

APPENDIX H-1

109-1-19

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

IN RE: : MISC. NO. 01-00-8944
: :
COUNTY INVESTIGATING : :
GRAND JURY XIX : C-1

October 31, 2003

Room 18013, One Parkway
Philadelphia, Pennsylvania

TRANSCRIPT TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA
(Taken on June 26, 2003)

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE
Deputy District Attorney

~~WILLIAM SPADE, ESQUIRE~~
Assistant District Attorney

MAUREEN McCARTNEY, ESQUIRE
Assistant District Attorney

For the Commonwealth

Reported by: Charles Holmberg
Official Court Reporter

VOLUME III

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

MR. GALLAGHER: [REDACTED]

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(The testimony of ANTHONY JOSEPH CARDINAL BEVILACQUA, taken on June 26, 2003, was read to the grand jury. The questions were read by Mr. Gallagher, and the answers were read by Mr. Spade as follows:)

(BY MR. GALLAGHER:)

"Q. Cardinal Bevilacqua, you have been called by this grand jury to testify as a witness in connection with this investigation into C-10.

"Please give the jury your name, and spell it for the record, and your address?

"A. My name is Cardinal Anthony Joseph Bevilacqua.

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2 Spell the name? My last name is B as in boy, E, V as in
3 Victor, I-L-A-C-Q-U-A, and I live at 5700 City Avenue,
4 Philadelphia.

5 "Q. Cardinal Bevilacqua, before appearing today to
6 testify, were you before Judge C. Darnell Jones II this
7 past Tuesday, at which time he swore you in as a witness
8 and advised you of your rights as described on the form
9 which you signed, as well as the requirement for secrecy
10 of these proceedings?

11 "A. Yes, I was.

12 "Q. Did you then understand those rights and do you
13 understand them today?

14 "A. I do.

15 "Q. Do you understand that you have a right to consult
16 with an attorney before or during your testimony before
17 this grand jury?

18 "A. I do.

19 "Q. And we discussed before you came in today that you
20 control the discussions with your attorney and then you
21 advise me if you need to take a recess to discuss anything
22 outside; is that correct?

23 "A. Yes.

24 "Q. Do you further understand that you have the right
25 to have an attorney present with you in this room for

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2 consultation purposes while you are testifying?

3 "A. Yes.

4 "Q. Do you wish at this time to consult with or be
5 represented by counsel?

6 "A. I have counsel.

7 "Q. Do you wish for him to be here?

8 "A. Yes."

9 (MR. GALLAGHER:) "Okay. Now, for the
10 record, counsel, could you please state your name."

11 ---

12 MR. SPADE: Counsel stated his name.

13 ---

14 (MR. HODGSON:) "My name is Clark
15 Hodgson. I practice with the law firm of Stradley,
16 Ronon, Stevens and Young, and I represent Cardinal
17 Bevilacqua."

18 (BY MR. GALLAGHER:)

19 "Q. Cardinal Bevilacqua, please inform the grand jury;
20 are you a citizen of the United States?

21 "A. Yes.

22 "Q. Are you a citizen of any other country?

23 "A. No.

24 "Q. Okay. As a cardinal, do you have any kind of
25 citizenship or any kind of relationship with the Vatican?

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2 "A. Well, not a citizenship.

3 "Q. Okay. And I think we marked it earlier, but if
4 you'd like to refer to it, I'd like you to refer to --
5 although you probably don't have to -- Commonwealth or
6 grand jury exhibit nine five one, which is your biography
7 that is produced on the Archdiocese website. I'm going to
8 ask you a couple questions concerning that."

9 (BY MR. GALLAGHER:)

10 "Q. You were born and raised in Brooklyn; is that
11 correct?

12 "A. Well, I was born there.

13 "Q. Okay.

14 "A. I was raised until the age of five in Brooklyn.
15 Then my family moved to the next borough, Queens.

16 "Q. Okay. And did you attend grade school and high
17 school --

18 "A. I did.

19 "Q. -- at that location?

20 "A. I attended public school for three years,
21 elementary school, and then I was transferred to Saint
22 Thomas the Apostle School.

23 "I graduated from there, went to Richmond Hill High
24 School for six months because there was a gap there. We
25 graduated in February, in elementary school, in my

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1 seminary that I intended to go to in Brooklyn only took
2 you in September.

3
4 "Then I went to in September in Cathedral College
5 Seminary, not as a resident, just a regular community,
6 four years. That's called Cathedral College, but four
7 years of high school, and two years, first two years of
8 college.

9 "Q. Okay. And where was that located?

10 "A. In Brooklyn.

11 "Q. What's your date of birth, please, Cardinal?

12 "A. It's June 17, 1923.

13 "Q. So you just celebrated your eightieth birthday; is
14 that correct?

15 "A. I did the other day.

16 "Q. Now, after you finished Cathedral -- what was it
17 called? Cathedral?

18 "A. Cathedral College.

19 "Q. Okay. And that was a high school?

20 "A. Four years of high school and the first two years
21 of college.

22 "Then I -- then after that, I went to the Seminary
23 of the Immaculate Conception in Huntington, New York.

24 "Q. Okay.

25 "A. That's the last two years of college and four

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1 years of theology.

2 "Q. And then that brought you up to your ordination?

3 "A. That is correct.

4 "Q. And that was on June 11 of 1949?

5 "A. That is correct.

6 "Q. Okay. And after finishing the seminary and being
7 ordained, did you pursue advanced degrees?

8 "A. I did. I was assigned to pursue them. I was sent
9 to study history and political science at Columbia
10 University.
11

12 "It was then interrupted after three years. I did
13 it by night, so it was part time while I was teaching. I
14 was assigned to study canon law in Rome, and I achieved
15 that degree in 1956. That's called the J.C.D. or Doctor
16 of Canon Law.

17 "Q. Okay. So you were in Rome from approximately 1952
18 to the 1956?

19 "A. 1953 to 1956.

20 "Q. And did you receive any subsequent degrees,
21 masters?

22 "A. Yes. I completed my master's at Columbia since I
23 had not finished before I was sent to Rome, and then I
24 achieved the master's in political science at Columbia. I
25 also went to Saint John's law school in Queens and

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2 achieved a J.D. in 1975.

3 "Q. Now, the attendance at the law school, were you
4 working at the time?

5 "A. I was.

6 "Q. Okay. Now, after you finished and got your J.D.,
7 Jurist Doctorate, at Saint John's Law School, were you
8 admitted to practice civil law in New York?

9 "A. I was.

10 "Q. Okay. And are you admitted in any other state?

11 "A. I was admitted also in Pennsylvania.

12 "Q. Okay. When was that?

13 "A. It was about -- I'm not sure of the exact date. I
14 think it was about 1984 or '85.

15 "Q. Okay. So you sat for the bar exam in both those
16 states?

17 "A. No. No, just for the first one.

18 "Q. Just for the first?

19 "A. I was accepted in Pennsylvania.

20 "And then the Supreme Court, also, I was admitted
21 to that, the Supreme Court.

22 "Q. You applied and were admitted to that in how the
23 normal course attorneys do; is that right?

24 "A. Yes.

25 "Q. Now, let's go back to your work experience,

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2 please, Cardinal.

3 "After you graduated from the seminary and was
4 ordained in 1949, what kind of work did you do as a
5 priest?

6 "A. Immediately upon ordination in 1949, I was
7 assigned as an assistant pastor at the Church of Sacred
8 Hearts-Saint Stephen's in Brooklyn. That was followed --
9 after nine months I was transferred to Saint Mary's in
10 Long Island City. That's in Queens, but still the same
11 Diocese of Brooklyn.

12 "After that, I was assigned to teach at Cathedral
13 College and that was 19 -- it was '49, '50. It would have
14 been in September of 1950; and after that, I was
15 assigned -- after three years, I was assigned to study law
16 in -- canon law in Rome.

17 "When I finished that, I was assigned as a --
18 temporarily as a chaplain in the Sisters of Saint Joseph
19 in Brentwood, New York; and I was there -- it was very a
20 temporary assignment, and then I was assigned to the
21 Chancery office in the Diocese of Brooklyn.

22 "Q. And was that in 19 --

23 "A. It would have been in 1957.

24 "Q. Okay. You didn't fill the top position in the
25 Chancellor's office. You were Assistant Chancellor?

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2 "A. No, I was an assistant chancellor.

3 "I was Assistant Chancellor for several years, and
4 then I -- while I was still Assistant Chancellor, the
5 bishop asked me to establish and be director of an office
6 for immigrants and refugees, but that was concomitant with
7 being an assistant chancellor, and then I think it was
8 1975 that I was appointed chancellor.

9 "I stayed on there doing both jobs, Director of the
10 Migration and Refugee Office.

11 "Q. So we're clear, the amount of time that you spent
12 in the parish work, how long was that?

13 "A. It would have been from July of 1949 until
14 September of 1950.

15 "Q. Okay. Now, the teaching position that you had at
16 Cathedral College, what courses did you teach?

17 "A. I taught social studies, world history, and then I
18 was on ready to take -- to teach French, because there was
19 a professor that had heart trouble, and I actually had to
20 do it for a period of time.

21 "Q. So were you teaching high school students at that
22 point, or were you teaching seminarians?

23 "A. They were what we call prep seminarians. In other
24 words, it's a seminary, but not a boarding seminary.
25 Young men interested -- it is a seminary. It's called a

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2 minor seminary. They're young men interested in becoming
3 priests.

4 "Q. Now, during the time that you were in the
5 Chancellor's office as Assistant Chancellor up through
6 1975, were you also teaching at that time, or were you
7 just working on this immigration office?

8 "A. No, I was not teaching at the time. I was doing
9 both, though, after I was teaching. In other words, after
10 '75, when I got my law degree, I was asked to teach at
11 Saint John's Law School, and also I was -- I was also
12 teaching -- while I was in those two jobs, I was teaching
13 at the Seminary of the Immaculate Conception at
14 Huntington. I was teaching canon law there as an ad-hoc
15 professor.

16 "Q. Now, the time that you spent teaching at Saint
17 John's Law School, how long was that?

18 "A. It started in 19 -- I think about a year after I
19 graduated. Just as an ad-hoc professor. I was teaching
20 immigration law at nighttime, and it continued until I --
21 until 1980.

22 "Q. And in 1976, you became a monsignor in the Church?

23 "A. Yes.

24 "Q. And that was when you were the Chancellor -- were
25 you the full Chancellor, the top guy in the Chancellor's

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1 office, at that time?

2 "A. At that time, I -- yes.

3 "Q. And you filled that position as Chancellor up and
4 through 1983; is that correct?

