

## APPENDIX H-9

9-1-16

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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  
(RE: REV. STANLEY M. GANA)

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE  
Deputy District Attorney

WILLIAM SPADE, ESQUIRE  
Assistant District Attorney

MAUREEN McCARTNEY, ESQUIRE  
Assistant District Attorney

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For the Commonwealth

PRESENT:

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

Reported by: Charles Holmberg  
Official Court Reporter

VOLUME IV

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ANTHONY JOSEPH CARDINAL BEVILACQUA

MR. SPADE: Okay. We're back on the record. It's two o'clock on Thursday, January 29.

How many jurors are present, please?

[REDACTED]

Cardinal Bevilacqua is back in the room with his counsel.

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

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BY MR. SPADE:

Q. Good afternoon, Cardinal.

Cardinal, when we left off, we were talking about GJ-48, and I just have one or two more questions about this. This is a document again of February 23, '96, memo from Father Lynn to the file.

You don't have that in front of you yet?

MR. HODGSON: What's the date again?

MR. SPADE: GJ-48.

THE WITNESS: I don't have it here.

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ANTHONY JOSEPH CARDINAL BEVILACQUA

(Pause.)

MR. HODGSON: It's the last one.

THE WITNESS: Okay. Thank you.

MR. SPADE: You're welcome.

BY MR. SPADE:

Q. I know it's hard to keep track. There are a lot of documents.

Again, this is the document where Father Lynn reports that Dr. Markham had disclosed to him that Father Gana had admitted that the allegations of sexual abuse of minors made against him were true, and the second to last paragraph, Cardinal, where Father Lynn reports: "She," meaning Dr. Markham, "said what we are looking at is a person that is very heavily addicted to drugs and alcohol and very heavily involved in substance abuse, and that causes sexual acting out. She said he would not be diagnosed a pedophile or ephobophile, but rather a person who acted out under the influence of drugs or alcohol."

Cardinal, do you have a recollection, an independent recollection, of receiving that information?

A. I do not.

Q. Okay. Again, let me ask you. Realizing that you don't have a recollection of that, but knowing how your mind works, when that information was reported to you,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that Dr. Mackham would not diagnosis Stanley Gana as a  
3 pedophile or an ephebophile, would you have had some  
4 questions about that diagnosis?

5 In other words, would you have had a question along  
6 the lines of: Well, how can he be having anal intercourse  
7 with eleven, twelve and thirteen year old boys but not be  
8 diagnosed as a pedophile or ephebophile?

9 A. You mean -- this is a hypothetical?

10 Q. Right. When you received that, can you go back and  
11 guess how you would have reacted to that, knowing how  
12 you -- you know, knowing yourself essentially?

13 Well, let me ask you this.

14 A. No. I would not be considered professional in this  
15 area.

16 Q. I understand. Well, let me ask you this.

17 As you sit here and look at it today, at this

---

18 document, knowing what you know, that he had anal  
19 intercourse with three boys from the ages of eleven to  
20 thirteen, does that strike you as raising questions that  
21 he would not be diagnosed as a pedophile or ephebophile?

22 A. I always leave that to the doctors.

23 Q. Okay. But as the person at that time who was  
24 trying to make a decision about whether Stanley Gana would  
25 be reassigned to a position within the Archdiocese, would

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 you have wanted to have more information as to how she  
3 could have reached that diagnosis?

4 A. No. I would have trusted her diagnosis.

5 Q. Okay. When we were looking at the document before  
6 that I marked as GJ-1159 and we looked at one of the  
7 excerpts on page four, you had raised some -- you don't  
8 need to go back and look at it. I just have a general  
9 question.

10 You had raised some distinctions about between  
11 people who are diagnosed as pedophiles or ephebophiles and  
12 people who are referred to as people who sexually act out  
13 with minors, and you would seem to indicate that that  
14 raised some questions in your mind as to whether there are  
15 many different recidivism rates for the different  
16 categories; is that accurate?

17 A. No. I was just reflecting what was written there.

---

18 Q. Okay. Do you think it's significant whether a  
19 priest, one of your priests, comes back and is not  
20 diagnosed as a pedophile but is diagnosed as having a  
21 sexual disorder?

22 A. Oh, I'm concerned about that.

23 Q. Okay. I mean, would it raise questions in your  
24 mind: Well, Father Gana was diagnosed as having a sexual  
25 disorder. Is that something that we need to worry about

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 about in terms of him acting out in the future?

3 A. Yes.

4 Q. Okay. Are those questions something that you would  
5 have communicated to Father Lynn or the other people that  
6 were working on these matters for you?

7 A. I think they would have thought of it themselves.

8 Q. Okay. So are you saying that you assumed that they  
9 would have thought about these questions themselves?

10 A. Yes.

11 Q. Okay. And again, you didn't have any procedures in  
12 place to make sure that they were thinking about these  
13 questions or asking these questions?


14 A. Well, I know they were thinking about it because  
15 whenever we had any kind of accusations, we took them very  
16 seriously.

17 Q. Okay. Cardinal, could you turn to the document  
18 that's marked GJ-1152.

19 I'll give you a minute to find it.

20 A. Well, the numbers are all . . .

21 I have it.

22 Q. Okay. GJ-1152 is a November 28, 1995, memo from  
23 Michael McCulken to the file regarding a telephone  
24 conversation with 

25 Cardinal, again, I'm just going to summarize this

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 briefly.

3 The key piece of information in here, in this  
4 document, that I wanted to bring to your attention was  
5 that Father Moran, who was Father Gana's canonical advisor  
6 or canonical lawyer, had reported to Father McCulken and  
7 Father Lynn that Father Gana was informing his  
8 parishioners about his resignation and he was reporting to  
9 the parishioners that he was resigning for health reasons.

10 Do you see that? It's the second full paragraph.

11 I'll just read it to you.

12 A. Yes.

13 Q. "I explained to Father Moran that Cardinal  
14 Bevilacqua approved Father Gana's request to resign as  
15 pastor."

16 A. Yes.

17 Q. "I indicated that Father Gana's letter had arrived  
18 and that Cardinal Bevilacqua would respond accepting the  
19 resignation. I told Father Moran that Father Gana  
20 informing the parishioners about his resignation because  
21 of health was approved as was his living temporarily at  
22 his home or the home of his friend in Florida. I also  
23 explained that we would help with finding an appropriate  
24 inpatient facility."

25 Did you see that?



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1  
2 A. Yes.

3 Q. Did you follow along as I was reading?

4 The question, and I think we've touched on this  
5 before, and I don't want to go over it much, but what was  
6 the reasoning there behind telling the parishioners at Our  
7 Mother of Sorrows that Father Gana was resigning for  
8 health reasons and not because he had admitted to sexually  
9 abusing some prepubescent boys?

10 A. I mean, it is true that there are many health  
11 reasons when you read the report from -- what was it?  
12 Anodos, and Southdown? That he had health problems. Even  
13 psychological problems. A sexual disorder is a health  
14 problem.

15 Q. Okay. I guess what I'm asking -- I agree with you  
16 that a sexual disorder is a health problem, but my  
17 question is: What was the rationale for not reporting the  
18 full picture, which is yes, he had health problems and the  
19 health problems were that he had a sexual disorder and was  
20 having sex with prepubescent boys?

21 A. It was not our practice to specify at that time,  
22 you know, what the health reasons were.

23 Q. Okay. Cardinal, I didn't make a copy of this for  
24 you, but this is another -- I'm going to read to you from  
25 volume two of Restoring Trust, a Pastoral Response to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Sexual Abuse. I had referred to this document before.

3 It's a document that you produced to the grand  
4 jury, and, Cardinal, the tab that I'm reading from, and  
5 it's just a very short section, is entitled "Ad-Hoc  
6 Committee on Sexual Abuse," responding to  
7 Victim-Survivors, and it's dated November of 1995, and  
8 I'll give it to you in a minute so that you can look at  
9 it, but the part that I'm reading from within that  
10 subsection is page thirty of the document, and I just want  
11 to read a short excerpt for you; and again, the whole  
12 article is talking about how bishops and secretaries of  
13 clergy should deal with parishes when the pastor or one of  
14 the priests assigned to the parish is removed because he's  
15 been alleged to have sexually abused a minor or has  
16 admitted to sexually abusing a minor, and again, this is  
17 an NCCB document.

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18 "In responding to affected parish communities, the  
19 diocese is guided by these three principles:

20 "These parishes undergo a complex process of  
21 grieving when they learn a trusted and respected leader  
22 has been accused.

23 "A most important element in healing is receiving  
24 accurate information of what happened; the healing of the  
25 community is a multidisciplinary challenge."

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 I'm just going to hand you the document so that you  
3 can take a look at it for yourself. What I read from is  
4 right there and right there, and it's got the arrow next  
5 to it.

6 (Pause.)

7 MR. GALLAGHER: Is that volume one or  
8 two?

9 MR. SPADE: It's two.

10 (The witness conferred with his  
11 attorney.)

12 THE WITNESS: May I talk?

13 MR. SPADE: Yes, you can certainly  
14 confer with counsel.

15 (The witness conferred with his  
16 attorney.)

17 BY MR. SPADE:

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18 Q. Have you had a chance to confer with counsel?

19 A. I did.

20 Q. Okay. Cardinal, I just wanted to ask you just a  
21 very basic question.

22 I'm sorry. Did you have something that you wanted  
23 to say?

24 A. No. I was going to answer it again. Go ahead.

25 Q. Answer what again?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1  
2 A. No. I thought you were going to ask me that I -- I  
3 was just repeating what I said before, you know, about  
4 it's true that there were health reasons.

5 Q. Okay.

6 A. And to repeat why didn't I tell, you know, give the  
7 full explanation is at that time it was not our practice.

8 Q. Okay. Cardinal, in reading that excerpt from the  
9 NCCB document that I just showed to you, you would agree  
10 that the NCCB experts that were advising you and the other  
11 bishops about how to deal with this were telling you -- I  
12 believe it's -- I don't have it in front of me. I think  
13 it says a most important element of dealing with the  
14 parishes is giving them complete and accurate information,  
15 correct?

