

APPENDIX H-10

101-46 E

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 30, 2004

Room 18013, One Parkway
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

(RE: REV. GANA, REV. TRAUGER, REV. GILLESPIE,
REV. SICOLI)

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MR. SPADE: Okay. We're on the record.

3 It's Friday, January 30, 2004, ten o'clock A.M.

4 How many jurors are present, please?

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 And the Commonwealth has recalled
10 Anthony Cardinal Bevilacqua.

11 ---

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

15 ---

16 BY MR. SPADE:

17 Q. ~~Good morning, Cardinal. How are you?~~

18 A. Good morning. How are you?

19 Q. Fine. And, Cardinal, you were sworn in to this
20 grand jury on December 4 by the Honorable Gwendolyn
21 Bright, correct?

22 A. I appeared before her, yes.

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

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. And you understood them?

3 A. Yes.

4 Q. Okay. And you understand them now?

5 A. Yes.

6 Q. Okay. And one of the rights that she explained to
7 you was the right to have counsel present when you
8 testify?

9 A. Yes.

10 Q. Okay. And do you have counsel with you?

11 A. Yes.

12 MR. SPADE: And, counsel, could you
13 identify yourself for the record, please.

14 MR. HODGSON: Yes.

15 My name is Clark Hodgson. I practice
16 with the law firm of Stradley, Ronon, Stevens and
17 Young in of Philadelphia, and I represent Cardinal
18 Bevilacqua.

19 MR. SPADE: Okay.

20 BY MR. SPADE:

21 Q. [REDACTED]
22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

ANTHONY JOSEPH CARDINAL BEVILLACQUA

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A. [REDACTED]

Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A. [REDACTED]

[REDACTED]

Q. [REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

A. [REDACTED]

ANTHONY JOSEPH CARDINAL BEVILACQUA

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2 Q. [REDACTED]
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13 [REDACTED] e?
14 A. [REDACTED]
15 Q. [REDACTED]
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17 A. [REDACTED]
18 Q. [REDACTED]
19 A. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 Q. [REDACTED]
23 A. [REDACTED]
24 Q. [REDACTED]
25 [REDACTED]

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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BY MS. MCCARTNEY:

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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2 [REDACTED]
3 [REDACTED]
4 A. [REDACTED]
5 Q. [REDACTED]
6 A. [REDACTED]
7 Q. [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 A. [REDACTED]
11 Q. [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 A. [REDACTED]
15 Q. [REDACTED]
16 [REDACTED]
17 A. [REDACTED]
18 Q. [REDACTED]
19 [REDACTED]
20 A. [REDACTED]
21 Q. [REDACTED] se
22 [REDACTED]
23 A. [REDACTED] I
24 [REDACTED]
25 Q. [REDACTED]

ANTHONY JOSEPH CARDINAL BEVILACQUA

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BY MR. GALLAGHER:

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Q.

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that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. [REDACTED]

3 Q. [REDACTED]

4 A. [REDACTED]

5 [REDACTED]

6 Q. [REDACTED]

7 A. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. Okay. Is there any action pending as far as
11 laicization of Stanley Gana?

12 A. I'm not aware of any.

13 Q. Okay. And I'm sorry. What did you say again?
14 He's on administrative leave with all what?

15 A. I said that he had no faculties. He cannot act as
16 a priest in any way.

17 Q. Okay.

18 A. But as far as laicization, I do not know if he has
19 made any request for that.

20 Q. Well, could you or the present Cardinal initiate
21 laicization?

22 A. Very extremely difficult to do, a bishop to do it
23 on his own.

24 BY MS. MCCARTNEY:

25 Q. But not impossible?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Sometimes. Sometimes it would be. It would have
3 to be a notorious case. I'm just using an example, a
4 notorious case where he would be considered a predator,
5 grave danger, extreme grave danger, and then that would be
6 a possibility for a bishop to do it on his own, that is,
7 in the sense of asking the Holy See.

8 It depends on the circumstances, but most of the
9 time it would be that we would sometimes ask the priest to
10 do it, but he still has to ask for it.

11 Q. And if a priest does not ask for it himself even,
12 then there's obviously the difficulties which you've just
13 annunciated for us again, Cardinal.

14 It's not impossible for the bishop to initiate the
15 process himself, correct?

16 A. It would be -- I -- you'd have to go through a
17 trial in that, which is very, very difficult.

18 Q. I understand that, but my question to you is: It's
19 not impossible?

20 The Archdiocese of Philadelphia could -- albeit an
21 uphill battle as you've already described it for us, they
22 could do that, correct? They could say we're initiating
23 the process for laicization?

24 A. They could ask.

25 Q. Okay. And they, to your knowledge, have not done

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 no, correct?

3 A. I'm not aware of it.

4 Q. Okay.

5 BY MR. GALLAGHER:

6 Q. Stanley Gana's name is still listed in the
7 Philadelphia Catholic Directory, correct?

8 A. Yes. I think so.

9 Q. Okay.

10 A. I haven't seen the latest one really.

11 Q. And it indicates his address is care of the
12 Secretary for the Clergy.

13 Why does the Archdiocese continue do that if he's
14 on administrative leave?

15 A. Because he's still actually a priest of the
16 Archdiocese.

17 Q. Okay.

18 A. Canonically he is.

19 BY MS. MCCARTNEY:

20 Q. Cardinal, and I'm sorry, but when you were saying
21 about the difficulty involved in the attempting to laicize
22 someone, you know, you said that there had to be a really
23 grave situation, a real threat, a real perpetrator. And
24 you're a canon lawyer. You also ran the Archdiocese.
25 What in your opinion would be such a situation?

1 ANTHONY JOSEPH CARDINAL BEVILLACQUA

2 I mean, with regard to Stanley Gana, you have him
3 by his own admission abusing at least three known victims,
4 all of whom were under the age of fifteen, over a period
5 of years.

6 He also by his own admission acknowledged breaking
7 his vow of celibacy with regard to some people that were
8 over the age of majority, both male and female.

9 There's documentation to support the impact that
10 Stanley Gana's actions have had on some of the victims
11 that were raped by him.

12 What would you consider to be a graver situation
13 whereby you might consider instituting a laicization
14 process against someone?

15 A. Forgive me, but that's very difficult to put into
16 some kind of criteria.

17 It's the time that it's done and not too often is
18 when one is very notorious publicly and the person is
19 known causing grave scandal, is considered a very serious,
20 serious threat to others, which Gana was, you know, it was
21 said that he was not.

22 So it would be -- the bishop could try, but it
23 could be that he would be refused.

24 BY MR. GALLAGHER:

25 Q. So in other words, the person has to not only have

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 committed grave violations but he also has to have caused
3 scandal for the church?

4 A. Horrific scandal.

5 Q. If the public knew about

6 A. And he, you know, considered, you know, a very
7 severe risk.

8 Q. Okay. If the public knew about the history of
9 Stanley Gana, would that be considered grave scandal?

10 A. Well, that would be scandal. Yes.

11 Q. All right.

12 BY MR. SPADE:

13 Q. [REDACTED]

14 [REDACTED] of

15 [REDACTED]

16 [REDACTED]

17 [REDACTED] 2?

18 A. [REDACTED]

19 Q. [REDACTED]

20 [REDACTED]

21 A. Just one that we have on the list was DePaoli, was
22 convicted.

23 Q. Okay. And he was convicted in federal court of
24 receiving child pornography?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay.

3 A. I'm not aware of anyone else. I'm not aware of it.

4 Q. Okay. And his sentence was a probation sentence?

5 A. That's what I understand. Yes.

6 Q. He didn't serve any time in jail?

7 A. Not that I know of.

8 Q. And are you aware of the case of a priest by the
9 name of Michael Swierzy?

10 A. Oh, yes. Yes, I've heard of that. Yes.

11 Q. To your knowledge, was he convicted of a crime
12 during the time that you were the Archbishop?

13 A. Can I ask?

14 Q. Sure. Absolutely.

15 (The witness conferred with his
16 attorney.)

17 ~~THE WITNESS: Yes. Yes, he was.~~

18 BY MR. SPADE:

19 Q. Okay. And to your knowledge, did he receive a
20 probationary sentence or an incarceration?

21 MS. MCCARTNEY: Cardinal, I don't mean
22 to interrupt, but one of the grand jurors in the
23 back is indicating they're having some trouble
24 hearing you. Okay.

25 THE WITNESS: Okay.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MR. MCCARTNEY: You want me to get you
3 some water? If you want some water so you have it,
4 I'll get you a glass of water.

5 THE WITNESS: I haven't got the
6 strongest voice.

7 MS. MCCARTNEY: You want some, Clark?

8 MR. HODGSON: Yes. Thanks.

9 BY MR. SPADE:

10 Q. To your knowledge, Cardinal, did he receive a
11 probationary sentence or an term of incarceration?

12 A. That's to my knowledge, but I'm not absolutely sure
13 that he received probationary sentence.

14 Q. Okay. [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 ~~During the time that you were the Archbishop of~~
18 Philadelphia, what was a higher priority to you as the
19 Archbishop, to protect the reputations and the well being
20 of your priests or protect the well being of the children
21 of the Archdiocese?

22 A. I always said a priority -- and it has been made
23 public a number of times, that the priority was always the
24 children and their families, followed by the common good
25 of the church and then the rights and welfare of the

1 ANTHONY JOSEPH CARDINAL BEVILLACQUA

2 priest.

3 Q. Okay.

4 A. In that order.

5 Q. Okay. Cardinal, that's the end of the questioning
6 with regard to the case of Stanley Gana, and we're going
7 to move on to another file now?

8 A. Thank you.

9 Q. You're welcome.

10 BY MS. MCCARTNEY:

11 Q. Cardinal, I placed some documents on your desk, and
12 the first file that I want to talk to you about is the
13 file of Reverend Francis Trauger.

14 Do you see those documents?

15 A. Yes.

16 Q. Okay. And the first document is grand jury
17 ~~six-o-one, and that's the data priest profile for Father~~

18 Trauger.

19 You see that in front of you?

20 A. Yes.

21 Q. Okay. Now, just before we begin, Cardinal, do you
22 have any -- you obviously have reviewed the documents
23 because we had given them to you?

24 A. I have.

25 Q. Okay. Did you have, before you reviewed those

1 ANTHONY JOSEPH CARDINAL REVILLACQUA

2 documents, any independent recollection of anything
3 dealing with Father Trauger's situation?

4 A. Very, very little. Most of it took place before my
5 time.

6 Q. Okay. When you reviewed some of the documents that
7 we're going to discuss today, did that refresh your
8 recollection as to anything that occurred during your
9 tenure with regard to Father Trauger?

10 A. Not independent recollections.

11 Q. Okay. Well, let's just go through, and I want to
12 do this fairly briefly, and we'll talk about the first
13 couple documents in the package, and they would be
14 six-o-two, six-o-three, and six-o-four, and do you see
15 those documents?

16 A. Yes.

17 ~~Q. And just for purposes of the record, Cardinal, I'm~~
18 just going to summarize what is contained in these three
19 documents, and before doing so, I'll make it clear that
20 what we're talking about in this situation occurred in the
21 1981, and clearly that was at a time well before you took
22 over as Archbishop and then subsequently as Cardinal in
23 Philadelphia.

24 But what the substance of these documents is, is
25 basically a situation was brought to the attention of the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Chancery office of parents by the name of ^{Evan} [REDACTED].

3 [REDACTED], who came forward, and they were members
4 of Saint Titus Parish where Father Trauger was assigned as
5 an assistant pastor; and they related that their son ^{Evan} [REDACTED]
6 who at the time was twelve years old, had been taken on an
7 overnight camping trip with Father Trauger, and they
8 indicated in the memo that ^{Evan} [REDACTED] had shared with them that
9 he and Father Trauger had shared the same bed and that
10 there were touches, and according to the documents, it
11 says that there were touches but no sodomy, but there's no
12 explanation contained in the documents as to what exactly
13 is meant by the word "touches."

14 ^{Evan's Parents} The [REDACTED] also shared the fact that they had
15 conversations with another parent by the name of ^{Carl's mother} [REDACTED]
16 ^{Carl} [REDACTED] who indicated that her son, by the name of [REDACTED]
17 who was thirteen years old, had also been taken on an

18 overnight trip by Father Trauger to the Poconos and that
19 he also shared the same bed with Father Trauger and that
20 there were touches.

21 Apparently, based upon those two complaints, Father
22 Trauger was asked to come in for an interview at the
23 Chancery office, and he indicated that he did admit
24 sleeping in the same bed with the boys.

25 ^{Evan} With [REDACTED] he said that he had massaged

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 The boy on the back and the chest to relax him. He also
3 admitted at that time that he had slept in the same bed
4 with ^{Carl} [REDACTED] and that he also had massaged him on
5 the chest and the back to relax him.

6 He also indicated when he was interviewed that he
7 had had two other encounters with two different boys from
8 that parish, being Saint Titus.

9 There's no indication in these memos as to the
10 names or ages of those two boys that he indicated he had
11 had those encounters with or what was involved in those
12 encounters.

13 And Trauger was told at that time not to have any
14 boys alone in the future and that he would be transferred
15 and that he should seek professional help and an
16 evaluation.

17 The documents also indicate that he was seen by a
18 Dr. Donnelly at Paoli Hospital and that Dr. Donnelly said
19 that Father Trauger had made a, quote, gross error in
20 judgment with the boys; however, there is no evidence of
21 homosexual problems.

22 And as I indicated earlier, Father Trauger was told
23 that he would have to be transferred as a result of those
24 encounters with those boys, and he was in fact transferred
25 to Saint Matthew's Parish in Philadelphia in September of

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 1981.

3 Does that accurately summarize the contents of
4 those documents?

5 A. From what I recall.

6 Q. Okay. In Father Trauger's next parish, Saint
7 Matthew's and these documents will relate to what's
8 been marked as grand jury exhibit six-o-six, six-o-nine,
9 six ten.

10 These series of documents in summary fashion
11 basically reflect the fact that in August of 1982, shortly
12 after Father Trauger's reassignment at Saint Matthew's, a
13 detective, [REDACTED]
14 *Marty's father* [REDACTED] came forward and indicated to Father
15 Statkus, who was the Chancellor at the time, that Father
16 Trauger had taken his fourteen year old son *Marty* [REDACTED] on an
17 overnight trip to the Poconos.

18 He said that his son said that he and Father
19 Trauger had slept outside in the tent and that Father
20 Trauger began patting him on the stomach and back. The
21 son, the fourteen year old, also said that Trauger put his
22 leg over *Marty's* [REDACTED] thigh and began moving his leg.

23 The Detective told Father Statkus that his son was
24 supposed to accompany Father Trauger on yet another
25 camping trip but had decided not to go, but the detective

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 informed Father Statkus that at that present time, Father
3 Trauger was actually away with two other boys.

4 The detective, according to these memos, was told
5 that the situation would be handled by the church and
6 therefore he was convinced not to pursue the matter with
7 the civil authorities, which he agreed with.

8 And what happens next, according to the
9 documentation, is that Dr. Donnelly is consulted again and
10 told of the reoccurrence of Father Trauger's problems.
11 The Cardinal, Cardinal Krol at the time, was notified as
12 to what was going on, and Father Trauger was interviewed
13 as a result of what had been told to Father Statkus.

14 And basically what happens with regard to that is
15 when Father Trauger is interviewed, and that interview was
16 conducted on August 8, 1982, Trauger said that he had been
17 confronted by the detective about what had happened with

18 his son and Father Trauger said that he had intended no
19 wrongdoing and, if there had been any objectionable
20 positions which had taken place or patterns which had
21 taken place with regard to the detective's son, it must
22 have occurred when they were sleeping.

23 Father Trauger said he had done nothing wrong but
24 had given the boy a gentle pat on his stomach and back
25 after they had spent the night together because he sensed

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that the boy was homesick. That was Father Trauger's
3 explanation for what had occurred between him and the
4 fourteen year old boy.

5 He also admitted at that time that he had spent the
6 night alone with the boy and that that had been in
7 disregard of the order which he had been given the
8 previous year.

9 He also said that he had gone on about eight
10 camping trips with boys since the last time that he had
11 been called in a year previously.

12 Father Trauger was again told his assignment was
13 going to be terminated and his faculties were going to be
14 withdrawn pending a review and that he was in fact -- he
15 was told to go to Saint John's for that evaluation.

16 It's also indicated in that memo, Cardinal, that
17 Father Trauger was told that he wasn't to discuss what had
18 happened with anybody, including his own pastor, a man by
19 the name of Monsignor Gaughan.

20 The last document in that packet, which would be
21 six ten, is the psychological evaluation which was
22 conducted by a Dr. Phillip Miraglia at Saint John's.

23 The psychological evaluation indicated that Father
24 Trauger needed no longer than two months' hospitalization
25 and that he should follow it up with intensive treatment.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 It said that he needed to explore his psychosexual
3 impulses and that with a deeper understanding and
4 acceptance, he can control his sexual feelings without
5 threatening his priesthood.

6 And there's also an indication at that time that
7 Father Trauger has made good progress. He needs an
8 intensive retreat and continued outpatient treatment, but
9 it was suggested at that time that he could be reassigned.

10 Is that a pretty accurate summary of the context of
11 those documents?

12 A. As far as I remember, yes.

13 Q. Okay. Father Trauger is next reassigned to Saint
14 Francis de Sales as an assistant pastor. He was told
15 again that he was not allowed to take any trips with boys,
16 even in a group setting.

17 He was told, however, at that time that if the
18 pastor directs him to, he was to participate and monitor
19 youth activities within the parish, including visiting
20 school, monitoring the altar boys, as well as the CYO.

21 And again, Cardinal, just so we're clear, that all
22 occurred prior to your coming to Philadelphia, and what is
23 clear from Father Trauger's priest data profile is that
24 there was a series of transfers that occurred after that
25 and that when you become Archbishop of Philadelphia in

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 1988, he was assigned in September of 1988 as an assistant
3 pastor at Annunciation B.V.M., and that would have been
4 under your tenure as Archbishop; is that right?

5 You would have been responsible for the transfer
6 that occurred in September of 1988?

7 A. Yes.

8 Q. Okay. And then he's transferred again in June of
9 1989 to Saint Joseph's in Aston.

10 Let me just ask you at this juncture, Cardinal.

11 Do you have any recollection, with the transfer of
12 1988, whether or not you were informed of any of the
13 contents that were contained in Father Trauger's secret
14 archive file?

15 A. I have no memory of that.

16 Q. Okay. If everything had worked perfectly, would
17 that have been something that you would have been aware

18 of?

19 A. I don't -- I can't say that.

20 Q. Okay. Do you have any idea or do you have any
21 explanation why it is that Father Trauger spent such a
22 short period of time at Annunciation before he was
23 transferred to Saint Joseph's?

24 A. No, I do not.

25 Q. Okay. Would you agree that given the way the

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 transfers usually occur, that it's unusual for someone to
2 be assigned for such a short period of time?

4 A. No, it is not unusual.

5 Q. Okay. It's not unusual?

6 A. No. It's happened a number of times.

7 Q. Okay. Now, when Father Trauger is assigned to
8 Saint Joseph's in Aston, do you have any recollection of
9 that transfer taking place or whether or not at that point
10 in time you were aware of the content of Father Trauger's
11 secret archive file?

12 A. I have no recollection of being made aware.

13 Q. While Father Trauger is assigned to Saint Joseph's
14 in Aston, there occurs a situation that's brought to the
15 attention of the Secretary of Clergy in April of 1991, and
16 the Secretary of Clergy at that time was Father
17 Jagodzinski; is that correct?

18 A. Yes.

19 Q. And you've had the opportunity to review some of
20 the documents that relate to that incident?

21 A. Yes.

22 Q. What was involved in that incident? Do you have
23 any recollection of that incident occurring?

24 A. None at all.

25 Q. Okay. Just for purposes of the record, basically

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 what happens in April of 1991 is Father Jagodzinski gets a
3 phone call from the principal

4 A. Excuse me. May I interrupt. I meant I have no
5 independent recollection. I mean, I read this.

6 Q. Well, let me ask it to you this way, Cardinal.

7 When you read these documents, did they refresh
8 your recollection?

9 A. No.

10 Q. Did they bring back to you a memory of this
11 occurring in 1991?

12 A. No, they did not.

13 Q. Okay. So your only base of knowledge comes from
14 reading these documents?

15 A. Yes.

16 Q. Okay. Well, just for the purposes of the record,
17 what happens in 1991 is while Father Trauger is assigned

18 to Saint Joseph's School, the Secretary of the Clergy gets
19 a phone call from the principal and the vice principal at
20 Saint John Neumann High School, and they report to Father
21 Jagodzinski a situation that had been brought to their
22 attention by a mother of a boy who was a student at Saint
23 John Neumann; and basically, in summary fashion, what is
24 related to Father Jagodzinski is that Father Trauger
25 had -- the mother had called complaining about the fact

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that Father Trauger had come to the high school, Saint
3 John Neumann, and had taken her son out of class and spent
4 about an hour and a half with him and then drove him home.

5 She also expressed some concern over the fact that
6 she didn't know who Father Trauger was, her son didn't
7 know who Father Trauger was and yet Father Trauger
8 appeared to know some things about her life, her son's
9 life, that she had no idea where he got that information.

