

## APPENDIX H-11

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19-1-98

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

February 6, 2004

Room 18013, One Parkway  
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

(RE: REV. GANA, TRAUGER, SICOLI, REARDON, AVERY,  
GILIBERTI)

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

ANTHONY JOSEPH CARDINAL BEVILACQUA

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

It's Friday, February 6, 2004. It's 10:09 A.M.

How many jurors are present?

GRAND JURY SECRETARY: Twenty regulars  
and five alternates.

MR. SPADE: Thank you. That  
constitutes a quorum.

The Commonwealth has recalled Anthony  
Cardinal Bevilacqua.

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

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BY MR. SPADE:

Q. Good morning, Cardinal. How are you?

A. Fine. Good morning.

MS. MCCARTNEY: Good morning.

BY MR. SPADE:

Q. And, Cardinal, you were sworn into this grand jury  
on an earlier occasion by the Honorable Gwendolyn Bright,  
correct?

A. I did meet with her. Yes.

Q. And she explained to you at that time what your

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rights are?

A. Yes.

Q. And you understood at that time --

A. Yes.

Q. -- what your rights are?

A. Yes.

Q. Okay. And one of the rights that she explained to you was the right to have counsel present?

A. Yes.

Q. Okay. And in fact, you do have counsel present today?

A. Yes.

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

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

MR. SPADE: Thank you.

BY MR. SPADE:

Q. Cardinal, when we left off at your last appearance, we were in the process of asking you some questions that the jurors had for you as a result of your last day's testimony. I'm going to continue on with those. Okay?

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1 A. Yes.

2 Q. The next question that one of the jurors had,  
3 Cardinal, was: What are the punitive consequences for a  
4 priest who breaks his celibacy vow?

5 A. What are the?

6 Q. What are the punitive consequences under church law  
7 for a priest who breaks his celibacy vow?

8 A. It depends on, you know, which celibacy vows he  
9 broke, you know, if it's a minor or if it's an adult.

10 We almost always -- if there's any violation of  
11 celibacy and it becomes public, it -- the priest is sent  
12 for counseling.

13 Q. Okay.

14 A. And almost every case of the counseling and what  
15 happens afterwards, we depend a great deal on the advice  
16 of the professionals, psychiatrists or psychologists, as  
17 to whether or not he receives an assignment.

18 Q. Okay. The next question, Cardinal, is -- and I  
19 believe the background for this is when we were discussing  
20 the Gana file and we were discussing whether Stanley Gana  
21 could be laicized or not, and I believe, and you correct  
22 me if I'm wrong, but I believe that you responded that if  
23 the crime was scandalous enough?

24 A. No. Laicization can take place anytime. First of

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all, he can ask for laicization himself.

Q. I think what we're referring to is involuntary laicization.

A. Involuntary laicization, I say it's extremely rare and it would have to be very notorious, very public, almost a predator, that it demands that he be laicized.

Q. Okay. And with that as the background, Cardinal, one of the jurors had the question: Is murder the only crime that a priest could commit that would be scandalous enough or notorious enough for that priest to be voluntarily laicized?

A. No. No. Even abuse of a minor could be so notorious, it could be done, and in other dioceses, that it actually has been done.

Q. Okay. For the crime of abusing a minor?

A. Yes.

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Q. Sexually abusing a minor?

A. That was done in Boston.

Q. Okay. The next question, Cardinal, is: One of the jurors made the observation that the Archdiocese has a great number of resources and that for the most part its priests are highly educated, competent, and as well as yourself and Bishop Cullen and the people that you entrusted these cases to, you yourselves are highly

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educated and competent administrators of the Archdiocese; and with that as the background, the juror wanted to know whether you expect the jury to believe that these sex offender cases were simply mismanaged through negligence, or was it something that was intentional?

A. I don't even raise it to the level of strict negligence. I see that we did the best we could. Those who were in charge were competent.

There was a very rarely -- a few times that there was an unintentional lapse, and that could have been for several reasons, and I don't know what those reasons were, but I can assure you that every effort was made to deal with these matters immediately and comprehensively and efficiently.

Q. Okay. The next question, Cardinal, is that a juror made the observation that in reviewing these files that we have reviewed with you during your time before the grand jury, there has been quite a number of instances of poor record keeping on the part of the Secretary for Clergy's office, and by that we mean calls coming in where the person making the allegation wasn't -- the identity of the person wasn't documented.

In a particular instance, that would have been in the Trauger case where Father Trauger was stalking the boy

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from Neumann High School in South Philadelphia and the Secretary for Clergy's office identified one of the names of the boy. It wasn't clear if it was the first or the last name, but it didn't identify the full name of the victim.

But the juror made the observation that given the poor performance in record keeping and follow up that's been exhibited in many of these cases, the juror wants to know would you have been as tolerant of this poor record keeping and poor performance if it had been in the area of the Archdiocese's finances or its fund raising?

A. I think they're two different categories of administration.

As far as not mentioning the name in the Trauger case, I don't know why the name was not mentioned. It was a rather complete description. Most of it was being handled I think by Neumann High School itself. The name was known, obviously, and I don't know why it was not included in the report.

Q. Okay.

BY MS. MCCARTNEY:

Q. But, Cardinal, that doesn't really address the question that the juror had.

Looking through some of the documents that you've



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2 had the opportunity to do, are you comfortable with the  
3 level of record keeping that was done by the Secretary of  
4 Clergy's office?

5 The Trauger case was just an illustration of the  
6 lack of a full name in a document, but there were several  
7 other instances where that was also true.

8 Do you have any concerns about the level of record  
9 keeping that was done by the Secretary of Clergy's office?

10 A. I think they did the best they could.

11 Q. Let me ask you --

12 A. And I think it was adequate. It was -- as you have  
13 seen in most cases, it was rather comprehensive reporting  
14 on cases. Why some cases lacked certain information, I  
15 can't answer that.

16 Q. But you would agree, and maybe you wouldn't, and  
17 I'll just ask you.

---

18 Do you agree that the name of the possible victim  
19 or possible person who was harmed by a priest's behavior,  
20 that that would have been something that would have been  
21 essentially kept in a record, one of the first and most  
22 important things in a record?

23 A. I don't know why it was not included. I really  
24 don't.

25 Q. Let me give you another example, Cardinal, and we

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1 talked -- I think at the end of your last session here we  
2 were talking about the file involving Father Sicoli, and  
3 one of the documents that was shown to you was a rather  
4 cryptic handwritten note from Father Lynn after he  
5 received a call from the Shalom counselor at West Catholic  
6 High School, and one of the things that we discussed with  
7 you at that time was the fact that there was no name of  
8 the boys involved in that document.

10 There was nothing except for some cryptic  
11 scribbling that suggested that Father Sicoli was taking an  
12 altar boy to Notre Dame or -- I'm sorry -- taking the  
13 older boy to Notre Dame. Again, that's just another  
14 example of a document.

15 Are you concerned about the level of record keeping  
16 in that particular document?

17 A. I say it was very hard for me to understand it, and  
18 all I could presume was that was scribbled down because he  
19 had an intention to type it out, and there may have been a  
20 lapse and he forgot.

21 I didn't think he -- my own feeling is I don't  
22 think he intended that that would be part of the permanent  
23 record, so that possibly could have happened; and the in  
24 typing it up fully, he could have included all the  
25 information, but I have no other explanation.

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1  
2 Q. All right. Would you have been satisfied with  
3 those unintentional lapses if they had dealt -- I mean,  
4 this is specifically the juror's question.

5 Would you have been satisfied or comfortable or  
6 tolerant of those unintentional lapses if they involved  
7 aspects of the financial office of the Archdiocese or the  
8 fund raising department of the Archdiocese, if essential  
9 information was not contained in the documents in those  
10 departments?

11 A. Again, I certainly would not have been satisfied if  
12 very serious lapses had occurred in financial matters, and  
13 I don't think there was an intention to have lapses, even  
14 in the matter that you are discussing.

15 I don't know why they did not do it immediately.  
16 Again I repeat it could have been they planned to and  
17 something disrupted them.

---

18 Q. Okay. Thank you.

19 BY MR. SPADE:

20 Q. Cardinal, the next question is: One of the jurors  
21 made the observation that in their experience, just  
22 through general knowledge, that the number of seminarians  
23 at Saint Charles and at other seminaries around the  
24 country, as well as the number of altar servers in  
25 parishes, has been dropping for the last couple of years;

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1  
2 and the juror wanted to know whether you feel that the sex  
3 crimes of some of the priests in this Archdiocese and some  
4 of the other dioceses are the reason for the dropping  
5 numbers of seminarians and the dropping participation of  
6 altar servers?

7 A. Let me -- may I address the altar servers first,  
8 that I don't know where anyone got any statistics on that.  
9 I have never seen that. So there's no -- there's no  
10 surveys ever been made on a drop of altar servers. My  
11 experience is there's more than enough of them.

12 If you're talking about, you know, servers in  
13 general, if anything, there's been increases since we  
14 allowed, you know, girls to serve. Every parish I go to  
15 there's more than an enough.

16 As far as a drop in the number of priests, this  
17 occurred long before it -- began to occur long before the  
18 sex scandal of 2002. It started in the -- in the  
19 seventies that the numbers of vocations to the priesthood  
20 began to diminish.

21 Even now in the last year or so, in many  
22 seminaries, including our own, we're seeing an increase.  
23 Not a major one, but it is an increase and not a decrease.

24 Q. Okay. And, Cardinal, the next question is: One of  
25 the jurors wanted to know since you retired as Archbishop

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of Philadelphia, have you had discussions with Cardinal Rigali on this issue of how to handle priest sex offenders within the Archdiocese?

A. No. He has never raised the issue.

Q. Okay. Cardinal, in one of the files, and we haven't specifically discussed it with you yet, but in one of the files there was evidence that a victim of sexual abuse by a priest, Father Furmanski, had actually been lured into the sexual relationship at the beginning through Father Furmanski teaching a sex education class in the parish school; and one of the jurors wanted to know: Are you aware that Father Furmanski or possibly other priests have used sex education classes as grooming mechanisms to lure victims into sexual relations?

A. No. I say I read the file of Father Furmanski that you had given to me. I didn't see any reference to that and I did not know that.

BY MS. MCCARTNEY:

Q. Just so you're clear, Cardinal, this was a victim that came to us and has not made the report to the Archdiocese of Philadelphia, so it's not as if there's documents that we have with regard to the Furmanski file that you didn't have access to. This was a new victim.

25

( ) ( )

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2 BY MR. SPADE:

3 Q. And the last question, Cardinal, is: One of the  
4 jurors wants to know, in your opinion, whose fault is it  
5 that the four priests that were relieved of their  
6 faculties recently, and that would be Fathers Furmanski,  
7 Trauger, Avery and Cannon, were in the Archdiocese as long  
8 as they were, especially in light of the fact that  
9 ultimately, even though at earlier points in the  
10 investigation of these priests they had denied sexually  
11 abusing minors, two of them ultimately, and that would be  
12 Furmanski and Trauger, admitted to sexually abusing  
13 minors?

14 A. When you say whose fault?

15 Q. Yes. The juror wants to know, in your opinion,  
16 whose fault is it that they were allowed to remain in the  
17 Archdiocese as long as they were?

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18 A. But they still are in the Archdiocese.

19 Q. Well, okay. Whose fault is it that they were  
20 allowed to remain in some form of ministry in the  
21 Archdiocese?

22 A. When you say -- I mean, we did everything possible  
23 to isolate them. We put them on administrative leave.  
24 The responsibility as far as the status of any priest is  
25 always that of the Archbishop.

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Q. Okay. Cardinal, at this point, that's the end of the group of questions that the jurors had for you from your last day of testimony.

. We're now going to move on to a couple of other files, and I'm handing you some documents regarding the secret archives file of Father John Reardon.

Now, Cardinal, for the record, I just want to put on the record that you have not had a chance to review these documents. We made your counsel aware yesterday roughly around noontime that we were going to be questioning you.

A. I did not see them.

Q. I understand. I just wanted to put that on the record, and what I hoped to do, Cardinal, in terms of expediting this, is go through this fairly quickly.

I'm not going to refer to all of those documents, and in fact, I'm just going to sort of summarize what happened in that file.

Feel free to go through and, you know, look more closely at any of the documents, and if you want to at a later point, if you have a chance to review it at the lunch break or something and you want to supplement any answers or put anything else on the record --

A. Thank you.

( ) ( )

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2 Q. -- please feel free to do so.

3 First of all, let me ask you, Cardinal, on the case  
4 of John Reardon, do you have any independent recollection  
5 of that case?

6 A. I just have a very vague recollection.

7 Q. Okay. Now, the reason that I think that this would  
8 have stayed in your memory a little better than some of  
9 the other cases, perhaps, is that this is a case where  
10 Father Reardon, actually at the time that he was being  
11 first investigated when an allegation came in in 1993,  
12 actually hired a canonical advocate, who was Father  
13 Vincent Walsh.

14 Do you have any memory of that?

15 A. I just have a vague memory. Yes.

16 Q. And given the fact that you yourself are a noted  
17 canon lawyer, you know, I thought maybe that would have  
18 stayed in your memory a little better.

19 The first document that I wanted to look at,  
20 Cardinal, is seven fourteen. I think it's the third  
21 document in there. It's a September 24, 1993, memo from  
22 Father Lynn to yourself, and it should be marked. The  
23 numbers should be marked on the top right of the page.

24 A. Yes.

25 Q. Do you see that?



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A. Yes.

Q. The only information that this imparts for the purposes of this grand jury is that Father Lynn made you aware on September 24 of 1993 that a victim, that a woman by the name of [REDACTED] came forward and accused Father Reardon of sexually abusing her in the form of touches and fondling of her breasts and genital area, and that would be in the bottom part of the first paragraph.

A. I see it.

Q. And at that time she was -- at the time that the abuse occurred, she was approximately ten or twelve years old.

Do you see where I'm reading from?

A. Yes.

Q. And then if you skip down to the bottom, to the second to last paragraph, Father Lynn informs you that

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Father Reardon has denied the allegations and appointed Monsignor Vincent Walsh as his advocate in the matter.

Do you see that?

A. No, I do not see that. On the first page?

Q. Yes. It's the second to last paragraph.

A. I'm sorry. I see that.

Q. Okay. The next document, Cardinal, is seven sixteen. It's a November 15, 1993, cover letter from

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Sandra O'Hara at the Anodos Center at Vianney Hospital to  
Father Lynn.

Do you see that?

A. Yes.

Q. If you turn to the second page, it's a listing of  
diagnostic impressions, and we've covered this territory  
in another file, Cardinal, but I just wanted to go back  
over it briefly.

Do you see there, that under axis one, the Anodos  
therapist diagnosed Father Reardon as having a rule out  
pedophilia diagnosis?

A. Yes.

Q. Okay.

A. I'm not an expert. Could you tell me what "R/O"  
means.

Q. Well, that's what we're going to get to, Cardinal.

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We had discussed this before in the case of Father  
Brennan.

A. Thank you.

Q. If you turn to the document that I just gave you,  
it's GJ-977.

If you turn to the last page of that, and for the  
record this is a Saint Luke Institute document, correct?

A. Yes.

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1  
2 Q. The only thing I want to get out of this is this is  
3 an evaluation of Monsignor Walls, and the top paragraph of  
4 the last page, Frank Valcour, M.D., who is one of the  
5 doctors at the Saint Luke's Institute, is -- and by the  
6 way, Cardinal, Frank Valcour was one of the doctors who  
7 contributed to the Restoring Trust compendium; is that  
8 correct?

9 A. I don't remember.

10 Q. Okay. In the first paragraph there, Dr. Valcour  
11 writes: "Thus, we have made a rule out diagnosis on this  
12 matter."

13 Are you following along where I'm reading? It's  
14 about the --

15 A. The last page?

16 Q. The last page, about the fourth sentence down.

17 A. Of the first paragraph?

---

18 Q. Of the first paragraph.

19 He writes: "Thus, we have made a rule out  
20 diagnosis on this matter."

21 A. Yes.

22 Q. Okay. And this is addressing your question of what  
23 "R/O" means, rule out, and I'm continuing to read the  
24 document here.

25 "Rule out simply means that the data suggest the

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possibility that the condition exists but at present a firm diagnosis is not warranted."

Did I read that correctly?

A. Yes.

Q. So going back now to seven sixteen, under axis one for Father Reardon where the Vianney therapist diagnosed him with R/O pedophilia, you would agree with me that that diagnosis means that the Vianney therapist, Jeanette Weychert or Weychert (phonic reference), and that's W-E-Y-C-H-E-R-T, found that there was data suggesting the possibility that Father Reardon is a pedophile, but she was not able to make a firm diagnosis, correct?

A. Yes.

Q. And then if you go under, if you look under recommendations there, midway through the paragraph, the therapist writes: "Father Reardon's response to the victim which could be construed as an admission of wrongdoing; his compartmentalization of affect and emotions and almost phobic fear of physical and emotional pain," and then the last phrase of the paragraph is: "And a lack of psychosexual integration."

Do you see where I read this?

A. Yes.

Q. And then the next document, Cardinal, is seven

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nineteen. This is a November 22, 1993, memo from Father Lynn to yourself.

Have you found it?

A. Yes.

Q. Okay. And here Father Lynn is giving you an update about the investigation into Father Reardon, the allegation against Father Reardon, and he reports in the fifth paragraph down on the first page.

He writes: "As reported in my memorandum of September 24, 1993, which is attached, Father Reardon had appointed Monsignor Vincent Walsh as his advocate in this matter. As I also reported, Father Reardon saw Dr. Richard Fitzgibbons and Dr. Fitzgibbons felt there is no evidence of pedophilia."

So apparently, at some point Father Reardon consulted Dr. Fitzgibbons, and we talked about Dr.

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Fitzgibbons before, correct, Cardinal?

A. Yes.

Q. Okay. And Dr. Fitzgibbons found that he didn't see any evidence of pedophilia, and then if you turn to the second page of the document, there's some numbered paragraphs in it, and there's actually two number two paragraphs, and I'm going to read the second one. It's in the middle of the page.

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Father Lynn writes: "In my memorandum of September 24, 1993, I stated my opinion was that Father Reardon was innocent. At this point, I am very unsure. The swiftness with which Monsignor Walsh was involved and his defensive attitude during the evaluation have raised questions for me."

And then the last paragraph -- I mean, I'm sorry, the last page of the document under "Recommendations," the paragraph number two, he recommends that a second evaluation be done of Father Reardon at Saint Luke's and that under the second paragraph, "pending the results of the second evaluation, Father Reardon be asked to remove himself from his pastoral duty at Nativity of Our Lord Parish in Warminster, the reason for this being that now we have in hand an evaluation which indicates there is a doubt regarding innocence."

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So essentially you're being informed by Father Lynn that Father Lynn has some questions about whether Father Reardon actually committed this abuse or not, correct, and wants a second opinion?

A. Yes.

Q. Okay. And then the next document, Cardinal, would be seven twenty-two. And this is a -- have you found it?

A. Yes.

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1 Q. Okay. This is a December 3, 1993, memo from Father  
2 Lynn to the file, regarding a telephone conversation with  
3 Reverend William J. O'Donnell, Pastor, Nativity of Our  
4 Lord Parish, Warminster; and essentially, Father Lynn is  
5 reporting to you or is reporting to the file that the  
6 conversation that he had with Father O'Donnell, and in the  
7 second paragraph, he writes: "Father O'Donnell stated  
8 that Father Reardon did spend" -- well, I'm sorry. Let me  
9 just read the whole paragraph.  
10

11 Father Lynn writes: "I asked Father O'Donnell if  
12 there were any signs of a problem in this regard," and  
13 he's referring to the sexual abuse issue. "Father  
14 O'Donnell stated that Father Reardon did spend a lot of  
15 time with the high school girls answering the phone.  
16 Father O'Donnell did not feel that was healthy and it  
17 showed a lack of common sense on the part of Father  
18 Reardon. As an example, Father O'Donnell said that when  
19 the priests gathered for cocktails before dinner, Father  
20 Reardon would remain downstairs in the office or kitchen  
21 for a half hour talking to the girls before he would join  
22 the priests."

23 The next document, Cardinal, would be seven  
24 twenty-five, and this is a Saint Clare's Riverside Medical  
25 Center letterhead, and it's a letter that was written by

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John Day Brecka, B-R-E-C-K-A, who is a clinician at Saint Clare's Riverside Medical Center.

The only point I want to make with this, Cardinal, is on the first page, in the middle of the page, there's an asterisk.

Do you see that?

A. Yes.

Q. Okay. And it says Mr. Martinez, and that's Douglas Martinez, who's the program coordinator/sexual abuse consultant. It reads: "Mr. Martinez is an expert in sexual abuse. He has been trained at Psychiatric Institute/Columbia Presbyterian Medical Center in the diagnosis and treatment of adult sexual abuse."

The question I have about this, Cardinal, is: Ultimately, you'll see from this file, that you ordered Father Reardon to get a second evaluation at Saint Clare's Riverside Medical Center, and the reason for that being -- and you'll see this from the documentation, and you can agree or disagree.

The reason being that there are some questions based on the rule out pedophilia diagnosis, and from other information in the file, there are some questions on your part and the part of the Secretary for Clergy about whether in fact Father Reardon was in fact a pedophile.



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And you ordered him ultimately to get an evaluation at Saint Clare's Riverside, and the thing that strikes me about this paragraph in that letter is that Mr. Martinez has specialized training in diagnosing and treating adult sex abusers; and my question to you is: To your knowledge, in the time that you were the Archbishop of Philadelphia, did any of the therapists that were used at Saint John Vianney Hospital to evaluate, diagnosis and treat the priest sex abusers that were in the Archdiocese of Philadelphia, did any of them have specialized training in diagnosing and treating adult sex offenders?

A. I can't answer that question.

Q. Okay.

A. For their background.

Q. You don't know?

A. No.

---

Q. Would you agree with me that this trying to get an accurate read on whether any of these priests that were referred to Vianney were in fact pedophiles or sex offenders in any way, that it would be useful to have somebody who had specialized training in diagnosing and treating adult sex offenders?

A. When you spoke about those at Saint John Vianney, I said I did not know. It doesn't mean they did not have

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any --

Q. I understand. I'm just asking for your opinion.

You would agree that that would be helpful in terms of getting an accurate read on the priests that were sent there for a diagnosis, correct?

A. Yes. It's always helpful to have an expertise.

Q. Okay. The next document, Cardinal, is seven twenty-seven.

Do you see that?

