

APPENDIX H-8

14-1-96

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

January 29, 2004

Room 18013, One Parkway
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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ANTHONY JOSEPH CARDINAL BEVILACQUA

MR. SPADE: Okay. We're back on the record. It's Thursday, January 29, 11:07 A.M.

And how many jurors do we have present?

GRAND JURY SECRETARY: [REDACTED]

MR. SPADE: [REDACTED].

The Commonwealth has recalled Anthony Cardinal Bevilacqua as a witness.

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

BY MR. SPADE:

Q. Good morning, Cardinal. How are you?

A. Good morning. How are you?

~~Q. Good. And you were sworn into this jury by the~~

Honorable Gwendolyn Bright on December 4; is that correct?

A. I appeared before her. Yes.

Q. And she explained to you at that time your rights?

A. Yes.

Q. And you understood them at that time?

A. Yes.

Q. And you understand them now?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. And one of your rights is that you can have a
4 lawyer present with you; is that correct?

5 A. Yes.

6 Q. Okay. And you do in fact have your lawyer present?

7 A. Yes.

8 MR. SPADE: Counsel, could you identify
9 yourself for the record.

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

14 MR. SPADE: Okay.

15 BY MR. SPADE:

16 Q. And, Cardinal, just for the record I'm sure that
17 your counsel made you aware, but on January 12 of 2004 our

~~18 office sent you a letter or sent your counsel a letter~~

19 indicating which files we would be talking about today and

20 tomorrow, and indicated on there the numbers of the

21 documents that we would be looking at; is that correct?

22 A. Yes.

23 Q. Did you have a chance to review those documents?

24 A. I did.

25 Q. Okay. And we did that as a courtesy to you and

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 also in an effort to speed this process along.

3 A. Yes.

4 Q. Okay. Now, Cardinal, the first group of documents
5 that we're going to be looking at, I put them in front of
6 you, and I'm going to just go with a group of documents,
7 GJ-1102, GJ-111, GJ-1099, GJ-1097; and again, Cardinal,
8 these are marked -- I'm sorry. Flip over the first two,
9 the first two exhibits.

10 Now, do you have GJ-1102 in front of you there?

11 In the upper right-hand corner.

12 MR. HODGSON: Yes.

13 THE WITNESS: Yes.

14 BY MR. SPADE:

15 Q. Okay. And I'm not going to refer you to these
16 individual documents, Cardinal. I'm just stating for the
17 record which ones we're going to be discussing first.

18 ~~Okay?~~

19 A. Yes.

20 Q. Ten ninety-seven, eleven hundred, ten ninety-eight,
21 eleven-o-one, GJ-113, one fourteen, one fifteen, and
22 eleven-o-three.

23 Now, Cardinal, there may be a couple documents in
24 that first pile that I didn't refer to, but again, I'm not
25 going to refer to the individual documents. I'm just

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 putting on record the ones that we're going to refer to;
3 and if you need to look at any of the particular documents
4 to refresh your memory or to follow up along something
5 that I said, I can refer you to specific documents.

6 A. I can't say I remember everything I read.

7 Q. No, I understand. I understand.

8 Cardinal, this group of documents establishes
9 that -- well, back in the fall of 1991, let me first ask
10 you, do you have any memory of an investigation that was
11 conducted by the Archdiocese into a seminarian by the name
12 of ^{Timmy} [REDACTED]?

13 A. I had a vague memory of it, but then this refreshed
14 it. The documents did.

15 Q. Okay. So looking at the documents refreshed your
16 memory?

17 A. Yes.

18 ~~Q. Okay. Do you remember that the allegations against~~

19 ^{Timmy} [REDACTED] were that he had engaged in homosexual
20 activity at the seminary and had made certain statements
21 at the seminary that were called into question?

22 A. Yes. Yes.

23 Q. Yes. And, Cardinal, do you remember that this
24 behavior or this alleged behavior on the part of ^{Timmy} [REDACTED]
25 [REDACTED] was brought to your attention by Monsignor

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Daniel Murray?

3 A. Yes.

4 Q. And he was the dean of the seminary at that time?

5 A. Yes.

6 Q. Okay. And, Cardinal, do you remember what your
7 response was when this was brought to your attention by
8 Monsignor Murray?

9 A. Well, an investigation was carried out.

10 Q. Okay. And who did you delegate to conduct this
11 investigation?12 A. If I recall, it was Monsignor Molloy, who was the
13 Vicar for Administration office.14 Q. Okay. And do you also remember giving at that time
15 Monsignor Cullen any responsibility in the investigation?

16 A. Well, he would oversee it, you know.

17 Q. He was to oversee the investigation?

18 A. Yes.

19 Q. Okay. And Monsignor Molloy reported directly to
20 Monsignor Cullen at that time, correct?

21 A. Correct.

22 Q. Do you remember in the course of the fall of 1991,
23 during the course of the investigation into ~~Timmy~~24 ~~alleged activities at the seminary, that it~~
25 came to light that ~~Timmy~~, from the time that he

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 was eleven years old until approximately his second year
3 in the seminary at Saint Charles, had been sexually abused
4 by a priest by the name of Stanley Gana?

5 A. It was brought out in these records.

6 Q. Okay.

7 A. That there was accusations made.

8 Q. Okay.

9 A. That Father Gana had abused him.

10 Q. Okay. Now, do you have a specific memory going
11 back to the fall of '91 of learning that an allegation had
12 been brought to your attention that Father Gana had abused

13 [REDACTED]

14 A. I can't recall that until I read this, you know.
15 It's hard for me to recall that.

16 Q. Okay. But looking at the document refreshed your
17 memory?

18 A. Yes.

19 Q. Okay. And, sir, do you remember that the
20 allegations came to light, that it was brought to
21 Monsignor Molloy's attention and Monsignor Cullen's
22 attention that ^{Timmy} [REDACTED] had told some other
23 seminarians by the name of [REDACTED] and [REDACTED]
24 and [REDACTED]

25 A. [REDACTED]

ANTHONY JOSEPH CARDINAL BEVILACQUA

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Q. [REDACTED] That Father Gana sexually abused him when he was eleven years old?

A. I saw that in here very clearly.

Q. Okay. And did you also see in the documents that a priest of the Archdiocese by the name of [REDACTED] [REDACTED] had also reported to Monsignor Murray that he knew that Stanley Gana had abused [REDACTED] ^{Timmy} [REDACTED]?

A. I recall reading that in the documents.

Q. Okay. As a result of looking at these documents, do you have a memory of learning that at that time in the fall of 1991?

A. From reading these documents, I -- you know, it brought back the memory, but some of this was not always given to me while it was going on.

Q. Okay.

A. So some of this was actually new to me.

~~Q. Okay. Do you also remember that Monsignor Murray reported to Monsignor Molloy that he found the seminarians to be credible, that is, [REDACTED] and [REDACTED], that Monsignor found them to be credible when they reported that [REDACTED] ^{Timmy} [REDACTED] had shared with them that Father Gana had abused him?~~

A. From reading this, I recall that.

Q. Okay. Sir, could you look at [REDACTED] just briefly,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 could you look towards the back of that first set of
3 documents, GJ-115, which is a December 19, 1991, memo to
4 the file from Reverend William J. Lynn?

5 A. GJ-115?

6 Q. GJ-115. Correct. Grand jury one fifteen. The
7 marking is in the top right-hand corner of the document.
8 I think you're too far into it. It's about the tenth
9 document from the top.

10 A. I have that.

11 Q. Okay. So just referring to the third full
12 paragraph of that document -- and again, this is a memo
13 from Father Lynn to the file regarding an interview that
14 he had had with Monsignor Murray.

15 In the third paragraph, Father Lynn writes: "DAM,"
16 referring to Monsignor Murray, "stated that he wanted to
17 share something with us in the beginning. DAM helps on
18 Sundays at Nativity Parish in Media. [REDACTED]

19 [REDACTED] told DAM that Father Stanley Gana
20 is involved with ^{Timmy} [REDACTED] and ^{Timmy} [REDACTED] would refer to ^{Timmy} [REDACTED]
21 [REDACTED]; is that right Cardinal?

22 A. Yes.

23 Q. Okay. "He also told DAM there is anywhere from
24 four to nine priests involved with ^{Timmy} [REDACTED]
25 said things such as who do you think helps him afford a

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BMW or pays for all his trips? [REDACTED] did not
3 give DAM any other names. DAM has a concern that Father
4 Gana has invited other seminarians to his rectory
5 recently."

6 Cardinal, what I wanted to ask you is: When you
7 reviewed this document in the last couple of weeks, did
8 that refresh your memory as to these allegations that
9 [REDACTED] made, specifically about the allegations
10 of Father Gana being involved with -- I'm sorry -- ^{Timmy} [REDACTED]
11 [REDACTED] being involved with anywhere from four to nine
12 priests?

13 A. It doesn't refresh my memory in the sense that I
14 may have had a memory of this, that this material was
15 actually shown to me.

