

APPENDIX H-7

19-144

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 5, 2003

Room 18013, One Parkway
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA
(RE: NICHOLAS V. CUDEMO)

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 I

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MS. MCCARTNEY: Okay. We're going to
3 get started. Today's date is December 5. This is
4 the matter of C-1.

5 We have?

6 C

7

8

9 MS. MCCARTNEY: The time is now 11:03
10 A.M. We've just called a witness to the stand.

11 ---

12 ANTHONY JOSEPH CARDINAL BEVILACQUA,
13 having been previously sworn, was examined and
14 testified as follows:

15 ---

16 BY MS. MCCARTNEY:

17 Q. Cardinal, could you state your name for the record,
18 please.

19 A. Yes. Cardinal Anthony Bevilacqua.

20 Q. Now, Cardinal, prior to coming to testify in front
21 of this grand jury, you were sworn in as a witness by the
22 Honorable Judge Bright; is that correct?

23 A. Yesterday we met in the room here. Yes.

24 Q. Okay. And she swore you in as a witness in front
25 of this grand jury.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MR. HODGSON: We appeared in front of
3 the judge.

4 THE WITNESS: Yes. We appeared there.

5 BY MS. MCCARTNEY:

6 Q. And in addition, she explained to you your rights
7 as a witness in front of this grand jury; is that correct?

8 A. Yes.

9 Q. And you also completed a form which explained those
10 rights to you; is that right?

11 A. Yes.

12 Q. And one of the rights that was explained to you is
13 the fact that you have a right to have an attorney present
14 with you as you testify; is that correct?

15 A. Yes.

16 Q. And you do in fact have an attorney present with
17 you?

18 A. Yes.

19 MS. MCCARTNEY: Counsel, for the
20 record, could you state your name.

21 MR. HODGSON: Yes. My name is Clark
22 Hodgson. I practice with the law firm of Stradley,
23 Ronon, Stevens and Young, and I represent Cardinal
24 Bevilacqua.

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. MCCARTNEY:

3 Q. And, Cardinal, did you understand the rights that
4 Judge Bright explained to you orally, and did you also
5 understand the rights that were explained in the form that
6 you completed?

7 A. Yes.

8 Q. Now, Cardinal, you were appointed Archbishop of
9 Philadelphia in -- actually assumed that office in
10 February of 1988; is that correct?

11 A. That is correct.

12 Q. And subsequent to your becoming archbishop, you put
13 in place your own personnel staff; is that correct?

14 A. Yes.

15 Q. Over a period of time --

16 A. Gradually.

17 Q. Gradually, and you changed in some ways the
~~18 structure of the Archdiocese; is that right?~~

19 A. The administration. Yes.

20 Q. And one of the changes that you made in the
21 administration was the creation of the Secretary of
22 Clergy's office; is that right?

23 A. Yes.

24 Q. Okay. And when you made that creation of that
25 particular office, Monsignor Jagodzinski was your first

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Secretary of Clergy; is that correct?

3 A. I recall -- yes. Yes, I think it was.

4 Q. Okay. And Monsignor Jagodzinski, as head of the
5 Secretary of Clergy's office, it was his -- one of his
6 duties to deal with any cases that involve sexual abuse of
7 minors; is that right?

8 A. Yes.

9 Q. Okay. And you also put in place as your Vicar for
10 Administration a Monsignor Cullen; is that right?

11 A. Yes.

12 Q. Now, Cardinal, what were the factors that went into
13 your giving those jobs to those individuals?

14 A. How I chose them?

15 Q. Yes. How did you choose them for those jobs?

16 A. Well, I sought advice from others on who would be
17 the most competent people for those positions.

~~18 Q. And the others that you sought that advice from, do~~
19 you recall who they were?

20 A. Well, I started mainly in choosing my Vicar for
21 Administration.

22 Q. So Monsignor Cullen was the first person that you
23 appointed?

24 A. He was the major one that I chose.

25 Q. Okay.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. And after consultation with some of the auxiliary
3 bishops and several other people, and from there on,
4 depending on the person, we would seek consultation, and
5 Monsignor Cullen at the time would assist me in choosing
6 people that, you know, would be competent for the
7 position.

8 Q. Particularly with regard to the Secretary of
9 Clergy's office and knowing that part of their duties
10 would be to investigate misdeeds on the part of the
11 priests in the Archdiocese and, in particular, sexual
12 abuse of children by priests, how did you come to choose
13 Monsignor Jagodzinski for that position?

14 A. That recommendation came, I recall, from Monsignor
15 Cullen.

16 Q. And what were the discussions that you had with
17 Monsignor Cullen as to what criteria you sought in an
~~18 individual who would have that responsibility or as one of~~
19 their responsibilities?

20 A. I don't recall. I do not recall, you know,
21 discussing specific criteria other than the ones that are
22 known, that he was supposed to be someone who was
23 knowledgeable of the priests, because the main function of
24 the Secretary of the Clergy was to deal with the priests
25 and therefore it should be someone who had the acceptable

ANTHONY JOSEPH CARDINAL BEVILACQUA

qualifications, that he was knowledgeable of the priests, that he was a balanced person and a prudent person.

Q. With the exception of being knowledgeable of the priests, and again, I'm going to ask you specifically this question as it relates to the idea that he may be investigating sexual abuse of minors, allegations of sexual abuse of minors, was there any criteria set out that he had to have any background in psychology or dealing with victims of sexual abuse?

A. No, because that was not the only function of the Secretary for the Clergy.

Q. I understand it was not the only function, Cardinal, but you were aware at the time that you made the appointment of Monsignor Jagodzinski that it was going to be one of his functions; is that correct?

A. Yes. It would be one of them.

~~Q. Okay. And knowing that it was going to be one of his functions, what did you do to require that Monsignor Jagodzinski had any type of skill level with regard to dealing with victims of sexual abuse or any type of educational classes that dealt with psychology or dealing with these issues generally or specifically?~~

A. We did not, as I recall, focus on that aspect of it.

ANTHONY JOSEPH CARDINAL BEVILACQUA

Q. Now, you also said one of the other changes that you made in the Archdiocese was to set up the regional vicar situation; is that right?

A. Yes.

Q. Each particular vicariate, regional vicar was appointed; is that correct?

A. That is correct.

Q. Okay. And you also instituted the Priest Personnel Board; is that right?

A. Yes.

Q. And that consisted of all the regional vicars, yourself and Monsignor Cullen; is that right?

A. Yes.

Q. And the --

A. And others.

Q. And others.

~~And the purpose of the Priest Personnel Board was~~
to discuss appointments of priests throughout the Archdiocese of Philadelphia. That was one of their functions. Is that correct?

A. That's one of the major functions.

Q. And it was after consultation with the Priest Personnel Board that appointments were made to priests becoming pastors or assistant pastors within the parishes,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 correct?

3 A. Generally.

4 Q. Okay. When you say generally, there were some
5 exceptions?

6 A. Yes.

7 Q. Some appointments were made without consultation to
8 the Priest Personnel Board?

9 A. Yes. Because they could be emergency appointments.

10 Q. Okay. But in the normal course of things --

11 A. Right.

12 Q. -- that would be done?

13 A. Generally.

14 Q. And before a Priest Personnel Board meeting, when
15 change was made in the Archdiocese, there was a list of
16 candidates that was submitted for particular positions; is
17 that correct?

~~18 A. There was a process of submitting candidates.~~

19 Q. Okay. And your Secretary of Clergy also sat on
20 that board; is that right?

21 A. Yes.

22 Q. Now, do you recall when it was that these changes
23 were completed within the Archdiocese, that the Priest
24 Personnel Board was established and the Secretary for
25 Clergy's office was established?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I can't recall specifically. It had to be -- my
3 only -- I think it was around '91, '92.

4 Q. Okay. Now, Cardinal, when you appointed someone or
5 authorized the appointment of an individual priest as
6 pastor, what were the criteria that you looked for in
7 making that appointment?

8 A. The criteria are expressed in the Code of Canon Law
9 in general, that he be -- first of all, to be a pastor,
10 you must be a priest at least, and then you are to have
11 the qualities of prudence and, you know, compassion and
12 prayerfulness and piety. You know, those are some of
13 them.

14 Q. And be --

15 A. We also looked for someone who not only had the
16 spiritual qualities but also some of the human qualities
17 of being a possible administrator, knew how to relate to

18 other people.

19 They're all the human qualities that are not
20 specifically expressed, that we over the period of years
21 expect in a -- in someone who is a spiritual leader but
22 also an administrator.

23 Q. And as with every priest, they're also a moral
24 leader; is that correct?

25 A. That comes under the factor of spiritual.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 Q. Okay. And one of the qualifications that you
3 obviously sought out when you appointed someone into the
4 position of a pastor would be that they had a good moral
5 background; is that correct?

6 A. We -- yes.

7 Q. And how was it that you assured yourself when you
8 appointed someone to that position that the individual
9 that you were authorizing had those qualifications?

10 A. I had to depend on my Secretary for the Clergy.

11 Q. And what did you -- I'm sorry.

12 A. And he in turn, probably discussed it with others
13 on the committee that came up with candidates, because I
14 obviously -- I do not know of the priests as well as they
15 would.

16 Q. And when you relied upon your Secretary of Clergy,
17 what did you give him in terms of guidelines as to what
~~18 individuals you were looking for and what particular~~
19 qualities that they needed to possess?

20 A. That they knew the guidelines as well as I did, the
21 ones that I just related to you.

22 Q. Was there ever a situation where you did not
23 authorize someone that had been put before you as a
24 possible pastor?

25 A. I don't recall any. I can't think of anyone right

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 now. I may have, but I don't recall any.

3 Q. Well, when someone's name came up for discussion at
4 a Priest Personnel Board with regard to being appointed a
5 pastor, would you ask: What is their background? What
6 assignments have they had?

7 A. It's a large personnel board, and I listen to the
8 others before I intervene.

9 Q. And did you?

10 A. Most of the time I did not intervene. They
11 discussed it, and frequently there could be immediate
12 consensus. I mean, occasionally, there might be
13 disagreement among some of them.

14 Q. And what did you do to educate yourself with regard
15 to the background of a particular priest that was going to
16 be discussed at the Priest Personnel Board?

17 A. I listened to them as they discussed it.

18 Q. Did you ever direct your Secretary of Clergy to go
19 through the secret archive files that existed to find out
20 whether any of these people that were coming up for
21 discussion had a background of misconduct in the
22 Archdiocese of Philadelphia?

23 A. That was his responsibility in every candidate, to
24 check if there was something in the secret archives.

25 Q. Well, Cardinal, you became aware throughout your

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 fifteen years as Archbishop and subsequently as Cardinal
3 in the Archdiocese that there were a number of priests
4 that had been appointed to positions under your tenure
5 that did in fact have information in their secret archive
6 files; is that correct?

7 A. You said a number. Sounds like you mean a large
8 number.

9 Q. I'm saying a number. We can quibble about the
10 figures, and I don't have the accurate figures in front of
11 me, but there was certainly more than ten that were
12 appointed under your term to positions within the
13 Archdiocese of Philadelphia that had information in their
14 secret archive files prior to your making the appointment?

15 A. Well, if that was so, I don't recall that as --
16 that they surfaced anything from the secret archives that
17 would have militated against his being a candidate.

18 Q. Well, Cardinal, let me ask you this: So you
19 expected that -- did you ever have a discussion with the
20 Secretary of Clergy with regard to that being one of their
21 specific requirements, that these secret archive files are
22 to be gone through and I don't want to see anybody's name
23 up before me for appointment if they have any background?

24 A. That was known.

25 Q. How was it known, Cardinal?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. It was known because I remember that they said they
3 always checked the secret archives.

4 Q. Do you recall when that conversation was had?

5 A. No.

6 Q. Do you recall who had it?

7 A. No.

8 Q. Do you remember in what context that came up?

9 A. No.

10 Q. But you have a specific recollection of being told
11 that?

12 A. Yes. It was a considered -- that's policy. Always
13 check the secret archives.

14 Q. And that policy was made clear by you. You gave a
15 specific direction?

16 A. It was understood.

17 Q. Well -- and I'm not trying to be difficult,
18 Cardinal, but I'm trying to understand how it was
19 understood.

20 A. I don't recall the context in which it was surfaced
21 that I directed it. They just -- it was understood and it
22 was articulated.

23 Q. And my question to you is: If it was understood,
24 how was it understood, and if it was articulated, by whom
25 was it articulated?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Just in discussion between the two of us, but it
3 was known that, you know, they are always to look at the
4 secret archives.

5 Q. And again, not trying to be difficult, but when you
6 say the two of us, who are the two that you're referring
7 to? Obviously yourself, and who else?

8 A. I don't recall which of the secretaries for clergy
9 it was.

10 Q. And, well, Monsignor Lynn was not appointed
11 Secretary of Clergy until 1991; is that right?

12 To the best of your recollection; is that right?

13 A. It's about that time, yes.

14 Q. So from 1988 to 1991, do you think that that
15 conversation happened during that period of time, or you
16 don't know?

17 A. I don't recall.

18 Q. You were aware when you came into the Archdiocese
19 of Philadelphia, not only given your background as a
20 priest, and also with your experience as Bishop of
21 Pittsburgh and your knowledge of canon law, you were aware
22 of the existence of secret archive files, correct?

23 A. Yes. Every diocese to have one.

24 Q. And you were aware of what the contents of the
25 secret archives files were; is that right?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. No. No.

3 Q. I'm not saying specifically what was inside the
4 secret archive files in Philadelphia, but you were aware
5 that the secret archive files contained information about
6 allegations involving the priests; is that right?

7 A. (The witness nodded.)

8 Q. Yes?

9 A. Yes.

10 Q. If there had been some misdeed on the part of the
11 priest?

12 A. Well, that would be one of the things in the secret
13 archives. There could be other things that are secret.

14 Q. Correct. But with regard to if there had ever been
15 an allegation that involved a priest acting out sexually,
16 that would have been information that would have been in
17 the secret archive file, correct?

18 A. Yes.

19 Q. And what did you do when you became Archbishop to
20 familiarize yourself -- yourself, not delegated to anybody
21 else, but what did you do to familiar yourself with the
22 contents of the secret archive files in Philadelphia?

23 A. I did not -- I did not familiarize myself with
24 them. I relied on my Secretary for the Clergy. I saw no
25 reason for me to have to do that.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. And when you say that you didn't familiarize
3 yourself, so that means that you obviously didn't go into
4 the room and look through the files personally.

5 Did you direct your Secretary of Clergy or anybody
6 on your staff to summarize the contents of those documents
7 and provide you with that information?

8 A. No, I did not.

9 Q. Now, Cardinal, are you familiar with the case of
10 Father Nicholas Cudemo?

11 A. In general, yes.

12 Q. Okay. I'm going to show you a document that's been
13 marked as grand jury four forty.

14 (Pause.)

15 Cardinal, let me just ask you.

16 Well, with regard to grand jury four forty, that is
17 the Archdiocese of Philadelphia priest data profile as it
18 relates to Father Cudemo; is that correct?

19 A. Yes.

20 Q. Okay. Now, I just want to go back very briefly and
21 ask you a couple additional questions.

22 When you said that you relied on your Secretary of
23 Clergy to have gone through these secret archive files,
24 you also indicated earlier that when you came to
25 Philadelphia, you didn't really know -- how did you get

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the confidence in the Secretary of Clergy if you didn't
3 know really much about their background?

4 A. I said that I relied on those who did know, and
5 Bishop Cullen, then Monsignor Cullen, was a man who had a
6 great knowledge of the priests, and I left it up to him to
7 make a recommendation.

8 Q. Okay. With regard to Father Cudemo, you see on the
9 priest data profile, under previous positions, he had a
10 number of them prior to your coming into Philadelphia; is
11 that correct?

12 A. Correct.

13 Q. And in 1989, specifically in June of 1989, you made
14 him pastor at King of Peace in Philadelphia; is that
15 right?

16 A. Yes, I . . . I appointed him then.

17 Q. That decision to name him as pastor, that was
18 authorized by you, correct?

19 A. I always have the ultimate --

20 Q. Authority?

21 A. -- authority.

22 Q. Okay. And you have the authority to appoint. You
23 also have the authority to reject a candidate for any
24 position; is that right?

25 A. Yes.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 Q. Okay. Now, when Father Cudemo was appointed by you
3 as pastor of King of Peace, does King of Peace have a
4 school?

5 A. I don't recall.

6 Q. Okay. Would the addition of a school attached to a
7 parish, how would that factor into whether or not someone
8 was a good candidate for becoming a pastor?

9 A. I'm not following the line of reasoning.

10 Q. My question to you is: When you sat down to
11 authorize the appointment of someone to become a pastor,
12 obviously that was a very big decision to make and that
13 was a very important decision, correct?