5 "A. That is correct.

6 "Q. Now, you're appointed or elevated to a bishop, an
7 auxiliary bishop, in Brooklyn in November of 1980; is that
8 correct?

9 "A. That is correct.

10 "Q. Okay. And did you still hold the position of
11 Chancellor?

12 "A. I did.

13 "Q. Okay. And in 1983, you were appointed Bishop of
14 Pittsburgh?

15 "A. Correct.

16 "Q. Is it called an appointment, Cardinal?

17 "A. Yes. It is.

18 "Q. And you served as Bishop of Pittsburgh from
19 October of 1983 until December of 1987; is that correct?

20 "A. Not exactly. It was December of '83.

21 "In other words, the appointment is different from
22 actually becoming the bishop.

23 "Q. You were installed as Bishop --

24 "A. In December.

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1 "Q. -- in December?

2 "A. Until 1988.

3 "Q. Okay. And then you were appointed Archbishop of
4 Philadelphia in 1988; is that correct?

5 "A. No, I was appointed in '87.

6 "Q. Okay. And when were you installed?

7 "A. Then I was installed February 11, 1988.

8 "Q. And you've had that position since?

9 "A. Yes.

10 "Q. Since that date, correct?

11 "A. Yes.

12 "Q. Now, you were elevated to Cardinal on June 28,
13 1991; is that correct?

14 "A. Correct.

15 "Q. Where did that happen?

16 "A. In Rome.

17 "Q. Okay. And that was by Pope John Paul II?

18 "A. That is correct.

19 "Q. Could you explain to the grand jurors what's the
20 difference between an archbishop and a cardinal, if any,
21 as far as your position and your authority and your
22 responsibility in the Catholic Church?
23

24 "A. When you're appointed archbishop of an
25 archdiocese, you are the head of that archdiocese. It has

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2 nothing to do with being a cardinal. In other words, I
3 was Archbishop of Philadelphia before I was a cardinal.

4 "A cardinal's responsibility -- and only very few
5 bishops or archbishops become cardinals. Right now I
6 think it's -- there might be only a hundred and fifty in
7 the whole world.

8 "It does not add to your authority in the diocese.
9 It just has to be -- a cardinal has two major functions,
10 and they are -- number one is to be among the chief
11 advisors to the Pope and also that until the age of
12 eighty, you have a right to be called to elect a new pope.

13 "It's completely distinct from being an Archbishop.
14 As I indicated, it's not because I'm a cardinal that I
15 have authority in the Archdiocese or because I'm
16 Archbishop. There are cardinals who are not bishops at
17 all, as we have one in the United States, so you don't
18 have to be a bishop to be a cardinal.

19 "Q. So basically the Archbishop -- and tell me if I'm
20 wrong in this summation.

21 "The Archbishop is in charge of the Archdiocese of
22 Philadelphia, and that's why he's called archbishop, but
23 you're called a cardinal because you're in the College of
24 Cardinals; and you have those two functions --

25 "A. That is correct.

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2 "Q. -- which you've indicated?

3 "A. But to clarify, you can remain an archbishop even
4 though you are not the archbishop of a diocese. Once you
5 are appointed an archbishop, you remain that, though you
6 have no authority.

7 "In other words, when you resign from your
8 archdiocese, your title remains but not your authority.

9 "Q. And now that you've reached the age of eighty,
10 you're still a cardinal, but you are not able to be
11 involved in the election of a pope?

12 "A. That is correct.

13 "Q. Okay. Do you still have the function of advising
14 the Pope?

15 "A. Yes.

16 "Q. Okay. And how often do you advise the Pope
17 through the course of a twelve-month year?

18 "A. There's direct advice and there's indirect advice.
19 Directly, the Pope, four times. I think it's four times
20 since I've become a cardinal he has called all the
21 cardinals to Rome to give him advice on a very particular
22 issue. That's all of them.

23 "Then last year, sometimes by groups. So when he
24 calls a synod -- like, we had a synod for the laity in
25 1987. We had the synod for America just about three years

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1 ago. Those are some of the cardinals and other
2 archbishops to advise the Pope.
3

4 "But cardinals are always there, not all the
5 cardinals, but I was called in 1987 to be part of the
6 synod, and also in about three years ago, for the synod
7 for America.

8 "But you do a great deal of advising by letter and
9 through the agencies of the pope. There are the agencies,
10 for example, the various congregations. They're the top
11 agencies, equivalent to your secretaries in Washington,
12 Secretary of the Interior. So there are about seven,
13 eight congregations, and there are subdivisions of them.

14 "I was a member of four of them, and those are
15 agencies that are the kind of -- they are the delegates of
16 the Pope. So in advising them, I'm really advising the
17 Pope.

18 "Q. And when you advise the Pope, I assume -- you said
19 by writing, but when you do it, you go over to Rome; is
20 that correct?

21 "A. No. No. Most is done by mail.

22 "But at the same time, I can go to the Pope any
23 time, and I've done it several times on my own to advise
24 him about a situation. So I'm free to advise him. Any
25 cardinal is free to advise him anytime.

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1
2 "Q. We can get into that later, but last April, I
3 believe bishops were called by the Pope to meet with him
4 on this issue that we're here today?

5 "A. That's another instance of advising the Pope.

6 "Q. Were you involved in that?

7 "A. I was.

8 "All the cardinals of the United States were called
9 there.

10 "Q. Now, getting back to your career as an attorney,
11 did you ever practice law?

12 "A. I did not.

13 "Q. Okay. You taught law, but you never actually
14 practiced law; is that correct?

15 "A. I need to clarify that. I taught law, but the
16 major purpose of my becoming a lawyer was because of the
17 very high number of immigrants and refugees in the Diocese
18 of Brooklyn, and so that's why the bishop asked me to
19 establish an immigration and refugee office.

20 "And I learned quickly that most of the people had
21 legal problems, and so it was hard to take care of them
22 pastorally, and my task was to give pastoral care for
23 them, but there were so many undocumented aliens.

24 "We had over -- as far as immigrants and refugees
25 at the time in the Diocese of Brooklyn, we estimated close

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2 to a million, and so I went to law school because of their
3 need for legal advice and they couldn't afford lawyers.

4 "Q. Now, Cardinal --

5 "A. I established seven paralegal offices. That's
6 what my training helped.

7 "Q. Okay. In the neighborhoods throughout the
8 Diocese?

9 "A. That's right.

10 "Q. Now, when you were in law school and you studied
11 at Saint John's University, did you take any courses in
12 criminal law or criminal procedure?

13 "A. It was part of the curriculum.

14 "Q. Now, do you have any membership in any legal
15 association? Canon Law Society of America?

16 "A. I do.

17 "Q. And do you regularly attend their meetings?

18 "A. No.

19 "Q. Okay. And how about the American Bar Association?

20 "A. I resigned from that.

21 "Q. And the Pennsylvania Bar Association, were you
22 ever a member of that?

23 "A. I think I was a member, but I don't think I am
24 now.

25 "Q. Okay.

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1 "A. Because I did not -- I did not continue with my
2 continuing education, so I . . .

3 "Q. Well, that was my next question, Cardinal.

4 "As a lawyer in Pennsylvania, we must attend twelve
5 hours of continuing this legal education.

6 "A. Right.

7 "Q. Do you still keep up with that?

8 "A. No.

9 "Q. Okay. Now, I'm going to ask you some questions
10 concerning your role and responsibility as the Archbishop
11 of Philadelphia.

12 "What is your role as the Archbishop of
13 Philadelphia with respect to parishioners, pastoral care
14 and basically taking care of the Catholics in
15 Philadelphia?

16 "A. Theologically it's best explained. A bishop who's
17 bishop of a diocese, and I -- just to clarify, at this
18 point, there's no difference between a bishop and an
19 archbishop. It's just the kind of a honorary thing. So
20 if I use the word 'bishop,' it means the same thing as
21 archbishop.

22 "The role of a bishop who is head of a diocese, and
23 mine is Archbishop, is you take the place of Jesus Christ
24 and you carry out three major functions, and that is --
25

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that is to teach the faith, to sanctify the people and to govern the people.

"Everything falls -- everything we do falls under those three general categories. When you get into specifics, under each one of those three, it becomes very detailed. In other words, I do hundreds and hundreds of things, but they can all be put under one of those three categories.

"Q. Okay. Do you know today the number of Catholics in the Philadelphia Archdiocese? Approximate?

"A. Approximately I think it's about one million four hundred and ninety thousand, close to one and a half million.

"Q. Okay. And do you know what percentage of the population that is in the Archdiocese?

"A. The most recent thing, percentage that I have seen -- I haven't seen anything very recent. It's approximately thirty percent.

"Q. Now, the Archdiocese of Philadelphia includes not only the City of Philadelphia but the surrounding five counties; is that correct?

"A. That is correct.

"Q. Okay. Cardinal, what kind of legal --

"A. Excuse me.

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1 "Q. Yes.

2 "A. Are we talking five? Four. We're talking four
3 surrounding counties.

4 "Q. Okay. Four surrounding counties, Delaware, Bucks,
5 Chester and Montgomery?

6 "A. That's correct.

7 "Q. And Philadelphia is the fifth?

8 "A. And Philadelphia.

9 "Q. What kind of legal entity is the Archdiocese of
10 Philadelphia?
11 Philadelphia?

12 "A. I have to ask my -- my may I speak.

13 "Q. Yes, sir."

14 MR. GALLAGHER: [REDACTED] n

15 [REDACTED].

16 (THE WITNESS:) "I do not know
17 specifically. It's more of an entity but not
18 incorporated."

19 (BY MR. GALLAGHER:)

20 "Q. Okay. So it's not an unincorporated association.
21 It is an unincorporated association?"

22 MR. SPADE: [REDACTED] th

23 [REDACTED]

24 (THE WITNESS:) "It's unincorporated."
25

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(BY MR. GALLAGHER:)

"Q. Okay. So it's not a nonprofit corporation?"

MR. GALLAGHER: [REDACTED]

[REDACTED]

(THE WITNESS:) "No."

(BY MR. GALLAGHER:)

"Q. Is it a corporate sole?"

MR. GALLAGHER: [REDACTED]

[REDACTED]

(THE WITNESS:) "No."

(BY MR. GALLAGHER:)

"Q. So what is it again?"

MR. GALLAGHER: [REDACTED]

[REDACTED]

(THE WITNESS:) "It's an unincorporated entity."

(BY MR. GALLAGHER:)

"Q. But in this unincorporated entity, there's subsections that are nonprofit corporations; is that correct?"

