

APPENDIX H-6

19-1-42

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

IN RE: : MISC. NO. 0300-239
:
COUNTY INVESTIGATING :
GRAND JURY XIX : C-1

December 4, 2003

Room 18013, One Parkway
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA
(Re: Rev. Robert L. Brennan)

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE
Deputy District Attorney

WILLIAM SPADE, ESQUIRE
Assistant District Attorney

MAUREEN MCCARTNEY, ESQUIRE
Assistant District Attorney

For the Commonwealth

PRESENT:

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

Reported by: Charles Holmberg
Official Court Reporter

VOLUME IV

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MS. MCCARTNEY: Okay. You want to get
3 started.

4 Today's date is December 4. The time
5 is 1:59 P.M. This is the matter of C-1.

6 The Commonwealth has just called a
7 witness.

8 ---

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

12 ---

13 BY MS. MCCARTNEY:

14 Q. Cardinal, for the record, could you please state
15 your name?

16 A. My name is Cardinal Anthony Bevilacqua.

17 Q. And, Cardinal, prior to coming here to testify in
18 ~~front of this grand jury, were you sworn in as a witness~~

19 by the Honorable Judge Bright?

20 (The witness conferred with his
21 attorney.)

22 THE WITNESS: We appeared before Judge
23 Bright.

24 BY MS. MCCARTNEY:

25 Q. Okay. And when you appeared before Judge Bright,

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2 did she explain your rights and responsibilities as a
3 witness testifying in front of a grand jury?

4 A. Yes.

5 Q. And did you also complete a written form which
6 explains to you those rights and responsibilities?

7 A. Yes.

8 Q. And one of the rights and responsibilities that was
9 explained to you was the fact that you are entitled to
10 have an attorney present with you; is that correct?

11 A. Yes.

12 Q. And you in fact do have an attorney?

13 A. Yes.

14 MS. MCCARTNEY: Counsel, for the
15 record, could you please state your name.

16 MR. HODGSON: Yes. My name is Clark
17 Hodgson. I practice of with the law firm of
~~18 Stradley, Ronon, Stevens and Young in Philadelphia,~~
19 and I represent Cardinal Bevilacqua.

20 BY MS. MCCARTNEY:

21 Q. Now, Cardinal, did you understand the rights that
22 Judge Bright explained to you orally, and did you also
23 understand the rights that were written on the form that
24 you completed?

25 A. I did.

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2 Q. Okay. Cardinal, you testified previously in front
3 of the grand jury that concluded a couple months ago; is
4 that correct?

5 A. Yes.

6 Q. And I think that you testified approximately five
7 times during the course of that grand jury proceeding; is
8 that right?

9 A. I think so.

10 Q. And when you last testified, we were in the process
11 of discussing with you the case of Reverend Robert L.
12 Brennan. Do you recall that?

13 A. Yes.

14 Q. And just so you're clear on the record, Cardinal,
15 this grand jury has been read the testimony that was
16 offered during your last appearances in front of the
17 previous grand jury. Okay?

~~18 A. Okay.~~

19 Q. Now -- I'm sorry.

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

22

23

24 MS. McCARTNEY: Okay. Which
25 constitutes a quorum. Thank you.

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2 BY MS. MCCARTNEY:

3 Q. Now, Cardinal, as I indicated previously when you
4 last testified here, and I believe it was in September, we
5 were discussing the case of Reverend Robert L. Brennan;
6 and in the course of discussing Robert Brennan's case, we
7 had given to you the Archdiocese of Philadelphia Priest
8 Data Profile.

9 I'm going to give you a copy so that you can have
10 it in front of you today.

11 MS. MCCARTNEY: And for the record,
12 that was marked previously as grand jury exhibit
13 four eighty-five.

14 BY MS. MCCARTNEY:

15 Q. And, Cardinal, just for the record additionally, in
16 the discussions with your attorney in our office with
17 regard to scheduling your appearance before this grand
~~18 jury, in an effort to expedite and give you some notice,~~
19 we told you the cases that we would be primarily focused
20 on discussing with you over the course of today and
21 tomorrow; is that correct?

22 A. Yes.

23 Q. Okay.

24 MR. GALLAGHER: Cardinal, could you
25 speak up a little louder. Some of the people in

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2 the back can't hear you.

3 THE WITNESS: Okay.

4 MR. GALLAGHER: Thank you.

5 BY MS. MCCARTNEY:

6 Q. And, Cardinal, just so we're back on track where we
7 ended last time in September, in discussing the case of
8 Father Brennan, we had gone through the documents which
9 had established the following: That Father Brennan, while
10 he was assigned as a pastor at Saint Ignatius in Yardley,
11 that complaints had come into the Chancellery office from
12 both the assistant pastor at that location, as well as the
13 cook and the cleaning lady, with regard to conduct that
14 they saw Father Brennan engaging in that was concerning to
15 them, and there was also a complaint brought by a teenage
16 boy, I believe an eighth grader, by the name of [REDACTED] Luk
17 [REDACTED] that talked about activity that Father Brennan was
18 engaging in with him that made him uncomfortable.

19 Based upon the reports that came in, there were
20 interviews conducted of those individuals, and Father
21 Brennan was sent to Saint John Vianney for an evaluation.

22 Do you recall testifying and the documents that
23 established that?

24 A. Yes.

25 Q. Okay.

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2 A. Yes.

3 Q. We then established that after his evaluation at
4 Saint John Vianney and a second evaluation conducted by
5 Dr. Fitzgibbons, Father Brennan was assigned first as a
6 resident priest and then as the parochial -- he was a
7 resident priest at Saint Eleanor's in Collegeville and
8 then was given an assignment as a parochial administrator
9 at Saint Mary's, and then became pastor at Saint Mary's;
10 is that right?

11 A. Yes. It so states.

12 Q. And the document that I showed you, grand jury four
13 eighty-five, establishes that Father Brennan was the
14 pastor of Saint Mary's from June of 1990 to September of
15 1992; is that correct?

16 A. So it states.

17 Q. And we established when you testified previously
~~18 that while Father Brennan was at Saint Mary's there were a~~
19 number of complaints that were brought to the attention of
20 archdiocesan officials, specifically that Father Brennan
21 had taken some high school students from Saint Pius out of
22 class against the regulations of the school, that there
23 were two individual priests at Saint Pius that were
24 concerned about what they observed with regard to Father
25 Brennan and in particular, that activity, there was also a

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2 group of five eighth grade students that had gone to the
3 principal of the school there, Karen Coldwell, and made
4 complaints about Father Brennan's behavior toward them
5 that made them uncomfortable.

6 There was also a report that came into the
7 Montgomery County Children and Youth with regard to one of
8 those students, a boy by the name of [REDACTED] Geo.
9 who alleged that Father Brennan had touched him in ways
10 that made him uncomfortable.

11 There was an investigation conducted, and that
12 report by the Montgomery County Children and Youth was
13 deemed to be unfounded.

14 Do you recall that testimony?

15 A. I recall it.

16 Q. Okay. And we also established through the course
17 of the documents that there was no action at that time
18 ~~taken, remedial action taken, on the part of the~~

19 Archdiocese of Philadelphia with regard to any of those
20 complaints at Saint Mary's at that time; is that correct?

21 A. It depended on the reports. Yes.

22 Q. But based upon the information, information that
23 the Archdiocese had, nothing was done with regard to
24 Father Brennan as a result of either the complaint that
25 came in at Saint Pius or the five eighth grade students

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2 that had come forward to the principal or the one student
3 going to Children and Youth; is that correct?

4 A. (No response.)

5 Q. Father Brennan remained as pastor at Saint Mary's,
6 and there was no evaluation ordered or requested on the
7 part of the Archdiocese?

8 A. He remained there. Yes.

9 Q. Correct. Okay.

10 And then I believe that at the end of our last
11 session, we were talking about the fact that subsequent to
12 those events taking place, that there was another
13 complaint that came to the Archdiocese' attention, brought
14 by a boy by the name of [REDACTED] ^{Hal} who alleged
15 that Father Brennan had touched him inappropriately on his
16 butt and that he had hugged him in ways that made him feel
17 uncomfortable, and I believe that that's where we
18 concluded your last testimony.

19 Is that accurate with regard to your recollection
20 what we talked about?

21 A. As far as my recollection. Yes.

22 Q. Okay. And there was some -- at that point in time,
23 Monsignor Molloy and Monsignor Lynn were made aware of
24 those incidents, and just again for the record, Monsignor
25 Molloy was the Assistant Vicar at that time, correct?

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2 We're talking about 1992 at this time.

3 A. Correct.

4 Q. And Monsignor Lynn was Secretary of the Clergy at
5 that time; is that correct?

6 A. Yes.

7 Q. And it was their responsibility to investigate
8 allegations that involved priests' misconduct with minors;
9 is that correct?

10 A. Correct.

11 Q. Okay. And they made you aware of the incidents
12 that had occurred at Saint Mary's and the concerns that
13 had been brought to their attention; is that correct?

14 A. I have a vague recollection of that, but I can't
15 recall that.

16 Q. Okay.

17 A. I presume that they did.

~~18 Q. I'm going to show you a document, Cardinal, that~~
19 has previously been marked as grand jury exhibit five
20 thirteen.

21 Now, Cardinal, I've just shown you the document
22 that's been marked as grand jury exhibit five thirteen,
23 and this is from the Office of the Vicar for
24 Administration to you, Anthony Cardinal Bevilacqua,
25 authored by Monsignor James E. Molloy. The date of that

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2 document is July 17, 1992, and it regards Reverend Robert
3 L. Brennan.

4 Is that correct?

5 A. So it states there.

6 Q. Okay. And have you had the opportunity to review
7 that document, Cardinal?

8 A. I don't . . .

9 (The witness conferred with his
10 attorney.)

11 THE WITNESS: Not recently I haven't.

12 BY MS. MCCARTNEY:

13 Q. Well, let me ask it to you two ways, if I may.

14 You would agree that this document was directed to
15 your attention back in 1992, so based upon that we can
16 assume that you read it at that time; correct?

17 A. Yes. That can be assumed.

~~18 Q. Okay.~~

19 A. But I don't recall reading it.

20 Q. Okay.

21 A. You know, I'm . . .

22 Q. And again, Cardinal, since our office gave you the
23 opportunity to have advance notices of the cases that we
24 would be questioning you about, you -- obviously, these
25 documents were provided by the Archdiocese of Philadelphia

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to our office; is that right?