16 A. That's what it says here.

17 Q. Okay. And you would agree that in telling Our  
18 Mother of Sorrows Parish that Father Gana was being  
19 removed for health reasons, that that was certainly  
20 accurate but it wasn't complete, correct?

21 A. Well, it was complete as we did at the time.

22 Q. Okay. So in your understanding of it, that was a  
23 complete explanation?

24 A. Yes, for us.

25 Q. Okay.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (The witness conferred with his  
3 attorney.)

4 BY MR. SPADE:

5 Q. And, Cardinal, has that practice -- well, up until  
6 the time that you stepped down as the Archbishop of the  
7 Archdiocese of Philadelphia, did the practice change any  
8 time between when Father Gana was removed from Our Mother  
9 of Sorrows in the fall of 1995 until the time that you  
10 stopped being the Archbishop?

11 A. We didn't have much occasion, but after the --  
12 after Dallas, we revised our guidelines.

13 Q. Okay.

14 A. As far as I recall.

15 Q. And Dallas was in June of 2002?

16 A. Yes.

17 Q. Okay. You're referring to the meeting of the U.S.  
18 Conference of Catholic Bishops in June of 2002?

19 A. Right. And after the guidelines -- that was only  
20 the beginning of the change, because the charter had to be  
21 approved and so on. So it took quite a while after.

22 Q. Okay. When you received the three-volume set of  
23 Restoring Trust from the NCCB in 1995, do you remember --  
24 did you read the whole document? Did you read excerpts  
25 from it, or did you delegate somebody to read it?

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2 A. I went through, you know, what I thought were  
3 relevant portions, but that's -- that's such a long time  
4 ago, and I presume I gave it to the Secretary for the  
5 Clergy.

6 Q. Okay. Do you remember at that time having  
7 discussions with other bishops or people that worked for  
8 you in the Archdiocese as to how to put into effect some  
9 of the suggestions that were being set forth by NCCB  
10 document, Restoring Trust document?

11 A. I don't recall doing that, but I know there would  
12 have been occasions when we would have discussed this.

13 Q. Okay. Would the discussions have included a  
14 discussion of why the NCCB experts were advising the  
15 bishops to provide complete and accurate information to  
16 the parishes when a sex abuser priest was removed from the  
17 parish?

---

18 A. I don't recall that.

19 Q. You don't remember if that would have included  
20 that?

21 Well, do you have any insight as to why that  
22 recommendation was made?

23 Do you know what the rationale behind the  
24 recommendation was?

25 A. (No response.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Do you have any insight into that?

3 A. Why this was made?

4 Q. Yes. The recommendation of providing complete and  
5 accurate information to the parishes?

6 A. I guess it would depend on the parishes, maybe to  
7 avoid -- you know, to find out if others have been  
8 affected. There could be several mothers.

9 Q. Of other minors within the parish that had been  
10 affected; is that correct?

11 A. Yes.

12 Q. Okay.

13 A. That could have been one of the reasons.

14 Q. So there was an insight at that time among the  
15 bishops in the NCCB that it would be important when you  
16 remove a sex offender priest from a parish to find out  
17 whether he had abused other minors within the parish,  

---

18 correct?

19 A. It's important, but it may not necessarily mean by  
20 conveying it in that way, of announcing it to the people.  
21 There could be other ways possibly.

22 Q. Okay. And would another rationale have been that  
23 by providing information to the parishioners that that  
24 priest that had been removed had had allegations against  
25 him of sexually abusing minors, that then the

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1  
2 parishioners, if they had any further contact with that  
3 priest in the future, would be on notice that they should  
4 be careful about allowing their children, their teenagers  
5 or their children, to have contact with that priest?

6 A. That's hard to answer when you say there were  
7 allegations because that already makes that -- if you  
8 announce that, in the minds of people, he's guilty  
9 already.

10 Q. Right.

11 A. If their allegations had not been determined.

12 Q. Let's make it more concrete.

13 In the case of Father Gana, or Father Gana at this  
14 point in time, being the spring of '96, the fall of '95  
15 and the spring of '96, Father Gana at that point had  
16 admitted that he had sexually abused minors.

17 A. Yes.

---

18 Q. Would one of the purposes of advising Our Mother of  
19 Sorrows parishioners that Father Gana had admitted to  
20 sexually abusing minors have been to put them on guard in  
21 the future that they should be careful about allowing  
22 their children or their teenagers to be around Father  
23 Gana?

24 A. But in there he was resigning, so he was not going  
25 to be there anymore.



## ANTHONY JOSEPH CARDINAL BEVILACQUA

1  
2 Q. Okay. So in your mind there was no chance that he  
3 would be around minors in the future?

4 A. Well, certainly we were going to make every effort  
5 for that.

6 Q. Okay?

7 A. And in that parish particularly he would be gone.

8 Q. But you would agree with me if after that point,  
9 after the fall of '95 and the spring of '96, if Father  
10 Gana, despite your efforts, was around minors at that  
11 point and the parents of those minors had not been  
12 informed that he had admitted to sexually abusing minors,  
13 they would not be on notice to be careful about allowing  
14 their children to be around Father Gana, correct?

15 A. Well, it depends on what -- would you repeat that,  
16 because we can't follow him everywhere, and you know, at  
17 that time, we would not have announced it in -- you know,  
18 throughout the whole Archdiocese. It's hard to follow  
19 your question.

20 Q. Okay. Well, let me break it down for you.

21 If you had announced -- you agree with me that  
22 according to that NCCB document, which was produced in the  
23 fall of 1995, right around the time that this was  
24 happening with Father Gana -- in fact, Father Gana  
25 admitted to sexually abusing minors in February of 1996

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1  
2 according to GJ-48. You had that document in the fall of  
3 1995, referring to Restoring Trust, correct?

4 A. Yes.

5 Q. And that was advising you, correct, to be deplete  
6 and accurate in the information that you gave to parishes?

7 A. Yes. It was still considered only guidelines.

8 Q. I understand, but it was advising you to be  
9 complete and accurate, correct?

10 A. Well, it suggested that.

11 Q. Okay. If at that time -- you would agree with me  
12 if at that time, if you had followed that suggestion to be  
13 fair and accurate with the parishioners of Our Mother of  
14 Sorrows or in fact with all of the parishioners of the  
15 Archdiocese of Philadelphia, you would agree with me that  
16 if you had done that, the parishioners who had teenagers  
17 and children would then have been on notice about any  
18 potential danger that Father Gana presented to their

19 children, correct?

20 A. Your hypothetical is if I -- if I had done that,  
21 would they be on notice? Sure, they would be on notice.

22 Q. Okay. And you testified that you couldn't follow  
23 Father Gana around everywhere, correct?

24 A. Correct.

25 Q. Okay. And you testified that it was always your

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1 intention that he not be around children in the future,  
2 correct?

3  
4 A. That was our intent.

5 Q. Okay. So given all of those things that we just  
6 established, if at that point, meaning February of 1996,  
7 if after February of 1996 in one of his assignments with  
8 the Archdiocese of Philadelphia he was around teenagers or  
9 children again, he would present more of a danger to those  
10 children because the parents of those children and indeed  
11 those children themselves would not know that he was an  
12 admitted sex offender?

13 A. It would depend on the circumstances that he was  
14 in.

15 Q. Okay. The next document that we're going to look  
16 at is GJ-39. I'll give you a minute to find your copy of  
17 that.

---

18 (Pause.)

19 A. I have it here.

20 Q. And again, Cardinal, I'm going to summarize this in  
21 the interest of moving this along.

22 This is a March 13, 1996, memo from Michael  
23 McCulken to the file regarding a telephone call from  
24 [REDACTED] who was who's the Chancellor of the  
25 Diocese of Orlando, and you would agree that it's accurate

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that in this memo, Father McCulken reports that [REDACTED]  
3 [REDACTED] reported to him that Stanley Gana was living in  
4 the Diocese of Orlando, and I'll just quote from the  
5 second paragraph of the memo.

6 "Evidently some of the parishioners have told  
7 Father O'Reilly," Father O'Reilly was a priest in the  
8 Diocese of Orlando, "that there are a number of young  
9 people from Slovakia at the house. The ages appear to the  
10 people to be late teens and early twenties. The  
11 parishioners have expressed their concerns about what  
12 might be happening at the house. The pastor reported the  
13 information simply to let the officials know the concerns  
14 of the people in the event that anything should be wrong  
15 or go wrong."

16 The third paragraph: "[REDACTED] noted that the  
17 diocese has recently experienced some cases of sexual  
18 abuse that were highly publicized, and they are very  
19 sensitive about such issues. They do not want any adverse  
20 publicity. She wanted to let us know that they do not  
21 look favorably on such situations and in fact have a  
22 policy that no priest can have a minor child stay in the  
23 rectory or in the priest house. Sister also noted that a  
24 parishioner stated that they are aware that Father Gana  
25 left his parish abruptly and wonder what that might be  
[REDACTED]

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1 about."

2  
3 Q. Did I read that accurately?

4 A. Yes.

5 Q. Cardinal, do you have any recollection, you know,  
6 in looking at this document, did it refresh your  
7 recollection about learning this information in March of  
8 1996?

9 A. I have none at all.

10 Q. Okay. Is that something that would have been  
11 reported to you?

12 A. (No response.)

13 Q. Is that something of significant importance that  
14 would have been reported to you?

15 A. I'll be honest with you, I would doubt it.

16 Q. Okay.

17 BY MS. MCCARTNEY:

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18 Q. Cardinal, you don't think that that's something of  
19 significant importance, the fact that Stanley Gana, who  
20 had admitted to sexually abusing three teenagers, left the  
21 Archdiocese of Philadelphia, went down to Florida and  
22 there were reports coming back to the Archdiocese of  
23 Philadelphia that he was living in a house where there  
24 were teenagers there? That wouldn't have been of  
25 significant importance to reach your office?