MR. SPADE: [REDACTED]

[REDACTED]

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2 (THE WITNESS:) "Yes. Within the
3 Archdiocese, there are certain entities that are
4 nonprofit. For example, nursing homes. I mean,
5 they belong to the Archdiocese."

6 (BY MR. GALLAGHER:)

7 "Q. And how about hospitals?

8 "A. No, we do not own any hospitals.

9 "Q. Cardinal, do you know what kind of papers you have
10 to file with the state to be an unincorporated entity?"

11 MR. SPADE: [REDACTED]
12 [REDACTED]

13 (THE WITNESS:) "I don't know them."

14 (MR. GALLAGHER:) "Okay."

15 (BY MR. GALLAGHER:)

16 "Q. Now, I'd like to ask you what was the structure of
17 the hierarchy in the Philadelphia Archdiocese when you
18 took over in 1988?

19 "A. Of the Archdiocese?

20 "Q. Correct.

21 "A. At that time, Cardinal Krol was the Archbishop,
22 and until the day that I took over.

23 "Q. Okay. Now, what kind of structure was the
24 hierarchy? By that I mean, how were the offices set up at
25 that point? Similar to the way they were in Pittsburgh

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1 and Brooklyn, where you have a vicar and you have a
2 chancellor's office? Do you recall?

3 "A. Yes. Well, you have -- those are by law. There
4 is a -- we're talking administration?

5 "Q. Excuse me.

6 "A. We're talking administration rather than
7 hierarchy?

8 "Q. Okay.

9 "A. Hierarchy is only the bishop, but in an
10 administration, there are certain levels of officials that
11 are required by law, canon law, and that is every bishop
12 must have a vicar general, at least one, and also a
13 chancellor, and there are other officials."

14 MR. GALLAGHER: Okay. Grand jury
15 exhibit nine five two was marked for
16 identification.

17 (BY MR. GALLAGHER:)

18 "Q. Okay. Now, I'd like to make reference to grand
19 jury exhibit nine five two. We've already had that
20 previously marked. I think I provided you and counsel
21 with a copy before we came in here.

22 "Have you had a chance to review that, Cardinal?

23 "A. Yes.

24 "Q. And that is taken from the Catholic Directory for
25

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1 2003.

2
3 "Is this how the administration of the Archdiocese
4 of Philadelphia is set up today?

5 "A. The way it is today, yes.

6 "Q. Okay. When you took over in 1988, it was not set
7 up this way; is that correct?

8 "A. That is correct.

9 "Q. Okay. And in fact, you did a complete
10 reorganization in the time period, 1988, 1989, 1990; is
11 that correct?

12 "A. Correct.

13 "Q. Okay. And who held the critical positions as the
14 vicar in 1988 when you took over? Do you recall?

15 "A. At the time when I took over, the most -- the
16 Vicar General was Bishop Lohmueller at the time.

17 "I don't recall whether the other auxiliary bishops
18 were also the vicars general, but Bishop Lohmueller was
19 the acting one.

20 "Q. And if you could refer to the chart, nine five
21 two, now directly under you is the Vicar for
22 Administration, Reverend Monsignor Joseph R. Cistone, V.G.
23 Is that Vicar General?

24 "A. That's right.

25 "Q. Okay. So this position was held by Bishop

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1 Lohmueller when you first took over?

2 "A. Kind of the equivalent of it.

3 "It was not exactly the same job description.

4 "Q. Okay. And who changed the job description? Did
5 you change the job description?

6 "A. Yes.

7 "Q. Okay. Now, after Bishop Lohmueller was the Vicar
8 General, Edward Cullen became the Vicar General in 1988;
9 is that correct?

10 "A. Correct.

11 "Q. And he served in that position to 1998?

12 "A. 1998? I thought it was . . . yes. Excuse me. He
13 became bishop, auxiliary bishop. Then he went to -- yes.

14 "Q. So he was a monsignor, I assume, at that time and
15 then became an auxiliary bishop in Philadelphia?

16 "A. That is correct.

17 "Q. And now he's the Bishop of Allentown; is that
18 correct?

19 "A. That is right.

20 "Q. Now, he also then filled this position of Vicar
21 for Administration?

22 "A. Correct.

23 "Q. All right. I don't know if you can agree or
24 disagree with this analogy, but let me give you an
25

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 example.

2 "I was in the United States Navy, and in every
3 command there was a captain, a commanding officer and
4 there was an executive officer who handled the day-to-day
5 administrative duties of the command.
6

7 "Is that similar in the Archdiocese?"

8 "A. It would be analogous to the Vicar for
9 Administration to handle the day-to-day details.

10 "Q. Okay. And is he basically your closest advisor
11 and assistant in the Philadelphia Archdiocese?"

12 "A. Yes.

13 "Q. Now, if we could again refer to exhibit nine five
14 two, could you please tell the grand jurors who in this
15 chart has anything to do with cases of clergy accused of
16 sexual abuse of minors?"

17 "A. My delegate for those situations would be the
18 Secretary for the Clergy.

19 "Q. And that's in the far right?"

20 "A. That is correct.

21 "Q. Lower part of the organizational chart; is that
22 correct?"

23 "A. That is correct.

24 "Q. Now, that Secretary for Clergy is Monsignor Lynn;
25 is that correct?"

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1 "A. That is correct.

2 "Q. And how long has he been in that position? Do you
3 recall?
4

5 "A. I don't recall exactly.

6 "Q. Would I refresh your recollection to say that he's
7 been there since 1993 until today?

8 "A. Yes. It could very well be. I was going to say
9 at least ten years.

10 "Q. Okay. Now, who does he answer to as far as the
11 chain of command?

12 "A. All of them are answerable first through the Vicar
13 for the Administration and through that to me.

14 "Q. Okay. Now, as far as dealing with clergy accused
15 of sexual abuse of minors, who else works in his office to
16 do that?

17 "A. Well, he's the only delegate, but there is a -- he
18 has an assistant that might assist him in certain times.

19 "Q. Okay. Now, these other offices in the Secretary
20 for Clergy, Chaplaincy, Permanent Deacons, Priest
21 Personnel, Retired Clergy, Continuing Formation of the
22 Priests, Seminary and Vocations, do they have anything to
23 do with investigating or handling cases of clergy accused
24 of sexual abuse of minors?

25 "A. No.

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2 "Q. So it's specifically Monsignor Lynn, and who's his
3 assistant?

4 "A. It would be -- right now it would be Father
5 Vincent Welsh.

6 "Q. And they answer directly to the Vicar of
7 Administration?

8 "A. Yes.

9 "Q. And he answers directly to you; is that correct?

10 "A. That is correct.

11 "Q. Okay. If they work on a specific case where
12 there's a claim made, who do they report to and how is the
13 information on what they find communicated to you?"

14 MR. SPADE: [REDACTED]

15 [REDACTED].

16 (BY MR. GALLAGHER:)

17 "Q. When I say who, I mean, Monsignor Lynn and Father
18 Welsh?

19 "A. They would frequently go to -- regularly go to
20 Monsignor Cistone, but in cases like this, it would not
21 be -- there would be times when he would report to me.

22 "Q. Directly to you?

23 "A. Yes.

24 "But I'm presuming he's already reported to
25 Monsignor Cistone.

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1 "Q. Now, during the time period 1990 -- strike that.

2 "1988 through 1998, when Monsignor Lynn had this
3 position, he answered to now Bishop Cullen?

4 "A. Monsignor Cullen at that time.

5 "Q. If Monsignor Lynn and Father Welsh take any action
6 on a case, how is that reported to you?
7

8 "A. Many times they would call me and I would speak to
9 them on the situation.

10 "Q. Are all the activities and actions on a particular
11 allegation, a particular case, completely noted in the
12 secret archive files?

13 "A. I -- I presume so."

14 MR. GALLAGHER: Grand jury nine five
15 three was marked.

16 (BY MR. GALLAGHER:)

17 "Q. All right. I'd like to now look at grand jury
18 exhibit nine five three, a copy of which was provided
19 to you earlier."

20 (MR. GALLAGHER:) "Do you have this,
21 counsel? You left it outside?"

22 (BY MR. GALLAGHER:)

23 "Q. Now, Cardinal, have you had an opportunity to
24 review that today? That's nine five three, which is
25 entitled 'Notice of Submission of Investigation.'

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1 "A. I did not.

2 "Q. Okay. Do you have it?

3 "A. I did not have time to review it.

4 "Q. Okay."

5 MR. GALLAGHER: [REDACTED]

6 [REDACTED]

7 (MR. GALLAGHER:) "Review it now."

8 (THE WITNESS:) "Okay."

9 MR. GALLAGHER: [REDACTED]

10 [REDACTED]

11 (THE WITNESS:) "I have read this."

12 ---

13 (BY MR. GALLAGHER:)

14 "Q. Cardinal, that is the official document that
15 initiated this investigation.

16 "I'm not going to ask you specifics what's in that
17 document, but without telling us what you discussed, have
18 you discussed the topic of this investigation with your
19 attorney?"

20 MR. GALLAGHER: [REDACTED]

21 [REDACTED]

22 (THE WITNESS:) "I would like to
23 discuss this with my attorney at recess."

24 (MR. GALLAGHER:) "Fine. Okay."

25

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(BY MR. GALLAGHER:)

"Q. Generally, what I'm talking about is you're aware of what the purpose of this grand jury is; is that correct?

"A. I'm generally aware of it.

"Q. Okay. And now you're specifically aware of it by reading the document that you've seen, correct?

"A. Yes.

"Q. All right. What I'd like to know -- the next question is a broad question, and I'll follow up with other questions, but what I'd like to know and what the grand jury would like to know is what did you know about the problem of sexual abuse of minors by members of the clergy when you became the archbishop in the Archdiocese of Philadelphia?

"A. You say when I first came here?

"Q. Yes, sir.

"A. I did not know anything. It was not brought to my attention that I recall when I first came here.

"Q. Okay. Did you know anything about the problem of sexual abuse of minors by members of the clergy in the Catholic Church from your other positions at Pittsburgh and Brooklyn?

"A. Well, I knew generally . . . yes, I had some idea

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1 of it at that time.

2 "You're talking about when I came here, did I have
3 previous knowledge? Is that correct?
4

5 "Q. Yes.

6 "A. Yes, because it had come up already in the
7 Conference of Bishops.

8 "Q. Now, you personally in the position of Chancellor
9 at Brooklyn and then the Bishop of Pittsburgh, did you
10 have experience with these type allegations and problems,
11 that is, clergy sexual abuse of minors in those two
12 dioceses?

13 "A. In Brooklyn, I'm not sure, because I was not
14 responsible at the time, but there were two instances
15 brought to my attention that may have been -- this goes
16 back, and I have very vague recollection of this because
17 it had to be in the late sixties or early seventies, but I
18 don't even know if they were actual sexual abuse.