16 Q. Okay.

17 A. But I read this material.

18 Q. Okay. So you don't have a memory at the time --

19 A. No.

20 Q. -- of worrying about that? Okay.

21 Cardinal, is it true that in your relationship with
22 Monsignor Cullen and then later Bishop Cullen, and I'm not
23 saying that these were the exact words, but early on in
24 your relationship, that you told him, "Don't surprise me,"
25 and by that you meant bring to my attention all major

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 things that you know could cause problems for the
3 Archdiocese?

4 A. I don't recall saying that, but if I did say it,
5 probably that's what it refers to, being major things.

6 Q. Okay. So it's accurate then that you made
7 Monsignor of Cullen aware from the beginning that you
8 wanted him to keep you informed about major problems --

9 A. Yes.

10 Q. -- or issues within the Archdiocese? Okay.

11 And would an allegation that a seminarian at Saint
12 Charles Seminary was involved with four to nine priests in
13 sexual relationships, would that be something that would
14 fit your criteria of something major, that you would want
15 to be informed of?

16 A. Oh, I would think so.

17 Q. Okay. So is it likely then, sir, that at that time
~~18 in the fall of 1991, this would have been brought to your~~
19 attention?

20 A. I can't say that because I cannot say that this was
21 brought to the attention of Monsignor Cullen.

22 Q. Okay.

23 A. This testimony.

24 Q. Okay. Do you know whether Monsignor Cullen gave
25 the same directive to Monsignors Molloy and Lynn, that he

ANTHONY JOSEPH CARDINAL BEVILACQUA

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wanted them to inform him of all major problems or issues in the Archdiocese?

A. I do not.

Q. Okay.

BY MS. MCCARTNEY:

Q. Cardinal, if the Secretary for Clergy, the person that was the author of this memo, if they were doing their job competently, would that be information that they would have shared with Monsignor Cullen, given the magnitude of the information that was given to them?

A. I can just say I hope they would have done that.

Q. So in your estimation, this information is of a serious nature and information that, if the Secretary of Clergy were doing their job properly, should have been brought to the attention of Monsignor Cullen, who then would have been vested with the responsibility of bringing it to you, if the organizational chain worked properly?

A. I don't know what his -- you know . . .

Q. I'm not asking you, Cardinal, if it happened. I'm asking you --

A. There were several phrases to your question.

Q. Okay. If your Secretary of Clergy were doing their job properly and they received the information which is contained in this memo, should they have brought that to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the attention of Monsignor Cullen?

3 A. I can't speak for them, honestly.

4 Q. I'm not asking you, Cardinal, to say whether or not
5 they did it, because you can't speak to that, but in your
6 mind, in the way that the Archdiocese ran, if it was
7 running effectively and this information came to your
8 Secretary of Clergy, should they have passed that on to
9 Monsignor Cullen?

10 A. All I can say, I would have hoped they did pass it
11 on.

12 Q. Okay. And you would have hoped that because that
13 would have been the type of information that should have
14 been passed on, correct?

15 A. Ordinarily yes.

16 Q. Okay. And again, if that information had been
17 passed on to Monsignor Cullen, you would have hoped that
~~18 he would have passed that on to you, correct?~~

19 A. I don't know if he would have done it right away.
20 He may want to say where are the names? There's nothing
21 else given except that allegation, and it's really -- you
22 know, it's hearsay, too.

23 Q. But at some point in time, Cardinal, that
24 information, if the organizational structure was working
25 the way that you had envisioned it working, it would have

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 made its way to you, given in the serious nature that
3 we're talking about, correct?

4 A. Well, I would have hoped that it would have been
5 brought to my attention.

6 Q. All right. Thank you.

7 BY MR. SPADE:

8 Q. Cardinal, do you still have one twelve before you?

9 A. GJ-112?

10 Q. Yes.

11 A. Yes.

12 Q. Okay. Sir, could you turn to page eleven of the
13 document. There's just one thing in this document that I
14 want to ask you about.

15 A. Page eleven?

16 Q. Yes.

17 A. Yes.

18 Q. Towards the bottom, the second to the last full
19 paragraph. I'll just read you the first sentence in that
20 paragraph, because it sheds light on what we've just been
21 discussing in terms of the chain of command or reporting
22 of information.

23 Quote: "JEM," and that would be Monsignor Molloy,
24 correct?

25 A. Yes, correct.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. "JEM stated that we would collect the information
3 and present it to Cardinal Bevilacqua with recommendations
4 that flow logically from our findings."

5 Now, sir, this document, GJ-112, it's a memo to the
6 file from Father Lynn regarding his interview with
7 ^{Timmy} [REDACTED] dated December 10 of 1991; and I'm
8 just showing it to you because we've been discussing what
9 information would have come up to you and what information
10 would not have.

11 I mean, you would agree with me that, you know,
12 based on what Father Lynn wrote here, that there was
13 information regarding the investigation into ^{Timmy} [REDACTED]
14 [REDACTED] that was being shared with you, correct?

15 A. Yes.

16 Q. Okay. You just can't remember specifically whether
17 the information about the four to nine, ^{Timmy} [REDACTED]
18 allegedly being sexually involved with four to nine
19 priests was shared with you?

20 A. No.

21 Q. Okay. Sir, did you have faith in the competence of
22 Monsignor Murray, the rector of the seminary?

23 A. I did.

24 Q. Okay. So is it fair then to say that if Monsignor
25 Murray had reported to Father Lynn and Father Molloy that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 he found the reports of the three seminarians to be
3 credible and if that information had been reported to you,
4 that you would have credited that information? In other
5 words, you would have yourself believed that the
6 allegations were credible, correct?

7 A. Yes.

8 Q. Okay. And, sir, could you just turn briefly, flip
9 back to another couple of exhibits forward to GJ-1149, and
10 then it's marked in the upper right hand.

11 A. In back?

12 Q. Just one or --

13 A. One one four nine?

14 Q. Yes.

15 A. One one four?

16 Q. One one four nine.

17 A. Would that be towards the back?

18 Q. It should be in the next couple of documents, or

19 maybe if you go to the ones that you've turned over, it
20 might be the last one of the last documents from the
21 bottom there.

22 A. I have this.

23 Q. One one four nine?

24 A. Yes.

25 Q. Okay. Sir, who's your Vicar for Administration

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 or -- I'm sorry.

3 Before you stepped down as Archbishop of the
4 Archdiocese of Philadelphia, who was your Vicar for
5 Administration?

6 A. You mean Monsignor Cistone?

7 Q. Monsignor Joseph Cistone.

8 One one four nine is a memo to the file from
9 William J. Lynn regarding an interview with Reverend
10 Joseph Cistone, dated September 16 of 1991.

11 Sir, you would agree with me that given the fact
12 that you appointed Monsignor Cistone to one of the highest
13 positions in the Archdiocese, that you had faith in his
14 abilities and his judgment?

15 A. Yes.

16 Q. Okay. If you could turn to page three of this
17 document, the second paragraph from the top, I'm going to
18 ~~read a couple of sentences there.~~

19 "JC," and that refers to Joseph Cistone, "also said
20 he felt [REDACTED] is a credible witness. [REDACTED] had
21 lived in the same rectory for a summer and JC found him
22 very trustworthy. Also [REDACTED] testimony is somewhat
23 self-incriminating and yet he still came forward. JC
24 found [REDACTED] willing to put his own reputation on the line
25 by admitting his naivete in this situation. JC felt [REDACTED]

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 is too honest an individual to conceive a false story. He
3 impressed him that the story was not fabrication.

4 "JC also stated that [REDACTED] and [REDACTED]
5 were clear and precise in their talking with the three
6 administrators."

7 So, Cardinal, it's fair to say here that Monsignor
8 Cistone, who was also interviewed regarding this
9 investigation into ^{Timmy} [REDACTED]'s activities, himself
10 weighed in and said that he found the seminarians who were
11 reporting the abuse of Gana on ^{Timmy} [REDACTED] to be credible,
12 correct?

13 A. Yes.

14 Q. Okay. Do you remember at that time being informed
15 that Monsignor Cistone found the allegations of abuse to
16 be credible?

17 A. No.

~~18 Q. Okay. And reading these documents didn't refresh
19 your recollection?~~

20 A. No.

21 Q. Okay. Sir, could you turn to GJ 116.

22 A. I have that.

23 Q. Okay. This is a June 11, 1992, memo to the file
24 from Father Lynn regarding a meeting with Dr. Christopher
25 Dematatis, and I wanted to just read a short snippet of

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 this memo, the second full paragraph. I'm going to read
3 the entire paragraph.

4 "CD," which refers to Dematatis, "was aware of our
5 interviews with ^{Timmy} [REDACTED] and was familiar with the situation
6 surrounding ^{Timmy} [REDACTED] and his leaving Saint Charles Seminary.
7 JEM," referring to Monsignor Molloy, "asked CD his
8 estimate of a prognosis for ^{Timmy} [REDACTED] considering the fact that
9 he had been sexually abused as an adolescent."

10 And then I'm going to jump down. I'm going to skip
11 one paragraph and jump to the last paragraph on page one.

12 "CD stated that he has been impressed with the honesty
13 with which ^{Timmy} [REDACTED] has dealt with issues in his life. CD
14 stated that ^{Timmy} [REDACTED] mentioned the fact of the sexual abuse by
15 a priest almost immediately upon entering therapy about
16 six years ago."