10 Is that accurate based upon the information?

11 A. Yes.

12 Q. Then there's an investigation of sorts that is
13 conducted, and the principal gets a subsequent call from
14 the mother where she's expressing even further concerns
15 about it because her son is telling her more things of
16 what was discussed during the conversation he had with
17 Father Trauger; and Father Jagodzinski shares this

18 information with Father Molloy, who tries to gather some
19 more information about how it all came to pass, and
20 basically what happens is Father Trauger is called down
21 for an interview as a result of this concern, and Father
22 Trauger tells Father Molloy, and that's contained in a
23 memo, grand jury exhibit six fifteen, and this interview
24 took place on April 15, 1991.

25 Father Trauger said that he had been down at the

ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Art Museum and wandered into a bookstore in Center City
3 where he saw a boy in a Neumann jacket, and Father Trauger
4 said he approached the boy and identified himself as a
5 priest because he was in civilian clothing.

6 Father Trauger said that he noticed that the boy
7 had some rolled up magazines in his hand, and so Father
8 Trauger asked him what they were, and it was discovered
9 that the magazines were all pornographic magazines which
10 contained exclusively male photos.

11 Father Trauger then says he had a conversation with
12 the boy, asked him whether or not his parents knew that he
13 was reading that type of material and asked him whether or
14 not he wanted him, meaning Father Trauger, to speak with
15 his parents about it. Apparently, the boy said no and
16 went on his way.

17 Father Trauger said that he next attempted to
18 gather the identity of the boy and did so by going to the
19 school, eliciting the help of the principal, and according
20 to Father Trauger, he was able to identify the student in
21 that manner.

22 He returned to the school the next day. The boy
23 was on retreat. He returned on a third day, and
24 eventually, that was when he was able to have his face to
25 face meeting with the boy, which occurred for about an

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 hour and a half. He drove him home.

3 Father Trauger said they talked about the school
4 boy's school life, home life and whether or not the boy
5 thought he was gay.

6 Father Molloy, in this memo that is written
7 regarding the interview with Father Trauger, said that he
8 didn't really find Father Trauger's explanations to be
9 very comforting, so apparently Father Molloy didn't
10 totally believe the explanation that Father Trauger was
11 advancing.

12 Is that your interpretation from reading the
13 documents as well, Cardinal?

14 A. Yes.

15 Q. And he also basically did not believe that Father
16 Trauger had gotten the identity of the boy through the
17 principal of the school, and so Father Molloy did some

18 further research into that.

19 Just for the record, when you were reviewing this
20 document which was prepared by Father Molloy -- and Father
21 Molloy was a very good note taker. Would you agree with
22 that?

23 A. Yes.

24 Q. And he was very efficient and copious in taking the
25 notes --

1 ANTHONY JOSEPH CARDINAL BEVELACQUA

2 A. Yes.

3 Q. -- that he took; is that right?

4 Did you find it at all unusual, Cardinal, when you
5 were reviewing the memo that was authored by Father
6 Molloy, that nowhere in that memo is the name of the boy
7 mentioned?

8 A. I -- I don't know why he was not mentioned.

9 Q. Clearly Father Trauger, having obtained the
10 identity of the boy through whatever means, had it,
11 correct?

12 A. I presume so. He certainly went out of his way to
13 find out who he was.

14 Q. And Father Trauger, also, given the fact that he
15 admitted that he had taken the boy out of class and he had
16 actually taken him home, Father Trauger had the address of
17 the boy, correct?

18 A. I presume so.

19 Q. Okay. But nowhere in this memo is there any
20 indication that Father Molloy made any efforts to identify
21 the boy or to find out where he lived; is that right?

22 A. I don't know the reason for that.

23 Q. Okay. But I'm correct in stating that there's
24 nothing in that memo that indicates that that information
25 was either sought or obtained by Father Trauger?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 A. My recollection, I didn't see a name.

2 Q. Now, after that, Father Molloy then has a
3 conversation with the pastor of the parish that the boy
4 belonged to Epiphany and it is determined from speaking to
5 that pastor that Father Trauger went to the boy's parish,
6 had a conversation with the pastor and obtained the parish
7 card, which apparently contains information not only of
8 biographical information, but apparently it contained some
9 pastoral notes, and that Father Trauger got a hold of that
10 information, and it was from that that he was able to
11 track down the boy; is that accurate?
12

13 A. Yes.

14 Q. Okay. And in that memo -- and I'm referring
15 specifically to grand jury six seventeen. Again, this
16 would be authored by Father Molloy. There is a mention of
17 the boy's name, but only the last name is mentioned,
18 [REDACTED]; is that right?

19 A. I forgot that, but I take your word for it.

20 Q. Okay. And there's no indication on here of the
21 date of birth of the boy or any information that would
22 reveal his age; is that correct?

23 A. Yes.

24 Q. Okay. Now, Cardinal, were you made aware of this
25 situation in 1991?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I have no recollection of it.

3 Q. Do you think that this would be something
4 significant enough that it would have been brought to your
5 attention?

6 A. I doubt it.

7 Q. Would you agree with me that the actions taken by
8 Father Trauger are alarming in this particular case?

9 A. I would say it's very bizarre.

10 Q. Do you think that they raise concerns as to what
11 Father Trauger's motivations were in tracking down this
12 boy?

13 I don't want to put a legal term on it, but it
14 certainly appears as if stalking is something that could
15 be considered to have taken place?

16 A. It would be concern. That is why there was such an
17 investigation of it.

18 Q. Do you consider this to be a complete investigation
19 of the situation?

20 A. I don't know.

21 Q. Okay. Do you think that in that situation, it
22 would have been prudent for your Secretary of Clergy or
23 for Father Molloy to have actually gone and interviewed
24 the boy himself?

25 A. I don't know why.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 Q. Okay.

2 A. What action they did not take or did take and why
3 they made those decisions.

4 Q. Well, can we agree, Cardinal, that if there had
5 been an interview that had been conducted with the boy
6 himself, that given the record keeping of Father Molloy
7 and given the prescriptions of canon law as to what needs
8 to be put in the secret archive file, that that would have
9 been reduced to writing and put in Father Trauger's file
10 if that had taken place?

11 A. If what -- excuse me. If what had taken place?

12 Q. If Father Molloy or Father Lynn had gone out and
13 spoken to the boy himself and taken an interview of him as
14 to what was said, how it happened, things like that, would
15 that have been put in writing?

16 A. If they had interviewed the boy?

17 Q. Right.

18 A. That should have been in writing.

19 Q. Can we conclude that since there's nothing in the
20 secret archive file to indicate that any memos that relate
21 to any type of an interview that took place with the boy,
22 that that was not done? Would that be a fair assumption
23 for us to make?

24 A. It's a conjecture, but I guess it could be an

1 ANTHONY JOSEPH CARDINAL BEVELACQUA

2 assumption.

3 Q. But it's an assumption that's based on the practice
4 of the Archdiocese and the practice of the individuals
5 involved, correct?

6 A. I just don't know. I really don't know.

7 Q. Let me ask you, Cardinal. At the time in 1991, the
8 interpretation of the reporting requirements would be that
9 unless the individual themselves, this being the person
10 who was the potential victim, comes forward themselves and
11 speaks about what had taken place, the interpretation was
12 that the Archdiocese had no requirement under the law to
13 report that to any civil authorities; is that right?

14 A. I don't know. I presume that was the law at the
15 time.

16 Might I.

17 (The witness conferred with his

18 attorney.)

19 THE WITNESS: Can I ask my attorney?

20 (The witness conferred with his

21 attorney.)

22 MS. MCCARTNEY: Sure. Absolutely.

23 THE WITNESS: Yes. The answer is yes.

24 BY MS. MCCARTNEY:

25 Q. Yes. Is it a possible explanation as to why this

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 particular boy was not sought out for any type of an
3 interview himself was because if he had been spoken to and
4 he had said anything that had taken place between him and
5 Father Trauger, that that would have triggered a reporting
6 requirement on the part of the Archdiocese?

7 A. I don't know what the reason was.

8 Q. Okay. But you don't think that -- you don't know
9 whether or not this information was actually brought to
10 your attention, correct?

11 A. That is correct. I do not know.

12 Q. Okay. Do you think it was -- you have labeled the
13 conduct involved with Father Trauger as bizarre. Given
14 what had taken place in 1991 with regard to this boy,
15 taking that in conjunction with the information that is
16 contained in Father Trauger's secret archive file from
17 1981 and 1982, do you think that Father Trauger should

18 have been called in and sent for an evaluation at that
19 point?

20 A. I can't make that judgment.

21 Q. Well, if you were the one making that decision,
22 would that have been something that you would have
23 suggested take place?

24 A. That's conjecture. I cannot answer that.

25 Q. But, Cardinal, you've put people in your staff that

1 ANTHONY JOSEPH CARDINAL BEVELACQUA

2 you say are competent people. Given the facts, do you
3 think it was competent for Father Trauger to have nothing
4 remedial occur to him as a result of this behavior with
5 this boy in 1991?

6 A. I don't know what reasons prompted them to act the
7 way they did.

8 Q. Now, subsequent to this incident occurring in 1991,
9 and again, let me just make it clear for the record that
10 Father Trauger was called down and interviewed on that
11 first occasion and he gave his explanation as to how he
12 had come in contact with the boy and what had taken place
13 during their encounter. There's nothing in the file to
14 reflect that he, Father Trauger, was ever spoken to again
15 with regard to this incident.

16 And again let me ask you. If there isn't anything
17 in the file to reflect that, can we assume -- is it a fair
18 assumption that it was not done?

19 A. I just don't know.

20 Q. Okay. There also is nothing in the file that would
21 indicate that Father Trauger was in any way limited in any
22 ministry which he had at the time, that being the
23 assistant pastor at Saint Joseph's in Aston.

24 Again, if there had been any limitations placed on
25 Father Trauger, that would have been contained in his --

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 should have been contained in his secret archive file,

3 correct?

4 A. It should have been.

5 Q. Okay. Now, let me ask you, Cardinal. Subsequent
6 to that occurring in 1993, in June of 1993, Father Trauger
7 is made assistant pastor at Saint Michael the Archangel in
8 Levittown, and you were responsible for that transfer; is
9 that correct?

10 A. Yes.

11 Q. And Saint Michael the Archangel, that has a school
12 associated with it; is that correct?

13 A. Yes.

14 Q. Now, do you have any recollection of when Father
15 Trauger's name came up for discussion about, you know,
16 who's appropriate to move and whether or not they're
17 appropriate to be associated with a church with a school,

18 do you have any recollection of any of Father Trauger's
19 past --

20 A. No.

21 Q. -- coming up?

22 A. No.

23 Q. Would you have wanted to know about Father
24 Trauger's past before you made the assignment that you did
25 to Saint Michael the Archangel with the school?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 A. Well, since I didn't have any recollection of his
2 past, I would not have inquired. That's up to the
3 Secretary of the Clergy to send me any pertinent
4 information that should be necessary for a decision.
5

6 Q. Do you think that the information about what Father
7 Trauger had done, was alleged to have done, and what he
8 admitted to doing in 1981 and what he did in 1991, do you
9 think that that was information that you should have known
10 about before making the decision?

11 A. I can't answer that question because --

12 Q. Well, I'm asking --

13 A. -- that's left up to the Secretary of the Clergy,
14 you know, to provide pertinent information.

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

16 Let's assume that that information was made
17 available to you. Would that have impacted your decision

18 to transfer Father Trauger to a school, to a church with a
19 school?

20 A. As I would have to place myself in the
21 circumstances at that time and as I depended on the
22 recommendation of the Secretary of the Clergy.

23 Q. But the recommendation -- okay. All right.

24 Now, Father Trauger remains at Saint Michael the
25 Archangel till December of 2003; is that correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. According to this.

3 (The witness conferred with his
4 attorney.)

5 BY MS. MCCARTNEY:

6 Q. The last document would actually reflect his
7 removal from Saint Michael the Archangel, and that's been
8 marked as grand jury exhibit eleven fifty-eight, and we'll
9 talk about that.

10 A. I see it there.

11 Q. Okay. But between 1993 and 2003, there's a series
12 of documents in the file, and basically, we don't need to
13 go through the details of each of them, but there is a
14 request at a certain point in time that Father Trauger be
15 made part-time chaplain of a high school, and that
16 recommendation was not endorsed by either Father
17 Jagodzinski or Father Molloy; is that right?

18 A. Yes.

19 Q. Would that be something that you would have been
20 involved in, any discussion with regard to making someone
21 a chaplain at a high school?

22 A. In the actual appointment, I think I would have
23 been the one to authorize it.

24 Q. And do you have any idea why that endorsement was
25 withheld by Father Jagodzinski and Father Molloy?

1 ANTHONY JOSEPH CARDINAL BEVILLACQUA

2 A. I do not.

3 Q. Do you think it had anything to do with their
4 concern about Father Trauger and his past?

5 A. Perhaps.

6 Q. Do you think that that's what prompted their
7 withholding of the endorsement, that maybe it should have
8 been something that should have prompted their withholding
9 the recommendation that he be appointed to a church with a
10 school?

11 A. I don't know if they saw a distinction there, being
12 in a high school or in a parish.

13 Q. All right. There's also a series of letters where
14 Father Trauger requests both from you and from Father Lynn
15 consideration to become a pastor.

16 Do you have any recollection of being involved in
17 any of those discussions?

18 A. I can't recall them.

19 Q. Is that in the normal course of how things work?

20 Would you have been involved in -- if a priest,
21 who's an assistant pastor or parochial vicar, says I want
22 to be a pastor, would you be involved in a discussion as
23 to how to respond to that request.

24 A. If there was any kind of situation, I would have
25 been asked, but generally, when a request comes in like

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 That, it's handed over to the Secretary of the Clergy.

3 Q. Okay. Now, Cardinal, in November of 2003, Father
4 Trauger receives a letter which basically -- and that's
5 not been marked.

6 MS. MCCARTNEY: I'll mark that
7 document, the second to last one, eleven sixty-one.
8 (GJ-1161 was marked for
9 identification.)

10 BY MS. MCCARTNEY:

11 Q. Could you just do me a favor and just mark that
12 document, if you could.

13 It's a letter to Father Trauger from Father Lynn,
14 and the date of it is November 7, 2003.

15 A. That has a number.

16 Q. It has a number?

17 MR. HODGSON: Eleven fifty-eight.

18 MS. MCCARTNEY: The letter itself has
19 eleven fifty-eight?

20 THE WITNESS: Yes.

21 MS. MCCARTNEY: And what's the document
22 after that one?

23 THE WITNESS: There is a memo of
24 December 12, 2003.

25 MS. MCCARTNEY: Does that have a number

1 ANTHONY JOSEPH CARDINAL DEVLACQUA

2 on 112

3 THE WITNESS: No. That's the Cardinal
4 Rigali.

5 MS. MCCARTNEY: Right. So all right.

6 BY MS. MCCARTNEY:

7 Q. Now, Cardinal, the November 7, 2003, letter to
8 Father Trauger from Monsignor Lyon that basically informs
9 Father Trauger that his case is being examined; is that
10 right?

11 A. Yes.

12 Q. Do you know who initiated that preliminary
13 investigation? Do you recall?

14 A. No.

15 Q. Do you know whether it was you or whether it was
16 Cardinal Rigali?

17 A. Well, it couldn't have been me since my office
18 terminated October 7.

19 Q. Your office, though, began some preliminary
20 investigations into cases that existed prior to your
21 departing; is that right?

22 A. That was left up to the Review Board, but I . . .

23 Q. The Review Board, that was something that was
24 started under your tenure, correct?

25 A. Yes.

ANTHONY JOSEPH CARDINAL REVILACQUA

1 Q. And when was that started?

2 A. Well, I don't have the exact recollection, but it
3 was being formed, I think, in early 2001.

4 Q. Okay. And that was something that was -- well,
5 what prompted the impaneling of the Review Board?

6 A. Because it's required by the charter.

7 Q. Okay. And the charter requires that the Review
8 Board be impaneled and that the members are made up of
9 both lay people and -- are there any clergy members on the
10 board?
11

12 A. I think one priest, one had to be a clergyman.

13 Q. Okay. And the other people were civilians?

14 A. Lay people.

15 Q. Lay people. And who directed them to the files
16 that should have been looked at for a further examination?
17 Do you know?

18 A. I'm presuming it was the Secretary for the Clergy.

19 Q. Okay. Did you have any input into the Review
20 Board?

21 A. No.

22 Q. Who appointed the individuals to the Review Board?

23 A. Oh, that would have been brought to my attention,
24 and I would have approved them.

25 Q. Okay.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MR. HODGSON: I don't think he
3 understood the question.

4 MS. MCCARTNEY: All right.

5 THE WITNESS: Excuse me.

6 MS. MCCARTNEY: That's fine. Take your
7 time.

8 (The witness conferred with his
9 attorney.)

10 THE WITNESS: I mean, it was my
11 authority to appoint the members of the Review
12 Board.

13 MS. MCCARTNEY: Okay.

14 BY MS. MCCARTNEY:

15 Q. And they were given the responsibility of going and
16 looking at cases that had already come up in the
17 Archdiocese; is that right?

18 A. Yes. Yes.

19 Q. All right. And did you have any input into which
20 cases they should be reviewing?

21 A. I have no recollection of being asked that.

22 Q. So that was something that was totally taken care
23 of by your Secretary for the Clergy?

24 A. Yes.

25 Q. All right. And then this preliminary

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 investigation, which is apparently authorized under Canon
3 1717 --

4 A. Yes.

5 Q. Can you explain to us what that is?

6 A. It's a -- Canon 1717 begins a series of canons on
7 investigating any charges of a criminal nature against the
8 priest, and it's the usual, what has been done, of
9 interviewing the relevant people, the accuser, the priest
10 and any witnesses that there are.

11 Q. And -- I'm sorry.

12 A. And to determine whether there's credibility to the
13 accusation. That's substantially what it is.

14 Q. And if there's credibility to the accusation, then
15 what's the next step in the process, if any?

16 A. It's up to the one conducting it whether or not
17 perhaps that person should be removed, at least

18 temporarily, from active duty; and then if there is a
19 basis for action, then it's determined whether it goes to
20 trial or not.

21 Q. And this canon obviously existed prior to the
22 charter --

23 A. Yes.

24 Q. -- in June of 2002?

25 Did you ever use this to conduct any preliminary

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 investigation on any of the priests that were accused?

3 A. Well, all of the investigations really follow that
4 procedure.

5 Q. But there's a number of priests that were -- okay.
6 All right.

7 Let me ask you again to look at the last document.

8 MS. MCCARTNEY: We'll mark that grand
9 jury exhibit eleven sixty-one.

10 BY MS. MCCARTNEY:

11 Q. This is a memo to Cardinal Rigali from Monsignor
12 Lynn and the date of it is December 12, 2003; and just so
13 we're clear on the record, Cardinal, this is a -- you had
14 left the Archdiocese of Philadelphia; is that right?

15 A. Yes.

16 Q. Basically, what this memo relates to Cardinal
17 Rigali is that Father Trauger, when Father Trauger came
18 in, he found out he was being investigated by the Review
19 Board. He met with the private investigator as a result
20 of that, and then after that meeting, Father Trauger asked
21 for a meeting with the Secretary of Clergy.

22 He came into the office. He admitted in 1981 and
23 1982 that he had abused three boys by fondling their
24 genitals. He said one was while they were naked, the
25 other two through clothing. Two boys were twelve and

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 thirteen years of age, and the other was fourteen at the
3 time.

4 He said that these incidents occurred while he was
5 stationed at Saint Titus and Saint Matthew's Parish, and
6 he also indicated that there were no other victims of
7 abuse by him.

8 Father Trauger at that point was relieved of his
9 assignment, told he could have no more public ministry and
10 that he was to report to Saint John Vianney.

11 Is that accurate an summary of the contents of that
12 document?

13 A. Yes.

14 Q. Father Trauger admitted that he had molested boys
15 in 1981 and 1982; is that right?

16 A. Yes.

17 Q. Let me ask you, Cardinal, and I know that this is
18 somewhat of a speculative question, but Father Trauger --
19 well, Father Trauger, when asked about the incidents of
20 1981 and 1982 said he had patted the boys and rubbed them,
21 but he denied that there was anything sexual involved,
22 correct?

23 A. Yes.

24 Q. Father Trauger was evaluated by two doctors, Dr.
25 Donnelly and then Dr. Miraglia, where he denied that there

1 ANTHONY JOSEPH CARDINAL BEVILLACQUA

2 was anything sexual involved in his behavior; is that

3 right?

1 A. Yes.

Q. Now we find out in 2003 from himself that there was
actually something certain that he did in fact fondle
boys; is that right?

8 A. Yes.

9 Q. Do you think that given the fact that Father
10 Trauger was molesting boys in 1981 and 1982 and that --
11 strike that -- that you would agree with me that the
12 treatment that one receives, the best treatment is only
13 once there's honesty from the person receiving the
14 treatment, correct?

15 A. Could you repeat that.

16 Q. Father Trauger was treated twice within the
17 Archdiocese of Philadelphia, both of which he went into
18 the treatment and he left the treatment denying that
19 anything was wrong with him and denying that anything had
20 occurred, correct?