## ANTHONY JOSEPH CARDINAL BEVILACQUA

1  
2 A. I'm just saying -- you know, something like this,  
3 they may have tried to find out, you know, when he went  
4 down, other information, before they would tell me, but I  
5 would not think that would -- I can understand if they did  
6 not inform me of this until they found out where he was,  
7 also that this is a . . . you know, there is no specific  
8 information here that they are, you know, below the age of  
9 eighteen. It says late teens and early twenties.

10 Q. Okay. Thank you.

11 BY MR. SPADE:

12 Q. Let me ask you this. You said that you think that  
13 Father Lynn and Father McCulken may not have reported this  
14 to you until they had done some investigation and found  
15 out what was happening; is that correct?

16 A. It's possible.

17 Q. Okay. You would agree with me that after they  
18 investigated and found out why he was down there and what  
19 he was doing, that they would have reported back to you on  
20 this, correct?

21 A. At some time, yes.

22 Q. Okay. Understanding that you don't have any  
23 independent recollection of a report being made to you,  
24 what would you have done or what would you have wanted to  
25 be done when you found out that Gana was down in Orlando

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 in a house with people in their late teens and early  
3 twenties?

4 A. Well, the first thing I think, I would have  
5 presumed they would try to find out, you know, why he was  
6 down there.

7 Q. Okay. Would you have wanted to issue an order to  
8 tell Father Lynn to call Father Gana back immediately to  
9 the Archdiocese of Philadelphia?

10 A. Well, I wouldn't -- they are very competent people.  
11 I am presuming that they would have realized that they  
12 would have to do that themselves.

13 Q. Okay. But, Cardinal, this wouldn't have outraged  
14 you that Father Gana was down there and the chancellor of  
15 another diocese was reporting that she was concerned  
16 about, you know, possible sexual abuse happening in his  
17 house?

18 A. You're talking about sexual abuse of a minor? It's  
19 not clear in this.

20 Q. Well, I'll just read from the document.

21 [REDACTED] noted that the diocese has recently  
22 experienced some cases of sexual abuse that were highly  
23 publicized and they are very sensitive about such issues.  
24 They do not want any adverse publicity. She wanted to let  
25 us know that they do not look favorably on such situations

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 and in fact have a policy that no priest can have a minor  
3 child stay in the rectory or in the priest house."

4 A. Right.

5 Q. Now, you would agree with me, Cardinal -- she  
6 certainly says that the reports were that the people were  
7 in their late teens and early twenties that were staying  
8 with Father Gana. I concede that.

9 But you would agree with me that the later  
10 paragraph indicates that [REDACTED] isn't certain how old  
11 the people living with Father Gana are and that she's  
12 concerned that they may be -- she doesn't know, but she's  
13 concerned that they may be minors and that there may be  
14 sexual abuse happening in the house, correct?

15 A. Yes.

16 Q. Is that a fair reading of the memo?

17 A. That she's concerned, yes.

---

18 Q. Yes. Okay. And my question to you is: When that  
19 was reported to you, after Father Lynn had done his  
20 investigation, you would have been outraged about that,  
21 correct?

22 A. I don't know if it was reported to me.

23 Q. Okay. No, but I'm asking you, knowing yourself,  
24 knowing, you know, what your reaction to something like  
25 this would be, right?



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. When you say outraged, I mean, I presume that they  
3 would do something about it, be in touch with him.

4 Q. Okay.

5 A. At least ask him to come back to Philadelphia.

6 Q. Right.

7 A. Go back to Southdown.

8 Q. Right. And you would want to be absolutely certain  
9 that they did do that, correct?

10 A. Yes.

11 Q. Because you're concerned about these matters?

12 A. Ordinarily, yes.

13 Q. Okay.

14 A. I'm presuming they made every effort.

15 Q. Okay. And the next document that we're going to  
16 look at is GJ-57.

17 Have you found your copy of that, Cardinal?

---

18 A. Yes.

19 Q. Okay. This is an April 2, 1997, memo from William  
20 Lynn to the file regarding a meeting with Dr. Samuel  
21 Mikail, and Dr. Samuel Mikail is identified as a doctor at  
22 Southdown institute or hospital in Ontario, Canada.

23 Cardinal, I just wanted to touch on the report  
24 there that Dr. Mikail makes, and this is in the fourth  
25 full paragraph: "Father Gana had sexual contact with

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2 eight people, both women and men. Of these eight, three  
3 were adolescents at the time."

4 So this is just confirming the fact that -- just  
5 confirming his earlier admission to having sexual  
6 relationships with minors, correct?

7 A. And also with adults.

8 Q. And also with adults as well, which I assume was  
9 not something that you wanted to tolerate, either?

10 A. No.

11 Q. And then the next document is GJ-59. This is an  
12 April 17, 1997, memo from Father Lynn to yourself  
13 regarding Father Gana, and the first thing I want you to  
14 touch on is in the second to last paragraph of the first  
15 page.

16 "On October 24, 1996, Father Gana called me to  
17 inform me he was returning to Southdown. He stated that  
18 he realized how important his priesthood is to him and  
19 that he needs to get well. He finally returned to  
20 Southdown in February of 1997."

21 Did I read that accurately?

22 A. Yes.

23 Q. So Father Gana returned to Southdown in February of  
24 1997. If you go back to GJ-39, and you don't need to look  
25 at it, Cardinal. You can just -- if you don't mind, you

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2 can take my representation for what it says.

3 But GJ-39 is the document that's dated March 13 of  
4 '96, that's the document where [REDACTED] reported Father  
5 Gana living with the young people in a house in the  
6 diocese of Orlando. You remember that?

7 A. I don't know if he was living or they were visiting  
8 him.

9 Q. Okay. They were visiting him.

10 The key thing, Cardinal, is that the date on  
11 GJ-39 is March 13 of 1996; and then in GJ-59, which is the  
12 April 17, '97 memo from Father Lynn to yourself, he  
13 reports that Father Gana didn't return to Southdown until  
14 February of '97.

15 Now, you would agree with me that that's an  
16 eleven-month period, correct?

17 A. Yes.

18 Q. Okay. So Father Gana, the inference that we can  
19 draw from this documentation, is that Father Gana may have  
20 been down in Orlando for eleven months, correct?

21 A. Could have been.

22 Q. Okay. And again, you don't have any recollection  
23 and there's no documentation that Father Lynn went down  
24 there to investigate what was happening, correct?

25 A. To Orlando?

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2 Q. Yes.

3 A. I'm not aware of that.

4 Q. Because you testified earlier that you thought it  
5 would be likely that he wouldn't report back to you until  
6 he had investigated what was going on down in Orlando,  
7 correct?

8 A. Yes. But that doesn't mean going down. I mean  
9 inquiring.

10 Q. Okay.

11 A. And urging.

12 Q. How would you make inquiries about what was  
13 happening down there of Father Gana?

14 A. I don't know about investigating. Trying to  
15 urge -- I said to urge him to come back to Philadelphia,  
16 go back to Southdown.

17 Q. Okay. So you would agree with me that if Father  
18 Lynn had been urging Father Gana to come back, to go back  
19 to Southdown, he wasn't successful for about eleven  
20 months, correct?

21 A. I would have to infer that.

22 Q. Okay. And during that time period, since you have  
23 no recollection of it, and it's not documented, apparently  
24 he wasn't reporting back to you, that you had a renegade  
25 priest, a renegade sex abuser priest living down in the

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2 Diocese of Orlando?

3 A. I'm just presuming that Father Lynn kept trying to  
4 urge him.

5 Q. Okay. And correct me if I'm wrong, Cardinal,  
6 because you're a canonist, but under canon law, you as the  
7 bishop could issue a directive to Father Gana to  
8 immediately return to the Archdiocese of Philadelphia, and  
9 you actually had power under canon law to reprimand him or  
10 to punish him under canon law if he did not obey your  
11 directive, correct?

12 A. That's true.

13 Q. Okay. And then going back to GJ-59 -- and again,  
14 I'll just summarize this. The other information here is  
15 that Dr. Mikail apparently agrees with the Vianney  
16 therapist that evaluated Father Gana and agrees -- and  
17 this is on the second page, Cardinal, of the first  
18 paragraph.

19 Dr. Mikail agrees, and I'm quoting, middle of the  
20 first paragraph: "Father Gana is not diagnosed as a  
21 pedophile although there were three men with whom he was  
22 involved in sexual misconduct from the time of their  
23 teenage years into young adulthood. These actions  
24 occurred from the mid-seventies to the mid-eighties. The  
25 remainder of these actions took place with adult females."

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2 That's again confirming that Father Gana was having  
3 sex with adults as well as children, correct?

4 A. That's what it states.

5 Q. Okay: And you would agree with me that Father  
6 Lynn, who's writing this memo, was actually a little  
7 inaccurate in his reporting when he said that, that Father  
8 Gana was involved in sexual misconduct from the time of  
9 their teenage years into young adulthood, because we know  
10 from other documents that ~~\_\_\_\_\_~~ *Timmy and Barry*

11 ~~\_\_\_\_\_~~ were actually eleven and twelve when they first  
12 started getting sodomized by Father Gana, correct; and  
13 that's actually before teenage years, correct?

14 That's prepubescent; would you agree with that?

15 A. In that particular . . . in that particular  
16 statement, but I don't know if that's the statement of Dr.  
17 Mikail.

18 Q. Oh, okay. I see. You're saying that maybe Father  
19 Lynn is just reporting what Dr. Mikail said?

20 A. That is correct.

21 Q. So you would agree with me whether it was Dr.  
22 Mikail or Father Lynn, that whoever it was that was making  
23 this statement was inaccurate?

24 A. Well, it's hard to tell. I don't know the whole  
25 story here.

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2 Q. Okay. And then the next document is marked  
3 GJ-1153.