17 Did I read that correctly, Cardinal?

18 A. Yes.

19 Q. Now, Cardinal, if you refer to the date at the top
20 of the memo, it's June 11 of 1992, correct?

21 A. Yes.

22 Q. Okay. So you would agree with me if Dematatis
23 reported on June 11 of 1992 to Monsignor Lynn that
24 ^{Timmy} [REDACTED] had revealed to Dematatis the fact that he had
25 been sexually abused by a priest six years earlier, that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the time that ^{Timmy} [REDACTED] reported it to Dematatis would
3 have been approximately 1986, correct?

4 A. Yes.

5 Q. Okay. And, sir, would you agree with me -- well,
6 let me ask you first of all. Do you remember as a result
7 of reviewing these documents, did it refresh your memory
8 as to whether Monsignor Cullen or Monsignor Molloy or
9 Monsignor Lynn reported to you in the fall of 1991 that
10 ^{Timmy} [REDACTED] had reported his sexual abuse by Father
11 Gana six years prior to that to his therapist?

12 A. I do not . . . that.

13 Q. Okay. Sir, would you agree with me that the fact
14 that ^{Timmy} [REDACTED], that ^{Timmy} [REDACTED], reported his sexual
15 abuse within the confines of a confidential
16 therapist-patient relationship six years earlier, before
17 this investigation came to light, would indicate that his
18 ~~allegation against Father Gana was credible?~~

19 A. (No response.)

20 Q. In other words, he had no motive to lie to his
21 therapist in a private relationship six years before he
22 was investigated, correct?

23 A. Yes.

24 Q. Okay.

25 (Pause.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Sir, could you turn, flip back another couple of
3 exhibits, to GJ-119, please.

4 Do you see that document?

5 A. Yes.

6 Q. Now, sir, this is a July 28, 1992, memo to you from
7 Monsignor James E. Molloy regarding ^{Timmy} [REDACTED]
8 [REDACTED], and is it fair to say -- you reviewed this
9 document in the last couple of weeks, correct?

10 A. Yes.

11 Q. Is it fair to say, sir, that in summarizing this
12 document, that this is a report of Monsignor Molloy and
13 Father Lynn's findings regarding their investigation of
14 whether ^{Timmy} [REDACTED] had acted out homosexually at the
15 seminary?

16 A. Yes.

17 Q. Okay. And also included are their recommendations
18 ~~as to what to do with their findings?~~

19 A. Yes.

20 Q. Okay. So they're recommending to you what you
21 should do as a result of their investigation, correct?

22 A. Well, to authorize others to do things. Yes.

23 Q. Okay. Could you turn to the last page, please, the
24 third page. I'm just going to read the ninth
25 recommendation.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "The Secretary for Clergy is to continue a separate
3 investigation concerning the alleged perpetrator of the
4 reported victimization of ~~_____~~^{Timmy} as an adolescent."

5 Did I read that correctly?

6 A. Yes.

7 Q. And then, Cardinal, below that, in handwritten
8 script, it says: "Thanks. Pursue steps outlined in our
9 meeting of 7/28/92."

10 Is that your handwriting?

11 A. Yes.

12 Q. Okay. Now, sir, let me just ask you. If you can
13 remember, what did you mean when you wrote: "Thanks.
14 Pursue steps outlined in our meeting of July 28 of 1992"?

15 A. I can't recall that, but it means at least to
16 pursue these.

17 Q. It would mean to pursue these nine recommendations?

18 A. Yes.

19 Q. Okay. So one of the things that you decided as a
20 result of this memo and as a result of being briefed by
21 Monsignor Molloy and Father Lynn was that the Secretary
22 for Clergy should investigate Father Gana to determine
23 whether the allegation made by ~~_____~~^{Timmy} was
24 credible, correct?

25 A. Yes.

ANTHONY JOSEPH CARDINAL BEVILACQUA

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Q. Okay. And, sir, when you referred to the meeting of July 28 of 1992, was that an issues meeting?

A. I can't recall that.

Q. Okay. Given your knowledge of how you ran the Archdiocese, is it likely that that July 28, 1992, meeting would have been an issues meeting?

A. It's very possible.

Q. Okay. And again, we've gone over this territory before, but very briefly, at the issues meetings, the people present were you yourself and Monsignor Cullen; is that correct?

A. Most of the time.

Q. And sometimes Monsignor Molloy?

A. Monsignor Molloy at that time, yes.

Q. Okay. And, sir, just to be clear, you have no independent recollection of that July 28, 1992, meeting?

A. I do not.

Q. Okay. If you can remember, or you can just tell us based on your knowledge of how you worked as the Archbishop of Philadelphia, when that GJ-119 was given to you and you reviewed it, can you tell us why you directed the Secretary for Clergy to conduct an investigation of Father Gana?

A. Well, because of the report that was given, that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 it -- there was involvement by some priest, you know,
3 outside, that I wanted that investigated.

4 Q. I guess what I'm asking you, sir, is: If you could
5 amplify, if you can amplify the words in the memo, what
6 were your concerns at the time or what would have been
7 your concerns at the time?

8 A. Well, that there was a priest that was performing
9 sexual abuse and had performed them on this -- on [REDACTED]
10 [REDACTED] even as a minor.

11 Q. Okay. So you were concerned, that it's fair to say
12 that you were concerned that you had an allegation that
13 Father Gana had sexually abused ^{Timmy} [REDACTED] starting
14 when he was eleven years old and that he may, Father Gana,
15 at that time in the fall of '91, have been abusing another
16 minor?

17 A. That's right.

18 Q. Or minors?

19 A. Or could have been.

20 Q. Okay.

21 A. That's why I wanted it done.

22 Q. Okay. And, sir, could you refer to the very first
23 exhibit that I gave you. It's GJ-25, and this is the
24 Archdiocese of Philadelphia Priest Data Profile, correct,
25 for Father Gana?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. And at the time that this investigation of [REDACTED]
4 [REDACTED] brought to light the allegation of sexual abuse
5 by Father Gana, Father Gana was assigned as pastor Our
6 Mother of Sorrows Parish in Bridgeport, correct.

7 A. Where?

8 Q. It's the fourth entry up from the bottom on
9 previous positions.

10 A. Yes. It would have been. Yes.

11 Q. And, sir, do you know from your knowledge of the
12 Archdiocese whether Our Mother of Sorrows had a school
13 involved, whether there was a school at that parish?

14 A. I don't recall.

15 Q. Okay.

16 A. It was a very small parish. I don't have a
17 recollection.

~~18 Q. Okay. Sir, could you turn to -- well, let me ask
19 you this first of all.~~

20 As a result of making that, of making that
21 directive outlined in GJ-119 on July 28 of 1992, that the
22 Secretary for Clergy investigate Father Gana, was there
23 any -- and we've gone over this territory before, but I
24 just want to touch on it briefly.

25 Was there any procedure that you had put into place

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 to ensure that the person that you had delegated this task
3 to, namely, at that time it would have been -- it would
4 have been Father Lynn, correct, who was the Secretary of
5 Clergy?

6 A. What year was that? Please forgive me.

7 Q. Well, it doesn't matter who the Secretary of Clergy
8 was.

9 A. He came in in '92.

10 Q. So this was July of '92.

11 A. He would have just come in then.

12 Q. So the Secretary of Clergy was Father Lynn,
13 correct?

14 A. Yes.

15 Q. Did you have any procedures in place to ensure that
16 Father Lynn would follow through on that investigation?

17 A. Like I say, we had a procedure of how they should
~~18 act. We had a policy of what should be done.~~

19 Q. Okay. A policy on what should be done in terms of
20 investigating allegations of sexual abuse of minors?

21 A. Yes.

22 Q. Okay. So at that time in July of 1992, the
23 Archdiocese of Philadelphia had a written procedure for
24 allegations of child sex abuse, correct?

25 A. I don't know if it was written at that time, but it

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 was about that time we did write it down, but aside from
3 being whether it was written or not, there was that
4 policy.

5 Q. Okay.

6 A. When we wrote it, it was really a written
7 articulation of what was already a standard policy.

8 Q. Okay. And part of that policy or the substance of
9 that policy was to outline for the people in the
10 Archdiocese who were handling these matters, namely, the
11 employees of the Secretary of Clergy's office, how they
12 were to investigate allegations of a priest abusing a
13 minor, correct?

14 A. Yes.

15 Q. Okay. Now, what I'm asking you -- I understand
16 that you had a policy for how the investigation should be
17 conducted, but I'm actually asking you a different
18 question, which is: Did you have a checks and balances

19 type procedure to make sure that the investigation
20 actually was conducted?

21 A. I did not.

22 Q. Okay.

23 BY MS. MCCARTNEY:

24 Q. Cardinal, when you say that there was a policy in
25 place as to how to conduct this investigation, could you

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 tell us, to the best of your recollection, what that
3 policy involved in terms of investigation?