21 A. Yes.

22 Q. Father Trauger then, would you agree, that the
23 treatment that he received, if we call it treatment, was
24 less effective because of his lack of truthfulness with
25 the evaluators?

ANTHONY JOSEPH CARDINAL BEVILLACQUA

A. Yes.

Q. Okay. Do you think that given the fact that Father Trauger then for all practical purposes went untreated from 1982 forward, does that in any way call into question in your mind his assertion that there were no other victims of abuse by him?

A. I can't answer that question.

Q. Okay. All right.

BY MR. GALLAGHER:

Q. Cardinal, this letter of November 7, 2003, from the Secretary of Clergy, Monsignor Lynn. You may have already addressed this, but I want to be clear on it.

It indicates that on November 7, 2003, Cardinal Rigali and Monsignor Lynn informed Father Trauger that they were initiating a preliminary investigation under Canon 1717 for events that happened in August of 1981 and August of 1982.

Do you know what prompted the Archdiocese to initiate this preliminary investigation in November of 2003?

A. I can only surmise. I can't be, you know, sure. I don't know really, unless it came from the Review Board. I don't know what prompted them other than that's a conjecture on my part.

1 ANTHONY JOSEPH CARDENAL BEVILACQUA

2 Q. Okay. You were involved in appointing the Review
3 Board, correct?

4 A. Yes.

5 Q. And were you involved in approving the procedures
6 that they are following?

7 A. I think so. There's a special procedure given by
8 the -- you know, by the National Conference of Bishops on
9 review boards.

10 Q. Are they charged with reviewing every secret
11 archive file that is in the possession of the Archdiocese
12 of Philadelphia?

13 A. I think it's restricted -- I'm not positive -- just
14 to sexual abuse of minors by clergy or -- and I think it
15 may include those who worked for the Archdiocese.

16 Q. Okay. So this came about because the Review Board
17 is looking at all secret archive files in the Archdiocese

18 that involved allegations of sexual abuse by minors?

19 A. I didn't say that. I said -- you asked me why was
20 this done. I said perhaps it came from the Review Board,
21 so I'm not certain that it actually did.

22 Q. You issued yourself, before you retired on October
23 7 of 2003, these preliminary investigation letters; is
24 that correct?

25 A. This one here?

1 ANTHONY JOSEPH CARDINAL BEVILLACQUA

2 Q. Not this one here, but others?

3 A. Not that I recall. I can't recall any special
4 investigatory letters.

5 Q. You don't recall initiating them, signing them, any
6 of these letters before you left on October 7?

7 A. Letters such as this? I don't recall them.
8 I was, you know, waiting for the Review Board to
9 become more active at that time. You know, they were
10 being formed, and I think they were reviewing cases, but
11 that's all I recall.

12 Q. You don't recall the Review Board submitting to you
13 for signature letters of this effect --

14 A. No.

15 Q. -- to initiate?

16 A. I don't recall any.

17 Q. Thank you.

18 MS. MCCARTNEY: Okay. Cardinal, it is
19 now eleven clock. We're going to take a break
20 until eleven fifteen. Okay.

21 MR. SPADE: It's actually ten
22 fifty-seven. We'll take a break until eleven
23 twelve.

24 (A recess was held.)

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA
2 the record. The time is eleven nineteen.

3 We have?

4 [REDACTED]
5 [REDACTED]

6 MS. MCCARTNEY: Which constitutes a
7 quorum. Thank you.

8 And we've recalled Cardinal Bevilacqua,
9 who's back in the room along with his counsel.

10 BY MS. MCCARTNEY:

11 Q. Good morning, Cardinal.

12 A. Good morning.

13 Q. We're going to move now to some questions regarding
14 the file of John E. Gillespie, and I put some documents in
15 front of you that relate to that file.

16 Do you have them in front of you, Cardinal?

17 A. I do.

18 Q. Okay. First let me ask you, I guess, before we
19 begin the actual questioning of the file.

20 Do you have any independent recollection of
21 Monsignor Gillespie's situation in the Archdiocese?

22 A. Very vague.

23 Q. Okay. But you have had the opportunity to review
24 these documents; is that correct?

25 A. I have.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. All right. Let's begin, Cardinal, with the first
3 document that's actually a series of documents, but they
4 are marked collectively as grand jury exhibit two sixty.

5 Do you have that in front of you?

6 A. (No response.)

7 Q. It should be the very first -- two sixty, it's
8 marked collectively. What it is, is it's a memo to you.

9 A. I have no number on these.

10 Q. You don't have a number on it?

11 MR. HODGSON: First number is two
12 sixty-one.

13 MS. MCCARTNEY: What is two sixty-one?

14 MR. HODGSON: That's the memo of April
15 26 and 27, 1994.

16 MS. MCCARTNEY: The first three
17 documents, which would be the memo to Anthony

18 Cardinal Bevilacqua along with two letters that are
19 attached to that memo. They are collectively grand
20 jury two sixty.

21 I'm sorry. You don't have a copy?

22 THE WITNESS: You want me to note that?

23 MS. MCCARTNEY: If you would, that
24 would be great. Thank you.

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MR. MCCARTNEY:

3 Q. Okay. Thank you, Cardinal.

4 A. Okay.

5 Q. The first of those three documents is a memo to you
6 from Monsignor James E. Molloy, and the date of that is
7 January 10, 1994, and it's involving Monsignor John
8 Gillespie; is that correct?

9 A. Yes.

10 Q. And it's cc'd to Monsignor Edward Cullen, correct?

11 A. (No response.)

12 Q. On the first page, it should say: "Cc'd:
13 Monsignor Cullen."

14 A. I don't see that.

15 Q. On the very first page.

16 A. Oh, this one here?

17 Q. Yes.

18 A. Sorry.

19 Q. Okay. That's fine.

20 Now, Cardinal, what this is is a cover sheet, which
21 is saying attached you're going to find a memorandum of
22 today's date from Father Lynn to your attention; and if
23 you flip to the second page of that packet, there's a memo
24 to yourself from Father Lynn, and the date that is January
25 10, 1994, and it basically is provided for your

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 information and it involves letting you know that
2 Monsignor Gillespie, who's the pastor at Our Lady of
3 Calvary Parish in Philadelphia had come into the Secretary
4 of Clergy's office and he had said that a former altar boy
5 had contacted him at his parish and said that he, being
6 the former altar boy, had been molested by Father
7 Gillespie when he was a priest at Immaculate Conception in
8 Levittown and that the boy who was now a man was ^{Mark} [REDACTED]
9 [REDACTED]

10 [REDACTED]
11 It indicates that after ^{Mark} [REDACTED] contacted
12 Monsignor Gillespie, ^{Mark's Mother} [REDACTED] also
13 contacted him and accused him of molesting her boys,
14 quote, molesting her boys, end quote.

15 She had told Monsignor Gillespie that her son had
16 been in therapy and that it also indicates in this memo
17 that Monsignor Gillespie had written a letter to ^{Mark} [REDACTED]

18 [REDACTED] and it says in this memo in parentheses: Letter
19 attached, and it then goes on to say that Monsignor
20 Gillespie had received another phone call from ^{Mark} [REDACTED]
21 [REDACTED], who repeated the allegations, saying that Father
22 Gillespie had put his hands down his trousers, that would
23 be ^{Mark's} [REDACTED] trousers, touched his genitals and that he had
24 threatened to -- he being ^{Mark} [REDACTED] -- had said that
25 he would face Monsignor Gillespie face to face and that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Monsignor Gillespie indicated that after he got that phone
3 call, he wrote a second letter to [REDACTED] and
4 again it's indicated in this memo that the letter is
5 attached.

6 Then there's some background information that was
7 provided to you with regard to the family of ^{Mark's} [REDACTED]
8 [REDACTED], that ^{Mark's} [REDACTED] father was an alcoholic, that
9 the family was split for a while because of the father's
10 alcoholism and that finally they got back together.

11 It indicates that in 1985 Father Gillespie had lent
12 ^{Mark} [REDACTED] \$2500 as a loan because he was in a
13 financial crisis, and it also indicates per Monsignor
14 Gillespie that ^{Mark} [REDACTED] had some drug problems.

15 Now, you received that memo, and as I've already
16 indicated, Cardinal, you also got as attachments to that
17 letter two letters that were written to ^{Mark and} [REDACTED]
^{Andrew (Mark's brother)} [REDACTED]
18 [REDACTED] by Monsignor Gillespie; is that right?

19 A. Yes.

20 Q. And those two letters are provided in that first
21 document, correct?

22 A. Yes.

23 Q. The first one is December 19, 1993, and January 8,
24 1994, which would be the dates that Monsignor Gillespie
25 wrote to the [REDACTED] brothers, correct?

1 ANTHONY JOSEPH CARDINAL REVILACQUA

2 A. Yes.

3 Q. Now, do you have any independent recollection of
4 receiving these documents?

5 A. I do not.

6 Q. Okay. Did reading these letters and reading that
7 memo refresh your recollection at all?

8 A. No.

9 Q. We can conclude, can we not, that you received
10 these letters, though, at the time?

11 A. Yes.

12 Q. Okay. Now, I want to ask you, having received the
13 letters in the memo, I want to ask you to look at the
14 letters that were written by Monsignor Gillespie, and
15 let's focus first on the one from December 19, 1993.

16 In this letter, Monsignor Gillespie is telling

17 ~~Andrew~~ that he did not molest him and denying

18 the allegations that were lodged against him.

19 I'm going to read you some excerpts and tell me
20 what you think about this, and I'm looking specifically at
21 the second paragraph, and I'll just read part of it.

22 "As a young priest, I enjoyed being with all of you
23 at church and at school and on the occasions we took car
24 rides to various places, especially ice cream stores. We
25 all teased one another and laughed over a number of

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 amusing incidents. Of all of them, I guess I especially
3 like you and ^{Mark} [REDACTED] because both of you had a good sense of
4 humor. I find in life that when people like one another,
5 they express it either quietly in words or more openly in
6 actions, showing affection by embracing, hugging, et
7 cetera. I know I showed my affection in a physical way by
8 clowning with you, embracing you, et cetera. However, I
9 was extremely careful" -- and this part of the sentence is
10 underlined by Monsignor Gillespie -- "I was extremely
11 careful never to touch any of the sexual areas of any of
12 you. I avoided this not only because it was and is
13 morally wrong but also because I had no desire to do so."

14 And then if you go down to the third paragraph,
15 Cardinal, and I'm going to read the first sentence:
16 "Furthermore, ^{Andrew} [REDACTED] if I were inclined to touch any of you
17 in a sexual way, I would certainly not have done it in the
18 presence of others. Yet, you will recall how I never took
19 any of you alone with me, either to the rectory or in my
20 car. There was always others around. The last thing in
21 the world I wanted to do was molest you. I thought too
22 highly of you."

23 Now, Cardinal, when you read that letter, did you
24 think it was at all -- what were your thoughts for someone
25 that was denying the fact that they had sexually touched

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 someone and writing a letter to the person that had made
3 the accusation and, in doing so, they had included in the
4 letter certain things like "I was extremely careful never
5 to touch any of the sexual areas of any of you. If I were
6 inclined to touch any of you in a sexual way, I certainly
7 would not have done it in the presence of others"?

8 Did you find those denials -- did they cause any
9 concern to you?

10 A. They did, yes.

11 O. Let's go to the second letter that he wrote, and
12 this is a letter to ^{Mark} [REDACTED] and this one's dated
13 January 8, 1994; and I want to focus specifically on the
14 second paragraph, and I'll just read it, and tell me if
15 I'm reading it correctly.

16 "As I said in my letter to ^{Andrew} [REDACTED] I enjoyed being
17 with you and ^{Andrew} [REDACTED] and I recall we had many mutually

18 enjoyable experiences. As a young and perhaps immature
19 priest, I was exuberant in reaching out, embracing and
20 touching people for whom I had affection. This may have
21 caused discomfort to you and ^{Andrew} [REDACTED], and for" -- and I'm
22 sorry, Cardinal, but my copy is cut off, so I can't read
23 that.

24 "You mentioned or stated in our brief conversation
25 that I reached down your trousers and touched you

ANTHONY JOSEPH CARDINAL BEVELLACQUA

1 sexually. To this I respond in all honesty, I did at
2 times touch your belly and kidded you about gaining a few
3 pounds, but again I say," -- and this is underlined -- "I
4 was extremely careful to avoid touching your sexual parts.
5 If you think back in all honesty, I am confident you will
6 remember this. I avoided touching you or anyone sexually
7 not only because it is wrong and I didn't want to lead you
8 astray but also because I had no desire or inclination to
9 do so."

11 Now, again, Cardinal, you received that letter back
12 in 1994 as part of the memo that you got from Monsignor
13 Lynn, and this is the letter that Monsignor Gillespie
14 wrote advancing his innocence in these acts.

15 Did you find those denials at all concerning?

16 A. As in what he's saying he did not do, that
17 concerned me.

18 Q. Did you think it was odd that he would feel
19 compelled to write: "I was extremely careful to avoid
20 touching your sexual parts"?

21 A. Yes, that was.

22 Q. Okay. But yet, Cardinal, after you received that
23 memo and you received those letters, and if you look on
24 the third page of the memo that you received from
25 Monsignor Lynn, or it's actually the second page of that

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 memo, you note on the bottom of this, and this is your
3 handwriting: "I believe Monsignor Gillespie. What a
4 heavy cross. Keep me informed."

5 A. Excuse me. I'm not aware of where you are.

6 Q. I'm sorry. Back to the beginning of two sixty,
7 okay, if you flip that first page, then you come to the
8 memo from Monsignor Lynn to you, and then the third page
9 back, this is your response to the memo after receiving it
10 and also receiving the letters.

11 You wrote in your writing: "I believe Monsignor
12 Gillespie. What a heavy cross. Keep me informed. AJB.
13 1/11/1994" --

14 A. Yes.

15 Q. -- is that accurate?

16 A. Yes.

17 Q. So you believed at that point in time Monsignor

18 Gillespie's denials as to the allegations involving the
19 [REDACTED] brothers?

20 A. Well, I said it then, because I must admit that my
21 reaction now is having now read the whole file.

22 Q. It's different?

23 A. You know, it appears different now.

24 Q. Okay. At the time, if you had made that notation
25 then, you obviously must have evaluated the letters,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 evaluated the memo?

3 A. Of that time.

4 Q. Okay. And, Cardinal, we can we agree that there
5 was no action taken on the part of the Archdiocese towards
6 Monsignor Gillespie as a result of these allegations; at
7 that time, he was not asked to go for an evaluation and he
8 was not removed from his assignment as pastor of Our Lady
9 of Calvary?

10 A. I don't recall what action if any was taken.

11 Q. If I were to tell you that there's nothing in the
12 file to indicate that any action was taken, would you
13 accept my representation of that?

14 A. I would say that there's nothing in the file that
15 was given to me, but I don't know if any action was taken
16 by Monsignor Lynn.

17 Q. Well, Cardinal, not only --

18 A. Ordinarily, it would be here.

19 Q. If there was some action taken?

20 A. Ordinarily.

21 Q. Yes.

22 A. But I don't recall.

23 Q. My telling you that there's nothing in the file to
24 reflect that anything happened, coupled with your response
25 back in 1994 that you believed Monsignor Gillespie and it

1 ANTHONY JOSEPH CARDINAL BEVELACQUA

2 was a heavy cross for him to bear, that would reflect the
3 fact that nothing was done by the Archdiocese, correct?

4 A. Not necessarily. It could be that -- I think the
5 [REDACTED] brothers did not come in.

6 Q. Okay. The next document in front of you, Cardinal,
7 which is marked grand jury exhibit two sixty-one, that
8 basically is a memo which relates the fact that the -- I'm
9 sorry. Are you with me?

10 MR. HODGSON: No.

11 MS. MCCARTNEY: I'm sorry.

12 (The witness conferred with his
13 attorney.)

14 THE WITNESS: Okay.

15 BY MS. MCCARTNEY:

16 Q. Okay. That basically reflects it's dated April 26
17 and 27, 1994. It involves a telephone call that Monsignor

18 Gillespie placed to Monsignor Lynn, and it talks about the
19 fact that Monsignor Gillespie had been confronted by [REDACTED]

20 [REDACTED] with regard to the allegations that he had made
21 against him and that Monsignor Gillespie was told by

22 Monsignor Lynn that he was not to write any more letters
23 to the [REDACTED] ^{brothers} that if the [REDACTED] ^{brothers} had anything to

24 report, that they should do so through the Secretary of
25 Clergy's office; is that correct?

1 ANTHONY JOSEPH CARDINAL REVILLACQUA

2 A. Yes.

3 Q. Okay. Now, the next document, grand jury exhibit
4 two sixty three, do you have a copy of that?

5 A. Yes.

6 Q. Okay. This is a letter that is written to you, and
7 it's dated November 17, 1997, and it's written by ~~██████████~~
8 *Neil's mother*, and she informs you that there's a serious
9 problem that has occurred, that needs to be addressed
10 immediately. It occurred at Our Lady of Calvary on
11 Saturday, November 19, which involved one of your priests
12 and her twelve year old son. Is that correct?

13 A. Did you say November 19?

14 Q. November 17, 1997.

15 A. I thought you were talking about the incident.

16 Q. Oh, I'm sorry.

17 A. The letter is dated November 17.

18 Q. Right. And the incident occurred on Saturday,
19 November 15. If I said the 19th, I apologize. And she
20 basically is informing you that something happened between
21 one of your priests at Our Lady of Calvary and her twelve
22 year old son?

23 A. Right.

24 Q. And that there better be some action taken on the
25 part of the Archdiocese or she would go to the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Philadelphia Police Department, Sex Crimes Division; is
3 that correct?

4 A. Yes.

5 Q. All right. And then the next document -- do you
6 have any recollection of receiving that letter?

7 A. I do not.

8 Q. Okay. The next document is grand jury exhibit two
9 sixty-four, and this is a document which is written by
10 Reverend Francis W. Beach, and the date of this is
11 November 21, 1997, and who was Father Beach?

12 A. He would have been the Regional Vicar of
13 Philadelphia North.

14 Q. Okay. And Our Lady of Calvary would have been
15 encompassed by Philadelphia North?

16 A. Yes.

17 Q. Okay. So basically what this memo says is that

18 Father Beach was forwarded a copy of the letter that had
19 been sent to you and that as a result of that, he went out
20 and had a conversation and a meeting with [REDACTED]
21 [REDACTED]; is that right?

22 A. Yes.

23 Q. Okay. And I believe that also at the meeting was
24 Father Lynn, and they go to [REDACTED] house, and she
25 tells them basically that she had taken her twelve year

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 old son ^{Neil} [REDACTED] to confession at Our Lady of
3 Calvary and that he came out of the confessional and he
4 was very upset.

5 I apologize. It was actually her mother who had
6 taken the boy to confession at Our Lady of Calvary. He
7 came out and he was very upset, and he reported -- he
8 being ^{Neil} [REDACTED], twelve years old, reported that while
9 he was in the confessional, the priest who was hearing his
10 confession had asked him the following questions: "Are
11 you married? How old are you? Do you touch yourself? Do
12 you ever sexually hurt yourself? Did you ever sexually
13 hurt someone else?"

14 ^{Neil} [REDACTED] id he was embarrassed and angry at
15 the questions that were asked of him and he wanted the
16 person's -- he wanted the priest to be arrested, and ^{Neil's mother} [REDACTED]
17 ^{Neil's mother} [REDACTED] says that she went to Our Lady of Calvary Rectory

18 and she had a conversation with the pastor there, who was
19 Monsignor Gillespie, and it was during the course of that
20 conversation that Monsignor Gillespie had tried to make it
21 appear as if it was another priest who had actually heard
22 ^{Neil's} [REDACTED] confession, and according to ^{Neil's Mother} [REDACTED], he
23 appeared to be unconcerned about what she was telling him.

24 Is that accurate thus far, Cardinal?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILLACQUA

2 Q. Okay. Also, the memo goes on to indicate that
3 Father Lynn, I guess, did some investigation, and it was
4 determined that it was actually Monsignor Gillespie who
5 had heard the boy's confession; is that correct?

6 A. Well, it was Father Lynn who spoke to Monsignor
7 Gillespie and asked about what confessional box it was in.

8 Q. Yes.

9 A. And then that Monsignor Gillespie felt it was his.

10 Q. Yes. That he was the one that was in the
11 confessional box at the time that ^{Neil} went to have
12 his confession heard, correct?

13 A. Yes.

14 Q. Okay. So --

15 A. But I -- could I add something here?

16 Q. Absolutely.

17 A. This letter has presented a problem to me.

18 Q. Okay.

19 A. Because the boy insisted that the priest had an
20 accent.

21 Q. Yes.

22 A. And Monsignor Gillespie doesn't have any accent,
23 but one of the other priests there does, so I -- you know,
24 I was confused about that, how Monsignor Gillespie just
25 choosing a box, by the box that he was hearing in, that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 confessional, said it was he. I don't know if it -- you
3 understand my problem?

4 Q. I understand that you're concerned, and I
5 understand the question you have, but we can only rely on
6 the documents; and let me read to you what Father Lynn
7 said that Monsignor Gillespie told him, that Father Hutton
8 was in the front of the church hearing confessions and
9 that he, Monsignor Gillespie, was in the confessional on
10 the right side of the church, and therefore, he must have
11 been the priest that ^{Neil's} [REDACTED] referring to?