A. But I looked at very few of them. We didn't have that much time to go through all the documents.

Q. Okay. Well, let's go through what's contained in this document.

Basically, for summary purposes, this is a document which lays out the history of Father Brennan, and it's authored again by Monsignor Molloy, and he writes out to you in some detail the allegations that had come to the Archdiocese' attention starting back in November of 1988 when Father Brennan was assigned as pastor of Saint Ignatius.

It talks about the fact that he was evaluated. It talks about the fact that there were some incidents that had occurred at Saint Mary's Parish, and it talks about the fact that the recent allegation with regard to the student that had come forward to talk about Father Brennan touching him inappropriately on his butt and that Father Brennan had pushed him on his lap, and it also indicates in this document that that boy, [REDACTED] had indicated that there are many similar incidents that had occurred with other boys.

Is that an accurate summary of this document, Cardinal?

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2 A. I don't know. I didn't -- you know, I presume I
3 read the document. I haven't gotten to the end yet, but
4 I'm presuming what you're saying is true.

5 Q. Okay. Do you want to take a moment to read it?

6 A. May I scan it, at least?

7 Q. Sure.

8 (Pause.)

9 (The witness conferred with his
10 attorney.)

11 THE WITNESS: I've scanned this. These
12 are all -- what I don't see, if I may ask a
13 question --

14 MS. McCARTNEY: Sure.

15 THE WITNESS: -- is I don't see the
16 names of the complainants in here.

17 Are they . . . did I miss that in
18 scanning?

19 BY MS. McCARTNEY:

20 Q. I would agree with you, Cardinal, that the names of
21 the complainants are not in there, but it does talk
22 about --

23 A. It talks about opinions, yes.

24 Q. In summary fashion; is that correct?

25 A. Yes.

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2 Q. And it talks about the fact that -- and the reason
3 that the names aren't in there, is that of significance to
4 you?

5 A. No.

6 Q. I mean --

7 A. I thought you had mentioned some names.

8 Q. Well, I did mention names, and I think that we
9 established the last time, and if I'm incorrect about
10 that, please correct me, but this was a summary of the
11 events that had occurred in Father Brennan's case up to
12 this point; is that right?

13 A. Okay. Yes.

14 Q. And there were other documents that we showed you
15 last time which established that you were kind of kept
16 abreast of the events as they proceeded through; is that
17 right?

18 A. Yes.

19 Q. Okay. So in July of 1992, this document summarizes
20 the history of Father Brennan, and it is just a summary of
21 that; is that right?

22 A. Yes.

23 Q. And I want you to draw your attention specifically
24 to paragraph two of this document, and I just want you to
25 tell me whether I'm reading this incorrectly, and this

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paragraph two deals with the five male students from Saint Mary's Parish, all seventh graders, who had told their principal about their concerns with regard to Father Brennan.

And it says: "One student reported an occasion on which Father Brennan allegedly had grasped the student's hands and pulled or pushed or pulled them down towards his genitals. Another student reported that he had fainted one day at church and that Father Brennan was helping to revive him by rubbing his leg," quote, "up high on the thigh."

That's contained in paragraph two of that document, correct?

A. Yes.

Q. And at the end of this document it talks about the fact that Father Lynn had contacted Dr. Karney and Dr.

~~Miraglia and that they indicated that given the~~

accumulating series of incidents, that there was a recognized pattern of behavior which is cause for concern; is that correct?

A. Where are you?

Q. I'm talking subsection C?

A. Okay. Yes, I see that.

Q. "Consultations," and they make some recommendations

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2 to you in this document, and one of those recommendations
3 is that appropriate reevaluation be initiated promptly, to
4 be performed at The Anodos Center on an outpatient basis
5 and that further recommendations be provided to your
6 attention in light of the results of that.

7 (The witness conferred with his
8 attorney.)

9 BY MS. MCCARTNEY:

10 Q. The last page. I'm sorry. Are you with me?

11 A. Yes.

12 Q. And you comment, and you read this document, and
13 you note after reading it that he -- and we're referring
14 to Father Brennan there -- should be removed immediately
15 from the parish even prior to psychiatric evaluation --

16 A. Yes.

17 Q. -- is that correct?

18 A. Yes.

19 Q. Okay. And then that document is given to you or
20 authored on July 17 of 1992, and you respond back on July
21 22. That's the date that you signed that.

22 Now, on July 30, Cardinal, there had been an
23 evaluation that had been conducted on Father Brennan, and
24 the results of that evaluation were shared with you, the
25 diagnostic impressions were shared with you, as well as

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2 the need, based upon the evaluation for Father Brennan, to
3 have inpatient hospitalization, and do you recall getting
4 that information with regard to Father Brennan?

5 A. No.

6 Q. Okay. I'll show you what has been marked as grand
7 jury five seventeen.

8 (Pause.)

9 (The witness conferred with his
10 attorney.)

11 THE WITNESS: I have completed reading
12 this.

13 BY MS. MCCARTNEY:

14 Q. Okay. And I also handed you another document,
15 Cardinal. That's grand jury exhibit five nineteen, and
16 that's the diagnostic impressions from The Anodos Center.
17 Do you see that document?

18 A. I do.

19 Q. Okay. And in the document five seventeen, that you
20 indicated that you completed reviewing, this is again
21 directed to your attention from Reverend William J. Lynn,
22 and the date of it is July 30, and it's regarding Father
23 Brennan; and in that document, Father Lynn says that he's
24 attached the diagnostic impressions and recommendations
25 which resulted from the assessment of Father Brennan,

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2 correct?

3 A. Yes.

4 Q. And there is a section in there which deals with
5 the fact that Father Brennan needs to be in inpatient
6 treatment at Saint John Vianney Hospital as soon as
7 possible and that until that hospitalization is possible,
8 he is to reside at Immaculate Conception; is that correct?

9 A. That's what it says.

10 Q. And also that there be a request on the part of
11 Father Brennan to resign his pastorship at Saint Mary's
12 and that any consideration for future ministry from the
13 Archdiocese be based on results of the inpatient treatment
14 at Saint John Vianney; is that accurate?

15 A. So it states.

16 Q. And you approved all those recommendations, and
17 that's indicated through your signature at the bottom of
18 the document, dated 7/31/92; is that correct?

19 A. That is correct.

20 Q. Now, with regard to the diagnostic impressions from
21 The Anodos Center, Cardinal, if you flip to page two of
22 five nineteen under, axis one, there are three different
23 diagnoses.

24 One is adjustment disorder.

25 A. Page two?

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2 Q. Page two, the second -- no, the second page of the
3 actual packet of information.

4 A. Oh.

5 Q. The first is an adjustment disorder with mixed
6 emotional features secondary to stress of the allegations
7 and current investigations. The second is rule out
8 pedophilia, same sex.

9 Do you know what that is, Cardinal? Are you
10 familiar with what rule out pedophilia means?

11 A. Yes. It means where children below the age of
12 puberty of the same sex.

13 Q. Do you know what it means that that was one of the
14 diagnostic impressions that were listed down by The Anodos
15 Center, what that means with regard to information?

16 A. Not fully. I'm not conversant with that. I
17 presume it meant that he's not a pedophile.

~~18 Q. The accurate definition of rule out pedophilia~~
19 diagnosis, same sex, would be that there are indications
20 that that would indicate pedophilia but that there was
21 insufficient information to come to that conclusion.

22 Were you familiar with that?

23 A. No.

24 Q. Did you do anything to understand these diagnoses
25 that were provided by The Anodos Center?

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2 A. I did not do that personally.

3 Q. Did you ask anybody on your staff to provide you
4 with further information with regard to what that
5 diagnosis meant?

6 A. No, not that I recall.

7 Q. And then subsequent to Father Brennan going into
8 The Anodos Center, there is a letter that is received by
9 one of the doctors that had initially conducted an
10 evaluation of Father Brennan, Richard Fitzgibbons, and
11 that letter was written to Monsignor Edward P. Cullen; and
12 at some point in time, you were given information with
13 regard to that.

14 Do you recall that letter?

15 A. I do not recall it.

16 Q. Okay. Let me give you a copy of five twenty-one,
17 and just so we're clear on the record, Cardinal, when you

18 testified previously, you had indicated to us in your
19 testimony that Dr. Fitzgibbons was in your opinion a very
20 competent therapist and psychiatrist; is that right?

21 A. I would so hold that, yes.

22 Q. Could you just take a moment -- are you familiar
23 with that document which I've just handed you, grand jury
24 five twenty-one?

25 A. I don't recall it.

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2 Q. Okay. Well, you can take a moment and review it.

3 BY MR. SPADE:

4 Q. Did you take the opportunity in the last week or
5 two, after we told you which documents we'd be showing
6 you, to review this document or any of these documents,
7 Cardinal?

8 A. No.

9 Q. Okay.

10 MR. HODGSON: Could we have a recess.

11 (The conference transpired out of the
12 presence of the grand jury.)

13 MS. MCCARTNEY: And just for the
14 record, counsel and the district attorneys stepped
15 outside to have a consultation, and we are now
16 back.

17 BY MS. MCCARTNEY:

~~18 Q. Cardinal, have you had the opportunity when we were~~
19 out of the room to review grand jury exhibit five
20 twenty-one?

21 A. I have.

22 Q. And this, as I said, was a letter written on
23 August 20, 1992, and it's to Monsignor Edward P. Cullen,
24 your Vicar General; is that right?

25 A. Yes.

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2 Q. Okay. And it is a letter which is written by
3 Richard P. Fitzgibbons, M.D., correct?

4 A. Yes.

5 Q. And it's a letter which deals with Father Robert
6 Brennan, and in that letter it says that Dr. Fitzgibbons
7 was recently contacted by the evaluation team at Villa
8 Saint John's in regard to the evaluation that he had
9 conducted of Father Brennan last year; is that right?

10 A. Yes.

11 Q. Okay. And I just want to read certain portions of
12 this letter.

13 Paragraph two: "I wanted you to know that my
14 evaluation of Father Brennan last year was seriously
15 impaired by the refusal of the assistant associate pastor
16 in Yardley to speak to me about Father Brennan's behavior
17 with the youngsters. I only had scanty historical
~~18 information provided for me by Monsignor Shoemaker and~~
19 Monsignor Jagodzinski. At the same time Father Brennan
20 totally denied these accusations which, as far as I knew,
21 were limited solely to having children sit on his lap."