4 A. Yes. I testified to this before, but I will repeat
5 it.

6 Q. Okay.

7 A. That when an allegation comes in, the person making
8 the accusation is immediately called in, and they are --
9 at that time, it would have been the Secretary for the
10 Clergy, and they would give their allegations; and as
11 quickly as possible after that, the one accused would be
12 called in and give, you know, his version; and depending
13 on the allegations, if they were considered credible, he
14 would be sent for evaluation, and the investigation would
15 continue, depending on what the -- what the alleged
16 perpetrator said, and also on what the accuser said,
17 giving the names and so on. All of that would be
18 investigated.

19 Q. So when you --

20 A. The immediate steps would have been speaking to the
21 accused and then to send him for a psychological
22 evaluation.

23 Q. So when you ordered that the allegations as they
24 related to Father Gana be investigated, you had an
25 expectation that Father Gana himself would be spoken to

ANTHONY JOSEPH CARDINAL BEVILACQUA

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about these allegations?

A. Yes.

Q. You had an expectation that Monsignor Lynn would use whatever resources he had available to him to conduct a investigation that went beyond just speaking with Father Gana, correct?

A. Yes.

Q. And that would possibly have been speaking with people that had been in previous assignments with Father Gana? I mean, that would be something that --

A. Whatever he thought was appropriate for having a complete investigation.

Q. And because you've had the benefit of looking at these documents and when the allegations came about of ^{Timmy} [REDACTED], would you consider the investigation that was done on him to be a complete, thorough investigation?

Were you satisfied with the number of people that were spoken to and the different sources that Monsignor Molloy and Father Lynn went to?

A. I'm not sure if we're referring to the same investigation. In other words, there's one investigation about his status in the seminary.

Q. Correct.

ANTHONY JOSEPH CARDINAL BEVILACQUA

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2 A. That was a very thorough one from reading this.

3 Q. Correct. That's the one I'm talking about.

4 A. Yes.

5 Q. When allegations came in that related to potential
6 misconduct on the part of ^{Timmy} [REDACTED]
7 you were satisfied with the investigation that took place.
8 They went and spoke with some of his professors?

9 A. Yes.

10 Q. They spoke with other seminarians; they spoke
11 with --

12 A. Yes.

13 Q. -- as many people as they could find. You were
14 satisfied that that was a complete investigation, correct?

15 A. Yes.

16 Q. And so given the fact that your staff did that,
17 then they were aware what type of level and completeness
18 ~~investigation you were interested in having done, correct?~~

19 A. Yes.

20 Q. Okay. And then the allegations came about as a
21 result of that investigation, that Father Gana had
22 actually been abusing ^{Timmy} [REDACTED] from the time he
23 was eleven years old --

24 A. Yes.

25 Q. -- onward?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 And then Monsignor Molloy and Father Lynn got that
3 information not only from ~~Timmy~~ but from other
4 sources --

5 A. Yes.

6 Q. -- is that right?

7 A. Yes.

8 Q. Okay. Thank you.

9 BY MR. SPADE:

10 Q. Cardinal, I'm going to mark a new exhibit, and the
11 number -- I'm going to hand it to you right now. The
12 number is GJ-1159.

13 (GJ-1159 was marked for
14 identification.)

15 BY MR. SPADE:

16 Q. Cardinal, the document that I've handed to you is
17 actually an article that I pulled from the three-volume
18 set called Restoring Trust, a Pastoral Response to Sexual
19 Abuse, that the Archdiocese of Philadelphia produced to
20 this grand jury; and this Restoring Trust document, the
21 three volumes you produced, actually, two volumes, to us,
22 but the three-volume set was published by the Bishops'
23 Ad-Hoc Committee on Sexual Abuse in November of 1996, and
24 I'm correct, sir, that the Bishops' Ad-Hoc Committee on
25 Sexual Abuse was an ad-hoc committee formed under the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 auspices of the National Conference of Catholic Bishops,
3 correct?

4 A. Correct.

5 Q. Okay. And, sir, you testified previously that this
6 three-volume set was one of the major sources of knowledge
7 and guidance that you used in dealing with these matters
8 of clergy sex abuse, correct?

9 A. Yes.

10 Q. Sir, could you -- and this excerpt that I handed to
11 you and marked as GJ-1159 is entitled: "Will Priests
12 Sexually Abuse After Treatment?" It's authored by James
13 J. Gill, Society of Jesus and also M.D., and it's a
14 ten-page document, and it comes from Restoring Trust,
15 Volume two; and, sir, I just wanted to show you one
16 excerpt from this, and it actually comes from page four of
17 the document.

18 Let me ask you first of all: Were you familiar --
19 are you now or at that time were you familiar with the
20 work of Father Gill or Dr. Gill?

21 A. I know of him.

22 Q. Okay.

23 A. He had a good reputation.

24 Q. He had a good reputation?

25 A. Yes.

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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2 Q. Okay. And recognizing, Cardinal, just off the bat,
3 so that there's no misunderstanding, recognizing that this
4 document was not produced by the subcommittee until 1996,
5 although the committee had been working on it since
6 approximately 1993, but this was not produced until '96.

7 But I just want to read an excerpt from page four,
8 and this paper in general is about the recidivism rate
9 among sex offenders in general as well as sex offender
10 priests; and by recidivism, I mean, whether or not a sex
11 offender who has sexually abused a minor will do it again
12 after treatment.

13 Do you understand that?

14 A. Yes.

15 Q. Okay. Now, on page four, Father Gill, Dr. Gill and
16 Father Gill writes: "For the sake of comparison, it
17 should be noted that another study, reported by Marshall
~~18 and Barber, 1990, found recidivism to occur at a rate o~~
19 17.9 percent and 13.3 percent at four-year follow up for
20 treated heterosexual and homosexual pedophiles
21 respectively."

22 And just for the sake of clarity and to make sure
23 that there's no misunderstanding, Dr. Gill had also
24 referred earlier on in that page to a study by Fred
25 Berlin, M.D., and Dr. Berlin's study had indicated that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the recidivism rate for treated sex offenders was 1.2
3 percent. Okay. And then Father or Dr. Gill quotes the
4 17.9 percent and 13.3 percent recidivism rates found by
5 Marshall and Barber.

6 And then the next sentence is, quote: "These
7 researchers also used 'official plus unofficial sources'
8 to establish the relapse rate among untreated" -- and
9 "untreated," its underlined, -- "sexual abusers of minors
10 at a significantly higher 42.9 percent."

11 Did I read that correctly?

12 A. Yes.

13 Q. Okay. So that indicates, does it not, Cardinal,
14 that the experts that were advising the National
15 Conference of Catholic Bishops at that time were
16 indicating that if a sex abuser, somebody who was sexually
17 abusing minors, is not treated, that he has almost a fifty
18 percent chance of abusing minors again, correct?

19 A. (No response.)

20 Q. A 42.9 percent chance of abusing minors again,
21 correct?

22 A. Well, that's the claim of these researchers.

23 Q. Right. Right. Dr. Gill, who is advising the
24 National Conference of Catholic Bishops, reports to them
25 that there are some experts in the field that have

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 reported these findings, correct?

3 A. May I ask something.

4 Q. Absolutely. Sure.

5 A. Just looking at this -- and I don't recall reading
6 this. If I did, it was many, many years ago.

7 Q. I understand.

8 A. The statistics above, the recidivism is only 1.2
9 percent.

10 Q. Correct. Dr. Berlin found the recidivism for
11 treated --

12 A. That's for sexual abusers.

13 Q. Right.

14 A. The one below by Marshall and Barber --

15 Q. Right.

16 A. -- is different from that. That's for pedophiles.
17 You can be a sexual abuser without being a
18 pedophile.

19 Q. Correct. I understand.

20 A. But this refers to pedophiles.

21 Q. Correct. That's right.

22 A. I do not know -- and the following sentence, it's
23 in that category of pedophiles, talks about 42.9 percent,
24 but it's not clear is he talking about sexual abusers or
25 sexual abusers who are also pedophiles?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. I agree with you, Cardinal. It's not clear.

3 A. Yes.

4 Q. Now, given the fact that it's not clear and, you
5 know, now that you've made that observation and given the
6 fact that you were given this document in approximately
7 the fall of 1996, if you had read this document and those
8 questions presented themselves to you as to what the
9 distinctions were between recidivism rates for treated
10 pedophiles, for untreated sexual abusers of minors, for
11 homosexual pedophiles, heterosexual pedophiles, that would
12 have been information -- given the importance of
13 recidivism of sex offender priests, that would have been
14 information that you would have wanted followed up on,
15 correct?

16 In other words, you would have wanted to delegate
17 to somebody to get answers to your questions, correct?

18 ~~A. Well, I don't know about this material presented~~
19 right here.

20 Q. Yes. This material that was presented to you in
21 the fall of 1996.

22 A. I would not have wanted that investigated. We just
23 know. We always knew that they had to be treated. We
24 treated all of them.

25 Q. Okay. But the information that was reported to you

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 and to the other Catholic bishops at this time by one of
3 your own chosen experts was that there was, that at least
4 some experts in the field of treating sex offenders were
5 reporting, that if you didn't treat a sex offender, he had
6 a significantly higher risk of reoffending, correct?

