of a minor?

7 "A. Generally, that's correct.

8 "Q. Cardinal, the next question from a grand juror  
9 concerns your knowledge of this crisis.

10 "You said you have not read any scholarly works on  
11 this crisis except for a couple magazine articles and some  
12 news media?

13 "A. No, I did not say that.

14 "Q. Okay. What did you say?

15 "A. I did not read any of the ones you gave.

16 "Q. Okay. Which ones have you read?

17 "A. But I said that I read many articles.

18 "Q. Okay.

---

19 "A. In various newspapers and magazines.

20 "I didn't say a few. I -- I -- there are various  
21 sources, other magazines, too, that I've read.

22 "Q. Could you mention those to the grand jury. What  
23 other --

24 "A. Well, again, I mentioned the two reputable papers  
25 the National Catholic Register. I mentioned also the

## 1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Sunday Visitor. There is the Homiletic and Pastoral  
3 Review. There is Crisis Magazine, and also there could be  
4 other articles that at times I don't exactly remember  
5 where, that my Communications Director would send to me.

6 "You know, whether it was Time Magazine, Newsweek,  
7 at times they would have articles. She would always send  
8 me a copy of anything relating to this.

9 "Q. Cardinal, besides the books that I've mentioned,  
10 have you read any book about this crisis --

11 "A. I did not.

12 "Q. -- that's been published in the last fifteen to  
13 twenty years?

14 "A. I did not.

15 "Q. Okay. And regardless of who the writer was or  
16 what may be perceived as his or her intention, is it your  
17 experience that people that commit themselves to writing a  
18 book about a particular topic usually research it

19 thoroughly and there's a possibility that that research  
20 will provide a more expansive explanation of the scope of  
21 a crisis?

22 "A. I could not answer that question.

23 "Q. Okay. Considering the depravity of this matter  
24 for the Catholic Church, the grand jurors wanted to know  
25 why you haven't read any of the books that were mentioned

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 to you yesterday --

3 "A. I did not --

4 "Q. -- to educate yourself personally?

5 "A. Well, first of all, I did not think I had to read  
6 those books that you listed, but that did not mean that I  
7 was not educated.

8 "It's not necessary to read those books to be  
9 educated in this field. As I indicated, there are many  
10 other resources available outside of those books that you  
11 listed.

12 "Q. Okay. Do you think that based on the sources that  
13 you've read, that you are sufficiently educated yourself  
14 to understand and deal with this crisis?

15 "A. Yes. I might add that the resources given to us  
16 by the -- by the Conference of Bishops is a very excellent  
17 resource, and they are professionally written.

18 ~~"Q. Now, the information given to you by the United~~  
19 States Conference of Bishops, is that what you're talking  
20 about?

21 "A. Yes.

22 "Q. Okay. Do you keep a separate file on those items  
23 that are sent to you by the bishops?

24 "A. On the sexual abuse of minors, generally I did.

25 "Q. Okay. May this grand jury have a copy of that,

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Cardinal?

3 "A. But they're mostly the ones contained in the  
4 volumes that I told you about.

5 "Q. Now, those volumes you got back in 1985; is that  
6 correct?

7 "A. Well, there were some -- I don't know if they were  
8 limited to those. I think there may have been even -- no.  
9 No. Because I know that they contained information from  
10 1993 to '94. They are resource materials for bishops.  
11 That's what I generally mean by material that I --

12 "Q. And you've kept all those resource materials?

13 "A. I have two binders of them. Yes. I have them.

14 "Q. And have you gotten anything subsequent to those  
15 from the United States Conference of Bishops?

16 "A. Well, we -- yes. We received other materials  
17 since -- especially since June of last year.

18 "Q. Okay.

19 "A. We have the charter and we have the norms, and  
20 those are all provided to us by the conference.

21 "Q. Okay. Prior to last year at the conference, and  
22 from the time that you originally got those two volumes,  
23 have you gotten other material from the United States  
24 Conference of Bishops that you've read?

25 "A. I can't say we did not, but I can't recall other

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 material that was sent to us. It may have been.

3 "Q. Okay. Do you keep all the material on sexual  
4 abuse that you've gotten from the USCCB and the NCCB for  
5 the last fifteen years? Do you keep all that material in  
6 one place?

7 "A. No.

8 "Q. Okay. Where do you keep it all?

9 "A. Sometimes I don't keep it, because it becomes --  
10 when I get the binders, you find that's more up-to-date  
11 resources.

12 "Q. Okay. So you do keep it all in one place. It's  
13 just that some of the stuff is not there because you've  
14 thrown it out?

15 "A. Some I throw out.

16 "Q. You still have what you have as a current building  
17 library on this topic of sexual abuse, correct?

18 "A. It's a -- from the conference, generally, what is  
19 included in those binders I told you about.

20 "Q. Okay.

21 "A. That's my main resource.

22 "Q. And can you provide the grand jury with a copy of  
23 that?

24 "A. Of both binders?