14 A. It's always an important decision. Yes.

15 Q. Did the fact that a parish may or may not have a
16 school attached to it, did that factor in at all to what
17 you were looking for in terms of qualifications for
~~18 someone to become a pastor?~~

19 A. I don't think it became, you know, a major factor,
20 depending on his skills and, you know, his age, whether it
21 was the first time he's at pastor and so on. It could be
22 so many things. Whether or not he was someone who
23 supported Catholic schools, a number of factors.

24 Q. What about the fact that someone had had problems
25 in their background with regard to sexually acting out

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 with children? Would that have factored in?

3 A. If that was brought up, it would have been a very
4 important factor.

5 Q. You would agree with me, Cardinal, that if someone
6 did have those kinds of problems in their background, that
7 that's something that should have been brought up; is that
8 right?

9 A. Yes.

10 Q. If the mechanisms that you had established and you
11 believed were in place properly in Philadelphia, if they
12 had worked properly, that would have been something that
13 would have been addressed, correct?

14 A. Would you repeat that, please.

15 Q. Sure. If the policies that you had in place, if
16 everything was working properly, that would have been
17 something that would have been brought up, correct?

18 A. That there was a problem with children?

19 Q. Yes. That there was a problem in a priest's
20 background with children?

21 A. If you're talking about a problem, not simply
22 allegations.

23 Q. Well, I'm talking about allegations and/or a
24 problem?

25 A. Well, they could be two -- two different things.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. I understand that, but let me ask you this,
3 Cardinal. If someone had allegations in their background,
4 would that be something that you'd want to know about?

5 A. It would have been -- possibly it would have been
6 brought up unless they were -- they were frivolous
7 allegations.

8 Q. And how would you be able to make the determination
9 that they were frivolous allegations if you weren't aware
10 of them?

11 A. I left that up to the Secretary of the Clergy to
12 research this before a candidate was proposed.

13 Q. And research whether or not an allegation was
14 frivolous?

15 A. Whether there was an allegation in the first place
16 and whether it was something substantive.

17 Q. And by something substantive, how do you define
18 that?

19 A. It would have to be some credibility to it, so
20 probability, the usual qualifications or criteria, a
21 reasonable allegation.

22 Q. Okay. Well, let's talk specifically about --
23 BY MR. SPADE:

24 Q. What are the usual criteria for whether an
25 allegation is substantive or not or credible or not?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. (No response.)

3 Q. You referred to the usual criteria.

4 Did you have something in writing for the benefit
5 of your Secretary of Clergy or the people that were making
6 these credibility determinations?

7 A. We did not. At that time, it would not have been
8 in writing. I think a lot was left up to his own prudence
9 and his intelligence.

10 Q. Was there anything in the Code of Canon Law that
11 you directed or your staff directed for the Secretary to
12 use as something to enlighten him as to what was credible,
13 what kind of allegation was credible or not credible?

14 A. I don't know if anyone brought it to his attention.

15 Q. Well, you state that it was important when you were
16 trying to make a determination about whether to appoint
17 somebody as a pastor to a parish that had a school, if

18 ~~that particular priest had allegations of sexual abuse of~~
19 a minor in his file, to know whether they were credible?

20 A. Right.

21 Q. But --

22 A. But --

23 Q. I'm sorry. Go ahead. I don't mean to interrupt.

24 A. I say the unwritten policy even at that time was
25 that if there was an allegation, it's supposed to be

ANTHONY JOSEPH CARDINAL BEVILACQUA

investigated.

Q. And what was the procedure for investigation?

Was that written out anywhere? Did you have a written policy about that?

A. Not at that time. It came later, but the written policy that came later was substantially the same as the unwritten policy.

Q. But you had the Code of Canon Law, which had a very detailed --

A. Yes.

Q. -- policy and procedure for investigating these allegations, correct?

A. Yes, but the -- there's a preliminary investigation when there's an allegation, and if there was one, it was supposed to be followed.

Q. So is it fair to say then, in terms of your

Secretary for Clergy and the other people making these credibility determinations, that they really had no guidance when you first took office as the Archbishop of Philadelphia, they really had no guidance as to how to determine whether an allegation was credible or not credible?

A. I can't say that, because the Secretary for the Clergy had a different -- there was a priest in charge of

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the clergy before. He may not have been called secretary.
3 It wasn't that. This is a new office. It was just a
4 change of title, and perhaps a new job description. But
5 there always was someone in charge of the clergy.

6 And even before, you know, I came here, they
7 were -- if there were allegations, they were investigated
8 by whoever was in charge then.

9 My recollection is it was the Chancellor of the
10 Diocese at the time that handled clergy matters.

11 Q. But you haven't been able to direct us to any sort
12 of written guidelines that would guide these sort of
13 investigations or determinations for credibility?

14 A. There's just a general one in the Code of Canon Law
15 and that there's an unwritten policy that was in some way
16 specified to them, and afterwards, about 19 -- I forgot
17 the year.

18 MS. MCCARTNEY: '93.

19 THE WITNESS: '3, the beginning of '3,
20 that they were written out. But they were
21 basically the same as the unwritten.

22 BY MS. MCCARTNEY:

23 Q. Let me ask you, Cardinal.

24 Well, one of the things that you talked about is
25 whether or not it would be important to know whether or

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 not there was credible allegations in someone's past, and
3 you said the usual criteria for determining that, which is
4 really -- we're not sure exactly what that was, and it's
5 not written down anywhere. It's not clear what the
6 criteria was for determining whether something was
7 credible or not.

8 A. It is very difficult. It has to go from the
9 investigation.

10 Q. Okay.

11 A. To see if there's probable cause here.

12 Q. Well, let me ask you this question.

13 In any particular case, whether it's written down
14 or not, would the fact that there was more than one
15 allegation in someone's background, that would be a
16 factor, correct?

17 A. Possibly.

18 Q. Possibly?

19 A. There have been cases where there have been several
20 and turned out to be they're all false.

21 Q. Whose case was that?

22 A. There wasn't -- it had nothing to do with this.

23 Q. Oh, okay.

24 A. It had nothing to -- but there had been other
25 instances where it had nothing to do with the Church

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 and -- but you had accusations from several, and found out
3 it was all done for a very self-interested purpose, and it
4 was rejected. But I say the fact that you have more than
5 one is something to be considered.

6 Q. Okay.

7 A. But it's not absolute in itself.

8 Q. Well, let's consider, among the other things, the
9 case of Father Cudemo; and when you made him pastor at
10 King of Peace, his background was contained in the secret
11 archive file.

12 Are you aware of what his background was at that
13 particular time?

14 A. I don't recall it.

15 Q. Well, let me see whether I can refresh your
16 recollection. I'm going to ask you to look at three
17 documents.

18 Cardinal, I've handed you, for the record, three
19 documents that have previously been marked grand jury four
20 four one, grand jury four four two and grand jury ten
21 eighty-nine.

22 Are you familiar with those documents, Cardinal?

23 A. No.

24 Q. Have you ever seen those documents before?

25 A. Not that I recall, no.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 Q. And for the record, Cardinal, these are documents
3 that came out of Father Cudemo's secret archive file,
4 which was a file that was turned over to our office by the
5 Archdiocese of Philadelphia.

6 You never saw those documents before?

7 A. Not that I recall. They all predate me.

8 Q. I understand that they predate your term in
9 Philadelphia, but I'm asking --

10 A. I don't recall them.

11 Q. Okay.

12 A. You want me to read them?

13 Q. Well, I'm going to ask you a couple of questions
14 about them. If you want to take a chance to review them,
15 then please do so.

16 A. Okay.

17 (Pause.)

18 ~~(The witness conferred with his~~

19 attorney.)

20 BY MS. MCCARTNEY:

21 Q. Cardinal, have you had the opportunity to review
22 those documents?

23 A. I have.

24 Q. And just for the record, Cardinal, you were made
25 aware or your counsel was made aware that on November 25,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that the file of Father Cudemo was one of the ones that we
3 were going to be discussing with you; is that correct?

4 (The witness conferred with his
5 attorney.)

6 THE WITNESS: Yes.

7 BY MS. MCCARTNEY:

8 Q. Now, Cardinal, let me ask you.

9 Prior to your appointment of Father Cudemo as
10 pastor at King of Peace -- I've shown you three documents
11 which detail some of the information in Father Cudemo's
12 secret archive file that existed at the time that you made
13 that appointment; is that right?

14 A. (No response.)

15 Q. Is that correct?

16 A. I've seen these.

17 Q. And those things are documents from Father Cudemo's
18 secret archive file; is that right?

19 A. I presume so.

20 Q. And they all predate your appointment of him as
21 pastor; is that correct?

22 A. Yes.

23 Q. Okay. Let me ask you to look at Father Cudemo's
24 priest data profile for a moment and tell me if I'm
25 correct when I say that he was ordained a priest in the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Archdiocese of Philadelphia in 1963.

3 That's accurate based upon that sheet; is that
4 right?

5 A. Yes.

6 Q. Now, let's look at the first document, grand jury
7 exhibit four four one. This is dated April 18, 1966. Is
8 that correct?

9 A. Yes.

10 Q. And this is written by a parishioner of Saint
11 Stanislaus to Archbishop Krol, correct?

12 A. I cannot verify that. That's unsigned. Anybody
13 can write a letter and say I'm a parishioner.

14 Q. The document purports to be written by or the
15 signature or the typed place where it is "Sincerely yours,
16 Parishioner, Saint Stanislaus Church"; is that right?

17 A. That's what it says.

18 Q. ~~The that's what the document says; is that correct,~~
19 Cardinal?

20 A. That's what it says.

21 Q. Okay. And it's written to -- it says: "Dear
22 Archbishop Krol" at the heading, correct?

23 A. Yes.

24 Q. And it talks about the fact that Father Cudemo was
25 involved in a love affair for the past three years; is

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that right?

3 A. That's what it says.

4 Q. I'm asking you whether that's what it says.

5 Correct?

6 A. That's what it says.

7 Q. And it also says that the person with whom he's
8 been having this love affair is a teenage girl and a
9 junior at Lansdale Catholic High School.

10 Is that what this document says, Cardinal?

11 A. That's what it says. Yes.

12 Q. Okay. And that's a document that was inside of
13 Father Cudemo's secret archive file, correct?

14 A. I presume so.

15 Q. You presume so.

16 Let's look at grand jury ten eighty-nine, and that
17 letter is written just three years after Father Cudemo
~~18 became a priest in the Archdiocese?~~

19 A. Right. This first one you're talking about?

20 Q. The first document, correct, dated 1966, four
21 forty-one, April 18, 1966; is that right?

22 A. Well, since it's anonymous, I don't know what to
23 believe about it. Not even a date.

24 Q. Okay. Cardinal, I'm not asking you whether or not
25 the information in there is truthful. I'm asking you

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 whether or not that's what the document says?

3 A. That's what it says.

4 Q. Okay. Well, let me ask you this.

5 One of the factors that you might look at to
6 determine the truth of something would be whether or not
7 there's anything to corroborate the information inside the
8 letter; is that right?

9 A. That's a possibility. Yes.

10 Q. Okay. And if you look at the priest data profile
11 of Father Cudemo, you'll see that during the period of
12 time that this allegedly is occurring, Father Cudemo is in
13 fact assigned as an assistant pastor in Saint Stanislaus,
14 is that right, according to the priest data profile?

15 A. I . . . I'm --

16 Q. I'm not asking you whether or not it's true,
17 because you might not be able to comment on that, but
18 ~~based upon the information that's on that document, that's~~
19 what it says, correct?

20 A. That's right.

21 Q. Okay. Let's look at grand jury ten eighty-nine for
22 a moment.

23 You've familiarized yourself with this document; is
24 that right?

25 A. I see it. Yes. I read it.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay. And this is a document that is dated
3 September 2, 1969; is that right?

4 A. Yes.

5 Q. And it's signed by [redacted] is that
6 correct?

7 A. Yes.

8 Q. And also there's a signature that appears above
9 that typewritten [redacted], is that right?

10 A. Yes.

11 Q. This talks about the fact that Father DeSimone came
12 to the Chancery office to describe a problem that occurred
13 with his resident, Father Cudemo; is that right?

14 A. Yes.

15 Q. And it documents the fact that Father Cudemo was
16 seen by Father DeSimone trying to calm down a hysterical
17 girl; is that right?

18 A. Yes.

19 Q. And it says that Father Cudemo left the office and
20 explained that the girl was from Lansdale where he had
21 been previously stationed and she had a crush on him; is
22 that correct?

23 A. That's what it says. Yes.

24 Q. Okay. And Father DeSimone then revealed the fact
25 that when the girl left the office, she was shouting that

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 she loved him and the neighbors could hear it; is that
3 correct?

4 A. Yes.

5 Q. All right. And it says that he, Father Cudemo,
6 promised Father DeSimone that he would be careful in his
7 behavior with girls from then on; is that right?

8 A. (No response.)

9 Q. That's what the document says, correct? Paragraph
10 two.

11 A. You're talking about the top half?

12 Q. Yes. I'm talking about the top half, the second
13 paragraph.

14 A. Yes.

15 Q. It says: "Father Cudemo, after this incident" --

16 A. Yes.

17 Q. -- "promised Father DeSimone that he would be

18 ~~extremely careful in his behavior with girls from then~~
19 on"; is that right?

20 A. Well, the word "behavior" there, maybe the way he
21 interviews them, he may be referring to that.

22 Q. Pardon me?

23 A. I say the word "behavior," you got to be careful
24 what that means.

25 Q. We don't need to talk about what it means right

ANTHONY JOSEPH CARDINAL BEVILACQUA

now. That's what it says, correct, "his behavior"?

A. That's the word used, yes.

Q. Well, what definition would you give it, Cardinal?

A. I'm talking about in the way he might be seeing people, that perhaps he should not see them in the context that is described here.

Q. You mean having a hysterical of girl in his office, shouting that she loved him and his acknowledging that she had a crush on him, that's the behavior that you're referring to?

A. No. No. I don't know what it's referring to, the behavior.

Q. Okay. Well, the next sentence says that, however, a month later, Father DeSimone was away on vacation and returned to learn from his housekeeper and Father Strumia, S-T-R-U-M-I-A, Pastor emeritus, in residence at Saint

Cosmas and Damian, that one afternoon Father Cudemo had taken a young girl to his room for half an hour with the door closed.

That's what it says, correct?

A. Yes.

Q. And it goes on to detail that this was a different girl than the girl who had left screaming that she loved him, right?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 A. Yes.

2 Q. Okay. So this information was provided to Terrence
3 Monihan from a priest in the Archdiocese of Philadelphia;
4 is that right?

5 A. (No response.)

6 Q. According to what this document says?

7 A. Monihan. I don't know him.

8 Q. Okay. But I'm saying that the information that was
9 related to Terrence Monihan, that was related to him by a
10 Father Louis DeSimone, correct?

11 A. Yes.

12 Q. And presumably, Cardinal, he was a priest within
13 the Archdiocese of Philadelphia; is that right?

14 A. I presume so.

15 Q. And presumably, and maybe I'm asking too much, but
16 we can presume that he wasn't lying, correct?

17 A. I have to presume that.

18 Q. Okay. And in fact, this Father DeSimone, there's
19 currently a bishop in the Archdiocese of Philadelphia,
20 Bishop Louis DeSimone; is that right?

21 A. Yes.

22 Q. Okay. Now, it says that in the second paragraph
23 that Father Cudemo was seen as a result of these
24 incidents; is that correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. You're talking about the bottom now?

3 Q. I'm talking about the second half of the page.

4 Yes.

5 A. Yes.

6 Q. Okay. And he confirmed all of the above facts.

7 That's what it says; is that correct?

8 A. But above he also says that he was innocent.

9 Q. I understand he said he was not misbehaving, but he
10 was a very outgoing person who girls felt at ease with and
11 consequently came to him for counseling; is that right?

12 A. Yes, but also says he insisted that it was all
13 innocent.

14 Q. And he was told at that point in time that he would
15 have to change his residence; is that right?

16 A. I want to look down where it says that.

17 Q. "I informed him of the necessity of a change of
18 residence, and he understood."

19 A. Yes.

20 Q. Okay. And he also said he understood that his
21 behavior might cause scandal and promised that he would be
22 extremely careful of the way he conducted himself with
23 girls in the future.

24 That's what it says, correct?

25 A. That's what it says.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay. Now, at the time that this document was
3 written, which is 1969, Father Cudemo, according to his
4 priest data profile, was in fact assigned as a resident of
5 Saint Cosmas and Damien; is that right?