4 Do you see that?

5 A. I have that.

6 Q. Okay. And this is Southdown. It's on Southdown  
7 letterhead. It's dated May 5 of '97, and it's a letter to  
8 Father Lynn from Donna Markham, Ph.D., who's a Southdown  
9 therapist; is that correct, Cardinal?

10 A. Yes.

11 Q. Okay. And then on the second page, second full  
12 paragraph, Dr. Markham writes: "With regard to diagnosis,  
13 I do not consider Father Gana to be a pedophile,  
14 ephebophile, nor does he exhibit any evidence of predatory  
15 sexual behavior."

16 I assume that you don't have a recollection of this  
17 being reported to you, correct?

---

18 A. An original recollection, no.

19 Q. Right. Again, but you would agree that this is  
20 important enough information that it would have been  
21 reported to you at some point, correct?

22 A. Possibly.

23 Q. Possibly. Okay.

24 If it was reported to you, Cardinal -- well, let me  
25 just ask you, sitting here today, reading that, Dr.

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1  
2 Markham saying that Father Gana does not exhibit any  
3 evidence of predatory sexual behavior --

4 A. Right.

5 Q. -- do you look at that statement and feel any sort  
6 of disbelief or skepticism about the statement?

7 A. No. I can't answer that.

8 Q. You can't answer it?

9 A. No.

10 Q. Okay. And then down to the bottom full paragraph,  
11 I'll read it: "Father Gana's hope and desire to continue  
12 in ministry raises the issue of future risk. At this  
13 point in Father Gana's recovery, I would" --

14 A. Forgive me. I can't find that.

15 Q. I'm sorry. At the bottom of the second page. The  
16 bottom paragraph of the second page.

17 A. Oh, okay.

---

18 Q. It starts off "Father Gana's hope." Do you see  
19 where I am?

20 A. Yes.

21 Q. "Father Gana's hope and desire to continue in  
22 ministry raises the issue of future risk. At this point  
23 in Father Gana's recovery, I would view him as being of  
24 minimal risk for relapse of substance abuse or sexual  
25 misconduct."



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2 I'm going to assume that you can't answer the  
3 question about whether you would view that statement with  
4 skepticism?

5 A. She's the expert.

6 Q. Okay.

7 A. We relied so much on medical experts.

8 Q. Okay. So you can answer the question?

9 A. Well, in the sense that's what she says, "minimal  
10 risk for relapse of substance abuse or sexual misconduct."

11 Q. And if today you had to face the decision of  
12 assigning Father Gana to a ministry and you could talk to  
13 Dr. Markham, you wouldn't want to ask her: Well, how is  
14 it he could have had anal intercourse with three boys,  
15 underaged, prepubescent boys, in the past and you view him  
16 as being of minimal risk for relapse into sexual  
17 misbehavior?

---

18 A. I am not the doctor, and she's the one that was the  
19 therapist.

20 Q. Okay.

21 A. They're supposed to have the expertise.

22 BY MS. MCCARTNEY:

23 Q. Well, Cardinal, we're clear on the fact that you  
24 are the one that makes the assignments of priests in the  
25 Archdiocese of Philadelphia, correct?

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2 A. Yes.

3 Q. So you have that responsibility.

4 And being vested with that responsibility, you  
5 don't think it was important to go back and question what  
6 somebody told you?7 I mean no disrespect, Cardinal, but in many of the  
8 questions that you've been asked today, if you don't agree  
9 with what's being said or you have a question about what  
10 the question actually means, you ask that. You say: I  
11 don't understand --

12 A. That's right.

13 Q. -- or I want to go back and I want to be clear on  
14 what it is that you're asking me.'15 So certainly that's part of what skills you've  
16 developed to get you as far as you've gotten in life,  
17 correct?

18 A. (No response.)

19 Q. You've achieved a very high position of Cardinal.  
20 Aside from the Pope, it's the highest you can go, correct?

21 A. (No response.)

22 Q. Correct?

23 A. I don't know about that.

24 Q. Within the Catholic Church, correct?

25 A. I don't consider it a very high position.

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1  
2 Q. Okay. Well, if we were looking --

3 A. But anyhow.

4 Q. Correct. And the reason that you've gotten to that  
5 point, Cardinal, is because you've demonstrated your  
6 ability with certain skills, correct?

7 A. I don't know. It's God's providence.

8 Q. Well, Cardinal, I mean, I think that this is a  
9 question that the grand jurors have, and that is that  
10 somebody who is vested with the responsibility that you  
11 had in the Archdiocese of Philadelphia, your educational  
12 background, your experience, your obvious intelligence, is  
13 it your testimony that you take a diagnosis from an expert  
14 that says that he has no or there's little, minimal risk  
15 of relapse and that you just accept that blindly?

16 A. When it comes to medical professional people, we  
17 generally do. I mean, how can I countermand that? How  
18 can I question that?

19 BY MR. GALLAGHER:

20 Q. You had an admission by him that he did it. You  
21 have an admission by Gana that he did this earlier.

22 A. Yes, but this is a rehabilitation.

23 Q. I don't care about rehabilitation. You had an  
24 admission. You have an admission by Gana that he anally  
25 raped eleven year old boys.

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2 A. This is after he has received a lot of treatment,  
3 and it's -- I have to rely on these experts, that after  
4 all of this therapy and treatment, now he presents what  
5 she says, a minimal risk.

6 THE WITNESS: If I may.

7 MR. SPADE: Yes, please.

8 THE WITNESS: I mean, even the  
9 statistics you gave from Dr. Gill, remember there  
10 was a difference between those who were not  
11 treated.

12 MR. SPADE: Yes.

13 THE WITNESS: And those who are  
14 treated.

15 MR. SPADE: Right.

16 THE WITNESS: So there can be a change  
17 with the treatment.

---

18 MR. SPADE: Right.

19 THE WITNESS: Therefore, I have to rely  
20 on their expertise to say now at this point he  
21 presents a minimal risk.

22 MR. SPADE: Okay.

23 BY MR. SPADE:

24 Q. Do you know, Cardinal, whether Drs. Mikail and  
25 Markham, in treating Father Gana and in evaluating Father

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1  
2 Gana, relied solely on information that was provided to  
3 them by the Archdiocese of Philadelphia and Father Gana  
4 himself or whether they got information from outside  
5 sources?

6 A. I do not know that.

7 Q. You do not know that.

8 Do you know whether your Secretary of Clergy would  
9 have known that?

10 A. I do not know that, either.

11 Q. Okay. Since you raised it, going back to GJ-1159,  
12 the Gill article, the article by Dr. Gill, do you still  
13 have your copy of that?

14 If you look at page five of that article, under the  
15 heading "Additional Information Obtained," do you see  
16 where I am?

17 A. Yes.

---

18 Q. The first bullet point there, there's a number of  
19 bullet points that Dr. Gill puts out. The first one  
20 that's listed there is: "Clinicians believe that both  
21 self-reports by patients and clinical opinions of  
22 therapists will underestimate the incidence rate of  
23 recidivism."

24 Do you understand what that means?

25 A. Yes.

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1  
2 Q. Okay. What does that mean?

3 A. I mean, that they may minimize it in the sense they  
4 will underestimate, that word "underestimate."

5 Q. Right.

6 A. This is one man's opinion.

7 Q. Right. And this one man's opinion is one man that  
8 the NCCB hired to counsel you and your fellow bishops,  
9 correct, about how to handle sex offenders?

10 A. I don't know about counseling us. It's an article  
11 that was in one of the volumes.

12 Q. Well, okay. Let me rephrase it.

13 This is a man who was solicited by somebody at the  
14 NCCB to submit an article to the bishops about how to  
15 handle sex offender priests after they had received  
16 treatment, correct?

17 A. But it doesn't mean you have to follow this.

---

18 Q. I understand that. I'm just asking you. This  
19 opinion, this one man's opinion, was solicited by the  
20 bishops, correct?

21 A. I presume someone had to ask him to include this.

22 Q. Right. It just didn't get into the Restoring Trust  
23 document by itself, correct?

24 A. No.

25 Q. Okay. And then if you turn to page six, the fourth

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2 bullet point down, and I'll read it: "In some centers  
3 where priests are treated, the diagnosis (sexual abuser)  
4 has been disguised; as a result, accurate statistics are  
5 impossible to obtain there."

6 Do you have an understanding of what that means?

7 A. Yes.

8 Q. What do you think that means?

9 A. But we're talking about something entirely  
10 different, first of all.

11 Q. Well, Cardinal, with all due respect, really, could  
12 you first answer my question, and then we can talk about  
13 the other topic.

14 What do you think that this means here, that the  
15 diagnosis in some of these treatment centers is disguised?

16 A. Just what it says.

17 Q. In other words, somebody might be a pedophile or an  
18 ephebophile, but they're given a diagnosis that is not  
19 labeled pedophile or ephebophile; is that your  
20 understanding of that?

21 A. That's what he says.

22 Q. That's what Dr. Gill says?

23 A. In some centers.

24 Q. Okay.

25 A. But I'm not saying that. You know, I have to rely

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2 on the expertise of reputable centers.

3 Q. Okay. You're not saying that you have to rely on  
4 the expertise?

5 A. I said I have to.

6 Q. Okay?

7 A. Southdown is a reputable center.

8 Q. Okay. Do you know whether any of the diagnoses  
9 that are reached by clinicians at Southdown are disguised?

10 A. No.

11 Q. Well, when you were deciding -- when you approved  
12 of the recommendation of Father Lynn to send Father Gana  
13 to Southdown, you had this information at your disposal.  
14 It had been given to you. By that I mean Dr. Gill's  
15 report.

16 Did you delegate anybody in the Archdiocese to do  
17 any investigation into whether Southdown was a reputable  
18 institution or not?

19 A. I am sure -- let me say this. I am presuming it  
20 was done beforehand, and there's general knowledge that it  
21 was a reputable center.