It's a letter to you dated January 2, 1994?

A. Yes.

Q. Okay. On the letterhead of Presentation B.V.M. Rectory, and it has Reverend Monsignor Vincent M. Walsh, J.C.D.

Is that Doctor of Canon Law?

A. Yes.

---

Q. Okay. You have that degree as well, Cardinal?

A. Yes.

Q. Well, let me ask you first of all. What's your opinion of the legal skill, the canon law skill of Monsignor Walsh? Is he a good canon lawyer?

A. He's a canon lawyer. I can't answer about his skills.

Q. The only point I wanted to make with this letter is

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the last -- on the first page, before the heading "Delay in New Assignment," there's a paragraph, and I'll read it. Father Walsh writes: "So at this point, the Archdiocese" --

A. Excuse me. Is it the first page?

Q. Yes. The first page.

A. Which paragraph?

Q. One, two --

A. I have it.

Q. Four down.

A. All right. Thank you.

Q. You're welcome.

"So at this point, the Archdiocese has never declared a specific canon, has no promulgated procedures, and is following guidelines that are not applicable in this case."

---

So Monsignor Walsh is informing you that in his opinion the Archdiocese has no promulgated procedures for how to deal with clergy sex abuse cases; is that correct?

A. (No response.)

Q. That's his opinion that he's expressing in this letter?

A. That's only his opinion.

Q. I understand, but --

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A. But we did have policies.

Q. Okay. And then if you turn to the second page, Cardinal, under the heading "Further Appeal" -- it's the last paragraph in the letter.

Monsignor Walsh writes: "Given the way this case has been handled, if a satisfactory solution is not reached, then an appeal will be made to a higher authority."

Is it accurate, Cardinal, that what Monsignor Walsh was threatening to do in this case was to appeal your administrative handling of this case to one of the congregations at the Vatican?

A. That's what I presume he's -- would be his intent.

Q. Okay. Do you have any independent recollection of Monsignor Walsh making that threat?

A. I do not.

Q. Okay. What would the effect be if Monsignor Walsh had appealed this case to the congregation in Rome?

A. His appeal would first of all be appealed to me.

Q. Okay.

A. In order to have me change my opinion.

Q. Okay.

A. If that failed, then he could appeal to Rome.

Q. Was that something -- well, let me ask you. Since

22           He says he's the model of mental health and he has  
23   no evidence of pedophilia, no evidence of sexual  
24   attraction to children; and then on the last page, he  
25   remarks in the third to last paragraph: "Finally, he

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manifests a significant degree of psychosexual integration."

Do you remember this information being brought to your attention?

A. I do not.

Q. Okay. And again, Dr. Fitzgibbons, you had a high opinion of him, correct?

A. Yes.

Q. The next document, Cardinal, would be seven thirty-two. This is -- well, there's a cover page dated January 21 of 1994, from Father Lynn to Father Molloy, and then the next page is January 13, '94, a letter from Sandra O'Hara at the Vianney Hospital to Father Lynn, and then they cover a twelve-page comprehensive psychodiagnostic assessment report from Vianney Hospital.

Do you see this document?

A. Yes.

Q. Okay. And if you go to page ten of the psychodiagnostic assessment report . . . have you found that page?

A. Yes.

Q. Okay. Towards the end, the second full paragraph, midway through, the therapist writes: "On projective measures there was some evidence of intensely negative and

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painful emotions and a lack of integration in the area of his psychosexual development."

And then starting with the next paragraph down after that, "This assessment cannot confirm or negate the possibility of sexually inappropriate behavior with a minor. Father Reardon's guardedness and state of extreme anxiety have made it impossible for him to respond to this assessment in a manner that could clarify the diagnostic picture. Further observation and a controlled environment may be helpful in doing this."

And then again, this page eleven is a page that I showed to you in an earlier exhibit, and it contains the rule out pedophilia diagnosis, and then under "Recommendations" -- I already read this, but I'll read it again. In the middle of the first recommendation, the therapist writes: "Father Reardon's response to the

---

victim which could be construed as an admission of wrongdoing"; "and his lack of psychosexual integration," and I assume, Cardinal, that you don't have any memory of this being brought to your attention?

A. No, I do not.

Q. Okay. The next document is seven thirty-three, and this is a January 27, 1994, a letter from Father Walsh to yourself on Presentation B.V.M. letterhead; and

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essentially, Cardinal, this is a notification, a notice of appeal to the Sacred Congregation of the Clergy of the Reardon case, correct?

A. Yes.

Q. What would you do? What was the procedure in a case where one of your priests appealed one of your decrees to the Sacred Congregation of the Clergy in Rome?

A. The priest just appeals.

Q. Okay. But then what do you do in response? Would you direct any of your --

A. I would have to -- I mean, this is a matter between myself and the Holy See now.

Q. Okay. And does somebody represent you in that, in that matter?

A. Well, generally, my canonical expert, you know, would handle a great deal of this, but it would be between them -- they would write directly to me.

Q. Okay.

A. But that's all confidential.

Q. I understand. I'm not asking you about it.

The next question is -- I'm sorry. The next document is seven thirty-six, exhibit seven thirty-six.

Have you found that?

It's a one-page document. It's a memo --



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A. Yes.

Q. -- dated February 4 of 1994 to you from three members of the Metropolitan Tribunal, Graham, Dieckhaus and Montero; is that correct?

A. Yes.

Q. And, Cardinal, I'll summarize here, but apparently your canon lawyers are telling you in the first paragraph -- they say: There's insufficient evidence to require further investigation of Reardon. None of the complainant's accusations have been verified. There has been no investigation of the complainant's reliability. There has been no attempt to confer with the complainant's counselor. Nothing is known about her," and they go on to tell you that there's insufficient evidence to insist on a third evaluation of Father Reardon; is that correct?

A. That last statement you made, I couldn't find it.

Q. It's in the paragraph number two.

A. Oh.

Q. They write: "There is insufficient reason to insist on a third evaluation."

A. Yes.

Q. "Concerning JDR, there are two in-depth evaluations. One of these is inconclusive and one is counter-indicative of any problem. These combined argue

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1 strongly for the absence of any pathology in JDR,"  
2 correct?

3 A. Yes.

4 Q. Okay. And I'm sorry. In the very first paragraph  
5 they tell you that in there opinion you would likely lose  
6 this appeal to the congregation in Rome, correct?

7 A. Yes.

8 Q. Okay. And the next document, Cardinal, is seven  
9 thirty-seven, and this looks like an excerpt from an  
10 issues meeting notes; am I correct about that?

11 A. (No response.)

12 Q. It's addressed to you?

13 A. I see it. I see it now.

14 Q. It's addressed to you at the stop, and it says:  
15 "Issues discussed, February 4, 1994."

16 Am I correct in assuming that this is an excerpt  
17 from a issues meeting on February 4 of 1994?

18 A. Yes. It would be correct to assume that.

19 Q. Okay. And it's regarding Reardon, and Father Lynn  
20 goes on to summarize the fact that you've received advice  
21 from your canon lawyers that you're not going to win an  
22 appeal, and then I'll just read after the first sentence.

23 Father Lynn writes: "Cardinal Bevilacqua directed  
24 that Father Lynn meet with Monsignor Walsh and his advisee  
25

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A. Yes.

Q. Cardinal, it seems to me in reading this excerpt from the issues meeting that there are a couple of conflicting things going on here.

In the first instance, you seem to be directing Father Lynn to tell Monsignor Walsh that he has no grounds for an appeal because you haven't made a decree; is that correct?

A. Right. It was -- it's not based on the merits.

Q. Okay. Now, it seems that before this, you had made a decree, and the decree was that Father Reardon was to be removed from his parish and he was to get a third evaluation from an independent evaluation center to confirm whether or not he was a pedophile?

A. I don't recall all the instances here. What possibly they were arguing about is that it was done in a way that did not satisfy all of the canonical elements, that ordinarily you don't have to do that. You tell someone to do something and they usually obey, but canonically, it has to be done in a certain way, you know, written, signed and so forth.

Q. Okay.

A. And that's probably the argument being made.

Q. Okay.

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A. You know, that it's not written.

Q. So Monsignor Walsh, to choose a colloquialism, was making you dot all your i's and cross all your t's?

A. Kind of. That's what was indicated.

Q. Okay.

A. But it had nothing to do with the content that we were demanding.

Q. Okay. Cardinal, in this case here, it seems like you were really trying to get to the bottom of the matter about whether Father Reardon was in fact a pedophile or not a pedophile, correct?

A. My recollection is that's true.

Q. Why -- and forgive me if I'm wrong about this, but it seems like in telling Monsignor Walsh that there was no decree and saying that you were open to appointing Father Reardon to the Metropolitan Tribunal, that you were backing off a little bit.

In other words, at the beginning you had taken a very firm hand with it and you said you would remove him from the parish and you said, "Get an evaluation." The evaluation was inconclusive, and you said, "Okay. I want an independent second evaluation to confirm," and you even sent him to a hospital where there was a qualified sex offender therapist there who had, you know, experience in

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1  
2 diagnosing sex offenders; and then when he balked at it,  
3 you seemed to back off a little and say, "Wait a minute.  
4 Actually, there's no decree here, and I am open to giving  
5 you an assignment"?

6 A. Well, go to an assignment in a -- in a nonparochial  
7 situation at the Tribunal.

8 Q. Okay. And then in the third part of the memo, it  
9 seems to revert back. The thinking seems to revert back  
10 to the original firm position, which is you're saying that  
11 by assigning JDR or Reardon to the Metropolitan Tribunal,  
12 you're not necessarily closing the case and you're not  
13 necessarily saying that the accusations against him are  
14 false?

15 A. That's right.

16 Q. So you're sticking with the fact that, you know,  
17 we're still not certain whether you're --

---

18 A. That seems to be the impression from this.

19 Q. -- a pedophile or not?

20 And then you in fact direct Father Lynn to start  
21 doing more investigation, which is one of the  
22 prerequisites under canon law that Father Walsh pointed  
23 out to you would have to be satisfied before you could  
24 make your decree, correct?

25 A. That appears from this.

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Q. Okay. The next document is seven thirty-nine.

Cardinal, this is a February 14, 1994, memo to the file from Reverend James D. Beissel --

A. Yes.

Q. -- regarding the appointment of Father Reardon.

This is a fairly important document, Cardinal, so I'm going to go into it in some detail, but it talks about a meeting being held in the Office of the Clergy, and present at the meeting was Bishop-elect Cullen. Monsignor Walsh, Reverend Lynn and Reverend Reardon and Father Beisel.

Cardinal, do you have any independent recollection -- did you delegate Bishop-elect Cullen to go in a meeting and talk to Monsignor Walsh and Father Reardon?

A. I have no independent recollection. Forgive me.

Q. That's okay.

You would agree with me that by Bishop-elect Cullen being at this meeting, it's an indication that this is a fairly serious matter, right?

A. Well, he was still Vicar for Administration.

Q. I understand. In a lot of these cases, though, the people that attend these meetings are in fact -- you could say in the overwhelming majority of these cases, the

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1 people that attend these meetings with the priest and his  
2 advocate are just the Secretary for Clergy and his  
3 assistants?

4 A. Right.

5 Q. But in this case, the Vicar for Administration got  
6 involved?

7 A. Yes.

8 Q. Is that an indication that because there was a  
9 possible appeal here to the Vatican, that Bishop Cullen  
10 decided that it was important enough that he had to get  
11 involved?

12 A. I don't know if that was the reason, but the fact  
13 that Bishop-elect Cullen was there showed its  
14 significance.

15 Q. Okay. Cardinal, and this is just -- well, let me  
16 just ask you about this.

---

17 In the fourth paragraph down, I'll read it to you:  
18 "Bishop-elect Cullen began the meeting by recapping for  
19 all present the climate of the times concerning alleged  
20 sexual abuse by clerics. Bishop-elect Cullen noted the  
21 vicious and satanic attacks that are being leveled against  
22 the church's leadership."

23 I mean, is that an accurate assessment of how you  
24 and the bishop and other leaders of the church viewed this  
25

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at the time, and by this, I mean, these allegations that were being made against priests?

A. That was the opinion of Bishop Cullen.

Q. Okay?

A. Many of us took it very seriously.

Q. Okay. Did it seem to you at the time that this was a rather vicious attack on the church?

A. Yes. But we're not faulting anyone. We're just saying generally it was.

Q. Okay.

A. Why the Catholic Church was singled out.

Q. Okay. And then if you turn to the second page, the second full paragraph, Father Beisel writes:

"Bishop-elect Cullen made it clear that Cardinal Bevilacqua wanted to impress upon Father Reardon the attitude and approach of these people," and these people

---

refers to victims. I'm sorry. People who make allegations of priest sex abuse, "and the fact that they often will go to any length to make their stories known. Bishop-elect Cullen stated that Cardinal Bevilacqua thinks that the wiser thing to do at this point is to back off from an assignment at this time until more information can be obtained on the complainant. This would include trying to get the name of the complainant's therapist if she



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indeed has one. Giving an assignment could annoy the complainant enough for her to go public. The Archdiocese would also like Father Reardon to go through the outpatient assessment at Saint Clare's as was requested of him back in December but this is not a mandate but rather a request."

Now, Cardinal, I'm going to tell you how I interpret it and, if you agree with me, whether this is your interpretation of it as well.

Were you at this point trying to use persuasion to get Father Reardon to do what you wanted him to do, which is essentially stay out of an assignment and get that further assessment so that you could figure out whether he was a pedophile or not?

In other words, he had threatened to appeal you to Rome. Your advisors had told you you'd probably lose that appeal, and here Bishop Cullen is saying to him: Look, it's not an order, but we're asking you please stay out of an assignment and get this evaluation?

A. One of the problems we faced was that we were told that we were not allowed to issue a mandate for any priest to go for psychological evaluation, that that was his free will, and we had to do it by persuasion.

Q. Okay. Who told you that?

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1  
2 A. Oh, this came directly -- I think we had a response  
3 from the Holy See.

4 Q. Okay. The next paragraph, Father Boisel writes:  
5 "Bishop-elect Cullen stated that Cardinal Bevilacqua will  
6 give Father Reardon a nonparochial assignment if that is  
7 what Father Reardon wants for himself. Father Reardon was  
8 told that Cardinal Bevilacqua will do that immediately.  
9 Father Reardon was instructed that if he wished an  
10 assignment to write directly to Cardinal Bevilacqua.  
11 Father Reardon was instructed to contain in this letter  
12 the fact that he is asking for this assignment fully aware  
13 that it is not Cardinal Bevilacqua's preference that he  
14 take an assignment at this time and that he is doing this  
15 with the advise" -- and I think that's a typo and should  
16 be, "advice and concurrence of his canonical advisor."  
17 Do you see where I read that?

---

18 A. Yes.

19 Q. So again, Cardinal, you're taking a fairly strong  
20 position here, which is you don't want him in an  
21 assignment.

22 Can I infer from that that you had concerns about  
23 him --

24 A. Yes.

25 Q. -- acting out with children?

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1 A. I had concerns about him.

2 Q. Okay. I mean, to the point where you were telling  
3 him: I'll give you an assignment, but I want you to put  
4 it on the record that I'm not in favor of your having an  
5 assignment?  
6

7 A. Well, that's what it states there.

8 Q. Okay. I just think that that's fairly strong  
9 language.

10 And then if you turn to the third page, Cardinal,  
11 six lines down, Father Beisel writes: "Bishop-elect  
12 Cullen stated clearly" -- do you see where I'm reading?

13 "Bishop-elect Cullen stated clearly that the  
14 Archdiocese did not ask for the assessment" --

15 A. Yes.

16 Q. -- "of Drs. Fitzgibbons and Cipko," and that's the  
17 evaluation, Cardinal, where Dr. Fitzgibbons gave Father  
18 Reardon a glowing review?

19 A. Okay.

20 Q. "But wanted an assessment at a facility which would  
21 be completely objective and identified by Father Reardon  
22 and Dr. Fitzgibbons and approved by Cardinal Bevilacqua.  
23 Bishop-elect Cullen stated that as of this date we have  
24 only the one authorized assessment that is inconclusive  
25 and one unauthorized assessment. Father Reardon was told

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that the Archdiocese would like the second approved assessment for Father Reardon but that Cardinal Bevilacqua will abide by Father Reardon's decision in this matter."

So again, Bishop-elect Cullen is telling him we want you to get another evaluation at Saint Clare's, correct?

A. Yes.

Q. And I guess you're saying he --

A. Excuse me.

Q. I'm sorry.

A. Saint Clare's?

Q. Saint Clare's Riverside.

A. Oh.

Q. The treatment facility that we had been talking about earlier, and I'm assuming that that last --

MR. HODGSON: It doesn't say that.

---

THE WITNESS: It doesn't.

BY MR. SPADE:

Q. Oh, I know it doesn't say Saint Clare's, but I'm just inferring that it was at Saint Clare's because that was the place that you directed him to go in your earlier decrees.

A. Well, I'm not sure if it means that. I don't recall.

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1  
2 Q. Okay. That's fine. You're absolutely right. It  
3 doesn't refer to Saint Clare's in there. That was just  
4 something that I was inferring.

5 A. Okay.

6 Q. Okay. And then the last sentence there, Cardinal,  
7 again, the fact that you're telling him that you'll abide  
8 by his decision is an indication that you didn't feel that  
9 you had the power to order him to do that?

10 A. That's correct.

11 Q. Okay. The next document is seven forty-two,  
12 Cardinal. It's a February 28, 1994, letter from you to  
13 Father Reardon.

14 Do you see it?

15 A. Yes.

16 Q. Okay. And essentially, you appoint him to the  
17 staff of the Metropolitan Tribunal, effective March 1 of  
18 '94, correct?

19 A. Yes.

20 Q. The next document is seven forty-three. It's a  
21 March 3, 1994, memo from Father Lynn to the file regarding  
22 a telephone call from [REDACTED], and that would be  
23 the person who had alleged that Father Reardon had  
24 sexually abused her when she was ten to twelve years of  
25 age.

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1                   In the second paragraph, Father Lynn writes: "She  
2                   stated she wanted me to know that this is not a case of  
3                   memories through therapy, but that she has always known  
4                   and been aware of the abuse. She said she did not know  
5                   what could be gained from meeting with her therapist. She  
6                   said she might be able to provide her parents as  
7                   corroborating witnesses and would talk to them. I told  
8                   her I would do whatever she thought was best. I did offer  
9                   assistance with counseling during the investigation. She  
10                  stated that she did not want 'our money' but just wants  
11                  Father Reardon not to work with children again. I did  
12                  tell [REDACTED] that Father Reardon was receiving an  
13                  assignment in the Tribunal and would be assigned in  
14                  residence to a parish without a school. She did not  
15                  verbally react to this. She said she would get back to  
16                  me."  
17

---

18                 So what this indicates, Cardinal, and tell me if  
19                 you disagree, this indicates that Father Lynn actually did  
20                 follow up in this case on your order that he further  
21                 investigate, correct?

22         A.         (No response.)

23         Q.         In other words, he did try to get [REDACTED] to  
24                 provide corroborating witnesses and to see whether he  
25                 could talk to her therapist, correct?

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1 A. I presume so.

2 Q. I mean, that's what this memo indicates, right?

3 A. I presume so.

4 Q. Okay. And then the next document, Cardinal, is  
5 seven forty-five. This is a March 7, 1994, letter from  
6 Father Lynn to Father Reardon.  
7

8 In the first paragraph, Father Lynn notes the fact  
9 that Father Reardon has received a nonparochial  
10 assignment.

11 In the second paragraph he writes: "During your  
12 meeting, Bishop-elect Cullen asked you to give  
13 consideration to ~~undergoing~~ undergoing a psychological evaluation at  
14 Saint Clare's Riverside Medical Center in Boonton, New  
15 Jersey, as had been previously requested. I ask that you  
16 notify me of your intentions in this matter."

17 Does that clarify for you, Cardinal, by the way,  
18 that in that earlier document where you noted that it  
19 wasn't specified, that it was Saint Clare's?

20 A. It seems to.

21 Q. Okay. So again, and this would be the second or  
22 the third time, at least the second time, again, that you  
23 through Bishop Cullen asked Father Reardon to get an  
24 evaluation at Saint Clare's, correct?

25 A. Yes.

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Q. Okay. The next document is seven forty-seven, and it's a March 9, 1994, letter from Father Reardon to Father Lynn; and in the middle of the first paragraph, Father Reardon writes, and it's about six sentences down, Cardinal: "I pray that in the future I will be able to return to a parochial assignment. That will come when the Lord wants it."

And then in the next full paragraph, he writes: "As far as a third psychological evaluation, at Saint Clare's, it is the feeling of both Monsignor Walsh and I that this does not seem to be necessary at this time."

Did I read that correctly?

A. Yes.

Q. So Father Reardon refuses to get this evaluation.

At this point, Cardinal, what you've testified to is because of the position of the Vatican, you did not

---

have the power to order Father Reardon to get this third evaluation at Saint Clare's, correct?

A. Yes.

Q. And he refused to do it of his own will, correct?

A. Yes.

Q. Okay. Cardinal, I mean, do you have any independent recollection of this particular juncture in the case?



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1  
2 A. I'm afraid I do not.

3 Q. Okay. Well, knowing yourself and knowing how  
4 strongly you seem to have felt about this case, about the  
5 fact that Father Reardon -- there was a possibility that  
6 he presented some danger to children, what would you have  
7 been feeling at this point when you learned that he  
8 refused again to get this third valuation to try to  
9 conclusively identify whether he was sexually attracted to  
10 children or not?

11 A. I don't recall my impressions at the time.

12 Naturally, I still depended a great deal on  
13 Monsignor Lynn and also the involvement of Bishop-elect  
14 Cullen, and the fact that he was put in a position where  
15 he was completely isolated from any children whatsoever,  
16 that type of responsibility had no connection at all with  
17 children.

---

18 Q. Okay. So you're saying that you felt a little bit  
19 reassured by the fact that he was in an assignment where  
20 he had no interaction with children?

21 A. Yes. And I -- I didn't see any -- you know, I  
22 presume at the time it was presented to me that he was  
23 not -- you know, the circumstance of employment was not a  
24 danger to children.

25 Q. Okay. The next document, Cardinal, is seven

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forty-nine. It's a handwritten letter to Father Lynn from a woman by the name of [REDACTED].

Do you see that?