6 A. (No response.)

7 Q. According to the priest profile sheet?

8 A. Yes. It would seem that. Yes.

9 Q. Okay. And he was a teacher at Archbishop Kennedy
10 High School; is that right?

11 A. According to this, yes.

12 Q. Okay. And so at this point in time, to keep track
13 of what we have, we have allegations that are coming to
14 the attention of the Archdiocese from a priest within the
15 Archdiocese of Philadelphia, a pastor within the
16 Archdiocese of Philadelphia, a parishioner allegedly from
17 one of the parishes that he's been accused of, and at this
18 juncture in 1969, he's been a priest for six years; is
19 that right?

20 A. That's what it says.

21 Q. Okay. Now, Cardinal, look at, if you would, grand
22 jury four forty-two, and you had the opportunity to review
23 that, and this is dated July 26, 1977; is that right?

24 A. Yes.

25 Q. And at this point in time, based upon this memo and

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 also the priest data profile, Father Cudemo is on the
3 faculty of Cardinal Dougherty High School; is that right?

4 A. Yes.

5 Q. And he's a resident of Saint Titus in Norristown?

6 A. Yes.

7 Q. Okay. And this document is authored by Francis J.
8 Statkus, who's the Chancellor at the time; is that right?

9 A. Yes.

10 Q. Okay. And there's actually a signature of Father
11 Statkus contained as well as the typewritten signature; is
12 that right?

13 A. Yes.

14 Q. And Father Statkus was Cardinal Krol's chancellor;
15 is that correct?

16 A. I . . . yes.

17 Q. Okay. And you obviously had confidence -- I don't
18 want to say obviously. You had confidence in the people
19 that in the judgment of Cardinal Krol as to who he
20 surrounded himself with and in terms of his top personnel,
21 correct?

22 A. Generally, yes.

23 Q. Okay. Now, let's look at the contents of that
24 document, Cardinal.

25 This document says that there was a woman and her

ANTHONY JOSEPH CARDINAL BEVILACQUA

daughter that came in to speak with Father Statkus with regard to Father Cudemo; is that right?

A. Yes.

Q. Okay. And this document details the fact that this woman's daughter talked about the fact that her best friend was having sex with Father Cudemo while she was a high school student; is that right?

A. That's what it says.

Q. And it says that her friend -- her friend ^{Emily} the girl that was allegedly having sex with Father Cudemo, said that they'd been together since June of 1975; is that right?

A. That's what it says.

Q. Paragraph two.

A. Yes. I see it.

Q. "She stated that her best friend, ^{Emily} has

~~confided in her since as early as June of 1975, that she~~

has been associating with Father Cudemo. ^{Dance} noted

that ^{Emily} revealed to her at that time that the two were having sex"?

A. That's what it says.

Q. Okay. And this would have been at a point in time, according to this document, when ^{Emily} was at Cardinal Dougherty High School, correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. That's what's indicated.

3 Q. So based upon her position within school, she was a
4 teenager, right?

5 A. I presume so.

6 Q. Okay. And it also talks about the fact that Father
7 Cudemo and ^{Emily} and two nieces had gone to Florida for
8 about thirteen days; is that right?

9 A. That's what it states.

10 Q. Okay. And it also states that ^{Denise} states
11 that ^{Emily} indicated in the past that Father Cudemo may
12 have associated with other girls from the school,
13 particularly a junior; is that right?

14 A. That's what it states.

15 Q. Okay. Well, let me ask you. Flip to page two, if
16 you would, Cardinal, second paragraph.

17 "Both the mother and the daughter" -- and in that
^{Emilys mother}

18 sense, we're referring there to ^{Emily} and her
19 daughter .

20 "Both the mother and the daughter impressed me as
^{Emily}
21 credible. .. noted that she has no reason to
22 report this matter except that she feels this association
23 is wrong and that tragedy might result."

24 So that's what it says, correct?

25 A. That's what it says.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 Q. And we can presume from that that Monsignor
3 Statkus, the Chancellor of the Archdiocese of
4 Philadelphia, who had the opportunity personally to sit
5 down and speak with these women, he's found them to be
6 credible, correct?

7 A. That's what it states.

8 Q. That's what it states. Okay.

9 Now, let me ask you, Cardinal. When do you think
10 that, with this background, Father Cudemo should have been
11 appointed pastor at King of Peace?

12 A. That's not for me to make a judgment.

13 Q. Well, it is for you to make a judgment, Cardinal,
14 because you were the one that did it. So let me ask you
15 this.

16 If this information had been brought to your
17 attention, would you have made him pastor at King of
18 Peace?

19 A. I . . . when I look at this, these three documents
20 here, I see one is anonymous. It has no value at all to
21 me. The second one, there's no admission. I don't see
22 anything in the second document here of any kind of
23 admission of guilt. We're talking civilly and legally
24 now.

25 Q. Okay. Go ahead. Continue. We'll talk about them

ANTHONY JOSEPH CARDINAL BEVILACQUA

later.

A. The third document, we're looking at secondhand information. We have someone here who won't give the last name of the person, and I don't see that the original so-called alleged victim has brought any kind of allegation against him.

Q. So did you have access to this information and disregarded it as being incredible and not worthy of being considered when making somebody pastor? Is that what you're saying, Cardinal?

A. I don't recall ever seeing this. I rely on the recommendations of the Secretary of the Clergy, whoever was in charge then.

Q. Well, let me ask you then. Are they the criteria that you had conveyed to your Secretary of Clergy in determining whether or not something was credible in someone's background?

I mean, did you go through a file with them and say: Well, let's take an example and let's say no, this is anonymous, so we'll throw this out, or this has these factors?

A. I -- I did not.

Q. Is that what you did?

A. I trust my staff.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA.

2 Q. Well, let's talk about your criteria for a second,
3 Cardinal.

4 Let's go back to the document from 1966. This is
5 the one that you said has no value because it's anonymous,
6 correct? Four forty-one.

7 A. It's not anonymous.

8 Q. It's anonymous.

9 A. Right.

10 Q. So you say it has absolutely no value in it; is
11 that right?

12 A. I see no value in it unless you investigate it.
13 Unless you investigate it, it's anonymous.

14 Q. Would it have been possible, Cardinal, at that
15 point in time to go and get the school records for
16 Lansdale Catholic?

17 A. (No response.)

18 Q. It would have been, correct?

19 It could have been investigated had it chosen to be
20 investigated; is that fair to say?

21 A. I don't know. I can't judge at this stage, at this
22 period at that time in 1966.

23 BY MR. SPADE:

24 Q. You don't know whether Lansdale Catholic had school
25 records in 1966? Is that what you're saying?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I'm not saying how the person received this letter.

3 Q. Well, the question was, Cardinal: If a member of
4 the Chancery office wanted to go and investigate this, for
5 instance, by getting the school records for Lansdale
6 Catholic to try to identify who wrote the letter, could
7 somebody from the Chancery office have obtained school
8 records? That's the question.

9 A. I mean, a school keeps records.

10 Q. It just calls for a yes or no. Could they have
11 obtained school records or could they not have?

12 (The witness conferred with his
13 attorney.)

14 BY MR. SPADE:

15 Q. You've consulted with your counsel now, Cardinal?

16 A. I did, but I'm just going to repeat what I said
17 before. I gave an answer to your question.

18 Q. I'm sorry. What?

19 A. I gave an answer to your question.

20 BY MS. MCCARTNEY:

21 Q. And your answer is what, Cardinal?

22 If the information in this letter had come in and
23 the allegations are that Father Cudemo is having sex with
24 a high school student for the past three years and that
25 the high school student is a junior at Lansdale Catholic,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 it would have been possible, would it not, to have gone to
3 Lansdale Catholic and gotten the school records for the
4 juniors to separate out from those school records the
5 girls and to conduct an investigation to see whether or
6 not the identity of the person could have been determined?

7 I'm asking you if it could have been done,
8 Cardinal. I'm not asking you whether it was.

9 A. I need to ask a clarification.

10 Q. Okay.

11 A. You're taking this document about a second person
12 saying she heard that a girl's having sex. You seem to be
13 connecting with this anonymous one.

14 Q. I'm sorry?

15 A. Are you connecting this with the anonymous letter?

16 Q. No. Cardinal, we're dealing with the letter that
17 was authored -- it's grand jury four forty-one, April 18,
18 1966.

19 (The witness conferred with his
20 attorney.)

21 BY MS. McCARTNEY:

22 Q. And in this letter, and I'll read it: "It is known
23 among the parishioners of Saint Stanislaus Church,
24 Lansdale, PA, that one of our young priests, ordained only
25 a few years ago, has been involved in a love affair."

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Okay.

3 Q. In paren, "There is no better way to describe it
4 than this, for the past three years that he has been in
5 our parish. The name of this priest is Father Cudemo.
6 The teenage girl is a junior at our Lansdale Catholic High
7 School."

8 So when this came in, it was possible to at least
9 attempt to determine the identity of the junior at
10 Lansdale High School, correct?

11 (The witness conferred with his
12 attorney.)

13 THE WITNESS: It is possible. Correct.

14 BY MS. MCCARTNEY:

15 Q. Okay. And in this letter it says it is well known
16 among the parishioners of Saint Stanislaus Church in
17 Lansdale, so it had been possible to question some of the
18 parishioners to see whether or not they knew anything.

19 I'm not saying it was done, Cardinal. I'm saying it could
20 have been. Correct?

21 A. That's always possible.

22 Q. It's always possible, correct?

23 If someone had had the intention to conduct an
24 investigation, those two things could have been done
25 relatively easily, correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I don't know about easily, but it's possible.

3 Q. Okay. So let's talk about the second document that
4 you would have potentially disregarded because you said
5 that there was a denial in this, that Father Cudemo had
6 apparently denied any misconduct on the part of those
7 girls; is that right?

8 A. He said it was all innocent.

9 Q. But, Cardinal, let me ask you now.

10 You're looking at this case and you're determining
11 this document, which is written in 1969. You also have
12 the benefit of the letter from 1966, and all of a sudden,
13 you have a priest within the Archdiocese of Philadelphia,
14 who's apparently the pastor, and you have the pastor
15 emeritus, who were talking about some information with
16 regard to Father Cudemo. Is that right?

17 A. Yes.

18 Q. And Father Cudemo comes in and he denies it; is
19 that right?

20 A. That's what it says there.

21 Q. Okay. But they tell him he's got to be
22 transferred, correct?

23 A. Excuse me. Excuse me. I didn't hear you.

24 Q. He had to be transferred, right?

25 A. (No response.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. His residence would have to be transferred?

3 A. His residence.

4 Q. Okay. Because apparently his conduct was such that
5 it could have caused scandal, right?

6 A. That's what it says, states.

7 Q. Presumably so, right?

8 A. Yes.

9 Q. So with regard to this, so you disregard the
10 observations of Father DeSimone and the observations of
11 the pastor emeritus. Father Cudemo says: I didn't do it.
12 Right?

13 A. Well, that's what it says there.

14 Q. Okay. Now, let's talk about this third document
15 from 1977.

16 Now, again, when you get this information that
17 comes in, you already have two previous allegations.

18 Okay. What about this document do you find unworthy of
19 belief?

20 A. I cannot make any judgment. It's secondhand
21 information.

22 Q. So the fact that the girl herself didn't come in
23 and say she was having an affair with Father Cudemo or she
24 was having sex with Father Cudemo, that's something that
25 would necessitate you to disbelieve it or to call it into

ANTHONY JOSEPH CARDINAL BEVILACQUA

question?

A. I cannot make a judgment on this, on this one.

Q. You could have if you had wanted to go and speak to this girl, her identity was known, correct? Not you personally. I'm saying it could have been done; is that right?

(The witness conferred with his attorney.)

THE WITNESS: There's not even a last name put here.

BY MS. MCCARTNEY:

Q. I believe it's *Emily's last name*

I'm going to show you four forty-three. Have you seen that document before?

A. Not that I recall.

(Pause.)

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

BY MS. MCCARTNEY:

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

A. Yes. Yes.

Q. Now, with regard to this allegation that comes into the office of the Chancery in 1977, I just point out for

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 your attention again the fact that the Chancellor at the
3 time, Francis J. Statkus, found the individuals that were
4 conveying or the individual that was conveying this
5 information to be credible. Is that right?

6 A. That's what he says.

7 Q. And Father Cudemo was called in for a meeting with
8 regard to these allegations; is that right?

9 A. Yes.

10 Q. And in fact, the Chancellery was able to confirm or
11 to get the name or the last name of the girl that was
12 spoken about by speaking to another priest; is that right?

13 A. Yes.

14 Q. And the girl was identified as a ^{Emily}
15 correct?

16 A. Yes.

17 Q. And Father Cudemo denied that there was any sexual
~~18 overtones, but he does admit that he visited her at~~
19 Bloomsburg, that he and she had in fact stayed overnight
20 together, correct?

21 A. Separate places.

22 Q. Separate places; is that right?

23 A. Yes.

24 Q. Okay. That she would visit him at Saint Titus
25 Rectory, correct?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 A. Yes.

2 Q. All right. And he also tells again that -- I want
3 to make sure I have it correct -- that the girl was
4 attracted to him, but he would not encourage her, and yet
5 he continue the friendship; is that right?
6

7 A. That's what it says.

8 Q. So this is just another girl that has a crush on
9 him, according to this document, correct?

10 A. That's what it says.

11 Q. Okay. And he was told that this is the third time
12 that he's been called down to the Chancery office with the
13 same types of allegations; is that right?

14 A. That's what it says.

15 Q. Okay. And that he would have to be switched from
16 school work at that point, is that right, and put into a
17 parish?

~~18 A. That's what it states.~~

19 Q. Okay. So, Cardinal, if you had had the benefit of
20 this information available to you, the denials on the part
21 of Father Cudemo, the sources of information, the number
22 of allegations that were part of his file at the time,
23 would you have made him pastor at King of Peace?

24 Do you think that he fulfilled the requirements
25 that you thought were appropriate for pastor -- prudent,

ANTHONY JOSEPH CARDINAL BEVILACQUA

piety, compassion, humanity?

Do you think that he filled those requirements, or would you have some questions?

A. I do have questions. I want -- I have a question to you.

Q. Okay.

A. Not about this.

Q. Not about Father Cudemo?

A. No. I have to say here that this goes back to 1977.

Q. Yes.

A. He is not appointed pastor until twelve years later. You know, a priest -- I'm talking in abstract. A priest can reform. A priest can -- even if there is -- I'm not stating anything about Father Cudemo here.

Q. Yes.

~~A. But even if you have certain suspicions, remember~~
here he states that he would obey without any reservation the Chancery's directive. He will do anything he is told to do.

Taking this at this time, what follow up there was I don't know. I don't know whether he made an attempt, you know, to be more prudent, because he's not admitting any kind of sexual action.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 What he is admitting is indiscretions, perhaps
3 imprudence. It's only twelve years later that he is
4 considered to be a pastor.

5 It's very possible that the Secretary for the
6 Clergy saw all of this. I don't know. He should go into
7 the secret archives before a candidate is presented, and I
8 can't be the one who judges what has happened in those
9 twelve years, that they felt that this would not militate
10 against him being a candidate for pastorate.

11 Q. Cardinal, you said you can't judge, but you are the
12 one that makes the appointments within the Archdiocese,
13 correct? It's absolutely within your authority?

14 A. That's right. It's my --

15 Q. Let me ask you.

16 A. Sorry.

17 Q. If in fact the Secretary of Clergy had looked at
18 Father Cudemo's file, saw those reports in there, thought
19 about it and made the decision that he would still be an
20 appropriate candidate, would you not have wanted the
21 benefit of that information?

22 Do you not think that that was important for you to
23 have before you signed your name on a piece of paper
24 authorizing Father Cudemo to become a pastor?

25 A. I don't recall this information first of all being

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 given to me. I rely on the Secretary for the Clergy and
3 the Secretary -- and the Board, the Personnel Board. I
4 don't recall when this was discussed, whether this even
5 came up.

6 Q. Well, let me ask you if the Secretary of Clergy --

7 A. I say I don't know what happened -- forgive me. I
8 just want to finish.

9 Q. Okay. That's fine.

10 A. What happened in those twelve years between the
11 last of the memoranda and his being considered in 1989 as
12 a pastor.

13 Q. But what we do know is that there are at least
14 allegations that Father Cudemo had engaged in --
15 allegations that Father Cudemo had engaged in sexual
16 activity with minors on two occasions with two different
17 minors, correct?

18 A. Well, wait a minute.

19 Q. Because the second --

20 A. First of all, we have this *Denise*, they mention
21 having sex, but I don't see anything corroborated by the
22 girl herself.

23 Q. Cardinal, no one spoke to the girl herself. No one
24 in the Chancellor's office tried to speak with *Emily*

25 ~~_____~~

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I know, but she could have come forth, too.