22 Q. Okay. And then the last bullet point, Cardinal, on  
23 page seven: "Most of the spokespersons for the centers  
24 agree that follow-up studies which have lasted only a few  
25 years may be of very limited value."



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2 What they're talking about there, Cardinal, and  
3 you'll have to take my representation for it, but Dr. Gill  
4 in the paper talks about how he and some other doctors at  
5 so-called Catholic treatment centers have been trying to  
6 put together a project where they would study recidivism  
7 rates for sex offender priests, but the bishops had not  
8 approved that project. Okay. And what he's talking about  
9 here is that the information that he and his fellow  
10 clinicians had collected up to that time indicates that  
11 whatever these treatment centers had about recidivism  
12 rates for sex offender priests would be of very limited  
13 value.

14 Do you remember that coming to your attention in  
15 the fall of '95?

16 A. No.

17 Q. Okay. And then the last thing I wanted to point  
18 out to you in this document is -- turning to page eight,  
19 and again, I agree with you completely that these are  
20 recommendations that were made by Dr. Gill and they  
21 certainly weren't binding on you or your fellow bishops,  
22 but one of the recommendations that Dr. Gill makes under  
23 the heading three, "Bishops could promote and attend  
24 meetings in which clinicians and researchers from the  
25 leading centers where priests are treated would design

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2 research projects that would identify (a) which priests  
3 are the best candidates for successful treatment, (b)  
4 which treatment modalities are likely to be most  
5 successful with which patients, and (c) which aftercare  
6 programs are most likely to prevent recidivism."

7 To your knowledge, did you participate in any  
8 meetings with your fellow bishops in which you recommended  
9 or your fellow bishops recommended that a program like  
10 this be instituted?

11 A. No.

12 Q. Okay. And then going back to the Gana file, could  
13 you take a look at the document that's marked GJ-1154.

14 Do you see that?

15 A. It's not after eleven fifty-three.

16 MR. HODGSON: What's the date?

17 MS. MCCARTNEY: August 19, 1997.

---

18 MR. SPADE: It's an August 19, 1997,  
19 cover memo from Reverend Cistone to Bishop Cullen.

20 (Pause.)

21 MR. HODGSON: What's the number again?

22 MR. SPADE: Eleven fifty-four.

23 (Pause.)

24 THE WITNESS: I have it here.

25 MR. SPADE: You have it. Okay.

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2 BY MR. SPADE:

3 Q. Again, this is an August 19, 1997, memo from Joseph  
4 Cistone to Bishop Cullen regarding Stanley Gana, and it's  
5 a cover memo which covers an August 12, 1997, memo from  
6 Father Lynn to yourself regarding Gana; is that correct,  
7 Cardinal?

8 A. Yes.

9 Q. Okay. At the very top of the August 12 memo,  
10 Father Lynn writes: "In response to my memorandum of June  
11 17 of '97, you approved a limited form of priestly service  
12 in the Archdiocese of Philadelphia for Father Gana as a  
13 chaplain to a religious community."

14 Is this jogging your memory as to that appointment  
15 that you made at that time, Cardinal?

16 A. Not independently of this.

17 Q. Okay. But now you see that you appointed Father  
18 Gana in June of '97 --

19 A. Yes.

20 Q. -- to be the pastor or the priest?

21 A. Chaplain.

22 Q. The chaplain assigned to the Carmelite Monastery?

23 A. Yes.

24 Q. Okay. And then at the bottom of that document  
25 Father Lynn writes: "The appointment of Father Gana as

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2 chaplain to the Carmelite Monastery would minimize the  
3 possibility of unwanted publicity."

4 And again, Cardinal, by unwanted publicity there,  
5 am I right in assuming that the unwanted publicity was the  
6 fact that Father Gana had admitted to sexually abusing  
7 three minors?

8 A. (No response.)

9 Q. Is that the publicity that you didn't want to come  
10 out?

11 A. Yes. On the abuses that were alleged.

12 Q. Okay. And you would agree with me that that's  
13 again contrary to the NCCB recommendation that you provide  
14 complete information to parishioners?

15 A. This is a monastery.

16 Q. Okay. So presumably he wasn't coming in contact  
17 with children at the monastery?

---

18 A. For the most part he would not be.

19 Q. Okay. Are you aware that he did come in contact  
20 with children at the monastery --

21 A. He --

22 Q. -- because you had said for the most part?

23 A. Well, you know, I'm thinking of instances there  
24 where they might bring children there.

25 Q. Okay.

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2 A. But the risk would be almost zero.

3 Q. Okay. How do you make that calculation, that it  
4 would be almost zero?

5 A. Because very rarely that children, as one of the  
6 other memos shows, that, you know, there were altar  
7 servers there, but they would only happen maybe twice a  
8 year, and the memos show that, because there was concern  
9 about that.

10 Q. Okay.

11 A. They would only be like at Christmas or Easter, and  
12 all of the altar servers were managed by the Mother  
13 Superior.

14 Q. Okay.

15 A. He had nothing to do with them.

16 Q. Okay.

17 A. And in fact, when they vested, the parents were  
18 always there.

19 Q. Okay.

20 A. So he had nothing else -- he had nothing to do with  
21 altar servers or young people.

22 Q. Okay. And again I'm going to make an assumption  
23 here based on prior answers, but I'm assuming that you had  
24 no direct knowledge that the facts that you just stated  
25 were in fact true, that you were relying on the competence

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2 of Father Lynn to make sure that these things were true,  
3 correct?

4 A. Correct.

5 Q. Okay. Because you never actually investigated  
6 yourself to make sure that there were only altar servers  
7 at Easter and Christmas, correct?

8 A. But it's from the memo that I read here.

9 Q. I understand.

10 A. Apparently, he was in touch with the Mother  
11 Superior there.

12 Q. Okay. And was the Mother Superior supervising  
13 Father Gana?

14 A. Yes.

15 Q. As far as you know?

16 A. As far as I know.

17 Q. Okay. And as far as you know again is based on  
18 your presumptions of Father Lynn's competence, correct?

19 A. Well, I said one of the memos that I read here,  
20 that she was informed completely of the situation of  
21 Father Gana.

22 Q. Father Lynn stated that Mother Pia had been  
23 informed completely, correct?

24 A. Yes.

25 Q. Okay. And the only way that you know that that's

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2 True is from Father Lynn, correct?

3 A. Correct.

4 Q. Okay. And then here, if you go back to the bottom  
5 of the August 12 memo, Father Lynn writes: "He, meaning  
6 Father Gana, "has been living at Immaculate Conception  
7 Parish under the supervision of Father William Dombrow  
8 since his discharge from Southdown. Father Dombrow has  
9 indicated a willingness to continue this arrangement.  
10 Father Gana could stay at Immaculate Conception Parish  
11 while serving as chaplain for the Carmelite Monastery."

12 Is that accurate?

13 A. Yes.

14 Q. Okay. And then the recommendation on the bottom of  
15 page two, the second recommendation, "That Father Gana be  
16 informed that the Carmelite Monastery and Immaculate  
17 Conception Parish are the only places where he may  
18 exercise his priestly faculties on a regular basis. He  
19 should request permission for any other sacramental  
20 celebrations."

21 And you approved that, correct?

22 A. Yes. Yes.

23 Q. And you noted that with your note at the bottom of  
24 the second page?

25 A. I did.

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2 Q. And it's dated August 25 of '97?

3 A. Yes.

4 Q. Okay. So you were aware that Father Dombrow was  
5 supervising Father Gana?

6 A. Yes.

7 Q. Do you know anything about the details of Father  
8 Dombrow's supervision of Father Gana at Immaculate  
9 Conception?

10 A. Not the specifics, but what would be expected from  
11 a supervisor.

12 Q. What would be expected? I'm interested in what  
13 your --

14 A. I don't know all the details --

15 Q. Okay.

16 A. -- that were explained.

17 Q. Would you expect that somebody supervising an

---

18 admitted sex offender would know where that sex offender  
19 is at every hour of the day?

20 A. That would be almost impossible.

21 Q. Okay. How many hours of the day do you think that  
22 Father Dombrow should have been monitoring Father Gana?

23 A. I don't know.

24 Q. You don't know. Okay.

25 Whose authority was it to make those decisions



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2 about how closely Father Gana should be supervised?

3 A. I think the information on how to supervise him  
4 would have come from Monsignor Lynn.

5 Q. Okay. If Father Gana was supervised by Father  
6 Dombrow for three hours a day, that is, that Father  
7 Dombrow knew where Father Gana was and what he was doing  
8 for three hours out of the day, and the rest of the time,  
9 the rest of the remaining hours of the day, Father Dombrow  
10 had no idea where Father Gana was or what he was doing or  
11 who he was coming into contact with, in your opinion, is  
12 that proper supervision to ensure --

13 A. I can't answer --

14 Q. Could I just finish my question, Cardinal.

15 A. I thought you were finished.

16 Q. Is that proper or appropriate supervision to ensure  
17 that Father Gana is not getting back involved in abusing  
18 minors sexually?

19 A. That's very hard for me to answer.

20 Q. Okay. You agree you're the one that assigned him  
21 to Immaculate Conception, right?

22 A. Yes.

23 Q. And it was your responsibility ultimately to make  
24 sure that Father Gana was not acting out again sexually  
25 with minors?

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2 A. With every effort possible.

3 Q. Right. Okay.

4 A. We can just do our best.

5 Q. If you don't know, if you have no knowledge about  
6 how closely Father Gana should have been supervised in  
7 order to prevent him from acting out sexually with minors  
8 again, who would know, Cardinal?

9 A. The ones who do the supervising. Father Dombrow.  
10 Immaculate Conception is a place where we sent different  
11 persons with weaknesses.

12 Q. Okay.

13 A. Whether it be alcoholics or others.

14 Q. Okay.

15 A. And I think through -- at least, through  
16 experience, if not through other ways, he learned, but I  
17 can't guarantee that one can be watched every minute of  
18 every day.