A. Yes.

Q. I'm not going to read the whole thing, Cardinal, but suffice it to say that [REDACTED] identified herself as being a twenty-eight year old woman who had been a child at the time that Father Reardon was assigned to his first parish, Saint Joseph the Worker in Fallsington, which was the parish that [REDACTED] had been a member of, and she basically says she's not sure that she was sexually abused by Father Reardon, but she's starting to have memories that would indicate that perhaps she had been.

She wasn't sure of it, but she was having memories that perhaps she had been, and I'll just -- the middle of the first page, she writes: "I say this because I have memories of him touching me, bringing me to his room and a retreat field trip. My fear is that there may be more memories to come. Slowly, slowly in the past four years, I have been exploring my memory of Father Reardon."

And then she makes reference to the fact that she thinks that she has a memory of his possibly hurting another child in the parish by the name of [REDACTED],

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2 and then at the very end she writes, the last paragraph  
3 she writes: "I will be the first to admit that these  
4 memories are scattered but they are true. I am taking my  
5 future one day at a time. But uneasy because I know that  
6 child molesters hit many, many children before they are  
7 stopped. I am asking for your advice and any information  
8 you may have."

9 "Sincerely,

10 ."

11 Do you see where I read that, Cardinal?

12 A. Yes.

13 Q. Did I read it accurately?

14 A. Yes.

15 Q. Okay. And then the next document, Cardinal, is an  
16 October 13, 1997, memo from Father Lynn to yourself.

17 Do you see that?

---

18 A. No. My next ones are October 8.

19 October 28.

20 Q. Do you have an October 28? It might be included in  
21 that.

22 Can you turn the page there and see. Turn the  
23 first page of that October 28 memo and see whether there  
24 is an October 13 memo included in it.

25 A. No. There are only two pages here.

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Q. All right. I think it's included in another exhibit, but I don't want to waste time looking for it, so I'll just read it to you, and I'll give you my copy to look at.

A. Excuse me. It is on, I just noticed, seven fifty.

Q. You found the October 13, 1997, memo?

A. Yes.

Q. This is a memo to yourself from Father Lynn dated October 13, 1997, and Father Lynn writes: "As you will

recall, in 1993 a woman named [REDACTED] accused

Father Reardon of touching her in a sexual manner on numerous occasions when she was a child. At that time I

met with Father Reardon and his canonical advisor,

Monsignor Vincent Walsh. Father Reardon denied the

accusation. He agreed to be evaluated at the Anodos

Center at Saint John Vianney Hospital. Their report was

inconclusive and they recommended inpatient

hospitalization so that further tests could be done.

Father Reardon insisted on a second opinion, but refused

to cooperate with an inpatient evaluation. Instead, on

his own, he obtained a second opinion from Richard P.

Fitzgibbons, M.D., who found no psychological

difficulties. When the woman making the accusations

stopped cooperating, Father Reardon was given his current

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assignment in the Tribunal and a residence at a parish without a school.

"As the attached memorandum explains, another woman, [REDACTED], has come forward with complaints of having been touched by Father Reardon in a sexual manner when she was a child. She also recounts other strange behavior. While her memories of this are limited, they are somewhat similar to the accusations previously made against Father Reardon."

Did I read it correctly?

A. Yes.

Q. And then he recommends among other things that he meet with Father Reardon and his advisor and that another inpatient evaluation at a hospital that you, the Cardinal, approved should be done on Father Reardon, correct?

A. Yes.

Q. And you signed down at the bottom noting that you approved those recommendations?

A. Yes.

Q. Okay. We only have a couple more documents, Cardinal, and we'll be done with this file.

The next one is seven fifty-one. Do you see that?

A. Yes.

Q. If you turn to the second page -- excuse me just a

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minute.

MR. SPADE: We can finish this file in another five to ten minutes. Do you want to just go through?

A GRAND JUROR: Yes.

MR. SPADE: Okay. Let it be noted that the jurors indicated that they wanted to continue.

BY MR. SPADE:

Q. Cardinal, are you okay for another five to ten minutes?

A. Yes.

MR. SPADE: If somebody needs to use the bathroom, you could just step out and use it.

BY MR. SPADE:

Q. The second page, Cardinal --

MR. SPADE: And one juror left the room, and we still have a quorum.

BY MR. SPADE:

Q. On the second page, Father Measure writes -- this is an October 28, 1997, memo from Father Measure to the file regarding an interview with Father Reardon.

In the middle of the second page, third full paragraph down, Father Measure writes: "Monsignor Walsh suggested that because the complaints are so vague and

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minor in themselves, he did not think that they needed to be acted upon.

"Father Lynn agreed that [REDACTED]'s complaints are vague. He pointed out that [REDACTED] herself acknowledged this. He said, however, that they had to be taken seriously, especially since [REDACTED]'s complaints were similar to accusations made in 1993. He said that [REDACTED] appeared to be credible and she did not seem to have any link with the person who had made the previous allegations."

And then, "Father Lynn noted that the previous psychological tests done at The Anodos Center of Saint John Vianney Hospital, Downingtown, had been inconclusive and that further testing had been recommended. He also pointed out that the follow-up testing done under the guidance of Richard P. Fitzgibbons, M.D., may not be accepted by some as objective, since it was arranged by Father Reardon himself and Dr. Fitzgibbons is a friend of Monsignor Walsh. Father Lynn asked Father Reardon to have another psychological test done by a clearly objective party, acceptable to the Cardinal Archbishop. He noted" -- and then the page of the memo cuts off there, Cardinal, and I'm going to confer with your counsel later, but I don't think that we got the last page of that, but

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we'll work it out.

Cardinal, so it's indicated here that Father Lynn found [REDACTED] to be credible and again asked Father Reardon to get evaluated at an objective evaluation center?

A. On this memo, yes.

Q. Right. Okay. And then the next document, Cardinal, is [REDACTED] - and you don't have a copy of it. I'll hand one over to you.

It's a January 12, 1998, memo from Father Lynn to yourself.

MR. SPADE: And I'm going to mark this as GJ-1166.

(GJ-1166 was marked for identification.)

BY MR. SPADE:

Q. Thank you for marking it for me, Cardinal.

Father Lynn reports to you. He gives you a brief history of the case, including Father Reardon's refusals to get the objective evaluation, and then he notes towards the bottom, Cardinal, third paragraph up from the bottom, he notes that Father Reardon denied Miss [REDACTED]'s accusations, and then Father Lynn writes to you: "I asked Father Reardon if he would be willing to go for further



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psychological testing. He refused, citing a lack of confidence" --

A. : Forgive me.

Q. You can't find it?

A. You're going from the bottom?

Q. It's on first page, about maybe --

A. Second paragraph?

Q. Yes. About eight sentences up from the bottom.

A. "Father Reardon refused"?

Q. Yes.

A. Okay.

Q. Where Father Lynn writes: "I asked Father Reardon if he would be willing to go for further psychological testing. He refused, citing a lack of confidence in the objective basis of psychology."

Did you follow along?

---

A. I'm still not . . .

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

What paragraph?

MR. SPADE: Let me point it out to you.

THE WITNESS: I'm sorry.

MR. SPADE: That's okay, Cardinal.

MR. HODGSON: Down here, third

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paragraph.

THE WITNESS: You said second.

MR. SPADE: I'm sorry. I maybe

indicated the wrong place.

BY MR. SPADE:

Q. Okay. Do you see now where I was reading, Cardinal?

A. Yes.

Q. And then if you go down to the very last sentence on the first page, Cardinal, Father Lynn writes: "While I do not see any difficulty arising from Father Reardon remaining on staff of the Tribunal, I did have some concerns about potential civil liability arising from his continued residence in a parish -- even in a parish without a school such as Seven Dolors Parish, Glenside."

Did I read that correctly?

A. Yes.

Q. And then he recommends that Father Reardon remain on the staff of the Tribunal and in his current place of residence, and you approve it, correct?

A. Yes.

Q. And, Cardinal, I take it that you agreed with Father Lynn, because it's similar to what you testified to earlier regarding what your views of the case were at that

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point, which is you had some doubts about whether Father Reardon was sexually attracted to children, but you took reassurance from the fact that he was in the Tribunal, not interacting with children on a daily basis and he was assigned to a parish where there wasn't a school, correct?

A. Yes.

Q. And that's essentially what Father Reardon writes?

A. Yes.

Q. Okay. And then the next document, Cardinal, is -- I'll give you the last two. We have two left.

The first one, Cardinal, is a June 9, 2000, memo from William Lynn to the file regarding a meeting with Reverend John Reardon.

MR. SPADE: And I'll mark that as eleven sixty-seven.

(GJ-1167 was marked for identification.)

MR. SPADE: And then the last one is a June 8, 2000, letter from Monsignor Lynn to Father Reardon, and I'll mark that as eleven sixty-eight.

(GJ-1168 was marked for identification.)

BY MR. SPADE:

Q. We'll start off with the June 8 letter, and this is

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eleven sixty-eight. I'll read the whole thing, Cardinal.  
It's again June 8 of 2000 from Monsignor Lynn to Reverend  
Reardon.

"Dear Father Reardon:

"I am pleased to inform you that Cardinal  
Bevilacqua has approved a change in your residence  
assignment" --

MR. HODGSON: Wait. Wait.

THE WITNESS: Wait.

MR. SPADE: It's the June 8 letter.

MR. HODGSON: This one?

MR. SPADE: I'm sorry.

THE WITNESS: That's eleven  
sixty-eight.

MR. SPADE: I know, Cardinal. I made  
them out of sequence. I'm sorry.

THE WITNESS: Okay.

BY MR. SPADE:

Q. Do you have now eleven sixty-eight?

A. Yes.

Q. "Dear Father Reardon:

"I am pleased to inform you that Cardinal  
Bevilacqua has approved a change in your residence  
assignment to Saint Genevieve Parish, Flourtown, effective

( ) ( )

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 June 19, 2000. I trust that this assignment will be  
3 beneficial to your priestly ministry and to you  
4 personally.

5 "While your primary assignment is Secretary,  
6 Metropolitan Tribunal, in accord with priest personnel  
7 policies, you are required to be available for liturgy on  
8 Sundays and holy days at Saint Genevieve Parish,  
9 Flourtown. You also are asked to offer assistance in  
10 Seven Dolors Parish, Wyndmoor, as requested by the pastor.

11 "May the Lord continue to bless you as you begin  
12 this new phase of your priestly ministry.

13 "With best wishes, I remain

14 "Reverend Monsignor William J. Lynn, Secretary for  
15 Clergy."

16 Did I read that correctly?

17 A. Yes.

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18 Q. Now, Cardinal, this indicates that you on June 8 of  
19 2000 changed Father Reardon's residence from Seven Dolors  
20 to Saint Genevieve's, correct?

21 A. Yes.

22 Q. And you're aware, are you not, that Saint  
23 Genevieve's has a school at that parish?

24 A. I think it does.

25 Q. You think it does?

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2 A. Yes.

3 Q. Okay. Cardinal, you know, given what you testified  
4 to regarding your view of this case, why did you transfer  
5 Father Reardon to a residence at Saint Genevieve's that  
6 had a school, and not only that, but require him to say  
7 Mass on Sundays and holy days?

8 A. I relied on the recommendation of my Secretary for  
9 Clergy, who must have had good reasons.

10 Q. Okay. Do you have any independent recollection  
11 what his reasons were for recommending that Father Reardon  
12 be transferred to Saint Genevieve's?

13 A. I do not.

14 Q. Okay.

15 A. Unless . . .

16 (The witness conferred with his  
17 attorney.)

---

18 BY MR. SPADE:

19 Q. We're going to get to eleven sixty-seven.

20 Eleven sixty-seven is -- I'm sorry. I didn't mean  
21 to cut you off. Did you have something --

22 A. No.

23 Q. Okay. You were referring to eleven sixty-seven?

24 A. Yes, I was.

25 Q. Okay. Eleven sixty-seven is a June 9, 2000, memo

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from Father Lynn to the file regarding a meeting that he had with Reverend John Reardon, regarding his new residence, and I'll just read the whole thing.

"Father John Reardon met with me today at my office at my request. The purpose of the meeting was to discuss with him the need for a new residence.

"Father Reardon stated that he is willing to move to the new residence at Saint Genevieve Parish, Flourtown, as long as Father Carroll realizes he will be an advocate for the people of Seven Dolors Parish in Wyndmoor. He stated he believes Father Carroll knows this since he had spoken honestly with Father Carroll several nights before. Father Reardon strongly feels Seven Dolors Parish still has life in it, and he is afraid that it is not being given a chance. He clearly did not understand the cluster planning process.

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"He also raised the question with me of a pastorate, and I told him we would review the situation this year to see if he would ever be considered for a pastorate. I told him that he has to realize there were two different people that made similar allegations on separate occasions. He emphatically denied the allegations. He did say, however, that he knows he made mistakes earlier in his life and he hopes that he would

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not have to pay for them for the rest of his life. That immediately made me suspect as to what mistakes he would admit he made earlier in his life. He quickly reiterated none of the things happened of which he was accused.

"I thanked Father Reardon for meeting with me and I told him we would review the situation to see if he could ever be considered for a pastorate."

Does that give you any insight into what Father Lynn's possible reasons could be for recommending that Father Reardon be assigned to Saint Genevieve's?

A. I must confess not much.

Q. Okay. Do you have anything that you want to say about this memo or this assignment?

A. No, except that, you know, Monsignor Lynn would have had some good reason for it.

Q. Okay.

A. It was, you know . . .

(The witness conferred with his attorney.)

THE WITNESS: It would seem to me that in the letter of assignment, that he is still to offer this assistance to Seven Dolors Parish, that is to be as far as anything outside of the Tribunal, he is to limit himself to Seven Dolors



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2 Parish.

3 MR. SPADE: Okay.

4 THE WITNESS: That's the impression I  
5 get from that.

6 BY MR. SPADE:

7 Q. But I mean, you know, obviously the memo speaks for  
8 itself, that he's saying Mass at Saint Genevieve's as  
9 well, correct, on Sundays and holy days?

10 A. Yes.

11 Q. Okay. Cardinal, I will represent to you that we  
12 don't have any further documents in this file in terms of  
13 chronologically, that as far as we know, Father Reardon is  
14 still working at the Metropolitan Tribunal, still living  
15 at Saint Genevieve's and still saying Mass on weekdays and  
16 holy days, and that was the situation up to the day that  
17 you resigned as Archbishop of Philadelphia.

---

18 A. Yes.

19 Q. Okay. Is there anything else that you want to say  
20 about this file?

21 A. May I talk to my lawyer a moment?

22 Q. Sure.

23 (The witness conferred with his  
24 attorney.)

25

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with your counsel during the break, and your counsel brought to my attention a document that I had not found in our files this morning.

I did look in the files. I didn't find it. You know, it might have been misplaced or something, but it's a November 7, 2003, letter from Monsignor Lynn to Reverend Reardon, informing him that Cardinal Rigali had initiated a preliminary investigation pursuant to Canon 1717 into the allegations made against Father Reardon on or about August 19 of 1993 and October 8 of 1997.

It informs him that any information that he has concerning this matter as well as any other pertinent information previously collected is incorporated into the acts of the preliminary investigation.

It advises him that he has the right to civil and canonical counsel, and it encloses copies of some

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documents regarding the canonical rights of clerics accused of sexual abuse of minors and various other procedural documents, and then Father Lynn notifies him that once the preliminary investigation is completed, he will be notified of the results.

And just for the record, also in the record of supplemental files turned over by the Archdiocese to the Commonwealth, it is indicated that this document as well

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as another one was turned over to the Commonwealth on December 17 of 2003. I'm going to mark it later. I don't have a copy of it.

And, Cardinal, I just had -- oh, and the other thing I wanted to put on the record as well was, and counsel have informed me of this, is that it seems that Seven Dolors Parish has been closed. Okay. And that was the parish that Father Reardon had been assigned in residence to before Saint Genevieve's.

A. That must have been the reason.

Q. Okay. Cardinal, let me ask you with regard to this document that I just referred to and that I will mark later, which is the November 7, 2003, letter from Monsignor Lynn to Reverend Reardon.

You were the Archbishop until approximately October 6 of 2003?

A. Seven.

Q. October 7 of 2003, and then this preliminary investigation under Canon 1717 was initiated by Cardinal Rigali approximately a month later, after you stepped down.

Did you have any role in initiating this preliminary investigation?

A. Not directly, other than setting up the Review

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Board.

Q. Okay. And how does the Review Board factor into this investigation?

A. I think they're the ones that conduct it. I'm pretty sure.

Q. Okay.

A. They're reviewing the allegations

(The witness conferred with his attorney.)

THE WITNESS: The Review Board conducts the investigation.

MR. SPADE: Okay.

BY MR. SPADE:

Q. Cardinal, can I ask you just one last question on this.

Given the fact that the last time that Father

---

Reardon refused to have that third evaluation from Saint Clare's was in June of 2000, the year 2000, could you not have initiated a preliminary investigation of Father Reardon in the three years between when his last refusal was and when this preliminary investigation was initiated in November of 2003?

A. No recommendation was made to me. It may have been that since we could not mandate another evaluation, that

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BY MR. SPADE:

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

A. Yes. Could I forgo saying anything now. Perhaps  
after the recess.

Q. Absolutely.

MR. SPADE: And it's now 11:29 A.M. I  
apologize for going over the hour, and we'll take a  
fifteen-minute break.

(A recess was held.)

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MR. HODGSON: Mr. Spade, just a second.

MR. SPADE: Sure.

(The witness conferred with his  
attorney.)

MR. HODGSON: Okay. Thanks.

BY MR. SPADE:

Q. Okay. Cardinal, I just wanted to -- I conferred

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would have been very hard to conduct an investigation.

Q. Okay. We're going to move on to another file at this point, Cardinal.

BY MS. MCCARTNEY:

Q. Well, Cardinal, can I just ask you a couple of questions, and I'm sorry, but you said that since he refused the evaluation, it would have been very hard to conduct another evaluation; and if I'm wrong about this, please tell me.

There was the preliminary investigation that was done, and we don't know the results of it, but it was able to be initiated. What is the difference?

A. I think they have more resources perhaps in the National Review Board. I think they can use a private investigator, which we did not use at that time.

Q. The Review Board that looks into these allegations that was set up by you, correct?

A. Yes.

Q. Okay. And that was established when?

A. Just this past year.

Q. Okay. And the individuals -- I think we talked about this a little bit. The individuals on that Review Board were appointed to that board by yourself, correct?

A. Yes.

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1  
2 Q. Okay. And are they all Catholics on the board just  
3 out --

4 A. I don't think so.

5 Q. Okay.

6 A. I'm not sure.

7 Q. Okay. But you're the one that actually appointed  
8 the individuals that make up the Review Board, correct?

9 A. Yes.

10 Q. Okay. And who directs the review board to look  
11 into certain files?

12 A. I think that Monsignor Lynn would have presented  
13 files to them.

14 Q. What discussions did you and Monsignor Lynn have  
15 with regard to what files were going to be examined?

16 A. I don't recall any. I think that they could have  
17 asked for them themselves, too, to ask for all the files.

---

18 I -- you know, they had -- it's almost open-ended for them  
19 to ask for whatever files they wish, so I -- I don't know  
20 what the process was in asking for specific files.

21 Q. When the Review Board looks at a specific file and  
22 makes a determination that there's more work that should  
23 be done to look into the allegations contained in the  
24 files, does Monsignor Lynn -- when you were still  
25 Archbishop, did Monsignor Lynn come to you and say, "We

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should open a preliminary investigation"?

A. No, because I don't think the Review Board began until -- in actual operation there. I think they were organizing and determining what their rights were, that process, and I think they only began a few months before I, you know, had to resign, in getting organized.

Q. Okay. But the document that was just shown to you with regard to the Reardon file, you authorized the institution of the preliminary investigation; is that right?

A. Years ago. Yes. But not for the Review Board.

Q. The investigation, the preliminary investigation on the Reardon case?

A. Yes. In every case there's a preliminary investigation.

Q. Correct. But I guess what I'm confused about, and it could very well be my confusion, Cardinal, with the Reardon file, that preliminary investigation was initiated -- you have the document in front of you, because Will took the other one out.

MR. HODGSON: He took it.

BY MS. MCCARTNEY:

Q. That was initiated in November of 2003?

A. Yes, but I was not the Archbishop then.



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1  
2 Q. You know what. If I have any questions about it,  
3 I'll come back to it, because I don't want to confuse  
4 myself further.

5 I put some documents in front of you that relate to  
6 the case of Father Avery.

7 You have them in front of you?

8 A. Yes.

9 Q. And this was one of the files that we had given you  
10 information on prior to yesterday; is that right?

11 A. Yes.

12 Q. Okay. Do you have any before you and have you had  
13 the opportunity to review the documents that we were going  
14 to be talking about today?

15 A. I did review the documents.

16 Q. Okay. Before you reviewed the documents, did you  
17 have any independent recollection of Father Avery's

---

18 situation?

19 A. Just vaguely of what Monsignor Lynn told me about,  
20 very general -- I remember that the -- there were some  
21 accusations, but that Father Avery constantly denied them.

22 Q. Okay. The first document that you have in front of  
23 you -- well, the first document is the priest data  
24 profile. That's already been marked as grand jury exhibit  
25 two two five, and that indicates that in 1990 through 1993

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Father Avery was pastor of Saint Therese of the Child Jesus in Philadelphia; is that right?

A. This is the profile?

Q. Yes.

A. None of these seem to be marked for me.

Q. They're not marked? Okay. Well, it's --

A. It's the first one?

Q. Yes. It's the first one.

Okay. And that indicates that from 1990 to 1993 Father Avery was assigned as pastor of Saint Therese of the Child Jesus; is that right?

A. Correct.

Q. And the next document underneath that one, Cardinal, is a letter dated September 15, 1992, and it's written to a ~~James~~ [REDACTED], and it's written by Reverend William J. Lynn; is that correct?

A. Yes.

Q. And that letter indicates to ~~James~~ [REDACTED] that -- I'll just read the first paragraph: "During the past summer I have assumed new responsibilities in the Archdiocese of Philadelphia as Secretary for Clergy. In the process of reviewing files of the office, I read the attached correspondence which was apparently sent to Monsignor Jagodzinski earlier in the year."

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2 Did I read that correctly?