3 Q. Cardinal, you are aware of the fact that it's
4 extremely difficult for teenagers who have been the
5 victims of sexual abuse to come forward and talk about
6 that abuse themselves until decades later. You're aware
7 of the research in regard to that issue, correct?

8 A. Yes. I know that.

9 Q. Okay. So --

10 A. But at the same time, at the same time, you know,
11 legally, how much credibility do we give to secondhand
12 information, secondhand allegations?

13 Q. Okay. I mean, that's your answer. That's fine.

14 So if an allegation comes in that's secondhand,
15 that already gets a lower level of credibility?

16 I mean, I'm just asking you, Cardinal. If that's
17 the way that it's viewed, then please say so. Correct?

18 A. I have to say yes.

19 Q. So if I come in -- I mean, as a hypothetical, if I
20 come in and I say my friend -- and I'm seventeen, and I
21 say my friend, who's also seventeen, has been having sex
22 with an archdiocesan priest for the past three years and I
23 just think you should know about it and then I walk away,
24 that that's something that, based upon your criteria,
25 should be given, you know, should be -- the level of

ANTHONY JOSEPH CARDINAL BEVILACQUA

credibility goes down at that point because it's me that makes the complaint and not the individual themselves?

That's what you're saying, correct?

A. I have to say that that has low credibility than the person who is the accuser comes in, the one who feels she is the victim.

Q. It has less credibility?

A. I say the secondhand information legally has less credibility than the person herself coming in.

Q. Okay.

A. But I'm not saying that the -- that if a secondhand comes in, I'm not saying that that should not be investigated.

Q. But a sufficient investigation based upon what we're talking about in this regard would be to call the particular priest in, say there's an accusation that you've been having sex with a teenager for the past three years, the priest says no, that's not true, I didn't do it, and that would be sufficient under your standards for an investigation and a completion of that file; is that right?

A. I did not say that.

Q. Well, that's what happened in this particular case, Cardinal.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I don't see that.

3 Q. Well, tell me what you would do. I understand
4 those circumstances.

5 What did you direct your Secretary of Clergy to do
6 in conducting an investigation, assuming that that was the
7 way that the complaint came to the Archdiocese' attention?

8 A. If an allegation comes in today, it is to be given
9 a thorough investigation. I don't know whether or not
10 Father Statkus investigated any further.

11 Q. Well, based upon what you indicated, and if I'm
12 wrong, Cardinal, I want you to please correct me, but
13 based upon what you indicated, this particular complaint
14 where the allegation comes from a best friend of someone
15 who allegedly says that her best friend is having sex with
16 an archdiocesan priest for the past three years that began
17 while she was a high school student, so automatically that
18 gets a second level of credibility right there.

19 You then call in the priest, which Father Statkus
20 apparently did. The priest says; I didn't do it. I know
21 I've been called down here three times in the past. Yes,
22 we are friends, and yes, she does have a crush on me.

23 I'm aware of the fact that I have to be switched
24 out of working in high schools because of my past, and I'm
25 okay with that, and I'll do whatever you tell me to do,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that at that point in time, based upon then that's what
3 happened in this particular case, that that's sufficient
4 to put you at ease that that case is now closed; is that
5 right?

6 A. I did not say that.

7 Q. Well, what else should have been done?

8 A. I said this is what evidence is being presented to
9 me today.

10 Q. I understand that.

11 A. I don't know what Father Statkus did or what he
12 tried to do and possibly couldn't do. Maybe he did
13 attempt to --

14 BY MR. SPADE:

15 Q. But you're confident that your Secretary of Clergy
16 at the time in 1989 that you approved the recommendation
17 to appoint Father Cudemo as pastor, you're confident that

18 your Secretary of Clergy at that time would have gone back
19 to research the file to make sure that Father Statkus had
20 indeed investigated these allegations so that he, Father
21 Jagodzinski, was confident that these allegations were in
22 fact incredible, right?

23 A. I can't . . .

24 Q. You're confident that Father Jagodzinski would have
25 done that, right?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I'm just saying that if he saw this information, if
3 this is all that was available -- you know, I don't know
4 what his judgment, his recommendation at the time, you
5 know, was possibly based on this and perhaps other
6 information that I'm not aware of.

7 BY MS. MCCARTNEY:

8 Q. Well, let me ask you this, Cardinal. Let's assume
9 that Father Jagodzinski went back to the secret archive
10 file, saw these allegations, went through the same
11 analysis that you did in front of this grand jury, that
12 the first one is anonymous, so we can say that, the
13 second one, there's a denial on the part of the Father
14 Cudemo, the third one the girl herself didn't come forward
15 and there's also a denial on the part of Father Cudemo,
16 and there's a passage of twelve years. Okay?

17 You're comfortable with him going through that
18 ~~analysis and coming to that decision; is that right?~~

19 A. I can't . . . I can't speak for Father Jagodzinski.

20 Q. I'm asking you if that's what he did, and he made
21 the decision that Father Cudemo was a fine candidate to
22 put up for a pastorship. You're fine with that analysis
23 and that --

24 A. This is not the only thing he would limit himself
25 to. He may have seen perhaps there was nothing in the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 past twelve -- the last twelve years after these
3 allegations.

4 Q. Well, let's say that there's no further
5 allegations. You're okay with the analysis that if Father
6 Jagodzinski went through that analysis with regard to
7 these individuals, with regard to these three complaints
8 in Father Cudemo's past -- let me just ask you this.

9 If that's what Father Jagodzinski did and he was
10 fine like to put him up for a pastorate, even with this
11 in his background, because of the analysis that I just
12 went through with you, did you consider that to be
13 appropriate work on the part of your Secretary of Clergy?

14 A. I'm just saying that I presume that Father
15 Jagodzinski, you know, had good reasons for recommending
16 Father Cudemo.

17 Q. And I appreciate that answer, Cardinal, but that
18 does not answer my question.

19 (The witness conferred with his
20 attorney.)

21 BY MS. MCCARTNEY:

22 Q. My question to you is: With regard to the
23 allegations, with regard to the contents of Father
24 Cudemo's secret archive file, if Father Jagodzinski
25 evaluated those three complaints the way that you did in

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 front of this grand jury, you would consider that
3 appropriate, correct?

4 A. I'm going to repeat my answer.

5 Q. All right.

6 A. I believe Father Jagodzinski had good reasons for
7 recommending him as pastor of King of Peace.

8 Q. And I'm not asking you anything about what other
9 reasons Father Jagodzinski had. I'm asking you to focus
10 because this is what this grand jury investigation is
11 about.

12 If Father Jagodzinski went through and made the
13 same evaluation that you did with regard to the
14 credibility and the severity of the allegations in Father
15 Cudemo's background and thought that it was okay for him
16 to be put on the table as a pastor, you're okay with him
17 going through that analysis and using that judgment; is
18 that right?

19 A. You're asking again a contingent question on if.
20 I'm not going to judge what Father Jagodzinski would have
21 concluded.

22 Q. Well, did you have any discussions with Father
23 Jagodzinski about that?

24 A. I don't recall any.

25 Q. Okay. So, Cardinal, you make Father Cudemo pastor,

ANTHONY JOSEPH CARDINAL BEVILACQUA

is that right, of King of Peace in 1989?

A. I appointed him.

Q. You appointed him pastor, and then in 1991, Father Cudemo is made pastor of Saint Callistus; is that right?

A. That's what it states there.

Q. In June of 1991, and correct me if I'm wrong, but Saint Callistus in 1991 had a school associated with it; is that right?

A. If you say so. I am not acquainted with all the parishes now that have schools.

Q. Okay. And the effective date of his becoming a pastor -- an individual priest is told that they will have a change of assignment prior to their actually taking over; is that right?

A. Yes.

Q. Okay. And when are the assignments actually made?
Do you know?

A. Well, it states there generally they're made in June.

Q. Okay. That's when they actually assume their role, or is that when they are told of it?

A. That's generally the date there, is generally when they assume their role.

Q. Okay. So they're told of it sometime previous to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that; is that right?

3 A. Yes.

4 Q. Now, in 1991, specifically June 7 of 1991 or, I'm
5 sorry, June 4 of 1991, some information comes to your
6 Secretary of the Clergy, John Jagodzinski, with regard to
7 Father Cudemo.

8 Were you familiar with those allegations brought by
9 a ^{Marion} [REDACTED]?

10 A. I can't recall it right now.

11 Q. The allegations, Cardinal, in a nutshell were that
12 she was having sex with Father Cudemo since she was a high
13 school student and that that affair with him or that sex
14 with him continued up until 1991, at which point in time
15 she was involved with him to the extent that they co-owned
16 a house together in Florida.

17 Were you aware of that?

18 A. I can't recall that.

19 Q. Would you agree with me, Cardinal, that information
20 with regard to your priest, one of your priests, having
21 sex with high school students and co-owning a house with a
22 woman, that's fairly significant; that doesn't happen
23 every day, right?

24 A. No.

25 Q. And that doesn't stick out in your mind at all?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I can't recall it.

3 Q. Okay. Let me show a show you a document. Grand
4 jury four forty-four.

5 (Pause.)

6 MS. MCCARTNEY: You know, it's now
7 twelve eighteen. We're going to break for lunch
8 till quarter of two.

9 MR. GALLAGHER: Make it two.

10 MS. MCCARTNEY: Till two o'clock
11 Cardinal, I'm going to provide you
12 with the next five documents that I expect to
13 be asking you questions about so you can have
14 the benefit of reading them at your leisure.
15 Okay.

16 MR. GALLAGHER: Four forty-five, four
17 forty-six, four forty-four, ten ninety, and four
18 forty-seven.

19 Two o'clock. Okay.

20 (A luncheon recess was held.)

21 ---

22

23

24

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 AFTERNOON SESSION

3 ---

4 MR. GALLAGHER: All right. May the
5 record reflect it's now two o'clock. We're
6 reconvening.

7 [REDACTED] e
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED] s.
15 [REDACTED] r.
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 (No response.)

21 [REDACTED]
22 [REDACTED]
23 [REDACTED] e.
24 [REDACTED] is
25 [REDACTED]

ANTHONY JOSEPH CARDINAL BEVILACQUA

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

ANTHONY JOSEPH CARDINAL BEVILACQUA

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

was

this

he

?

ANTHONY JOSEPH CARDINAL BEVILACQUA

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

[illegible]

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 (Pause.)

6 MR. GALLAGHER: May the record reflect
7 at 2:05 P.M. I informed the witness that we're
8 ready to proceed and he and the attorney said they
9 needed two more minutes to go over some of the
10 documents that we gave them at twelve eighteen when
11 we broke.

12 (Pause.)

13 (Whereupon the witness and his counsel
14 returned to the grand jury room.)

15 MS. McCARTNEY: Okay. We're back on
16 the record again. It's December 5. The time is
17 now two twelve. We have sixteen regular -- I'm
18 sorry. Go ahead.

19 [REDACTED]

20 [REDACTED]

21 MS. McCARTNEY: Which constitutes a
22 quorum.

23 BY MS. McCARTNEY:

24 Q. Good afternoon, Cardinal.

25 A. Good afternoon.

ANTHONY JOSEPH CARDINAL BEVILACQUA

Q. Before we broke for lunch, I had provided you with some documents that were going to be discussed next.

Did you have the opportunity to review them?

A. Forgive me. I'm not that -- the last document, I haven't read the last two and a half pages.

Q. Well, we'll just go with what we have then.

A. Okay.

Q. Let's talk first about when we ended. We were talking about the fact that ^{Marion} [REDACTED] had come to the Archdiocese, specifically to the Secretary of Clergy, and brought forth some allegations related to Father Cudemo.

Do you recall those allegations being brought to your attention, Cardinal?

A. I do not.

Q. Okay.

~~A. Just in general. As far as -- let me say this.~~

Not specifically, but I recall for a period of time that every once in a while Monsignor Cullen discussed the situation of Father Nick Cudemo, that there were allegations.

Q. Let me ask you this, Cardinal, and then we'll do it generally.

First, what is your recollection of the situation

ANTHONY JOSEPH CARDINAL BEVILACQUA

involving Father Cudemo?

A. From that time it was that he was being accused by certain people, particularly relatives of his, of inappropriate behavior, and that when confronted, Father Nick Cudemo would generally deny them and -- but we were trying to investigate the allegations, I remember that, and then asked him to go for evaluation, which he did.

As far as we know, that he -- and then he took him out of -- we -- I know we were going to remove him from the parish. Then he had an accident, I remember that, with a bus, I think it was; and then eventually he resigned years later, though he did not function as pastor while he was officially a pastor until '96.

It was from -- I think it was '91 on he did not -- he was on a leave of absence. Those are some of the general memories that I have about him.

Q. Do you have a memory of the case of Father Cudemo being serious in the Archdiocese of Philadelphia?

A. Of being?

Q. Serious. The allegations that were brought forth upon him and his reaction to those allegations and his responses to directives by you, do you recall there being discussions about that and the serious nature of them?

A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Do you recall what happened with Father Cudemo
3 subsequent to his resigning his pastorship at Saint
4 Callistus?

5 A. I just recall he went to, I think, live with one of
6 his relatives. I think his sister. I'm not positive.

7 Q. Do you recall what the diagnoses were for Father
8 Cudemo when he was evaluated at Saint Luke's and Saint
9 John's?

10 A. No.

11 Q. Do you recall that he was diagnosed as a pedophile?

12 A. No.

13 Q. Well, let's talk then in specifics if we may.

14 With regard to the allegations brought forth by
15 [REDACTED], and if you could refer to grand jury
16 four forty-four, this is the document which relates to --

17 A. If you give me a moment.

18 Q. Sure.

19 (Pause.)

20 This is a document that is to Monsignor or Reverend
21 James Molloy from Father Jagodzinski regarding Nick
22 Cudemo, and the date of it is June 7, 1991, and it relates
23 a conversation that Father Jagodzinski had with [REDACTED]
24 [REDACTED] when she came to see him.

25 And she initially said that she came out of concern

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 for Father Cudemo because he was about to assume
3 responsibility of a parish that was much larger than the
4 one he had previously been assigned to and that he was in
5 the hospital being tested for heart disease.

6 And then ^{Marion} [REDACTED] goes on to describe for
7 Father Jagodzinski what her relationship with Father
8 Cudemo was, and specifically she talks about the fact that
9 she's known him for fifteen years.

10 She's now thirty-one years old, and she's known him
11 since she was a student at Cardinal Dougherty High School,
12 and she talks about the fact that she's been in a
13 relationship with him during that period of time, and the
14 relationship, that they were so deeply involved with one
15 another, that they were co-owners of a house in Florida
16 since the Memorial Day weekend of 1989.

17 She told Father Jagodzinski that Father Cudemo had
18 told her with regard to this relationship that, quote,
19 everybody downtown, end quote, knows about his friendship
20 with ^{Marion} [REDACTED] and that someone downtown even told him
21 how important it is to have female friends and companions.

22 That's a summary of what it is that ^{Marion} [REDACTED]
23 [REDACTED] told Father Jagodzinski; is that right?

24 A. Yes.

25 Q. And based upon the information that she gave to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Father Jagodzinski, he writes some personal reactions to
3 this information; is that right?

4 A. Yes.

5 Q. And one of them, the first one that he writes, it
6 says: ^{Marion} [REDACTED] did not appear to be motivated by
7 anger or hostility or by any apparent determination to
8 hurt Father Cudemo. My impression is that she was
9 speaking out of concern for him because she is convinced
10 that he is in a very poor emotional state."

11 Then he goes on to write: ^{Marion's} [REDACTED] story is,
12 in my estimation, largely believable. Her assessment of
13 Father Cudemo's present emotional state, I believe, is
14 fairly accurate."

15 He again then goes on to say that he believes that
16 Father Cudemo should be evaluated in Villa Saint John
17 Vianney Hospital and that it seems inadvisable that he
18 assume his new pastorate.

19 Now, Cardinal, that's what the memo relates; is
20 that right?

21 A. Well, he put a condition on that.

22 Q. What's the condition?

23 A. You know, he shouldn't be assigned if Father Cudemo
24 admits to what has been told.

25 Q. I'll read it so that everything can be seen in

ANTHONY JOSEPH CARDINAL BEVILACQUA

context.

"I think that if Father Cudemo were confronted with
Manon's
[REDACTED]ry," in parentheses, "she gave full
approval to her being identified as the source," end
paren, "he would not dispute it. In that event it seems
very inadvisable that he assume his new pastorate.
Perhaps he could be referred to the Anodos Center for
evaluation and be given time to reflect on his present and
future ministry. Perhaps some time at Villa Saint John
Vianney Hospital is in order if Father Cudemo admits to
what has been told"; and then he goes on further to say
that he can offer some personal insight into this
situation because of his very long association with Nick,
and he says that they were high school classmates.