7 A. I would accept that.

8 Q. Okay. Now, turning back, if you could look at --
9 it hasn't been marked, but it's an excerpt of the
10 testimony before this grand jury of Monsignor William J.
11 Lynn. It should be --

12 A. It's in here?

13 Q. Yes. It's in there.

14 It's the September 26, 2002, testimony of the
15 Reverend Monsignor William J. Lynn.

16 Do you see it, Cardinal?

17 A. This one here?

18 Q. No. I don't think that's it. It would be a

19 transcript.

20 MR. SPADE: Is that a transcript, Mr.

21 Hodgson?

22 MS. MCCARTNEY: That's it.

23 MR. SPADE: I'm sorry. That's it.

24 BY MR. SPADE:

25 Q. Now, Cardinal, could you turn to the fourth page in

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 on that excerpt from Father or Monsignor Lynn's testimony,
3 and the page number at the top right hand of the page
4 forty-four.

5 A. Yes.

6 Q. Do you see that?

7 Now, again, this is Monsignor Lynn testifying, and
8 he was being questioned here about the investigation that
9 you directed him to conduct of Father Gana, and I'm
10 reading from again page forty-four, starting at line nine.

11 "QUESTION: And is it fair to say that one of the
12 findings or one of the recommendations that was included
13 in this memorandum was that you were to continue a
14 separate investigation involving Stanley Gana?

15 "ANSWER: That's right.

16 "QUESTION: Now, Monsignor, once again, is it your
17 testimony that despite the additional information you
18 ~~received from Dematatis in June of 1992 as well as the~~
19 directive contained in this memorandum, presumably that
20 you agreed with, that once again the investigation simply
21 fell through the cracks?

22 "ANSWER: Yes, it is."

23 Would you agree with me, Cardinal, that Monsignor
24 Lynn had testified there that when you directed him on
25 July 28 of 1992 to investigate whether Father Gana had in

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 fact sexually abused ^{Timmy} [REDACTED], that Monsignor Lynn
3 never actually conducted that investigation?

4 A. I have to accept that from what he says here.

5 Q. Okay. Sir, did it ever come to your attention
6 before today that in fact Monsignor Lynn never conducted
7 the investigation of whether Father Gana had sexually
8 abused ^{Timmy} [REDACTED]?

9 A. I have to say that it did come to my attention that
10 there was no report, and I did not know, perhaps the
11 report was not included, why there was no report after
12 that was -- that directive was given.

13 Q. Sir, do you remember when that came to your
14 attention, that there was no report on the investigation
15 that you had directed into Father Gana?

16 A. Only in reading this.

17 Q. Only in reading what?

18 A. All of this material.

19 Q. Only in reading the documents from the Gana file
20 that we turned over to you three weeks ago?

21 A. Yes.

22 Q. Okay. So sometime in the last three weeks was the
23 first time that you learned that Monsignor Lynn had
24 disobeyed your directive to investigate Father Gana?

25 A. I don't know if you would call it a disobedience.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay. What would you call it, sir?

3 A. I would call it, you know, a negligence. I would
4 call it a lapse.

5 Q. Okay. Sir, could you turn to the next couple of
6 documents that are marked GJ-29 and GJ-27. Twenty-seven
7 and twenty-nine. Again, they're marked in the upper
8 right-hand corner of the page.

9 A. I have twenty-seven and twenty-nine.

10 Q. Okay.

11 A. Which one first?

12 Q. Well, sir, I'm just going to summarize them again.
13 Again, we're trying to speed this process along for the
14 benefit of everybody.

15 These documents, GJ-27 and twenty-nine, previously
16 marked in this grand jury -- and again, you've had some
17 time to review these documents.

18 These documents establish that in the late summer
19 of 1995, specifically in September, early September of
20 1995, it came to the attention of the Archdiocese of
21 Philadelphia through Monsignor Lynn that a man by the name
22 of ^{Bamy} [REDACTED] reported to Father Lynn that he had also
23 been sexually abused by Stanley Gana.

24 A. Yes.

25 Q. Is that an accurate characterization of these

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 documents?

2 A. Yes.

3 Q. Okay. Starting with twenty-seven, I just want to
4 read a couple of excerpts from this, the second full
5 paragraph:
6

7 "~~_____~~^{Bamy} explained that as a child he was molested by
8 a family friend over a period of years. His parents were
9 advised to get counseling for him by Father Gana and he
10 suggested" --

11 A. Forgive me. I'm just -- sorry.

12 Q. Oh, I'm sorry.

13 A. I didn't hear the paragraph. Which paragraph?

14 Q. Oh, I'm sorry. The second full paragraph on GJ-27.

15 A. Page one?

16 Q. Page one of GJ-27.

17 A. Sorry about that.

18 Q. That's all right.

19 "His parents were advised to get counseling for him
20 by Father" -- I'm sorry. I skipped over the first line
21 because I had already read it.

22 Starting with the second line: "His parents were
23 advised to get counseling for him by Father Gana and he
24 suggested himself as the counselor. ~~_____~~^{Bamy} was about eleven
25 or twelve years old." And then it goes on to describe

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 for the rest of that paragraph how Father Gana began to
3 sexually abuse --

4 A. Yes.

5 Q. -- ^{Barry} [REDACTED] and then in the next full paragraph,
6 mid-way through the paragraph: "Father Lynn" -- I'm
7 sorry. This memo, I didn't identify the document, but
8 it's a September 7, 1995, memo from Michael T. McCulken to
9 the file --

10 A. Right.

11 Q. -- regarding his interview with ^{Barry} [REDACTED], and
12 going down to the third full paragraph, midway through,
13 Father McCulken writes: ^{Barry} [REDACTED] stated that he was invited
14 to the shore house of a priest friend of Father Gana's,"
15 in brackets, "Monsignor Michael Bransfield, and while
16 there Father Gana ejaculated in front of him and told ^{Barry} [REDACTED]
17 that he made love to him. ^{Barry} [REDACTED] was thirteen years old.
18 ^{Barry} [REDACTED] stated that the above-described incidences occurred

19 in the rectory, the farmhouse and the shore. He stated
20 that there was full anal intercourse and oral sex between
21 them and that this activity continued until the summer
22 before he left for college."

23 So, Cardinal, you would agree with me that in
24 September, in early September of 1995, which would be a
25 little over three years after you directed Monsignor Lynn

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 to investigate whether Stanley Gana had sexually abused
3 ^{Timon} [REDACTED] when he was eleven years old, that
4 another man by the name of [REDACTED] came forward and
5 said that in fact Father Gana had sexually abused him
6 beginning when he was thirteen years old, correct?

7 A. Yes.

8 Q. And that the abuse consisted of anal intercourse
9 and oral sex, correct?

10 A. Yes.

11 Q. Okay. Do you remember, after having reviewed these
12 documents, this information coming to your attention in
13 September of '95?

14 A. I do not recollect it.

15 Q. Okay. Is it likely, sir, that this information
16 would have been brought to your attention in September of
17 '95?

18 ~~A. It's a good possibility, unless they wanted to wait~~
19 until after they completed it.

20 Q. Okay. You don't think that in September of 1995,
21 when [REDACTED] walked into the Secretary for Clergy's
22 office and made this allegation against Father Gana, that
23 Father Lynn, knowing that he had not investigated Father
24 Gana for three years, would have wanted to bring this to
25 the attention of Bishop Cullen and yourself?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. There's a -- I mean, I presume he would have done
3 that.

4 Q. Okay. You just don't remember?

5 A. I don't have an original memory of it.

6 Q. I understand.

7 And then turning to GJ-29, this is a September 6,
8 1995, memo from Father Lynn to yourself regarding Father
9 Gana. And again, I'll just characterize the document.

10 Essentially, Father Gana reports to you that [REDACTED]
11 ^{Bamy} [REDACTED] -- I mean -- I'm sorry -- that ^{Bamy} [REDACTED] had
12 come forward and alleged the sexual abuse.

13 A. Excuse me. You said Father Gana reports to me?

14 Q. Oh, I'm sorry. Father Lynn reported to you that
15 ^{Bamy} [REDACTED] came forward and reported that Father Gana had
16 sexually abused him, correct?

17 A. Yes.

18 Q. And, sir, again, looking at this document, given
19 the fact that Father Lynn wrote this memo to you, you
20 would again agree that it's likely that this information
21 was given to you in September of 1995?

22 A. Yes.

23 Q. Okay. And then the last, the second to last
24 paragraph from the bottom, I'm going to read it.

25 "Father Gana, while denying any guilt, said he did

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 not want to disgrace the priesthood or the church. We
3 believe he is not being honest regarding the allegations.
4 I explained our usual procedures. Father Gana willingly
5 volunteered to undergo a psychological evaluation at Saint
6 John Vianney Hospital. This has been arranged for the
7 week of September 25."

8 Did I read that correctly?

9 A. Correct.

10 Q. So Monsignor Lynn reported to you that he and
11 Monsignor McCulken had some doubt as to whether Father
12 Gana was being honest when he denied in these allegations?

13 A. Decree.

14 Q. Correct?

15 BY MS. MCCARTNEY:

16 Q. Cardinal, can I just ask you a question.

17 Back in 1992 when you approved the recommendation
18 ~~that Father Gana be investigated based upon the~~

19 allegations that had been made against him, you had the
20 expectation that that was going to be followed up on by
21 your Secretary of Clergy, correct?