3 A. Yes.

4 Q. And then there's two documents that should be  
5 attached to that. One is -- it just says: "Dear  
6 Monsignor," and that's written by <sup>James</sup> [REDACTED]

7 A. Yes.

8 Q. And then the other one is sent to Father Avery; is  
9 that correct?

10 A. Yes.

11 Q. And they detail -- presumably the one addressed to  
12 Monsignor was forwarded to Monsignor Jagodzinski, and  
13 that's the letter that Monsignor Lynn is referring to.

14 It talks about the fact that Father Avery had  
15 abused <sup>James</sup> [REDACTED] when he was a teenager; is that  
16 correct?

17 A. Just something I noticed --

18 Q. Sure.

19 A. -- in one, if you don't mind.

20 (Pause.)

21 In the -- it's just a some kind of a doubt that I  
22 have. All right.

23 Q. Okay.

24 A. It's on the letter to Monsignor from <sup>James</sup> [REDACTED]

25 Q. Yes.

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1 A. In the last full paragraph.

2 Q. Yes.

3 A. Where he refers to "I" -- the third line says: "I  
4 am now twenty-eight years old."

5 Q. Correct.

6 A. "The incidents I mention in the letter occurred  
7 when I was fifteen and eighteen."

8 Q. Correct.

9 A. So that's -- that second incident, if he was  
10 eighteen at the time, would not have been abuse of a  
11 minor, not, if it were true, that I in any way would  
12 condone it.

13 Q. Okay.

14 A. But if that's true, then it refers to when he was  
15 fifteen.

16 Q. So the second one, if the letter is true, then the  
17 second one would just be abuse; it wouldn't be the abuse  
18 of a minor?

19 A. Yes.

20 Q. Okay.

21 A. It would still be a bad thing.

22 Q. All right. So based upon the Archdiocese or the  
23 Secretary of Clergy receiving these documents, Monsignor  
24 Lynn tells <sup>James</sup> [REDACTED] that he would like to -- because the  
25

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allegations are serious, he would like to speak further  
with <sup>James</sup> [REDACTED]; is that correct?

A. Yes.

Q. Okay. The next document, Cardinal -- and I don't  
think that this has been marked. This is a memo to you  
from Monsignor Lynn, and I am going to mark that, if you  
don't mind, grand jury exhibit eleven sixty-nine. The  
date of this is October 16, 1996.

MR. HODGSON: It's sixty-nine, right?

MS. MCCARTNEY: Sixty-nine. Yes.

(GJ-1169 was marked for  
identification.)

BY MS. MCCARTNEY:

Q. And this memo is basically giving you the  
information with regard to the allegations that Robert  
Fisher has made against Father Avery, correct?

A. Yes.

Q. All right. And basically, they lay out the fact  
that <sup>James</sup> [REDACTED] has said that Father Avery was responsible  
for his first drink of beer at the age of twelve, that  
Father Avery would encourage drinking while at the shore  
and while the boys helped Father Avery with his disk  
jockey business. Apparently, Father Avery had a side  
business of disk jockeying.

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Do you have any recollection of that?

A. No.

Q. Okay. It says that Father Avery would wrestle with the boys and that <sup>James</sup> [REDACTED] had said that Father Avery's hand slipped to his genital area at least three or four times, that <sup>James</sup> [REDACTED] had helped Father Avery when he was a teenager at Smokey Joe's Deejaying, that pitchers of beer were passed to ~~Robert~~ and to Father Avery while the disk jockeying was going on, that Father Avery took him back to the rectory afterwards, that when <sup>James</sup> [REDACTED] woke up, Father Avery was grabbing at him and reaching down into his underwear.

It goes on to say that Father Avery took Robert on a trip to Wisconsin, because they were helping a Laotian family, and although nothing sexual happened during that encounter, Father Avery did talk to [REDACTED] about finding pictures of nude men in the rectory.

There was a ski trip to Vermont where Father Avery went with his brother, that Father Avery and <sup>James</sup> [REDACTED] slept in the same bed and Father Avery's brother slept in the other bed and that Father Avery fondled his genital area -- when I say his, I'm talking about <sup>James</sup> [REDACTED]'s genital area -- during that trip, and that information was conveyed to you, correct?

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2 A. Yes.

3 Q. Okay.

4 A. May I.

5 Q. Sure.

6 A. I think again, as I referred to before when it was  
7 at the age of eighteen, they talk about two incidents. In  
8 the first paragraph of this memo, <sup>Janus</sup> [REDACTED] says,  
9 according to the memo, that he was twenty-nine years of  
10 age.

11 Q. Yes.

12 A. And that the two incidents occurred between ten and  
13 fifteen years ago. It seems to corroborate again. It  
14 was -- ten years ago would have made him eighteen or  
15 nineteen for the Vermont incident. It just seems . . .

16 Q. Okay.

17 A. That's all I can say.

---

18 Q. And if it was fifteen of years ago, it would have  
19 made him fourteen, correct?

20 A. Yes. I acknowledge that.

21 Q. Well, let me ask you something Cardinal. I mean,  
22 since you bring that up, and that certainly is true based  
23 upon the documents you have.

24 When you got this memo back in 1992, do you  
25 remember having the same thoughts and conveying them to

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1  
2 Father Lynn and, if you did, what would you have expected  
3 to be -- would you have expected anything handled  
4 differently?

5 A. No.

6 Q. Okay.

7 A. First of all, I did not have any thoughts.

8 Q. Okay.

9 A. I only noticed it in reading it, this documentation  
10 now, but that one incident enough is -- you know, that  
11 allegation enough is worth . . .

12 Q. Looking into?

13 A. By all means.

14 Q. Okay. Monsignor Lynn in the fourth page of the  
15 memo to you talks about the fact that he had confronted  
16 Father Avery with these allegations, and he writes in  
17 here: "I did ask Father Avery if he thought these

---

18 incidents could have happened under the influence of  
19 alcohol and he might not remember. Father Avery said, 'It  
20 could be.' He then said, 'I was definitely under the  
21 influence of alcohol, but I'm not an alcoholic.' I asked  
22 if he thought these things could have happened. His  
23 response was, 'I don't know.'"

24 And then it goes on to say that Father Avery was  
25 asked if he would go for an evaluation and he agreed to go



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to an outpatient, to have an outpatient assessment at Saint John Vianney, and you approved that recommendation on 10/22/92; is that correct?

A. Yes.

Q. Okay. And the next document is just a cover sheet with a memo from an issues meeting where apparently the situation of Father Avery was discussed, and it indicates that you approved the recommendations in Father Lynn's memo?

A. Yes.

Q. The next document, which again has not been marked, so I'm going to mark this as grand jury exhibit eleven seventy.

(GJ-1170 was marked for identification.)

BY MS. MCCARTNEY:

Q. That's the memo to you from Monsignor Lynn, dated December 4, 1992.

Do you see where --

A. Yes.

Q. Okay. And this is basically bringing you up to speed on the fact that Father Avery has had his assessment at The Anodos Center and that further recommendations are being made as a result of that, and they attach with that

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2 document the diagnostic impressions that were found given  
3 the initial assessment, correct?

4 A. Yes.

5 Q. Okay. I just want to read to you something from  
6 the third paragraph of this document, and that says: "The  
7 evaluation team reported that a more thorough evaluation  
8 is necessary due" --

9 A. Excuse me.

10 Q. I'm sorry.

11 A. Ms. McCartney.

12 Q. Yes.

13 A. This is on the --

14 MR. HODGSON: What page?

15 MS. MCCARTNEY: What page? I'm reading  
16 from the first page. I'm sorry. From the actual  
17 memo.

---

18 THE WITNESS: Oh, I'm sorry.

19 MS. MCCARTNEY: No, I'm sorry.

20 BY MS. MCCARTNEY:

21 Q. From the actual memo, the third paragraph down, it  
22 says: "The evaluation team reported that a more thorough  
23 evaluation is necessary due to the inconsistencies and  
24 vague information received from Father Avery during the  
25 four-day evaluation process. When seen individually by

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members of the evaluation team, Father Avery did not always present the same facts to each one. The team did not feel that this was done consciously but more a symptom of illness he may have. It is still unclear as to whether Father Avery is guilty of the sexual abuse which he is alleged to have committed."

That's correct?

A. Yes.

Q. And they make a recommendation or Father Lynn makes a recommendation to you that Father Avery have inpatient hospitalization treatment because that was what was recommended by the evaluation team; is that right?

A. Yes.

Q. Okay. And the next document, Cardinal, is just a cover letter basically reporting back to Monsignor Lynn that you had accepted the recommendations with regard to

---

that --

A. Yes.

Q. -- is that correct?

A. Yes.

Q. All right. The next document which is -- it should be marked. It's The Anodos Center psychological report. You see that?

A. Yes.

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1 Q. It's dated January 25, 1993.

2 A. Yes.

3 Q. Okay. And this is a report, and it's written to  
4 Reverend William Lynn, and the actual cover sheet is  
5 written by Sandra O'Hara, the Program Director at The  
6 Anodos Center, correct?

7 A. Yes.

8 Q. All right. And this is the comprehensive  
9 psychodiagnostic assessment?

10 A. Yes.

11 Q. Okay. I just want to ask you a couple things about  
12 this, if I could.

13 If you'll go to page four of the assessment, about  
14 midway, about a little less than halfway down that first  
15 page, it's talking about Father Avery's, history in the  
16 Archdiocese, and I just want to ask you what you thought  
17 when you read this.

18 "He stated that it was at this time between 1978  
19 and 1984 when he worked seven days a week without much  
20 rest. It was also during this time that he began working  
21 with H'Mong refugees from Vietnam. During this time he  
22 became the legal guardian of six H'Mong children ranging  
23 from age eighteen to twenty-eight. This included three  
24 boys and three girls."

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Were you aware of that, Cardinal, that Father Avery was the legal guardian of six children?

A. Of these adults?

Q. Yes. They were adults at the time that this was written, but at the time that he became legal guardian of them, they were children.

Were you aware of that?

A. It says, "During this time he became the legal guardian," and their ages were eighteen to twenty-eight, so it seems that they were adults.

Q. Were you aware of that?

A. I don't recall that.

Q. Okay. And their recommendations, given the comprehensive diagnosis, were that Father Avery continue to receive inpatient hospitalization, is that right, if you look on the last page, which is page eight?

---

A. Yes.

Q. Okay. And the next document is dated August 5, 1993.

A. Yes.

Q. And that again is from the Villa Saint John, and it says that Father Avery is to continue in his inpatient treatment, correct?

A. Yes.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1  
2 Q. Okay. It also says in this, though -- I'm going to  
3 read the second paragraph of this page: "It is the  
4 recommendation of the treatment team that Father Ed Avery  
5 continue his inpatient treatment here at Villa Saint John.  
6 Father Ed has been very cooperative and has made a great  
7 deal of progress in treatment since the confrontation  
8 session with <sup>Jane's</sup> [REDACTED], but there remains concerns  
9 about the existence of other victims. Despite the fact  
10 that Father Ed has expressed a great deal of shame since  
11 the confrontation, he has acknowledged that the incident  
12 'must have happened' because of <sup>Jane's</sup> [REDACTED]'s reaction and  
13 not because of his recollection."

14 Did I read that correctly?

15 A. Yes.

16 Q. So there were concerns expressed by the doctors  
17 that were treating Father Avery that there were more

---

18 victims, and there's an acknowledgment, based upon this  
19 paragraph, on the part of Father Avery that he did in fact  
20 commit the abuse that <sup>Jane's</sup> [REDACTED] alleged, correct?

21 A. Concerns, but not definite decisions on it.

22 Q. On what, Cardinal?

23 A. You know, that there remains concerns about these  
24 incidents of other victims, but there seems to be no  
25 knowledge.

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2 Q. I understand that, and that's exactly what it says,  
3 "but there remains concerns about the existence of other  
4 victims."

5 So they, the doctors, therefore were concerned;  
6 after having had almost a year with Father Avery of  
7 treatment, they were concerned that there were other  
8 victims that he may have had, correct?

9 A. Yes.

10 Q. All right. And there was also an acknowledgment of  
11 sorts that Father Avery did in fact acknowledge the abuse,  
12 correct?

13 A. No.

14 Q. No?

15 A. He acknowledged that . . .

16 Q. Okay.

17 A. No. What is acknowledged there, he acknowledged

---

18 that the incident must have happened because of [REDACTED]  
19 [REDACTED] James's reaction, but he doesn't recall it happening.

20 Q. Okay.

21 A. So there's always that possibility. I'm only going  
22 from what it says here.

23 Q. Yes. Okay.

24 The next document, Cardinal, is a memo to William  
25 Lynn from Monsignor Cullen. The date of this document is

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August 24, 1993?

A. That's not my next document.

Q. That's not your next document?

A. Mine is October 19, 1993.

(The witness conferred with his  
attorney.)

BY MS. MCCARTNEY:

Q. Do you have it?

A. What?

Q. Do you have the document that I was referring to or  
no?

A. Which date?

Q. The August 24, 1993, document?

A. I don't.

Q. Okay. Let me read from the document that I have,  
Cardinal, and then I'll give you a copy of it. Okay. So  
you can check it.

This is a memo to Monsignor Lynn from Monsignor  
Cullen regarding a petition from parishioners of Saint  
Therese of the Child Jesus Parish. The date of it is  
August 24, 1993, and it says: "Bill, I shared with  
Cardinal Bevilacqua the fact that a petition was sent and  
what it contained. Cardinal Bevilacqua responded by  
saying that the Regional Vicar should handle this matter.



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1  
2 Monsignor Devlin should note that Father Avery resigned  
3 (if in fact you have his letter of resignation) and that  
4 the fundamental reason for his resignation is related to  
5 his health. Cardinal Bevilacqua further thought it would  
6 be helpful if Monsignor Devlin had a letter from Father  
7 Avery, other than his letter of resignation, which would  
8 be addressed to the parishioners, thanking them for their  
9 support and indicating that his decision to resign was  
10 essentially for his health. Other sentiments of his  
11 appreciation of the parishioners' support would be helpful  
12 to soften for them the reality that another priest will be  
13 assigned as their pastor.

14 "Would you handle the implementation of Cardinal  
15 Bevilacqua's guidelines.

16 "Many thanks."

17 (GJ-1171 was marked for  
18 identification.)

19 BY MS. MCCARTNEY:

20 Q. Did I read that document correctly?

21 (Pause.)

22 A. Excuse me.

23 Q. Did I read that document correctly, the one I just  
24 read into the record?

25 A. Yes.

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1  
2 Q. So let me ask you then, Cardinal. You wanted the  
3 parishioners of Saint Therese of the Child Jesus to  
4 believe that Father Avery was resigning for health  
5 reasons; is that correct?

6 A. Yes.

7 Q. Okay.

8 A. He was as a result of The Anodos Center that he's  
9 bipolar.

10 Q. Okay.

11 A. And other ailments. Alcoholism.

12 Q. Do you know, Cardinal, because when Father Avery  
13 went for his four-day evaluation at The Anodos Center and  
14 then was admitted on an inpatient basis, that was back in  
15 October of 1992, and the letter which is finally  
16 addressing the parishioners of Saint Therese is dated in  
17 August of 1993.

---

18 Do you have any idea what the parishioners of Saint  
19 Therese of the Child were told about Father Avery's  
20 absence during that period of time?

21 A. No, I do not.

22 Q. Okay. Now, Cardinal, the next document is an  
23 October 19, 1993, memo to you from Monsignor Molloy; is  
24 that correct?

25 A. Yes.

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MS. MCCARTNEY: All right. And I'm going to mark that grand jury exhibit eleven seventy-two.

(GJ-1172 was marked for identification.)

BY MS. MCCARTNEY:

Q. Now, this is a memo, and attached to that document is a memo from Monsignor Lynn to Monsignor Molloy; is that correct?

A. Yes.

Q. Okay. Now, in that memo it discusses the possibility that Father -- it says: "In looking for a suitable assignment" -- I'm reading from the second page, third paragraph.

"In looking for a suitable assignment for Father Avery which would be in conformity with the

recommendations of his treatment team, I recommend he be assigned as Associate Pastor, Our lady of Ransom, Philadelphia."

A. Yes.

Q. Is that right?

A. Yes.

Q. Okay. And then the document, which is addressed to you, basically, attaches that memorandum in which Father

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1                   Lynn recommends Father Avery's appointment as assistant  
2                   pastor; is that correct?

3                   A.           Yes.

4                   Q.           All right. I want to ask you something, Cardinal,  
5                   because on this you don't approve that recommendation.

6                   You say: "Cannot accept recommendation as associate  
7                   pastor at this time. Any chaplaincies available?" And  
8                   then you write: "AJB, 10/26/93"; is that right?

9                   A.           Yes.

10                  Q.           Why did you not approve that recommendation?

11                  A.           I don't recall the exact reason. I presume that I  
12                  wanted to be extra careful.

13                  Q.           Okay.

14                  A.           That there was -- that there was -- I presume there  
15                  that there was a school there.

16                  Q.           So you've testified on numerous occasions in this  
17                  grand jury proceeding that you accepted the

18                  recommendations of your Secretary of Clergy because they  
19                  were competent and he did a good job and he knew what he  
20                  was doing and he had the information available to him.

21                  This document here suggests that you didn't rubber  
22                  stamp every decision that was put in front of you by  
23                  Monsignor Lynn, correct?

24                  A.           This -- as I said, as a general rule I did.

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Q. But you did not approve that recommendation because you didn't think it was appropriate?

A. That is correct.

Q. Okay. The next document, Cardinal, should be that it's a memo to Monsignor Molloy from Reverend Lynn. It's dated November 22, 1993; is that right?

A. Yes.

MS. MCCARTNEY: Okay. And I'm going to mark that as grand jury exhibit eleven seventy-three.

(GJ-1173 was marked for identification.)

BY MS. MCCARTNEY:

Q. Obviously, Monsignor Lynn took your declination of Father Avery for Our Lady of Ransom and went and searched out other possible assignments for him, and it talks about what the treatment team recommendation is in the second paragraph.

It says: "Father Avery's treatment team's recommendations include continued outpatient treatment and aftercare ministry supervision team, a ministry excluding adolescents and with a population other than vulnerable minorities, attendance at a twelve-step AA meeting for priests, and any further involvement with the H'Mong be in

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an administrative or pastoral capacity."

Did I read that correctly?

A. Yes.

Q. And it goes on to say: "Father Avery is not clinically diagnosed as a pedophile"?

A. Yes.

Q. And then the recommendation is made that he become chaplain at Nazareth Hospital; is that correct?

A. Yes.

Q. All right. And if you flip over to the second page, it says that if this recommendation is approved, the possible residence could be Saint Jerome's Parish. "This would relieve the part-time responsibility of that parish has to the hospital." Correct?

A. Yes.

Q. Okay. Do you know, Cardinal, why it is that the aftercare team suggested that Father Avery not be involved with ministering to adolescents or with population other than with vulnerable minorities?

A. I don't know the specific reasons. I have no recollection of that.

Q. Okay. The next document is an excerpt from an issues meeting, which was held on November 23, 1993.

MS. MCCARTNEY: Mark that grand jury

1                   ANTHONY JOSEPH CARDINAL BEVILACQUA  
2                   exhibit eleven seventy-four.

3                               (GJ-1174 was marked for  
4                   identification.)

5   BY MS. MCCARTNEY:

6   Q.           Okay. You see where I am, Cardinal?

7   A.           Yes, I do.

8   Q.           Okay. And basically that says that you approved  
9   the recommended assignment and the recommended residence  
10   for this priest as contained in the memorandum, and that  
11   would be the memorandum we just referred to; is that  
12   right?

13   A.           Yes.

14   Q.           And it also indicates that you wanted some further  
15   information as to who would be on the aftercare ministry  
16   supervision team; is that right?

17   A.           Yes.

---

18   Q.           Okay. Now, Cardinal, let me just ask you. Saint  
19   Jerome's, which is where you approved Father Avery's  
20   residence to be, that has a school, correct?

21   A.           Yes. I presume so.

22   Q.           It also has a daycare, correct?

23   A.           Yes, but . . . see, he was not diagnosed as a  
24   pedophile.

25   Q.           He hadn't been diagnosed as a pedophile when you

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disapproved the recommendation that he go to Our Lady of Ransom, correct?

A. Yes.

Q. And you said you were concerned about that because there was a school associated with it?

A. Just to be sure, but here the -- he was to have nothing to do with the school when he was assigned as a resident.

When you're assigned as a resident, you are to have -- to restrict yourself to your primary assignment, and that with the pastor there or any other assistants, I'm presuming that it has to be always presumed, the whole situation, and they were to ordinarily make sure that he had nothing to do with the schoolchildren.

Q. Okay. Let me ask you then, Cardinal, just in light of that answer, the next document in front of me is dated

---

December 7, 1993.

Do you see that?

A. Yes.

Q. That is a letter -- and I'm going to mark that eleven seventy-five.

(GJ-1175 was marked for identification.)

25



ANTHONY JOSEPH CARDINAL BEVILACQUA

BY MS. MCCARTNEY:

Q. That's a letter from Monsignor Lynn to Reverend Joseph B. Graham, who is the pastor at Saint Jerome's Church; is that correct?

A. Yes.

Q. And in this letter -- I'm going to read it to you. This is the full letter:

"Dear Father Graham:

"This is to provide you with official notification that Anthony Cardinal Bevilacqua has approved the residence much Reverend Edward V. Avery at Saint Jerome's Church, Philadelphia. Father Avery has been asked to offer assistance in the parish to the extent that time and circumstances allow. This resident assignment will become effective December 13, 1993."

Did I read at that correctly?

~~A. Yes.~~

Q. Okay. So in that he's basically -- Monsignor Lynn is informing the pastor of Saint Jerome's that Father Avery is to assist at the parish with whatever time and under circumstances that can happen, correct?

A. Yes.

Q. Okay.

(The witness conferred with his

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attorney.)

THE WITNESS: You understand that that generally means his primary work is to be as the chaplain, and Father Graham would have been informed completely of the background of Father Avery, and so he would be a kind of supervisor, and presumably he would not -- he would not assign him to assist him in any manner that he thought could be a risk.

BY MS. MCCARTNEY:

Q. Let me ask you, Cardinal. You say that he would be fully informed. How do you know that?

A. That is the general policy.

Q. It was the general policy that was in place to inform Monsignor Scanlon with regard to Father Brennan's background, correct?

---

THE WITNESS: Can I ask you?

MR. HODGSON: Yes. Sure.

THE WITNESS: May I ask?

MS. MCCARTNEY: Sure.

(The witness conferred with his attorney.)

THE WITNESS: I just wanted to certify that at the time, even with Father Scanlon, that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 was the policy in place.