Now, Cardinal, there's nothing in the file provided
for -- well, let me ask you this question first.

Basically, I read that correctly into the record,
right, based upon this document, what it says?

A. What you read?

Q. Correct.

A. Yes.

Q. And Father Jagodzinski was somebody that -- at the
time that this memo was written, he was your Secretary of
Clergy, correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. And Father Molloy was the your Assistant Vicar,
4 correct?

5 A. Yes.

6 Q. Okay. Now, and you've told us previously on
7 numerous occasions in this grand jury proceeding that you
8 had full faith and confidence in the judgment of your
9 Secretary of Clergy, correct?

10 A. Yes.

11 Q. And also of the people that you put in top
12 administrative positions, and Father Molloy would be one
13 of those individuals, correct?

14 A. Yes.

15 Q. Now, Cardinal, can you tell us in light of those
16 questions why it is that Father Cudemo was, based upon the
17 secret archive file, never questioned about the situation

18 with ^{Marion} [REDACTED]

19 A. You'd have to ask I think Father Molloy or Father
20 Jagodzinski. I don't understand -- I mean, eventually
21 they reacted -- I presume they were investigating. I
22 presume that they were trying to get more concrete
23 evidence of what happened.

24 Q. Well, what kind of concrete evidence was needed,
25 Cardinal?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 some kind of psychological evaluation. That could have
2 been part of their strategy, but I mean, it doesn't state
3 that here, what they were going to do.
4

5 Q. And I'll tell you what they did, Cardinal, or I
6 mean -- well, any decision that's made with regard to
7 removing a priest or taking any punitive action against a
8 priest, that has to come through you, correct?

9 A. Yes. It would have to, because there's a process.

10 Q. And any priest that is told or it's requested that
11 they go for treatment at a facility, you would have to
12 approve that as well, correct?

13 A. Yes. Because you cannot mandate it.

14 Q. Okay. And so if there was a request on the part of
15 Father Molloy or Father Lynn to have Father Cudemo
16 evaluated, a psychological evaluation conducted on him,
17 that would have had to have been approved by you, correct?

~~18 A. Ordinarily, yes.~~

19 Q. And so in order for that to have happened, you
20 would have had to have been fully aware of the situation
21 because they would have want you to have all the facts
22 before you made that decision, correct?

23 A. They wouldn't necessarily tell me everything. They
24 would summarize the reasons for the recommendation.

25 Q. And what do you recall what the reasons for the

ANTHONY JOSEPH CARDINAL BEVILACQUA

recommendation were in this particular case?

A. I can't recall them. I can just surmise them.

Q. What would that be?

A. You know, based on what I've read here, that the interview showed that their allegation -- there are allegations that were made that seemed to be probable and that also that seemed to be certainly admitting violation of boundaries, and some of those I think were serious violations, that it was -- that he was acting imprudently, that he was worthy -- I mean, that he deserved to have an evaluation, a psychological evaluation, and to see what came out of it, because I think they probably also in the previous memo felt the same as I did, that his responses of denial were evasive.

So I'm presuming that they were investigating at this time, but I -- I don't recall. But I'm sure that they were taking action.

Q. The action that was taken, Cardinal, was that they scheduled a psychological evaluation for Father Cudemo that was scheduled on December 1 and that he was going to report back then for evaluation. Okay. Will you accept my --

A. Yes.

Q. -- my telling you that that's what the file

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 reflects?

3 A. Yes. I accept that.

4 Q. Okay. And let me ask you then.

5 With the severity of the allegations that are
6 brought to the attention of the Archdiocese, with the
7 absurdity of some of the denials on the part of Father
8 Cudemo, with the prominence of his position as a pastor,
9 do you think it was prudent to allow him to remain in
10 residence as pastor of Saint Callistus from September 28
11 to December 1?

12 A. It would be very hard from a canonical point of
13 view to remove him. He would have -- he has his rights,
14 and if we tried to remove him, he could bring action.

15 Q. And what would that action be? That would be some
16 action against the Archdiocese of Philadelphia?

17 A. He could bring -- theoretically, he could bring
~~18 action. If I made a decision to remove him, I would have~~
19 to go through a process. If I issued a decree, he could
20 appeal that.

21 Q. In the ordinary course of things, Cardinal, given
22 the fact that you're the Cardinal and the priests work for
23 you, and they obviously respect you, it has been your
24 experience that when you tell a priest you should do this,
25 that more often than not they actually comply with your

ANTHONY JOSEPH CARDINAL BEVILACQUA

request, correct?

A. Not always, but most do.

Q. And because priests are trained that with regard to obedience, and particularly obedience to a Cardinal; is that right?

A. Thank you.

Q. Is that right?

A. Well, they would ordinarily respect the directive of a bishop.

Q. So even if there was no formal process in place to remove Father Cudemo from residence and acting as pastor of Saint Callistus, did you ever consider the possibility of saying to him, calling him in and sitting him down and saying: We have an evaluation set up in December. It's best that you not continue at Saint Callistus until we can get that done?

~~A. I have to say that again I rely on my Secretary for the Clergy, that he would make that recommendation.~~

Q. But, Cardinal, again, this information was brought to your attention, and you certainly have the ability to override anything that your Secretary of Clergy says?

A. I do not recall that all this specific information was sent to me.

Q. But when you say you don't recall that the specific

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 information was sent to you, then can you explain to me
3 how it is that you think that your Secretary of Clergy was
4 competent, if he didn't give you the seriousness of this
5 situation?

6 A. He still remained very competent. You don't have
7 to send all the details up to the bishop. I mean, I --
8 you know . . .

9 Q. We're not talking, Cardinal, about a roof leaking
10 on a parish gym.

11 A. I know about that.

12 Q. We're talking about an allegation now that dates
13 back to 1966, where you have a priest operating in the
14 Archdiocese of Philadelphia that has been accused with at
15 least eight people that come to my mind at this point,
16 documented proof or documented allegations.

17 A. Documented allegations, please.

~~18 Q. Allegations of having sex with teenage girls that~~
19 number -- there's eight of them. I mean, you don't think
20 that that's something that is significant enough to give
21 you the full story on, and if not, how can you say that
22 your Secretary of Clergy was competent?

23 A. They were competent, and I -- you would have to ask
24 them what reasons they had for not requesting that he be
25 removed immediately from an administrative point of view

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 or requesting that at least. They must have had good
3 reasons for that.

4 Q. Whatever their reasons were, you had the authority
5 and the ability to take action on your own, correct?

6 A. That doesn't mean -- you're saying I'm aware of all
7 of this. I -- I mean, I don't know. I don't recall any
8 of this.

9 Q. You don't recall any information --

10 A. I just have the general information that Bishop --
11 that Monsignor Cullen gave me about Father Cudemo, but I
12 don't recall all these details. I don't even know if
13 these memos were sent to me.

14 Q. Well, when you say details, I mean, are you talking
15 about -- I mean, we're talking about sex with children. I
16 mean, you don't --

17 A. But they -- I have to say that they made a judgment
18 ~~and I don't know -- they were investigating, I'm~~

19 presuming, in preparation for the evaluation and to
20 make -- and to get him to be evaluated and perhaps in
21 their minds was trying to get enough information in order
22 to ask him to resign. That's all. That could have been
23 part of their strategy.

24 BY MR. SPADE:

25 Q. Cardinal, you said that the reason that you didn't

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 take Father Cudemo or that your Secretary for Clergy
3 didn't take Father Cudemo out of Saint Callistus on
4 October 3, when this information came to light, and he was
5 kept in there until the beginning of December, one of the
6 reasons was that the Archdiocese had a canonical duty to
7 Father Cudemo to respect his rights; is that correct?

8 A. We always have to respect the rights of everyone.

9 Q. Right. Would you agree that the Archdiocese, you
10 and the people that work for you, also had a duty to the
11 children and the teenagers at Saint Callistus to not put a
12 priest into their midst that was going to harm them
13 sexually, abuse them sexually?

14 A. I just mentioned before. We must respect the
15 rights of everyone and particularly the safety of
16 children.

17 Q. Right. Would you agree with that your Secretary of
~~18 Clergy at that point in 1991 was aware of that duty to the~~
19 children of Saint Callistus?

20 A. I'm sure he was.

21 Q. And do you know, as his superior, how if at all the
22 Secretary for Clergy balanced the duty that he had and
23 that the Archdiocese had towards Father Cudemo in terms of
24 his canonical rights with the duty that the Archdiocese
25 had towards the children of Saint Callistus?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. You would have to ask him how he balanced it.

3 Q. Okay. Looking back on it now, how would you
4 balance it?

5 A. You're asking me to look back now?

6 Q. Yes.

7 A. That's different. That's different from --

8 Q. Well, but you have the information now. Would he
9 have gone over the information with you?

10 Who did you have more of a duty to? What was the
11 higher duty? To the children or to the priest?

12 A. It has always been in general that the highest
13 priority goes to the children.

14 Q. Okay.

15 MR. SPADE: That's all.

16 MR. GALLAGHER: Let me ask him a couple
17 questions, Maureen.

~~18 MS. MCCARTNEY: Go ahead.~~

19 BY MR. GALLAGHER:

20 Q. Cardinal, at the end of the October 2 grand jury
21 four forty-six, Father Lynn and Malloy told Father Cudemo
22 that he wasn't going to be -- there were no plans to
23 remove him from the parish, but he did agree at that
24 point, Father Cudemo, that he was willing to be evaluated
25 at Saint Luke's.

ANTHONY JOSEPH CARDINAL BEVILACQUA

Is that a correct summary at the end of that memo?

A. I see that it says here, "I painted several," that no one was asking him to resign; is that the sentence?

Q. Right.

A. Yes. Where does it say about Saint Luke's? I'm not . . .

(Pause.)

I know someplace he said he was willing to be evaluated. I don't see where it speaks . . .

BY MS. MCCARTNEY:

Q. It reads on page twenty-eight, Cardinal, "I asked him" --

MR. GALLAGHER: The page before.

BY MS. MCCARTNEY:

Q. "I asked him if he were willing to be tested and have an evaluation. He said that he was willing and that I had offered that last year. I stated that in this case it would be good to have because the allegations were very specific. I then explained the nature of the evaluation at Saint Luke's Institute."

A. I see that.

BY MR. GALLAGHER:

Q. So at this point, your two point men on this, Lynn and Molloy, okay, they have serious allegations from eight

ANTHONY JOSEPH CARDINAL BEVILACQUA

people in the file. They've confronted Cudemo with that. Cudemo has agreed to be evaluated. Molloy and Lynn and now you agree that his denials were evasive. We have all those factors.

The question is: Why wasn't he removed from being the pastor on October 2?

A. You would have to ask the Secretary for the Clergy for that, for that explanation.

Q. Okay. Now, what I want to know from you, Cardinal, is -- we're not going to ask them that because they're not here today.

What I'm asking you is: If you had known all that stuff at that point, all those facts, would you have directed him to be removed from the parish?

A. I cannot answer that question.

Q. Why can't you answer it?

~~A. It's contingent. I don't know -- because I don't~~
know what they would -- I would have asked them.

Q. Well, you got a guy --

A. I do not know why they did not make that recommendation. They must have had good reasons for not saying -- for saying that he should not be resigning at that time.

Q. Well, do you think that anything they would have

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 said would have been a good reason?

2 I mean, here's a guy that has eight allegations
3 against him. They agree that they're credible. They
4 asked him about it. He's evasive, and then he agrees to
5 go for treatment. Okay. And then they recommend to you
6 if that's what happened, that he stay there.
7

8 What would you have said to them?

9 A. I don't know if they tried immediately to get him
10 to make an appointment for Saint Luke's.

11 Q. Well, forget about what they tried to do. He
12 already said, "I'll go," didn't he? Didn't he?

13 Doesn't it say, "I'll go"? "I'll go and get the
14 evaluation"? I'm talking about Cudemo. Cudemo agreed to
15 go?

16 A. Yes.

17 Q. Okay. Why do you think it was competent on their
~~18 part to recommend to you that he stay in that parish?~~

19 A. I cannot explain their reasons. They -- I must
20 presume that they had reasons for not asking for his
21 resignation immediately or asking for removal.

22 Q. Okay. Accepting all those things, do you think
23 that the fact that they didn't recommend to you at that
24 point that he get out of the parish, do you think that's
25 competence on their part?

ANTHONY JOSEPH CARDINAL BEVILACQUA

A. I'm going to repeat. I don't -- they must have had good reasons for not making the recommendation that he be removed immediately.

Q. Can you remember what the reasons were?

A. No.

Q. Okay.

BY MS. MCCARTNEY:

Q. Well, let me ask you this, Cardinal.

If you look at the document that I marked as grand jury four forty-six, page twenty-nine -- this is after he's told Monsignor Lynn and -- or Father Molloy and Father Lynn that he may have lain on top of girls nude and all the other denials that he put forward.

It says: "As he was leaving, Father Cudemo asked if the Archbishop was moving to have him removed from the parish. I explained that there is no plan afoot for such a thing and that kind of talk is premature. I stated that the evaluation would be done and the evaluation and recommendations sent to the Archbishop. Only at that point would decisions about the future be made."

Now, do you see where I'm reading from?

A. Page twenty-nine?

Q. Page twenty-nine, the second to last paragraph.

(The witness conferred with his

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 attorney.)

3 THE WITNESS: I see it. Forgive me.

4 BY MS. MCCARTNEY:

5 Q. So your subordinates specifically tell Father
6 Cudemo that you have had no plan to have him removed from
7 the parish at that point in time and that an evaluation
8 would be done and then decisions would be made?

9 A. Well, it explains it. It's in the abstract.

10 Explained there is no plan afoot for such a thing.

11 Doesn't necessarily mean that --

12 Q. Well, that's not in the abstract. We're talking --

13 A. No, what I'm saying. It doesn't mean necessarily
14 that it was brought to my attention and I said do not ask
15 him to resign.

16 Q. But based upon that paragraph and that phrasing in
17 there, Cardinal, would you agree we that they're basically
18 ~~saying that we're not going to do anything with you until~~
19 we get that evaluation done?

20 A. That's what it says, yes.

21 Q. And let me ask you again. Do you think that now,
22 with that added fact, given the facts that we've had thus
23 far in the Cudemo file, do you think that was competent on
24 their part?

25 A. I have to say that I must accept that they had

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 reasons for their . . .

3 Q. Their reasons are right there in that paragraph,
4 Cardinal, correct -- wait. Let me finish, and then I
5 promise I'll give you the opportunity.

6 Their reasons are right there that they're going to
7 get an evaluation done and then once the evaluation comes
8 back, then recommendations will be made. That's what
9 their offering as their explanation for the actions that
10 they're taking.

11 Do you think that that's competent?

12 A. At that time I would have to say that they were
13 acting with competency.'

14 BY MR. GALLAGHER:

15 Q. Well, what do you say at this time?

16 A. I don't want to answer that question.

17 Q. Why not?

18 I mean, we want to know what you feel. Now that
19 you've seen these documents, whether or not today you
20 think what decisions they made, the recommendations that
21 they made to keep this man at that parish, do you think
22 now -- forget about what you thought about then. In
23 retrospection, was that competence?

24 A. I'm going to repeat that at that time, that they
25 were acting competently.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay. At this time what do you think?

3 A. I think that's an inappropriate question.

4 Q. Why do you think it's an inappropriate question?

5 A. Because I'm not -- it's a different time, a
6 different element. I'm sorry. I'm -- I can't answer that
7 question.

8 Q. Well, as the Cardinal you've had to make decisions
9 and judgments on a lot of things. All we're asking for
10 today, Cardinal, is to make a judgment.

11 Knowing the facts that you've seen as of right now,
12 do you think -- can you make a judgment right now today
13 whether or not what they did and what they recommended to
14 you was a competent thing to do?

15 A. I say at that time it was a competent thing to do.

16 Q. But you can't say today, or should I say you don't
17 want to say today; is that correct?

18 A. ~~I don't think I should answer the question.~~

19 Q. Why don't you think you should answer it?

20 A. Do I have to repeat that I'm going back to this
21 time and that's all we're discussing?

22 Q. No, and I'm asking you to come right now and what
23 you just read there today, based on your experience and
24 your authority, do you think that what they did was
25 competent?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 A. Yes.

3 Q. Why?

4 A. Because I think they were acting within the realm
5 of prudence, rights of everyone, that they were concerned
6 perhaps -- I have to conjecture on this because I don't
7 know what all their reasons were, that they could see that
8 perhaps he would -- might appeal, make a process. They
9 felt that within a short time he would be sent away for
10 evaluation.

11 It was within -- you mentioned a month later or two
12 months later that he actually went for evaluation, that
13 perhaps they knew that it would take that long because you
14 can't get an appointment in Saint Luke's immediately.
15 They figured that was sufficient rather than to have him
16 resign or to take action to get him to resign.