12 A. I see that, but it's still -- there's still a
13 question I had about the accent. But anyhow, I accept
14 what it says there.

15 Q. Cardinal, and your question is a legitimate one,
16 did you raise it at the time?

17 A. I don't remember seeing this.

18 Q. Okay. Do you think that this is something that
19 should have been brought to your attention, that you have
20 a priest who was saying to a twelve year old boy: Do you
21 sexually touch yourself? Do you sexually hurt yourself?
22 Have you ever sexually hurt somebody else?

23 That's obviously is something -- I can only assume
24 that's something that's quite concerning?

25 A. It's hard for me to answer questions involving a

ANTHONY JOSEPH CARDINAL BEVILACQUA

2 confessional matter like this because I don't know if the
3 boy repeated it accurately.

4 I That's my problem. I was not the
5 investigator, and the boy repeated five questions which I
6 find -- you know, if those were asked of a little boy, you
7 know, they would not be appropriate questions, so I -- I
8 don't know why they were asked.

9 And it's amazing that he remembers all of them, but
10 it would not be something ordinarily that would have been
11 brought to my attention, so I have no recollection of this
12 at all.

13 Q. I'm sorry, Cardinal. You're surprised that the boy
14 remembered those questions being asked of him in
15 confession?

16 A. No. I'm saying -- I am, but it's amazing that he
17 does.

18 Q. Can you --

19 A. I'm not saying he did not remember them.

20 Q. All right. But nonetheless, based upon the
21 information that's contained in this memo, GJ-264, it
22 appears as if when the investigation was done, that it was
23 actually Monsignor Gillespie who had been the one --
24 whether he put on an accent or not, he was the one that
25 said that he was in the confessional at the time --

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. He does. He does.

3 Q. Is that right?

4 A. He does. Yes.

5 Q. And whatever questions, your questions,
6 legitimately being raised, would you agree that they were
7 best handled or, if those questions were raised, that they
8 could have been answered back by the people that you
9 vested the responsibility to do these investigations?

10 A. Could you repeat that, please.

11 Q. Sure. Monsignor Lynn was in charge of priest
12 sexual abuse matters?

13 A. Right.

14 Q. If this situation presented itself and he went out
15 and he had questions about who said what to whom and
16 whether it was cause for concern, he had the ability to
17 answer those questions, correct?

18 A. Yes.

19 Q. And if those questions still remained, still based
20 upon a document that he wrote, can we conclude that he
21 didn't do a proper investigation, if there's still
22 questions that remain?

23 A. That Monsignor Lynn didn't know?

24 Q. Right.

25 A. No, I can't answer that.

ANTHONY JOSEPH CARDINAL BEVILACQUA

Q. Okay.

A. I don't know the circumstances of the time, whether he was reluctant to go into confessional matters. So I can't -- I can't answer that.

Q. Cardinal, based upon a review of this memo, though -- and the boy was spoken to. His mother was spoken to. The boy talked about what had happened in the confessional with his mother, so any kind of confidentiality within the confessional clearly had been violated anyway, right?

The boy talked about it to Father Lynn, about what had happened in the confessional?

A. Yes.

Q. So it wasn't as if there was that problem with Father Lynn in terms of delving further into the situation if those questions needed to be answered, correct?

A. I still think Monsignor Lynn may be reluctant to pursue it further because it's a confessional matter.

Q. All right. But nonetheless, we have this incident in Monsignor Gillespie's secret archive file, and there's nothing in the file to reflect that Monsignor Gillespie was asked to go for an evaluation or that he was removed from his assignment or in any way limited in his assignment as pastor at Our Lady of Calvary; would you

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 agree with that, Cardinal?

3 A. There's nothing in the file.

4 Q. Okay. And if he had been removed as pastor of Our
5 Lady of Calvary, that would have been in the file,
6 correct?

7 A. If he had been?

8 Q. Yes.

9 A. It should.

10 Q. If he was sent for an evaluation at Saint John
11 Vianney or Saint Luke's or any of the other institutions,
12 that would have been in the file, too, correct?

13 A. I presume so.

14 Q. Okay. And the fact that it's not there, we can
15 assume that that was not done, correct?

16 A. (No response.)

17 Q. That's a fair assumption based upon the facts as we
18 know them?

19 A. It's an assumption.

20 Q. Okay. Let's go to the next document, which is --
21 actually, this one is not marked, and I'll mark this, if
22 you would do me the favor of marking yours, grand jury
23 exhibit eleven sixty-two?

24 (GJ-1162 was marked for
25 identification.)

ANTHONY JOSEPH CARDINAL BEVELACQUA

THE WITNESS: This is 132

MS. McCARTNEY: Eleven sixty-two.

BY MS. MCCARTNEY:

Q. This is 1/19. Yes. It says: " [REDACTED]
called with complaint against Monsignor John Gillespie at
Our Lady of Calvary, Philadelphia?"

A. Yes.

Q. And it's to the file, and it's from Reverend Vincent F. Welsh, and it's dated 1/19/2000, correct?

A. Yes.

Q. All right. The next document is grand jury exhibit two sixty-five?

A. Yes.

Q. And this is a memo which relates to a meeting between ^{Gabriel} [REDACTED] Father Lynn and Father Welsh, correct?

A. Yes.

Q. And it's regarding Monsignor John E. Gillespie,
Pastor of Our Lady of Calvary Church.

In this memo, it details the fact that [REDACTED] says that between his freshman and the beginning of his senior year in high school, while he served as a weekend sacristan at Our Lady of Calvary Church, Monsignor Gillespie sexually molested him.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 He said that over a period of two or three years,
3 every time he assisted as a sacristan at Our Lady of
4 Calvary Church, Monsignor Gillespie touched him in an
5 inappropriate manner.

6 He said that these incidents occurred in the church
7 sacristy before and after Mass and that there were no
8 witnesses.

9 He went on to say that Monsignor Gillespie would
10 call him over, compliment him on his athletic build, asked
11 him how much he weighed.

12 He said he would touch his stomach and chest and
13 then reach into his pants and fondle his genital area,
14 including on occasion grabbing and pulling his penis, and
15 he said that sometimes Monsignor Gillespie would reach
16 down the back of his pants and touch his rear end.

17 And he goes on in this memo to talk about the fact
18 that he never heard of Monsignor Gillespie acting this way
19 with anyone else, but he does mention another man by the
20 name of [REDACTED], who is also a sacristan. He told [REDACTED]
21 Gabriel [REDACTED] years later that Monsignor Gillespie had also
22 asked him about his weight, but he says he doesn't know
23 whether or not he had been abused by Monsignor Gillespie
24 at all.

25 A. Forgive me.

ANTHONY JOSEPH CARDINAL BEVILACQUA

- 1
2 Q. Sure. I'm sorry. On page two?
3 A. Yes. I saw the first part.
4 Q. Third paragraph. I'm sorry.
5 A. Okay.
6 Q. The last couple sentences there?
7 A. I found it.
8 Q. Okay. Now, it also details the fact that **Gabriel**
9 **[REDACTED]** is now a **[REDACTED]**; is that
10 right?
11 A. Yes.
12 Q. Okay. And it talks about the difficulty that **[REDACTED]**
13 **Gabriel** has had as a result of being abused and that he's
14 in therapy; is that correct?
15 A. Yes.
16 Q. All right. **Gabriel** **[REDACTED]** is told that Monsignor
17 Gillespie would be confronted with these allegations; is
18 that right?
19 A. (No response.)
20 Q. That's at the end of the document.
21 A. About the encouragement to contact Monsignor Lynn?
22 Q. It says: "Monsignor Lynn thanked **Gabriel** **[REDACTED]** for
23 sharing" --
24 A. All right. Thank you.
25 Q. All right. And then if you look at the next

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 document, Cardinal, that's grand jury exhibit two
3 sixty-six. That actually is a memo written by Vincent
4 Welsh to the file, dated January 24, 2000, and it is
5 detailing out a meeting that took place between Monsignor
6 Gillespie, Father Lynn and Father Welsh, correct?

7 A. Yes.

8 Q. Okay. And in this memo, in paragraph two, it says:
9 "When presented with the accusation, Monsignor Gillespie
10 acknowledged that he knew ^{Gabriel} [REDACTED] and his family
11 and that ^{Gabriel} [REDACTED] and his brother has functioned as
12 sacristans at Our Lady of Calvary Parish approximately
13 thirteen to fifteen years ago. Monsignor Gillespie
14 admitted that over a two-year period while Gregory was a
15 sacristan, he touched ^{Gabriel} [REDACTED] in an inappropriate manner
16 on a number of occasions. He admitted that he touched
17 ^{Gabriel's} [REDACTED] stomach and reached into his pants and touched
18 his pubic area but stated he never fondled or touched his
19 penis."

20 Is that accurate?

21 A. Yes.

22 Q. Okay. And then if you flip to the second page of
23 that, it says: "When Monsignor Gillespie was reminded of
24 the [REDACTED] brothers who had contacted him in 1994 with
25 the similar accusation but never contacted the Clergy

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 office, Monsignor Gillespie stated that over the years he
3 had behaved 'too freely' with some boys but denied ever
4 touching anyone's genitals. He also stated that he was
5 more sure that he had 'never gone that far' with the
6 [REDACTED] brothers than ^{Gabriel} [REDACTED] because the [REDACTED]
7 brothers were usually together. Monsignor Gillespie said
8 that ^{Gabriel} [REDACTED] was probably the last boy he had touched
9 inappropriately."

10 Is that accurate?

11 A. Yes.

12 Q. Okay. Monsignor Gillespie was told that he should
13 go for an evaluation at the Anodos Center, and he agreed
14 to do that; is that right?

15 A. Yes.

16 Q. Okay. Now, you were made aware of the fact that
17 Monsignor Gillespie had these new allegations that came to
18 light, correct?

19 A. I presume they would have been brought to my
20 attention at some time.

21 Q. And the fact that a pastor at a parish in
22 Philadelphia was being sent for a four-day evaluation at
23 the Anodos Center, that would have been something that
24 would have been brought to your attention?

25 A. Ordinarily, yes.

ANTHONY JOSEPH CARDINAL BEVILACQUA

Q. Okay. Now, he is evaluated at the Anodos Center, and I'm going to ask you -- you can skip that document, if you would, and go to the next document, which is grand jury exhibit two sixty-seven.

A. Yes.

Q. This is dated January 27, 2000, and this is the form which is filled out by Monsignor Lynn, and it's the assessment referral information; is that right?

A. Yes.

Q. Let me ask you a couple questions about this, if I could, Cardinal.

If you flip to the third page, this is where we actually get into the information, the assessment referral information.

A. Yes.

Q. And it's referred by Monsignor William J. Lynn; is that right?

A. Yes.

Q. Okay. Would you agree with me, Cardinal, that a referral for evaluation is only as good as the information that the evaluation team is -- their eventual conclusions with regard to an individual are only as good as the information that they're provided with, whether it be by the person or, in this case, by the person and by the

1 ANTHONY JOSEPH CARDINAL BEVILLACQUA

2 referral information?

3 A. Ordinarily.

4 Q. Okay. Now, in this document, which is authored by
5 the Secretary of Clergy for the purposes of having the
6 evaluation conducted of Monsignor Gillespie, it talks
7 about the fact that a twenty-nine year old male had come
8 and said that Father Gillespie had reached into his pants
9 and fondled his genitals.

10 It also talks about the fact that in 1994, two
11 other men had come forward alleging that Monsignor
12 Gillespie had abused them; and it also indicates in here:
13 "Since they did not come to us, there was no previous
14 history or concerns, and Monsignor Gillespie brought this
15 to our attention himself. No further action was taken,"
16 and it says that these complaints went back to 1958 and
17 that there were also indications of just wanting money
18 from Monsignor Gillespie.

19 Do you find it at all troublesome, Cardinal,
20 looking at this evaluation referral form, that nowhere in
21 here does it mention any of the allegations that came out
22 as a result of the incident with the confessional in 1958?

23 A. No. Because it was a confessional matter. That
24 may be the reason why it was not mentioned, and there was
25 no overt action.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. But do you not think it would be somewhat important
3 to determine?

4 Do you think it would be important for the
5 evaluators who are being asked to come to a conclusion at
6 the end of the evaluation whether or not someone's capable
7 of going back to parish work?

8 Do you think that they might want to have the
9 information available to them, that during a confession
10 with a twelve year old boy, questions were asked with
11 regard to have you ever sexually hurt yourself, have you
12 ever sexually hurt anybody else?

13 You don't think that that's information that they
14 could have --

15 A. I think that Monsignor would be concerned about the
16 fact that there was a confessional matter.

17 Q. I don't understand how that would impact this
18 referral.

19 Can you explain this to me?

20 A. I cannot speak for the reason why they did not
21 include it. I feel it's because it was a confessional
22 matter.

23 Q. Aside from the fact it may have been a confessional
24 matter, you can think of no other reason why that wouldn't
25 be important?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 A. I can't say that. I don't know what other reasons
3 Monsignor would have had.

4 Q. Okay. The next memo, which is grand jury exhibit
5 two sixty nine, that basically is a memo to you from
6 Monsignor Lynn, dated January 31, 2000, and it basically
7 updates you with the situation that has occurred thus far;
8 is that correct?

9 A. That is correct.

10 Q. All right. And you indicate that you received
11 that, because it says on the bottom: "Noted, AJB,
12 2/1/00" --

13 A. Yes.

14 Q. -- is that right?

15 Okay. The next document is grand jury exhibit two
16 seventy-one.

17 This is a letter written to Monsignor Lynn from
18 John Gillespie; is that right?

19 A. Yes.

20 Q. Okay. And this talks about the fact that last
21 Thursday, it says that he returned to the parish after a
22 few days of psychological evaluation. He said he found
23 the evaluation helpful, and if you flip to the second side
24 of that document, the second to last paragraph, it says:
25 "In addition to ^{Gabriel} [REDACTED], I told the staff of two

ANTHONY JOSEPH CARDINAL BEVILACQUA

other young men with whom I was involved at the same time. Again, I repeat, there was no touching or handling of sexual organs. I see these two men at Mass here periodically and speak to them."

That's accurate, correct?

A. Yes.

Q. Okay. Do you know whether or not this situation was brought to your attention?

A. No.

Q. Okay. No, it wasn't, or no, you're not sure?

A. I don't recall.

Q. Okay. The next document, Cardinal, is grand jury exhibit two seventy?

A. Yes.

Q. And this is basically a memo from Father Welsh, and it's documenting a meeting that took place between

Monsignor Gillespie, Father Welsh, Reverend Charles

O'Hara, Dr. Wayne Pellegrini, Dr. Ralph Kaufman, and those two doctors were from the Anados Center at Saint John Vianney Hospital; is that correct?

A. Yes.

Q. Okay. In this memo, it says: "Monsignor Gillespie admitted and expressed remorse for past inappropriate behavior with the [REDACTED] brothers forty years ago

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

Gabriel

2 and inappropriate behavior with [REDACTED] and
3 two other young men approximately ten to fifteen years
4 ago. He admitted that he was too free in expressing
5 affection and running his hands over their bodies, but
6 denied the allegation that he ever reached into their
7 pants and touched or fondled their genitals or buttocks."

8 It says: "During his January 25, 2000, meeting
9 with Monsignor Lynn and Father Welsh, Monsignor Lynn and
10 Father Welsh believed that Monsignor Gillespie had
11 admitted reaching into Gabriel's [REDACTED] pants and touching his
12 pubic area, but on February 10, Monsignor Gillespie said
13 that these young men sometimes wore loose fitting clothes
14 and that when touching their stomachs he may have brushed
15 their pubic area."

16 Is that accurate?

17 A. Yes.

18 Q. Okay. If you flip to the second page of that, the
19 end of the first paragraph, it says: "He said that he had
20 not touched anyone in an inappropriate manner for
21 approximately ten years and will never do so again."

22 And then if you flip -- if you go down to almost
23 the end of the document, it says: "Because Monsignor
24 Gillespie does not want his past inappropriate actions to
25 hurt the reputation of the church and the priesthood, he

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 said that he will not press to remain as pastor of Our
3 Lady of Calvary Church. He suggested that appointment to
4 senior priest status might allow him to leave the parish
5 with his good reputation intact. Since he is still in
6 relatively good health, he wishes to continue in some sort
7 of pastoral work."

8 Is that right?

9 A. Yes.

10 Q. Okay. Do you recall being brought up to speed with
11 regard to the contents of that meeting where he admits not
12 only was he inappropriate, in his words, inappropriate,
13 with the [REDACTED] brothers and ^{Graham} [REDACTED], but that
14 there were two other young men in addition to ^{Graham} [REDACTED]
15 and the [REDACTED] brothers?

16 A. (No response.)

17 Q. Do you remember being brought up to speed with
18 that?

19 A. No, I do not recall.

20 Q. Okay. Do you think that that would have been
21 something that would have been brought to your attention?

22 A. Well, all the others were brought to my attention.

23 Q. Okay. The next document -- and if you could do me
24 the favor of marking it, because I don't believe it's
25 marked.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. The February?

3 Q. It would be grand jury eleven sixty-three?

4 A. This is The Anodos Center?

5 Q. Yes.

6 A. Eleven sixty-three?

7 Q. Sixty-three.

8 (GJ-1163 was marked for

9 identification.)

10 BY MS. MCCARTNEY:

11 Q. This is dated February 17, 2000. This is addressed
12 to Monsignor Lynn, and it's a report of the initial
13 findings and recommendations based upon the assessment; is
14 that correct?

15 A. Yes.

16 Q. And if you flip to the second page, it talks about
17 the fact that Monsignor Gillespie was referred for

18 comprehensive psychodiagnostic evaluation; and if you go
19 down to number one, "Although during the assessment
20 Monsignor Gillespie did not admit to further actions, he
21 did admit that he sexually abused one more boy."

22 A. Excuse me. Did you say number one?

23 Q. Number one. I'm sorry. It says: "One, two," and
24 if you go down a little bit more, there's another number
25 one.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (The witness conferred with his

3 attorney.)

4 MR. HODGSON: This one down here.

5 MS. MCCARTNEY: I'm sorry.

6 BY MS. MCCARTNEY:

7 Q. Do you see where I was reading from?

8 A. Yes.

9 Q. Okay. It says: "Also, given the fact that

10 Monsignor feels driven to make amends to those who are

11 still in his parish, it is extremely important that he

12 maintain firm boundaries. Given the history of

13 relationships and two independent accounts of similar

14 sexual abuse and his lack of appreciation of the impact he

15 had on others makes Monsignor dangerous to others. If he

16 pursues making amends with others, he could bring forth

17 both difficulty for himself and legal jeopardy."

18 Did I read that correctly?

19 A. Yes.

20 Q. And if you go on to the second page, it says:

21 "Monsignor would be a risk to have in parish work because

22 of his lack of insight into his own sexuality, the nature

23 of the sexual abuse and the impact on the victims, and his

24 drivenness to make amends. Monsignor is also at risk

25 because he is in contact with one of the victims and some

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 of the families of the victims in the parish." Correct?

3 A. Yes.

4 Q. Okay. And if you go down and look at the diagnoses
5 that came out as a result of this evaluation, the first
6 one under axis one, it says: "Sexual abuse of a child";
7 is that right?

8 A. Yes.

9 Q. Okay. Now, that information was given to Monsignor
10 Lynn, the initial findings, in addition to the copy of the
11 comprehensive psychodiagnostic assessment, which is the
12 next document in; and if you flip to the second page of
13 that, it's marked grand jury exhibit two seventy-three.

14 You see where I am, Cardinal?

15 A. No. February 28?

16 Q. This is dated February 28, correct?

17 A. And the number is?

18 Q. Well, actually, yes, you can mark the first page of
19 that grand jury exhibit eleven sixty-four. Thank you.

20 (GJ-1164 was marked for
21 identification.)

22 BY MS. MCCARTNEY:

23 Q. And again, this is basically the report that
24 justifies the diagnoses that were made with regard to
25 Monsignor Gillespie; is that right?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. You say justifies, or comprehensive?

3 Q. Comprehensive report, correct. Is that right?

4 A. Yes, it's a comprehensive diagnostic report.

5 Q. Okay. And again, if you go to page ten of that
6 report --

7 A. Yes.

8 Q. -- under diagnostic impressions, again, the axis
9 one diagnosis is sexual abuse of children; is that right?

10 A. Yes.

11 Q. Of child. I'm sorry.

12 And again, it cautions under the summary section,
13 "Given the neuropsychological issues and sexual intimacy
14 concerns, Father, would be a risk to function in a parish
15 without supervision."

16 A. Excuse me. Where is that?

17 Q. Under the summary section.

18 A. All right.

19 Q. It's like the fourth sentence in.

20 A. I see that, "in a parish without supervision."

21 Q. Correct.

22 Okay. And the next document, Cardinal, which is
23 marked grand jury exhibit two seventy-four, that's a memo
24 to you from Monsignor Lynn, and the date of that is
25 March 3, 2000; is that right?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 A. Yes.