22 Is that accurate? Did I read that accurately?

23 A. Yes.

24 Q. And the last paragraph of this document indicates:
25 "In view of the recent allegations, my clinical opinion is

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2 that Father Brennan has very serious problems which might
3 predispose this Archdiocese to major scandal and,
4 possibly, litigation in the future. I believe that had I
5 had the opportunity to speak to the parents of the
6 children from Yardley or with the associate pastor, that
7 the conclusions that I reached in 1991 would have been
8 very different."

9 Did I read that accurately?

10 A. Yes.

11 Q. Once that document becomes known to the
12 Archdiocese, what do you do, Cardinal, to contact Dr.
13 Fitzgibbons to find out how his evaluation would have been
14 different, whether it was recommended that he conduct an
15 additional evaluation, whether it was thought to be
16 important to have the team at Saint John Vianney speak to
17 the assistant pastor at Saint Ignatius or to the alleged
18 victims in the case?

19 What was done when this document was received by
20 the Archdiocese?

21 A. It was directed to then Monsignor Cullen. I do not
22 know what was done. I have no recollection.

23 Q. At some point in time, Cardinal, you were given
24 that document, though, correct?

25 A. I have no recollection of it.

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2 Q. Do you know what Monsignor Cullen did when he
3 received that document?

4 A. I do not recall.

5 Q. Well, I'm going to show you a document that's
6 previously been marked as grand jury five thirty-two.

7 (Pause.)

8 Have you had the opportunity to review that
9 document, Cardinal?

10 A. Yes.

11 Q. That's a document which is directed to your
12 attention from Monsignor Molloy, dated November 29, 1993;
13 is that correct?

14 A. Yes.

15 Q. And in that document, Monsignor Molloy gives you
16 documents which relate to Father Brennan; is that right?

17 A. Yes. Correct.

~~18 Q. One of the documents which this memo indicates was~~
19 given to you was the letter from Dr. Fitzgibbons; is that
20 right?

21 A. Yes.

22 Q. And so let me ask you again.

23 Do you recall whether or not, when you received
24 that letter, which shows that at some point in time you
25 did in fact get a copy of the letter, if not, were

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2 verbally told about the contents of it -- what did you do
3 when you saw that letter?

4 A. As I said, I don't recall receiving it. I presume
5 from this memo that I did receive it, but I still don't
6 recall it.

7 Q. Do you think there should have been some action
8 taken with regard to having received that letter and the
9 concerns that were raised by Dr. Fitzgibbons with regard
10 to his inability to conduct a full evaluation of Father
11 Brennan and given the reluctance of certain individuals to
12 talk to him?

13 A. I think that would -- I would have relied on
14 Monsignor Cullen to decide what to do.

15 May I talk to my attorney, please.

16 Q. Sure.

17 (The witness conferred with his
18 attorney.)

19 THE WITNESS: May I relate something
20 from the record.

21 MS. MCCARTNEY: Sure.

22 THE WITNESS: That this letter is
23 August 20, 1992. The memo that was given to me,
24 the memo citing the documents that were given to
25 me, among which is this letter, is November 29,

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2 1993.

3 According to the record here, he must
4 have been in Saint John Vianney Hospital at the
5 time, because this states that he was on health
6 leave.

7 MS. MCCARTNEY: Until December of 1993.

8 I understand that, Cardinal.

9 BY MS. MCCARTNEY:

10 Q. My question to you, though, remains that that
11 information came to the attention of the Archdiocese where
12 there were serious concerns raised on the part of a doctor
13 with regard to an evaluation that he had done on Father
14 Brennan previously.

15 When that information, those concerns from that
16 doctor were brought to the attention of the Archdiocese,
17 was anything done to try to clear up that problem?

18 A. I don't know.

19 Q. Okay. If nothing was done, if there's no
20 documentation in the file provided by the Archdiocese with
21 regard to Father Brennan, if there's no indication, if
22 there's no indication --

23 (The witness conferred with his
24 attorney.)

25

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2 BY MS. MCCARTNEY:

3 Q. If there's no indication that anything was done to
4 speak with Dr. Fitzgibbons or to have Dr. Fitzgibbons
5 speak with the victims from Yardley, or Father Marine, who
6 was the assistant pastor that's referred to in that
7 letter, ultimately that would be your responsibility,
8 though; is that correct, Cardinal?

9 A. I think I have to say that ultimately everything is
10 my responsibility.

11 Q. Okay.

12 A. But I do rely on my staff to carry out their
13 responsibilities.

14 Q. Now, Cardinal, after Father Brennan is in Saint
15 John Vianney, there comes a discussion about what will be
16 his next assignment, if any, within the Archdiocese of
17 Philadelphia; is that correct?

18 (The witness conferred with his
19 attorney.)

20 THE WITNESS: Excuse me.

21 MR. SPADE: We're going to show you the
22 document, Cardinal.

23 MS. MCCARTNEY: Cardinal, for the
24 record, I just handed you two documents, one that's
25 marked as grand jury five twenty-eight and one

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that's marked as grand jury five thirty-three.

3 THE WITNESS: I have no numbers on
4 this.

5 MS. MCCARTNEY: Five thirty-three.

6 MR. SPADE: Five thirty-three would be
7 a memorandum from Monsignor James Molloy to the
8 Reverend William J. Lynn, dated December 6, 1993.

9 MR. GALLAGHER: The other one is five
10 twenty-eight.

11 MS. MCCARTNEY: Yes.

12 MR. GALLAGHER: That's five
13 twenty-eight.

14 (Pause.)

15 (The witness conferred with his
16 attorney.)

17 (Pause.)

18 (The witness conferred with his
19 attorney.)

20 THE WITNESS: Yes, I finished.

21 BY MS. MCCARTNEY:

22 Q. Okay. Now, Cardinal, I've handed you two
23 documents, grand jury five twenty-eight and grand jury
24 five thirty-two, that was the one I handed you previously,
25 and grand jury five thirty-three.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Grand jury five twenty-eight, that is a memo to you
3 authored by Father Lynn. Date of that is November 23,
4 1993; is that right?

5 A. Yes.

6 Q. And it talks about the fact that Father Brennan was
7 discharged from Saint John Vianney on June 14, 1993; is
8 that right?

9 A. Yes.

10 Q. And it talks about what Father Lynn recommends for
11 Father Brennan at this point in time; is that correct?

12 And his recommendation is that Father Brennan be
13 assigned as associate pastor at the Resurrection of Our
14 Lord Parish, correct?

15 A. Yes.

16 Q. And ultimately you approved that recommendation,
17 but you were given a copy of this memo and you were also
~~18 given the documents that were referred to in grand jury~~

19 five thirty-two, amongst them, the letter from Dr.

20 Fitzgibbons, and that's the documents that are listed out
21 on grand jury five thirty-two, correct?

22 A. Is this the one, five thirty-two?

23 Q. Five thirty-two, yes. I'm sorry. That's five
24 thirty-two.

25 A. I have the assessment and the letter to Dr.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Fitzgibbons. I don't see the other two, the first two.

3 Q. But this is a listing of documents that were
4 provided to you --

5 A. Yes.

6 Q. -- based upon this memo; is that right?

7 A. Yes.

8 Q. And this memo was to you again from Monsignor
9 Molloy. The date of that is November 23.

10 Is that right?

11 A. This memo here?

12 Q. November 29. I apologize.

13 Is that right?

14 A. Yes.

15 Q. And it says that these documents listed below are
16 for your review in anticipation of discussion to be held
17 at the issues meeting scheduled for 1st of December 1993;
18 is that right?

19 A. Yes.

20 Q. Okay. Now, Cardinal, before Father Brennan was
21 assigned to Resurrection, you not only got these
22 documents, but you actually -- this was actually part of
23 an issues meeting that you had; is that right?

24 A. Yes.

25 Q. And present at the issues meeting would have been

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 yourself and who else?

3 A. At that time, probably just -- I don't recall, but
4 only be Monsignor Cullen.

5 Q. Okay. And Monsignor Cullen was your Vicar General,
6 Vicar for Administration; is that right?

7 A. Correct.

8 Q. And you and he would have sat down and discussed
9 the case of Father Brennan from start to finish and any
10 issues that either one of you would have had?

11 A. Well, I don't know start to finish, but whatever
12 was relevant for that meeting. I don't recall the meeting
13 obviously.

14 Q. Well, certainly relevant to that meeting would have
15 been whether or not it was appropriate to put Father
16 Brennan in a situation where he could possibly harm
17 children, right?

18 ~~A. It was to put him in an appropriate situation.~~

19 Q. Okay. And so part of the discussion that you would
20 have had with Monsignor Cullen at that time would have
21 been or he would -- was he Bishop Cullen at this point?

22 A. I don't know.

23 Q. I don't remember. Monsignor I believe still.

24 So it would have been what was Father Brennan's
25 past, what was his future, what were the risks involved;

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 is that right?

3 A. I don't recall what we discussed.

4 Q. Well, as a general practice, Cardinal, it would
5 have been something that you would have discussed?

6 A. What is the appropriate place for him in view of
7 the report from Saint John Vianney Hospital.

8 Q. Now, do you recall whether or not part of your
9 discussion that you had with Monsignor Cullen at that time
10 was the contents of this letter from --

11 A. I don't recall anything of the meeting.

12 Q. But you would agree with me, Cardinal, that
13 Monsignor Cullen, being in the trusted position that he
14 was, kept you informed of things that were going on with
15 regard to the priests in the Archdiocese if they were
16 significant things; is that right?

17 A. Well, they have to be very significant. As a
~~18 general rule, yes.~~

19 Q. As a general rule, your policy for operating the
20 Archdiocese -- and this was a policy that was passed on
21 either verbally or inferentially through your
22 subordinates -- was don't surprise me, correct?

23 A. Yes. Generally.

24 Q. Yes. And given the fact that this letter authored
25 by Dr. Fitzgibbons indicated in the last paragraph that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Father Brennan has very serious problems which might
3 predispose this Archdiocese to major scandal and possibly
4 litigation in the future, that would have been something
5 that we can be confident about was brought to your
6 attention by Monsignor Cullen, correct?

7 A. The memo was sent to me. Whether it was discussed
8 I cannot recall.

9 Q. And after the discussions that you had, there was
10 actually an issues meeting that was held on December 1,
11 and there's an excerpt of it, and it's on the second page
12 of grand jury exhibit five thirty-three.