19 "Q. Okay. Did you work on those cases as a chancellor
20 in Brooklyn?

21 "A. There was just a one interview in both cases.

22 "An individual, no investigation or anything.

23 "Q. Now, back in those days, was the Chancellor's
24 office charged with the responsibility of looking into
25 these allegations?

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1 "A. Yes.

2 "Q. Okay. But you only worked -- you recall at this
3 point only two?
4

5 "A. Yes. I was Vice Chancellor at the time.

6 "Q. And when you became Chancellor in Brooklyn as the
7 Auxiliary Bishop there?

8 "A. Never had a case.

9 "Q. Okay. How about when you went to Pittsburgh as a
10 bishop between 1983 and 1987?

11 "A. I remember a few cases there.

12 "Q. Okay.

13 "A. I mean, in the sense I don't remember the details
14 but I remember that there were several instances.

15 "Q. Okay. When you had these cases, did you at that
16 time research any information about this problem?

17 "A. It was not personally. Again, it was delegated to
18 the equivalent of the Secretary for the Clergy.

19 "Q. Okay. That's in Pittsburgh?

20 "A. In Pittsburgh.

21 "Q. And he reported to you also; is that correct?

22 "A. Yes. He generally would.

23 "Q. Okay. I'm talking -- now I'm going to talk about
24 since that time when you were in positions of
25 administrative supervision in Brooklyn, Pittsburgh and now

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA
2 in Philadelphia.

3 "What did you know about this topic? What did you
4 learn about this topic?"

5 MR. SPADE: [REDACTED]

6 [REDACTED]

7 (THE WITNESS:) "I have . . ."

8 MR. GALLAGHER: [REDACTED]

9 [REDACTED]

10 (BY MR. GALLAGHER:)

11 "Q. All right. Let me ask you --

12 "A. I say the reason why I'm hesitant is that I can
13 make so many distinctions. Your questions are extremely
14 broad. What do I know about it?

15 "Q. All right. Let me ask you some specific
16 questions.

17 "You have some knowledge of this topic, correct?

18 "A. Yes. Yes.

19 "Q. Okay. Is your knowledge based on meetings that
20 you had at the now called the U.S. Conference of Catholic
21 Bishops, previously called the NCCB, which was the
22 National Conference of Catholic Bishops? Is your
23 knowledge -- was it gleaned from those meetings?

24 "A. Mostly from them.

25 "Q. Okay. Did you sit on any special committees on

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1 this dilemma on those committees?

2 "A. Specific for the --

3 "Q. On those --

4 "A. Specific of this issue?

5 "Q. Yes.

6 "A. No.

7 "Q. Did you have discussions with other bishops during
8 your time as an auxiliary bishop, then Bishop in
9 Pittsburgh and now Archbishop of Philadelphia, about
10 this --

11 "A. Could you repeat that, please.

12 "Q. Did you have any discussions with other bishops?

13 "A. Yes.

14 "Q. Okay. Did you attend through the years -- and now
15 I'm talking about your full career at this point, not just
16 directly.

17 "Did you attend any workshops on clergy abuse of
18 minors?

19 "A. There were several workshops that were sponsored
20 by the Conference of Bishops. I did.

21 "Q. Okay. Do you recall when they were?

22 "A. The last one was -- had to be a good six, seven
23 years ago.

24 "Q. And how about seminars here in Philadelphia or in
25

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1 Pittsburgh on this?

2 "A. No.

3 "Q. It's always associated through the USCCB?

4 "A. Yes.

5 "Q. Have you read anything in the news media about
6 this? In other words, there's been large articles written
7 in the news media, in the New York Times, the Boston
8 Globe. I don't think there's anything in the Philadelphia
9 papers about this, but in those two publications, there's
10 been a lot of articles written.
11

12 "Have you conferred with those?

13 "A. Forgive me. What kind of articles?

14 "Q. On clergy abuse of minors?

15 "A. (No response.)

16 "Q. Clergy sexual abuse of minors?

17 "A. Well, I read the New York Times and also the local
18 paper.

19 "Q. Okay. When the New York Times prints a news story
20 about this topic, do you read it?

21 "A. Well, frequently I do.

22 "Q. Okay. And how about the Boston Globe? They've
23 been following this topic since early 2002.

24 "Have you read the Boston Globe?

25 "A. I've never read the Boston Globe.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Not one article at all?

3 "A. Not even one.

4 "Q. And how about the television programs? They've
5 had some television news programs on this topic.

6 "A. If it was a news item, at times I would. I don't
7 watch television that much, but sometimes I would.

8 "Q. Okay. There's also over the years been several
9 books written on this subject.

10 "Have you read any of them?

11 "A. No.

12 "Q. Have you read any reviews of a book called the
13 Slayer of the Soul by Father Stephen Rossetti?

14 "A. No.

15 "Q. How about have you read any reviews, or do you
16 know anything -- have you ever heard anyone speak about
17 these other books?

18 "A. I've read none.

19 "Q. Okay. Pedophiles and Priests: Anatomy of a
20 Contemporary Crisis by Philip Jenkins, who is a professor
21 at Penn State University, do you know of him?

22 "A. I know of him, yes, but I did not read his book.

23 "Q. Okay. How do you know of him?

24 "A. Well, through publicity, and also, he was on our
25 commission. He was a member of the commission, what we

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1 call the Alvare Commission.

2 "Q. And one of the initial books on this, books in the
3 last fifteen years -- strike that -- the last eighteen
4 years, was a book entitled 'Lead Us Not Into Temptation:
5 Catholic Priests and the Sexual Abuse of Children' by
6 Jason Berry.

7 "Are you aware of that book?

8 "A. No.

9 "Q. And another book by A.W. Richard Sipe, called
10 'Sex, Priests, and Power: Anatomy of a Crisis,' that was
11 published in 1995, are you familiar with that book?

12 "A. No.

13 "Q. Are you familiar with any of the writings of
14 Richard Sipe?

15 "A. No.

16 "Q. And the most recent book -- well, not the most
17 recent book. Strike that.

18 "A book that came out the last year, called
19 'Betrayal: The Crisis in the Catholic Church,' by the
20 investigative staff of the Boston Globe, Ben Bradlee Jr.,
21 are you familiar with that book at all?

22 "A. No.

23 "Q. Have you read reviews or have you talked to
24 anybody about these books?
25

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1 "A. No.

2 "Q. Okay. When you -- let me ask you about experts.

3 "Have you contacted, had any contact with experts
4 that have worked in this field? In other words,
5 specifically, did you meet personally with any experts in
6 the psychiatric field that worked or treated victims of
7 sexual abuse of minors or adult survivors to learn about
8 this problem?
9

10 "A. Did I meet with them?

11 "Q. Yes.

12 "A. I did not.

13 "Q. Okay. Did you know of anybody on your staff,
14 Monsignor Lynn or Monsignor Cistone or Bishop Cullen?

15 "A. I'm not sure, but I'd like to discuss this with my
16 lawyer.

17 "Q. Okay. Go ahead."

18 MR. SPADE: [REDACTED]

19 [REDACTED]

20 (THE WITNESS:) "Could I ask for
21 clarification."

22 (MR. GALLAGHER:) "Sure."

23 (THE WITNESS:) "I didn't hear --
24 perhaps I didn't understand. You said did I meet
25 with victims?"

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2 (MR. GALLAGHER:) "Yes."

3 (THE WITNESS:) "No. I thought it was
4 just experts."5 (MR. GALLAGHER:) "No. No. That's my
6 next question."

7 (THE WITNESS:) "Oh."

8 (MR. GALLAGHER:) "You're anticipating
9 things."10 MR. GALLAGHER: We're trying to give
11 you all the details.

12 (BY MR. GALLAGHER:):

13 "Q. I want to know if you met with any experts,
14 psychiatrists, psychologists, in the field that worked or
15 treated victims?"

16 ---

17 (THE WITNESS:) "I can say that I met
18 them, but I did not discuss much with them.19 "Those that were on that commission,
20 there were several experts when I established the
21 commission, I met with all of them first to thank
22 them for participating and all, but it wasn't any
23 kind of discussion really that I recalled."

24 (BY MR. GALLAGHER:)

25 "Q. Have you read anything from any source on this

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1 issue of clergy abuse, sexual abuse of minors?

2 "A. There are -- yes. I -- you know, ecclesiastical
3 magazines. There have been a number of articles from so
4 many different viewpoints, you know, from different
5 angles. I read them, but I didn't read any of the ones
6 that you mentioned.

7 "Q. There's a magazine called 'America, The Catholic
8 Weekly,' and they ran a series of articles last May and
9 June. Did you read those?

10 "A. I did not.

11 "Q. What magazines or periodicals did you read?

12 "A. Well, I read the Homiletic and Pastoral Review.

13 "Q. Excuse me?

14 "A. Homiletic and Pastoral Review.

15 "Q. Who's that published by?

16 "A. I think it's our Sunday Visitor. It's a

17 newspaper, and the Sunday Visitor also is a weekly
18 newspaper, and they would have articles. The Catholic
19 Register is another newspaper, Catholic newspaper, and
20 they would have articles, and I would read those.

21 "Q. Okay. Have you directed any of your staff, that's
22 Monsignor Cistone or Monsignor Lynn, to keep track and
23 abreast of these items like I've mentioned?

24 "Have you directed them to read any of these books?
25

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2 "A. No. No.

3 "Q. Have they indicated to you that they've read any
4 of these books?

5 "A. No.

6 "Q. Have you met with victims of sexual abuse, either
7 the children and the parents, or have you met with any
8 adult survivors of childhood sexual abuse at the hands of
9 clergy?

10 "A. Yes.

11 "Q. Where and when did that happen?

12 "A. It happened during the past year, and it would
13 occur at the rectory at the Cathedral, my Cathedral.

14 "Q. And how many people did you meet with?

15 "A. I guess -- I can just approximate. I think about
16 seven or eight.

17 "Q. Prior to that, you never met with any victims of
18 clergy abuse, sexual abuse of minors?

19 "A. In a general way. I met at the time of the
20 meeting of the bishops in Dallas in 2002. There was --
21 they asked for some of us to meet with the victims, and I
22 went, and there was something like about -- must have been
23 about three cardinals were there, several bishops, and
24 there were about twenty to twenty-five, in that area, of
25 victims.

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1 "Q. How long did that last?

2 "A. That lasted a couple of hours.

3 "Q. Okay. So there was approximately thirty people in
4 the room discussing this topic; is that correct?