17 Q. So back then you thought it was competent, and
~~18 today you still think it's competent; is that correct?~~

19 A. Well, I -- I'm saying I have to judge by that time.

20 Q. Okay.

21 BY MS. MCCARTNEY:

22 Q. Cardinal, what is different about that time in 1991
23 and today? What's different?

24 A. Because I don't know all the circumstances of what
25 they were -- what their plans were at that time.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. And I informed you earlier --

3 A. And that could happen today, too, that it could be.

4 Today it could be considered competent, too.

5 BY MR. GALLAGHER:

6 Q. So if all these facts -- let's just forget that.

7 I'm asking you a hypothetical, which is
8 permissible, Cardinal, so you know. I'm asking you a
9 hypothetical.

10 Forget about what time. If all that information
11 was brought to you today, would you still allow Cudemo to
12 stay in that parish for two more months even though he's
13 agreed to go for evaluation?

14 A. Can I ask my lawyer, please --

15 Q. Sure.

16 A. -- to discuss something with him.

17 Q. Sure.

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

20 THE WITNESS: You're asking me what I
21 would do today, and I'm going to repeat again, that
22 I -- at that time, they did not recommend
23 resignation immediately.

24 I don't know all the reasons that they
25 had. I'm going to abide by that, that they were

ANTHONY JOSEPH CARDINAL BEVILACQUA

competent at that time.

BY MR. SPADE:

Q. And just to be clear, by competent, you mean that that decision to keep him in the parish for another two months was competent in terms of the Archdiocese' duty to protect the children and teenagers of Saint Callistus Parish; is that what you mean?

A. I'm saying that they had good reason for the decision that they made.

BY MS. MCCARTNEY:

Q. And, Cardinal, you're aware of the fact that subsequent to this information coming and Father Cudemo being called in and the evaluation being scheduled in December, that the victims Sister ^{Irene} ^{Peggy} ~~_____~~

^{Donna} ^{Donna's Father} ^{Ruth} ~~_____~~

~~_____~~ went back to the Archdiocese to talk about how they were upset about the length of delay between when they came forward with their allegations and when the evaluation was actually scheduled; is that right?

A. Yes, I remember that.

Q. Okay. And they talked about how they were upset the evaluation was not scheduled until December 1, 1991, and they cannot understand how Father Cudemo can remain in the position of pastor that long a period of time. "The

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 situation, she stated," and I'm referring to ^{Donna} [REDACTED]
2 [REDACTED] "seems ridiculous."
3

4 This is grand jury four forty-seven. You have a
5 copy of that.

6 A. Yes.

7 (The witness conferred with his
8 attorney.)

9 BY MS. MCCARTNEY:

10 Q. So this is a layperson who -- I mean, they're
11 talking to the Archdiocese and saying what they think is
12 an absurdly long period of time after bringing forth the
13 allegations, the severity of which they did; is that
14 right?

15 A. That's . . . could you point that out, please.

16 Q. Where I'm referring to? I'm referring to the
17 second paragraph, first page, the last two sentences.

18 A. Four four seven? First page?

19 Q. Four four seven. This is a memo from Father Lynn.

20 A. Excuse me. October 24?

21 Q. October 24.

22 A. This is the first page.

23 Q. The first page.

24 A. The last lines.

25 Q. The second paragraph.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Oh, I'm sorry.

3 Q. That's okay. And I'm talking about the end of that
4 paragraph.

5 A. I see it.

6 Q. And they're talking about how absurd they think it
7 is that Father Cudemo is allowed to remain as pastor of
8 Saint Callistus during the period of time until the
9 evaluation is scheduled; is that right?

10 A. Yes.

11 Q. They again go through some of the abuse that they
12 suffered as a result of their contacts with Father Cudemo;
13 is that right?

14 A. Yes.

15 Q. And I'm going to ask you to flip what's designated
16 as thirty-eight on the document in front of you and look
17 at the third paragraph from the bottom.

18 ~~It says here: "Monsignor Molloy explained that the~~
19 situation is that ~~Marion~~ says one thing and Father
20 Cudemo denies it. Monsignor stated that Father Cudemo has
21 been as cooperative as anyone could be. He has not
22 admitted to the fullness of the story as it was given to
23 us. Father Cudemo is going to a highly thorough,
24 professional evaluation. In light of these denials, there
25 is an insufficient basis to remove him from the parish

ANTHONY JOSEPH CARDINAL BEVELLACQUA

pending the evaluation report."

You see that?

A. Yes.

Q. Is that the policy of the Archdiocese of Philadelphia at the time in 1991?

A. Well, I presume that at that time -- I mean, we'd have to respect again the rights of both parties, and it had to be his evaluation that he needed the evaluation report before a decision could be made.

Q. And let me read -- I'm sorry.

A. No, I'm saying that for the canonical process to remove him from the parish, he is stating that it's insufficient evidence, that if we had to start a process against him, we would need very strong evidence.

Q. You didn't ask him -- you didn't give him the opportunity to deny your request to remove himself from the parish at that time, though, correct? No one asked him to?

A. I don't know if they did.

Q. Well, there's nothing to reflect that they did then; is that right?

A. I say I don't know.

Q. Well, it says on the October 3 memo --

A. I understand.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 Q. It says that he wasn't being asked to remove
3 himself from the parish?

4 A. Well, this is information that he was giving to the
5 ones he was interviewing, stating that there's
6 insufficient evidence to actually begin a process of
7 removal. I mean, this is what I read.

8 Q. But let's not talk about a process of removal.

9 Let's talk about the fact that a priest owes a duty
10 of obedience to his Cardinal. You could have called
11 Father Cudemo in and said: Nick, there's some serious
12 stuff going on here. There's some serious allegations
13 against you. You've agreed to go to an evaluation. We
14 can't get it scheduled till December, but you know what, I
15 got to protect those people at Saint Callistus. So you go
16 live with your sister until that happens.

17 You could have done that, Cardinal, couldn't you?

18 ~~A. I would have done it if it was recommended to me,~~
19 and if I had known -- you know, I don't know what their
20 reasons were, why they did not recommend that. They must
21 have had good reasons for not recommending it.

22 Q. Well, the reasons as they've stated in these memos,
23 and these are people that work for you and follow the
24 policies of the Archdiocese of Philadelphia, was basically
25 that Nick had denied some of the -- Nicholas Cudemo had

ANTHONY JOSEPH CARDINAL BEVILACQUA

denied some of the allegations, and therefore, it's a he said/she said situation, so there's an insufficient basis?

A. That's why they wanted him evaluated.

Q. And the victims --

A. They seem to be taking very immediate action to get him for an evaluation.

Q. Well, let's talk about, Cardinal, what it is that actually gets Father Cudemo removed from the parish pending the evaluation.

I'm going to show you a document -- well, I'll show you two documents.

MS. MCCARTNEY: Show him this. This is four forty-eight and ten ninety-one, too, please.

(Pause.)

MR. SPADE: Cardinal, we're handing ten ninety-two to you as well.

(Pause.)

(The witness conferred with his attorney.)

MR. GALLAGHER: Cardinal, it's now five after three. We're going to take a break. Some of the grand jurors need a break, and then you can take your time and read those things. We'll break for ten minutes till quarter after three.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (A recess was held.)

3 MR. GALLAGHER: May the record reflect
4 it's three eighteen.

5 And we still have a quorum; is that
6 correct?

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

ANTHONY JOSEPH CARDINAL BEVILACQUA

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

ANTHONY JOSEPH CARDINAL BEVILACQUA

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

the

able

?

ht.

ones

ter, because

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 [REDACTED] hot
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED] ht
7 [REDACTED] ime.
8 [REDACTED] wh
9 [REDACTED] e
10 [REDACTED] e
11 [REDACTED]
12 [REDACTED]
13 [REDACTED] ent
14 [REDACTED] at.
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED] on
20 [REDACTED] i
21 [REDACTED] a
22 [REDACTED]
23 [REDACTED] we
24 [REDACTED] ne
25 [REDACTED] at

ANTHONY JOSEPH CARDINAL, BEVILACQUA

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] n

[REDACTED] 5.

[REDACTED] work

[REDACTED]

[REDACTED]

[REDACTED] he

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] s:

[REDACTED]

[REDACTED] t?

[REDACTED]

[REDACTED] 2

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] ke

ANTHONY JOSEPH CARDINAL BEVILACQUA

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

ANTHONY JOSEPH CARDINAL BEVILACQUA

1.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

ANTHONY JOSEPH CARDINAL BEVILACQUA

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

minors

whole

minors?

minors?

part of

m2

ANTHONY JOSEPH CARDINAL BEVILACQUA

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

[REDACTED] and
[REDACTED]
[REDACTED] the
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] in
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] t
[REDACTED] what I
[REDACTED] 12
[REDACTED] 12
[REDACTED] LE
[REDACTED]
[REDACTED]
[REDACTED] es.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

ANTHONY JOSEPH CARDINAL BEVILACQUA

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

(A discussion was held off the record.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (Pause.)

3 MR. GALLAGHER: May I have the record
4 reflect it's now three thirty-two. I informed the
5 witness we're ready to proceed. He said he needed
6 one more minute to finish the last page of the
7 three documents that we gave him at three minutes
8 after three.

9 (Whereupon the witness and his counsel
10 returned to the grand jury room.)

11 MS. MCCARTNEY: Okay. We're back on
12 the record now. It's three thirty-four.

13 BY MS. MCCARTNEY:

14 Q. Cardinal, did you have the opportunity over the
15 course of the break to review the documents that I
16 provided to you?

17 A. I did.

18 Q. Okay. Now, let's talk specifically about grand
19 jury exhibit four forty-eight. That is a document that's
20 dated October 24. It involves an interview with ~~_____~~
21 *Sister Margaret* ~~_____~~. It's conducted by Father Lynn
22 and Father Molloy, and it involves Father Cudemo.

23 And in this document, Cardinal, and I'll summarize
24 it, if I may, there's basically further allegations that
25 are brought to the attention of the Archdiocese by ~~Sister~~

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 [REDACTED], and she talks about how the fact that she was
3 abused by or sexually abused by Father Cudemo from the
4 time that she was a junior in high school through her
5 senior year at Archbishop Prendergast. She talks about
6 things that he did to her and that he had begun taking an
7 interest in her and taking her places.

8 She said that he began to molest her and it
9 continued through her senior year. It included hugging,
10 kissing, fondling and laying on top of her.

11 She further related that while she was in the
12 convent, he would come and hear confessions and this was
13 torture for her.

14 She stated her position is that he should not be in
15 a position to victimize anyone else and he should not be
16 in a parish now.

17 Is that an accurate summary of that document,
18 Cardinal?

19 A. Yes.

20 Q. And on October 24, again nothing is done to remove
21 Father Cudemo on that date; is that correct?

22 A. Yes.

23 Q. Now, there's a letter that comes to your attention
24 from the victims, the family members, and it's signed by
25 all of them, *Ruth* *Donna* [REDACTED]

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

Sister Irene

Peggy

2

3

~~_____~~
Ruth's Father
~~_____~~, and that comes to your
attention on November 5 of 1991; is that right?

5

A. It's dated November 5?

6

Q. Okay. And it's written directly to you, his
Eminence, Anthony J. Bevilacqua; is that right?

8

A. It's directed to me.

9

Q. Okay. And it talks about the fact that they

10

believe that Father Cudemo has sexually and

11

psychologically abused girls and young women for the past

12

twenty years; is that right?

13

A. That's a summary of what -- yes.

14

Q. And they talk about how his criminal and immoral

15

conduct constitutes a pattern of abuse which makes him a

16

present real danger to other girls and women; is that

17

right?

18

A. Forgive me. Could you -- can you tell me what page

19

you're on.

20

Q. I'm page one, paragraph two.

21

A. All right.

22

Q. Is that right?

23

A. Yes.

24

Q. And it talks about how they believe that the

25

Archdiocese has a moral and a legal duty to remove that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 threat, that threat being Father Cudemo; is that right?

3 A. That's what it says.

4 Q. And that the failure on the Archdiocese' part to do
5 that, to remove Father Cudemo from his position as pastor,
6 could only be viewed as immoral and negligent; is that
7 right?

8 A. That's what they say.

9 Q. Do you disagree with that?

10 A. I just said -- I'm just quoting.

11 Q. I understand. Do you disagree with their
12 characterization?

13 A. I'm not making a judgment.

14 Q. I'm asking do you disagree with it?

15 A. I can't answer the question.

16 Q. And they talk about how the Archdiocese seems
17 unable or unwilling to understand the area of sex abuse;
~~18 is that right?~~

19 A. That's what it says.

20 Q. They talk in this letter, Cardinal, if I'm correct,
21 about how they believe that they were treated by Monsignor
22 Molloy and Father Lynn when they met with him regarding
23 this allegation; is that correct?

24 A. You're on page?

25 Q. I'm on page sixty.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 A. I don't have that pagination. It's the second page
3 or I don't have numbers.

4 Q. It's Bates stamped.

5 Okay. On the top left it would be page three.

6 A. Oh, I see. Sixty. There. All right.

7 What paragraph, please?

8 Q. I'm referring to the last paragraph where they talk
9 about how, having gone to the Archdiocese and being told
10 by them that the evaluation was scheduled for two months
11 in the future, that they scheduled a second meeting and
12 that the second meeting was held with Monsignor Molloy and
13 Father Lynn on October 17, 1991; and the letter quotes:
14 "We talked at great length about why Father Cudemo should
15 be removed from the ministry before the evaluation.
16 Monsignor Molloy told us that the evaluation would have to
17 take place first and that Father Cudemo was complying with
~~18 the conditions set out at the first meeting. Monsignor~~
19 Molloy also said that Father Cudemo was not being removed
20 because the misconduct had occurred fifteen to twenty
21 years ago. He asked, 'How do we know that,' " quote, "'he
22 is not grown up and is not doing it anymore?'" end quote.
23 "He said that if it were current, it would be different.
24 Monsignor Molloy said, 'We have to protect Father Cudemo's
25 rights too.'"

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Now, Cardinal, if those comments had been made to
3 these victims during that meeting, do you think that that
4 was appropriate for Monsignor Molloy to be saying those
5 things?

6 A. You're asking me to make a judgment about Monsignor
7 Molloy's response. I don't know the context of the
8 response here.

9 Q. Well --

10 A. They are summarizing an interview.

11 Q. In what context would it be appropriate to be told
12 as a victim of sexual abuse that the misconduct occurred
13 fifteen to twenty years ago and if it was current, it
14 would be different, but how do we know he's not grown up
15 now and not doing it anymore?

16 In what context would that be appropriate to tell a
17 victim?

18 ~~A. It's hard for me to judge why Monsignor Molloy said~~
19 ~~this. I cannot speak for him.~~

20 Q. Do you think if those things were said, that that
21 was appropriate?

22 A. I don't know.

23 Q. Do you understand -- do you have an understanding,
24 Cardinal, as to how, if these people were victims of the
25 abuse of Father Cudemo, how they might be upset and feel

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 revictimized by the Archdiocese if that was the response
3 that they received?

4 A. I can understand their being upset.

5 Q. Do you understand how they may feel revictimized?

6 A. That's hard for me to answer.

7 Q. And what do you think about -- or was this the
8 policy of the Archdiocese when they write in this letter:
9 "Monsignor Molloy tried further to justify this position
10 by explaining that every time a complaint is made against
11 a priest, the Archdiocese cannot be expected to remove him
12 from his position."

13 Was that the --

14 A. Where are you reading from?

15 Q. I'm reading the next paragraph down. Page four,
16 second paragraph.

17 A. Well, that would be true. For every allegation,
~~18 you cannot immediately remove someone.~~

19 Q. Now, they talk on page five about how their
20 immediate concern is why the Archdiocese made the decision
21 to allow Father Cudemo to remain as pastor pending the
22 evaluation?

23 A. Where are we?

24 Q. Page five, the third paragraph from the bottom?

25 A. I see that.

ANTHONY JOSEPH CARDINAL BEVILACQUA

Q. You see where I'm talking about?

A. "Our immediate concern"?

Q. Yes. And they also write: "Our complaints are reason enough to suspend Father Cudemo. Reliance on the age of our complaints to avoid taking immediate action conveniently ignores the information provided by Ms.

[REDACTED]. To ask us how we know whether Father Cudemo has not been grown up and is not doing it anymore reflects a mindset which is demeaning to us and pathetically self-deceptive. It shows a regrettable lack of sensitivity and a basic ignorance of the area of child abuse and sexual misconduct."

Do you understand how they might have those feelings based upon what you know about Father Cudemo's file thus far, Cardinal?