19 Q. Well, given that you had at your disposal a whole  
20 three-volume set of opinions from people that were very  
21 experienced in treating and monitoring sex offender  
22 priests, would it have occurred to you at that point to  
23 maybe seek some guidance from the Restoring Trust  
24 documents about how closely a priest like Father Gana  
25 should be supervised?

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1  
2 A. I'll be honest with you. That did not enter into  
3 my mind because I presumed those in charge would try to  
4 find out and also that supervision is always a difficult  
5 situation.

6 Q. Okay.

7 A. And also where we had the information that he was a  
8 minimal risk.

9 Q. Okay.

10 A. And you just do the best you can.

11 Q. Okay.

12 BY MS. MCCARTNEY:

13 Q. Minimal risk, Cardinal, but based upon that  
14 document that you're referring back to, it's very clear  
15 that although the risk is minimal, it also says it's not  
16 zero, correct?

17 A. That's right.

18 Q. Okay.

19 A. But that's true about anybody.

20 Q. Understood.

21 When you said earlier that Father Gana was being  
22 supervised at Immaculate Conception by Father Dombrow,  
23 when you signed off and allowed for that appointment to be  
24 made to Immaculate Conception with the thought that he was  
25 going to be supervised, what did you think supervision for

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Father Gana involved?

3 A. That's hard for me to describe because Father  
4 Dombrow was used to supervision, and I presumed he knew  
5 what to do.

6 Q. But you signed the document that allowed for that  
7 transfer to occur and you're the one that authorized his  
8 residence at Immaculate Conception, and you did so, based  
9 upon your testimony, on the presumption that he was going  
10 to be supervised.

11 What gave you that level of comfort, what was it  
12 that you believed was the supervision that Father Gana was  
13 going to be receiving at Immaculate Conception, your  
14 thinking, not what actually happened, what you thought  
15 when you signed your name to that document?

16 A. Because when I signed that supervision, it doesn't  
17 mean that I have to know that specifically. I have people  
18 that work for me. I have a Secretary for the Clergy, and  
19 I presume that he has to gain that knowledge and  
20 communicate it to Father Dombrow.

21 Q. Okay. Cardinal, let me ask you this.

22 What level of supervision -- I understand your  
23 answer, but what level of supervision would make you  
24 comfortable in the situation of Stanley Gana?

25 A. I would be comfortable with the supervision that

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2 was given to Father Dombrow by the Secretary for the  
3 Clergy.

4 Q. No. No, my question to you, Cardinal, is what  
5 level of supervision would you be comfortable with as it  
6 related to Father Gana?

7 Tell me how you would have -- if it was your job  
8 personally to supervise Father Gana, what do you think  
9 should have been done given the history that you know  
10 exists with regard to Father Gana?

11 A. I cannot answer that question.

12 Q. Well, why not?

13 A. Because I don't know.

14 Q. But you're the one that authorized it --

15 A. I know.

16 Q. -- when you assumed he was going to be supervised?

17 A. That is correct, but I entrusted that to other  
18 people to communicate the level of supervision.

19 Q. But my question again, Cardinal, and I don't want  
20 to belabor the point, but what level of supervision would  
21 you have been comfortable with, did you think was  
22 appropriate for Father Gana?

23 A. I'm -- just supervision.

24 Q. I don't want to know what happened with other  
25 people. That's not really my question.

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2 My question really is: What level would you have  
3 been comfortable with?

4 A. I can't go in specifics but to say it should be as  
5 reasonable supervision as possible.

6 Q. Reasonable supervision. Okay.

7 MR. SPADE: All right. It's 3:01 P.M.  
8 We're going to take a fifteen-minute break. Please  
9 be back at three sixteen.

10 (A recess was held.)

11 MR. SPADE: Okay. We're back on the  
12 record. It's 3:17 P.M.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 The Cardinal and his counsel are back  
19 in the room.

20 BY MR. SPADE:

21 Q. Cardinal, could you turn to the next exhibit, which  
22 is GJ-11.

23 Do you see that? It's a November 3, 1997, letter  
24 from <sup>Timmy</sup> [REDACTED] to yourself.

25 In the letter, Cardinal, <sup>Mr.</sup> [REDACTED] or, I guess at this

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2 point, <sup>Timmy</sup> [REDACTED] informs you that he was abused by  
3 Stanley Gana when he was a boy in the Archdiocese and  
4 reminds you of what happened or tells you that he's now a  
5 priest in the Diocese of Bridgeport and then tells you  
6 that, at the bottom of the third paragraph, he would never  
7 want any other young boy to suffer the trauma of sexual  
8 abuse and says, "I trust you feel the same way," and then  
9 writes: "Please consider this letter to be a warning to  
10 look into Reverend Stanley Gana's past in the  
11 Archdiocese."

12 Am I correct, Cardinal, that you don't have a  
13 recollection of receiving this letter?

14 A. That is correct.

15 Q. Okay. At this point in time, is it correct also  
16 that Father Lynn had still not gone back and investigated  
17 the allegations of Father Gana abusing <sup>Timmy</sup> [REDACTED] or  
18 <sup>John</sup> [REDACTED] or <sup>Barry</sup> [REDACTED]?

19 A. I'm looking for a date on the letter.

20 Q. It's at the very top left, November 3 of 1997.

21 A. Oh, that's where it is. Okay.

22 Q. Is it true that Father Lynn had still at this point  
23 not conducted an investigation into Father Gana's past?

24 A. I thought he started sooner. In 1995, was it?

25 Q. So it's your understanding that when the allegation

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2       From Mark Berkery came in, there was some investigation  
3       into Father Gana at that point?

4       A.       Yes.

5       Q.       Okay.

6       A.       When [REDACTED] comes in, yes.

7       Q.       Okay. Do you know at that time whether Father Lynn  
8       had done any further investigation into the allegations  
9       that Father Gana had abused <sup>John</sup> [REDACTED]?

10      A.       I don't know.

11      Q.       You don't know.

12             Do you presume that he did or that he didn't?

13      A.       I just presume he tried something.

14      Q.       Okay. And am I correct that -- well, let me ask  
15      you.

16             You don't have any recollection of receiving this  
17      letter from <sup>Timmy</sup> [REDACTED]?

18      A.       No.

19      Q.       Is this a letter that you would have read in your  
20      normal practice?

21      A.       I don't know. It's possible that this letter was  
22      never even given to me.

23      Q.       Okay. And then the next document is GJ-105.

24             Do you see that?

25      A.       Yes.



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2 Q. And this is a January 9, 1998, memo from Father  
3 Cistone to Father Lynn?

4 A. Yes.

5 Q. I just wanted to touch on one thing.

6 This is dealing with <sup>Barry</sup> [REDACTED] again, and at the  
7 bottom of the page, this letter essentially is talking  
8 about how <sup>Barry</sup> [REDACTED] wanted to know whether you had been  
9 informed of the allegations against Father Gana regarding  
10 the sexual abuse of <sup>Barry</sup> [REDACTED] and that he wanted to meet  
11 with you himself, <sup>Barry</sup> [REDACTED] did.

12 And then at the bottom of the page, Father Cistone  
13 writes: His Eminence noted that, in essence, <sup>Barry</sup> [REDACTED]  
14 was calling you a liar," meaning Father Lynn.

15 "Nonetheless, your memorandum seems to suggest that you  
16 may consider a recommendation that his Eminence meet with  
17 <sup>Barry</sup> [REDACTED] sometime in the future. This would be setting

18 a precedent, i.e., for the Cardinal to meet with such  
19 individuals. His Eminence cautioned about such a  
20 recommendation and noted there must be other means of  
21 letting <sup>Barry</sup> [REDACTED] know that his Eminence was informed,  
22 other than for his Eminence to meet with him personally."

23 Did I read that correctly?

24 A. Yes.

25 Q. Do you have any recollection of that, of having a

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2 conversation with Father Cistone about meeting with Mr.  
3 Berkery?

4 A. I do not have a recollection.

5 Q. Okay. Was it your practice at that time not to  
6 meet with victims of clergy sex abuse?

7 A. At the advice of legal counsel, it was.

8 Q. Okay. And again, I just want to draw your  
9 attention very briefly to this Restoring Trust document,  
10 and there's an article in there, and I'll just read it to  
11 you, Cardinal.

12 This is an article called care for victims and  
13 their families. It's dated September 29, 1994, and it's  
14 authored by Archbishop Harry J. Flynn, Archdiocese of  
15 Saint Paul and Minneapolis.

16 I presume that you're acquainted with Archbishop  
17 Flynn?

18 A. I am.

19 Q. Okay. And Archbishop Flynn relates in the article  
20 about how he was assigned to go down to the Diocese of  
21 Lafayette, Louisiana, in June of 1983 to deal with the  
22 Gauthier sex abuse scandal. Are you familiar with that?

23 A. Yes.

24 Q. Okay. Archbishop Flynn writes on page three: "It  
25 seems to me that the underlying presence a bishop should

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2 have in a relationship with anyone who has been victimized  
3 is a listening presence. A listening presence is born out  
4 of prayer. It means that we are able to believe still in  
5 the presence of another and not feel that we must say  
6 something out of defense or explanation. It means asking  
7 ourselves what this person is saying and what is being  
8 left unsaid. We are looking at the person and letting  
9 that individual express his or her pain in any way that  
10 seems appropriate at the moment."

11 Do you have a recollection of reading Archbishop  
12 Flynn's article on dealing with victims?

13 A. No.

14 Q. Okay. Is it an article that you would have read  
15 when you received this Restoring Trust document?

16 A. Probably.

17 Q. Okay.

---

18 A. But I don't recall it.

19 Q. Okay. And can I assume from what you just said,  
20 about upon advice of counsel not meeting with victims,  
21 that you disagree with Archbishop Flynn's recommendation  
22 here that the bishop be a listening presence for the  
23 victims of sexual abuse?