25 "Q. Yes.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. I think . . ."

3 (THE WITNESS:) "My lawyer will take it  
4 up with you afterwards. Okay."

5 (BY MR. GALLAGHER:)

6 "Q. So the answer isn't yes or no, but I'll get an  
7 answer later; is that correct, Cardinal."

8 (THE WITNESS:) "Yes, that's correct."

9 (BY MR. GALLAGHER:)

10 "Q. Your spokesman, Cardinal, has indicated publicly,  
11 as recently as -- and that's Catherine Rossi -- as  
12 recently as -- I believe it's two months ago, and I can  
13 get it, that the Archdiocese is cooperating with this  
14 investigation; is that correct?

15 "A. Yes.

16 "Q. And do you also agree with her comment that the  
17 Archdiocese is cooperating with this investigation?

18 "A. Yes.

---

19 "Q. Cardinal, do you read the memos given to you by  
20 Monsignor Lynn concerning recommendations on cases of  
21 sexual abuse of minors by priests before you sign them?

22 "A. Yes.

23 "Q. And that's been your policy since he's had that  
24 position in 1993 and person that was before him?

25 "A. I read all memos that I have to sign, yes.



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2 "Q. Cardinal, do you agree with the way Monsignor Lynn  
3 has handled these cases, and if not, why have you not  
4 removed him as the Secretary for the Clergy?

5 "A. I fully support what he has done and is doing.

6 "Q. Specifically, we discussed it a little bit  
7 yesterday, but could you explain again for the grand  
8 jurors with the further definition.

9 "What does Monsignor Cistone do as far as handling  
10 these cases? Is he a conduit for Monsignor Lynn, or can  
11 Monsignor Lynn come to you directly on these cases?

12 "A. In the line of jurisdiction, Monsignor Cistone  
13 would be above Monsignor Lynn, and --but yes to your  
14 second question, that Monsignor Lynn can come to me  
15 directly.

16 "Q. Okay. In the number of cases that have been  
17 handled over the last ten years since Monsignor Lynn's  
18 been involved, and I believe Monsignor Cistone has also  
19 held that position of Vicar General during that same  
20 course of time, does Monsignor Cistone see every case or  
21 does -- what's the majority or what's the breakdown  
22 percentagewise, if you can give us that, between those  
23 cases directly being brought to your attention by  
24 Monsignor Lynn vis-a-vis those cases brought to your  
25 attention through Monsignor Cistone?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. If it's in the memorandum form, it will pass  
3 through the office of Monsignor Cistone. That doesn't  
4 necessarily mean he reads them, but it goes through his  
5 office.

6 "But Monsignor Lynn at times has brought these  
7 cases to me verbally, so he will call me up or wants to  
8 see me in my office.

9 "Q. Cardinal, another question from the grand jurors  
10 is that we received, the District Attorney's office  
11 received seven or eight boxes of files, including a  
12 hundred and twenty files, and you and the Archdiocese had  
13 reported that there was a number of thirty-five cases of  
14 credible allegations of sexual abuse of minors by priests  
15 in the last fifty years, since 1950, actually fifty-two  
16 years.

17 "Do you know if the balance of those and the  
18 difference between those numbers are mostly credible cases  
19 or frivolous cases?

20 "A. I wouldn't identify all of them as frivolous, I  
21 mean, under that category, but I indicated before that  
22 there could be some cases that are anonymous and there's  
23 no way following through on them.

24 "It isn't that an anonymous allegation would be  
25 disregarded completely, but sometimes they give no

## 1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 information whatsoever, and there could be other reasons  
3 that I can't think of at the present time that would  
4 distinguish those cases from the thirty-five and why they  
5 are not merely considered serious allegations.

6 "Q. So at this point, without knowing the list of a  
7 hundred and twenty cases, you don't know which of those --  
8 and the difference would be eighty-five cases.

9 "You don't know which of those cases are frivolous  
10 or what category they fall into at this point; is that  
11 correct, Cardinal?

12 "A. That is correct, except they'd fall in the  
13 category of not being credible allegations. There could  
14 be other reasons. I don't know.

15 "Q. They could be either frivolous and not credible,  
16 or could there be any credible ones in those eighty-five  
17 cases?

18 "A. ~~I don't know of any. I don't know. I don't know~~  
19 what -- I'm just using categories that distinguish them  
20 from the thirty-five.

21 "Q. Okay. Could you please direct someone, maybe  
22 Monsignor Lynn or someone in the Archdiocese, to inform  
23 the grand jury of the names of the thirty-five cases that  
24 you consider to be credible.

25 "A. Okay. We'd be able to provide that information.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Cardinal, thank you."

3 MR. GALLAGHER: And that concluded the  
4 testimony on June 27, 2003.

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7 - I N D E X -

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9 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA 4

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11 EXHIBITS IDENTIFICATION

12 GJ-957, (Previously marked exhibit.) 20

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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

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\_\_\_\_\_  
Judge