13 (The witness conferred with his
14 attorney.)

15 BY MS. MCCARTNEY:

16 Q. And in that document, it's issues discussed on
17 December 1, 1993, and it says: "His Eminence approved the
18 recommendation as submitted by Father Lynn"; is that
19 right?

20 A. Yes.

21 Q. And it also indicates that you provided related
22 comments which were conveyed from Monsignor Molloy to
23 Father Lynn for implementation; is that right?

24 A. That's what it says.

25 Q. And those comments are contained on the first page

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 of that document; is that right?

3 A. I don't know. But these are my observations
4 here. I see other recommendations here, and it could be,
5 but . . .

6 Q. Cardinal, are you familiar with the fact that or
7 can you answer the question as to whether or not this
8 document contains the handwriting of Monsignor Molloy?

9 A. I am . . . I don't know what his handwriting is.
10 I'll be honest with you.

11 Q. Right.

12 A. I mean, but it --

13 Q. I'm sorry.

14 A. It's authentic. I mean, someone in an official
15 position wrote this.

16 Q. Okay. And this memorandum is to Reverend William
17 J. Lynn, and it's from Reverend Monsignor James E. Molloy,
~~18 correct?~~

19 A. Yes. So I presume he wrote this.

20 Q. And the date is December 6, 1993, and it's: "Item:
21 Excerpt from minutes of issues meeting of December 1,
22 1993"; is that right?

23 A. Yes.

24 Q. Okay. And it says: "Please proceed in accord with
25 the attached excerpt"; and then handwritten on this

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2 document, it says: "On 12/2/93 I telephoned Father Lynn
3 from Ventnor to explain the following on this case," and
4 the case would be referring to Father Brennan, right?

5 A. Yes.

6 Q. Okay. It says: "One, okay to assign Brennan to
7 Resurrection Parish provided: A, he is kept as much as
8 possible away from the youth; B, another priest at the
9 parish is to be assigned to all youth activities; C,
10 pastor is to be completely informed of Father Brennan's
11 background and Father Brennan is to be informed that the
12 pastor has been told of his background, Father Lynn should
13 first get Father Brennan's permission to share this
14 information with pastor; D, at the first sign of a
15 suspicious incident, the pastor is to report his
16 suspicions immediately to the clergy office; E, pastor
17 must give Father Brennan close supervision; two, Father
~~18 Brennan is to be told to keep his hands off everyone," and~~
19 that word is underlined. "He is not even to put his hand
20 on someone's shoulder as a sign of congratulations or
21 anything; and three, if dioceses has to react to a public
22 relations crisis in this case, can we say that Father
23 Brennan has been sent away and can we have a statement
24 that he is not a pedophile? Father Lynn is to get a
25 reading on this from legal counsel," and it's signed:

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2 "J.E. Molloy, 12/9/93."

3 Did I read that accurately?

4 A. Yes.

5 Q. And the comments and the things written down there
6 in Father Molloy's handwriting, things that he indicated
7 he conveyed to Father Lynn, they would have been points
8 that he wanted to convey to Father Lynn based upon the
9 issues meeting and what was discussed in the issues
10 meeting; is that right?

11 A. I presume so.

12 Q. So those comments and those restrictions, for lack
13 of a better word, would have been items that were
14 discussed by yourself and Monsignor Cullen that you
15 thought were appropriate as it related to Father Brennan,
16 correct?

17 A. It could very well be. Yes.

~~18 Q. Okay. And so, Cardinal, if I'm correct about this,~~
19 there was a concern on your part with regard to Father
20 Brennan and the fact that he was not to put his hands on
21 anybody; is that right?

22 A. Yes.

23 Q. Did you think that that was appropriate, if you had
24 those kinds of concerns that you had, to in writing put
25 down that he's not to put his hands on anybody?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Did you think it was appropriate to assign him to a
3 parish with a school?

4 A. The recommendation made by the clergy office was
5 based on the psychological report.

6 Q. But again, Cardinal, based upon the psychological
7 report that was handed to you along with the other
8 documents that were handed to you, you had some concerns
9 that you wanted to express to Monsignor Lynn, correct?

10 A. We expressed certain -- those do express certain
11 concerns.

12 Q. So you didn't just take this recommendation, assign
13 him -- just let me finish my question, and I'll give you
14 every opportunity to answers

15 So you didn't just take the recommendation, assign
16 him to Resurrection Parish and rubber stamp it. You had
17 some concerns about Father Brennan, correct? And you
~~18 wanted those concerns addressed, correct?~~

19 A. They were cautions. Yes.

20 Q. And one of the cautions that you felt important
21 enough to make and that you needed to actually verbalize
22 and have it conveyed to somebody was that Father Brennan
23 is to be told to keep his hands off everyone. He is not
24 even to put his hand on someone's shoulder as a sign of
25 congratulations?

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2 A. That's what it says there.

3 Q. And also there was a concern, obviously based upon
4 this document, on your part that there could be a public
5 relations crisis in this case.

6 Where were those concerns coming from, Cardinal?

7 Do you recall?

8 A. I don't recall.

9 Q. So based upon this, would it be fair to say -- and
10 if it's not, please tell me.

11 Would it be fair to say that you thought that it
12 was very possible, given Father Brennan's past and what
13 you knew about him, that there could continue to be
14 problems with regard to him and his relation to children?

15 A. I'm not going to come to that conclusion.

16 Q. Well, what conclusion do you want us to come to
17 based upon the concerns that you've addressed and based
~~18 upon the fact that you thought that it was possible that~~
19 the Diocese could have to react to a public relations
20 crisis, that if there was any kind of suspicious incident,
21 it was to be reported immediately, and that you wanted to
22 get a read, you wanted to have a statement that Father
23 Brennan had been sent away and that he's not a pedophile,
24 and you wanted to have legal counsel evaluate that?

25 What conclusion would you like us to draw based

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 upon those concerns that you had?

3 A. The recommendations that were made came from the
4 diagnosis that he was not a pedophile. The fact that
5 there were cautions doesn't mean that I can predetermine
6 what might happen.

7 BY MR. SPADE:

8 Q. When you're saying that the recommendations came
9 that he was not a pedophile, you're speaking of the
10 Vianney recommendations; is that correct?

11 A. That is correct.

12 Q. And it's also true that we've shown you the
13 document from Dr. Fitzgibbons that had recommendations or
14 at least observations that conflicted with the Vianney
15 report; is that correct?

16 A. Yes. But I don't know whether Dr. Fitzgibbons was
17 able to interview any of those people. I mean, his is
~~18 conditioned. He said if he had this, but he doesn't come~~
19 to a firm conclusion from any kind of interview.

20 Q. Right. And you've testified also that you don't
21 know, in fact, you don't have any recollection of your
22 taking any steps when that letter came to your attention
23 to make sure that Dr. Fitzgibbons had the opportunity to
24 conduct those interviews, correct?

25 A. That is correct. I don't recall any steps being

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2 taken.

3 Q. So certainly at the time that you approved the
4 recommendation that Father Brennan be assigned to
5 Resurrection, which had a K through eight school, you
6 certainly had at the very least incomplete and conflicting
7 evidence as to whether Father Brennan was sexually
8 attracted to minors; is that correct?

9 A. I can't say that.

10 Q. Based on the report from Dr. Fitzgibbons?

11 A. I cannot say that.

12 Q. And you've testified that Dr. Fitzgibbons in your
13 opinion is a competent --

14 A. Yes.

15 Q. -- and good doctor; is that correct?

16 A. Yes.

17 Q. Okay.

~~18 BY MS. MCCARTNEY:~~

19 Q. So, Cardinal, and correct me if I'm wrong, that
20 there were other assignments within the Archdiocese of
21 Philadelphia that did not involve parish work, and there
22 were also parish assignments within the Archdiocese of
23 Philadelphia that weren't connected to schools, correct?

24 A. I don't know at the time.

25 Q. In nineteen ninety --

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I can't say at that time that there were other
3 assignments available.

4 Q. But nonetheless, given the information about Father
5 Brennan that was known to the Archdiocese generally, you
6 specifically, you approved the recommendation that he be
7 assigned as a parochial assistant pastor, rather, a
8 parochial vicar at Resurrection; is that right?

9 A. I approved it at the recommendation of the clergy
10 office.

11 Q. And what did you do, Cardinal, to ensure that those
12 concerns and those observations that you made were
13 completed and followed through on?

14 A. I presume that they followed through on them.

15 Q. And what is that presumption based upon?

16 A. That my staff is a very competent staff.

17 Q. And what are you basing the fact that they're a
18 competent staff?

19 A. From my knowledge of them and my experience with
20 them.

21 Q. Given the history of Father Brennan up to this
22 point, Cardinal, the fact that you were informed that
23 there had been an incident that had occurred with regard
24 to two priests in the Archdiocese of Philadelphia that
25 were assigned to Saint Pius High School, that had come to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the Archdiocese with concerns about behavior that they saw
3 Father Brennan engaging in, you knew based upon your
4 review of the situation that no action was taken on the
5 part of the Archdiocese at that point in time, and that
6 was very shortly after Father Brennan had already been
7 removed as pastor of one parish, sent for treatment, is
8 assigned to another parish and basically begins to engage
9 in the exact same kind of conduct, do you think it's
10 competency not to recommend that anything be done at that
11 point and were you concerned when you realized a couple
12 years later that that activity had happened and that
13 nothing was done?

14 THE WITNESS: May I talk to my lawyer
15 please.

16 MS. MCCARTNEY: Sure.

17 (The witness conferred with his
18 attorney.)

19 BY MS. MCCARTNEY:

20 Q. If you don't understand my question, Cardinal,
21 because I'll --

22 A. It was a very long question, and it has many, you
23 know, factors in it, and if you could break it down,
24 please.

25 Q. Sure. You said that you presumed that the concerns

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that you had, that were listed out in the memo, were going
3 to be followed through on; is that right?

4 A. Yes.

5 Q. And you've made that presumption based upon the
6 fact that you had confidence in your staff, correct?

7 A. Yes.

8 Q. And that they were competent, correct?

9 A. Yes.

10 Q. And I asked you to think back over the history of
11 Father Brennan; is that right?

12 A. Yes.

13 Q. And I asked you whether or not you ever questioned
14 the competency of your staff when you realized that there
15 had been concern about behavior that Father Brennan had
16 engaged in, specifically the Saint Pius X incident, where
17 your staff had done nothing to address that.