2 Q. Okay. And basically, what that is, is that's
3 apprising you of the results of the evaluation?
4

5 A. Right.

6 Q. What Monsignor Gillespie has admitted to, which is
7 that he inappropriately touched four teenage men, two
8 forty years ago, one thirteen years ago and another twelve
9 years ago; and it says that in the third paragraph of that
10 document.

11 You're told by Monsignor Lynn, "The February 17,
12 2000, initial report following Monsignor Gillespie's
13 assessment stated: 'Given the history of relationships
14 and two independent accounts of similar sexual abuse and
15 his lack of appreciation of the impact he's had on others
16 makes Monsignor dangerous to others.'"

17 And it goes on to say: "It further stated:

18 'Monsignor would be a risk to have in parish work because
19 of his lack of insight into his own sexuality, the nature
20 of the sexual abuse and the impact on the victims and his
21 drive to make amends.'"

22 Is that correct?

23 A. Yes.

24 Q. Okay. And it also indicates in this memo that not
25 only has Monsignor Lynn summarized that document for you,

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 but he has provided a copy of the January 11 comprehensive
2 psychodiagnostic assessment; is that right?

3 A. Yes.

4 Q. Okay. And it goes on to say at the end of this
5 document: "In order to protect his reputation and at the
6 same time address the seriousness of the situation, I
7 believe that Monsignor Gillespie should be asked to resign
8 his pastorate in June 2000"; is that right?

9 A. Where is that, please?

10 Q. It's the end of the first paragraph. The last, I
11 mean. The end of the first page, the last sentence, it
12 says: "In order to protect his reputation and at the same
13 time address the seriousness of the situation, I believe
14 that Monsignor Gillespie should be asked to resign his
15 pastorate in June 2000"; is that right?

16 A. I don't . . . the first page?

17 Q. At the very last sentence of the first page.

18 A. The line begins: "In all of my discussions and
19 conversations"?

20 Q. It's the sentence after that.

21 A. Oh, the last few words. I'm sorry.

22 Q. The last sentence. You see where I'm talking
23 about?

24 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay. It's not a full sentence on the first page.
3 It goes over to the second.

4 A. Right.

5 Q. And that the recommendation that Father Lynn writes
6 out for you would be that Monsignor Gillespie be
7 encouraged to pursue the recommended course of treatment,
8 he be asked to resign as pastor effective upon the
9 installation of a new pastor in June 2000, and you
10 approved that recommendation on 3/9/2000; is that right?

11 A. Yes.

12 Q. And in approving it, you write: "Approved. Could
13 he be given senior priest status or resigning for health
14 reasons?"

15 Do you recall why you wanted to pursue either of
16 those two options?

17 A. Because he -- well, he's -- he would he was not

18 seventy-five when you're allowed to retire.

19 Q. Yes.

20 A. So you can have senior -- first, priest status, you
21 had to resign, but it's not retirement with the benefits
22 of retirement, is provided before the age of seventy-five.
23 That's what senior priest status means.

24 Q. Senior priest status means that you -- I'm sorry.
25 You retire?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 A. You resign.

2 Q. Okay.

3 A. The parish.

4 Q. Okay.

5 A. But you don't get the same benefits as a
6 retirement. You don't get that title of emeritus and so
7 on.
8 on.

9 Q. Okay.

10 A. But you know, for health reasons, you may do so
11 before the age of seventy-five.

12 Q. Would there be a distinction in terms of ability to
13 function as a senior priest or retired for health reasons
14 or resigning for health reasons?

15 A. Well, no. Retirement, you gain the title
16 "emeritus," and you are completely on your own. Senior
17 priest status is for special reasons, as I've said. The

18 health reasons generally.

19 To retire before seventy-five, it is possible that
20 you could still function, but only a very limited basis.
21 You might be -- go back, help in a parish if you want, but
22 it could be not wanting to do anything.

23 Q. Okay.

24 A. But there are -- because of retirement pension and
25 so on, it has to wait -- you have to wait until you're

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 seventy-five as far as all the benefits that accrue.

3 Q. If someone is given the status of pastor emeritus,
4 what exactly does that mean?

5 A. It just means - it's just a title. Nothing.

6 Q. Does it provide you the ability to function within
7 that parish in any special way?

8 A. No. No.

9 Q. So what's the purpose? I mean, I don't understand.
10 So what's the purpose of having the title?

11 A. It's just a title. Like, I have Archbishop
12 Emeritus. I mean, it's a title that's given to such
13 priests when they reach official retirement age.

14 Q. But not every priest gets the title of pastor
15 emeritus; is that right?

16 I mean, if they were a pastor and they retired,
17 they don't necessarily always just by virtue of retiring
18 get that title of pastor emeritus, do they?

19 A. It depends on where they retire from. They could
20 retire from a chaplaincy. They would not get that title.
21 But most of them, as far as I know, if they retire from a
22 parish at the age of seventy-five, I don't know many times
23 that they're not given that title.

24 Q. It's not something that they're required to have,
25 though, right?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. No. No.

3 Q. All right. Now, the next document is grand jury
4 exhibit two seventy five and, it's dated March 24, 2000,
5 and this is a memo which details a meeting that was held
6 between Monsignor Gillespie, Monsignor Lynn and Father
7 Welsh, correct?

8 A. Yes.

9 Q. Okay. And the second paragraph of that says:
10 "Monsignor Lynn asked Monsignor Gillespie to resign his
11 pastorate for the sake of his personal reputation and the
12 good of the church. He was asked to write a letter to
13 Cardinal Bevilacqua resigning his pastorate and requesting
14 retirement or senior priest status. Monsignor Lynn told
15 Monsignor Gillespie that he may be able to be appointed to
16 a chaplaincy, but not a parish position"; is that right?
17 A. Yes.

18 Q. Okay. Now, let me ask you, Cardinal, because I
19 don't -- I mean, why not just let Monsignor Gillespie
20 retire at this point, or you know, just he's willing to
21 give up his pastorate, why even consider appointing him to
22 chaplaincy?

23 A. Again, because he had not reached of the age of
24 seventy-five.

25 It is customary for those priests to -- unless

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 there was really debilitated, to want to work and help in
3 some other capacity.

4 Q. And understanding that, Cardinal, but you have a
5 guy here who has admitted to sexually touching a number of
6 different boys. Why -- I mean, I'm confused.

7 Why let him even have the possibility of being
8 involved in any type of work that would allow him to wear
9 a Roman collar?

10 A. He would be in an environment where he would not
11 have any contact with young people.

12 Q. Okay. The next document, which is actually a
13 series of documents, and they're not marked as grand jury
14 exhibits. I guess we'll go ahead and do that now.

15 If you could please mark that grand jury exhibit
16 eleven sixty-five.

17 A. Which one? March 28, 2000?

18 Q. There should be three documents. Yes. It's begins
19 with that, and then --

20 A. And what's the number, please?

21 Q. Eleven sixty-five. Thank you.

22 A. Thank you.

23 (GJ-1165 was marked for
24 identification.)

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MR. MCCARTNEY:

3 Q. The first document, dated March 28, 2000, is a
4 letter from Monsignor Gillespie to you in which he offers
5 his resignation; is that right?

6 A. Yes.

7 Q. Okay. The next document is an April 17, 2000,
8 letter to Monsignor Gillespie from yourself, and it
9 basically acknowledges your having received his letter
10 where he submits his resignation, and you tell him that
11 when a new pastor is installed in June of 2000, he'll be
12 appointed pastor emeritus, and you thank him for the
13 service at Our Lady of Calvary; is that correct?

14 A. Yes.

15 Q. Now, let me ask you something, Cardinal. This is
16 the report from The Anodos Center, dated in January, which
17 basically diagnoses -- I'm sorry. It's not dated in

18 January. I apologize for that.

19 It's dated in February, which diagnoses Monsignor
20 Gillespie, and his first diagnosis is sexual abuse of a
21 child. In that assessment, it says that he is dangerous
22 to others. It also says that he is a risk. He's a risk
23 because he's in contact with one of the victims and some
24 of the families in the parish. This is in February. He
25 submits his resignation in March, and you accept the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 resignation effective upon the installation of a new
3 pastor in June 2000.

4 Why let him remain at Our Lady of Calvary? Given
5 the diagnosis that he had, given the admissions that he
6 made, given the allegations that had been lodged against
7 him, why let him remain at Our Lady of Calvary in those
8 intervening months when there's a diagnosis that says he's
9 a risk to others?

10 A. That was a judgment made by Monsignor Lynn.

11 Q. To leave him?

12 A. I mean, it isn't that easy to certainly remove
13 someone, you know, from an assignment when you know that
14 he's going to be leaving you as soon as possible.

15 Q. But --

16 A. And also that Monsignor Lynn must have had reason
17 that there would not be -- as far as one can determine,

18 that it would not be a very grave risk for the -- keep him
19 there until he actually went to the chaplaincy.

20 Q. And I understand -- I mean, I know that you're
21 speculating as to what Monsignor Lynn may have thought or
22 didn't think or what his evaluation was, but, Cardinal,
23 you got the diagnosis. You got the reports from The
24 Anodos Center. You were told that he was a risk. You
25 were fully aware of the situation, and you were the one

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that got the letter of resignation, and you're the one
3 that wrote Monsignor Gillespie a letter back saying that I
4 accept it effective in two months time.

5 I mean, I understand Monsignor Lynn and I
6 understand he may have made that recommendation to you,
7 but do you have any explanation as to why you would have
8 gone along with that recommendation given the documents
9 and the information that you had available to you, to
10 yourself?

11 A. It's also the other -- I might add that he was --
12 that he could be a risk without supervision.

13 Q. Yes.

14 A. So I -- it is possible Monsignor Lynn felt that
15 being at the parish there with other assistants, that
16 anything would happen there. It was a form of
17 supervision. I just don't know.

18 Q. But you don't recall ever raising any questions --

19 A. I do not recall.

20 Q. -- with regard to why we're allowing or I'm
21 authorizing someone to remain in a parish for two
22 additional months even though I have the diagnosis that I
23 do? You don't recall having any of those discussions?

24 A. No, I do not.

25 Q. Okay. And just for the record, Our Lady of Calvary

1 ANTHONY JOSEPH CARDINAL LEVILLACQUA

2 Parish has a school associated with it; is that right?

3 A. That is correct.

4 Q. Okay. And the next document is within that same
5 packet, Cardinal -- is a May 26, 2000, letter, and this is
6 a letter to you.

7 This is a letter which basically appoints -- I'm
8 sorry. This is a letter to Monsignor Gillespie from
9 yourself. Again, you give him your gratitude for his
10 service at Our Lady of Calvary Parish and you tell him
11 that you're pleased to appoint him as pastor emeritus and
12 that that appointment will become effective on the
13 installation of the new pastor, and it says: "As pastor
14 emeritus, you are granted the general faculty to assist at
15 marriages in Our Lady of Calvary Parish in the Code of
16 Canon Law and the Faculties for Priests of the Archdiocese
17 of Philadelphia"; is that right?

18 A. Yes.

19 Q. What does that mean, granted the general faculty?

20 A. That's a form letter that when you are pastor
21 emeritus, that if the -- if you go to a parish to
22 officiate at a marriage, anyone who does not -- who is not
23 associated with the parish has to ask delegation from one
24 of the priests in the parish so that he can assist at that
25 marriage; otherwise, the marriage is invalid.

1 ANTHONY JOSEPH CARDINAL REVILLACQUA

2 This is a privilege given to them so that they do
3 not have to ask. He has a general faculty to do that in
4 that parish.

5 Q. Okay. And then in the third paragraph it says that
6 you are appointing him chaplain, Mother House of the Grey
7 Nuns of the Sacred Heart in Yardley, effective June 19,
8 2000; is that right?

9 A. Yes.

10 Q. Cardinal, let me ask you this. The chaplain,
11 Mother House of the Grey Nuns, there's a school on that
12 property; is that right?

13 A. I learned from here, yes.

14 Q. What do you think about the fact that you were
15 asked to and you authorized the appointment of someone who
16 has the past that Monsignor Gillespie has, the admissions
17 that he does, you appoint him to a chaplaincy that has a
18 school?

19 A. Because I have to presume that he was informed that
20 he was to limit his services to the Grey Nuns as done with
21 all chaplains to mother houses.

22 Q. Well, and I understand your assumptions, but what
23 did you do to -- I mean, you're the one that authorized
24 the chaplaincy. You're the one that informed him that
25 that was his new position.

1 ANTHONY JOSEPH CARDINAL REVELLACCHIA

2 A. The details of his responsibilities are given by
3 the Secretary for the Clergy after speaking to whoever the
4 superior at the mother house is. I don't handle those
5 details.

6 Q. But, Cardinal, did you ever or do you have a
7 recollection of when a discussion came up about what are
8 we going to do with Monsignor Gillespie?

9 Do you remember having any discussion like saying
10 to Monsignor Lynn: Well, wait a second. Here's a guy, I
11 have his assessment. I know they said he was a danger to
12 children. I know they said he admitted to having been
13 sexually involved with at least four kids. Why are you
14 telling -- why are you asking me to approve a
15 recommendation for him to be chaplain at a facility where
16 there's a school?

17 Did you ever have that discussion?

18 A. I do not have a recollection of that discussion.

19 Q. Do you think that that's something you knew, that
20 the Grey Nuns had a school associated with it right on the
21 property?

22 A. I have no recollection of that. These are the
23 details that I leave to my Secretary for the Clergy.

24 Q. The next documents, which are authored by Monsignor
25 Lynn, and they're basically Monsignor Lynn to Monsignor

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Gillespie.

3 Basically the first one, November 10, tells him,
4 tells Monsignor Gillespie, that he hopes he's doing well
5 in his new assignment. He was inquiring to know whether
6 he was following up on the recommendations that were made
7 as a result of the evaluation and asking him to set up a
8 time so that they could meet together; is that right?

9 A. Yes.

10 Q. Okay. The next document December 4, 2000, is a
11 letter to Monsignor Gillespie from Monsignor Lynn, and it
12 talks about the meeting that they had, and it talks about
13 the fact that, according to Monsignor Gillespie, he was
14 partaking in inpatient counseling.

15 It's also clear, apparently, from the conversation
16 that they had that Monsignor Gillespie was to restrict his
17 ministry to the care of the sisters at the Mother House of

18 the Grey Nuns of the Sacred Heart; is that right?

19 A. Yes.

20 Q. Okay. The next document is Monsignor Gillespie
21 asking Father Lynn if he could -- he's been asked to help
22 out at some other parishes, and he's asking Monsignor
23 Lynn's permission to do that; and then the response from
24 Monsignor Lynn is a document that's dated February 28,
25 2001, and in that document says: "Any ministry you

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 perform outside the monastery could lead to more
3 accusations or allegations against you and the
4 Archdiocese. My strong advice is that you continue to
5 restrict your ministry to the Sisters."

6 That's what it says, correct?

7 A. Yes.

8 Q. Now, I'm curious about something, Cardinal. When
9 it says: "My strong advice," so that's just advisory on
10 the part of Monsignor Lynn; is that right?

11 A. Well, with the use of those words, it is, but I
12 think it's alerting him. I think he would understand that
13 is more than advice, but you are correct, and that's what
14 one could construe from that.

15 Q. That even though Monsignor -- I mean, you could
16 take this letter and you could evaluate it and say
17 Monsignor Lynn doesn't think it's a good idea for me to do

18 it, but there's nothing that says I can't do it, correct?

19 A. Yes. One could be forced to say you could draw
20 that interpretation.

21 Q. Okay. And just for the record, that document was
22 previously marked as grand jury exhibit two seventy-seven.

23 The next document, Cardinal, is a document that's
24 already been marked as grand jury exhibit two
25 seventy-eight, and this is a memo to the file dated

ANTHONY JOSEPH CARDINAL BEVILLACQUA

1 November 12, 2001, and it involves a telephone
2 conversation that apparently took place between Reverend
3 Allen Okon, who is the parochial vicar at Saint Ignatius
4 Parish in Yardley, Monsignor Lynn, Secretary of the
5 Clergy, and Reverend Welsh; is that right?
6

7 A. Yes.

8 Q. Okay. And in this memo it talks about the fact
9 that on November 12, 2001, Father Okon had called the
10 Secretary of Clergy's office to report that a parishioner
11 by the name of Charles's sister's friend had recently met with him and had
12 told him that the brother of her friend her friend's was sexually
13 molested by Monsignor John Gillespie twenty-five years
14 ago, and she says that the abuse of Charles brother, whose
15 name was Charles occurred in Mother of Divine Providence
16 Parish in King of Prussia, and it occurred when Charles was
17 fifteen years old and that Charles now lives in California;

18 is that right?

19 A. Yes.

20 Q. Okay. And the reason that this had all come up was
21 because two girls, lead a
22 Little Flower Youth Group; is that right?

23 A. Yes.

24 Q. And that they recently had met at the Mother House
25 of the Grey Nuns of the Sacred Heart, and during that

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 meeting, Monsignor Gillespie had stepped in to say hello,
2 and it was his stopping in when they were having this
3 meeting, and this is the Little Flower Youth Group having
4 a meeting at the Grey Nuns of the Sacred Heart and coming
5 in contact with Monsignor Gillespie there, that this
6 situation occurred, and it was brought to the attention of
7 Father Okon; is that right?

8 A. Yes.

9 Q. Okay. And Father Okon then spoke with ^{Charles' sister} [REDACTED] on the
10 phone, and ^{Charles' sister} [REDACTED] went on to tell him that her brother ^{Charles} [REDACTED]
11 was abused when he was fifteen years old. It happened on
12 a Sunday twenty-five years ago. She said that Father
13 Gillespie had shaken hands with ^{Charles} [REDACTED] put his hand on
14 ^{Charles'} [REDACTED] shoulder and then put his hand down ^{Charles'} [REDACTED] pants
15 and touched his genitals and told him what a handsome
16 young man he was; is that right?

17 A. Yes.

18 Q. Okay. And it goes on to say that her brother ^{other}
19 [REDACTED] witnessed the abuse that had taken place of his
20 brother and that they both had told their mother about it
21 but she didn't believe them; is that right?

22 A. Yes.

23 Q. Okay. And she expressed her concern as did [REDACTED]
24 for the fact that Monsignor Gillespie was interacting with
25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 children at the Grey Nun Academy; is that right?

3 A. Yes.

4 Q. Okay. And it was based upon that that there was a
5 telephone call that was placed to -

6 A. Excuse me. Could I go back a little bit.

7 Q. Sure. Absolutely.

8 A. When you say interacting with the children, where
9 is that?

10 Q. They were concerned that he was interacting with
11 the children. That would be on the second paragraph, the
12 last sentence. [REDACTED] met with Father Okon because she
13 was afraid."

14 A. I see it now. Thank you.

15 Q. Sure. If you go to the last page of that document,
16 it talks about the fact that after receiving this
17 information, a phone call was placed to Monsignor

18 Gillespie and he was told about what the allegations were,
19 and his response was: "He said that he had assisted at
20 Mother of Divine Providence Parish while he was stationed
21 at the seminary as spiritual director, but he did not
22 recall the incident. He said that the incidents to which
23 he had admitted occurred long ago, and he does not go to
24 the school. He said that he hears the confessions of
25 schoolchildren in the mother house chapel several times a

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 year. He agreed to arrange for another priest to hear the
3 children's confessions in the future."

4 So you would agree with me, Cardinal, that based
5 upon what Monsignor Gillespie reported as to what his
6 activities were, that he wasn't being kept away from
7 children; is that fair?

8 A. I think he violated what his -- that he was told to
9 restrict his ministry to the Grey Sisters.

10 Q. Well, is there any documents that you have in front
11 of you or that you have available to you to talk about his
12 restrictions and that he was not permitted to do that?

13 A. Well, there's one that you read before that went
14 and told him to restrict his ministry to the Grey Sisters.

15 Q. Well, whether or not he was given that as an order
16 or whether it was advised or --

17 A. No, that was -- that would have been a mandate, the
18 other one that you entered about advisory and helping out
19 other places. I have no instance that he actually did
20 that, but the word "advisory" was used there.

21 Q. Okay. And, Cardinal, I'm sorry. I don't mean to
22 cut you off?

23 A. I'm saying as far as the Grey Nuns, he was told to
24 restrict himself to the Grey Sisters themselves, so what
25 he did there was violation.

ANTHONY JOSEPH CARDINAL BEVILACQUA

Q. Would you agree with me that if it was a violation of an order, that he wasn't being properly supervised or that the people who were supposed to be supervising him, the superior of the Grey Nuns, wasn't given accurate information because she allowed him to do it?

A. I don't know if she allowed him to do it or what reason she had. I have no idea.

Q. Well, can we agree that he wasn't being properly supervised if he was doing things that were in contradiction to the orders that were given out by the Archdiocese?

A. It's hard for me to answer that, that he was being supervised, but I keep repeating you cannot watch someone every hour of the day.

Q. Okay. You know what, Cardinal. It is twelve thirty. We're going to break now for lunch until two o'clock. Okay.

(A luncheon recess was held.)

AFTERNOON SESSION

MS. MCCARTNEY: Okay. We're back on the record. Today's date is January 30, 2004. The

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Time: 2:07 P.M.

3 [REDACTED]
4 [REDACTED] IS.
5 MS. MCCARTNEY: Twenty two regulars and
6 ten alternates, which constitutes a quorum.