3 MR. HODGSON: Right.

4 BY MS. MCCARTNEY:

5 Q. That was the policy in place, and you had presumed  
6 that Monsignor Scanlon was going to be informed of all the  
7 restrictions that you wanted placed in Father Brennan's  
8 circumstance, correct?

9 A. That is correct.

10 Q. And so you just presumed that your Secretary of  
11 Clergy was going to convey those things to the people that  
12 were supposedly going to be supervising him; is that  
13 right?

14 A. Yes.

15 Q. Okay. The next document, Cardinal, just for  
16 purposes of completeness, this is the letter that you sent  
17 to Father Avery, basically telling him that he's appointed

18 as chaplain to Nazareth Hospital and that he's going to  
19 have residence at Saint Jerome's; is that correct?

20 A. That is correct.

21 Q. Okay. The next document, Cardinal, which has  
22 already been marked as grand jury exhibit two  
23 thirty-three?

24 A. I don't have any marking on it.

25 Q. You don't?

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1 A. Which date is it?

2 Q. It's November 30, 1994.

3 A. And what's the number?

4 Q. Two thirty-three. Thank you.

5 A. Thank you.

6 Q. This is basically a letter to Monsignor Lynn from  
7 Michael Kerper, which is basically laying out the times  
8 that Father Avery is working in his chaplain work at the  
9 hospital. It talks about the fact that he's asking off  
10 for days, and it talks about the fact that he's doing DJ  
11 work.  
12

13 Is that pretty much accurate as to what that memo  
14 relates?

15 A. Yes.

16 Q. Okay. And it also talks in the last paragraph  
17 about how -- "Regarding DJ work, I know that Ed did a

---

18 Sunday benefit for someone connected with the hospital, is  
19 scheduled to do three continuous Christmas parties here on  
20 December 20, and is doing a dance at Saint Jerome on  
21 December 2." It says in parentheses: "As a result, he's  
22 not available for the evening Mass."

23 Now, do you have any idea, Cardinal, what types of  
24 situations in terms of DJ work Father Avery was getting  
25 involved in?

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1 A. I have no idea whatsoever.

2 Q. Okay. Do you think that your Secretary of Clergy  
3 should have been a little bit concerned about that, given  
4 that information, because of the fact that when you go  
5 back to the <sup>James</sup> [REDACTED] allegations, he talks about the  
6 fact that his contact with Father Avery at times was  
7 associated with the DJ work that he was doing?

8 A. I think he would have been concerned. I do not  
9 know whether there's any follow up on this.

10 Q. Okay. If I were to tell you that there's nothing  
11 in the file to indicate that, would you accept my --

12 A. Well, if you say there's nothing in the file, that  
13 doesn't mean nothing was done, though.

14 Q. Okay. I understand that, but there's nothing in  
15 the file to indicate that there was something done,  
16 correct?

---

17 A. Nothing in the file.

18 Q. Okay. And then the next document, which had been  
19 previously marked grand jury two thirty-four, it's a  
20 November 30 memo to the file from Father Lynn; and again,  
21 it's regarding a telephone call from Reverend Michael  
22 Kerper, again raising concerns about Father Avery.

23 He talks about the fact that Father Avery keeps  
24 accepting outside commitments, especially on weekends.  
25

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1  
2 These commitments usually entail weddings or events where  
3 he is a disk jockey, and it talks about -- in this memo it  
4 says: "In fact, at a recent meeting while being  
5 confronted about all this, he booked a wedding in front of  
6 them when his portable phone rang. He had to cancel out  
7 of a Liturgy for Pastoral Care Week."

8 I read that correctly, right?

9 A. I didn't follow you, please.

10 Q. I'm sorry. I was reading from the third paragraph  
11 of that document, and I read the last --

12 A. I found it. Thank you.

13 Q. Okay. Did Father Lynn bring to your attention at  
14 any point in time the fact that Father Avery is not doing  
15 his scheduled work at the hospital and is taking all kinds  
16 of outside commitments which involve disk jockey work?

17 A. He didn't -- I don't recall being informed of this,  
18 these other activities. I don't know how much time it  
19 took, but I don't recall any of this.

20 Q. Okay. The next document, which has not been marked  
21 yet, and I'm going to mark that seventy-six. This is  
22 dated September 29, 1995?

23 A. Eleven seven six?

24 Q. Eleven seventy-six. Thank you.

25 A. Okay.

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(GJ-1176 was marked for

identification.)

BY MS. MCCARTNEY:

Q. This is a September 29, 1995, document, and it's written to Monsignor Lynn from Sister Jeanette Weychert of the Anodos Center.

A. Excuse me.

Q. I'm sorry. I apologize. It's written from Monsignor Lynn --

A. Oh, yes.

Q. -- to Sister Weychert.

And basically Monsignor Lynn is saying that he received her letter which was sent on behalf of Father Avery, and if you flip the document over, there's the letter that she sent to Father Lynn.

Do you see it?

A. Yes.

Q. Okay. I'm going to read the first couple sentences of the first paragraph. It says: "Dear Father Lynn, the purpose of this letter is to update you on Father Avery's treatment. I met with the treatment team for Father Avery and two changes were made in his treatment plan. Weekly attendance at AA meetings for priests have been waived. Father Avery reports he does not feel he has a problem

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with alcohol and does not fit in the AA meeting format.

There have been no known instances of abuse. Therefore, at this time, this treatment goal was discontinued."

Did I read that correctly?

A. Yes.

Q. Okay. Do you think that given that information that Father Avery himself is saying, "I'm not an alcoholic. I don't have a problem with alcohol, so I don't have to go to any more meetings," and that the treatment team is saying, "Okay," do you think Father Lynn should have followed up on that at all?

A. I can't answer for them.

Q. You can't answer for whom? Father Lynn?

A. I can't answer for anyone. This is presumably -- she's a psychologist.

Q. Okay. So you don't think there's anything

---

concerning about the fact that someone who had been diagnosed as having a problem with alcohol is able to make their own -- come up with their own terms and conditions for treatment with regard to that issue?

A. I am presuming that as a psychologist, it was also, you know, her scientific evaluation.

Q. Okay. The next document, Cardinal, which has been previously marked as grand jury exhibit two thirty-seven.



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Do you have that in front of you? I don't know whether --

A. What's the date of --

Q. September 30, 1997.

A. Two three seven?

Q. Yes. Thank very much.

A. You're welcome.

Q. And this is a memo from Father Lynn to the file regarding a meeting with Father Avery, and it says: "Father Avery met with me today in my office at my request. The purpose of the meeting was to discuss with him his request that Cardinal Bevilacqua complete a questionnaire for him to be admitted to a doctoral program at Chestnut Hill College in conjunction with Lutheran Theological Seminary."

Did I read that correctly?

A. Yes.

Q. "I took this opportunity to discuss with Father Avery that he must remember the events of his past. They can still come back to him. I told Father Avery that <sup>James</sup> [REDACTED] who had made complaints about him before, has come forward again through the internet and sent me a message on electronic mail. <sup>James</sup> [REDACTED] said he hoped that Father Avery was not in a position to hurt young people.

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I responded to him that the Archdiocese had taken proper steps in the matter, without stating where Father Avery was stationed."

I read that correctly, right?

A. Yes.

Q. "I told Father Avery that Cardinal Bevilacqua must be careful as to what kinds of endorsements he gives. In spite of the fact that Father Avery has undergone treatment, has performed well and has not had any more difficulties, the Cardinal cannot be endorsing him for everything. He should be more low keyed than he has been recently. Father Avery, at first, did not seem to understand what I was talking about, but after we had been talking for a while, it finally dawned on him what I was saying."

Did I read that correctly?

A. Yes.

Q. Okay. Now, Cardinal, you received a letter, apparently from Father Avery asking that you complete a questionnaire, and based upon that request, you had Father Lynn call Father Avery in to speak with him, correct?

A. I don't even know if I actually saw the letter. I have no recollection of it.

Q. Well, in this memo it indicates that you had

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indicated that you've got to be careful about what kind of endorsements you need to give, that Father Avery should be more low keyed?

A. It says there in the third paragraph: "I told Father Avery Cardinal Bevilacqua must be careful as to what kind of endorsements he gives."

He may have been speaking on my behalf. I very rarely give endorsements.

Q. Okay. And that there was some concerns coming from the office of the Secretary of Clergy about endorsing Father Avery to attend a doctoral program because of his past conduct; is that a fair read of this document?

A. I didn't conclude from that the same way you did.

Q. Okay.

A. I thought the main reference was that I should not give endorsements, and for something like that, even if there were no allegations of any kind, ordinarily I would not give an endorsement like this.

Q. Okay. What do you think Father Lynn is referring to when he talks --

A. I can't speak for him.

Q. I know, but I'm not asking you to tell me conclusively, but given the history of this case, given your knowledge of Father Lynn and his job as Secretary of

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1  
2 Clergy, what do you think he means when he says, about  
3 four times in this memo, he should be more low-keyed? "I  
4 told him that in the future he should play things low  
5 key"?

6 "I think that by the time Father Avery left, he  
7 realized that I was saying what I was saying about low key  
8 and not requesting the Cardinal to write endorsements  
9 about him."

10 What do you think Father Lynn was referring to when  
11 he kept telling Father Avery that he needs to be more low  
12 key?

13 A. I really find it very difficult to speak for  
14 Monsignor Lynn on this issue.

15 Q. Okay. Now, at some point in time, Cardinal, you  
16 approved a preliminary investigation into Father Avery; is  
17 that correct?

---

18 A. (No response.)

19 Q. Under canon law?

20 A. Yes. As soon as an allegation is made we started a  
21 preliminary investigation.

22 Q. I'm going to show you a document that I'm going to  
23 mark eleven seventy-seven, and I only have one copy of  
24 eleven seventy-seven.

25 (GJ-1177 was marked for

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identification.)

BY MS. MCCARTNEY:

Q. Do you recognize that document, Cardinal, that I've marked eleven seven seven?

A. Not independently until I saw this.

Q. Okay. That basically is a document though where it says that you started a preliminary investigation into the Father Avery's background or into the allegations about Father Avery; is that correct?

A. Yes.

Q. And that was started on June 2, 2003?

A. Yes.

Q. Okay.

A. That's what it says.

Q. Let me ask you, Cardinal. Why is it that -- and I'll show you another document, which I will Mark as

---

eleven seventy-eight.

(GJ-1178 was marked for  
identification.)

BY MS. MCCARTNEY:

Q. Cardinal, I know that you've not probably had the opportunity to see that before.

A. Yes.

Q. But correct me if I'm wrong. That's a decree from

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Cardinal Rigali, which basically says that the preliminary investigation into Father Avery was started in June and concluded and that Cardinal Rigali deems the allegations against Father Avery to be credible, is that right, based upon the preliminary investigation?

A. I don't see it, but I accept your word.

Q. Okay. And that document, as I said, that's true as of the date of that, which is 12/5/2003, correct?

(The witness conferred with his attorney.)

THE WITNESS: Yes.

BY MS. MCCARTNEY:

Q. Okay. Now, Cardinal, so you started the investigation on June 2, 2003. It was all wrapped up and concluded, to be conclusive as of 12/5/2003, and that as a result of that conclusion and the preliminary

---

investigation, Father Avery was removed from all assignments in the Archdiocese, correct?

A. Yes.

Q. He was told he couldn't continue to wear the clothing of a priest, correct?

A. Yes.

Q. And he was told that he could perform no public ministry at all; is that right?

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1 A. Publicly, yes.

2 Q. Okay. Now, Cardinal, is there a reason why it took  
3 until June 2, 2003, to open up an investigation that was  
4 concluded in six months and somebody was removed and had  
5 credible allegations against them?  
6

7 A. First of all, the investigation began as soon as  
8 the first allegation was made against Father Avery. This  
9 one is a formality under the Review Board so that they  
10 could review any of the cases that they wished.

11 Q. Yes.

12 A. And so since it was under my aegis, it would say  
13 that I did it. Since I did authorize it, they could look  
14 at any of the cases that came under the charter. They had  
15 other resources, independent investigators, and so --

16 Q. Well, Cardinal --

17 A. -- they could come to a different conclusion.

---

18 Q. -- what other resources did they have for an  
19 independent investigator?

20 Correct me if I'm wrong, but the Archdiocese could  
21 have hired an independent investigator back in 1992 when  
22 [REDACTED] came forward and said, "Father Avery abused  
23 me," right?

24 A. It was not our practice at the time to do that.

25 Q. I understand it wasn't your practice, but it could

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have been done, correct?

A. Yes. You could always have done that, but it was not our practice. I don't know of any diocese that did it.

Q. But so other than these additional resources that the board has, the Review Board has, nothing else was done about Father Avery until June of 2003, correct?

A. We investigated as best as we could at the time.

Q. And then when the preliminary investigation under canon law was started even as a formality in June, by December, Father Avery is removed totally from ministry; that's consistent with the time line, right?

A. That's what it says here.

Q. All right. You know what, Cardinal. It's now twelve forty-eight. We're going to take a lunch break, and two o'clock, is that enough time for you Cardinal?

A. Yes.

Q. Till two. Okay.

A. Thank you.

MR. SPADE: So the November 7, 2003, letter from William J. Lynn to the Reverend John D. Reardon on Archdiocese of Philadelphia letterhead is marked as GJ-1179.

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(A luncheon recess was held.)

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AFTERNOON SESSION

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MR. SPADE: All right. We're back on  
the record. It's February 6, 2004, 2:06 P.M.

How many jurors are present?

GRAND JURY SECRETARY: We have eighteen  
regulars and six alternates.

MR. SPADE: Okay. And the Commonwealth  
has recalled Cardinal Bevilacqua.

BY MR. SPADE:

Q. Good afternoon, Cardinal?

A. Good afternoon. How are you?

Q. Good. Cardinal, at this time, Mr. Gallagher has  
some questions for you about another topic.

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BY MR. GALLAGHER:

Q. Cardinal, before the luncheon break I provided you  
and your counsel some documents, and I'd like to go over  
them, if you please.

The first document is marked grand jury eleven  
fifty-six. This was previously introduced, and the title  
of this document is the -- it's an Office of  
Communications United States Conference of Catholic

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Bishops document generated on their website on January 23, 2004, and the title of the document is "The Five Principles to Follow in Dealing with Accusations of Sexual Abuse, U.S. Conference of Catholic Bishops, June of 1992."

Have you had a chance to see that document, look at that document, Cardinal?

A. Yes.

Q. Are you familiar with these five principles?

A. Yes.

Q. Okay. Were you involved when the bishops decided to publish this, these five principles in June of 1992?

A. Yes. All the bishops were.

Q. Okay.

A. They were.

Q. And I'd like to direct your attention to the fifth principle listed on this document, and it reads as

---

follows: "Within the confines of respect for privacy of the individuals involved, deal as openly as possible with the members of the community."

That's what it reads; is that correct, Cardinal?

A. Yes.

Q. Okay. What is your interpretation of that fifth principle?

A. I think the principle is very clear. It says that

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we deal as openly as possible to the members of the community, always within the confines of due respect for the privacy of all the individuals involved, both the victims, their families, and the perpetrators.

Q. And now, when you talk about members of the community, does that deal with the members of the parishes where these incidents have occurred?

A. Yes. Generally.

Q. And what was your policy in the 90s as far as informing parishes when there were credible allegations of sexual abuse of minors by clergy?

A. At that time we felt that we had to -- we did not announce the alleged allegations because they were not proven. Credible allegations were not proof.

We felt at that time that to announce them publicly would be bad for the common good of the parish. It could violate the privacy of accusers who at times would tell us they did not want it to be known publicly.

It also could involve the violation of the privacy of the perpetrators since there had been no proof that it was -- that he was guilty of the crime, and for those reasons particularly, we felt at that time it was the practice not to reveal it to the community.

Q. And how was that practice developed?

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2 Did you come up with that decision yourself, or was  
3 that gained through previous archbishops in Philadelphia?

4 A. That was the -- as far as I know, was the policy of  
5 my predecessor.

6 Q. Okay.

7 A. It was also -- may I add that it was, I think,  
8 generally the custom throughout the country.

9 Q. Now, do you believe that that policy flies in the  
10 face with this principle that's promulgated here by the  
11 bishops, that is, to deal as openly as possible with the  
12 members of the community?

13 A. Not at that time. It would have, to announce at  
14 that time when just -- without proof that someone was  
15 guilty, it could have brought great upsetment to the  
16 people in the parish at that time.

17 It was a different climate, and we felt that we did  
18 comply with it because we had to respect the privacy of  
19 the individuals.

20 Q. Okay. Now, the next document I'd like you to take  
21 a look at is a document that has on the top of it -- it  
22 says: "Fox News."

23 MR. GALLAGHER: The exhibit number on  
24 this one would be our next exhibit, eleven eighty.

25 (GJ-1180 was marked for

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identification.)

BY MR. GALLAGHER:

Q. Cardinal, would you agree that this is an Associated Press release dated February 22, 2002?

A. Yes. It states that.

Q. And the headline on this press release is:

"Philadelphia Archdiocese Reveals Thirty-five Priests Evidently Guilty of Child Sex Abuse."

Is that what the headline is?

(The witness conferred with his attorney.)

THE WITNESS: Yes.

BY MR. GALLAGHER:

Q. Now, in the first paragraph there -- this was written by someone at the Associated Press, but it's recounting a press conference held --

A. Could I ask -- may I be allowed to ask you to repeat the question again. There's a word that you said. You said that the headline reads.

Q. The headline reads "Philadelphia Archdiocese Reveals Thirty-five Priests Evidently Guilty of Child Sex Abuse."

A. That word "evidently" I did not hear.

Q. Okay.

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1 A. Thank you.

2 Q. Now, this is a recounting by the Fox News of a  
3 press conference held by spokeswoman Catherine Rossi; is  
4 that correct?

5 A. Yes.

6 Q. And Catherine Rossi at this time in February of  
7 2002 worked for you --

8 A. Yes.

9 Q. -- is that correct?

10 A. And did she have press conferences without your  
11 knowledge?

12 A. At times, yes.

13 Q. Okay. Did you know beforehand that she was having  
14 this press conference?

15 A. I can't recall.

16 Q. Okay. But something of this magnitude, do you  
17 think that you would have known that she was having a  
18 press conference in this regard?

19 A. There's a possibility. Yes.

20 Q. And the first paragraph indicates that the  
21 Archdiocese of Philadelphia said Friday it has found  
22 credible evidence that thirty-five priests sexually abused  
23 children over five decades and relieved several of them of  
24 their duties; is that correct?  
25

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A. Yes.

Q. And in fact, she's making reference there to twelve priests that you gave administrative leave in the spring of 2002; is that correct?

A. I gave administrative leave. I didn't know it had reached that number. I thought it was six myself, but . . .

Q. Well, based on my review --

A. You say it was twelve.

Q. Based on my review of the priest profiles, and I think I asked you about this the first day you testified, it was twelve?

A. It could be.

Q. It was Father Delli Carpini, Father Francis Gallagher, Father Stanley Gana, Father James Gillespie, Father Joseph -- I mentioned Joseph Gallagher, Father

---

Richard McLoughlin, Father Sylwester Wiejata, Father Thomas Wisniewski, Father Craig Brugger, Thomas Grumm, Kostelnick, McGuire, based on my review of your records Cardinal.

A. They're not the names that I have here.

Q. I understand that, but that's what the priest profiles indicate. We don't have to get into that.

A. Okay.

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Q. And it indicates in the second --

MR. HODGSON: Excuse me. Excuse me.

THE WITNESS: One moment, please.

(The witness conferred with his attorney.)

THE WITNESS: Those names, you say twelve, are they as of that date?

MR. GALLAGHER: No, they weren't as of that date.

MR. HODGSON: Okay.

THE WITNESS: Oh, all right.

BY MR. GALLAGHER:

Q. Some of them were in February, some in March. I indicated the spring of 2002.

A. All right.

Q. The second paragraph indicates that about fifty children were victims, per Catherine Rossi.

Do you know where she got these numbers, thirty-five and fifty?

A. I presume from the Secretary for the Clergy office.

Q. Okay. Let me just get away from this document for a minute.

The Saint John Vianney Hospital is owned and operated by the Archdiocese; is that correct?



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A. Yes.

Q. And the function of that hospital is to care for and treat priests and clergy and other religious that have various problems, alcohol, possible drug involvement, and sexual abuse problems; is that correct?

A. Or other psychiatric problems.

Q. Okay. Does the Archdiocese of Philadelphia, have they ever set up a facility to care for the victims of clergy abuse?

A. Not that I --

Q. Sexual abuse?

A. Not that I know of.

Q. Do you know if any archdioceses or dioceses in the United States have ever set up a program for care for the victims of sexual abuse by clergy?

A. Not that I know of.

---

Q. And I'm talking about not only as minors but people who have come out as adults and indicate that it happened to them as a child?

A. Not that I know of, but may I add that I think as Philadelphia and most dioceses, they will pay for counseling to the victims at the centers, for psychologists, psychiatrists that the victims choose.

Q. Okay. But I mean, as far as the fact that you

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1 agree that in Philadelphia, as well as at other places,  
2 the number of victims is a greater number of church  
3 members than the number of priests; is that correct?

4 A. Well --

5 Q. The number of priests that have been accused of  
6 this?

7 A. I'd have to say from reading from these statistics,  
8 yes.

9 Q. Okay. So that the greater number of members of the  
10 church that have been affected by this are the victims  
11 vis-a-vis the perpetrators?

12 A. It would seem that, but I say but every opportunity  
13 is offered to them for professional help at our expense.

14 Q. But this Archdiocese or any other archdiocese has  
15 never set up a facility or a section of a facility, of a  
16 medical facility, to care for victims; is that correct?

17 A. No, and nor have most of the dioceses set up one  
18 for priests, so perpetrators -- I think we were the --  
19 we're the only archdiocese in the whole country that owns  
20 a facility, you know, for -- you know, that we own  
21 ourselves.

22 There are other religious facilities to care for  
23 these, but even perpetrators are sent to -- well, could be  
24 sent to any kind of facility that would be professional.

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Q. If we could go down to the sixth paragraph on that document, eleven eighty, the paragraph reads: "She said" -- and they're referring to Catherine Rossi. "She said the fewer than ten priests had faced credible abuse allegations years ago and had been working in administrative jobs since then."

And then I'd like you to turn over to the next page, Cardinal, and go to the fourth paragraph and the fifth paragraph, and I'll read them, and just tell me if I've misread.