24 A. No, I don't disagree with that.

25 Q. At the time --

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1  
2 A. At that time.

3 Q. At that time you disagreed with it?

4 A. No. No.

5 Q. Okay.

6 A. I said at that time, legal counsel advised me not  
7 to. Later on it was different.

8 Q. Okay. The next document is GJ-107, and this is a  
9 memorandum dated December 18, 1998, from yourself to the  
10 file regarding Father Gana, and in here you write: "The  
11 second reason that he," meaning Father Gana, "came in to  
12 see me was to obtain clarification on what he was  
13 permitted to do in his priestly ministry and what were the  
14 restrictions. He knew that he was restricted to carrying  
15 out priestly ministry at the Carmelite Monastery, but he  
16 also said that he helps out in his parish at Immaculate  
17 Conception whenever there is a need. He emphasized that  
18 this did not occur frequently. When I expressed a little  
19 surprise at this, he told me that Monsignor Lynn had told  
20 him that he could assist there in the time of need. He  
21 then asked me what my policy was regarding his ministry at  
22 Immaculate Conception. I responded that any questions  
23 regarding what he is permitted to do in his priestly  
24 ministry and what his restrictions are should be discussed  
25 with Monsignor Lynn."

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2 Did I read that accurately?

3 A. Yes.

4 Q. Do you have any recollection of meeting with Father  
5 Gana in December of '98?

6 A. Well, as a result of this memo I have.

7 Q. What do you remember about the meeting?

8 A. No. Other than what's in here, I don't remember  
9 the contents of the meeting.

10 Q. Okay. So I take it then that you don't remember  
11 why you were surprised when he told you that he was saying  
12 Mass infrequently at the Immaculate Conception Parish?

13 A. Probably because he was saying Mass at the  
14 monastery.

15 Q. You were surprised that he was saying Mass?

16 A. No. No. No. He must have meant something else.  
17 He emphasized.

---

18 Q. Well, I'll just read it again.

19 A. It says he helps out at Immaculate Conception.

20 Q. Right.

21 A. It's a very small parish. There is -- you know,  
22 there are very few people there, so unless it was some  
23 exceptional reason, when Father Dombrow was sick or  
24 something, that he may have said a Mass there, but  
25 ordinarily, he was to say Mass every day at the Carmelite

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2 Monastery.

3 Q. But he's informing you here that he does help out  
4 infrequently at Immaculate Conception, correct?

5 A. Yes. He says it there.

6 Q. Okay. And you said that Immaculate Conception is a  
7 small parish, right?

8 A. Right.

9 Q. And at that time, are you aware now or were you  
10 aware at that time, December of 1998, that Immaculate  
11 Conception does have parishioners who are families that  
12 have children?

13 A. I don't know much about the -- you know, the  
14 demography or the parish.

15 Q. Okay. And you didn't at that time?

16 A. No.

17 Q. And then the next document, Cardinal, is GJ-108.

---

18 This is an April 5, '99, memo from Monsignor Lynn  
19 to the file regarding a telephone call from <sup>Timmy's sister</sup> [REDACTED]  
20 [REDACTED], who is a sister of <sup>Timmy</sup> [REDACTED], and  
21 <sup>Timmy's sister</sup> [REDACTED] reported that she had been to an Easter  
22 vigil at the Carmelite Monastery and that she had seen --  
23 I'm sorry, Cardinal.

24 She had been to a Saturday vigil service at the  
25 Carmelite Monastery, and she knew that Father Gana had a

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1 limited ministry, so she was surprised to see him there;  
2 and then she goes on to report that she was concerned --  
3 and this is in the middle of the second paragraph, and I'm  
4 quoting Father Lynn.  
5

6 "She was concerned because there were no other  
7 priests there. She wondered who the supervisor was. I  
8 told her the Mother Superior there knew the whole  
9 situation and is observant of different things as she  
10 needs to be. She said she was concerned because there was  
11 a child being baptized. At least, there was a child there  
12 in white, and she presumed he was being baptized, and  
13 there were altar servers there also."

14 And you had touched on this before, Cardinal. I  
15 guess you've read this document in the last couple of  
16 weeks. But again, so you don't have, I take it, any  
17 independent recollection of hearing about this --

---

18 A. No.

19 Q. -- in 1998?

20 A. No.

21 Q. Or 1999?

22 A. No.

23 Q. Okay. But again, you presume that when Father Lynn  
24 writes that he was being supervised and all of the various  
25 things that he talks about in terms of Father Gana being

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2 supervised, you presumed that those things are true,  
3 correct?

4 A. Yes.

5 Q. But you never made any attempts to find out whether  
6 they were true?

7 A. No.

8 Q. All right. And then GJ-109, and again, this is a  
9 May 3, 1999, memo from Father Lynn to the file, and this  
10 is regarding a conversation that he had with ~~\_\_\_\_\_~~ <sup>Timmy</sup>  
11 ~~\_\_\_\_\_~~ who called when he heard about Father Gana  
12 saying Mass at the Carmelite Monastery, and this is where  
13 Father Lynn assures ~~\_\_\_\_\_~~ <sup>Timmy</sup> that the altar  
14 servers are children of those who are Third Order  
15 Carmelites, are part of the Women's Guild, who are  
16 connected with the monastery, and the Mother Superior  
17 makes arrangements for the servers.

---

18 "Father Gana does not call them. He does not even  
19 have their phone numbers. Mother Superior makes all those  
20 arrangements, and they vest right in front of their  
21 parents so that there is not a time when Father Gana is  
22 alone with these children."

23 Did I read that correctly?

24 A. Yes.

25 Q. Okay. Now, Cardinal, you said that you presumed



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2 that when Father Lynn writes this about these  
3 restrictions, that what he's writing is true, correct?

4 A. His restrictions? Yes.

5 Q. These restrictions that were supposedly placed on  
6 Father Lynn?

7 A. Yes. Yes. Placed on whom?

8 Q. I'm sorry. On Father Gana. Restrictions placed on  
9 Father Gana.

10 A. Yes.

11 Q. Okay. And you've testified that you did not take  
12 any actions to verify that what Father Lynn was saying was  
13 true, correct?

14 A. I presume that it was true?

15 Q. Okay. And I'm presuming also that at this time,  
16 meaning May of 1999, you weren't aware at that time about  
~~17 Father Lynn letting the investigation of Gana fall through~~  
18 the cracks from '92 to '95, correct?

19 A. Yes.

20 Q. If you had been aware that he had allowed that  
21 investigation to fall through the cracks, would you have  
22 been as confident in your presumption that he was making  
23 sure that these supervisory restrictions on Father Gana  
24 were in fact in place?

25 A. I would still have confidence in him.

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2 Q. You would still have confidence in him. Okay.

3 And then the next document is GJ-110, and this is  
4 the December 5, 2000, memo from Monsignor Lynn to the file  
5 regarding Father Gana and his recovery; and in there,  
6 Father Lynn writes that Monsignor Dombrow, who was the  
7 supervisor of Father Gana at Immaculate Conception, had  
8 reported that Father Gana had become overly involved with  
9 a young man who was in treatment and who goes to  
10 twelve-step meetings.

11 And then if you jump down to the fourth paragraph,  
12 "Father Gana stated that he knows he still gets overly  
13 involved with people but he is pleased that both Monsignor  
14 Dombrow and Father Hennelly have pointed these things out  
15 to him. When questioning Father Gana about this person he  
16 was involved with, we asked him if there were any others.  
17 He mentioned one other person, but by the end of our

---

18 conversation, he had mentioned two more. It is hard to  
19 tell if Father Gana is ever being truthful about these  
20 matters."

21 Can I presume, Cardinal, that you don't have any  
22 independent recollection of receiving this information in  
23 December of 2000?

24 A. That is right. I do not.

25 Q. Okay. This is a report where Father Gana is being

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1 informed by Father Dombrow that Father Dombrow is  
2 concerned that Father Gana might be relapsing into the  
3 criminal behavior, correct?  
4

5 A. Oh, I can't say that. Involved does not mean that  
6 he's doing anything overt. This could be that he's  
7 getting too friendly with them.

8 Q. Okay.

9 A. I would think he was warned about that.

10 Q. Does it indicate there, Cardinal, in the fourth  
11 paragraph, where it says: "Father Gana mentioned one  
12 other person, but by the end of our conversation, he had  
13 mentioned two more," does it indicate in there, in any  
14 place, what the ages of those three other people were?

15 A. I just read what you have there.

16 Q. Right.

17 A. I don't see any age.

---

18 Q. Okay.

19 A. They talk about persons, people. You know, I'm  
20 just -- if I may, generally, you don't refer to children  
21 in that -- with those words. When you say persons or  
22 people, you generally mean adults.

23 Q. Okay.

24 A. But that's only a subjective reaction.

25 Q. Okay. Is this report something that you would have

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2 wanted to come to your attention at that time?

3 A. I would doubt it.

4 Q. Okay. So even reading this, as you read it today,  
5 this is not something that would cause you concern about  
6 the possibility of Father Gana relapsing into criminal  
7 sexual activity with minors?

8 A. Not from what it says there. I think that they  
9 were concerned that he was getting involved with people  
10 too closely.

11 Q. Okay.

12 A. And I think what they did, rightfully, is put him  
13 on the alert.

14 Q. Okay. And then the last document, Cardinal, second  
15 to last document, it's not marked, but it's the October 1,  
16 2001, memo from Father Lynn to the file regarding the  
17 possibility of Father Gana retiring?

---

18 A. Yes.

19 Q. And it's reported in there that as a result of --  
20 on the second page, the top of the second full page, and  
21 I'll mark this as GJ-1160.

22 Do you have a pen?

23 A. Eleven sixty.

24 Q. Would you mind putting that on top of there. Thank  
25 you.

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2 (GJ-1160 was marked for

3 identification.)