7 We've recalled Cardinal Bevilacqua.

8 BY MS. MCCARTNEY:

9 Q. Good afternoon, Cardinal.

10 A. Good afternoon.

11 Q. And you're present after the lunch break with
12 yourself and your counsel; is that correct?

13 A. Yes.

14 Q. Okay. Now, when we concluded prior to lunch, we
15 were talking about the telephone call that had come in
16 from Reverend Okon, who was the assistant pastor at Saint
17 Ignatius, and he had talked about having taken some

18 information from a parishioner there who had told him
19 about abuse that a friend of hers' brother had suffered at
20 the hands of Monsignor Gillespie, and then we talked about
21 the fact that GJ-278 reflects the fact that Monsignor
22 Gillespie was confronted with those allegations and that
23 he said that he was in fact at that parish, living at the
24 parish, where the abuse allegedly took place when it did,
25 but that he didn't make any admissions with regard to the

ANTHONY JOSEPH CARDINAL BEVILACQUA

abuse. He also said that he had been hearing confession of the schoolchildren in the mother house chapel at the Grey Nuns Academy but he stopped doing that.

You agree that's where we ended?

A. Yes.

Q. Okay. The next memo would be grand jury exhibit two seventy-nine, and this is a December 10, 2001, memo from Monsignor Lynn, involving a meeting that was held at his office with Monsignor Gillespie, and this memo reflects the fact that Monsignor Gillespie again reiterated the fact that the only connection that he had at the academy of the mother house is to hear confessions and that he had stopped doing that and that his work is purely now with the sisters at the mother house; and Monsignor Gillespie was told that the person who had suffered the abuse or allegedly suffered the abuse by

Monsignor Gillespie had not in fact contacted the office so far.

And the third paragraph of this document, and I'll just read it. It's only one sentence. "However, I told Monsignor Gillespie that because of these rumors, and in order to preserve his reputation and the reputation of the church, I thought it best that he retire."

Did I read that correctly?

ANTHONY JOSEPH CARDINAL BEVILACQUA

A. Yes.

Q. And it goes on to say that he intended to retire when he was seventy five and he would be willing to do so now; is that accurate?

A. Yes.

Q. Okay. And then the next memo, GJ-280, is a February 13, 2002, memo, which involves the telling of Monsignor Gillespie about the change in policy with regard to clergy sexual abuse.

It says: "So it was determined that limited, supervised ministry will no longer be recommended for any priests who had sexually abused minors and that priests who have admitted sexually abusing minors and are currently on assignment would be removed from these assignments," and at that point, Monsignor Gillespie was informed by Monsignor Lynn that he was relieved of his assignment as chaplain and residence at the Mother House of the Grey Nuns of the Sacred Heart effective February 17, 2002; is that correct?

A. Yes.

Q. Okay. And Mr. Monsignor Lynn told him that he would recommend that his request for retirement be granted with residence at Villa Saint Joseph, and he also said that the Archdiocese would continue to support him and

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 would continue to offer assistance with counseling, and he
3 was told that he was to restrict his faculties to Mass at
4 Villa Saint Joseph; is that accurate?

5 A. Yes.

6 Q. Okay. Now, were you apprised of that situation,
7 Cardinal, to the best of your recollection?

8 A. Yes.

9 Q. The situation with -- I'm sorry.

10 A. I don't recall it specifically, but I would have
11 been apprised of it.

12 Q. Okay. Were you apprised of the fact that further
13 allegations had come forward with regard to Monsignor
14 Gillespie?

15 A. About the one about from Father Okon?

16 Q. Yes.

17 A. Father Okon. I don't remember specifically, but I
18 may have been apprised of it.

19 Q. Now, looking at this memo, Cardinal, and the one
20 that is before it, it's GJ-279 and GJ-280, what it shows
21 is that the meeting that was held with Monsignor Gillespie
22 where he, you know, said he had stopped hearing the
23 confessions and that there was a discussion about him
24 retiring and then the next meeting where he's called in in
25 February to say that, given the change of policy, he would

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 he relieved from his assignment, we can conclude from that
2 that during those two months, that -- actually, it was a
3 year. No, I'm sorry. Those two months, from December of
4 2001 through February of 2002, Monsignor Gillespie
5 maintained his position as chaplain at the mother house;
6 is that right?

7 A. I would have to presume that.

8 Q. Now, and then the next document, GJ-281, it's dated
9 March 5. It's to Monsignor Gillespie, authored by
10 Monsignor Lynn. Monsignor Gillespie's address at this
11 time is listed as Villa Saint Joseph.

12 So we can conclude from that that he had actually
13 left the Mother House of the Grey Nuns after the meeting
14 in February and had moved to Villa Saint Joseph's; is that
15 right?

16 A. Yes.

17 Q. Okay. And this is basically again just reiterating
18 to him the change in the Archdiocesan policy, and it says
19 that, and I'm just going to read from the first paragraph:
20 "However, after review of this policy in light of the real
21 situations of priests in these types of assignments,
22 including your own situation, it was determined that,
23 unfortunately, the Archdiocese is not able to provide and
24 sustain an adequate level of supervision for these priests
25

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 even in a limited ministry. Therefore, it was determined
2 that limit, supervised ministry would no longer be
3 recommended for any priest who had sexually abused minors
4 and that priests who admitted sexually abusing minors and
5 are currently on assignments would be removed from those
6 assignment"; is that right?

8 A. Yes.

9 Q. Okay. Now, let me ask you, if I may, Cardinal.
10 Monsignor Gillespie is told that he's got to leave the
11 mother house, and he's told he's going to be given the
12 status of retired priest. He's to go to Villa Saint
13 Joseph and restrict his faculties to saying Mass there
14 privately.

15 What if any supervision was given to the priests
16 that are at Villa Saint Joseph who fall into the category
17 that Monsignor Gillespie did, who are admitted sex

18 offenders? What supervision is given to them at Villa
19 Saint Joseph?

20 A. I'm not aware of the details of it, except that we
21 have a moderator there, someone in charge, but I don't
22 know the specifics of how they're actually supervised.

23 Q. Do you have -- I'm sorry.

24 A. You know, that they -- I mean, all I know is from
25 the general -- from the general comportment there that

ANTHONY JOSEPH CARDINAL BEVILACQUA

most of them stay right there. At least, they can see them there. They know when they come in and out. I don't know the specifics of it.

Q. But you don't know whether or not -- I mean, to your knowledge, are any of these priests that would fall into the category of Monsignor Gillespie, would they be told that they're not able to leave the grounds of Saint Joseph, and if they do, they're going to be accompanied by somebody? Is there any type of supervision that would involve?

A. I do not know what type of supervision.

Q. Okay. And the next and last document -- yes, the last document as it relates to Monsignor Gillespie, that would be grand jury two eighty-two.

A. Excuse me.

Q. Do you have that? You don't have that? I'm sorry.

A. No, I don't.

Q. All right. Let me just tell you what it is, Cardinal, and I'll hand it to you when I'm through so that you can check it and make sure that what I'm saying is accurate about it.

This is a copy of an email that was -- the top of the email says: "Father Vincent F. Welsh," and it's regarding your article in Philly Inquirer, 3/8/02, and

ANTHONY JOSEPH CARDINAL BEVELACQUA

Gabriel

1 it's from [REDACTED], and it's sent March 8, 2002,
2 and it goes on in this email and says: "I was also
3 molested by a Catholic priest, when I was a young teenager
4 years ago. I'm thirty-one years old now and also have
5 physical problems which ultimately stemmed from the abuse.
6 The abuse started when I was about fourteen until I was
7 sixteen. I was the church sacristan," and then it says in
8 parentheses, "after altar boy for six years, and the abuse
9 was done at the hands of the parish pastor. At the time
10 of and after the abuse, my school grades plummeted, my
11 interest in sports diminished, and I have a severe problem
12 with intimacy with my fiancée. It wasn't until I revealed
13 my abuse for the first time to anyone ever," and it says
14 in parentheses, "my fiancée bless her," end paren, "that I
15 realized I should let the church be aware. I met with
16 Father Lynn who said he would have pastor removed if true.
17
18 Pastor admitted the abuse and was removed, but I recently
19 found out that he still gives communion sometimes at a
20 church where there are children. Basically I was lied to
21 by Father Lynn who said the pastor would never be around
22 children anymore. The Archdiocese referred me to a
23 counselor whom I have been seeing for about one and a half
24 years with my fiancée. Although I never realized it so
25 many years, my problems with not being interested in

ANTHONY JOSEPH CARDINAL BEVILLACQUA

1 anything I used to enjoy as a child because of the abuse,
2 my wasting my parents' money in high school and college,
3 my problem with intimacy with my fiancée, my distance with
4 my family and my obsessive-compulsive disorder all were
5 due to the abuse my counselor discovered."
6

7 And it goes on to say: "I recently contacted a
8 lawyer about one month ago, before numerous stories in
9 Philly came out and before Cardinal's message and apology,
10 and he stated statute of limitations was up. I'm still
11 going to contact another lawyer until I find one who will
12 take a lawsuit. And any tips you might have?" ,

13 Do you have any recollection of that email being
14 shared with you?

15 A. It was not independent, but it was in the material
16 that was presented to us.

17 Q. Okay.

~~18 A. It's not in here.~~

19 Q. Okay. But you have a recollection of --

20 A. In the last -- after this material was given to us.

21 Q. Okay. Now, Cardinal, as you look back on this
22 case, and I know I'm asking you to do something in 2003,
23 now that you have the history of the case, do you think
24 that this case was handled adequately by the Archdiocese?

25 A. To say adequately, I'd have to say yes.

ANTHONY JOSEPH CARDINAL BEVILACQUA

Q. Okay. Thank you.

BY MR. SPADE:

Q. Cardinal, I'm going to hand you a packet of documents on a file regarding a priest by the name of Reverend David Sicoli.

Are you acquainted with Father Sicoli?

A. Yes.

Q. And Father Sicoli, the first document there is GJ-878; is that correct?

A. Yes.

Q. And this is a priest data profile for Father Sicoli --

A. Yes.

Q. -- is that correct?

And it indicates that as of June 21 of 1999, he was assigned to Holy Spirit Parish in Philadelphia?

A. Yes.

Q. And you assigned him there, Cardinal?

A. I did.

Q. Okay. Cardinal, did you ever have any occasion to look at his secret archives file before you assigned him to Holy Spirit --

A. No.

Q. -- parish?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Okay. And could you look at GJ-879. It's that.

3 It's a handwritten document.

4 A. I have it.

5 Q. Okay. In this document, Cardinal, it's a letter

6 that was or I guess a note by Monsignor Statkus, dated

7 December 29 of 1977, and Monsignor Statkus writes that

8 three boys at Saint Martin of Tours Parish, ^{Nick} [REDACTED],

9 ^{Jeffrey} [REDACTED] and ^{Adam} [REDACTED], accused Father Sicoli of --

10 well, the quote is: "Either bordering on homosexuality or

11 has had homosexual acts with them." That's if the first

12 paragraph there.

13 A. Yes.

14 Q. Do you see that?

15 A. Yes.

16 Q. Was this ever brought to your attention, this memo,

17 before you assigned Father Sicoli to Holy Spirit Parish?

18 A. ~~Not that I recall.~~

19 Q. Okay. So you didn't know that he had ever had any

20 accusations against him of acting out sexually with

21 minors?

22 A. I don't recall.

23 Q. Okay. And again, Cardinal, these events that are

24 recorded in this memo by Father Statkus date back to 1977.

25 That's obviously before you were the Archbishop of

ANTHONY JOSEPH CARDINAL BEVILACQUA

Philadelphia, correct?

A. Yes.

Q. Okay. And we've covered this ground before, but when you first came in and were installed in February of 1988 as the Archbishop of Philadelphia, I'm correct in stating that you never gave a directive to whoever the chancellor was at that time or anybody in the Chancery office at that time to review the files of all the priests to see whether any of them had problems of acting out sexually with minors?

A. That is right.

Q. If you could look at GJ-880. I believe it's the next document in the pile, and I'm going to briefly describe the contents of this document, but the relevant facts here for our purposes are that -- and this is a December 30, 1977, handwritten memo regarding Reverend David Sicoli, who was ordained in 1975, and he's

identified as assistant pastor at Saint Martin of Tours; and in this memo it documents that Father Sicoli took Nick and Jeffrey to California and while on the trip to California he offered them money to -- they went into a bar, and he offered them money to go off with a prostitute.

It was reported by Jeffrey that Father Sicoli,

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 quote, "acts like he's in love with me," and that during
2 that trip and an earlier trip to Florida, he slept in the
3 same bed with ^{Nick} [REDACTED]. Although it's not reported,
4 it wasn't reported that any sexual activity occurred, but
5 he slept in the same bed with him.
6

7 Also in this document, eight eighty, it's reported
8 that at a CYO party at Saint Martin of Tours, Father
9 Sicoli gave ^{Nick} [REDACTED] and another boy named ^{Adam} [REDACTED]
10 beer, that he drove ^{Nick} [REDACTED] home and that he persuaded
11 ^{Adam} [REDACTED] to go back to his rectory room with him at four
12 o'clock in the morning where he made an advance towards
13 him, where he tried to hug him, and ^{Nick} [REDACTED] -- I'm
14 sorry -- ^{Adam} [REDACTED] declined and left the room at four o'clock
15 in the morning.

16 I assume again that none of this information was
17 brought to your attention?

18 A. Not that I recall.

19 Q. Okay. And I believe we've gone over this before as
20 well, but when you appointed Father Jagodzinski and Father
21 Lynn to be your secretaries of clergy, from what I
22 remember of your testimony, you never took any steps to
23 make sure that they had training in recognizing the
24 grooming patterns of sex offenders?

25 A. That would be a good recollection. Yes, I don't

ANTHONY JOSEPH CARDINAL LEVILACQUA

recall doing that.

Q. Okay. As a result of reading the Restoring Trust document and your own educational activities in this area, have you ever become familiar with the grooming patterns of sex offenders?

A. No.

Q. Okay. Do you recognize this behavior that's being described in these two documents as grooming behavior?

A. Thus far, they're allegations.

Q. Right.

A. I can't say they're facts.

Q. Okay. The next document, Cardinal, could you look at GJ-883. This is again a handwritten memo. It's authored by Francis J. Clemins. It's dated January 6 of 1978, and it's regarding Father David Sicoli.

And in this memo, Father Clemins or Monsignor

Clemins indicates that ^{Nick} [REDACTED] wrote a letter to

Monsignor Marley, who is the pastor at Saint Martin of Tours, saying that in his earlier allegations against Father Sicoli, he had made some exaggerations against Sicoli but that he still admitted that the imprudent behavior of Sicoli that he reported was true and that -- the last part there is on page two, the bit about admitting that it was still true.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Which page? Forgive me.

3 Q. The second page of the document. I'll read it to
4 you.

5 A. Is that the bottom?

6 Q. I'm sorry, Cardinal. This is eight eighty-three
7 that I'm referring to?

8 A. Oh. I'm at eight eighty-one.

9 Q. Okay. I think it's the next document over.

10 Is that eight eighty-three?

11 A. Yes.

12 Q. The second page of that document where he writes:

13 "He said no, but that" --

14 A. I see it.

15 Q. "That there were exaggerations. Yet he still
16 admitted that basically the imprudent behavior of Father
17 Sicoli."

~~18 And then if you could look at -- if you could jump~~
19 ahead about ten documents to eight ninety-four, this is an
20 exhibit. Number eight ninety-four is a June 21, 1983,
21 letter to Monsignor Statkus?

22 A. I can't find that.

23 Q. It's about ten documents forward. It's a
24 typewritten document on Immaculate Conception School
25 letterhead.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (Pause.)

3 A. I have it.

4 Q. Okay. I'm going to summarize this one for you
5 again, Cardinal. This is now approximately six years
6 after the incidents that occurred at Saint Martin of Tours
7 Parish, and sister -- this is again a letter from a nun by
8 the name of Sister [REDACTED] Immaculate Heart of
9 Mary, who teaches at the Immaculate Conception School in
10 Levittown, Pennsylvania, where Father Sicoli had been.

11 If you go back to the first exhibit, which is eight
12 seventy-eight, the third entry there is where Father
13 Sicoli was assigned.

14 A. Excuse me.

15 MR. HODGSON: He's looking at the
16 priest profile.

17 MR. SPADE: The priest data profile
18 Cardinal.

19 MR. HODGSON: To your right.

20 THE WITNESS: Oh, I'm sorry.

21 MR. SPADE: I'm sorry if I'm going too
22 fast for you.

23 BY MR. SPADE:

24 Q. On eight seventy-eight, the third entry in, Father
25 Sicoli was assigned as an assistant pastor of Immaculate

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Conception, Levittown, from January of '78 until June of
3 '83; is that correct?

4 A. Yes.

5 Q. Okay. In exhibit number eight ninety-four, turning
6 back to eight ninety-four, the letter from Sister [REDACTED]
7 [REDACTED], basically in the letter, the sister writes that
8 Father Sicoli has been focusing on a boy in the parish by
9 the name of ^{Hugh} [REDACTED] and she notes that she has observed
10 in ^{Hugh} [REDACTED], quote, inner emotional stress and strain as a
11 result of Father Sicoli's attention directed towards him
12 and that she has been notified by somebody in the school
13 that there has been graffiti in both the boys' and the
14 girls' rest rooms showing ^{Hugh} [REDACTED] performing obscene
15 sexual acts on Father Sicoli.

16 And again, I take it that none of this -- you had
17 none of this information when you made the decision to
18 ~~appoint Father Sicoli to Holy Spirit Rectory? I mean, to~~
19 Holy Spirit Church as the pastor?

20 A. Yes.

21 Q. Okay. And then jumping ahead, Cardinal, there's
22 just one last document that I wanted to show you in this
23 file. It's GJ-903. It's the last document in the file?
24 It's a computer generated phone message slip from the
25 Archdiocese of Philadelphia.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Do you see that?

3 A. (The witness nodded.)

4 Q. Cardinal, as I said, it's a computer generated
5 phone message slip. It has Monsignor William Lynn's name
6 at the top, and then there's the name [REDACTED],
7 [REDACTED] and it gives a phone number with an
8 extension.

9 Do you recognize this? Is this the type of
10 computer generated phone message that the Archdiocese
11 would generate?

12 A. I guess so. I'm not . . .

13 Q. You're not familiar with it?

14 A. I'm not acquainted.

15 Q. Okay. And do you recognize the handwriting on the
16 document?

17 A. I -- I think it's Monsignor Lynn's.

18 Q. Okay. This is a --

19 A. I couldn't -- I can't read it, but it's very hard
20 to understand it.

21 Q. Okay. Well, it was very hard for us to understand
22 the writing as well, Cardinal.

23 But what we were able to make of this is that

24 [REDACTED] is a counselor in an organization

25 called Shalom that is associated with West Catholic High

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 School.

3 West Catholic High School is an archdiocesan high
4 school; is that correct?

5 A. Yes.

6 Q. Okay. [REDACTED] is a counselor who works with
7 at risk children at West Catholic High School.

8 Do you know what I mean by at risk children?

9 A. I'm not positive.

10 Q. Children that are at risk for being abused, either
11 physically or sexually. Children that are having
12 emotional --

13 A. Okay.

14 Q. -- or psychological problems. Children that are
15 having problems at home in the family. Anything like
16 that?

17 A. Thank you.

18 Q. Okay. Apparently, although the only thing that's
19 documented on this document, on exhibit number
20 nine-o-three, Cardinal, is that Father Lynn received a
21 telephone call on June 6 of 2002 at 11:14 A.M. from a
22 [REDACTED].

23 You'll agree with me, won't you, that there's
24 nothing on this document that identifies who [REDACTED]
25 is, what her title is or where she works?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 A. No. I said I find it hard to understand.

2 Q. Right.

3 A. So I agree with you.

4 Q. Okay. And the only thing that we were able to put
5 together from the information on the document, there's a
6 notation there "Sicoli," and then there's a notation
7 "older boy sixteen/seventeen."
8

9 Do you see that?

10 A. (No response.)

11 Q. Do you see the "sixteen/seventeen"?

12 A. You said altar boy?

13 Q. Older boy?

14 A. Older boy.

15 Q. Is the way I read it.

16 A. Yes. I see that now.

17 Q. Okay. Well, Cardinal, this is Father Lynn.

~~18 What we later learned is that Father Lynn received~~
19 a telephone call from [REDACTED] in which she told him
20 that there were two boys, two students at West Catholic
21 High School, one who was sixteen or seventeen years old, I
22 believe he was sixteen at the time, and the other one who
23 was I believe fourteen at the time, who were parishioners
24 at Holy Spirit Parish in Philadelphia at the time, and
25 they were also, as I said, students at West Catholic.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 And she had been -- [REDACTED] had been
2 approached in the parking lot of West Catholic High School
3 on a parent teacher conference night by the mother of the
4 two boys, and the mother of the two boys had reported to
5 [REDACTED] that her two sons had been -- that Father
6 Sicoli had approached her to have her two sons live at
7 Holy Spirit Rectory with him and in fact that the two boys
8 had lived at Holy Spirit Rectory with Father Sicoli for a
9 period of several months, a period of two to as long as
10 six months in the rectory with Father Sicoli; that Father
11 Sicoli had to the boys, had undermined and criticized the
12 mother, her parenting skills, the environment, the family
13 environment that she provided for the boys, and in fact
14 had taken actions to prevent the mother from seeing the
15 children while they were living at the rectory.
16

17 And the mother was understandably upset by this and
18 reported it to [REDACTED]. The mother was an
19 immigrant. The mother is an immigrant, as are the boys,
20 and [REDACTED] -- and this is why [REDACTED] on June
21 6 of 2002 telephoned Father Lynn to report this
22 information.