~~18 Did that make you question their competence?~~

19 A. No. I presume they knew more than I did about all
20 of the circumstances.

21 My staff was very concerned also about the safety
22 of children. I mean, I have to rely on them, that they
23 would -- they were just as concerned and anxious to
24 protect children.

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MR. SPADE:

3 Q. What policies and procedures did you put in place
4 to make sure that your staff knew more about these cases
5 than you did and followed up on situations where priests
6 were potentially endangering the welfare of children?

7 A. I'm not sure -- you said what policies for my
8 staff?

9 Q. Did you have any policies on procedures,
10 safeguards, so to speak, to make certain that your staff
11 was actually following up on these cases?

12 A. If there was supervisory policies? No, I didn't
13 have that.

14 Q. In other words, you didn't assign anybody, any one
15 of your subordinates, to check up on Monsignor Molloy or
16 Father Lynn or even Monsignor Cullen at that point?

17 A. I didn't have anyone check up. The Vicar for
~~18 Administration was in an administrative flow line,~~
19 responsible for that, but there was no set policy on that,
20 evaluating them at times or checking on them.

21 Q. And again, if one of your subordinates in this
22 case, Monsignor Molloy or Father Lynn, did not follow up
23 on this situation with Father Brennan and Father Brennan
24 did endanger some children, the ultimate responsibility
25 would have lain with you, correct?

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2 A. I always have the ultimate responsibility.

3 BY MS. MCCARTNEY:

4 Q. Cardinal, not to belabor the point, but did you
5 question the competence of your staff when you learned
6 that not only had nothing been done when the Saint Pius X
7 situation had come to their attention, but that nothing
8 had been done when it was discovered that five students,
9 five seventh grade students, had come to the principal of
10 the school?

11 A. I don't know what reasons they had. I did not
12 question them.

13 Q. But do you think that you should have questioned
14 them and asked --

15 A. I don't recall the circumstances at the time. It's
16 a long time ago.

17 Q. But it's clear from the memo that with the concerns
~~18 and the directives that you spell out, that you don't just~~
19 rubber stamp what your clergy office tells you, that if
20 you think something important needs to be done or
21 addressed more fully than it is in the memos, that you
22 make sure that that information is conveyed, correct?

23 A. I try.

24 Q. Now, Father Brennan gets assigned to Resurrection
25 Parish in five thirty-five.

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2 MR. SPADE: Here you are, Cardinal.

3 (Pause.)

4 BY MS. MCCARTNEY:

5 Q. You've been handed grand jury five thirty-five.

6 Have you reviewed that document, Cardinal, or do you need

7 a moment to do so?

8 A. I need a moment, please.

9 Q. Okay.

10 MS. MCCARTNEY: It's two fifty-six at

11 this juncture. We said we were going to take a

12 break at three o'clock. Why don't we go ahead and

13 do that.

14 That will give you a chance to review

15 that document.

16 THE WITNESS: Thank you.

17 MS. MCCARTNEY: We'll be back in ten

18 minutes.

19 MR. SPADE: Please be back at three

20 ten.

21 (A recess was held.)

22 MS. MCCARTNEY: Okay. We're back on

23 record. The time is now three sixteen. Cardinal

24 Bevilacqua is back in the room.

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. MCCARTNEY:

3 Q. Cardinal, when we left off, I had shown you a
4 document which had previously been marked as grand jury
5 five thirty-five, and you took the time during the break
6 to review that document; is that correct?

7 A. Yes.

8 Q. And this is a memo which is written by Reverend
9 Michael T. McCulken, and it's to the file, and it's dated
10 June 11 of 1996, and it's a meeting with Reverend
11 Monsignor Thomas J. Scanlon, and it's regarding Reverend
12 Robert L. Brennan, Parochial Vicar, Resurrection of Our
13 Lord Church, Philadelphia; is that right?

14 A. Yes.

15 Q. And Monsignor Scanlon was the pastor at
16 Resurrection of Our Lord, is that correct, in 1996?

17 A. Yes.

~~18 Q. And this memo deals with the fact that Monsignor~~
19 Scanlon came to meet with Monsignor Reverend McCulken and
20 Father Lynn with regard to some concerns that he had about
21 Father Brennan; is that right?

22 A. Yes.

23 Q. And the first paragraph of the memo says:
24 "Monsignor Scanlon began by saying that he was aware that
25 Father Brennan had had some difficulties in the past but

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2 was not sure exactly what they were."

3 Did I read at that correctly?

4 A. Yes.

5 Q. And it says that Father Lynn explained that Father
6 Brennan was hospitalized because of boundary issues and
7 that he continues in therapy, and he also apparently,
8 Father Lynn, shared with Monsignor Scanlon at that time
9 that Father Brennan was not diagnosed as a pedophile but
10 he had had difficulties with inappropriate boundary
11 issues; is that correct?

12 A. Yes.

13 Q. And it says that Monsignor Scanlon noted that
14 Father Brennan had given evidence of those same
15 difficulties several times in the church sacristy, and it
16 also said: "Monsignor Scanlon continued by saying that
17 examples also occurred in the rectory office."

~~18 He tells Monsignor Lynn and Father McCulken that~~

19 Father Brennan had taken a teenage boy parishioner to the
20 movies and taken two eighth grade boys to lunch at a fast
21 food restaurant.

22 It says: "Monsignor Scanlon stated that the
23 housekeeper, the social minister and a parishioner have
24 come to him with reports. Monsignor Scanlon said that the
25 rectory staff are aware of Father Brennan's background and

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2 that there are rumors about that background. These people
3 have stated that Father Brennan's contacts with young
4 people appear strange. One person described Father
5 Brennan's conversation in the rectory office with one boy
6 as seductive. And as far as Monsignor Scanlon knows,
7 Father Brennan has not had any youngsters upstairs in his
8 room."

9 And Monsignor Scanlon goes on to tell Father Lynn
10 that a sacristan had reported the behavior with regard to
11 Father Brennan as wrestling, i.e., Father Brennan grabbing
12 the boy from behind and pulling him to himself; and it
13 says: "Monsignor Scanlon does not believe there is any
14 parish wide concern, just among the rectory staff," and he
15 goes on to say: "Monsignor Scanlon described the one boy
16 as being very vulnerable and that Father Brennan seems to
17 be focused on two boys particularly."

~~18 Did I accurately read what was in that memo, parts~~
19 of that memo?

20 A. Parts of it, yes.

21 Q. Okay. Now, were you made aware of that
22 information, Cardinal?

23 A. I don't recall it.

24 Q. Well, here we have Father Brennan, who has twice
25 been removed from parishes, and he's placed into another

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1
2 situation based upon your approval with certain conditions
3 supposed to be met as a result of that assignment; and now
4 he's at Resurrection, and the pastor there comes and tells
5 your staff two things: One, that there's the same
6 problems occurring at Resurrection and, two, that the
7 pastor knew nothing about Father Brennan's past?

8 Is that accurate?

9 A. It's not that he knew nothing.

10 Q. Well --

11 A. It says that he's aware of difficulties that he had
12 in the past, was not sure exactly what they were.

13 Q. Okay. That he had difficulties in the past but was
14 not sure about what they were; is that right?

15 A. Yes.

16 Q. Now, based upon the information that you directed
17 Monsignor Molloy to do with Father Lynn, which was to
18 ~~fully inform the pastor, can we assume that was not done?~~

19 A. You have to ask Monsignor Lynn.

20 Q. Well, based upon your reading and interpretation of
21 this memo, can we assume that Father Lynn did not convey
22 to Monsignor Scanlon the extent of Father Brennan's
23 problems?

24 A. I don't know if I can say that.

25 Q. Okay. Well, I'm going to show you a document, and

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2 maybe then we can . . . this is grand jury exhibit five
3 thirty-seven.

4 (Pause.)

5 (The witness conferred with his
6 attorney.)

7 BY MS. MCCARTNEY:

8 Q. Did you have the opportunity to review that?

9 A. Yes.

10 Q. Okay. This is a memo from the Office for Clergy,
11 from the desk of Reverend Michael T. McCulken to the file,
12 dated June 13, 1996, regarding a meeting, and it's
13 regarding Reverend Robert L. Brennan, Parochial Vicar,
14 Resurrection of Our Lord Parish, Philadelphia; and in this
15 memo, it talks about a meeting that was held between
16 Father Brennan, Monsignor Scanlon, Father Lynn and Father
17 McCulken at the Office for Clergy; is that correct?

18 A. Yes.

19 Q. And in this memo, Cardinal, on page two of that
20 memo, it says in the third paragraph: "Father Lynn shared
21 that although his intention was to review with Monsignor
22 Scanlon the issues that Father Brennan is dealing with,
23 when Father Brennan was assigned, this was not
24 accomplished. He also reported that Cardinal Bevilacqua
25 wanted Father Brennan to know that he was never to touch

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2 another child again."

3 Is that what that third paragraph, that portion of
4 it, reads?

5 A. Yes. Yes.

6 Q. And in this memo it talks -- again it goes through
7 some of the things that had come up with regard to
8 Monsignor Scanlon's concerns about Father Brennan; is that
9 right?

10 A. Yes.

11 Q. And it says in this memo that Father Brennan had in
12 fact taken two boys to a Catholic shop for a Sunday
13 missal; is that right?

14 A. Yes.

15 Q. But he says he wasn't the one initiating those
16 ventures; is that correct?

17 A. Yes.

18 Q. Okay. And it says also that Father Scanlon, I
19 mean, that Father Brennan admitted that he had been out
20 with young people; is that right?

21 A. Yes.

22 Q. And the last page of this document, it says: "At
23 the conclusion of the meeting, Father Lynn noted that the
24 reports shared today raised danger signals for Father
25 Brennan which will help him to be more prudent in the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 months ahead," correct?

3 A. Yes.

4 Q. So Father Lynn is indicating that based upon what
5 he's just learned about the activities occurring at
6 Resurrection, that there's danger signals with regard to
7 Father Brennan; is that accurate?

8 A. Are you drawing a conclusion from that?

9 I'm just seeing what it says here, "Father Lynn
10 noted that the reports shared today raised danger signals
11 for Father Brennan," that he became aware of.