A. I'm just saying that is their judgment. I do not wish to comment on that.

Q. And in this letter they talk about how they talked to professionals in the area of psychiatry and that the information that they received is that individuals who engage in this kind of criminal aberrant behavior are rarely cured and therefore constitute a potential threat to others?

A. (No response.)

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 Q. You see where I'm reading from, Cardinal?

2 A. Yes.

3 Q. Now, at the time that this letter was written,
4 which is November 1991, that information was available
5 through the psychiatric community that pedophiles and
6 people that continually abuse minor children are a
7 continued threat to other people, is that right, and
8 they're rarely cured?

9 A. I know that recently psychiatrists will say that,
10 but may I ask a question of you?

11 Q. Sure.

12 A. You say -- well, you indicated before that Father
13 Cudemo was a pedophile? I was not aware of that.

14 Q. I'm telling you what the evaluations of the
15 hospitals that he was sent to revealed.

16 A. I said I was not aware of that.

17 ~~Q. Were you aware in 1991 that the psychiatric~~
18 ~~community concluded that people who engaged in the kind of~~
19 ~~behavior that Father Cudemo was accused of engaging in~~
20 ~~were rarely cured and constitute a potential threat to~~
21 ~~others?~~

22 A. I cannot make a judgment -- I'm not a psychiatrist,
23 to say that at the time I felt he was a pedophile.

24 Q. Cardinal, in this letter, these victims threatened
25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the possibility that given the inaction on the part of the
3 Archdiocese, in their opinion, to act responsibly, that
4 they may have to initiate a lawsuit; is that right?

5 A. That's what it says here.

6 Q. Okay. Now, this letter is dated November 5, 1991,
7 and presumably you received it at some point thereafter;
8 is that right?

9 A. I don't know.

10 Q. Okay. You don't know whether you received it?

11 A. That's right.

12 Q. Well, in the normal course of how the Archdiocese
13 works, you would get your mail that was directed to you,
14 right?

15 A. No.

16 Q. Would there --

17 A. Much of it, but a lot of it goes to -- to other
18 offices.

19 Q. Well, this --

20 A. I cannot certify that I -- that this was sent to
21 me.

22 Q. But something of the magnitude that is being
23 discussed in this letter, that certainly would have come
24 to your attention, wouldn't it?

25 A. We can't say certainly. That would depend on the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 judgment of my secretary, who would refer probably to the
3 Clergy office, and they would make the judgment.

4 BY MR. SPADE:

5 Q. But, Cardinal, you've made it clear that you told
6 your subordinates that you wanted to be informed of all
7 important allegations regarding the sexual abuse of
8 minors?

9 A. Yes.

10 Q. You would agree that this is --

11 A. But that doesn't mean that all the details are.

12 Q. You would agree looking at exhibit number ten
13 ninety-two, that this contains -- I'm sorry -- ten
14 ninety-one. You would agree that that contains important
15 information regarding the sexual abuse of minors, correct?

16 A. It's . . . it contains information. It does not
17 mean that this memo, this letter, as it was written, was
~~18 sent to me directly. They could have summarized something~~
19 to me or said it to me verbally, which I do not recall.

20 Q. Right. Okay. But however it was, whether it was
21 verbally or through a letter, you agree that it's a
22 reasonable inference to make that this information,
23 whether it was verbally or in writing, came to your
24 attention at that time?

25 A. It may have, but I don't recall it.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 Q. Well, if it didn't, then what you've already
3 testified to, which is that you instructed, you made sure
4 that your subordinates brought all important information
5 of clergy sex abuse of -- let me finish the question.

6 A. Sorry.

7 Q. You would agree that that wouldn't be true in this
8 case, then?

9 A. I would have to say I'd leave it to their judgment
10 what information should be given to me.

11 BY MS. MCCARTNEY:

12 Q. What is left to your judgment, Cardinal?

13 A. Final decisions of their recommendations.

14 Q. All right. Well, let me ask you about grand jury
15 exhibit ten ninety-two. This is a memo to the file from
16 Reverend William J. Lynn. It's regarding an interview
17 with Father Cudemo, and it's dated November 11, 1991. Is
18 that right?

19 A. Yes.

20 Q. And you would agree with me that after that meeting
21 is held, very shortly after, in the normal course of
22 things, this letter would have reached you; is that right?

23 A. Yes.

24 Q. And in this memo it talks about Father Cudemo being
25 called down and about the fact that he was being asked to

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 step aside from Saint Callistus pending the evaluation; is
3 that right?

4 A. Yes.

5 Q. Okay. And Monsignor Molloy tells him why that is,
6 that he's being asked to do that, is that correct, in this
7 memo?

8 A. Yes.

9 Q. And it says that -- and I'll read it for the
10 record, and you tell me if I'm reading it correctly:
11 "Monsignor Molloy began the interview by bringing Father
12 Cudemo up to date on recent developments. Monsignor told
13 Father Cudemo that the group who brought allegations
14 against him were not satisfied with the fact that he has
15 consented to an evaluation. They wanted to know why he
16 was permitted to remain as pastor when there was serious
17 allegations that had been brought against him. Monsignor
18 told Father Cudemo that this group is now threatening a
19 lawsuit and have written to the Archbishop of concerning
20 such."

21 And then he goes on to tell him about the other
22 allegation brought by Sister ^{Margaret} [REDACTED], and then
23 Monsignor explains to Father Cudemo that the Archbishop,
24 wants him to consider two things: One, what is good for
25 Father Cudemo; and two, what is good for the Church.

ANTHONY JOSEPH CARDINAL BEVILACQUA

Is that correct?

A. That's what it says.

Q. And is that correct? Is that correct? Is that what you directed Monsignor Molloy to explain to Father Cudemo?

A. I don't recall. I say the priorities I always give -- I mean, he's concentrating on this as the welfare always of the children, the victims, then the Church and then the priest.

Q. Well, you would agree with me, Cardinal, that based upon this memo and the way that it's written, that two things were explained to Father Cudemo for his consideration: One, what is good for him; and two, what is good for the Church?

A. That's what it says there.

Q. And there's no mention in that paragraph about what's good for the victims or what's good for the children, correct?

A. (No response.)

Q. It's not in that paragraph?

A. It's not in that paragraph.

Q. And it also goes on to say that Monsignor Molly told Father Cudemo that Cardinal Bevilacqua is asking him to withdraw from the parish between now and the time of

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 the evaluation and he's not to exercise his assigned
2 ministries between now and the evaluation; is that right?

3 A. Yes.

4 Q. Now, Cardinal, explain, if you would, to us what it
5 is; why on November 11 was it that Father Cudemo was
6 finally asked to step away from Saint Callistus?

7 A. This memo explains that, I think explains the
8 reasons for it.

9 Q. The threat of the lawsuit?

10 A. No. I don't know.

11 Q. Well, that's what the memo says.

12 A. It could be that, be one of them.

13 Q. Because you would agree with me that --

14 A. But it was -- I mean, there was the new memos of --
15 regarding Sister *Margaret* [REDACTED]. It could be a series
16 of factors that motivated the request for him to resign.

17 Q. Well, just so we're clear, Cardinal, he wasn't

18 asked to step aside when the first allegations came in
19 from the family members; is that right?

20 A. No.

21 Q. He wasn't asked to step aside when the family
22 members went back and expressed their displeasure orally
23 to Father Molloy and Father Lynn about the length of time
24 between their complaint and the evaluation, correct?
25

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 A. That's correct.

2 Q. He wasn't asked to step aside after the allegation
3 came in from -- the additional allegation came in from
4 [REDACTED]; is that correct?

5 A. Correct.

6 Q. And only after the letter was written to you where
7 there was a threat of a lawsuit was it that any action was
8 taken asking Father Cudemo to step aside and not exercise
9 his ministry pending the evaluation; is that a fair
10 summary of the events with regard to Father Cudemo?

11 A. May I.

12 Q. If you can answer my question and then you can
13 absolutely say whatever you want.

14 Is that a fair summary of the time line with regard
15 to Father Cudemo?

16 A. Yes. But it doesn't mean that it was because of
17 that reason alone.

18 Q. Okay. Cardinal, at this point in time because it's
19 now ten till four, and the jurors have posted some
20 questions which we took while you were reading the
21 documents during the break, so we're going to pose them to
22 you at this juncture. Okay.

23 A. Yes.

24 Q. The first question that the grand jurors wanted to

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 know was: What is the Archdiocese doing now with regard
2 to Father Brennan, who's still currently in assignment at
3 Resurrection Parish?
4

5 A. I don't know. I'm not the Archbishop.

6 Q. Up until the point in time that you were the
7 Archbishop, did you take any action with regard to Father
8 Brennan's assignment at Resurrection Parish?

9 A. Not that I recall.

10 Q. Now, the second question was that you as Cardinal,
11 and recognizing the fact that you are no longer in that
12 position, you're still a cardinal, but you're no longer in
13 charge of the Archdiocese of Philadelphia, but at the time
14 that you were, you were the spiritual and moral leader of
15 the Archdiocese, and the grand jurors were concerned about
16 why it is with that being your duty, why you were so vague
17 about the secret archive files and what was contained in
~~18 them, and specifically they wanted to know why it is that~~
19 you didn't demand that a summary of every priest that was
20 up for the discussion at a personnel meeting be given to
21 you prior to that meeting so you would have their
22 background?

23 A. That was the usual practice, that if a priest had
24 something in the secret archives -- could you read that
25 question again. Do you mind?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 Q. I'm not actually reading it. I was kind of, but
3 basically, Cardinal, the grand jurors are correct when
4 they say that when you were running the Archdiocese of
5 Philadelphia, you were the spiritual and moral leader of
6 the Archdiocese; is that right?

7 A. Yes.

8 Q. And you've told us that you didn't educate yourself
9 personally as to the contents of the secret archive files
10 that existed in the Archdiocese of Philadelphia; is that
11 also correct?

12 A. I didn't go in specifically and read them all.
13 That's correct.

14 Q. And we also had some testimony, we talked about the
15 fact that there was Priest Personnel Board meetings where
16 certain individuals were up for discussion about assuming
17 different positions in the Archdiocese; is that right?

18 ~~A. That is correct.~~

19 Q. And the grand jurors wanted to know, those factors
20 being true, why it is that you wouldn't have delegated to
21 someone on your staff the job of going through summarizing
22 the secret archive files and providing that to you so that
23 you would have that information when you went to a Priest
24 Personnel Board meeting?

25 A. I -- forgive me, but if there were a candidate that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 was being proposed for an assignment and the Secretary of
3 the Clergy would look at the secret archives and find
4 something in there, that would have been brought to my
5 attention ordinarily.

6 Q. So if that was the ordinary way, I guess the
7 question then --

8 A. It wouldn't have been -- ordinarily, it wouldn't
9 have been raised at the Personnel Board meeting because it
10 was confidential.

11 Q. So if that was the ordinary way that things
12 happened, then can we assume from that answer, Cardinal,
13 that you were made aware of the three incidents that were
14 in Father Cudemo's file before he was discussed for being
15 appointed as a pastor?

16 A. Forgive me. I say it would have been brought to my
17 attention, you know, if they felt it was something
~~18 significant for the appointment and they still want -- in~~
19 other words, they would want to make a judgment on the
20 appointment and ask my advice.

21 In this case, I don't recall that before the
22 appointment of Father Cudemo, that matters from the --
23 that these allegations were brought to my attention, but
24 it would -- ordinarily, I have to leave it to the judgment
25 of the Secretary for the Clergy to say is this something

ANTHONY JOSEPH CARDINAL BEVILACQUA

that has to be brought to me before the appointment to a particular office.

But I don't recall that was brought to my attention, because I don't know whether they felt what their judgment was about the allegations.

I also cannot -- I don't know whether or not they themselves looked at the secret archives. I just don't know. I have no recollection.

Q. Now, you've testified on numerous occasions throughout this last day or so that you relied tremendously on the discretion and abilities of your Secretary of the Clergy; is that right?

A. Yes.

Q. And that you basically relegated a lot of the responsibility to that individual?

A. Yes.

~~Q. And the grand jurors wanted to know that given the~~
number of times that that was the answer, exactly what role did you have in this issue of clergy sexual abuse if everything, according to you, was relegated to the Secretary of Clergy?

A. They handled the specifics of interviewing, of listening to allegations, that when victims, alleged victims came in, it was my responsibility -- and whatever

ANTHONY JOSEPH CARDINAL BEVILACQUA

cases, they would be brought to my attention.

They would make recommendations on what actions should be taken. They would follow through on an investigative phase. They would keep me -- they wouldn't every day inform me, but they would inform me of significant steps in the investigation and then the final recommendation.

Also, it was naturally -- was my responsibility to -- when we had to set up the policy, to approve the policy on how to handle these cases.

Q. So then you were apprised on a continuing basis as to the nature of allegations, the specifics of the allegations and the severity of the allegations?

A. When you say specifics, it may not be all of them. Those that they felt were sufficient.

Q. And certainly the people on your staff would have ~~known it to be sufficient, would have known it to be~~ significant, the age of the victim that would have been in question, the nature of the allegations, the past history of the priest?

A. I have to presume that they would give me that which was significant.

Q. Well, you would agree that those factors that I just listed out would be significant, correct?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 A. They sound reasonable.

3 Q. Okay. Now, you indicated, and if I'm wrong, please
4 correct me, that you believe, even sitting here in 2003,
5 that the situation, the information that you know at this
6 juncture with regard to Father Cudemo, that it was handled
7 properly; is that right?

8 A. It was handled competently, yes.

9 Q. Okay. And that you would be comfortable if it was
10 handled in the exact same way today in 2003?

11 A. I said that what they did was done in a competent
12 way.

13 Q. And you would be comfortable if that situation --

14 A. I don't know what information would be presented
15 today.

16 Q. If the situation that we know about Father Cudemo
17 were presented today, would you be comfortable with the
~~18 way it was handled?~~

19 A. If my staff handled it in the same way, I repeat
20 that what they did then was handled in a competent way.

21 Q. And you would agree that the way that it was
22 handled would have been inconsistent with the norms that
23 were passed in 2002; is that right?

24 A. What norms?

25 Q. The norms from Dallas, the Dallas charter?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 A. I mean, that . . . you have to say which norms are
3 you talking about?

4 Q. The way that an investigation is to be conducted
5 when an allegation of sexual abuse comes in.

6 A. Well, the norms made it different, so it would be
7 handled differently today, so we have already changed the
8 process, procedure in handling investigations in
9 accordance with the norms.

10 Q. And it was changed because it was determined that
11 the way things were being handled was not as responsibly
12 as it should have been handled; is that fair to say or no?

13 A. That's your judgment.

14 Q. Is that fair to say?

15 A. No.

16 Q. Okay. Now, the grand jurors had a question about
17 how many sexual allegations, allegations of sexual abuse
~~18 have to be made before some action is taken, before a~~
19 priest is asked to remove himself from assignment?

20 A. Could I please react to that first.

21 Q. Sure.

22 A. There are several questions involved in that. In
23 other words, how many allegations must be made before
24 action is taken, and then it's added on, you know, before
25 a priest has to be removed. There's several questions in

ANTHONY JOSEPH CARDINAL BEVILACQUA

there.

The policy is and has been that when an allegation comes in, that action is taken as quickly as possible. The policy is that a victim comes in, an accuser comes in or makes an appointment, they are to be seen as quickly as possible, and this is what we did do.

And it's done today with a different approach. Now it's a social worker, but then with the Secretary for the Clergy.

And secondly, that the priest -- the accused is called in as quickly as possible. If in that interview with the priest the allegation seems credible, then as quickly as possible he is sent for evaluation -- psychological evaluation.

And also then there are other factors as far as offering to the victim, you know, psychological ~~counseling, spiritual counseling and so on, and that we~~ are to conform -- also part of the obligation to conform with all the requirements of civil law. That was done then.

That's what's required today, but with different approach as far as who handles the immediate investigation; but we do handle them as quickly as possible, and you don't have to wait for several

ANTHONY JOSEPH CARDINAL BEVILACQUA

allegations.

One, it must be the first allegation sufficient to trigger the response. If there's an admission on the part of the priest of the sexual abuse, then he is removed immediately.

Q. Cardinal, do you yourself keep any personal files with regard to priests that have sexual abuse of minors --

A. I did not.

Q. -- or did you?

A. I did not.

Q. When you would get information with regard to like the investigation of Father Cudemo, did you keep any personal diary as to that investigation or what was being done?

A. I did not.

Q. It seems to the grand jurors, Cardinal, that the ~~rights and protection of the children of the Archdiocese~~ of Philadelphia are considered less seriously than the rights and protections of the priests.

Would you agree with that?

A. No.

Q. Do you think that the rights and the protection of the children of the parish of Saint Callistus were given a higher priority than the rights and the protection of

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Father Cudemo?