"Some of the Philadelphia priests involved were shuttled from parish to parish -- a practice stopped in early" --

MR. HODGSON: Wait. Wait.

THE WITNESS: Wait. Wait.

(The witness conferred with his attorney.)

MR. GALLAGHER: I underlined it.

MR. HODGSON: No, you didn't.

MR. GALLAGHER: All right. The paragraph above that, that I underlined.

I'll read it again.

BY MR. GALLAGHER:

Q. "Some of the Philadelphia priests involved were

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shuttled from parish to parish -- a practice stopped in the early 1980s, Rossi said. She did not know how many priests were treated in that manner."

In the next paragraph, it says: "In the past, a priest facing a credible allegation of abuse was placed in a 'limited ministry' -- essentially a closely supervised administrative position that did not involve contact with children, Rossi said."

Is that correct? Am I reading that correctly?

A. Your reading is correct.

Q. Okay. Is that a correct pronunciation of the facts as they existed in February 2002 in the Archdiocese of Philadelphia?

A. Which paragraph?

Q. Both of them.

A. No. I mean, that may be editorializing in the previous paragraph, that they were shuttled. That is a pejorative term, as if there was nothing done.

And that refers in the early eighties that it was stopped, so it occurred -- if anything, it occurred before the eighties.

And I take umbrage with the fact that that word was used, "were shuttled." I have no evidence with that. That means without any kind of, you know, concern. So

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that comes before my time.

It's true in the next that priests facing credible allegations were placed in limited ministry, that is, that they were taken away from any kind of contact with children.

MR. GALLAGHER: Okay. The next document I'd like to have marked is a July 22, 2003, letter to me from Mr. Hodgson. I'd like that marked as grand jury eleven eighty-one.

(GJ-1181 was marked for identification.)

BY MR. GALLAGHER:

Q. Do you have that, Cardinal?

A. I do now, yes.

Q. Okay. And in earlier testimony, you indicated that you did not know who these thirty-five priests were, so we

---

had asked that you find out and provide that information to the grand jury, and that's what I believe this letter is; is that correct?

(The witness conferred with his attorney.)

THE WITNESS: Yes.

BY MR. GALLAGHER:

Q. Okay. And that letter indicates that a list of

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thirty-five priests -- strike that -- thirty-four priests as far as credible allegations, and then you indicate one individual between thirty-five and fifty years ago.

Was this information taken from the information that the Archdiocese has, Cardinal?

A. I must presume that.

Q. Okay. And you don't have any belief that this is incorrect information, do you?

A. I do not have. As you say, you know, I have to accept this.

Q. Okay. And the third page of this document is "Recently Dismissed from Ministry." It indicates seven names of priests that were dismissed in February of 2002; is that correct?

A. Yes.

Q. Okay. Miss Rossi, when she had the press

conference on February 22, indicated that the Archdiocese refused to turn over to the public the names of the priests because the statute of limitations had expired in all the cases, and she also indicated that most of the allegations involved one victim.

Was she correct when she indicated that to the public?

(The witness conferred with his

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2 attorney.)

3 THE WITNESS: It's hard for me to say.

4 It could be that the statute of limitations expired  
5 and that most of the allegations involved one  
6 victim. I have no direct knowledge of that.

7 BY MR. GALLAGHER:

8 Q. Well, Cardinal, what I'm trying to find out is did  
9 the Archdiocese refused to indicate the names of these  
10 people because of the statute of limitations or because of  
11 you wanted to adhere to the policy enunciated by the  
12 bishops to be as openly as possible with members of the  
13 community?

14 A. I don't recall that being the major reason, the  
15 statute of limitations.

16 Q. Okay.

17 A. It was the reasons that I gave you before, that,  

---

18 you know, as far as the reputation of the victims, the  
19 privacy of the victims, public good of the church and the  
20 consternation it would have, would occur.

21 This is talking about that time. I say I don't  
22 recall that being the sole reason, the statute of  
23 limitations.

24 Q. Cardinal, I'd like to go on to a next set of  
25 documents, and they are documents in a paper clip, and

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2 there are four documents there, and they are either  
3 writings by you or announcements by you; and if I could  
4 just go through each of them and mark them eleven  
5 eighty-two, and that is a document dated February 26,  
6 2002; eleven eighty-three is a document dated April 26,  
7 2002; eleven eighty-four?

8 A. Excuse me. Forgive me. The second one, what  
9 number?

10 Q. Eleven eighty-three. The third document was dated  
11 June 16, 2002; and the fourth document --

12 A. That's eleven eighty-four then?

13 Q. Right. And the fourth document is eleven  
14 eighty-five, dated June 25, 2002.

15 (GJ-1182, GJ-1183, GJ-1184 and GJ-1185  
16 were marked for identification.)

17 BY MR. GALLAGHER:

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18 Q. Have you had a chance to look at these documents  
19 during the luncheon break?

20 A. No, I did not.

21 Q. Okay. Let me just summarize for you what they are.  
22 Eleven eighty-two is a statement by you, Cardinal,  
23 as Archbishop of Philadelphia, dated February 26, 2002,  
24 and it's entitled "Restoring Trust: Apology And A  
25 Commitment," and that was promulgated by you through the



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Archdiocese and was on the website of the Archdiocese.

The second document, eleven eighty-three, is an Inquirer report of a press conference held by you the day before April 25, which was right after you returned from Rome; is that correct?

A. (No response.)

Q. Didn't you go to Rome in April of 2002 and meet with the Pope?

A. I did.

Q. Okay. And then the third document is eleven eighty-four, is a homily that you gave in Saint Denis's Parish in Havertown on June 16 of 2002; is that correct?

A. (No response.)

Q. That's what the title is?

A. Yes.

Q. Do you remember giving that homily, Cardinal?

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A. Yes.

Q. And the fourth document is an appearance that you had on the Lynn Doyle show. On June 25 it was broadcast. You actually were in the studio, and it was taped on June 24, 2002.

A. Yes.

Q. Do you remember that?

A. Yes.

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2 Q. Now, Cardinal, in each of those documents, and I  
3 can point you to the precise language, but for sake of  
4 brevity, I'll cut right to the chase.

5 On the first document, on 2/26/02, on page two, and  
6 I highlighted it in yellow, you say at the end of a  
7 paragraph: "Consequently, I do not know of any priest who  
8 has had sexual contact with a minor who is in a current  
9 assignment."

10 And then the second document, eleven eighty-three,  
11 the recounting of the press conference that you had at  
12 Archdiocesan headquarters, the recounting is -- the writer  
13 quotes you as saying basically the same thing, and that's  
14 in the second paragraph: "I can assure all the people  
15 here in the Archdiocese of Philadelphia that there is no  
16 priest in any parish or any ministry whatsoever that was  
17 credibly accused of misconduct of a minor. That has been

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18 my policy for all the priests I have ordained, said the  
19 Cardinal, who became Archbishop in 1988"?

20 A. May I make a comment on that.

21 Q. Yes. Sure.

22 A. That I -- I don't know if I was correctly quoted on  
23 that, because it's -- it's always my position that I --  
24 when I said no priest will ever function, it means that he  
25 was guilty of an act, not just accused of one.

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2 Q. Okay.

3 A. That has been consistent in every time. So that  
4 may have been a misquote.

5 Q. Then I'd like to go on to the next document, eleven  
6 eighty-four. That's a June 16 homily at Saint Denis  
7 Parish, and on the second page in the third paragraph, you  
8 indicate in the middle of the paragraph: "So I can  
9 proclaim to you today, and to all the faithful throughout  
10 the Archdiocese, I can tell you honestly, that as far as I  
11 know, at the present moment, there is no priest guilty of  
12 the sexual abuse of a minor who is in any priestly  
13 ministry in the Archdiocese of Philadelphia"; is that  
14 correct?

15 A. Yes.

16 Q. And then the last document, on page thirteen of  
17 eleven eighty-five, that's the transcript of the video

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18 appearance on the Lynn Doyle show, you say in the first  
19 paragraph there: "So that I can tell the people of the  
20 Archdiocese of Philadelphia, even now as I say it, even  
21 now I can say it, as far as I know at the present moment,  
22 there is no priest in this Archdiocese who is working as a  
23 priest in any capacity, whether as chaplain, in a hospital  
24 or in a prison or in a parish, that I can say as far as I  
25 know at the present time, he has not committed a single

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act of sexual abuse of a minor. He will be removed completely."

Is that correct?

A. That's not the best English, but I know what it says.

Q. Okay. Well, you were answering a question on the air --

A. That was very hard.

Q. -- Cardinal?

So consistently through the spring of 2002, you've indicated that as far as you know, there wasn't a priest in ministry that had a credible allegation of sexual abuse?

A. No. No. I corrected that.

Q. Okay.

A. If you look at it, I said the only time -- if you look at all of them, except one, it always refers if he is guilty of it.

One I -- one point it decrees credibly accused because credibly accused does not mean he's guilty. It means there's probable reason, good reason, but it needs further investigation.

I've always maintained that if we are certain that he actually committed an act of sexual abuse, that as far

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2 as I know, there was no such priest functioning in the  
3 Archdiocese.

4 Q. Okay. Now, Cardinal, when you made these  
5 pronouncements, and you said the same thing last week in  
6 your testimony, and you just indicated the same thing  
7 again today, what effort did you make to find out whether  
8 you knew or in fact you were correct in making those  
9 pronouncements?

10 A. Whether he was guilty or not?

11 Q. No, whether there was a priest in the ministry, in  
12 any ministry in the Archdiocese of Philadelphia who had  
13 credible allegations of sexual abuse in the past?

14 A. That was through the information given to me by my  
15 Secretary for the Clergy.

16 Q. Okay. Now, subsequent to this, in 2002, a review  
17 board was formed, and now we know as of December, just

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18 last month, that four priests have been dismissed,  
19 correct?

20 A. Yes.

21 Q. Okay. Those four priests were in ministry when you  
22 made these announcements in 2002.

23 A. Yes.

24 Q. Who was mistaken in saying that there wasn't one  
25 priest? Were you mistaken, or was your Secretary of

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2 Clergy mistaken?

3 A. I always qualified my statements. As far as I  
4 know.

5 Q. And the ends you made to find out whether or not  
6 your statement was correct was rely upon your Secretary of  
7 the Clergy; is that correct?

8 A. Yes, and I think as far as he knew at the time, it  
9 was true.

10 Q. Okay. The last document that I want to go over is  
11 . . .

12 (The witness conferred with his  
13 attorney.)

14 MR. GALLAGHER: We'll mark it, I  
15 believe, eleven eighty-six, and that's a document  
16 entitled "Compliance Audit Summary Report,  
17 Archdiocese of Philadelphia."

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18 (GJ-1186 was marked for  
19 identification.)

20 BY MR. GALLAGHER:

21 Q. Do you have that in front of you, Cardinal?

22 A. Yes, I do.

23 Q. Okay. Have you seen this before?

24 (The witness conferred with his  
25 attorney.)

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2 THE WITNESS: I just recently from my  
3 lawyer.

4 BY MR. GALLAGHER:

5 Q. Well, this was published in the Catholic Standard  
6 and Times on January 1, 2004.

7 Could you read --

8 A. I may not have seen it. I think I was away at the  
9 time.

10 Q. This is the audit report provided by the U.S.  
11 Conference of Bishops' auditors, and I think they're  
12 called the Gavin people; is that correct?

13 A. Yes.

14 Q. And in the first paragraph, they indicate  
15 information about the Archdiocese, that it was established  
16 in 1875, that it's a Catholic community of 1,488,000  
17 parishioners in two hundred and seventy-nine parishes, and  
18 the number of priests at the time, seven hundred and  
19 forty-three, and two hundred eleven deacons, and the  
20 Archdiocese has two hundred and six parish elementary  
21 schools and twenty-two high schools.

22 Is that a correct --

23 A. Yes.

24 Q. -- reading of that first paragraph?

25 The next sentence I highlighted. It indicates:

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2 "His Eminence, Anthony Cardinal Bevilacqua, who led the  
3 Archdiocese at the time of the audit, was installed as  
4 Archbishop in February of 1988"; is that correct?

5 A. Yes.

6 Q. So this audit was a report of an analysis done by  
7 this group of investigators while you were still the  
8 Cardinal in the -- strike that -- the Archbishop in  
9 Philadelphia; is that correct?

10 (The witness conferred with his  
11 attorney.)

12 BY MR. GALLAGHER:

13 Q. They came here in September 8 to the 12th of 2003?

14 A. In September, yes. I was still -- I was still the  
15 Archbishop.

16 Q. Did you meet with those auditors?

17 A. No. Because I was supposed to, but they canceled

---

18 the meeting. I was at a meeting in Washington at a time  
19 when they canceled the meeting that I was supposed to have  
20 with them.

21 Q. Okay. Cardinal, I'd like you to go down to the  
22 fourth paragraph, if we may, the fourth paragraph on the  
23 first page.

24 A. Yes.

25 Q. And that sentence reads -- and tell me if I'm



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2 reading it incorrectly. The title of that paragraph is  
3 "To guarantee effective response to allegations of abuse  
4 of a minor."

5 A. Yes.

6 Q. End quote.

7 That was one of the mandates of the charter  
8 formulated by the bishops in 2002, June, correct?

9 A. Yes.

10 Q. That first paragraph, when they reviewed that, as  
11 far as the Archdiocese of Philadelphia, they reported as  
12 follows: "The Archdiocese has reported every allegation  
13 of abuse of a minor by clergy to public authorities  
14 regardless of when the abuse occurred."

15 Is that correct?

16 (The witness conferred with his  
17 attorney.)

---

18 THE WITNESS: That is correct.

19 BY MR. GALLAGHER:

20 Q. How did the Archdiocese do this? How did they make  
21 this report to the authorities?

22 A. Well, I presume they informed them by mail. I  
23 think at times -- may I ask my lawyer.

24 (The witness conferred with his  
25 attorney.)

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2 THE WITNESS: I thought so. I just  
3 want to be correct on something, that all the  
4 reports were made to the proper authorities by our  
5 counsel.

6 BY MR. GALLAGHER:

7 Q. Now, in February of 2002, although there was a  
8 claim by the Archdiocese that there were thirty-five  
9 credible allegations, credible evidence of sexual abuse,  
10 only two of those priests had ever been -- law enforcement  
11 had been notified, Michael Swierzy and Thomas Kohler, of  
12 that list that you gave us.

13 Are you aware of that, Cardinal?

14 A. Yes, but that was before the charter.

15 Q. Okay. So since the charter, the Archdiocese . . .  
16 okay.

17 A. Since the charter, the Archdiocese reported  
18 everyone, present and past.

19 Q. Okay. And how did they do that?

20 A. Through counsel.

21 Q. Okay. And counsel did that by reporting that to  
22 our office; is that correct?

23 A. I don't know how they did it.

24 Q. Well, isn't it correct --

25 A. I think they just from my own -- they may have

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2 reported it to the county where it occurred.

3 Q. Okay. Well, isn't it correct that the reporting  
4 only started after the grand jury subpoenaed records from  
5 the Archdiocese?

6 A. I just know they were -- they were reported after  
7 the charter went into effect.

8 Q. All right. Let's go down to the highlighted  
9 section, please. It was in the same paragraph.

10 It reads: "The Archdiocese has a communication  
11 policy reflecting the Cardinal's pledge to be open and  
12 transparent on issues regarding the sexual abuse of  
13 children. There is a program to deal with parishes  
14 directly affected by clergy misconduct."

15 You see that highlighted section?

16 A. Yes.

17 Q. Okay. What's that program, Cardinal, to deal with  
18 parishes?

19 A. Whenever we have someone now that is guilty and is  
20 removed from a parish, from what I understand, that the  
21 parish is informed and it's also published in the Catholic  
22 Standard and Times.

23 Q. So that's a change in the policy that you had prior  
24 to the charter; is that correct?

25 A. Yes. As a result of the charter.

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2 Q. Okay. Why did you change your policy?

3 (The witness conferred with his  
4 attorney.)

5 THE WITNESS: Because the charter asked  
6 us to do that and required it.

7 BY MR. GALLAGHER:

8 Q. Did you think it was good advice from the charter  
9 to now tell parishes about abusive priests amongst them?

10 A. We all voted in favor of it.

11 Q. I know you voted, but what's your feeling about it?  
12 Do you think it's a wise thing to do now, even though you  
13 didn't do it previously?

14 A. At the present time.

15 Q. Could we go down to the paragraph that goes over to  
16 the next page, and the title of that paragraph is: "To  
17 protect the faithful in the future," and do you see the  
18 highlighted in yellow?

19 A. Yes.

20 Q. That sentence reads: "The Archdiocese has  
21 implemented aggressive procedures to screen all those  
22 within the Archdiocese who have regular contact with  
23 children and young people by utilizing the services of the  
24 Pennsylvania State Police, the state Department of Public  
25 Welfare, and the FBI."

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Cardinal, I know we discussed this I believe last week, but what's the value and the purpose of that procedure?

A. I think it's self-evident to try to screen out those who are potentially a risk, you know, for children.

Q. Okay. And further down in that paragraph, another highlighted sentence is: "The Archdiocese has not transferred any priests who have had credible allegations of abuse lodged against them for ministry or residence since June 2002."

Isn't that what it reads?

A. Yes.

Q. The question I have is: Did you do this before June 2002, that is, transfer people that had credible allegations of abuse lodged against them?

A. I can't recall. I can't recall if . . . if we did transfer anyone in which there was not proof of -- full proof. It was always on the advice of medical professionals.

Q. When you made these decisions to transfer them based on proof from medical professionals, did you ever consider the risks to the children and their parents in the new ministry assignment?

A. It was because the professionals will tell us that

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2 the risk was minimal and sometimes no risk.

3 Q. Okay. The next sentence in that report  
4 indicates -- you tell me if I'm reading this correctly.  
5 "It was recommended that the Archdiocese determine the  
6 residence of offenders who retain their priestly status  
7 and implement a system to periodically ensure they are  
8 conforming to the requirements of the charter."

9 Now, the question I have, Cardinal, you see that  
10 sentence? Did I read it correctly?

11 A. Yes.

12 Q. How is the Philadelphia Archdiocese following this  
13 recommendation?

14 A. I am not fully acquainted with it, you know, the  
15 actual specific procedure, but there must be a system.  
16 Since these priests would be receiving benefits, they --  
17 they have to have some way to be in contact with them.

---

18 Q. Now --

19 A. Most of them would still be residing within the  
20 Archdiocese, but there may be others outside. So they  
21 must know where they are residing for them to receive the  
22 benefits.

23 Q. This sentence also indicates to implement a system  
24 to periodically ensure they are conforming to the  
25 requirements of the charter.

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2 How is the Archdiocese of Philadelphia doing that  
3 with these priests who are offenders?

4 A. Since I am not the Archbishop now, I don't know the  
5 specifics of it.

6 Q. But you were the Cardinal when this report was done  
7 and when this report was generated. It indicates that  
8 steps were taken. Were they taken at your direction, or  
9 did you leave that to Cardinal Rigali to take care of this  
10 section?

11 (The witness conferred with his  
12 attorney.)

13 THE WITNESS: Where?

14 BY MR. GALLAGHER:

15 Q. In other words, what I want to find out,  
16 Cardinal --

17 A. Yes --

18 Q. -- do you know --

19 A. -- it was.

20 Q. Excuse me.

21 Do you know what system has been implemented to  
22 periodically ensure that these offenders are conforming to  
23 the requirements of the charter?

24 A. It's really a recommendation there, as you can see.  
25 It's not a statement. It says it was recommended that the

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1  
2 Archdiocese determine the residence and so on to retain  
3 and implement the system, to periodically ensure they're  
4 conforming, and then at the bottom it says: "As of  
5 December 1, all three recommendations had been addressed."

6 Q. Right. And it indicates, as far as recommendation  
7 one, that the Archdiocese determine the residence of  
8 offenders who have been removed from ministry and  
9 implement a system to periodically ensure they are  
10 conforming to the provisions of the charter?

11 A. Right.

12 Q. What I want to know, Cardinal, is: Do you know, do  
13 you know, what system has been set up by the Archdiocese  
14 of Philadelphia to periodically ensure that these  
15 offenders are conforming to the prohibitions of the  
16 charter?

17 A. No, I do not know the specifics of that.

---

18 Q. Okay. Cardinal, I'm done with those documents.

19 A. Thank you.

20 BY MS. MCCARTNEY:

21 Q. Cardinal, can I just ask you a couple questions.

22 When we were talking before and you brought out the  
23 distinction that you had made in several of the documents  
24 with regard to credible allegations versus guilty and you  
25 wanted to be clear that in most of the statements that you



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2 had made publicly on the issue you had said guilty of,  
3 could you explain to us what the difference between  
4 credible, an allegation that's credible, accredited with  
5 being credible, how is that different than guilty?

6 A. Because it's credible, means it's -- there is  
7 enough to -- that makes it worthy of further  
8 investigation. It's the opposite of an allegation as  
9 spurious or frivolous.

10 Q. I --

11 A. But it's still an allegation.

12 Q. Okay. How would one determine that? How would one  
13 go from a credible allegation to guilty?

14 In your estimation or in the policies that you had  
15 established in the Archdiocese, how would that leap be  
16 made?

17 A. In most of the cases that we have had, the most  
18 credible allegations, the admission of the -- of the one  
19 who is being accused.

20 Q. But certainly there are ways other than just  
21 looking for the admission by the perpetrator?

22 A. I say that's one of the --

23 Q. Okay.

24 A. -- major ways that we would determine it.

25 Q. Yes.

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1 A. But there could be other ways, too, and I don't --  
2 I can't go into specifics of it, but it's when there was  
3 certain guilt that would make it proof then.

4 Q. And these individuals that you've put on there, the  
5 document provided by your attorneys with the credible  
6 allegations against thirty-five priests, they're the  
7 ones -- are these in your estimations guilty, or are these  
8 credible allegations?

9 A. Most of them were credible allegations but not yet  
10 fully proven.

11 Q. Okay. So there's people on this list of  
12 thirty-four that in your estimation would not yet have  
13 been moved over to the guilty side; is that right?

14 A. I'd have to look at them.

15 Q. Okay.

16 A. Yes.

17 Q. Okay.

18 BY MR. GALLAGHER:

19 Q. Cardinal, when you go through the appointment as a  
20 cardinal and you appear before the Pope, have you ever  
21 heard of an oath that you take that's been referred to as  
22 the scarlet bond?