5 "A. Yes.

6 "Q. Did you seek out and discuss information about
7 sexual predators from anyone in law enforcement?

8 "A. No.

9 "Q. When did you first learn about pedophilia?

10 "A. I first learned about it in the Conference of
11 Bishops when we had some of the workshops and we had
12 doctors there, and they defined the terms.

13 "I never heard the terms before, to be honest with
14 you, but they explained the terms and the distinctions
15 between the two.

16 "Q. When was that?

17 "A. I'd say the last one -- it was several times.
18 Around -- probably one of the first ones was around 19 --
19 I think around 1987, '88. Then there was one a few years
20 later, about '92, '93.

21 "Q. Did you learn anything about treatment of
22 pedophilia?

23 "A. From the medical point of view?

24 "Q. Yes.

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2 "A. Well, I presume. I don't remember any specifics
3 of that. I'm sure they talked about it, but . . .

4 "Q. Did you ever learn about the average number of
5 victims that a pedophile has?

6 "A. No.

7 "Q. Did you read or study any psychiatric or
8 psychology books on paraphilias or specifically of
9 pedophilia?

10 "A. Psychology books? No.

11 "Q. And the only experience that you had in this area
12 as the auxiliary bishop and chancellor in Brooklyn in '80
13 to '83 and Pittsburgh were two cases in Brooklyn and how
14 many cases in Pittsburgh?

15 "A. I don't -- see, I must clarify. I don't know if
16 there was sexual abuse in Brooklyn, but I remember two
17 that came to me, and it's only afterwards that I --
18 looking back, that they may have been sexual abuse.

19 "Q. Okay. When you say you don't know if there was
20 any in Brooklyn, you mean you don't know if you worked on
21 any in Brooklyn; is that correct?

22 "A. Oh, I did not work on any specifically.

23 "Because -- I mean, do I have to describe the case?

24 "Q. No. I don't want you to describe the case. I
25 just want to know -- my topic in this line of questioning,

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1 Cardinal, and if I'm not making myself clear, is to
2 understand the depth and the breadth of your knowledge and
3 experience in dealing with these cases.
4

5 "A. I'd say the ones in Brooklyn I didn't even connect
6 it with it, with sexual abuse of a minor. Strictly
7 speaking, I didn't.

8 "In Pittsburgh, there were just a few cases that
9 were brought to my attention by I presume at the time the
10 Secretary of the Clergy equivalent, and they were sexual
11 abuse of minors, but they --

12 "Q. You're talking about Pittsburgh now?

13 "A. Pittsburgh, yes. And it was just described to me
14 what occurred, but didn't go in depth about it.

15 "Q. Did you make any decisions in those cases?

16 "A. I followed the recommendation of the Secretary of
17 the Clergy, but I remember, you know, that I followed his
18 recommendation.

19 "Q. And was his recommendation to put the particular
20 priest back into parish work?

21 "A. No. No. My -- I know one thing was that he was
22 sent away for psychiatric evaluation, and then after that,
23 I do not recall, you know, what the recommendation -- we
24 generally follow the recommendations of the medical
25 experts.

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1 "Q. Okay.

2 "A. But I'd say I just have a vague recollection that
3 we did not put them back into any environment involving
4 children.
5

6 "Q. Okay. Was law enforcement informed about these
7 cases?

8 "A. (No response.)

9 "Q. In Pittsburgh I'm talking about?

10 "A. In an official manner, I don't -- I -- I can't
11 recall that.

12 "Q. Okay. I think at this point now we've been here
13 an hour. I'm going to take a break.

14 "A. Okay."

15 MR. GALLAGHER: [REDACTED]

16 [REDACTED]

17 MR. SPADE: [REDACTED].

18 MR. GALLAGHER: [REDACTED]

19 MR. SPADE: [REDACTED]

20 [REDACTED]

21 MR. GALLAGHER: [REDACTED]

22 (BY MR. GALLAGHER:)

23 "Q. Cardinal, just to go back a little bit to what we
24 were discussing, you indicated that you met with some
25 victims here in Philadelphia and some in Dallas at the

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 last year's USCCB meeting; is that correct?

3 "A. That is correct.

4 "Q. Prior to those meetings, you've never met with any
5 victims of clergy abuse of minors; is that correct?

6 "A. That is correct.

7 "Q. Okay. Did you have a policy?

8 "A. That is correct.

9 "Q. Did you have a policy of not meeting with the
10 victims prior to 2002?"

11 MR. SPADE: [REDACTED]

12 [REDACTED].

13 (THE WITNESS:) "As a general --
14 generally, I did not meet with them."

15 (BY MR. GALLAGHER:)

16 "Q. Well, my question is --

17 "A. I don't recall. I may have met with one, but I'm
18 not sure.

19 "Q. Okay. But did you have a policy?

20 "A. No.

21 "Q. Did you pronounce to your Vicar General as well as
22 to the Secretary of the Clergy that you would not, you
23 personally would not, meet with victims?"

24 MR. SPADE: [REDACTED]

25 [REDACTED]

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1
2 (THE WITNESS:) "Yes. It's hard to say
3 it was a policy, but I generally did not meet with
4 them, and I asked my advisors and my counselor
5 about it, you know, as far as meeting victims, and
6 it was recommended that I do not."

7 (BY MR. GALLAGHER:)

8 "Q. You had someone advise you not to do that?"

9 MR. SPADE: [REDACTED] S

10 [REDACTED]

11 (THE WITNESS:) "Yes."

12 (BY MR. GALLAGHER:)

13 "Q. Who was that?"

14 "A. Generally, my Vicar -- my Secretary for the Clergy
15 and my Diocesan Legal Counselor.

16 "Q. Okay.

17 "A. But it was not an absolute. In other words, if
18 there was a reason to meet with them, I would have.

19 "Q. Okay. But you did not. You only remember meeting
20 with one prior to 2002?

21 "A. I think there was just one, yes.

22 "Q. We previously discussed your sources of knowledge
23 for this subject, and you've indicated it's basically
24 discussions with other bishops at the meetings of the
25 USCCB, but you haven't done any independent research

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2 yourself; is that correct?

3 "A. Just reading various articles, which also -- I
4 neglected that when we went to these workshops of the
5 bishops, they would give us written information, binders.

6 "Q. Okay.

7 "A. And there was -- there was a great deal of
8 information in those.

9 "Q. Okay. Outside of reading those things and all
10 those, you didn't do any of those other things I
11 indicated?

12 "A. No, I did not.

13 "Q. Why didn't you do that?

14 "A. I didn't think it was necessary.

15 "Q. Now, I want to talk to you about your arrival here
16 in Philadelphia and the issue and the scope of clergy
17 sexual abuse of minors.

18 "What steps did you take to become familiar with
19 the scope of the problem in Philadelphia when you arrived
20 and took over the Diocese from Cardinal Krol in 1988?

21 "A. At the beginning, I had to get used to a lot of
22 things, as you can imagine, as Archbishop, and I
23 received -- I waited for about six or seven months to
24 learn about the Archdiocese; and then I needed to look for
25 someone to be my Vicar for Administration, and when I

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 found him in Monsignor Cullen, we established this new
3 structure.

4 "And then it was about that time that I began to
5 probe into this particular issue and ask what is the
6 situation here, because there was no -- nothing was ever
7 brought to my attention in the first, six, seven months,
8 that there was any kind of allegation. So I wanted to
9 know what -- you know, what was the situation here.

10 "I don't remember all the details of that, and
11 that's when I established the Secretary for the Clergy and
12 delegated him to handle any cases that would come. That's
13 how it began.

14 "Q. Okay. But during that seven-month period, who
15 continued to handle if cases came in?

16 "A. Until then, it was the Chancellor.

17 "Monsignor Shoemaker.

18 "Q. And did he report to you?

19 "A. Yes, but I don't -- I don't recall any cases
20 reported to me.

21 "Q. And did you meet with Cardinal Krol and Archbishop
22 Lohmueller and Monsignor Shoemaker and assistants
23 concerning the scope of the cases that were present at
24 that time?

25 "A. No, I did not.

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 "Q. Why didn't you meet with them?

3 "A. I felt that if it was something very serious at
4 that time, you know, allegation or anything, they would
5 have brought it to my attention, but I had -- I was coping
6 with so many issues in the first, six, seven months, that
7 the fact that they didn't mention anything to me meant
8 that it was -- you know, there was nothing critical at the
9 time.

10 "Q. Okay. How about Cardinal Krol? Did you have any
11 discussions with him about this?

12 "A. Cardinal Krol?

13 "Q. Cardinal Krol. Correct.

14 "A. No. No.

15 "Q. How about at the meetings of the United States
16 Conference of Bishops when it came up? Do you recall any
17 conversations with Cardinal Krol about this when you were
18 in Pittsburgh and he was here in Philadelphia?

19 "A. No.

20 "Q. Okay. Now, specifically, did you review the
21 secret archives files of all the priests who had
22 previously been accused of sexual abuse of minors as well
23 as their current status in the Archdiocese when you took
24 over in 1988?

25 "A. I did not.

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 "Q. Why did you not do that?

2 "A. Because I felt it was adequately handled by the
3 Secretary for the Clergy that I had appointed.
4

5 "Q. Okay. And how did you know that it was adequately
6 handled by him?

7 "A. I presumed because I picked someone at the time
8 that was, you know, a very competent person.

9 "Q. Okay?

10 "A. That was his responsibility.

11 "Q. Did you review the personnel files of those
12 priests who also had secret archive files?

13 "A. I did not.

14 "Q. Okay. And why didn't you do that?

15 "A. Because I relied on my Secretary of the Clergy's
16 recommendations if anything was necessary to be done.

17 "And if he felt that I had to be told, he would
18 have told me.

19 "Q. Do you remember him bringing any particular files,
20 secret archive files or personnel files to your attention
21 at that time?

22 "A. I don't recall that. No. I don't recall that.

23 "Q. When you took over, did you ascertain what priests
24 had current allegations lodged against them?

25 "A. I did not.

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 "Q. Okay. And why didn't you do that?

2 "A. Because I relied that it was being handled by the
3 Secretary for the Clergy.
4

5 "Q. And how did you know that he was competently
6 handling it?

7 "A. The fact that he didn't tell me anything meant
8 that he was . . . you know, there wasn't anything critical
9 at the time, and I knew that the Secretary for the Clergy,
10 if it was something critical, would have told me and also
11 that he would have always sought advice from legal counsel
12 if there's something critical.

13 "Q. Okay. Let's talk about the time period from 1989
14 through 1993. The Secretary for the Clergy at that time
15 was John Jagodzinski; is that correct?

16 "A. Correct.