22 A. Yes.

23 Q. And you would agree with me that the allegations
24 that were involved were of an extremely serious nature,
25 specifically that Father Gana had sexually abused a boy

ANTHONY JOSEPH CARDINAL BEVILACQUA

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starting at eleven years old?

A. Yes.

Q. Something that you took very seriously, correct?

A. Yes.

Q. And although I'm sure your base of knowledge has evolved all the years, even as early as 1992, you had some concerns about whether someone -- that if they did in fact engage in that kind of behavior, they could possibly still be doing it, correct?

A. Yes.

Q. And that was one of the reasons that you ordered that investigation be done; is that right?

A. Yes.

Q. And would you agree with me also, Cardinal, that given the fact that Father Gana was a pastor in an archdiocesan school, I mean, an archdiocesan parish, that he held a rather significant position within the

Archdiocese?

A. Yes.

Q. Okay. And would you agree with me also that there weren't a large number of pastors who had these allegations about them coming to your attention in 1992?

A. Correct.

Q. So Father Gana's situation, the allegations that he

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 had, what he had engaged in, were kind of unique and stuck
3 out? I mean, they were significant, correct?

4 A. Yes.

5 Q. Now, when you ordered the investigation into a
6 pastor at an archdiocesan parish and you expected that
7 investigation would be followed up on, we find out later,
8 as you've been able to conclude from reviewing the
9 documents, that it was in fact not followed up on?

10 A. Not that I know of, so . . .

11 Q. Okay. Did you, Cardinal, given the fact that this
12 was such an important issue to you and given the fact that
13 Father Gana had the position he did within the Archdiocese
14 and given the fact that the allegations were so
15 significant, did you do anything to follow up on whether
16 or not the investigation had actually taken place?

17 A. I don't recall.

18 Q. Can you give us a reason, if you can, why you
19 wouldn't have done that, given the fact that there
20 weren't -- you know, there weren't a lot of pastors that
21 were allegedly having anal sex with eleven year olds?

22 Did you ever say: Hey, Bill. Did you do the
23 investigation I ordered? What's the status of Father
24 Gana?

25 A. I don't recall.

ANTHONY JOSEPH CARDINAL BEVILACQUA

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Q. You and Father Lynn, although you didn't work side by side, you had a lot of interaction with one another, correct?

A. Well, at that time, he would have just begun to be the Secretary for the Clergy.

Q. Even more question than that comes to my mind, Cardinal, is given the fact that he had just taken over that position, did you do anything to make sure that he was doing it properly?

I mean, you may have convinced yourself somewhere down the road that he knew what he was doing and he was doing it well, but he's new into the job.

Here's an extremely important task with an extremely important consequence attached to it. What did you do to ensure that he was doing his job properly?

A. I have no recollection.

Q. Okay. You don't have any --

A. I presume --

Q. Okay.

A. -- he was a very competent person, and I presumed he was carrying out his responsibility. Why that was not done, I do not know.

Q. And you don't have any recollection of ever yourself following up on what the conclusion of the

ANTHONY JOSEPH CARDINAL BEVILACQUA

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2 investigation that you expected was being done was or
3 directing anybody else like Monsignor Cullen to follow up
4 on that; is that right?

5 A. I have no recollection.

6 Q. Okay.

7 A. I trusted him and I trusted of Monsignor Cullen.

8 Q. Okay. Thank you.

9 BY MR. SPADE:

10 Q. And, sir, just a couple more questions on GJ-27.
11 If you could turn to the second page of that memo, I'm
12 going to read the second full paragraph, and again, this
13 is a memo that was written by Father McCulken.

14 Father McCulken writes: "[REDACTED] reported that in his
15 junior year of high school he found out that four other
16 boys and one adult were having sex with Father Gana. He
17 reported that Father Gana stated that [REDACTED] ^{Barry} was his number
18 one and that he loved him and would never leave him. ^{Barry} [REDACTED]

19 stated that when he found out that Father Gana was
20 sleeping with another boy, Father Gana denied it to him
21 and then handled it by having himself, the other boy and
22 Father Gana all in bed together. [REDACTED] ^{Barry} indicated that this
23 other boy is now a student at Saint Charles Seminary and
24 said his name was [REDACTED] ^{Timmy} [REDACTED]

25 Cardinal, would you agree with me that at this time

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 in September of '95, when ^{Bammy} [REDACTED] reports that he had
3 personal knowledge that ^{Timmy} [REDACTED] had been sexually
4 abused by Father Gana, that that again would bolster the
5 credibility of the allegations that [REDACTED] had
6 made three years earlier?

7 A. Yes.

8 Q. Okay. And then the last page of the document,
9 Cardinal, Father McCulken writes: "On Valentine's Day,
10 1982, Father Gana began having sex with ^{Timmy} [REDACTED]
11 in 1980, ^{John} [REDACTED] -- this would be now a third victim
12 that's documented of Father Gana -- "stopped having sex
13 with Father Gana; there were trips to Disney World, Notre
14 Dame, Niagara Falls. ^{Bammy} [REDACTED] stated that there was a
15 rotation process. He said that Father Gana stated that
16 each boy should have personal time for friendship with him
17 and this time was in the bedroom at night. Each boy would
18 rotate sleeping with Father Gana."

19 Continuing into the next paragraph, Father McCulken
20 writes: ^{Bammy} [REDACTED] stated that he realized that Father Gana
21 was doing the same things to the other two boys when
22 Father Gana joked about how hard it was to have sex with
23 three boys in one week."

24 Sir, recognizing fully that you're not a
25 psychiatrist or a psychologist and have never treated sex

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 offenders, would you agree with me that this was fairly
3 strong evidence here in the context of lay people that
4 Father Gana, having sex with three preadolescent boys in
5 one week, that this was pretty strong evidence, if he was
6 not a pedophile, he certainly had pedophilic tendencies?

7 A. I can't testify to that.

8 Q. Okay. I'm just asking you, sir, as a layperson,
9 when you were made aware of this -- you agree with me that
10 this is something that was brought to your attention in
11 September of 1995, correct?

12 A. To call it pedophilic tendencies, I'm not an
13 authority on that.

14 Q. But you know that the definition of a pedophile is
15 somebody that has sexual desires, recurrent sexual desires
16 towards preadolescent boys or girls, correct?

17 A. Yes.

~~18 Q. You know that that's part of the definition, at
19 least, of it.~~

20 So you would agree when you read that information
21 about Father Gana sleeping with three preadolescent boys
22 in one week, that that would certainly be some
23 indication -- and I'm not saying that he would be
24 diagnosed, but that would certainly be some indication of
25 pedophile behavior, correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I can't testify to that.

3 Q. Okay. Well, sir, would it be -- it was certainly a
4 warning sign to you and to the Archdiocese and the
5 Secretary for Clergy that this man had a problem with
6 sexual desire towards preadolescent boys, correct?

7 A. I'd have to say that.

8 Q. Okay. And then the next document is -- it's marked
9 in the upper right-hand corner as GJ-1150.

10 Do you see that document? It's a November 16,
11 1995, memo from Ronald J. Karney, Ph.D., to William Lynn.

12 A. This is before?

13 Q. I'm sorry. GJ-1150.

14 A. Is it before this or after?

15 Q. It would be after that, I believe. It's just a
16 two-page document.

17 A. It's one one five zero?

~~18 Q. It might be in the other pile.~~

19 MR. SPADE: Maybe you could look
20 through that, Mr. Hodgson.

21 (Pause.)

22 MR. HODGSON: I don't see it.

23 MR. SPADE: Let me help you out. I
24 know it's there.

25 THE WITNESS: Hold it. I have it.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MR. SPADE: Okay. They're all mixed
3 up.

4 BY MR. SPADE:

5 Q. Now, again, Cardinal, this is a document that was
6 previously marked GJ-1150. It's a November 16, 1995,
7 letter from Ronald J. Karney, Ph.D., of the Anodos Center,
8 to Reverend William J. Lynn.

9 And, sir, The Anodos Center is part of Saint John
10 Vianney Hospital; is that correct?

11 A. Correct.

12 Q. And Saint John Vianney Hospital is wholly owned and
13 operated by the Archdiocese of Philadelphia, correct?

14 A. Correct.

15 Q. Okay. On the second page -- well, the cover letter
16 is covering a document that gives diagnostic impressions
17 of Father Gana; is that correct?

18 A. Yes.

19 Q. And then under axis one of the diagnostic
20 impressions, it says: "Sexual disorder, NOS"; is that
21 correct?

22 A. Yes.

23 Q. Okay. And that means sexual disorder, not
24 otherwise specified, correct?

25 A. Right.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. And then going down to the paragraph under the
3 heading "Recommendations," I'm going to read the third
4 sentence in: "Father," referring to Father Gana,
5 "demonstrates significantly impaired professional conduct
6 such that he is at risk for further inappropriate and
7 dangerous behavior. This should be considered in any
8 further ministerial assignments."