4 BY MR. SPADE:

5 Q. On the top of the second page there, Father Lynn  
6 writes: "Father Gana stated he realizes he could not even  
7 go out and get a job because for him to enter into the  
8 workplace with so many people, he fears he would fall into  
9 the danger of unhealthy relationships, which he is prone  
10 to. Knowing his own weaknesses, Father Gana says he has  
11 hobbies and things which he could do in an isolated way so  
12 as not to interact too much with other people and  
13 therefore fall into the some of the same difficulties he  
14 has had in the past."

15 Did I read that right?

16 A. Yes.

17 Q. Okay. So you would agree with me here that Father  
18 Gana is acknowledging that if he were to be in certain  
19 situations, he would be prone to falling into, quote,  
20 unhealthy relationships, correct?

21 A. Yes. That's true about all of us.

22 Q. Okay. And then the last document has already been  
23 marked as GJ-1155.

24 A. Yes.

25 Q. And this is a February 13, 2002, memo from Father

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2 Lynn to the file regarding a change of policy?

3 A. Yes.

4 Q. And Father Lynn writes that he and Father Welsh met  
5 with Father Gana on February 13, 2002, to discuss a change  
6 in policy. "Monsignor Lynn told Father Gana that the  
7 Archdiocesan Policy on Clergy Sexual Abuse has been  
8 revised. The policy had allowed the possibility of  
9 limited, supervised ministry for priests who have sexually  
10 abused minors but have not been diagnosed with pedophilia  
11 or ephebophilia. However, after a review of the policy in  
12 light of the real situation of priests in these types of  
13 assignments, including his own situation, it was  
14 determined that the Archdiocese is not able to provide and  
15 sustain an adequate level of supervision for these priests  
16 even in limited ministry."

17 Cardinal, do you have an independent recollection

---

18 of when the Archdiocese implemented that policy of a  
19 limited, supervised ministry?

20 A. The limited one prior to this one is -- it goes  
21 back, and it was a very customary policy in most dioceses.

22 Q. Okay. Was it in the 1992-1993 time period?

23 A. Yes.

24 Q. Okay.

25 A. But you know, even earlier times we did it.

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1  
2 Q. Okay. Do you know, sitting here today, what it was  
3 that changed or what it was that you or Father Lynn became  
4 aware of that caused you to revise this policy?

5 A. It was a kind of an evolution over the years, that  
6 as we realized the potential, we thought we were doing an  
7 adequate job with the limited ministry and the supervision  
8 we gave; and as is stated here, we realized that perhaps  
9 that adequate supervision was not sufficient in these  
10 cases and it was to make no exceptions.

11 Q. Okay. Now, Cardinal, you testified just a little  
12 while ago, did you not, that you yourself had at that time  
13 and even today have no conception of what an adequate  
14 supervision of a sex offender priest would be? Correct?

15 A. That is correct.

16 Q. So how is it then that you were able to determine  
17 that whatever level of supervision that you were providing  
18 at that point was not adequate?

19 A. The one thing I remember from original memory is  
20 Monsignor Lynn coming to me at the beginning of the year  
21 and telling me that he just could not do it anymore, that  
22 we'd have to have an absolute policy as is incorporated in  
23 here, and it was his reasons, and I accepted them.

24 Q. Okay. So again, you relied on the expertise of  
25 Father Lynn?

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2 A. Yes.

3 Q. Or Monsignor Lynn?

4 A. Yes.

5 BY MS. MCCARTNEY:

6 Q. When did that conversation with Monsignor Lynn, to  
7 the best of your recollection, occur?

8 A. It was not long before this date here. It was  
9 towards sometime -- I think either the end of January, the  
10 beginning of February.

11 Q. Of 2002?

12 A. 2002.

13 Q. Okay. Cardinal, you've now had the benefit of  
14 examining the Gana file, the documents that go back as far  
15 as the ~~Timothy~~ allegations and go forward as far as his  
16 being told that he could no longer function in any  
17 capacity in the Archdiocese.

---

18 Having the overview of that file and, you know,  
19 refreshing your recollection as best these documents can,  
20 do you think, sitting here today, that this file was  
21 handled competently by the Secretary of Clergy or by the  
22 Archdiocese; and when I say the file, I'm talking about  
23 the situation with Stanley Gana?

24 A. I cannot say that gap was something that was  
25 considered competent. It was a lapse, that period in



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 which we had the allegations, and there was a lapse of  
3 several months there.

4 Q. Years, Cardinal?

5 A. Excuse me. Years that that was not acted on.

6 That's -- that was a lapse. I have no explanation. It  
7 was not our policy by any means whatsoever. It was just a  
8 lapse in policy.

9 But I must repeat that one lapse, even several, do  
10 not mean a person is incompetent. I have no explanation  
11 for it, but I have to say that.

12 Q. Thank you. But just so with these -- I'm sorry.

13 A. May I add.

14 Q. Sure.

15 A. But when you look over all the files, you have to  
16 see -- I have to speak in favor of Monsignor Lynn, that  
17 the cases were handled very, very adequately, you know,

---

18 most of the cases. This was one of those things that he  
19 called falling through the crack, and he admitted it.

20 BY MR. GALLAGHER:

21 Q. Cardinal, when you said the policy changed in  
22 February -- right before February 13 of 2002; is that  
23 correct?

24 A. Around that time, yes.

25 Q. And that that happened as a result of Monsignor

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Lynn independently coming to you; is that correct?

3 A. That is correct. I remember that.

4 Q. Okay. Now, when he came to see you, do you recall  
5 that meeting?

6 A. I just recall him coming to see me.

7 Q. Okay.

8 A. I don't remember all the details of it, but that  
9 was the essence of it.

10 Q. In that essence of it, did he give you explanations  
11 of why he thought that he could no longer supervise these  
12 people?

13 A. No. I mean, that was a fact. He felt that he --  
14 you know, felt that he couldn't have -- couldn't do it  
15 anymore, as he felt it should be, but he didn't expand  
16 on -- I don't remember much more beyond that conclusion  
17 and that recommendation.

---

18 Q. When you say it was a fact, it was a fact  
19 established by him, by his admissions to you?

20 A. Yes. Yes.

21 Q. Okay. Did you concur with his determination of his  
22 fact?

23 A. When he -- you know, when he put that to me, I  
24 agreed with his recommendation.

25 Q. Now, this timing of February of 2002, at this time

1 ANTHONY JOSEPH CARDINAL BEVELACQUA

2 when he made this admission to you that he could no longer  
3 handle it, in the process of that conversation, did what  
4 was going on nationally come into your discussions, in  
5 other words, nationally what was going on at that time in  
6 Boston?

7 A. I don't recall that, honestly.

8 Q. Okay. Were you aware of what was going on in  
9 Boston in February of 2002?

10 A. Yes.

11 Q. But you don't recall whether that was part of the  
12 discussion as to change your policy?

13 A. I do not recall that.

14 Q. So basically, your policy was changed because the  
15 guy that was in charge of this, the Secretary of Clergy,  
16 told you by that point he couldn't do his job anymore?

17 A. I don't put it that way.

---

18 Q. How would you put it?

19 A. You know, that he told me that he felt it should --  
20 you know, it was not -- he felt at that time it was not  
21 adequate enough.

22 Q. What was not adequate enough?

23 A. The supervision that he could give.

24 Q. Okay. Did he ask you for more resources to do the  
25 supervision?

## ANTHONY JOSEPH CARDINAL BEVILACQUA

1  
2 A. I don't recall that.

3 Q. Okay. Did you recommend to him that maybe he  
4 needed more resources to do the supervision?

5 A. No, I don't recall that at all. All I recall is  
6 that he felt it was time that -- you know, to enact this  
7 policy. He gave the reason, and I agreed with it.

8 Q. And that policy affected Gana, correct?

9 A. Yes.

10 Q. Okay. Do you know where Father Gana is now?

11 A. To be honest with you, I don't.

12 Q. Do you know if he's abusing children now?

13 A. No.

14 Q. Back when he made this admission -- and it was  
15 brought to your attention in 1995, correct?

16 That's what the record established today; is that  
17 correct?

---

18 A. My recollection was that was it '95.

19 Q. Late '95, early '96?

20 A. Right.

21 Q. Okay. At that point, did you or anyone in the  
22 Archdiocese consider notifying law enforcement?

23 A. That we depended on legal counsel, you know, for  
24 that.

25 Q. Do you recall whether or not you conferred with

ANTHONY JOSEPH CARDINAL BEVELACQUA

1 legal counsel concerning the Stanley Gana case?

2 A. I don't recall. That was always my secretary.

3 Q. I don't want to know what you talked to counsel  
4 about. I just want to know -- and the specifics of it --  
5 whether you recall discussing the Gana case with counsel?  
6

7 A. Ordinarily I wouldn't do it myself. It would be  
8 the Secretary for Clergy, when he determined it, and I  
9 don't recall that.

10 [REDACTED]

11 [REDACTED]

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17 (Whereupon the witness and his counsel  
18 returned to the grand jury room.)

19 MR. GALLAGHER: Madam Secretary, would  
20 you please inform the Cardinal of his continuing  
21 responsibility.

22 GRAND JURY FOREPERSON: Cardinal  
23 Bevilacqua, you are hereby notified that your  
24 subpoena is a continuing one. That means should  
25 the jury desire further evidence and/or testimony

1 ANTHONY JOSEPH CARDINAL DEVILACQUA

2 from you, you will be notified to appear before  
3 this grand jury by mail, phone or through your  
4 attorney, if you have one.

5 Do you understand that?

6 THE WITNESS: Yes.

7 GRAND JURY FOREPERSON: Thank you.

8 MR. SPADE: Thank you, Cardinal.

9 ---

10 (END OF VOLUME IV)

11 ---

12 (Hearing concluded.)

13 ---

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the trial of the above cause, and that this copy is a correct transcript of the same.

  
\_\_\_\_\_  
Official Court Reporter

The foregoing record of the proceedings upon the trial of the above cause is hereby approved and directed to be filed

\_\_\_\_\_  
Judge