3 A. When you say that, what -- I'm not following.

4 We -- you know, we certainly wouldn't -- didn't think we
5 were creating a serious danger. I mean, the protection of
6 children is always our highest priority.

7 BY MR. SPADE:

8 Q. To keep a man that had about eight allegations in
9 the file going back twenty years of having sex with
10 teenage girls, to keep him after he's agreed to an
11 evaluation, to not move him immediately to Villa Saint
12 Joseph or to a his sister's house or to any other place
13 where there aren't children available to him or teenagers
14 available to him, but to keep him in Saint Callistus for
15 approximately two months, that's the question.

16 Was the priority of the teenagers and the children
17 of that parish taken into account adequately by that
~~18 decision?~~

19 A. I have to say we did everything possible to protect
20 the children.

21 Q. So it wasn't possible to take him out immediately
22 and put him in Villa Saint Joseph, for instance?

23 A. It was very difficult to arrange an evaluation that
24 quickly.

25 Q. No. No. I don't mean Villa Saint John Vianney. I

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 mean the retirement home that the Archdiocese owns.

3 You couldn't have taken him out immediately on
4 October 2, 1991, and put him in Villa Saint Joseph?

5 A. We had -- as I said before, we take someone out
6 immediately if there is an admission on the part of the
7 accused or certainly sufficient evidence that he's guilty.

8 As you have said, these were allegations. He was
9 denying them.

10 BY MS. MCCARTNEY:

11 Q. Cardinal, you have in the --

12 MR. SPADE: Let me just ask one last
13 question.

14 MS. MCCARTNEY: Go ahead.

15 BY MR. SPADE:

16 Q. You explained your criteria for taking him out, but
17 that wasn't my question.

18 ~~My question was: Would it have been possible,~~
19 would it have been possible, to take him out on October 2,
20 1991, and put him in Villa Saint Joseph? Not what your
21 criteria were for doing it, would it have been possible to
22 do that?

23 A. You mean theoretically?

24 Q. Yes, theoretically. Would it have been possible?
25 Could you have said to Father Cudemo: We're moving you

ANTHONY JOSEPH CARDINAL BEVILACQUA

immediately to Villa Saint Joseph?

A. (No response.)

Q. Did you have the power to do that as the Archbishop?

A. I -- it would have -- I would have had -- I don't know if I would have had the authority on -- at that time to do it without sufficient evidence.

I mean, I can say anything, but if I don't -- don't have the authority, that is, the sufficient evidence, then him acting improperly . . .

BY MS. MCCARTNEY:

Q. Cardinal, in the case of Father Cudemo, when he was asked on your behalf the Archbishop thinks it's best that you leave Saint Callistus and not exercise your faculties until you get the evaluation, he complied with that request; is that right?

~~A. (No response.)~~

Q. He complied with it based upon the memo that you read from November 11; is that right?

A. (No response.)

Q. You didn't have to initiate a canonical process to do that, correct?

A. Yes.

Q. At some point in time after you got that letter

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 from the victims where they said we might have to
3 institute a lawsuit, you then called up or had a
4 conversation with Monsignor Molloy and Father Lynn.

5 You said: Talk to Father Cudemo. Tell him I want
6 him out of the parish. Tell him I want him out of the
7 parish because it's good for him and it's good for the
8 Church and going to lessen the damage that the Archdiocese
9 may face if he doesn't leave.

10 And you know what? They called him in. They had
11 that conversation with him, and he left Saint Callistus
12 pending the evaluation at Saint John's.

13 That's what happened in Father Cudemo's case,
14 correct, Cardinal?

15 A. When my Secretary for the Clergy brought in a
16 recommendation to me, they felt at that time it was one of
17 the reasons for authorizing me to remove someone for the
~~18 good of the Church, and they came to that conclusion, is~~
19 what I feel very strongly, that at that point they said it
20 reached a certain point where the Church could be
21 jeopardized, the good of the Church, and they felt that
22 sufficient reason now to remove him.

23 Q. My point is this, Cardinal: That you didn't have
24 to remove him with any type of a canonical process --

25 A. No.

ANTHONY JOSEPH CARDINAL BEVILLACQUA

Q. -- that you have to show just cause for it?

On November 11, when that meeting was finally had, after the pleas from the victims and all those other factors that I told you about, Father Cudemo was asked -- he was asked to just remove himself and not exercise his faculties, and he agreed with that; is that right?

A. Yes.

Q. Okay. Having a yes to that question, Cardinal, that could have been done back in September when the allegations from the family members first came to the Archdiocese' attention. I'm not asking you to speculate as to whether he would do it. It could have been asked, correct?

A. May I.

Q. Just answer my question, Cardinal. It could have been asked of him; is that right?

~~A. I cannot answer yes or no. I have to explain, as I explained before to the previous question, that I would need evidence in order to ask someone to step down.~~

The Secretary for the Clergy at that time, as you recall, said there was insufficient evidence to ask him to resign.

At this point when he was asked, it was felt by the Secretary of the Clergy, and this is my -- I'm presuming

ANTHONY JOSEPH CARDINAL BEVILACQUA

this from their recommendation, that it had reached that point that the good of the Church, and that's a just cause, common good of the Church now was in danger, and therefore there was sufficient evidence authorizing me to ask him to remove himself.

BY MR. GALLAGHER:

Q. When you say the common good of the Church, does that also include the children at Saint Callistus?

A. That's part of it.

Q. What is the other part of it?

A. Oh, there's so much. There is the possible scandal. So many factors enter in.

Q. So it wasn't until there was possible scandal that you removed the guy?

A. I didn't say that. It was also the good of the children, the whole accumulation of all that had happened.

Q. Okay.

BY MS. MCCARTNEY:

Q. Now, Cardinal, are you aware of the fact that the information that's come before this grand jury is that there are many priests that have abused children in the Archdiocese of Philadelphia, that do so and in abusing them tell them that the abuse is okay because it's okay with God?

ANTHONY JOSEPH CARDINAL BEVILACQUA

A. (No response.)

Q. Are you aware that many abusers have said that to their victims?

A. I am not, except what I have read in here, some of the -- you know, the statements made here on the part of Father Cudemo seems to be, if it's true, that he's using that in an indirect way.

Q. Do you have any idea what kind of an effect that would have on a child to hear that?

A. It would be horrible.

Q. Now, have you had any conversations with either the Pope or any Vatican official about the situation of clergy sexual abuse in Philadelphia, clergy sexual abuse of minors in Philadelphia?

A. In April of 2002, all the cardinals were called to Rome on the issue of sexual abuse of minors. You may recall it got a lot of publicity, and there was a frank discussion of the whole issue before the top authorities of the Courier of the Vatican.

I'm sure all of us had discussions with, you know, not in an official matter, but just in conversation on this issue. So they are very much aware of the complexity and the seriousness of it.

Q. Now, Cardinal, you -- and I guess we just want to

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 be clear about this. You had a policy in the Archdiocese
2 that you wanted to know right away about an allegation of
3 sexual abuse of children by a priest; is that right?

4 A. When you say right away. I say any kind of abuse
5 that took place of a child, it is expected that they
6 inform me as quickly as possible.

7 Q. Well, there would be -- I mean, pending your being,
8 you know, out of the country, that would happen very
9 expeditiously; is that right?

10 A. Yes. Ordinarily it would. Yes.

11 Q. Now, we talked a little bit before about the fact
12 that there was a policy not written down but certainly
13 known by your staff that you don't surprise me; is that
14 right?

15 A. I don't know if I used that expression, and I may
16 have.

17 Q. Okay.

18 A. In other words, I don't want to read something in
19 the papers.

20 Q. Okay.

21 A. You know.

22 Q. Are you at all surprised by what you've read in the
23 Cudemo file?

24 A. A lot of it I -- I did not recollect at all, and I

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 think a lot of it surprised me, yes.

3 Q. Now, you are aware of the experts in the field of
4 psychology that talk about the fact that pedophilia is not
5 a curable disease?

6 A. Is not an incurable?

7 Q. Is not a curable diseases.

8 A. Is not a curable? I have read that.

9 Q. And having had that information available to you,
10 can you explain to us why you thought it was significant
11 in Father Cudemo's case that there was a twelve-year gap
12 between the allegation that occurred in '77 and then the
13 incidents that were related by *Manson* in 1991?

14 A. I never knew that Father Cudemo was a pedophile.

15 MS. McCARTNEY: Okay. You want to ask
16 your question.

17 BY MR. SPADE:

18 Q. Cardinal, the last question that the jurors had for
19 you, one in particular, is: You're of course familiar
20 with the gospels of Matthew, Mark, Luke and John?

21 A. (No response.)

22 Q. Yes, of course?

23 A. I'd say yes, I am familiar. Yes. I don't have
24 them memorized.

25 Q. I'm sorry to ask such an obvious question, but it's

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 a question that we're posing on behalf of the jurors; and
3 you of course believe the gospels of both Matthew, Mark,
4 Luke and John, correct?

5 A. Yes.

6 Q. And you of course know much more about this than I
7 do or any of the jurors, but it's the jurors'
8 understanding that the gospels of Matthew, Mark, Luke and
9 John were written many years after the actual events that
10 occurred in those gospels, correct?

11 A. Yes.

12 Q. In some cases up to a hundred years after the
13 events that were documented, is that correct, give or take
14 a few years?

15 A. Close, it would take twenty, thirty years.

16 Q. So in some cases it was seventy years?

17 A. Yes.

~~18 Q. Okay. So of course, the information that's~~
19 documented in those gospels is then of course based on
20 secondhand information, correct? That's secondhand
21 information?

22 A. Not all of them. Some were firsthand.

23 Q. Okay. But a lot of it, a lot of what is attributed
24 to Jesus Christ in both words and actions was secondhand
25 information as documented in those gospels, correct?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 A. . I don't know what you mean. If we're getting into
3 scripture, what do you mean by secondhand? It was the
4 actual writers themselves or the apostles, you know, who
5 gave that information.

6 Q. Right. But the people that wrote the gospels were
7 not the actual ones themselves that observed it; they were
8 told by people who observed it at the time, correct?

9 A. Some of them were observers.

10 Q. And some were not?

11 A.. Some were not.

12 Q. Okay. So some of it was based on secondhand
13 information.

14 The question that the jurors have is: Going back
15 to the Cudemo file and the allegation that was made in
16 1977 by ^{Denise} [REDACTED] and her mother that Father Cudemo
17 was having sex with ^{Emily} [REDACTED], who was a fifteen year

18 old Cardinal Dougherty student at the time, when [REDACTED]
19 [REDACTED] presented that allegation to you and you looked
20 at it, you indicated that you would not find it credible
21 because it was based on secondhand information; and the
22 question that the jurors have is: What's the difference
23 between the credibility of that secondhand information and
24 the credibility of the information that's contained in the
25 gospels?

ANTHONY JOSEPH CARDINAL BEVILACQUA

A. May I make two statements.

Q. Why do you judge the credibility of those two accounts differently?

A. First of all, you said that because I said, because secondhand information was not credible. I didn't say -- I didn't say that.

I said it doesn't have the same level of credibility as firsthand information, so it has value in itself, but not as much value as, and that's true in any trial, too, you know, that . . .

Now, if you want me to give a theological discussion --

Q. No. You can answer the question any way that you want. I'm not telling you how to answer it.

A. The difference between that and the gospel is very simple, that when you have secondhand information in the gospel, that it's not the actual observer.

Remember you have to be a member of the faith, in other words, to understand what I'm about to say. All scripture is revealed by God himself. God doesn't reveal all human second information, secondhand information.

The gospels, and this is a matter of faith, that you must believe that all the scriptures are revealed by God through a human instrument.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 It does not mean that God dictates, you know,
3 Matthew, Mark, Luke or John or any of the old testament,
4 but that the writers are inspired by God that they cannot
5 make a mistake when they write that what they -- that what
6 they say is true. So it has truth. It has divine truth.
7 We cannot take that and apply that to secondhand human
8 witnesses.

9 Q. Okay.

10 BY MR. GALLAGHER:

11 Q. How many witnesses would it take for you to believe
12 after 1991 that Cudemo was a pedophile?

13 A. I would need the decision of a psychiatrist.

14 MR. GALLAGHER: Thank you.

15 MR. SPADE: Could the foreperson advise
16 the Cardinal of his continuing obligation please.

17 GRAND JURY FOREPERSON: Cardinal

18 ~~Bevilacqua, you are hereby notified that your~~
19 subpoena is a continuing one. That means should
20 the jury desire further evidence and/or testimony
21 from you, you will be notified to appear before
22 this grand jury by mail, phone or through your
23 attorney, if you have one.

24 Do you understand that?

25 THE WITNESS: Thank you.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 GRAND JURY FOREPERSON: Thank you.

3 THE WITNESS: Good night.

4 GRAND JURY FOREPERSON: Good afternoon.

5 MR. SPADE: Thank you, Cardinal.

6 THE WITNESS: Thank you very much.

7 MR. GALLAGHER: May the record reflect
8 it's four nineteen and today's proceedings are
9 concluded.

10 (Witness excused.)

11 (Hearing concluded.)

12 ---

13
14
15
16
17
18

19

20

21

22

23

24

25

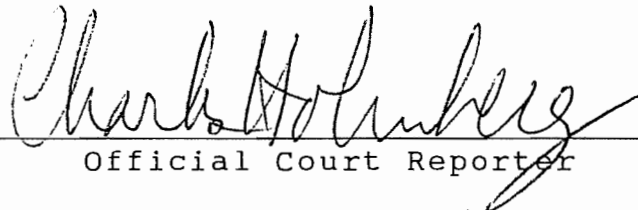
- I N D E X -

			<u>PAGE</u>
1			
2			
3	ANTHONY JOSEPH CARDINAL BEVILACQUA		
4	EXAMINATION	BY MS. McCARTNEY	2
5	EXAMINATION	BY MR. SPADE	21
6	EXAMINATION	BY MS. McCARTNEY	24
7	EXAMINATION	BY MR. SPADE	43
8	EXAMINATION	BY MS. McCARTNEY	44
9	EXAMINATION	BY MR. SPADE	58
10	EXAMINATION	BY MS. McCARTNEY	59
11	EXAMINATION	BY MR. SPADE	98
12	EXAMINATION	BY MR. GALLAGHER	100
13	EXAMINATION	BY MS. McCARTNEY	101
14	EXAMINATION	BY MR. GALLAGHER	101
15	EXAMINATION	BY MS. McCARTNEY	104
16	EXAMINATION	BY MR. GALLAGHER	106
17	EXAMINATION	BY MS. McCARTNEY	108
18	EXAMINATION	BY MR. GALLAGHER	109
19	EXAMINATION	BY MR. SPADE	110
20	EXAMINATION	BY MS. McCARTNEY	110
21	EXAMINATION	BY MR. SPADE	138
22	EXAMINATION	BY MS. McCARTNEY	139
23	EXAMINATION	BY MR. SPADE	153
24	EXAMINATION	BY MS. McCARTNEY	154

- I N D E X -

2		<u>PAGE</u>
3	ANTHONY JOSEPH CARDINAL BEVILACQUA (CONTINUED)	
4	EXAMINATION BY MR. SPADE	154
5	EXAMINATION BY MS. MCCARTNEY	155
6	EXAMINATION BY MR. GALLAGHER	158
7	EXAMINATION BY MS. MCCARTNEY	158
8	EXAMINATION BY MR. SPADE	161
9	EXAMINATION BY MR. GALLAGHER	165
10	---	
11	<u>EXHIBITS</u>	<u>IDENTIFICATION</u>
12	GJ-440, (Previously marked exhibit.)	17
13	GJ-441, (Previously marked exhibit.)	26
14	GJ-442, (Previously marked exhibit.)	26
15	GJ-1089, (Previously marked exhibit.)	26
16	GJ-443, (Previously marked exhibit.)	49
17	GJ-444, (Previously marked exhibit.)	64
18	GJ-445, (Previously marked exhibit.)	64
19	GJ-446, (Previously marked exhibit.)	64
20	GJ-447, (Previously marked exhibit.)	64
21	GJ-1090, (Previously marked exhibit.)	64
22	GJ-448, (Previously marked exhibit.)	115
23	GJ-1091, (Previously marked exhibit.)	115
24	GJ-1092, (Previously marked exhibit.)	115
25	---	

1
2
3
4
5
6 I hereby certify that the proceedings and
7 evidence are contained fully and accurately in
8 the notes taken by me on the trial of the above
9 cause, and that this copy is a correct transcript
10 of the same.

11
12
13 
14 Official Court Reporter

15
16 The foregoing record of the proceedings upon
17 the trial of the above cause is hereby approved
18 and directed to be filed

19
20
21
22 _____
23 Judge
24
25