9 Did I read that correctly?

10 A. Yes.

11 Q. And, sir, this diagnostic impression page that Dr.
12 Karney sent to Father Lynn, this would have been shared
13 with you, correct, in November of 1995?

14 A. Ordinarily, but I don't recall.

15 Q. I know. I understand you don't have a specific
16 recollection, but this is something that would have been
17 shared with you, correct?

18 A. Ordinarily.

19 Q. Okay. Sir, do you -- and understanding that you
20 don't have a specific recommendation, but you obviously
21 know how your own mind works and how you operated at that
22 time.

23 When you read that Father Gana had been diagnosed
24 as having a sexual disorder, NOS, and that he presented a
25 danger of further inappropriate behavior towards minors,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 what would your reaction have been at that time?

3 A. I don't understand "my reaction."

4 Q. Well, in other words, you don't have a specific
5 recollection of receiving this document in November of
6 '95, correct?

7 A. No, I do not.

8 Q. Right. But you obviously know yourself. You know
9 how your mind works and how you operate.

10 What I'm asking you is: Can you infer from your
11 knowledge of yourself what your reaction to this document
12 would have been in November of '95?

13 A. Well, I presume my -- in any -- if there's any
14 consideration of further ministerial assignment, that this
15 be taken into consideration.

16 Q. Okay.

17 A. What was said here.

18 Q. Okay. And would this have been of concern to you,

19 that you had now a priest that had been operating for
20 three years at Our Mother of Sorrows Parish, who had now
21 been diagnosed as having a sexual disorder and presenting
22 a danger to minors?

23 Would that have concerned you, that he had been
24 left in a parish for three years?

25 A. (No response.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. When he could have been evaluated earlier if Father
3 Lynn had done his job?

4 A. But I -- I did not receive this information before,
5 that I recall.

6 Q. Okay. But you've agreed with me that this
7 diagnostic impression page would have been shared with you
8 in November of '95, correct?

9 A. It's probable, but I can't recall whether it was or
10 not.

11 Q. Okay. When this would have been shared with you --

12 A. I said I don't recall that it ever was.

13 Q. I know, but you've agreed that it's likely that it
14 would have been, correct?

15 A. Probable.

16 Q. I'm not saying that it was or it wasn't. I'm just
17 saying that you testified that it's likely that this would
18 have been shared with you, and given that, when you read

19 this, would you not have thought to yourself, "Wait a
20 minute, Father Lynn. I told you to investigate this guy
21 three years ago. What did you find out about him?"

22 A. I did not make that connection. I don't recall
23 making any connection.

24 Q. Okay. But knowing how you worked and knowing how
25 your mind works, would you have made that connection at

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that time?

3 A. I'd have to take all this, the circumstances, into
4 consideration. I don't know what I would have felt at
5 that time.

6 Q. Okay. So you don't think it's likely that at that
7 point you would have said to yourself, "Please tell me
8 what the results of your investigation into Father Gana
9 abusing ^{Timmy} [REDACTED] were," and if Father Lynn had
10 shared with you: "Well, Cardinal, I didn't actually do
11 that investigation," your response would not have been to
12 take him out of his position as Secretary for Clergy?

13 A. No, because in other ways he was very competent.
14 The fact that -- even granting there was a lapse there, a
15 single lapse doesn't make someone necessarily incompetent.

16 Q. A single lapse doesn't make somebody incompetent?

17 A. Well, too, it depends on the circumstances.

18 Q. Okay. Do you agree with me, sir, that his lapse in
19 the fall of 1992 resulted in minors in the Archdiocese of
20 Philadelphia being endangered?

21 A. I don't know.

22 Q. Okay.

23 A. That's very hard for me to determine.

24 Q. Okay.

25

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 BY MS. MCCARTNEY:

3 Q. But, Cardinal, you've already agreed with the fact
4 that given the information that was available with regard
5 to Father Gana, and that was made known to you, that that
6 was one of the reasons that you ordered the investigation,
7 that you did not want children jeopardized, correct?

8 A. Yes, I never --

9 Q. And you felt, though, that Father Gana, given what
10 information had come out in the ^{Timmy} [REDACTED] investigation,
11 you felt that he did in fact potentially pose a risk to
12 children, correct?

13 A. I have to say that according to statistics, he may
14 have posed a risk.

15 Q. He may have posed a risk, and one of the reasons
16 that you wanted that investigation done and completed and
17 you ordered that to be done in 1992 was for that reason,
18 correct?

19 A. That would be what I wanted to --

20 (The witness conferred with his
21 attorney.)

22 MS. MCCARTNEY: I'm sorry. Counsel,
23 unless the client wants to speak with you, please
24 don't be giving answers to him.

25 THE WITNESS: Please.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (The witness conferred with his
3 attorney.)

4 THE WITNESS: I say at that time the
5 main investigation was to find out about the
6 relationship of Father Gana and ^{Timmy} [REDACTED]
7 Naturally, it's always to remove someone who
8 presents a danger.

9 BY MS. MCCARTNEY:

10 Q. Correct. And one of the reasons -- and you
11 believed that given the information that had come out in
12 the ^{Timmy} [REDACTED] investigation, you believed that Stanley
13 Gana potentially posed a risk to other children, correct?

14 A. I'd have to say that -- you know . . . you know,
15 from the statistics that were shown to me, he could be a
16 potential risk, but I cannot determine that myself.

17 Q. I understand that, Cardinal, but that's the reason
18 ~~you wanted the investigation done, correct?~~

19 I'm not asking you to put a percentage on what the
20 risk was, but the fact that there was a risk was known to
21 you and that was one of the reasons that caused you to
22 order that investigation to be conducted, correct?

23 A. Was to find out if -- if [REDACTED]
24 allegations were true and to take action on that.

25 Q. So given the fact that that was known in 1992 and

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 nothing was done between 1992 and 1995 and Father Gana was
3 left at Our Mother of Sorrows in the role of pastor with
4 no treatment and no evaluation being conducted, would you
5 agree with me that there was a risk to the adolescent
6 children of that parish during that period of time?

7 A. (No response.)

8 Q. Given the failing of Monsignor Lynn to conduct that
9 investigation?

10 A. According as was read to me, statistically there's
11 always a potential.

12 Q. But we're not talking about hypotheticals here,
13 Cardinal, and we'll move off this in a moment, but we're
14 talking about somebody that was known to have the
15 allegations that he -- everybody poses that risk,
16 Cardinal. I mean, I could pose a risk. You could pose a
17 risk. We all could pose a risk. But this was more than
~~18 just an unknown risk, correct?~~

19 A. Well, first of all, we only have -- we had the
20 allegations from [REDACTED] and others.

21 Q. And others, correct?

22 A. But as yet, from the evidence that was presented to
23 me, there was -- you know, we don't have proof yet whether
24 Father Gana actually did these. I mean, there was a lot
25 of allegations.

ANTHONY JOSEPH CARDINAL BEVILACQUA

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Q. Exactly my point, though, Cardinal, that you ordered the investigation to be conducted so that maybe there could have been a conclusive answer to that that came about as a result of the investigation that you had ordered, correct?

A. That is right.

Q. And part of the investigation potentially could have revealed other victims, potentially, correct?

A. If it's true, I mean, but the investigation at that time, since it's not done . . .

Q. So the bottom line, then, my question --

A. It would seem to me we don't have the response of Father Gana yet.

Q. Because we never conducted the investigation, can we conclude that from the document?

A. No, but then you're asking me if he's a potential ~~risk if it hasn't been determined.~~

Q. I'm asking you, Cardinal -- and again, just so we're clear, what I'm actually asking you, you ordered the investigation not based upon whether or not Father Gana came in and acknowledged that he had abused children, but based upon the information that you had, you believed that there was the potential for risk to children, correct?

A. Because the allegations that were made seemed to be

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 credible.

3 Q. Correct. So you ordered the investigation?

4 A. But they were not absolute, and therefore, with
5 credibility, you would have to use the word "potential."
6 If it's true that he did do these things, yes, then there
7 is a risk.

8 Q. Okay. Right. And my question to you, back to the
9 very first one that I asked you: So the potential for
10 harm existed for an additional three years to the children
11 of Our Mother of Sorrows. The potential for harm by a
12 sexual offender existed because no investigation was done.
13 Would you agree with that?

14 A. I can't answer that question.

15 Q. All right. Fine.

16 BY MR. SPADE:

17 Q. Okay. Cardinal, it's twelve twenty now. We've
~~18 been going for a little over an hour. We're going to take~~
19 a ten-minute break, and then we'll come back. So we'll
20 come back at twelve thirty and then we'll go for fifteen
21 to thirty minutes before the luncheon.

22 MR. GALLAGHER: We're breaking at
23 twelve thirty. We decided that earlier. We're
24 breaking at twelve thirty.

25 MR. SPADE: All right.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Are you okay, Cardinal, to go another
3 ten minutes?

4 THE WITNESS: Yes.

5 MR. SPADE: Okay.

6 BY MR. SPADE:

7 Q. The next document, Cardinal, is GJ-1151. It's a
8 November 21, 1995, memo from William J. Lynn to yourself.

9 Do you see that?

10 A. Yes.

11 Q. Okay. And, sir, this is the only point I want to
12 make here, is that the summary report that we were just
13 discussing, marked GJ-1150, according to this memo, was in
14 fact passed on to you, correct?