12 Q. Do you think that the -- well, let me ask it to you
13 this way, Cardinal.

14 Do you think that the information which is shared
15 now by Monsignor Scanlon to Monsignor Lynn and that the
16 information of his own observations and the observations
17 of the other people on the rectory staff, do you think
~~18 that they raised danger signals with regard to Father~~

19 Brennan?

20 A. I'm just going to say there are things that Father
21 Brennan has to look at, that they -- that they are
22 cautions for him. In other words, I --

23 Q. You wouldn't --

24 A. -- I don't know if Father Brennan realized that
25 they were dangers.

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2 Q. I'm asking you, though, I'm asking you based upon
3 your knowledge of the case and based upon your knowledge
4 of Father Brennan's past and his past behavior and his
5 past treatment and his current behavior based upon this
6 memo, would you say that there were danger signs raised
7 with regard to Father Brennan?

8 A. I have to say that I . . . I have to abide by what
9 Father Lynn said at the time from his hearing from
10 Monsignor Scanlon.

11 Q. I don't really understand that answer, Cardinal,
12 and I apologize, but --

13 A. In other words, to say that I would have
14 interpreted it as danger, I think these were boundary
15 issues. This is what's repeated constantly throughout the
16 memo. They were dealing with boundary issues.

17 Q. Let me ask you, if you could, to refer back to
18 grand jury exhibit five thirty-five. That's the one that
19 you read just before this.

20 A. I have it here.

21 Q. And the last page of that document or the last two
22 pages actually are handwritten notes that are attached.

23 A. Well --

24 Q. Do you see where I'm talking about?

25 A. (No response.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. And presumably they're handwritten notes that were
3 taken and then were put into the actual typewritten form.

4 A. I just skimmed through them. They looked like the
5 notes for the memo.

6 Q. Exactly. If you look on page two of those
7 handwritten notes, at the very top it says: ~~██████████~~ ^{Walt},
8 one boy, "M" equals crossing guard, "F" equals policeman.
9 Not totally masculine, vulnerable. Centering upon two
10 kids. Going out with them."

11 Is that what that says?

12 A. I presume that's what it says there.

13 Is that what it says? "Going out with them"?

14 Q. If you interpret it differently, please --

15 A. No. No. Well, I . . . no, I'll take your word for
16 it.

17 Q. Okay. And that's also indicated in the typewritten

18 ~~memo, where it says: "Monsignor Scanlon described the one~~
19 boy as being very vulnerable and that Father Brennan seems
20 to be focused on two boys particularly," correct?

21 A. Yes.

22 Q. Okay. Now, so is this the answer to my question I
23 asked you originally, Cardinal, that you don't view these
24 as danger signals with regard to Father Brennan?

25 A. I said they're issues that he has to, you know,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 take up with, as he said, himself. They were boundary
3 issues that he has to deal with.

4 Q. Let me ask it to you this way. Maybe we can
5 quantify it.

6 How many children have to be put in the situations
7 that the children that have come in contact with Father
8 Brennan in the past, how many children have to be put in
9 that situation before something is ultimately done with
10 Father Brennan?

11 A. I don't think that's a proper question to ask.

12 Q. Okay. Let me ask you this question.

13 Go back to the document, and I don't know whether I
14 have the number of it, the document where you have
15 approved Father Brennan's assignment to Resurrection
16 Parish and you have directed Monsignor Molloy to give some
17 certain directions to Father Lynn.

~~18 Do you see the document that I'm referring to?~~

19 A. Yes, I do.

20 Q. Yes. Now, Cardinal, again this was a discussed.
21 You authorized Father Brennan's assignment to
22 Resurrection, correct?

23 A. Yes.

24 Q. In doing so, you knew that there was a school
25 attached to that, correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Well, I presume so.

3 Q. And in doing so, you were fully aware based upon
4 the documents that we've shown you thus far, based upon
5 your conversation at the issues meeting, of what Father
6 Brennan's past had been, correct?

7 A. Yes.

8 Q. And based upon all of those things that you were
9 aware of with Father Brennan, you wanted certain things to
10 be done with regard to his assignment at Resurrection; is
11 that right? And we've already gone through what they
12 were.

13 A. Yes.

14 Q. Okay. And I just want to go through a couple of
15 them.

16 "He is to be kept as much as possible away from the
17 youth." And there's nothing in the memo written in 1996
~~18 to indicate that that was done, correct?~~

19 A. Well, it says: "As much as possible," every effort
20 should be made.

21 Q. Okay. Well, and every effort would be made by
22 informing the people at the parish as to what that
23 restriction was, correct?

24 A. No, I don't -- I can't say that that was required.

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MR. SPADE:

3 Q. By people at the parish, Cardinal, we mean --

4 BY MS. MCCARTNEY:

5 Q. I'm talking about the pastor and any other people
6 that may be in charge in a supervisory way?

7 A. No. His supervisory?

8 Q. Right.

9 A. That would be mainly the pastor.

10 Q. Right. And the pastor -- go to "C."

11 "Pastor is to be completely informed of Father
12 Brennan's background and Father Brennan is to be informed
13 that the pastor has been told of his background. Father
14 Lynn should first get Father Brennan's permission to share
15 this information."

16 That was something that you wanted specifically
17 done, correct?

18 A. Yes.

19 Q. And you said that you presumed that your staff was
20 competent, correct?

21 A. Yes.

22 Q. And then we look at the document from 1996 where
23 Father Brennan is zeroing in on two vulnerable boys
24 and --

25 A. Wait. Wait. Wait.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. On one vulnerable boy, and zeroing in, based upon
3 Monsignor Scanlon, on two boys in particular?

4 A. Right.

5 Q. And we know that Father Lynn never conveyed any of
6 Father Brennan's background to him.

7 Is there something about that question that's
8 difficult? I'll break it down for you.

9 We know that you indicated that you wanted the
10 pastor to be completely informed of Father Brennan's
11 background, correct?

12 A. Yes.

13 Q. Okay. We know this is 1993, December of 1993, that
14 those instructions are given out, correct?

15 A. Yes.

16 Q. 1996 we have information from the pastor at
17 Resurrection that Father Brennan is engaging in behavior
18 that's concerning to him, correct?

19 A. Yes.

20 Q. And that behavior includes talking seductively to a
21 boy, wrestling with boys, taking boys to the movies, is
22 that right? And out to dinner, correct? That's all
23 contained in the memo; is that right?

24 A. To a dinner? Excuse me.

25 Q. I don't want to misquote, so let me --

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MR. SPADE:

3 Q. To a fast food restaurant.

4 A. Oh, fast food.

5 BY MS. MCCARTNEY:

6 Q. Maybe we can argue whether or not it's good food,
7 but it's out for food, okay, and that we can also -- and
8 I'm sorry. It does say to lunch at a fast food
9 restaurant. I apologize.

10 And that also we know that Father Brennan,
11 according to Monsignor Scanlon, seems to be focused on two
12 boys particularly, correct?

13 A. That's what he said.

14 Q. Okay. Is there a reason for us to disbelieve
15 Monsignor Scanlon?

16 A. I don't know how he's judging that.

17 Q. Okay. But we know from that memo and we know from
18 the conversation with Monsignor Scanlon that Monsignor
19 Lynn never did inform him about the background of Father
20 Brennan, right?

21 (The witness conferred with his
22 attorney.)

23 THE WITNESS: May I read that.

24 MS. MCCARTNEY: Sure. Five
25 thirty-seven, third paragraph, page two.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MR. SPADE: Page two, Cardinal, third
3 paragraph.

4 THE WITNESS: Okay. I don't understand
5 that. "Father Lynn shared that although his
6 intention was to review with Monsignor Scanlon the
7 issues that Father Brennan is dealing with."

8 That is something I think that I'm not
9 sure that I understand. What does it mean? The
10 issues that he is dealing with at that time?

11 BY MS. MCCARTNEY:

12 Q. I mean, I don't think that that's a difficult
13 question, but what do you think about this: "Father Lynn
14 shared that although his intention was to review with
15 Monsignor Scanlon the issues that Father Brennan is
16 dealing with, when Father Brennan was assigned, this was
17 not accomplished"?

18 A. Yes.

19 Q. And we know that the issues that Father Brennan was
20 dealing with when he was assigned was having acted
21 inappropriately towards young boys in his two previous
22 assignments; is that a fair read of that?

23 A. I'd have to say I don't know what -- why Father
24 Lynn stated that and why he did not.

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MR. SPADE:

3 Q. Cardinal, we'll represent to you that from
4 testimony that this grand jury has heard, that it's
5 established on the record that Monsignor Scanlon was never
6 informed by Father Lynn about any of the allegations
7 against Father Brennan from Saint Ignatius Parish, from
8 Saint Mary's Parish, about any of the allegations made,
9 any of the numerous allegations made of inappropriate
10 conduct towards minors on the part of Father Brennan.

11 Will you accept that representation?

12 A. I -- I mean, that's what you have stated.

13 Q. Okay.

14 BY MS. MCCARTNEY:

15 Q. So based upon that, Cardinal, we know that your
16 directive with regard to the pastor being fully informed
17 and that the pastor must give Father Brennan close
18 supervision, those things were not done, correct?

19 A. I have to say I don't know what -- why Father
20 Lynn -- he made the statement that he did not, that was
21 not accomplished. I don't know why it was not
22 accomplished.

23 Q. Also, based upon the memo when the assignment
24 was made that Father Brennan is to be told to keep his
25 hands off everyone, he is not even to put his hands on

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2 someone's shoulder as a sign of congratulations or
3 anything, based upon the information coming out of
4 Resurrection, we know that that was not accomplished; is
5 that fair?

6 A. Well, from believing what was alleged, he did
7 wrestle and he did not keep his hands off.

8 Q. Well, let me ask you then. I'm going to go back to
9 a question I asked you earlier.

10 Given that information, do you still have the same
11 confidence in your staff?

12 A. Yes.

13 Q. You do?

14 A. Yes.

15 Q. You don't think that Father Lynn endangered
16 children at Resurrection Parish by not accomplishing those
17 directives that you had set out?

18 A. I cannot reach that conclusion.

19 Q. Do you think and, Cardinal, would it be fair to say
20 that even though these were your instructions to your
21 staff, to make sure that these things were done with
22 regard to Father Brennan -- and ultimately you are
23 responsible. You are the ultimate authority in the
24 Philadelphia Archdiocese. You did nothing to make sure
25 yourself that any of these things were actually carried

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 out, correct?