23 (Pause.)

24 I'm sorry, Cardinal. I actually misstated it a
25 little bit. [REDACTED] had actually telephoned Father

ANTHONY JOSEPH CARDINAL BEVILACQUA

Lynn approximately a year before this to report the activity that I just stated to you, the boy's living at the rectory and all of that activity.

She had actually called him about a year before this date on this memo to report that activity, and I'll represent to you, Cardinal, that there's no documentation in the file that was produced to us on Father Sicoli that documents that that call was ever made to Father Lynn reporting that activity.

This call here on June 6 of 2002 was made by [REDACTED] after the first call, approximately a year after the first call, and what precipitated [REDACTED] making this call is that she had found out -- she had called Father Lynn approximately a year before to report that activity and to ask him to intercede on behalf of the mother and find out what was happening at Holy Spirit Rectory and why the boys were living there, if any of this was true, to make sure that the boys were okay.

And a year later she found out that Father Sicoli was actually taking the altar boy on a trip to Notre Dame, to Notre Dame University out in South Bend, Indiana, and this of course caused her even greater concern because this was approximately a year after she had reported the activity on the behalf of Father Sicoli. So this is what

ANTHONY JOSEPH CARDINAL BEVILACQUA

precipitated this telephone call right here.

After the first call, Cardinal, Father Lynn apparently told [REDACTED] that he was going to look into the situation and take care of it, and then of course, she found out about Father Sicoli taking the boys to Notre Dame or taking the one boy to Notre Dame, and when she called him again to report this, he again told her that he would look into it; and then he later called her back and told [REDACTED] to not worry about it, that Father Sicoli was not going to make the trip out to Notre Dame with the boys.

I'll also represented to you, Cardinal, that this document right here is the only document that was produced to us regarding this entire incident. There was no indication in the file of any investigation being done on the part of Father Lynn into the situation. There was no indication of any contact being made with Father Sicoli to look into the situation. There was no documentation that would indicate that he was sent for an evaluation at Saint John Vianney or any other hospital.

And as I've already put on the record, there was this previous information in the file regarding an allegation of homosexual activity on the part of Father Sicoli with some other boys about twenty-five years

ANTHONY JOSEPH CARDINAL BEVILACQUA

earlier, and then some other questionable grooming activity in 1983, which would have been about nineteen years earlier.

And, Cardinal, the question that I have for you about this file is: You've testified on a number of occasions that Father Lynn, although he may have made some lapses in looking into various files, for instance, Gana, Brennan, Cudemo, although he made those lapses, he was nevertheless a competent Secretary of Clergy with regard to handling cases of priest sex offenders and priests acting out sexually against minors.

My question to you is: If we accept your representation as true, that this is the first that you've heard of this file or any allegations with regard to Father Sicoli, what is your opinion as to how this file was handled on the part of Father Lynn and the

~~Archdiocese?~~

A. First of all, I need to go back a little bit when you made -- you stated about the incidents that occurred back in, you know, on the three young men.

Q. Of 1977?

A. Right. But what was omitted is that the boys recanted.

Q. No. I actually put that on the record, that

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 they

2 A. I mean, I didn't hear you state that this -- you
3 know, in GJ 884, I don't recall you mentioning that they
4 recanted.
5

6 Q. I thought that I put on the record that the one boy
7 came in and said that he had exaggerated his allegations
8 against Father Sicoli?

9 A. That was the other one, but he himself, his own
10 letter to Monsignor, and he talks about the other boys
11 too, that they recanted.

12 Q. Okay.

13 A. In other words, first allegations --

14 Q. Okay.

15 A. -- on this one. I don't know all the
16 circumstances. Very vague here. So I mean, I don't know
17 if there was reason for Monsignor Lynn to investigate

18 further. I don't know why he did -- why he did not, but I
19 can't judge from this that he had reason to further
20 investigate. I really don't know -- I can't call this
21 incompetence since I don't know all the circumstances.

22 Q. Well, let me ask you something about that. Let me
23 ask you again about the administrative procedure that you
24 had in place at the Archdiocese.

25 If this activity was not reported to you, which

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 you've testified it wasn't, the fact that you had a priest
3 that had two adolescent boys living with him at a rectory
4 and that he was blocking access of the mother to the boys,
5 do you think that that was a -- do you think that your
6 administrative procedures that you had in place were
7 adequate to prevent harm being done to those boys?

8 A. I'd have to say that I'm sure that Monsignor Lynn,
9 you know, evaluated the whole situation, but I don't know
10 what he did or did not do after.

11 Q. No. But I'm not asking you what he did or did not
12 do. What I'm asking you: Do you believe that your
13 administrative procedures were adequate given that this
14 information was not reported to you?

15 Is not information that is important enough with
16 regard to the well being of those boys that it should have
17 been reported to you?

18 A. I have to leave it to Monsignor Lynn's discretion
19 what he reports to me or doesn't.

20 Q. Okay.

21 BY MS. MCCARTNEY:

22 Q. Well, Cardinal, let me ask you. You have looked at
23 GJ-903, and you indicated earlier that you had some
24 trouble reading it, and I don't disagree with that
25 assessment of the document. Mr. Spade has told you what

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 we were able to figure out, taking that scant information
2 and working with it.

3 Do you think it's competent -- let's just start
4 with basics. Do you think it's competent on the part of
5 your Secretary for Clergy to not reduce this type of phone
6 call to at least a typed memo in the file?

7 A. I --

8 Q. I mean, let's just start with the basics?

9 A. I would have preferred if it had been reduced to a
10 typed.

11 Q. Given the content of what the conversation
12 involved, do you find it at all concerning that your
13 Secretary of Clergy would nowhere on this document mention
14 the name of the boys that were being referred to?

15 A. I can't answer for Monsignor Lynn.

16 Q. Well, but you can answer for you as their boss as
17 to what you would expect them to do working for you and
18 you being the one that is -- as their boss, as someone's
19 boss, when you look at this document, you say to yourself:
20 Monsignor Lynn got this phone call. It's about a kid.
21 Some priest of mine is taking a kid on a trip to Notre
22 Dame.

23 I mean, what kind of information would you have
24 wanted Monsignor Lynn to gather from and to?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I don't know of the circumstances of that event.

3 If he was going to inform me, I'm sure he would have typed
4 it out.

5 Q. But these documents are kept in a secret archive
6 file, and they're kept in a secret archive file for a
7 purpose, correct, Cardinal?

8 A. Yes.

9 Q. They're kept there for the purpose of there being
10 some record of misconduct on the part of a priest so that
11 when someone is going to decide whether or not someone
12 should be moved to a different position, they have the
13 ability to go back and get an idea of what someone's past
14 is like. Is that one of the reasons why they're kept?

15 A. Yes.

16 Q. Well, what benefit would you get from looking at
17 this document that Monsignor Lynn scribbled on and put in
18 the secret archive file?

19 Do you think that would be any help to anybody, not
20 just you, Cardinal, but someone down the road, say: Hmm,
21 I wonder what we're going to do with Father Sicoli? Would
22 that be of any benefit to you at all?

23 A. It would be very difficult to figure out what this
24 intends to do.

25 Q. Given that, then, do you have some question or some

1 ANTHONY JOSEPH CARDINAL BEVELLACQUA

2 comment on the competency of Monsignor Ryan even as a
3 record keeper?

4 A. I don't know what his intent was, whether he
5 intended to type this up and something happened that it
6 was not done. I cannot speak for him.

7 Q. All right. Thank you.

8 MR. SPADE: Okay. It's two forty-six.
9 Could we ask you to step out of the room for a few
10 minutes so that we can have a discussion with the
11 jurors, please.

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

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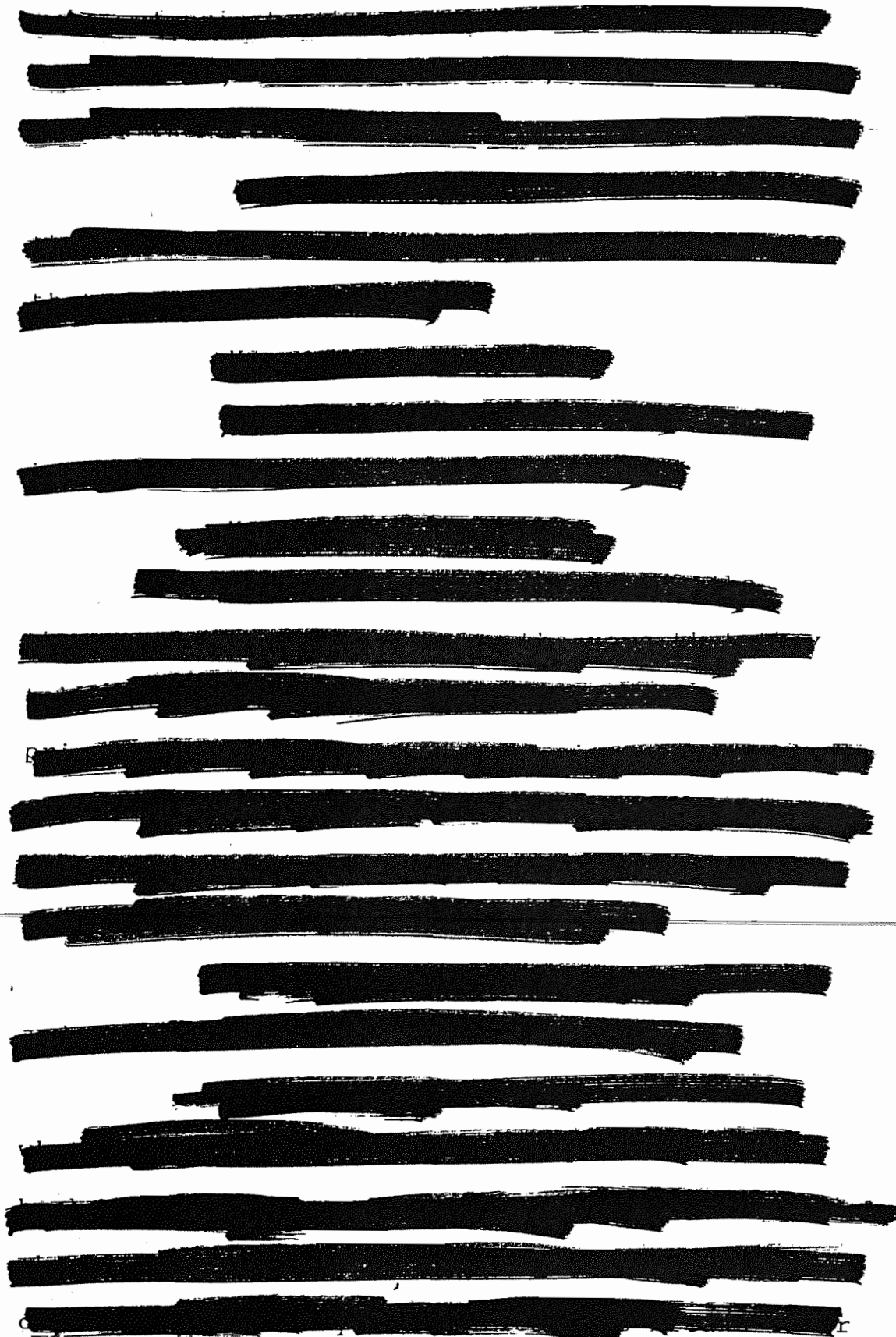
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13 (A recess was held.)

14 MR. SPADE: Okay. We're back on the

15 record. It's 3:28 P.M.

16 And how many jurors do we have present?

17 [REDACTED]

18 [REDACTED]

19 MR. SPADE: Twenty-one regulars and ten

20 alternates.

21 The witness has returned to the room.

22 MR. SPADE: Good afternoon, Cardinal?

23 THE WITNESS: Good afternoon.

24 MR. SPADE: Counsel is present,

25 correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MR. HODGSON: Yes.

3 BY MR. SPADE:

4 Q. Cardinal, we've had a discussion with the jurors to
5 give them, as per our policy, the right to pose questions
6 to you. We've collected the questions, and I'll pose them
7 to you on behalf of the jurors.

8 The first question is: If you had been informed of
9 the situation with Father Sicoli in the 2001-2002 time
10 period when you were still the Archbishop of Philadelphia,
11 would you have done anything about it?

12 A. About what?

13 Q. About the fact that he had two immigrant boys
14 living at the rectory with him and that he was barring the
15 mother from having access to them.

16 A. It would have depended on getting the facts of why
17 they were there, and I don't have them all.

18 ~~Q. Okay. The second question is: Well, Cardinal,~~
19 what about if the only facts that you had were that you
20 had two adolescent immigrant boys living at the rectory
21 with Father Sicoli and he was barring the mother from
22 access to them?

23 A. There are too many other possibilities that could
24 have occurred that would have made that possibly even
25 legitimate. I can't say. I don't know.

ANTHONY JOSEPH CARDINAL BEVILACQUA

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2 Q. Okay. Could you give me a possibility where that
3 would be legitimate?

4 A. They could have had permission to be there.

5 Q. No, but I'm saying the mother didn't want them
6 there. The mother was trying to get them back home.

7 A. I don't know what are the circumstances.

8 Q. Okay.

9 A. I mean, from a prima facie appearance, it's not the
10 usual, you know, way of having boys in the rectory.

11 Q. Okay.

12 A. But I say I've heard of other dioceses where
13 sometimes they have done that for special reasons. I just
14 cannot conjecture.

15 Q. Were you aware during the years that you were the
16 Archbishop of Philadelphia of other priests that were
17 having adolescent boys living in the rectory with them?

18 A. In Philadelphia?

19 Q. In Philadelphia.

20 A. No. No.

21 Q. Okay. And is that a practice --

22 A. No.

23 Q. -- that was condoned in the Archdiocese of
24 Philadelphia?

25 A. I didn't say that. No.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay. The second question is: You're aware of the
3 fact obviously that recently the Archdiocese of
4 Philadelphia removed the faculties from four priests. I'm
5 sorry. Strike that. Wrong question.

6 In the cases that we discussed of Gana, Trauger and
7 Gillespie, after the initial report of sexual acting out
8 on the part of those priests, they were sent for
9 treatment, either at Saint John Vianney or another
10 Catholic treatment center, and none of those three
11 priests, Gana, Trauger or Gillespie, was diagnosed as a
12 pedophile or an ephebophile, and then later it turned out
13 that they actually had been sexually acting out with
14 minors; and one of the jurors wants to know: Do you find
15 it disconcerting that these treatment centers and these
16 therapists, whose opinions you were crediting, got it
17 wrong in so many cases, in other words, that they weren't

18 ~~picking up on the fact that these priests, that these~~
19 three priests, had been acting out sexually with minors?

20 A. They knew they were acting out, I think. They
21 admitted it, but you say wrong in the sense of not
22 predicting that they wouldn't do it again?

23 Q. Or not even diagnosing them as having a sexual
24 disorder or being a pedophile or an ephebophile?

25 A. Well, most of them I think they said there was a

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 sexual disorder, but they did not identify them as
2 pedophiles or ephebophiles. I can't say that that
3 diagnosis was wrong.

4 Q. Okay. So you weren't disconcerted by the
5 performance of the --

6 A. I said I didn't know that that was wrong, you know.
7 In other words, you can have a correct diagnosis, but you
8 can't always guarantee what will happen afterwards.

9 Q. Okay.

10 A. There's no way that they can predict that.

11 They can just give their estimate and say they're
12 minimal risk or they're capable of going back to ministry,
13 as they said, and that's their opinion.

14 Q. And, Cardinal, when did you become aware that
15 there's no way that a therapist can predict whether a
16 priest will act out --

17 A. They --

18 Q. Let me just finish the question.

19 A. Excuse me. I'm sorry.

20 Q. When did you become aware that there's no way that
21 a therapist can predict whether a sex offender will act
22 out again?

23 A. It's not becoming aware. That's true about any
24 therapist or any doctor who prophesied something. He says

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 this is the best of my ability this will not happen, but
2 it can happen.

3 Q. Okay. One of the jurors wanted to know, looking
4 back now, having been questioned about nine files that
5 were investigated by your Secretary of Clergy and various
6 other members of the Archdiocese employed by you, are you
7 disconcerted that so many of these investigations were
8 handled in an ineffective manner?
9

10 A. I think they were handled very adequately.

11 Q. Okay. So you don't think that any of them were
12 handled ineffectively?

13 A. No.

14 Q. Okay. The next question is --

15 A. Excuse me. You have to understand that one
16 exception, that there was an inadvertent lapse.

17 Q. There was what?

18 A. There was an inadvertent lapse on the part of
19 Monsignor Lynn that we discussed before.

20 Q. Are you referring to the Sicoli case or the Gana
21 case or --

22 A. No. No. No. It would have been the Gana case.

23 Q. Okay.

24 A. I mean, that was an inadvertent lapse.

25 Q. Okay. What about in the Brennan case? Was that an

ANTHONY JOSEPH CARDINAL BEVILACQUA

inadvertent lapse as well?

A. I can't recall all the details, I'm sorry, in the Brennan case.

Q. In the Brennan case when Father Lynn was supposed to inform Monsignor Scanlon at Resurrection Parish about the history of Father Brennan and his previous parishes, the accusations of boundary violations and sexually inappropriate behavior, and he was supposed to make sure that the priests in the parish knew about Father Brennan's background and that Father Brennan was in treatment programs and was being monitored?

A. I don't know why.

Q. And it turned out three years later to be the case that he had never informed Monsignor Scanlon or any other personnel at that Resurrection Parish of those facts?

A. Again, that could have been an inadvertent lapse.

Q. Okay. So Gana, Brennan, Sicoli, they were all inadvertent lapses?

A. Well, when you say Sicoli, I don't understand which part you're saying.

Q. The fact that the file documents that no investigation was done when Father Lynn learned that these two immigrant adolescent boys were living in the rectory with Father Sicoli and --

ANTHONY JOSEPH CARDINAL BEVILACQUA

A. I can't --

Q. -- it was not brought to your attention or anybody else's attention?

A. I can't say that in this, in that case, because it's so vague what is written there. I do not know all of the circumstances.

Q. Okay.

BY MS. MCCARTNEY:

Q. Cardinal, how many inadvertent lapses do you think it takes before you would be comfortable in coming to the conclusion that your Secretary of Clergy was not doing as competent a job as what was required?

Given the magnitude of the harm that could occur to children, how many inadvertent lapses are there?

A. I can't answer that question because as you look at all the cases, Monsignor Lynn was very competent in

handling them and handling them, you know, very quickly, the larger number of cases.

You're mentioning only two that possibly -- you know, that he had an inadvertent lapse, but all the other cases, I consider him -- he was very competent.

Q. So you consider it very competent with regard to Monsignor Gillespie that Monsignor Lynn never informed the evaluators at the hospital that Monsignor Gillespie had

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 talked in the way he did to a twelve year old in
3 confession, that that's not --

4 A. The confession matter is a different issue
5 altogether. That's very delicate.

6 Q. So is the health and welfare of children. Would
7 you agree with that, Cardinal?

8 A. That always is primary.

9 Q. All right.

10 BY MR. SPADE:

11 Q. The next question, Cardinal, one of the jurors
12 wanted to know is: You've testified on a number of
13 occasions in your appearances before the grand jury that
14 you delegated these matters to Monsignor Lynn, to
15 Monsignor Jagodzinski, to Bishop Cullen, to Monsignor
16 Molloy, various members of the Vicar for Administration's
17 office, and the Secretary of Clergy's office, and some of
~~18 the facts of these cases were reported to you and some~~
19 were not, but that you didn't have very much day-to-day
20 involvement in them. Is that a fairly accurate summary of
21 your testimony in that regard?

22 A. They kept --

23 Q. I'm sorry.

24 A. They kept me informed what they thought was
25 relevant and important.

ANTHONY JOSEPH CARDINAL BEVELLAQUA

1 Q. Okay. One of the jurors wanted me to ask you:
2 Given all of the harm that was done to minors, teenagers,
3 prepubescent children at the hands of Philadelphia
4 priests, all of the sexual harm that's done to them, at
5 some point, did it not occur to you that you would have to
6 stop delegating responsibility for these cases and get
7 directly involved in handling them?

8 A. I would talk at times to Monsignor Cullen at the
9 time and Monsignor Lynn about the importance of
10 safeguarding all the children. There were times in
11 meetings or whatever, not things that recorded, that I
12 emphasized the gravity of this.

13 I told them to give it very special attention and
14 that -- and I repeated the order of priorities, and I
15 would do that at times to them, you know, that the
16 children and their families came first and the common good
17 of the church and then the rights of the priest, and I
18 presume from my saying those things to them they would
19 carry out their responsibilities adequately and
20 effectively.