17 "Q. And that's the person that you relied upon --

18 "A. Yes.

19 "Q. -- during that time period when you were taking
20 over the reign of the Archdiocese of Philadelphia --

21 "A. Yes.

22 "Q. -- to handle all these matters?

23 "A. Yes.

24 "Q. And if he had files or secret archive files that
25 needed your attention, he would bring them to your

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 attention?

2 "A. Generally.

3 "Q. Okay. And did that practice continue from '89
4 through '93?
5

6 "A. Yes.

7 "Q. And from '93 until today, it's Monsignor Lynn; is
8 that correct?

9 "A. That is correct.

10 "Q. So I'm correct to say that you did not read the
11 files of problem priests who have been accused of sexual
12 abuse of minors when you took over in 1988?

13 "A. That is correct.

14 "Q. You didn't read any of the files?

15 "A. That is correct.

16 "Q. Did you ever ask to personally review memos on the
17 priests who had allegations in the past during the
18 administration of Cardinal Krol?

19 "A. I don't recall it, asking anyone to do that.

20 "Q. Okay. So there could have been priests at that
21 time when you took over who had allegations who could have
22 still been abusing children; is that correct?

23 "A. I think that's . . ."

24 MR. SPADE: [REDACTED] S

25 [REDACTED]

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (THE WITNESS:) "I'd like to discuss
3 this with my legal counsel."

4 MR. SPADE: [REDACTED]
5 [REDACTED]

6 (THE WITNESS:) "May I ask you to
7 repeat the question again."

8 (BY MR. GALLAGHER:)

9 "Q. The question was: You relied upon Monsignor
10 Jagodzinski -- strike that:

11 "You relied upon Monsignor Shoemaker, Monsignor
12 Jagodzinski at that time period, I'm talking about the
13 transition period when you first came to the Archdiocese,
14 to handle these cases; and my question is: Do you know,
15 because you didn't look into it, but do you know if there
16 were any priests at that time who had previously been
17 accused of abusing children, did you know they were still
18 operating in the Archdiocese?

19 "A. It would -- I don't recall being told that. It's
20 very hard to answer the question. I can't answer that. I
21 can't make a judgment on that.

22 "Q. Recently you appeared on Lynn Doyle in June of
23 2002 and discussed this topic. Do you remember that
24 appearance, Cardinal?

25 "A. Very general, yes.

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1 "Q. And at that time, you assured her and the viewing
2 public and the members of the Catholic Church here in
3 Philadelphia that as best as you could tell, there was no
4 one presently in the Archdiocese of Philadelphia that was
5 sexually abusing children.
6

7 "Do you remember saying that?

8 "A. Yes. After 2002.

9 "Q. Yes. Okay. When you took over in 1988, in 1989,
10 would you have been able to make that same proclamation to
11 the people of Philadelphia?

12 "A. I don't know whether anyone -- that anyone's
13 actually abusing, but -- or had been. No one brought it
14 to my attention at the beginning.

15 "Q. So since you didn't look at any files back in
16 '88 --

17 "A. No.

18 "Q. -- of previous priests --

19 "A. That's right.

20 "Q. -- you didn't take any notations or open any files
21 or anything in that regard?

22 "A. I did not.

23 "Q. Do you recall meeting with anyone who had been
24 directed to investigate these allegations of sexual abuse
25 of minors?

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 "A. When I first took over?"

3 MR. SPADE: [REDACTED]
4 [REDACTED].

5 (THE WITNESS:) "There's -- the only
6 thing I can say that I recall, and that was I
7 directed that at that time, and it must have been
8 about '89, that we have to be very careful about
9 any such cases, and that I wanted them, you know,
10 to be responsible for them, but I can't recall any
11 other."

12 (BY MR. GALLAGHER:)

13 "Q. Do you recall in those early stages of taking over
14 the Archdiocese whether you directly met with any priest
15 who had been accused of sexual abuse of minors?

16 "A. I may have met with them, did not know that they
17 were being accused at the time.

18 "Q. Okay. Did you meet with them because of the fact
19 that they had been accused?

20 "A. No.

21 "Q. Were meetings going on with priests that had been
22 accused at that time?

23 "A. Between my -- I entrusted everything to my
24 Secretary for the Clergy. I don't know whether they were
25 meeting with them.

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1
2 "Q. Without telling me specifically any information
3 that you gleaned from this meeting, I want to know whether
4 or not when you first took over in 1988, did you discuss
5 any of the pending cases or the current cases and the past
6 cases with the attorneys for the Archdiocese?"

7 MR. SPADE: [REDACTED]

8 [REDACTED]
9 (THE WITNESS:) "I would like to
10 discuss this at recess with my attorney."

11 (BY MR. GALLAGHER:)

12 "Q. Now, when you took over in 1988, did you review
13 the assignment of every priest who had ever had
14 allegations against him in the Archdiocese of
15 Philadelphia?"

16 "A. I don't recall that.

17 "Q. Cardinal, could you speak up a little bit.

18 "A. Excuse me. I'm sorry.

19 "Q. You don't recall?"

20 "A. I said I don't recall that.

21 "Q. Okay. So you could have reviewed the assignment;
22 you just don't remember?"

23 MR. SPADE: [REDACTED]

24 (BY MR. GALLAGHER:)

25 "Q. And I'm talking about the assignment of priests

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 who had previously been accused of sexual abuse of minors?

2 "A. At the beginning, I . . . I'd have to be -- say it
3 would lean more I never did, but I don't recall any.
4

5 "Q. All right. Now, I'd like you to explain to the
6 grand jurors what is the process for reviewing allegations
7 of sexual abuse of minors by priests that this Archdiocese
8 has followed in the fifteen years since you've taken over
9 as Archbishop.

10 "A. I know from the time that I reorganized the
11 administrative process, that it would have been -- when I
12 finally established it under Monsignor Jagodzinski, pretty
13 much that's what my recollection is.

14 "We followed this process, continued until we made
15 it a written policy a few years later, that when an
16 allegation is made, comes in -- and I hope I remember all
17 the steps.

18 "When an allegation comes in, my delegate, the
19 Secretary of the Clergy, would immediately interview the
20 accuser and establishing whether or not it was a credible
21 allegation, and as soon as he felt it was a credible
22 allegation and then generally offer to try to help the
23 person himself or herself.

24 "The accused, that is the priest accused, would
25 then be called in immediately many times -- when I say

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1 many times, several times. We had these cases. It could
2 be the same day. It never, that I recall, went beyond
3 twenty-four to forty-eight hours, depending on whose
4 available. So it was quite promptly after the accusation
5 was made.
6

7 "If the priest admitted it, he would be sent for
8 psychological evaluation but would be removed from his
9 assignment. If the priest denied it, generally he would
10 also be asked to undergo an evaluation and -- but he would
11 be told that this process of seeking psychological
12 examination and perhaps even temporarily being removed
13 from his assignment was not an indication of guilt or
14 innocence if he had denied it.

15 "Depending on the evaluation of the medical experts
16 who we would follow through, following their
17 recommendation, he might be sent for further treatment,
18 either in-house resident treatment or outpatient. We
19 would then await, and we would also try to inform the
20 accuser of what occurred.

21 "Depending on the recommendation of the medical
22 expert, we would determine whether or not such a person
23 would be given a further assignment.

24 "If there was admission or further evidence,
25 sufficient evidence that he was guilty, at that time the

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1
2 medical experts might make a recommendation as far as for
3 the ministry. But my recollection is from pretty much
4 from the very beginning, that person -- if it was a
5 recommendation that this person, they might say, was
6 capable of returning to ministry, let's say, if that was a
7 recommendation, that that person would not be given an
8 assignment involving any kind of contact with children,
9 what we would call restricted ministry.

10 "Whenever an accusation was made, another step that
11 was a regular practice, immediately the Secretary for the
12 Clergy would be in contact with our diocesan lawyers
13 regarding, you know, what civil obligations are required.
14 It could be about reporting and so on and how to act.

15 "The recommendations sometimes of the medical
16 experts might be that this person should be under
17 supervision even though under restricted ministry, and we
18 would follow as much as we could the supervision aspects
19 of the directives of the medical experts.

20 "The accuser would be informed of what we have
21 done, and that is pretty much the general outline of the
22 process.

23 "Q. All right. I'd like to direct you back to the
24 first step in the process where you said that there would
25 be a determination of whether or not there was a credible

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 allegation.

3 "What factors or what standards did you put in
4 place to make that determination?

5 "A. I don't think we set down any criteria. It was
6 the Secretary of the Clergy would sense it. Most of the
7 time we'd always try to follow as much as possible any
8 allegation.

9 "When I talk credible, it would be one that's
10 not -- at least not frivolous. There are some -- certain
11 instances at times when it's a very frivolous accusation.

12 "Even then I recall that in one instance, that's
13 the only thing, one instance I remember, was so frivolous
14 that we still investigated, though.

15 "Q. Okay. Did you sit down with your Vicar General
16 and the Secretary of the Clergy and instruct them as to
17 how you wanted them to investigate these allegations?

18 "A. No. I left it up to their knowledge.

19 "Q. Okay. And leaving it up to their knowledge, what
20 did you know about their knowledge as far as how to do
21 this?

22 "A. I relied on their -- I relied on them as far as
23 their intelligence and their knowledge of canon law,
24 because we have our own investigative process, even in our
25 own canon law, and that they would follow -- they would

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 follow that procedure, which was a very adequate
2 procedure.
3

4 "Q. Okay. What was it?

5 "A. (No response.)

6 "Q. What was that procedure that they would follow?

7 "A. Well, I mean, they borrow from that, that you
8 would listen to your accuser and ask if there were any --
9 you know, what evidence you have. They could be asked
10 witnesses, any kind of information that would corroborate
11 their story.

12 "Q. Now, is this process dictated by canon law?

13 "A. There is a process in canon law for
14 investigations. Yes.

15 "Q. Okay. Explain that to the grand jurors?

16 "A. In a Code of Canon Law, whenever someone's accused
17 of something that in the church is considered a crime, and
18 ~~this would be one of them, there is a preliminary~~
19 investigation made, and they use all the normal means,
20 witnesses, written material, whatever; and you would --
21 based on that, and you'd see is this a reason, is this a
22 credible one, meaning that very obviously the person is
23 not unreasonable in the accusation.

24 "By that I mean, there are extreme cases where you
25 can tell. I mean, not that it happened to me, but I

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1
2 remember -- use an example of one of the bishops in the
3 conference saying that there was a person in his diocese,
4 as soon as somebody's name appeared in the paper,
5 immediately called up and say that person abused her. I
6 mean, it would be dozens and dozens, but that would be
7 considered a frivolous one.