3 A. I trusted my staff, and I had, you know, and enough
4 experience with them that generally they carried out the
5 directives they were supposed to carry out and fulfill
6 their responsibilities.

7 Q. Well, but you did nothing to ensure that that
8 occurred, correct?

9 A. My trust in them was the insurance. I trusted
10 them.

11 Q. So the answer is no, you did nothing except for
12 trust them; is that right?

13 A. Well, we have a system of accountability with my
14 Vicar for Administration.

15 Q. What is that system of accountability?

16 A. That was up to him to set it up. I mean he -- I
17 don't know how it works out, but they are accountable to
18 him, who in turn was accountable to me.

19 Q. With regard to Father Brennan, even after these
20 incidents occurred at Resurrection Parish, the same
21 conduct that's been going on now since 1988 in Saint
22 Ignatius, what did you do to address the situation at
23 Resurrection?

24 A. I left it in the hands of my Vicar for
25 Administration and my Secretary for the Clergy.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MR. SPADE:

3 Q. And what did they do, Cardinal?

4 A. I can't remember.

5 Q. To your knowledge, was Father Brennan ever removed
6 as parochial vicar from Resurrection after this incident?
7 Was he ever sent for treatment?

8 A. I'm not aware.

9 Q. Were any restrictions ever placed on him in terms
10 of his conduct, his contact with children from this point
11 forward?

12 A. I'm not aware of that.

13 Q. To this day is he still a parochial vicar at
14 Resurrection Parish?

15 A. I think he is.

16 Q. And this is the same of person that has a rule out
17 pedophilia diagnosis, which we've indicated means that

18 clinical diagnosticians indicated that he showed some
19 tendency toward sexual attraction to minors; is that
20 correct?

21 A. No, I do not accept that. That's not my
22 interpretation of that diagnosis, because in the memo here
23 it says it was ruled out that he was a pedophile.

24 Q. But, Cardinal, you testified yourself that you
25 never took any steps and you never directed your staff to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 take any steps to explain what that diagnosis meant,
3 correct?

4 A. Well, it seemed obvious that it meant that he was
5 not a pedophile. That's my interpretation from reading
6 it.

7 BY MS. MCCARTNEY:

8 Q. But you've indicated several times, Cardinal, that
9 you're not a psychiatrist and that you certainly left
10 certain things to the professionals; is that right?

11 A. That is correct.

12 Q. And if someone had a question as to what a
13 diagnosis meant or the interpretation of a diagnosis,
14 certainly the way to get that information would not be to
15 rely upon it yourself but rather to go to the
16 professionals that you had access to, correct?

17 A. Right. But --

18 Q. And you indicated that you didn't do any of those
19 things with regard to the rule out pedophilia diagnosis,
20 correct?

21 A. I did not because I just accepted his face meaning,
22 ruled out pedophilia.

23 BY MR. SPADE:

24 Q. Okay. You say that you accepted the face meaning,
25 and we've shown you grand jury exhibit five twenty-one,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 which is again a letter from Dr. Fitzgibbons to your Vicar
3 for Administration, Monsignor Cullen; is that correct?

4 A. I've seen this.

5 Q. And you've testified that you believed that Dr.
6 Fitzgibbons is a competent and good psychiatrist; is that
7 correct?

8 A. Yes, as far as I know.

9 Q. And you testified that, according to your words,
10 you took the face value of the rule out pedophilia
11 diagnosis to mean that it meant that Father Brennan was
12 not a pedophile and exhibited no tendencies towards
13 pedophilia, correct?

14 A. I just accepted what it is, and based on my staff
15 with him, which said they ruled out pedophilia at Saint
16 John Vianney.

17 Q. Okay. I want to direct your attention to the last
18 paragraph of five twenty-one where Dr. Fitzgibbons writes
19 to Monsignor Cullen: "In view of the recent allegations,
20 my clinical opinion is that Father Brennan has very
21 serious problems which might predispose this Archdiocese
22 to major scandal and, possibly, litigation in the future."

23 Did you accept Dr. Fitzgibbons words at their face
24 value, Cardinal?

25 A. I'm just reading this. I can't make any judgment

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 on that.

3 BY MS. McCARTNEY:

4 Q. So based upon the documents provided in Father
5 Brennan's case, he was not sent for an evaluation, no
6 action was taken on the part of the Archdiocese based upon
7 the information that they received and ultimately you
8 received from Monsignor Scanlon; is that correct?

9 A. I don't recall what further action was taken.

10 Q. Okay. And the record reflects the fact based upon
11 the priest data profile that Father Brennan is still the
12 parochial vicar at Resurrection; is that right?

13 MR. HODGSON: We don't have that.

14 MS. McCARTNEY: That was the first
15 document I showed you. It's four eighty-five.

16 THE WITNESS: It's not listed here.

17 MR. HODGSON: It's two pages?

18 ~~THE WITNESS: This goes up to~~

19 ninety-three.

20 BY MS. McCARTNEY:

21 Q. It says: "Primary Position." That's under
22 "Current Assignments." Is that right?

23 A. Oh, excuse me. Excuse me.

24 Q. That's okay.

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Now, Cardinal, I'm going to show you one further
3 document with regard to Father Brennan.

4 MS. MCCARTNEY: Grand jury exhibit
5 1112.

6 (GJ-1112 was marked for
7 identification.)

8 (Pause.)

9 (The witness conferred with his
10 attorney.)

11 (Pause.)

12 BY MS. MCCARTNEY:

13 Q. Have you reviewed that document, Cardinal?

14 A. Yes.

15 Q. All right. Before we get to that, I do want to go
16 back and just ask you a few follow-up questions with
17 regard to the 1996 incidents at Resurrection Parish.

18 You were made aware of those issues at Resurrection
19 with regard to Father Brennan; is that right?

20 A. I don't recall them. I really don't.

21 Q. Well, let me ask you this.

22 Based upon the way you had set up the Archdiocese'
23 hierarchy and the chain of command and given the
24 seriousness of the situation that was being addressed by
25 Monsignor Scanlon, would that have been something that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 would have been brought to your attention, do you think?

3 A. Not necessarily if it was an ongoing thing. I -- I
4 can't say that. As a general rule, serious matters are
5 brought to my attention.

6 Q. Okay. As a general rule.

7 And would you -- and if I'm wrong, please, I want
8 you to correct me. Would you agree that the incidents
9 occurring with Father Brennan at Resurrection Parish were
10 serious matters?

11 A. They -- they raise boundary issues, as stated in
12 the memo.

13 Q. So with regard to -- and they raise boundary
14 issues, according to you, boundary issues with regard to
15 children; is that right?

16 A. Yes. According to the memo.

17 Q. And you would agree that that's a serious issue,
18 right?

19 A. I'm saying they're boundary issues. The level of
20 severity I cannot make a judgment. They're just
21 recalling -- I'm just seeing what's in the memo.

22 Q. And based upon the way that you had set up the
23 Archdiocese and what information was brought to your
24 attention, you said serious things were brought to your
25 attention.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Would you think that this would be something that
3 would have been brought to your attention?

4 A. It might have been.

5 Q. And also given the fact that you were specifically
6 directed in the memo back in 1993, when Father Brennan was
7 assigned there, that if the Diocese has to react to a
8 public relations crisis in this case, can we say that
9 Father Brennan had been sent away, can we have a statement
10 that he's not a pedophile, clearly with regard to Father
11 Brennan's behavior, there was a concern on your part of a
12 possible public relations crisis, correct?

13 A. Yes.

14 Q. Okay. So based upon that directive that you handed
15 out, based upon the information coming to Monsignor Lynn,
16 is it fair to assume that you were given that information?

17 A. I don't think I can assume that on the basis of
~~18 what you said.~~

19 Q. Okay. Well, let me ask you this, then. I'll ask
20 it two ways, Cardinal.

21 Based upon the information that you know about
22 Father Brennan, do you think that this was information
23 that you should have known about in 1996?

24 Let's assume that you didn't. Let's go with that
25 assumption first.

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2 A. I left that up to the discretion of the Vicar for
3 the Clergy or my Vicar for Administration.

4 Q. You left it to the discretion of those people who
5 we clearly established in this particular case did nothing
6 that you had directed them to do, correct?

7 A. I can't say that.

8 BY MR. SPADE:

9 Q. Well, Cardinal, if you weren't made aware of this
10 information in 1996, what does it say about the adequacy
11 of the system that you put into place to protect the
12 welfare of children?

13 If this information was not brought to your
14 attention, what does it say about the adequacy of the
15 system that you were responsible for?

16 A. I think the system we had was adequate.

17 BY MS. MCCARTNEY:

18 Q. Well, what did you do, if anything, to make sure
19 that when you gave out specific commands with regard to
20 supervising a priest that had twice been in Saint John
21 Vianney for treatment with regard to incidents involving
22 children, that when you gave out specific directives, that
23 those directives were followed through on?

24 A. I think I answered that, that I did not have any
25 specific administrative process for checking on people.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Well, when you found --

3 A. But I trusted them.

4 Q. I'm sorry. When you found out in this case that
5 those directives that you handed down were not followed
6 through on, what did you do to change that laissez faire
7 attitude, for lack of a better word?

8 A. I thought I said I did not know what I was told.

9 Q. Well, let's assume that you were told, Cardinal.
10 Do you recall doing anything?

11 A. You put an "if" there. If I were told, did I do
12 anything?

13 Q. Right. If you were told, did you do anything?

14 A. Would I?

15 Q. Would you?

16 A. I don't know. I'd have to listen to the whole
17 story. I can't say, you know, what action I would have
18 taken, if any. That's a contingent question.

19 Q. Okay. Cardinal, let's talk about grand jury
20 exhibit 1112. This is a letter that was written to you on
21 April 4, 2002.

22 Did you have a chance to review that document?

23 A. I did.

24 Q. And do you recall receiving that letter? }

25 A. Not at all.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Are you saying you didn't get it, or are you saying
3 you just don't recall?

4 A. I said I don't recall it.

5 BY MR. SPADE:

6 Q. And the date of this letter is April 4 of 2002,
7 about a year and a half ago?

8 A. Yes.

9 BY MS. MCCARTNEY:

10 Q. And you would agree, Cardinal, that the contents of
11 this letter -- and I'm going to summarize them for you.
12 This letter was written by a parishioner of Saint Mary's
13 Parish; is that right?