23 A. Never.

24 Q. When -- I'm quoting from a document that is an  
25

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address given by A.W. Richard Sipe.

Have you ever heard of Richard Sipe?

A. I've heard the name.

Q. Okay. What have you heard about him?

A. Just that he deals, I think, with victims of sex abuse, of minors.

Q. Okay. He's written a couple of books about it. Are you aware of that?

A. I have heard it, but I haven't read any of them.

Q. Okay. Well, he writes in a document that was published in May of 2003, and tell me if this is an incorrect statement in his document, quote: "When a man is created a Cardinal, he kneels before the Pope and takes a vow in Latin. He promises fidelity to Christ and the Gospel. He vows obedience to the Pope and unflinching communion with the Roman Catholic Church. Then comes the

one practical directive at the heart of the commitment," and he's quoting, quote: "Never to reveal to anyone whatever has been confided in me, to keep secret, and the revelation of which could cause damage or dishonor to the Holy Church."

Is that a correct summation of what's involved when you kneel before the Pope to become a Cardinal?

A. I never remember taking that oath.

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2 Q. Okay. Now, there is also a report from February of  
3 2001, when Pope Paul inducted, John Paul II inducted  
4 forty-four cardinals into the college. That was in  
5 February of 2001.

6 Were you there for that, do you recall, Cardinal?

7 A. I possibly was there. It depends on who was made a  
8 cardinal.

9 Q. Okay. And this is a news report, and it indicates  
10 about the consecration of the cardinals, and I'm just  
11 citing from this: "They also pledged never to divulge  
12 information," quote, "that could cause harm to the church  
13 or dishonor it"; is that correct?

14 A. I never heard of it. It's not my recollection.

15 Q. When you became a cardinal, you didn't take such an  
16 oath?

17 A. I don't recall it. All I did when I became a  
18 cardinal that I -- you know, the Pope in front of a whole  
19 audience gives -- gives a talk and all, and all I do is --  
20 there are two steps to it.

21 I go up. Then he gives me the birrettum. That's  
22 the ceremony of the birrettum, and he just puts it on my  
23 head, and that's it.

24 I mean, he says a prayer blessing, and then the  
25 next day is the Mass in which he gives you the ring.

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Q. Thank you, Cardinal.

A. You're welcome.

BY MR. SPADE:

Q. I just want to ask you a few questions about the Furmanski file. It's going to be very brief.

A. Yes.

Q. After the priest data, I've handed you a group of documents.

A. Yes.

Q. And these are among the documents that we informed your counsel about three or four weeks ago.

After the priest data profile, there's a handwritten document, if you turn that over. Turn that one over. There's a handwritten document there.

Could you mark that as eleven eighty-seven, please.

(GJ-1187 was marked for

identification.)

BY MR. SPADE:

Q. Thank you, Cardinal.

Do you recognize the handwriting on this document?

A. No, I don't. It looks something like Monsignor Lynn's.

Q. Okay. At the top of it, there's a date, 6/18/99, correct?

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2 A. Yes.

3 Q. And then there's written the name "Furmanski,"  
4 correct?

5 A. Oh, yes.

6 Q. And then I just want you to go down towards the  
7 bottom. It's approximately the fifth line up from the  
8 bottom.

9 The way I read it, Cardinal, it says -- and  
10 granted, the writing is fairly difficult to read, but the  
11 way I read it is: "Rubbing fly and thigh."

12 Do you see that line there?

13 A. It's hard to make out.

14 Q. I know it is?

15 A. But I -- "rubbing" -- is it "fly" or "of"?

16 Q. Okay. The way I read it is: "Rubbing fly and  
17 thigh."

---

18 A. I . . .

19 Q. You can't decipher it?

20 A. It's very hard. I can see the "and thigh." It  
21 seems that . . .

22 Q. Okay. And then two lines down, does it look like  
23 whoever wrote this, authored this document, wrote:

24 "Report to police"?

25 A. Yes.

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Q. Okay. The next document, Cardinal, is eleven  
nineteen, and I'm just going to very briefly summarize  
what's in here.

This is a June 21, '99, memo from Father Welsh to  
the file regarding a meeting with Mrs. <sup>Louisa</sup> [REDACTED].

Mrs. [REDACTED] identified herself as a member of Saint  
Elizabeth Anne Seton Parish in Bensalem?

A. Yes.

Q. She said one day in May of that year, which would  
have been '99, either the 21st or 28th, she arrived to  
pick up her son <sup>Ernie</sup> [REDACTED].

A. Yes.

Q. Who is identified in the document as being an altar  
boy at the church, and he's identified as being . . . he's  
identified as being an altar boy and also is working at  
the rectory, and she says she picked him up one day. She

observed -- I'm not going to ask you to follow along  
because I'm --

A. I've read the document.

Q. Okay. She observed something not right in her  
son's eyes, and she asked him what was wrong. He said  
that Father Furmanski had asked him to massage his knee.  
Later <sup>Ernie</sup> [REDACTED] told her that Furmanski had said to him  
while he was massaging his knee, "This doesn't look too

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2 good. Let's go upstairs." Then they went up to an office  
3 in the rectory, and the boy massaged the priest's knee.

4 She confronted Monsignor Furmanski about it. He  
5 admitted that the boy had massaged his knee, and then on  
6 the third to last page in the document, <sup>Louise</sup> [REDACTED]  
7 reported that <sup>Ernie</sup> [REDACTED] told her that while he was massaging  
8 Father Furmanski's knee, Father Furmanski said, mumbled  
9 something like, quote, "One of these days I'm going to get  
10 you down," close quote, but <sup>Ernie</sup> [REDACTED] said he didn't  
11 understand what he was saying and he responded to the  
12 priest, "Yes. Whatever."

13 And then later on, <sup>Louise</sup> [REDACTED] reported that she  
14 received a call from the Saint Charles Borromeo School  
15 where <sup>Ernie</sup> [REDACTED] attended and the teacher told him that  
16 <sup>Ernie</sup> [REDACTED] had destroyed a textbook by scribbling sexual-type  
17 doodles on it; and then later on, he, <sup>Ernie</sup> [REDACTED], told that

18 he felt guilty he told his father and his mother. He felt  
19 guilty about telling on Monsignor and disobeying his  
20 parents prohibition against entering the rectory, and he  
21 had said that the Monsignor told him not to tell anybody  
22 about the allegations.

23 Is that a fairly accurate recount of what <sup>Ernie</sup> [REDACTED]  
24 told his mother and what <sup>Louise</sup> [REDACTED] told Father Lynn?

25 A. Yes.



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2 Q. The next document, Cardinal, is eleven twenty-five,  
3 and this is a July 9, 1999, memo from Father Lynn to  
4 yourself.

5 Do you see that?

6 (The witness conferred with his  
7 attorney.)

8 BY MR. SPADE:

9 Q. You have to flip through a couple of documents to  
10 get to it.

11 A. Yes.

12 Q. And here, Cardinal, Father Lynn just reports to you  
13 that that he had Monsignor Furmanski evaluated at Saint  
14 John Vianney hospital. The doctors who evaluated him  
15 found no sexual disorder. They did find that Father  
16 Furmanski was depressed, and they attributed his  
17 inappropriate behavior to the depression coupled with some  
18 physical illnesses that he had.

19 Is that accurate?

20 A. Yes.

21 Q. Do you have any recollection of that being reported  
22 to you?

23 A. No. But I read this carefully.

24 Q. Okay. The next document is eleven twenty-six.

25 It's the next document in the file, if you turn over to

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The second page of the document,

MR. HODGSON: You said eleven  
twenty-six?

MR. SPADE: Yes.

MR. HODGSON: Or July 26?

MR. SPADE: Yes. The document is a  
July 26, 1999, memo from Father Welsh to the file  
regarding a meeting with <sup>Louisa</sup> [REDACTED].

BY MR. SPADE:

Q. If you turn over to the second page, Cardinal, the  
second to the last paragraph, I'm going to just read it.

"Monsignor Lynn reiterated all the steps that had  
been taken to address the situation in an appropriate way  
that was for the good of everyone involved. He reminded  
<sup>Louisa</sup> [REDACTED] that Monsignor Furmanski was receiving ongoing  
treatment for depression and that he was still undergoing

tests and treatment for his physical ailments. He  
<sup>Louisa</sup> reminded [REDACTED] that, while Monsignor Furmanski's  
actions were inappropriate, they were not criminal and did  
not require that they be reported to the authorities.  
<sup>Louisa</sup> Monsignor Lynn got [REDACTED] to acknowledge that  
Monsignor Furmanski's actions did not constitute sexual  
abuse."

Cardinal, I know that you can't speak for Monsignor

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1  
2 Lynn, but do you have any idea from your discussions with  
3 him or your review of his work why he would have tried to  
4 have <sup>Louise</sup> [REDACTED] admit that the Monsignor's actions were  
5 not criminal?

6 A. No. I would not know that.

7 Q. Okay. Would you agree with me -- and I'm not  
8 asking you to except the fact that my reading of that  
9 first document was accurate or not, but would you agree  
10 with me -- and by the first document, I mean, GJ-1187, the  
11 handwritten notes.

12 Would you agree with me if whoever wrote that  
13 document had reported information that the boy <sup>Ernie</sup> [REDACTED]  
14 [REDACTED] was rubbing Monsignor Furmanski's fly, i.e., his  
15 genital area, that that would be something that would have  
16 to be reported to the authorities?

17 A. If it was that?

18 Q. Yes. If that's a correct -- if my reading of the  
19 document is correct.

20 A. I'd have to say yes, if you refer to the genital  
21 areas.

22 Q. Okay. The next document, Cardinal, is eleven  
23 twenty-seven. It's a July 28, 1999, memo from Father Lynn  
24 to yourself; and essentially, what he reports to you here,  
25 he gives you a status report on Monsignor Furmanski's

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1 evaluation at Saint John Vianney Hospital, and then he  
2 <sup>Louise</sup> reports that [REDACTED] had told him that if Monsignor  
3 Furmanski did not leave the parish, she would do whatever  
4 was necessary, including informing the parishioners and  
5 teachers about the incidents, or going to other  
6 authorities to see that he be removed.  
7

8 And then he reports to you that he met with  
9 Monsignor Furmanski and that he discussed the possibility  
10 that Monsignor Furmanski's reputation could be ruined if  
11 this incident was reported publicly; and then he states,  
12 and I'm reading from the second to last paragraph from the  
13 bottom: "We discussed his forty faithful years of  
14 priesthood and the possibility that his good reputation  
15 could be ruined, given the reality that he did have  
16 inappropriate contact with the boy, although it was not of  
17 a sexual nature. ~~Given the climate of the day, people~~  
18 will not make that distinction."

19 So it appears that Monsignor Lynn here is  
20 acknowledging that even though he's making a distinction  
21 between sexual and known sexual conduct on the part of  
22 Father Furmanski, that most of society would not make such  
23 a distinction, correct?

24 A. I -- I can't answer for that. I can say that he is  
25 not making the distinction. Whether others would make the

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2 distinction like him, I can't say that.

3 Q. Well, I mean, when he writes: "Given the climate  
4 of the day, people will not make that distinction," he's  
5 saying that somebody outside of the Archdiocese is not  
6 going to make that distinction, correct?

7 A. Yes. Some.

8 Q. Okay. The next document, Cardinal, is eleven  
9 twenty-eight, and this document is a memo from Father Lynn  
10 to the file, July 27 of '99, and he's reporting the fact  
11 that Monsignor Furmanski resigned, correct?

12 A. Yes.

13 Q. The next document is of eleven twenty-nine. If  
14 you look at the third page in the document, it's an  
15 October 28, 1999, memo from Father Lynn to yourself,  
16 correct?

17 A. Yes.

---

18 Q. And in that he informs you that Monsignor Furmanski  
19 resigned as pastor of Saint Elizabeth Ann Seton, Bensalem,  
20 due to illness, and he recommends that you appoint  
21 Monsignor Furmanski chaplain Nazareth Hospital effective  
22 November 8 of '99, correct?

23 A. Yes.

24 Q. And you approved it and dated it November 2 of '99?

25 A. Yes.

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Q. And then the last page in the exhibit is a letter from yourself to Monsignor Furmanski appointing him chaplain of Nazareth Hospital, correct?

A. Yes.

Q. Okay. The next exhibit is eleven thirty-one, and this is a handwritten letter to yourself from a man by the name of <sup>Alex</sup> [REDACTED], dated March 10 of 2002, and in it is -- is it accurate, Cardinal, that in it he reveals to you that he was abused by Father Furmanski when Father Furmanski taught at Cardinal O'Hara High School and <sup>Alex</sup> [REDACTED] was a student there?

A. Yes.

Q. Okay. And then the next document is eleven thirty-four, and this is an October 24, 2002, letter from Ronald J. Karney?

A. Excuse me.

Q. I'm sorry. Eleven thirty-four. You have to go through a couple of documents. I think it's the one that's showing -- that Mr. Hodgson has his hands on.

A. I have thirty-two, thirty-three. Thirty-five.

Q. Yes.

A. Thirty-five. I have it now.

Q. That's eleven thirty-four. It's an October 24, 2002, letter from Ronald J. Karney to William J. Lynn, and

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2 it is a cover letter enclosing a comprehensive  
3 psychodiagnostic assessment of Monsignor Furmanski,  
4 correct?

5 A. Yes.

6 Q. Okay. If you turn to the second to last page in  
7 the assessment, the Vianney doctors state in the last  
8 paragraph right above the heading "Diagnostic  
9 Impressions": "In response to the referral questions,  
10 while we cannot conclusively attest to the validity of the  
11 allegations" -- are you following along, Cardinal?

12 A. Yes.

13 Q. "Against him based on the information available to  
14 us, there was no data to suggest that Father Furmanski had  
15 sexually abused the child in question. There was no data  
16 to suggest that Father Furmanski has a sexual disorder or  
17 pattern of sexual behavior that would indicate pedophilia

18 or ephebophilia. To our knowledge, there have been no  
19 other allegations of sexual misconduct against Father  
20 Furmanski in his ministry career. The former incident in  
21 1999, which resulted in his prior evaluation at SJVC, was  
22 determined to represent an instance of poor boundaries and  
23 judgment, although did not appear sexual in nature."

24 Did I read that correctly?

25 A. Yes.

ANTHONY JOSEPH CARDINAL REVILLACQUA

Q. Okay. And I assume, Cardinal, that you don't have an independent recollection of any of this information being brought to your attention?

A. That is correct.

Q. Okay. And then the second to last document, Cardinal, is eleven thirty-five.

A. I have it.

Q. Okay. And this is a September 9, 2003.

It looks like an email from Martin Frick to Monsignor William J. Lynn, correct?

A. Yes.

Q. And I'll just read the first paragraph.

"I received a call from a therapist, Sherry Rex, that one of her male clients in his thirties has revealed to her that he was abused by Father Leonard Furmanski when the client was an altar boy at Sacred Heart Parish in

Swedesburg about twenty years ago. She says the client relates having been taken by Furmanski into the rectory, shown pornography and eventually forced to perform oral sex on Furmanski."

Did I read it correctly?

A. Yes.

Q. And at this point in time, September 9 of 2003, Cardinal, you were still the Archbishop of Philadelphia,



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correct?

A. I was.

Q. Okay. And I assume that you don't have any recollection of this information being brought to your attention?

A. No. I don't recall it being sent to me at all.

Q. Okay. Cardinal, if this had been brought to your attention, would you have wanted on that date Monsignor Lynn to go back and conduct a further investigation of the allegations that had been made against Father Furmanski about four years earlier on the part of <sup>Ernie</sup> [REDACTED] and his mother?

A. I would expect at first that he try to interview the accuser here.

Q. Okay. In other words, try to find out the identity of the accuser through the accuser's therapist?

A. Yes. If he could.

Q. Okay. In your mind, the fact that this was now the second adult who is coming forward to say that Furmanski had abused him when he was a minor, the fact that it was an anonymous or -- I'm sorry -- that you would have still wanted Father Lynn to go and talk to this person before proceeding with an investigation into the [REDACTED] allegations?

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1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes. Yes.

3 Q. Okay. And again, if you had known about this,  
4 would it have called into question the ability of the  
5 therapists at Vianney to accurately diagnosis the priests  
6 that you were sending to them?

7 A. Not with what is provided here.

8 Q. Okay. And then the last document, Cardinal, and  
9 we're done with this file, is eleven forty-six.

10 Do you have this?

11 A. Yes.

12 Q. Okay. And this is an October 27, 2003, memo to  
13 Cardinal Justin Rigali from Monsignor Lynn?

14 A. Yes.

15 Q. Regarding Father Furmanski, correct?

16 A. Yes.

17 Q. And you were not the Archbishop of Philadelphia,  
18 correct?

19 A. That is correct.

20 Q. And then in the second to last paragraph from the  
21 bottom, Father Lynn reports, and he's talking about an  
22 investigator that was hired by the Archdiocese or by the  
23 Review Board, which was convened by the Archdiocese,  
24 correct?

25 A. Yes.

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Q. "To complete his investigation, the investigator was going to interview Monsignor Furmanski about the above incidents this past Thursday. The therapist who made the anonymous report was contacted to see if she could provide any further information."

A. Forgive me.

Q. I'm sorry. Am I going to going too fast?

A. Yes. I lost where you are.

Q. If you go down to the very bottom.

A. The third paragraph?

Q. Yes. The third full paragraph. It's at the beginning of the paragraph. It reads: "To complete his."

A. Okay. I have it.

Q. Okay. And then it says: "She was released."

A. I have that.

~~Q. Okay. "To provide a description of events and the~~

first name of her client. When asked about the above, he denied the allegations dating to 1964 but admitted to fondling boys in the 1980s. The investigator did not push for more information at the time but immediately called James Bock, associate to the Vicar for Administration, because he was concerned for Monsignor Furmanski's emotional welfare. Mr. Bock contacted Father Vincent Welsh, assistant in my office, who immediately met with

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Monsignor Furmanski.

3 "Monsignor Furmanski admitted to Father Welsh that  
4 he fondled a minor in the eighties. He stated he has been  
5 very depressed for the past month."

6 So there's an inconsistency there. In the previous  
7 paragraph, he said he had fondled boys?

8 A. I saw that inconsistency.

9 Q. Okay. I knew you would, Cardinal.

10 A. Even one is --

11 Q. Right. Right.

12 A. -- is terrible.

13 Q. Cardinal, the --

14 A. I presume by fondling, it means sexually.

15 Q. That's what I presume too.

16 A. I mean, sometimes it's not.

17 Q. Right.

---

18 A. But in this context . . .

19 Q. It would have to be sexually, right?

20 A. I guess so.

21 Q. Okay. Cardinal, now, you know, looking at this  
22 document here, the fact that Father Furmanski admitted to  
23 molesting minors going all the way back to the eighties,  
24 you know, does it call into question the ability of the  
25 Vianney therapist to get accurate, to make accurate

ANTHONY JOSEPH CARDINAL BEVILACQUA

1                   evaluations of whether these priests are sexually  
2  
3                   attracted to minors?

4       A.       No. I'd hesitate to say this. I think, if  
5                   anything, it may show that investigators have -- by their  
6                   experience and training may have ways of eliciting truth  
7                   more so than one can do in the -- in a consultative  
8                   therapeutic environment.

9       Q.       So these independent investigators, what you're  
10                  saying is that they maybe had methods of arriving at the  
11                  truth that perhaps Monsignor Lynn didn't have or does not  
12                  have?

13      A.       Monsignor Lynn or the therapists.

14      Q.       Okay.

15      A.       I mean, that's only an opinion on my part.

16      Q.       I understand. I understand.

17                  ~~Do you think that going back to the file that I~~  
18                  questioned you about earlier, the Reardon file, where at  
19                  the Saint Clare's Hospital they talked about having a  
20                  therapist there who had extensive training in diagnosing  
21                  and treating adult sex offenders, do you think that it  
22                  would be helpful for the Vianney staff to hire or for the  
23                  Vianney Hospital to hire an expert in the diagnosis and  
24                  treatment of adult sex offenders?

25      A.       I could not speak for them.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1  
2 Q. Okay. Cardinal, I don't have any more questions  
3 about that Furmanski file. It's now three thirteen.

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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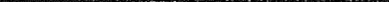
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ANTHONY JOSEPH CARDINAL BEVILACQUA

BY MS. MCCARTNEY:

Q. When we took our break, we took the opportunity at that time to ask the jurors if they had any questions, which we will do at the end.

We just have a few other things that we'd like to discuss with you, the first of which, Cardinal, is -- and I put some documents in front of you. They relate to the file of Reverend Monsignor Francis A. Giliberti, and I've marked them eleven eighty-eight, collectively eleven eighty-eight to eleven ninety-five; and I will put on the record now, Cardinal, that we informed your counsel yesterday that involves a file that we would maybe try to have some time to speak with you about today, and I understand from your counsel that you have not had the opportunity to review the documents in this pile?

~~A. Yes. That is correct.~~

(GJ-1188 through GJ-1195 were marked for identification.)

BY MS. MCCARTNEY:

Q. Okay. So let me just, if I can, for purposes of speed or expedience, look at the first document, eleven eighty-eight.

That indicates Monsignor Giliberti, the pastor at Nativity B.V.M. in Media; is that correct?

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A. Yes.

Q. He's currently still the pastor at Nativity B.V.M., correct?

A. No, I've heard differently.

Q. You've heard differently?

A. Yes. That he's resigned.

Q. As of what date?

A. I was not informed directly. I just heard of it.

Q. And who did you hear that from?

A. From counsel. I didn't even know it.

Q. Let me ask you this. Did you hear that he resigned because of any allegations that came up as a result of this investigation?

A. No, I just heard that he resigned.

Q. Okay. Did you hear as of what date he resigned?

~~A. I didn't get the date of it. It had to be~~

recently. I really don't know much about it. No one

informed me directly except my counsel told me.

Q. What is the normal date of retirement for an individual, Cardinal?

A. That can be any time.

Q. That can be any time?

A. Yes.

Q. All right. Well, let's just go through it very

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quickly, if we could, this file, and let me just, if I can, Cardinal, break this down as quickly as I can.

There are two allegations that were brought against Monsignor Gillespie. One on

MR. HODGSON: No. No.

MS. MCCARTNEY: Giliberti. I'm sorry.

On Monsignor Giliberti.