8 "But we generally gave credence to allegations. I
9 do not know of any that was not given some kind of
10 acceptance in a sense of considered something we should
11 investigate.

12 "Canon law also says you must ask -- call in the
13 accused and listen to his story and use the normal means
14 of -- you know, of follow up on what he says as far as
15 investigation.

16 "Q. Did Monsignor Shoemaker, Monsignor Jagodzinski and
17 then Monsignor Lynn, did they have any training on how to
18 investigate these cases?

19 "A. Except their knowledge of canon law -- I'm not
20 talking about formal training. I'm not aware of any.

21 "Q. Now, you said that the most immediate call after
22 you got an allegation was to the lawyers for the
23 Archdiocese; is that correct?

24 "A. As a general rule.

25 "Q. Okay.

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 "A. The Secretary of the Clergy was to be in contact
2 with the lawyers.
3

4 "As far as guidance on -- you know, on reporting it
5 to the civil authorities and perhaps some other issues. I
6 don't know any in specific, but they would be in contact
7 with our lawyers.

8 "Q. Okay. So the law enforcement wasn't called in?

9 "A. Excuse me?

10 "Q. Law enforcement was not called when you had a
11 determination there was a credible allegation?

12 "A. Not that I recall.

13 "Q. Okay. Why weren't they called?

14

15

16

17

18

19

20

21

22

23

24

25

(THE WITNESS:) "They would talk to our
lawyers. They would talk to our lawyers. The fact
~~that the lawyers did not suggest that they report~~
it to the police, then they were not.

But I did forget, in the process, that the victim
was always told that they have a right to report it
to the police, and there were times I -- I even
think they were encouraged to do it."

(BY MR. GALLAGHER:)

"Q. Okay. Now, you've told me that law enforcement

))
1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 was not called because you checked with your lawyer or you
3 talked about it with the victim and sometimes you would
4 encourage them to contact law enforcement; is that
5 correct?

6 "A. I think that that's -- at times that would happen,
7 yes.

8 "Q. My question, Cardinal, is: Why did not the person
9 who this was reported to and why did you not direct that
10 person to report it to law enforcement themselves?"

11 MR. SPADE: [REDACTED]

12 [REDACTED]

13 (THE WITNESS:) "One of -- from the
14 very beginning I, -- we're always conscious that we
15 had to conform to the law of the state, and that's
16 what we did.

17 "We did it exactly what the law of the
18 ~~state required, but you know, there are times, I~~
19 would say, we always told the victims you are free
20 to do it, but at that time, as I recall, can
21 I . . ."

22 MR. SPADE: [REDACTED]

23 [REDACTED]

24 (THE WITNESS:) "It was our standard
25 policy that we always conform with what the law

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required, and that's it. I mean, when the law

required it, then we did it."

(BY MR. GALLAGHER:)

"Q. So the only time that -- and I'm talking about the early stages when you took over in '88 through '89 up through '93, when Lynn took over.

"The only time that you would report this to law enforcement or direct it to be reported to law enforcement is if the law required it; is that correct?

"A. That's pretty much the situation. Yes.

"Q. Well, the law at that time did not necessarily require it, but my question to you is: Why did you not report it to law enforcement?

"You said it was a crime under canon law. You know the criminal law because you studied it. Why didn't you direct the people that were in charge to report these violations of the criminal law to law enforcement?"

"A. We always wanted to conform to what the law required.

"Q. You wanted to conform to what the law required.

"My question is: You knew it was a crime. The people that were working on this knew it was a crime. As a citizen of this city and county, why did not they report that crime to law enforcement?"

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2

3

4

(THE WITNESS:) "I have to repeat that

5

the victims always were free to report it."

6

(BY MR. GALLAGHER:)

7

"Q. Excuse me, Cardinal. I'm not talking about the

8

victims. I'm talking about you and the men that worked

9

for you that this report came into about a crime.

10

"I'm not talking about the victims. I'm talking

11

about not what was required of you?

12

"A. I understand.

13

"Q. But what as a normal person walking out in the

14

street would report a grievous offense like this, why

15

didn't you do it?

16

"A. Because the Secretary of the Clergy was advised by

17

our legal counsel that they did not have to do it.

18

"Q. Okay. As a human being, regardless of who they

19

were, Secretary of the Clergy, regardless of who they

20

were, advised by an attorney, as a human being, if they

21

knew a crime was committed, why didn't they report it to

22

law enforcement?"

23

MR. SPADE:

24

25

(THE WITNESS:) "I have to repeat that

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 at the time, we felt that we were doing what we
3 were supposed to do, and that's conform to the
4 law."

5 (BY MR. GALLAGHER:)

6 "Q. Okay. Let me ask you in another way, Cardinal. I
7 hate to belabor this issue, but it's a very important
8 issue. Okay.

9 "What we're talking about here, if it's a credible
10 allegation and you found it to be a credible allegation,
11 is what has been termed in some areas as soul murder,
12 murder of an innocent child's soul, that was brought to
13 the attention of the people that worked for you and to
14 you.

15 "If a murder, a physical murder where we had a body
16 and corpus and they had some evidence of that, wouldn't
17 you expect that you and the people that work for you would
18 report this to law enforcement?"

19 MR. SPADE: [REDACTED]

20 [REDACTED]

21 (THE WITNESS:) "In this area, I think
22 I'd like to discuss this at recess with my lawyer."

23 (BY MR. GALLAGHER:)

24 "Q. You relied upon -- he's now Monsignor Jagodzinski.
25 He's the pastor at Saint Katharine of Siena, correct,

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Cardinal?

3 "A. Correct.

4 "Q. And Monsignor Lynn, he's still Secretary for the
5 Clergy?

6 "A. Yes.

7 "Q. They're the two main guys that you relied upon to
8 look into these clergy abuse sexual abuse of minors,
9 correct?

10 "A. That is correct.

11 "Q. Basically for the last fifteen years?

12 "A. Yes.

13 "Q. They're like the go-to guy, correct?

14 "A. Yes.

15 "Q. And you relied upon their setting the standards
16 and the factors to rely upon in determining whether or not
17 they were credible allegations --

18 "A. That's correct.

19 "Q. -- correct?

20 "And you indicated that you relied upon them to
21 find these credible allegations, relying upon their
22 knowledge of what they'd have to look at as far as canon
23 law is concerned --

24 "A. Yes.

25 "Q. -- correct?

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"Do either of these men have a degree in canon law?

"A. No.

"Q. Well, where did they get their experience as far as determining credible allegations and rely upon canon law?

"A. First of all, they learned canon law in the seminary. They did not get a degree in it, but they were taught canon law, and I presume -- I have to say presumption, that when they were involved in this, they may have studied more particularly this area of the law of the Church. Other than that, I -- I cannot add.

"Q. You taught canon law yourself --

"A. I did.

"Q. -- is that correct?

"Did you ever have conversations with them that indicated that you were sufficiently satisfied that they knew what they were doing as far as determining credible allegations?

"A. Not specifically on that, but I trusted them.

"Q. Okay. Now, after they made these investigations and they came up with credible allegations, would they bring them to your attention?

"A. They would indicate -- they didn't indicate. They did not report to me every step of the way. But they

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1 would generally inform me what the result was, whether the
2 priest admitted it, or what was the next step, that he did
3 not admit it, and they were going to send him for a
4 medical evaluation and that he was going to have to stay
5 in the psychological facility for a period of time.

7 "Q. But in a particular case when allegations come in
8 and they did their investigation and they determined it
9 was a credible allegation and then they went and they
10 talked with the priest and they got a response from him
11 and then a decision had to be made as to whether or not to
12 remove someone from a parish or an assignment --

13 "A. Yes.

14 "Q. -- they would bring that --

15 "A. Generally they would bring it to me.

16 "Q. Okay. And who would make the decision as to
17 whether or not someone would be sent for a medical
18 evaluation?

19 "A. It's not a decision, because you cannot force
20 someone to undergo psychiatric treatment.

21 "Q. Well, then now let me ask you another way.

22 "Was a decision made by -- excuse me -- by
23 Monsignor Jagodzinski and Monsignor Lynn that that was the
24 step that had to be taken in your process?

25 "A. It would be the recommendation."

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MR. SPADE: [REDACTED]

MR. GALLAGHER: [REDACTED]

MR. SPADE: [REDACTED]

(BY MR. GALLAGHER:)

"Q. Okay. And that recommendation would go to the priest.

"How many priests --

"A. They would recommend it to me.

"Q. Okay.

"A. Generally, and I would concur with their recommendation.

"Q. And would you direct them then to go to the priest and recommend to him that he seek medical treatment?

"A. Yes.

"Q. So those decisions were made by you as far as who would have to be referred to medical treatment and who would not?

"A. The ultimate decision.

"Q. But the decision as to that step of the process that the person had to go, the priest had to go for medical treatment, that ultimate decision was made by you?

"A. It's not -- it's not a question that you could

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 force him.

2
3 "Q. I understand that, but the decision to make that
4 recommendation to him, every one of those was directed by
5 you; is that correct?

6 "A. I think generally they did."

7 MR. GALLAGHER: [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 MR. SPADE: [REDACTED]

13 ---

14 (A luncheon recess was held.)

15 ---

16 AFTERNOON SESSION

17 ---

18 MR. GALLAGHER: [REDACTED]

19 [REDACTED]
20 [REDACTED]

21 GRAND JURY SECRETARY: [REDACTED]

22 [REDACTED]

23 MR. SPADE: [REDACTED]

24 MR. GALLAGHER: [REDACTED]

25 [REDACTED]

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1

2

3

4

5 (BY MR. GALLAGHER:)

6 "Q. Okay. Now, when they came to you with a work-up
7 of a case, that is, the initial allegation, the initial
8 investigation, the decision and the investigation of from
9 the priest, what he said, and then the decision to send
10 the priest, take him out of the assignment, okay, how was
11 that done? Over the phone? In meetings? In writing?

12 "A. It would vary, my recollection. That it -- it
13 could be over a phone. It could be in the person, that he
14 wanted to come and see me, that it -- and I don't recall
15 whether at times it might have been in a memorandum, but I
16 don't recall.

17 "Q. But this has happened several times in the last
18 fifteen years, correct?

19 "A. Yes. I don't recall a large number of times.
20 Several times.

21 "Q. Okay. And did you have a standard practice of how
22 you would do this?

23 "Would you just sit down with Monsignor Jagodzinski
24 and Monsignor Lynn and go over their findings, go over
25 their memos and make a decision?"

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Was there give and take between you and them as
3 far as reaching that decision?