14 A. I didn't catch that, if you don't mind, but I'll
15 take your word for it. It's in there. I scanned through
16 this.

17 Q. It talks about the fact that this parishioner is a
18 single mother with four children. It talks about the fact
19 that she had become aware back at the time that Father
20 Brennan was at Saint Mary's that he had done some things,
21 that a boy in particular had told this parishioner that
22 Father Brennan was touching him and making him
23 uncomfortable, that he played inappropriate games with all
24 the altar boys and that he offered them food and rewards
25 for participating, and she indicates that the boy that she

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 spoke with was new to the neighborhood and he was an altar
3 boy; is that right?

4 A. That's what you're reading, yes.

5 Q. And she talks about the difficulty that she
6 witnessed with regard to this child telling his parents
7 about this incident; is that right? These incidents,
8 correct?

9 A. Yes.

10 Q. And she also talks about the fact that after the
11 mother of that child informed the vicar and that there was
12 a threat made that the local papers would be called unless
13 Father Brennan was removed from the parish, that he was in
14 fact removed, according to the information she provides to
15 you; is that right?

16 (The witness conferred with his
17 attorney.)

18 BY MS. MCCARTNEY:

19 Q. That's what she says, correct?

20 (The witness conferred with his
21 attorney.)

22 THE WITNESS: Yes. This says up here
23 that he was treated for Lyme disease.

24 BY MS. MCCARTNEY:

25 Q. "The mother was on the phone to the vicar and

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 informed him of the situation. She told him that either
3 this priest will be removed from our parish the following
4 day or all the local papers and The Philadelphia Inquirer
5 would get the whole story. The following Sunday at Mass
6 we were encouraged to pray for poor Father Brennan because
7 he was being treated for Lyme disease and was very sick
8 and would be gone indefinitely."

9 A. I see that.

10 Q. "I was outraged. How could this priest, a
11 representative of the Church, stoop so low to cover for
12 this evil act? I remember looking at my children and just
13 didn't have an explanation. I was shocked, disappointed,
14 but most importantly, I felt the foundation of my belief
15 shatter. I went through a period where I doubted my
16 faith, considered changing religions, and visited other
17 churches."

18 ~~And she goes on to say that she "loves my Catholic~~
19 ~~faith and I'm very devoted to its teachings. However, I~~
20 ~~have huge concerns over priests and bishops who have~~
21 ~~authority over my children, for my respect for them is in~~
22 ~~question."~~

23 She talks about those things in her letter; is that
24 right?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Have you no recollection of receiving this letter,
3 Cardinal?

4 A. No, I do not.

5 BY MR. SPADE:

6 Q. Cardinal, you see in the second paragraph of this
7 document where the writer, Mrs. [REDACTED], says: "About
8 eight years ago I was aware of a legal issue"?

9 Do you see that?

10 A. The second paragraph, first page?

11 Q. First page, second paragraph. It starts out:
12 "About eight years about ago, I was aware of a legal
13 issue."

14 A. Yes.

15 Q. And then if you drop down further in that
16 paragraph, maybe about ten sentences up from the bottom,
17 it says: "About a year later, I was driving home from

18 church with a carload of kids in the back."

19 Do you see that?

20 A. Yes.

21 Q. "And I heard snickering and talk that made me
22 curious," and then she goes on to relate that one of her
23 daughters' friends, a boy, told her that Father Brennan
24 was touching him and making him uncomfortable and playing
25 inappropriate games with all the altar boys.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Do you see that?

3 A. Yes.

4 Q. Now, so that would have been, if we're reading
5 this, if my math is correct, Cardinal, she's talking there
6 about seven years from 2002. So that would have been
7 about 1995; is that correct?

8 A. (No response.)

9 Q. Seven years before 2002 was about 1995?

10 A. Well, yes.

11 Q. Okay. And that's just two or three years after
12 Father Brennan had the trouble in Saint Mary's with
13 inappropriate touching of boys and inappropriate contact
14 with boys; is that correct?

15 A. Excuse me. What are you saying? Two or three
16 years?

17 Q. 1995 would have been about two or three years after
18 Father Brennan was accused of inappropriate conduct with
19 several of the boys in Saint Mary's Parish; is that
20 correct?

21 A. I guess it would be around that time.

22 Q. In other words, he accused of that behavior in
23 1992, correct?

24 A. It would seem he was in Saint Mary's Parish at the
25 time.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Right. Now, would you agree with me, Cardinal,
3 that this boy that was talking to Mrs. [REDACTED], that
4 it's a fair inference that this boy that was talking to
5 Mrs. [REDACTED] may have been one of those boys from Saint
6 Mary's Parish that Father Brennan was touching
7 inappropriately?

8 In fact, it says it in the letter, that he was one
9 of the boys in Saint Mary's Parish, correct?

10 A. That's what the letter says.

11 Q. Right.

12 A. I'm trying to place this in a time range, if you
13 don't mind.

14 Q. Sure. Take your time.

15 (Pause.)

16 (The witness conferred with his
17 attorney.)

18 BY MR. SPADE:

19 Q. Cardinal, you're referring to GJ-485, right? The
20 priest data profile sheet; is that correct?

21 A. I'm looking to find the time here.

22 Q. Okay. If you look back at four eighty-five, that's
23 the last assignment that Father Brennan had before his
24 health leave, listed on there was Saint Mary's Parish,
25 Schwenksville, correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Correct.

3 Q. And it's listed as June of 1990 to September of
4 '92, correct?

5 A. Right.

6 Q. And from the other documents that we've shown you,
7 the allegations that came forward on the part of these
8 boys at Saint Mary's against Father Brennan were in 1992,
9 correct, and that's why in fact he was removed from Saint
10 Mary's?

11 A. (No response.)

12 Q. Correct?

13 A. Well, it would seem that from the second page when
14 he was removed then.

15 So you're placing this -- this is all in between
16 '90 and '2, then.

17 Q. Right. Right. All I'm asking you, Cardinal, is:

18 This boy that Mrs. [REDACTED] refers to here, is it a fair
19 inference that this was one of the boys making the
20 allegations against Father Brennan at that time, or this
21 was one of the boys at Saint Mary's Parish that he was
22 engaging in inappropriate contact with?

23 A. I don't assume anything. I mean, this is what she
24 says.

25 Q. Okay. Is it fair to assume, Cardinal, that this

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 boy again was somewhere in the age range of maybe ten to
3 fifteen years old at the time that he was telling Mrs.

4 ~~XXXXXXXXXX~~ this?

5 A. Well, she's talking about a boy.

6 Q. Right.

7 A. That's the most I can . . .

8 Q. Right. Boy generally refers to -- she didn't say
9 teenager. She said a boy, correct?

10 A. That's the term she's using.

11 Q. Right.

12 A. I can't make any judgment from what she says.

13 Q. Okay. Well, my ultimate question to you, Cardinal:
14 Is it fair to assume that in 2002, seven years later, say
15 the boy was twelve or thirteen at this time, that he would
16 have been about twenty, twenty-one in 2002 when you got
17 this information?

18 A. This --

19 Q. He would have been in his late teens or early
20 twenties at the time that you got this information seven
21 years later?

22 MR. HODGSON: I don't think you mean
23 that.

24 THE WITNESS: Excuse me.

25 MR. SPADE: Counsel, if the witness

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 wants to confer --

3 MR. GALLAGHER: Let him answer. Let

4 him answer.

5 Go ahead, Cardinal.

6 THE WITNESS: I'm -- I'm not following

7 what you're saying, if you don't mind.

8 BY MR. SPADE:

9 Q. If the boy --

10 A. She's talking about an incident.

11 Q. That happened around 1994 or 1995 with a boy,

12 correct?

13 A. I got all confused in this one. If you don't mind.

14 Q. Well, she's talking about --

15 MR. GALLAGHER: No. Wait. Let him

16 read it.

17 MR. SPADE: Oh, I'm sorry.

18 I didn't know that you wanted to read

19 it.

20 (Pause.)

21 (The witness conferred with his

22 attorney.)

23 (Pause.)

24 THE WITNESS: This letter here that

25 this woman is describing is talking about when he

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 was in Saint Mary's?

3 BY MR. SPADE:

4 Q. She's talking about -- we've established that she's
5 talking about the time period of 1995, correct?

6 A. Well, I don't know.

7 Q. She says seven years ago, and the letter is dated
8 2002?

9 A. But seven years ago he was -- seven years before he
10 was not in Saint Mary's.

11 Q. No, I'm not saying that he was in Saint Mary's
12 then, Cardinal. I'm just saying that she's talking about
13 a timeframe of 1995, correct?

14 A. If she says -- if she says it was seven years ago?

15 Q. Yes.

16 A. Eight years ago.

17 Q. And then later on, she says about a year later,
18 which would be seven years ago, correct?

19 A. Eight years would be '94.

20 (The witness conferred with his
21 attorney.)

22 BY MR. SPADE:

23 Q. I'm not asking whether he was pastor at Saint
24 Mary's at that time, Cardinal. I'm just asking you she's
25 talking about a boy?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Well, she says here: "I was aware of a legal issue
3 involving the pastor of my church."

4 What pastor is she referring to there?

5 Q. I don't know, Cardinal. I'm just asking you.

6 She brought to your attention some allegations that
7 a boy was making against Father Brennan in the 1995 time
8 period, correct?

9 A. Go ahead.

10 Q. Is that correct?

11 A. It seems to be.

12 Q. Okay. And I'm just asking you is it likely -- she
13 refers to a boy, correct?

14 A. Yes.

15 Q. So it's likely that this boy was somewhere in the
16 ten, twelve, ten, eleven, twelve age?

17 A. I don't know.

18 Q. Okay. All right.

19 MR. SPADE: No further questions.

20 MS. MCCARTNEY: It's 4:05 P.M. We will
21 break for the day.

22 Could the foreperson advise the witness
23 of his continuing subpoena.

24

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 [REDACTED]
3 [REDACTED] by
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 Do you understand that?

8 THE WITNESS: Yes.

9 GRAND JURY FOREPERSON: Thank you.

10 MS. McCARTNEY: Cardinal, just so
11 you're aware, tomorrow morning we intend to begin
12 our questioning with regard to Father Cudemo.
13 Okay.

14 THE WITNESS: Okay.

15 (Witness excused.)

16 (Hearing concluded.)

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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