BY MS. MCCARTNEY:

Q. One on April 18, 2002, and one on September 17 of 2002.

The first allegation came on 4/18/02, came from an individual by the name of <sup>Jay</sup> [REDACTED], and he reported to Monsignor Lynn that Giliberti had abused him back in 1976 while Giliberti was his teacher at O'Hara.

And I understand, Cardinal, the documents that I'm referring to with regard to these allegations would be

eleven ninety and eleven ninety-one, and I understand that they're handwritten, and they're written in Monsignor Lynn's writing; is that to the best of your knowledge?

A. It's eleven ninety and ninety-one?

Q. Yes.

A. To the best of my knowledge, yes.

Q. Okay. Eleven ninety deals with the 4/18/02. It appears to be an interview or information given by <sup>Jay</sup> [REDACTED]

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[REDACTED]

The next the document, eleven ninety-one, is also dated 4/18/02, and this is obviously an interview that Monsignor Lynn had with Monsignor Giliberti; is that right?

A. Yes.

Q. Okay. Eleven ninety-two is a letter which is written -- if you flip over the first page, it's a letter -- it's an email from Martin Frick to Monsignor Lynn, and the date of that is 9/13/02, and it basically conveys to Monsignor Lynn information that had come to Patrick Martin Frick from an individual by the name of [REDACTED] [REDACTED], who was alleging that Monsignor Giliberti had abused him at the rectory of Nativity B.V.M. in Media, and it's during a period of time where Father Giliberti was Jay [REDACTED]'s teacher at Cardinal O'Hara; is that correct?

A. I'll accept your word for it. I can't follow where you are, but . . .

Q. All right. Well, Cardinal, let's do this. Let's go to the document which is marked eleven ninety-four. This should be a letter to Marinella Kelly from Monsignor Lynn. You see that document? It's dated October 2.

A. I do. I do.

Q. It's dated October 2, 2002.

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1 A. Yes.

2 Q. And I will just for purposes of summarizing, those  
3 two allegations came in on 4/18/02. Monsignor Giliberti  
4 was confronted with the allegations. He denied them. He  
5 was again confronted in September with regard to the  
6 allegations by <sup>Patrick</sup> [REDACTED], and he denied them as well.

7 The Archdiocese asked him to go for an evaluation,  
8 which he agreed to do; and the October 2, 2002, is written  
9 by Monsignor Lynn to Kelly Counseling and Consulting  
10 Services, and it's basically laying out why it is that  
11 Monsignor Giliberti is undergoing an examination.

12 Do you understand where we are at this point?

13 A. Yes. Yes.

14 Q. If you flip to the second page of eleven  
15 ninety-four, after the cover letter from Monsignor Lynn,  
16 it's a typewritten document which lays out the allegations  
17 in more detail and easier to read than Monsignor Lynn's  
18 handwritten notes, and I just want to put a couple things  
19 on the record, and you tell me if I'm reading this  
20 correctly.

21 It says: "In April 2002 a man alleged he was  
22 sexually abused by Monsignor Giliberti from 1976 to 1977  
23 while a fourteen to fifteen year old sophomore at Cardinal  
24 O'Hara High School. Monsignor Giliberti taught religion  
25

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1 classes concerning sexual morality. The man said he  
2 sought Monsignor Giliberti's advice concerning a problem  
3 with masturbation. Subsequently, the man claimed  
4 Monsignor Giliberti several times invited him to Monsignor  
5 Giliberti's home in Brigantine, New Jersey, and to  
6 Nativity B.V.M.' Rectory, Media. On one occasion at the  
7 rectory, the man alleges that Monsignor Giliberti told  
8 him, 'You may have traumatized your penis.' The man said  
9 that Monsignor Giliberti had him drop his pants, and  
10 Monsignor Giliberti stroked the man's penis, asked him to  
11 make himself erect, which he was unable to do, and then  
12 told him to pull up his pants. On another occasion at the  
13 home in Brigantine, New Jersey, the man alleges that  
14 Monsignor Giliberti had him strip naked in front of him  
15 and simulate how far he masturbated. The man also alleged  
16 that Monsignor Giliberti once suggested that they both  
17 sleep in the same bed together at the Brigantine home and  
18 once suggested the possibility of Monsignor Giliberti  
19 performing oral sex on the man. The man also claims that  
20 Monsignor Giliberti discussed with him several of his own  
21 heterosexual experiences," and it goes on to say that the  
22 man who's making the allegations, and this would be [REDACTED]  
23 [REDACTED], had been in the seminary briefly, left, got his  
24 college degree, went through a marriage in which he abused

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his wife, went through a divorce and is now in therapy.

Did I read that correctly?

A. Yes.

Q. Okay. And it goes on. The second paragraph it goes on to say that Monsignor Giliberti was confronted with those allegations and he denied them; is that right?

A. Yes.

Q. It does say that Monsignor Giliberti would sometimes ask the boys to come to the rectory to talk privately or to stop by his Brigantine home, but he denied that anything sexual ever occurred, correct?

A. Yes.

Q. And the document goes on to talk about the second allegation with some detail. That would have been the one brought by <sup>Patrick</sup> [REDACTED] on September 17, 2002, and I'm looking at the last paragraph of that page that we're reading from now.

It says: "In mid-September another man made an allegation that he was sexually abused by Monsignor Giliberti at the age of seventeen while a senior at Cardinal O'Hara High School in the school year of '75-'76. This man was also Monsignor Giliberti's student. This man claims that he privately met with Monsignor Giliberti in the classroom and at Nativity B.V.M. Rectory concerning a

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 problem with masturbation and fears of being homosexual.  
2 The man claims that on one occasion, while in the living  
3 room of Monsignor Giliberti's private quarters at Nativity  
4 B.V.M. Rectory, which was separated from the bedroom by a  
5 partition, Monsignor Giliberti instructed the man to strip  
6 naked, lie on the bed and bring himself to an erection,  
7 which the man was unable to do. Monsignor Giliberti then  
8 looked around the corner and said, 'Come on. You're all  
9 right. Get dressed,'" and it goes on to say that the man  
10 claimed that the trauma led to heightened guilt, he had  
11 been in therapy for several years, starting at age  
12 twenty-one and then occasionally thereafter and that he  
13 married at the age of forty.  
14

15 Is that accurate?

16 A. That's what you said -- read. That is correct.

17 Q. Is that accurate?

---

18 A. Yes.

19 Q. But I was reading from a document prepared by  
20 Monsignor Lynn, correct?

21 A. Yes. Yes.

22 Q. Okay. So these are the allegations that are in the  
23 possession of the Archdiocese, one in April of 2002; one  
24 in September of 2002, correct?

25 A. Yes.



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Q. And there's no indication in the file that Monsignor Giliberti was asked to go for an evaluation after the April allegations, but that he was after this, the September allegations came in, correct?

A. It's hard for me to see that, but I see after the second one he was.

Q. Okay.

A. Yes.

BY MR. GALLAGHER:

Q. Cardinal, just so the record's clear, I checked with the inventory in our office, our paralegal, and we did receive from the Archdiocese a handwritten letter in the last submission to our office on December 17 of 2003, and in that transfer of document, Bates document AR4S0187, is a handwritten letter from Reverend Francis Giliberti indicating he was resigning as pastor of Nativity B.V.M.

---

as of December 3, 2003.

A. Thank you.

Q. And the only indication is the handwriting: "It was for the good of the priesthood."

Now, I'm just paraphrasing what the paralegal read.

A. Thank you.

Q. Is that consistent with your knowledge?

A. I just heard that he resigned.

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Q. Okay. Thank you.

BY MS. MCCARTNEY:

Q. You don't have any idea though, Cardinal, what the reasons for his resignation were, for the good of the priesthood?

A. No. No one told me.

Q. All right. So let's go back then, Cardinal, and then so Monsignor Giliberti gets this evaluation and that's document eleven ninety-five.

A. Yes.

Q. Okay. And this is conducted on 10/18/02; is that right?

A. Yes.

Q. I want you to go to the end of the document at page eight, and I want to ask you to tell me what this means, and I'm going to read from the third paragraph.

It says: "In terms of sexual allegations that have been made against Monsignor Giliberti, there is nothing in the test data that can confirm or deny their veracity. There is also nothing in the test data that would explicitly suggest that Monsignor suffers from a diagnosable sexual disorder. As a result, there is nothing to conclude from the interview or the test data that Monsignor Giliberti is a threat to the physical and

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emotional health of those to whom he ministers."

Do you have any idea what that means, Cardinal?

A. Just what's self-evident from the words themselves.

Q. Which is what?

A. Well, that there's no data that they can use to verify or confirm the truth of the allegations and that they don't have any evidence he's suffering from any diagnosable sexual disorder.

Q. It says that there's nothing in the test data that would explicitly suggest?

A. Right.

Q. But my question -- I'm sorry. Go ahead. I didn't mean to interrupt you.

A. And they're saying from the interview and the test data that there's no reason to conclude that he is a ~~threat to physical or emotional health of those to whom he~~ ministers.

Q. Was this the evaluation that was relied upon to put Monsignor Giliberti back as pastor or to keep him as pastor at Nativity B.V.M.?

A. I'm not sure. I'm presuming they based it on this. This is considered professional, you know, conclusions.

Q. But my question to you I guess is this, Cardinal: You had asked that there be some evaluation done of

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2 Monsignor Giliberti. He's a pastor at a school, and he's  
3 pastor at a parish. The parish has a school. And the  
4 conclusions that you get basically say: Can't tell you  
5 whether or not there's truth in the allegations. Can't  
6 tell you specifically whether the guy's got a diagnosable  
7 sexual disorder. But we don't think he's a threat to  
8 anybody that he ministers to.

9 What comfort did you take from that and what  
10 reliance did you place on that to put him back at a parish  
11 with a school?

12 A. I have to rely again on my Secretary for the  
13 Clergy.

14 Q. Do you think that your Secretary of Clergy, when he  
15 looked at this document, should have said: "Well, this  
16 really tells me nothing? Let's see whether we can do some

~~17 more research. Let's see whether we can do some more~~  
18 investigation"?

19 A. I can't speak for my Secretary for the Clergy of  
20 how he interpreted this.

21 Q. Okay. Well, it goes on in this document, Cardinal,  
22 to talk about the fact that Monsignor Giliberti should  
23 enter into individual psychotherapy. It's recommended  
24 that he participate in a priest group where he can  
25 experience the fellowship and the support of his brother

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1 priests. The third thing is it's strongly recommended  
2 that Monsignor meet directly over the next six months with  
3 Monsignor Lynn.  
4

5 Do you know whether that was accomplished?

6 A. I do not know.

7 Q. Do you have any idea whether it was accomplished?

8 A. No, I do not know.

9 Q. If this was a recommendation and this was to  
10 document some follow-up care that Monsignor Giliberti was  
11 to receive as a result of having these two separate, very  
12 similar allegations that had been brought against him and  
13 this was a recommendation, should there have been  
14 documentation in the file that Monsignor Lynn actually met  
15 with Monsignor Giliberti regularly over the next six  
16 months?

~~17 A. All I can say, I have not seen any documentation.~~

18 Whether there was any follow up, I do not know.

19 Q. I understand that, Cardinal, but my question is:  
20 If there was, if Monsignor Lynn looked at this and said:  
21 "I'm going to meet with this guy regularly over the next  
22 six months," should he have documented the fact that those  
23 meetings took place?

24 A. I would have liked to have seen it. I cannot say,  
25 you know, why it's not in there.

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2 Q. All right. Thank you. I just have one other  
3 document. I'm going to just bring one other document to  
4 your attention, Cardinal, and it's not related to the  
5 Giliberti file. I'm going to mark it as eleven  
6 ninety six.

7 Actually, I'm going to change that because  
8 apparently it had been marked previously as ten  
9 forty four. Sorry.

10 Cardinal, I just want to put on the record the  
11 fact -- this is has been marked, as I've already  
12 indicated, previously as ten forty-four.

13 This is a document which actually came from the  
14 Reverend Joseph P. Gausch file, and it is a memo. The  
15 cover sheet indicates it's a memo from Monsignor James  
16 Molloy to Reverend William Lynn, and it is an excerpt from  
~~17 minutes of an issues meeting held on March 8 of 1994, and~~  
18 the date that this was received by Monsignor Lynn would  
19 have been May 11, 1994; and in this, if you flip to the  
20 second page where it actually has the excerpt from the  
21 issues meeting, and this is from -- apparently at the  
22 meeting were yourself and Bishop-elect Edward Cullen, and  
23 I'm just going to read to you the last sentence of this  
24 document.

25 "His Eminence noted also that it would be helpful

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1 for such memorandum to contain information concerning the  
2 date of which knowledge of cases such as this is brought  
3 to the attention of staff in the Office of the Vicar for  
4 Administration. It was confirmed that every sensitive  
5 allegation, including those involving incidents reported  
6 to have occurred in excess of five years ago, are to be  
7 brought to the attention of the Archbishop on the same day  
8 that they are received in the Office of the Vicar for  
9 Administration."

11 Did I read at that correctly?

12 A. You did.

13 Q. And this is in 1994, where that policy -- even  
14 though it may have existed before that, this was actually  
15 a directive passed from you to Monsignor Molloy, to your  
16 Secretary of the Clergy William Lynn; is that right?

17 A. Yes.

18 Q. And that is that every allegation of a sensitive  
19 nature, and clearly these issues that we're discussing are  
20 of the sensitive nature, that they be brought to your  
21 attention the same day that they're received in the office  
22 for Vicar for Administration; is that right?

23 A. That's what it states.

24 Q. Okay.

25

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BY MR. SPADE:

Q. Cardinal, we have one more document to show you. Then we're going to ask you a few questions and wrap up for the day.

(GJ-1196 was marked for identification.)

BY MR. SPADE:

Q. This is a document that I've marked as grand jury exhibit eleven ninety-six. It's an April 5, 1990, letter from Eric Griffin-Shelley, Ph.D., to Father John Jagodzinski, on the letterhead of G-S Counseling Associates, and, Cardinal, I believe we've discussed Dr. Griffin-Shelley before. He was on the staff of Saint John Vianney Hospital, correct?

A. Yes.

Q. For several years, correct?

---

A. Yes.

Q. Okay. In it, he talks about a proposal for creating a long-term supportive supervisory environment for priests who have sexual addictions, and he makes a preliminary proposal to Father Jagodzinski seeking the Archdiocese's support for creating such a supportive supervisory environment for these sex offender priests, and I just want to read a couple of excerpts from the



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document.

On the first page under the heading "Residence Proposal," towards the end, Dr. Griffin-Shelley wrote: "Second, there is a need for a long-term supervised residence for priests with pedophilia and related sexual compulsions."

And then under the next heading, "Therapeutic Residence," second sentence in, Dr. Griffin-Shelley writes: "That is, under the supervision of a residence manager, the priests in residence would be expected to interact in a therapeutic way with each other. These interactions would include house meetings, shared responsibility for chores like cleaning and food preparation, and therapeutic responsibility for the welfare of fellow residents such as giving honest feedback. Each resident would be required to be in

therapy with a qualified therapist outside of the therapeutic residence and would have to allow communication between the residence manager and administration and their therapist."

And then the next heading, "Supervised Residence," under that heading, Dr. Griffin-Shelley writes: "The supervised residence program would provide a place to live for priests who have sexual compulsivity problems that

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1 would allow for accounting of their whereabouts. There  
2 would be a residential manager, and residents would be  
3 required to account for their comings and goings.  
4 Residents would be expected to open their quarters for  
5 inspection and cooperate with residential rules for  
6 accountability. Since they are not able or willing to  
7 benefit from the therapeutic residence, there will be  
8 expectations regarding their participation in the  
9 residence program which they will have to agree to in  
10 advance."

12 Did you follow along as I read that?

13 A. Yes.

14 Q. Cardinal, do you have any memory of Father  
15 Jagodzinski bringing this proposal to your attention back  
16 in April of 1990?

17 A. I do not.

---

18 Q. Okay. Now we're going to finish up.

19 BY MS. MCCARTNEY:

20 Q. But clearly, Cardinal, you'd agree that somebody,  
21 that Eric Griffin-Shelley, who was associated with John  
22 Vianney Hospital, that there's a recognition on his part  
23 with regard to how priests should be dealt with, priests  
24 that have these sexual addictions and sexual compulsive  
25 problems, correct?

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1  
2 A. But I notice that he seems to want something like  
3 this for those two categories, those with compulsive  
4 sexual behaviors, especially pedophilia. It was very rare  
5 that a priest would diagnose as such.

6 Q. Okay.

7 BY MR. SPADE:

8 Q. Okay. Cardinal, we're going to move on to  
9 asking -- the jurors had some questions that they wanted  
10 to ask, and then we'll be done for the day.

11 The first question is: You had drawn a distinction  
12 when Mr. Gallagher was asking you about the various  
13 statements you had made about the thirty-five priests that  
14 had credible allegations against them. You had drawn a  
15 distinction between saying that the priests had credible  
16 allegations to your knowledge and that they were guilty to  
~~17 your knowledge.~~

18 One of the jurors wanted to know, wanted me too ask  
19 you the question that by not reporting to law enforcement  
20 these sex crimes or these sex allegations of sex crimes on  
21 the part of certain of your priests, do you think that  
22 that failure to report was preventing the credible  
23 allegations from being determined, from the civil justice  
24 system making a determination as to guilt or innocence  
25 regarding those credible allegations?

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A. We always complied with the civil law on allegations. Always.

Q. Okay. And as a follow-up, the juror wanted to know: In many of these cases you've testified and the documents have shown that the only person making these credibility determinations with regard to whether these priests were actually guilty of the crimes or not were your Secretary of Clergy and various other members of the Secretary for Clergy's office, and the juror wanted to know: Do you now or did you ever think that it was inadequate to not have civil juries making these credibility determinations rather than just a supervisor of clergy?

A. When you say civil juries, I don't know what that means.

~~Q. Well, if they~~

A. I mean, actually, the person's not on trial yet. It's still an investigative phase, and I relied on -- up until 2002, it was the Secretary of the Clergy.

After the charter, you know, then we used the coordinator and social services to do the interview, and you know, the Secretary for the Clergy, was his responsibility, was a very intelligent person.

So many a time the priest would admit it. If he

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1 did not, we tried everything else to elicit the truth. At  
2 that time, that was the usual practice I think almost  
3 everywhere.  
4

5 Now we have added on, as you know -- as a result of  
6 the charter, we have special investigations.

7 Q. You had made the statement that the person, meaning  
8 the priest, with the allegations against him wasn't on  
9 trial; and if I understood the juror's question correctly,  
10 that's really the point of it, that the person wasn't on  
11 trial or wasn't allowed to be put on trial because the  
12 allegations were never aired outside of the Archdiocesan  
13 organization.

14 A. Because we kept trying to find the truth.

15 Q. Okay. The next question, Cardinal, is: You had --  
16 I believe this relates to the questioning regarding the

17 ~~Avery file, and you had pointed out during Ms. McCartney's~~

18 questioning that one of the victims, [REDACTED], had  
19 made reference to two instances of being abused by Father

20 Avery one time and you had pointed out that on one of  
21 those occasions based on the information in the document,

22 [REDACTED] would have been eighteen years old; and to be

23 fair, I think you did say that, you know, it was also an

24 instance where he had been abused, but you had drawn a

25 distinction between the fact that he was fifteen on one

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occasion and eighteen on another?

A. You know why I drew that distinction? Because here we are dealing with abuse of minors.

Q. Right. Okay. What the juror's question is: What difference does it make whether the victim is fifteen or eighteen if abuse is, by its definition, against the victim's will? In other words, if you're eighteen and you don't agree to the sexual contact, it's still abuse, is it not?

A. I made -- I made it very clear at the time that while I made the distinction, it did not mean that if done at the age of eighteen was any less horrendous. I made that very clear.

Q. Okay.

A. It was an abuse. But you know, it's -- the law distinguishes between the two.

Q. Okay. Cardinal, and then the next one I'm going to read almost verbatim.

The next question that a juror wanted to put to you was: In your opinion, was the covering up of these sex abuse allegations on the part of Archdiocesan priests in your opinion, did that cover up contribute to the devastation of families within the Archdiocese by taking away the purity of the kids involved and by robbing them

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of their souls and by abandoning them to a society that dared not want to know or ask whether they had been abused or not?

A. I saw no evidence at any time that we did any cover up.

Q. Okay. The next question is: There's been a lot of evidence and testimony regarding the fact that these priests that had allegations of sexual abuse of minors against them were treated by therapists and that you relied on the recommendations of therapists, correct?

A. That is correct.

Q. Okay. One of the jurors wanted me to ask you: Did you ever meet with any of these therapists whose opinion you were relying on face to face to question them about their recommendations and about the evaluations that they had performed?

---

A. I did not personally, but my Secretary for the Clergy and assistant frequently met with them.

Q. Okay. Do you have a reason why you never met with any of these therapists?

A. Because it was not -- it was the responsibility of the Secretary for the Clergy and his office assistant to do that. I could not handle all of the functions of an archdiocese of such a large size.

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Q. Okay. The next question is -- and we just have a few more. I apologize. We're going a few minutes over.

The next question that a juror wanted posed is: If the protection of children, as you've testified on many occasions, is the most important priority for the church and for the Archdiocese of Philadelphia, why don't you remember more of the details of these cases?

A. Because I have to remember tens of thousands of items. If I had to -- I mean, my work at the time was --  
consisted -- well, this was the highest priority, and I relied on Monsignor Lynn and the other secretaries of the clergy to keep me apprised of this.

I had tens of thousands of other letters and memorandums. I couldn't possibly remember . . . you know, it would be almost impossible.

Q. Okay. The next question is: Does the Archdiocese currently, to your knowledge, check the family backgrounds of seminarian candidates to determine if there's been a history of sexual abuse in the family or if any of the relatives of the seminarian candidates have been convicted of sex abuse or, you know, child sex crimes?

A. Yes. I understand that. All I can say is that we always have a thorough examination of all seminarians, psychological testing, interviews, multiple interviews.



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Whether or not it reaches to that point of checking the sexual abuse possibilities of their families, I cannot state that. I just don't know.

Q. Okay.

BY MR. GALLAGHER:

Q. Would Monsignor Lynn know that answer?

A. I don't know.

BY MR. SPADE:

Q. The last question, Cardinal, is -- the last question that a juror wanted to be posed is: Do you respect this grand jury process?

A. I do.

Q. Okay.

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1 ANTHONY JOSEPH CARDINAL FERTILACQUA

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(Hearing concluded.)

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

  
Official Court Reporter

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

\_\_\_\_\_  
Judge