21 Q. But, Cardinal, you would agree with me, wouldn't
22 you, that -- and I'm following up on the juror's question.

23 You would agree with me that giving a general
24 directive about the importance of protecting children to
25

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 the people that you had delegated responsibility for these
2 cases is different than actually asking for a file,
3 looking at the file, reading the file, you know, talking
4 to the people that were handling the file, getting
5 involved on a personal basis with the handling of some of
6 these cases; you would agree that what you said is
7 different than what the juror asked?
8

9 A. Different, but is more efficient that they were the
10 ones that would have the time, the expertise, the
11 experience to handle these better.

12 Q. Okay. And you're aware along these lines, too,
13 that the Restoring Trust document that was produced by the
14 NCCB in the fall of 1995, in the flow chart at the back of
15 the first volume, had a recommendation there that when a
16 priest comes back after being treated for being a sex
17 offender, when the priest comes back to the diocese, that
18 ~~the Restoring Trust document recommended that the bishop~~
19 get personally involved in meeting with the priest,
20 setting up an aftercare program for the priest and
21 monitoring the priest to make sure that he was following
22 the aftercare program and not sliding into the danger of
23 acting out again?

24 A. I'd have to interpret that, I mean, different
25 meaning of what personally means. It can't be that I --

ANTHONY JOSEPH CARDINAL BEVELACQUA

1
2 someone with as large a -- with such a large archdiocese,
3 with other bishops in other large dioceses, it would be
4 almost counterproductive to do everything personally and
5 in the sense of individually, but you do it personally by
6 delegating others to follow up on that.

7 There's so many responsibilities. Even though this
8 was the primary -- became the primary one for us, but I
9 would not have the ability, the time, the experience to
10 handle these things. So I left it to those who had the
11 time and the experience and the effectiveness.

12 Q. Okay. The next question is a simple one, Cardinal.
13 One of the jurors wanted me to ask you what is Monsignor
14 Lynn doing today? What is his responsibility within the
15 Archdiocese of Philadelphia, if you know?

16 A. As far as I know, he was -- his responsibility was
17 not changed. He's still Secretary for the Clergy.

18 Q. ~~And then the follow-up question is: Given the~~
19 evidence that we've reviewed in these files that we've
20 talked with you about and understanding that you no longer
21 have control over the matters, but why did you keep him as
22 the Secretary of Clergy up until the end of your term as
23 the Archbishop of Philadelphia, given the mishandling of
24 these cases?

25 A. Because I considered him very efficient and

ANTHONY JOSEPH CARDINAL BEVILACQUA

competent.

Q. Okay. And then the third follow-up question to that is: Does Cardinal Rigali, the present Archbishop of Philadelphia, have the power to replace Monsignor Lynn as Secretary of Clergy?

A. Any bishop of a diocese has the power to change his staff.

Q. Okay. The next question is: What preventive measures are currently being taken, to your knowledge, to ensure that no children of the Archdiocese today are being sexually abused by a priest or by priests?

A. There's so many measures we have taken.

First of all, as far as I know, even now, and I could say that even when I left on October 7, that there is no priest presently working in a parish or in any institution who is known to have sexually molested a minor, as far as we know.

Number two, we have had a number of sessions with our priests, even when I was still the Archbishop, in explaining to them, you know, boundaries. These were done by experts.

We have had -- now we have a check with the police, with the state police, you know, that everyone is checked out. I even had to do it myself. Any crimes committed,

ANTHONY JOSEPH CARDINAL BEVILACQUA

any abuse.

We're doing this for all of our lay staff that have anything to do with children -- teachers, volunteers, counselors. We're following a program, the VIRTUS program, on how to deal with children, the boundaries. There's the instruction on how to report any kind of, you know, dangers. I can go on and on in other things.

Q. Okay.

A. That we are taking strong measures to prevent any further harm as far as is possible coming to any children.

Q. Can I just ask you a follow-up question about that.

At the beginning of your answer, you repeated that statement that you made, that there's no priest currently in the Archdiocese --

A. As far as I know.

Q. -- as far as you know who has sexually abused a child, and I wanted to ask you: Are you familiar with

Father John Schmeer?

A. No.

Q. The pastor of Saint Martins Parish in Bucks County?

A. I know the name.

Q. Okay.

A. That's all.

Q. To your knowledge, there have never been any

ANTHONY JOSEPH CARDINAL BEVILLACQUA

1
2 allegations -- well, let me represent to you that if you
3 look at Father Schmeer's file, the secret archives file,
4 there are allegations in there by a number of people that
5 he sexually abused, and the Archdiocese's Review Board did
6 an investigation of him and cleared him of the charges and
7 recommended to the present Archbishop that he remain as
8 the pastor of Saint Martin's Parish, and my question to
9 you is: Now, when you make that statement that there's no
10 priest that you know of who has allegations against him --

11 A. Oh, I didn't say that. Please forgive me. Check
12 the record.

13 Q. -- who has sexually abused a child; is that what
14 you said?

15 A. Where he's actually guilty.

16 Q. Who is actually guilty of sexually abusing a child.

17 My question to you is: Isn't that -- I mean,

18 ~~that's, I guess, technically accurate, but isn't it sort~~
19 of misleading, because you do have somebody who has
20 multiple allegations of sexually abusing minors as a
21 pastor of a parish right now, and essentially what
22 happened is the Archdiocese investigated it and credited
23 Father Schmeer over his accusers.

24 A. Yes.

25 Q. So wouldn't it be more accurate to say that

ANTHONY JOSEPH CARDINAL BEVILACQUA

currently there are priests who have allegations of sexually abusing minors; we just haven't credited those allegations as being credible?

A. That would be an unfair statement to make because a priest could be completely innocent.

Q. I understand that.

A. Just because a priest has allegations, you can't destroy his reputation if he's innocent. I mean, once a name is mentioned as allegations, that's the end of that priest's reputation for the rest of his life, even though he's completely innocent.

That's why I phrased it that way. I do not know at the present time of any priest in the Archdiocese who is guilty of having abused a minor.

BY MS. MCCARTNEY:

Q. Cardinal, I'm going to take an exception with the technical accuracy of that statement because you just said that even when you left in October of 2003, that that statement to the best of your knowledge was true.

What about Father Avery, Father Cannon, Father Trauger, Father Furmanski? These were all priests, by virtue of your Review Board, who were investigated and ultimately released from assignment, because it was determined that they did have allegations against them?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 A. The allegations -- I said as far as I know. As far
2 as I know, they were not guilty. That may have happened
3 that they were found guilty afterwards.

4 Q. And one other follow up, Cardinal, and I don't want
5 to belabor this point at all, but one of the things that
6 you said in terms of assuring both the people on this
7 grand jury and you've made the statement publicly, that we
8 can all breathe somewhat easier that these priests that
9 are coming in contact with our children are not going to
10 sexually abuse them because one of the mechanisms that you
11 put in place was the background checks with the state
12 police; is that right?

13 A. I didn't say that. I said we're trying -- you
14 asked what measures have we taken to try to prevent. I
15 didn't say because they got that they wouldn't abuse.

16 Q. I understand that, but that statement was made in
17 ~~an effort to show the public that the Archdiocese was~~
18 acting responsibly and that there was some level of
19 responsibility taken with regard to its priests, correct?

20 A. Yes.

21 Q. Okay. Let me ask you, Cardinal. When the
22 Archdiocese put in place the background checks for the
23 priests, did they share with the state police the secret
24 archive files with these people so that when a background
25

ANTHONY JOSEPH CARDINAL REVELLAQUA

1 check is done, the information that's in the secret
2 archive files could be evaluated by a civil organization?

3 A. I don't know what was presented to the state
4 police. They do background checks on them.

5 Q. The bottom line, Cardinal, is somebody like a
6 Stanley Gana, who has admitted to anally raping children,
7 would have a clear background check, is that right,
8 because the Archdiocese of Philadelphia never shared any
9 of these allegations or never shared his admissions with
10 any civil authority? So therefore, if I were to run a
11 background check on him, he'd come up totally clear,
12 right?

13 A. The fact that --

14 Q. Is that correct, Cardinal? You can comment
15 whatever way you want afterwards, but that would be
16 accurate, right?

17 A. ~~If it was not reported by the Archdiocese.~~

18 Q. And it was not, correct?

19 A. Yes, but anybody else could -- the family could
20 have reported it.

21 Q. All right. Thank you, Cardinal.

22 BY MR. GALLAGHER:

23 Q. Well, Cardinal, really, that's not relevant, who
24 reported. The issue here is the Archdiocese, as a result

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 of the charter and the result of the revisions that have
3 been going on since June of 2002, has put into place
4 procedures, and one of the procedures is that now you
5 check the criminal background of every priest in the
6 Archdiocese, correct?

7 A. Yes.

8 Q. Okay. The question is: What is the value of that
9 if you had thirty-five priests with credible allegations
10 in February of 2002 and only two of those priests were
11 ever arrested?

12 What is the value to the other thirty-three priests
13 whether or not the public can find out whether they've had
14 credible evidence of sexual abuse in their background of
15 children?

16 Do you understand my question?

17 A. Yes. We're saying that -- we're just saying now,
18 ~~as of that time, we're asked now, as a result of the~~
19 charter, to do these background checks.

20 I'm not guaranteeing that those background checks
21 mean that a person was not -- did not abuse a minor. I'm
22 just saying this is something anyhow.

23 Q. Well, the question is: What is the value of those
24 background checks if none of these thirty-three people
25 were ever reported to law enforcement and you know as the

1 ANTHONY JOSEPH CARDINAL DEVLACQUA

2 Archbishop that there was credible evidence of sexual
3 abuse of minors in their background? What is the value of
4 those checks?

5 A. Well, now all of them have been reported.

6 Q. All of them have been reported?

7 A. May I.

8 (The witness conferred with his
9 attorney.)

10 THE WITNESS: You just want it to be
11 confirmed that since the charter, all allegations
12 have been reported to the civil authorities?

13 MR. GALLAGHER: That occurred
14 subsequent to the charter. Correct.

15 THE WITNESS: That is correct.

16 BY MR. GALLAGHER:

17 Q. But we're talking none of the incidents that
18 occurred prior to the passing of the charter.

19 A. That is correct. But now it's to prevent anything
20 further in the future.

21 You asked me how to prevent things in the future.
22 Right now all their names now are listed.

23 Q. Listed with this grand jury?

24 A. No. No. No. We report it to the civil
25 authorities. The charter requires it.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. I'm not talking about anything that's happened
3 since the charter happened. What I'm talking about is the
4 thirty-three priests who in February of 2002 you and your
5 press person have indicated that there was credible
6 evidence of sexual abuse of minors in their background.

7 A. Yes, but I'm getting back to the original question.
8 What are we doing to prevent this from happening?

9 Q. Well, I'm not getting back to the original
10 question. I'm asking you what is the value of doing an
11 FBI check of those thirty-three people when what they did
12 was never reported to law enforcement and they never had a
13 criminal record?

14 What is the point of doing a record check on
15 someone? A record check is the FBI National Crime
16 Information Center, a rap sheet on someone. That's what
17 the FBI checks.

18 ~~What is the value of checking those if none of~~
19 ~~these people were ever arrested?~~

20 A. We just did what -- we complied with the law at the
21 time.

22 MR. GALLAGHER: What's the next
23 question?

24

25 BY MR. SPADE:

ANTHONY JOSEPH CARDINAL DEVLIN

Q. The next question, Cardinal, is: There's been evidence before the grand jury, and I believe you've testified to it on a couple of occasions, that when a victim comes forward to the Archdiocese, the Archdiocese offers the victim counseling or offers to pay for counseling --

A. Yes.

Q. -- either with a therapist provided by the Archdiocese or with the person's therapist, chosen by the victim, and one of the jurors wanted to know: Besides offering the counseling, are you doing anything else to help the victims of these crimes?

A. I don't know what it means. They are now interviewed by someone from Social Services, and not only offering to pay for them, but to offer any other assistance that might be of help to them.

~~I'll give you one example. There's an older man who came to see me, a victim, and he didn't have a decent place to live, and we found a place for him to reside that would be help helpful to him.~~

Q. Okay?

A. It could be so many others. It could be medical attention. It's not just counseling. It's anything we can do to help them as a result of whatever psychological

ANTHONY JOSEPH CARDINAL BEVILACQUA

injuries with others that were consequent upon them.

Q. Cardinal, I just wanted to bring one case to your attention, because when you mentioned an older man who doesn't have a place to live, it brought something to my mind of one of the cases that's been presented to this grand jury.

There was a priest who's now deceased by the name of Gerard Chambers. I don't know if you were ever acquainted with him, but Father Chambers abused three brothers at Saint Gregory's Parish in West Philadelphia back in the 1950s and early 1960s --

George Francis Owen

Owen
who's now approximately in his late fifties, early sixties, when he was eleven years old, he was anally raped by Father Chambers; and when I use the word "raped," I mean, raped. It was a crime of force.

Owen
now institutionalized at Norristown State Hospital in Montgomery County and is facing charges of aggravated assault on his landlord and, to the knowledge of the grand jury, has no place to go when he leaves Norristown State Hospital.

Owen
If [redacted] were to seek some sort of shelter, some sort of institutional care on the part of

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 the Archdiocese when he leaves Morristown State Hospital,
2 is that something that the Archdiocese would be willing --

3 A. Yes. They get in touch with Social Services. Yes.

4 Q. Okay. Is that something that you would be willing
5 to look into yourself?

6 A. Well, I have no authority anymore.

7 Q. Okay. Is it something that you would be of willing
8 to bring to Cardinal Rigali's attention?

9 A. If I could have something written, I'm sure we can.

10 Q. I'll provide you written information about it.

11 A. Yes.

12 Q. The next question is: One of the jurors wanted to
13 know how is the Archdiocese of Philadelphia at Saint
14 Charles Seminary currently attempting to evaluate its
15 seminarians to weed out seminarians who have a sexual
16 attraction to minors, not just pedophiles and

17 ephebophiles, but anybody that has a sexual disorder
18 relating to this sexually acting out with minors?

19 A. There's a whole very expansive program at the
20 seminary. It always had it, but it has naturally been
21 emphasized even more.

22 As you know, it would be impossible to determine
23 ahead of time whether someone is -- you know, has a sexual
24 disorder, but they have to undergo a barrage of
25

ANTHONY JOSEPH CARDINAL BEVILACQUA

psychological testing and interviews with the psychiatrist.

There are constant symposia or lectures of experts to the seminarians themselves, so this has reached the present rector, one of the highest priorities, in order to make sure, to the extent that is possible, they not only are aware of all of the dangers, you know, but to examine their own conscience, but also through the testing that is available to discern to the best of, you know, human ability whether there is a propensity for any kind of sexual abuse of minors. I can assure you that's being done.

When we had the commission, the Alvare Commission, you may have heard of that. They spent a great deal of time at the seminary, you know, overlooking all their programs; and in fact, it's a large portion of the report of the commission, and there was mainly commendations, what's being done with certain other recommendations that I don't even recall, but it was to make it a very high priority and it is.

Q. Okay. The next question, Cardinal, is --

MR. SPADE: If we could just break for just a minute.

It's four o'clock. Does anybody have a

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 transportation issue or can we go another five or
3 ten minutes?

4 All right. We have more questions,
5 Cardinal, but it's four o'clock, and some of the
6 jurors have to take public transportation and need
7 to catch trains and buses, so we're going to
8 adjourn for the day. Thank you.

9 Could the foreperson please advise the
10 Cardinal of his continuing obligation.

11 GRAND JURY FOREPERSON: Cardinal
12 Bevilacqua, you are hereby notified that your
13 subpoena is a continuing one. That means should
14 the jury desire further evidence and/or testimony
15 from you, you will be notified to appear before
16 this grand jury by mail, phone or through your
17 attorney, if you have one.

18 ~~Do you understand?~~

19 THE WITNESS: Yes.

20 GRAND JURY FOREPERSON: Thank you.

21 ---

22 (Hearing concluded.)

23 ---

24

25

- I N D E X -

			<u>PAGE</u>
1			
2			
3	ANTHONY JOSEPH CARDINAL BEVILACQUA		
4	EXAMINATION	BY MR. SPADE	2
5	EXAMINATION	BY MS. MCCARTNEY	6
6	EXAMINATION	BY MR. SPADE	8
7	EXAMINATION	BY MS. MCCARTNEY	9
8	EXAMINATION	BY MR. GALLAGHER	11
9	EXAMINATION	BY MS. MCCARTNEY	11
10	EXAMINATION	BY MR. GALLAGHER	12
11	EXAMINATION	BY MR. SPADE	13
12	EXAMINATION	BY MS. MCCARTNEY	16
13	EXAMINATION	BY MR. GALLAGHER	49
14	EXAMINATION	BY MS. MCCARTNEY	52
15	EXAMINATION	BY MR. SPADE	118
16	EXAMINATION	BY MS. MCCARTNEY	134
17	EXAMINATION	BY MR. SPADE	162
18	EXAMINATION	BY MS. MCCARTNEY	168
19	EXAMINATION	BY MR. SPADE	169
20	EXAMINATION	BY MS. MCCARTNEY	176
21	EXAMINATION	BY MR. GALLAGHER	178
22	EXAMINATION	BY MR. SPADE	181

23

24

25

(INDEX CONTINUED)

- I N D E X -

			<u>PAGE</u>
1			
2			
3	ANTHONY JOSEPH CARDINAL BEVILACQUA		
4	EXAMINATION	BY MR. SPADE	2
5	EXAMINATION	BY MS. MCCARTNEY	6
6	EXAMINATION	BY MR. SPADE	8
7	EXAMINATION	BY MS. MCCARTNEY	9
8	EXAMINATION	BY MR. GALLAGHER	11
9	EXAMINATION	BY MS. MCCARTNEY	11
10	EXAMINATION	BY MR. GALLAGHER	12
11	EXAMINATION	BY MR. SPADE	13
12	EXAMINATION	BY MS. MCCARTNEY	16
13	EXAMINATION	BY MR. GALLAGHER	49
14	EXAMINATION	BY MS. MCCARTNEY	52
15	EXAMINATION	BY MR. SPADE	118
16	EXAMINATION	BY MS. MCCARTNEY	134
17	EXAMINATION	BY MR. SPADE	162
18	EXAMINATION	BY MS. MCCARTNEY	168
19	EXAMINATION	BY MR. SPADE	169
20	EXAMINATION	BY MS. MCCARTNEY	176
21	EXAMINATION	BY MR. GALLAGHER	178
22	EXAMINATION	BY MR. SPADE	181

23

24

25

(INDEX CONTINUED)

I N D E X

2	<u>EXHIBITS</u>	<u>IDENTIFICATION</u>
---	-----------------	-----------------------

3	GJ 601, (Previously marked exhibit.)	16
4	GJ-602, GJ-603 and GJ-604, (Previously marked exhibit.)	17
5	GJ-606, GJ-609 and GJ-610, (Previously marked exhibit.)	20
6	GJ-610, (Previously marked exhibit.)	22
7	GJ-615, (Previously marked exhibit.)	27
8	GJ-617, (Previously marked exhibit.)	31
9	GJ-1158, (Previously marked exhibit.)	39
10	GJ-1161	41
11	GJ-260, (Previously marked exhibit.)	53
12	GJ-261, (Previously marked exhibit.)	63
13	GJ-263, (Previously marked exhibit.)	64
14	GJ-264, (Previously marked exhibit.)	65
15	GJ-1162	72
16	GJ-265, (Previously marked exhibit.)	73
17	GJ-266, (Previously marked exhibit.)	76
18	GJ-267, (Previously marked exhibit.)	78
19	GJ-269, (Previously marked exhibit.)	81
20	GJ-271, (Previously marked exhibit.)	81
21	GJ-270, (Previously marked exhibit.)	82
22	GJ-1163	85
23	GJ-273, (Previously marked exhibit.)	87
24	GJ-1164	87

- I N D E X -

1

2 EXHIBITSIDENTIFICATION

3 GJ-274, (Previously marked exhibit.)

88

4 GJ-275, (Previously marked exhibit.)

94

5 GJ-1165

95

6 GJ-277, (Previously marked exhibit.)

103

7 GJ-278, (Previously marked exhibit.)

103

8 GJ-279, (Previously marked exhibit.)

110

9 GJ-280, (Previously marked exhibit.)

111

10 GJ-281, (Previously marked exhibit.)

113

11 GJ-282, (Previously marked exhibit.)

115

12 GJ-878, (Previously marked exhibit.)

118

13 GJ-879, (Previously marked exhibit.)

119

14 GJ-880, (Previously marked exhibit.)

120

15 GJ-894, (Previously marked exhibit.)

123

16 GJ-903, (Previously marked exhibit.)

125

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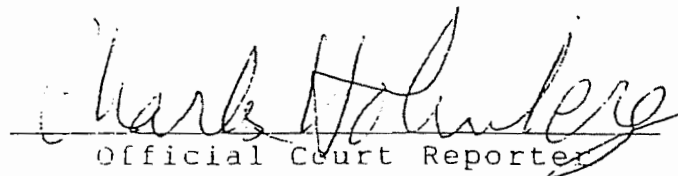
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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the trial of the above cause, and that this copy is a correct transcript of the same.


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