15 In other words, Father Lynn writes at the bottom of
16 the first paragraph: "Also, attached is the initial
17 summary report from Saint John Vianney Hospital"?

18 A. Which one are you talking about?

19 Q. This is GJ-1151. At the bottom of the first
20 paragraph, Father Lynn writes: "Also, attached is the
21 initial summary report from Saint John Vianney Hospital"?

22 A. Yes.

23 Q. You would agree with me, sir, that he's referring
24 to that document?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. -- that we just discussed, correct?

3 A. Yes.

4 Q. So you would agree with me, sir, that that was in
5 fact -- even though you don't have a specific recollection
6 of it, it was in fact given to you?

7 A. Yes.

8 Q. Okay. And then the other information that's
9 contained in eleven fifty-one is the fact that Father Lynn
10 writes: "Given the strong suspicions that are present
11 concerning the two allegations that have been made against
12 Father Gana," he recommends that Father Gana be asked to
13 resign as pastor of Our Mother of Sorrows, correct?

14 A. Yes.

15 Q. So again, even though you've testified that you
16 didn't have conclusive evidence that Father Gana had
17 abused ~~Timmy~~ and ~~Barny~~ you had strong suspicions,
18 and therefore, you asked him to resign as pastor?

19 A. Yes.

20 Q. And the conclusive evidence, Cardinal, would have
21 been what? An admission by Father Gana?

22 A. Yes.

23 Q. Okay. And then the next document is GJ-34, which
24 is a November 22, 1995, memo from Reverend Joseph Cistone
25 to yourself.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. Do you see that?

4 A. Yes.

5 Q. Okay. And again, I'm just trying to refresh your
6 recollection and establish the fact that the Vianney
7 diagnosis, as well as the recommendations of Father Lynn,
8 namely, that Father Gana be asked to resign as pastor of
9 Our Mother of Sorrows, were in fact passed on to you and
10 discussed with you, correct?

11 A. Yes.

12 Q. Okay. Having looked at these documents, does it
13 refresh your recollection, your independent recollection,
14 about this transpiring?

15 A. No, they do not. No.

16 Q. Okay. And then in the first full paragraph of
17 GJ-34, Father Cistone writes: "Bishop Cullen and I
18 ~~discussed this matter. Bishop Cullen concurs with the~~
19 recommendations but believes that, after Father Gana
20 submits his resignation, Father Lynn should inform him
21 that his faculties are limited to private Mass and that
22 Father Gana can seek permission for exceptions. Bishop
23 Cullen and I both feel that this has the potential of
24 becoming a PR concern."

25 Cardinal, what I wanted to ask you is: Do you

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 remember discussing with Bishop Cullen that he in fact
3 thought that Father Lynn's recommendations needed to go a
4 step further, namely that Father Gana be restricted to
5 private Mass?

6 A. No, I don't recall that.

7 Q. Okay. Do you have any idea why Bishop Cullen would
8 have been concerned that Father Gana be restricted to
9 saying private Mass?

10 A. Why he would be concerned?

11 Q. Yes.

12 A. I suppose it's based on what was said, the
13 suspicions and, you know, to make sure that on those
14 suspicions, that he has -- that he's removed from public
15 ceremonies.

16 Q. Okay. And would one of the concerns there be that
17 he not have access to children, to minors?

18 ~~A. That would be one of them.~~

19 Q. Okay. Can you think of any other concerns there?

20 A. Not at the present time.

21 Q. Okay. Can you turn to GJ-35. It should be the
22 next document.

23 Do you see that?

24 A. Yes.

25 Q. And this is a November 27, 1995, memo from Cistone

1 ANTHONY JOSEPH CARDINAL BEVILACQUA
2 to Father Lynn, and it's regarding the letter dated
3 November 22, 1995, from Reverend Stanley M. Gana to
4 Cardinal Bevilacqua, "Re: Resignation from pastorate,"
5 and then the second page in this, in GJ-35, would be the
6 November 22 resignation letter.

7 Do you see that?

8 A. Yes.

9 Q. Okay. And then at the bottom of first page of the
10 cover memorandum, Father Cistone writes: "Please note
11 that his Eminence has seen this letter but no response was
12 given. If appropriate, please prepare a suitable letter
13 of response for Cardinal Bevilacqua's signature."

14 So again, sir, these documents establish that you
15 were involved in the discussions regarding what to do with
16 Father Gana after the diagnosis came in from Vianney of
17 sexual disorder, correct?

18 A. Well, by recommendations, I would have seen the
19 recommendations made.

20 Q. Right.

21 A. Yes.

22 Q. Okay. And then the next document would be GJ-48.
23 Do you see that one? It's a one page memorandum.

24 A. I have it.

25 Q. It's a February 23, 1996

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. -- memo from Father Lynn to the file regarding a
4 telephone call from Dr. Donna Markham.

5 A. Yes.

6 Q. And Dr. Markham, do you recall now what her
7 position was at that time?

8 A. Not independently.

9 Q. Okay.

10 A. Just from this.

11 Q. She's identified in the memo as being a
12 psychologist who is treating Father Gana at Southdown --

13 A. Yes.

14 Q. -- is that correct?

15 A. Yes.

16 Q. And Southdown -- I think we've touched on this
17 before, but Southdown is a Catholic treatment center in
18 Toronto, Canada; is that correct?

19 A. Yes.

20 Q. Okay. And then the second full paragraph at the
21 bottom, Father Lynn writes: "She," meaning Dr. Markham,
22 "confronted him about it," and him would refer to Father
23 Gana, "and he broke down and was completely honest with
24 her.

25 "He described in explicit detail to her the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 incidents in which he was involved. She said all the
3 allegations against him are true. He admitted
4 everything."

5 Did I read that correctly?

6 A. Yes.

7 Q. Cardinal, would this information have been reported
8 to you in February of 1996, the fact that Father Gana had
9 now finally admitted that he had sexually abused these
10 boys?

11 A. I don't recall.

12 Q. I'm asking would it have been reported to you?

13 Is this something of enough importance that you
14 would have wanted to have known about it?

15 A. I can't answer that. I don't know how they
16 determined -- they can't be sending me all the files.

17 Q. No. But what I'm asking you, sir, is: Given your
~~18 order of priority of issues that you were dealing with in~~

19 the Archdiocese of Philadelphia, is the fact that one of
20 your priests had admitted to having anal intercourse with
21 eleven, twelve and thirteen year old boys something of
22 enough importance that you would have wanted it reported
23 to you?

24 A. It's important, but I have a hesitation that they
25 would have sent this to me. They may have been waiting

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 for a summary updating. I don't know how they would
3 inform me.

4 Q. I understand. I understand, but you would have
5 wanted to know about this; that's what I'm asking you?

6 A. I always would want to know, but . . .

7 Q. Okay. And in your communications with -- and we've
8 gone over this before, and I'm sorry to belabor the point,
9 but in your communications with your subordinates, you
10 made that known to them that you would want to know
11 information like this, correct?

12 A. Well, important information.

13 Q. Okay.

14 MR. SPADE: All right. It's twelve
15 twenty-nine now, and as Mr. Gallagher indicated,
16 we're going to break now how lunch.

17 MR. GALLAGHER: Two o'clock.

18 MR. SPADE: Cardinal, thank you. We're
19 going to break until two o'clock, and then please
20 be back at two o'clock. Thank you.

21 THE WITNESS: Okay. Thank you.

22

23

24

25

MR. GALLAGHER: Cardinal, you can leave

ANTHONY JOSEPH CARDINAL BEVILACQUA

the documents here. The stenographer will be here during the lunch hour for security.

(Whereupon the witness and his counsel were excused from the grand jury room.)

MS. MCCARTNEY: [REDACTED]

[REDACTED]

about ten more pages [REDACTED]

[REDACTED]

get [REDACTED] fifteen

pages [REDACTED]

So [REDACTED]

[REDACTED]

[REDACTED] ss

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MS. MCCARTNEY: [REDACTED]

[REDACTED] at.

[REDACTED]

(A luncheon recess was held.)

(END OF VOLUME 11)

- I N D E X -

	<u>PAGE</u>
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	

<u>EXHIBITS</u>	<u>IDENTIFICATION</u>
GJ-115, (Previously marked exhibit.)	9
GJ-112, (Previously marked exhibit.)	14
GJ-1149, (Previously marked exhibit.)	16
GJ-116, (Previously marked exhibit.)	18
GJ-119, (Previously marked exhibit.)	21
GJ-25, (Previously marked exhibit.)	24
GJ-1159	31
GJ-27 and GJ-29 (Previously marked exhibit.)	40
GJ-1150, (Previously marked exhibit.)	52
GJ-1151, (Previously marked exhibit.)	63

(INDEX CONTINUED)

- I N D E X -

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

EXHIBITS

IDENTIFICATION

GJ-34, (Previously marked exhibit.)
GJ-35, (Previously marked exhibit.)
GJ-48, (Previously marked exhibit.)

64
66
67