4 "A. It was where -- the process would vary, and there
5 was not a standard process.

6 "Q. Okay.

7 "A. It would be a communication of some sort, and if I
8 wanted to inquire more, I would call him up or I'd say
9 come up and see me, because all of this was considered
10 confidential.

11 "Q. But --

12 "A. And most of the time that I recall, you know, I
13 wouldn't ask questions. I would listen to them, and they
14 would tell me. I'd say: I accept the recommendation.

15 "Q. Now, when you listened to them, did you take notes
16 yourself?

17 "A. I did not.

18 "Q. Okay. Do you maintain any notes on these
19 allegations yourself?

20 "A. No. I never did.

21 "Q. Okay. Where are the notations of your decisions
22 about this maintained?

23 "A. It could be verbal. If it was a memorandum, and I
24 don't recall any, I would just sign my initials.

25 "Q. Okay. And where would that paperwork go?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. It would be back to the Secretary for the Clergy.

3 "Q. And where would he put it?

4 "A. I presume in the -- you know, with the file on
5 this particular priest, and that would be considered a
6 special secret archive file.

7 "Q. Okay. Now, these notations, when you made these
8 decisions, and they came in and presented to you, would
9 you also ask for them to look at the personnel file so you
10 could see that particular priest's history in the
11 Archdiocese?

12 "A. I know I did not.

13 "Q. Okay. So the only thing you relied upon is the
14 memos from these --

15 "A. Not necessarily a memo. It could be a personal
16 meeting. If it was a memo, then I would render my
17 decision on his recommendation.

18 "Q. Okay. And when they came in and they talked to
19 you over the phone or in a meeting or in a recommendation,
20 would you ever send back to them directions to further
21 investigation or take other steps in an investigation?

22 "A. I don't recall any, because I accepted the
23 recommendation.

24 "Q. Now, you have in the Archdiocese, in running this
25 hierarchy, you have what is called issues meetings; is

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 that correct?

2 "A. It's not part of that. It's a practice that I
3 have.
4

5 "Q. Okay.

6 "A. It's not required by law, but -- in any way. I
7 just do it for myself personally.

8 "Q. Okay. And these issues meetings are held how
9 often?

10 "A. There's no set schedule. My Vicar for
11 Administration will let me know. Sometimes it averages
12 every couple -- two weeks or so.

13 "Q. Every two weeks?

14 "A. About. About. Sometimes it could go longer than
15 that. It could be three weeks.

16 "Q. Okay.

17 "A. And it would be a variety of issues that he would
18 just want my other -- him and my other advisors to reflect
19 on.

20 "Q. Now, at these issues meetings, would you ever
21 discuss allegations of sexual abuse of minors by clergy?

22 "A. No. No. I don't recall ever having that as an
23 issue. Never discussed it, that I recall --

24 "Q. No particular case?

25 "A. -- no.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Was ever discussed at an issues meeting?

3 "A. No. I can't recall any single one.

4 "Q. Now, in the Archdiocese, there's a Personnel
5 Board; is that correct?

6 "A. Yes.

7 "Q. And what is that?

8 "A. It's a board made up of appointees of myself that
9 I have appointed, and others are elected by the priests,
10 about half and half, mostly I think elected by priests.

11 "Its purpose is to recommend to me assignments of
12 priests in the Archdiocese. That's its main purpose. And
13 at times if we want a change in policy on personnel
14 assignments, I would -- they would be the body that would
15 handle that, to make recommendations to me.

16 "Q. And how often does the Personnel Board meet?

17 "A. On average, about -- I think about four times a
18 year.

19 "Q. Okay. Do they meet in anticipation of the annual
20 reassignments that happened in the springtime, late
21 springtime?

22 "A. They meet less frequently in the fall and all, but
23 the last part of the assignment, generally have the last
24 two meetings generally close together as we approach the
25 spring assignments.

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 "Q. And do you preside over those meetings?

2 "A. I do.

3 "Q. And at those meetings, priests that have had
4 previous allegations of sexual abuse of minors and their
5 assignments, are they discussed?
6

7 "A. No.

8 "Q. You never discussed that a priest had had a
9 previous allegation against him --

10 "A. No.

11 "Q. -- at the Personnel Board?

12 "A. I don't recall ever discussing that at a Personnel
13 Board meeting. Those would be handled separately.
14 Handled separately.

15 "Q. Recently since -- when did you set up -- and it's
16 on the chart there. I don't know if you have it in front
17 of you.

18 "You originally set up regional vicars; is that
19 correct?

20 "A. That is correct.

21 "Q. When was that? Do you recall, Cardinal?

22 "A. That was pretty much at the beginning, but around
23 the end of '88, maybe a little longer, because I had an
24 advisory committee set up on that, so it may have gone
25 into '89. It may have.

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 "Q. But since 1989, you've had regional vicars?

2 "A. I do.

3 "Q. And how often do you meet with them?

4 "A. I meet them about four times a year.

5 "Q. And do you meet them collectively, all the
6 regions?

7 "A. Yes.

8 "Q. Now, at these meetings, do you ever discuss the
9 reassignment of priests based on previous sexual
10 allegations of abuse of minors?

11 "A. I never recalled that being discussed at any of
12 those meetings.

13 "(Pause.)

14 "Q. When decisions concerning the assignment of
15 priests who had allegations filed in the secret archive
16 file were being discussed, did you or your staff review
17 the contents of the secret archive file as well as the
18 personnel file to assist you in making these decisions of
19 assignment?
20 assignment?

21 "A. Did I do it?

22 "Q. Yes.

23 "A. I did not.

24 "Q. Okay."

25 MR. SPADE: 

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1

2 [REDACTED].

3

(THE WITNESS:) "Oh, excuse me."

4

(BY MR. GALLAGHER:)

5

"Q. Did you or your staff?

6

"A. Oh, or your staff.

7

"I presume my staff would review the file before they would make a recommendation.

9

"Q. Okay. And what I'm talking about here, Cardinal, is an allegation was made maybe during Cardinal Krol's reign, and then subsequent to that, there was an investigation and there was a secret archives file opened on a particular priest, and he was given a new assignment, maybe a restricted ministry or full ministry. That's happened, correct?

16

"A. I don't recall that.

17

"Q. You don't recall ever assigning someone to a new assignment who had previous allegations against him?

19

"A. No. You said full ministry.

20

"There's a difference between restricted and full ministry.

22

"By restricted ministry -- by full ministry would be any ministry. It could be anything, but including that in a parish or a facility that has children, I don't recall that.

25

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

"Restricted, if someone had a -- if someone was guilty of sexual abuse of a minor, I don't recall that they were ever -- when an assignment was to be made under my tenure, I can't recall any time actually assigning that person to a parish where children were involved.

"It was restricted, meaning it could be a chaplaincy in a hospital, depending -- depended a great deal on the -- you know, the recommendation of the medical experts.

"In one instance, I recall there was no ministry. That person was not assigned to any.

"Q. So you're confident that in the last fifteen years, there's been no priest who had a previous allegation of sexual abuse of a minor ever assigned a full ministry in this Archdiocese."

MR. SPADE: [REDACTED]

(THE WITNESS:) "That's hard for me to answer. I'd like to discuss that with my lawyer."

(MR. GALLAGHER:) "Okay."

MR. SPADE: [REDACTED]

The lawyer answers: "Yes." The witness answers: "Yes."

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 (BY MR. GALLAGHER:)

2 "Q. What's your answer?

3 "A. Forgive me. I have to say I don't recall any, but
4 it's possible. It's possible without my knowledge that
5 one or two may have slipped through as far as being
6 assigned to a full ministry, but I don't recall any of
7 them.
8

9 "Q. So it could have happened but you just don't know
10 about it?

11 "A. That's right. Although . . ."

12 MR. SPADE: [REDACTED]
13 [REDACTED]

14 (THE WITNESS:) "It's hard -- I just
15 don't recall anytime that happening."

16 (BY MR. GALLAGHER:)

17 "Q. Would Monsignor Jagodzinski or Monsignor Lynn know
18 about it happening?

19 "A. I -- you'd have to ask them. I don't . . ."

20 "Q. As a result of the subpoena that was issued for
21 the secret archive files, this investigation has been
22 given a hundred and twenty files, approximately, of
23 priests that have been accused of sexual abuse of minors.

24 "Are you aware of that, Cardinal?

25 "A. I know they were subpoenaed and we cooperated

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1 fully.

2 "Q. We got seven boxes, and it breaks down to
3 approximately a hundred and twenty different priests.
4 Some are Archdiocesan. The majority of which are
5 archdiocesan priests, some of which are religious order
6 priests.
7 priests.

8 "Are you aware of that?

9 "A. May I ask you. You said there were a hundred and
10 twenty different priests?

11 "Q. Yes.

12 "A. I did not know there was that number.

13 "Q. Well, there were seven boxes, and we've gone
14 through them, and there's a hundred and twenty different
15 priests, the majority of which are diocesan priests, some
16 of which are religious order priests?

17 "A. This is the first time I heard that number.

18 "Q. ~~When decisions are made as far as a new assignment~~
19 is concerned, is every assignment -- does every assignment
20 need your approval?

21 "A. Yes. You're talking about priests now?

22 "Q. Correct.

23 "A. Yes.

24 "Q. And --

25 "A. And we're talking diocesan priests?

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Clergy would have recommended, have in his mind what that supervision meant, and also it would be in conformity generally with the recommendations made by the medical facility.

"They might vary on what kind of supervision he would need, and I would accept the recommendation of the Secretary for the Clergy.

"Q. Okay. Were you informed about whether or not they abided by these restrictions?

"A. Not . . . I mean, all I can say is I probably would have been informed if they found out that they violated them. So until I was informed of that, it wasn't -- I was constantly sent reports on it.

"Q. Was anyone directed to monitor these restrictions.

"Did you direct anybody to monitor the restriction if a restriction was put on a priest?

"A. I presume the one in charge would be -- that the Secretary of the Clergy would see to that as whether he was properly monitored.

"Q. I want to ask you a series of questions about various actions in following through and implementing this topic that we're talking about, and that is the policy and the procedure when allegations came in.

"I'd like to know who had the authority to take the

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following action: Decisions of what action to take to investigate a complaint?

"A. That would be part of our policy, and the Secretary for the Clergy would follow through on the investigation.

"Q. Who made a decision whether or not an investigation was complete,

"A. That would be the Secretary for the Clergy.

"Q. Did you ever disagree with their decisions?

"A. My recollection is I never -- I did not.

"Q. So you accepted every one of their investigations as being complete; is that correct?

"A. If they recommended so, yes.

"Q. Okay. Who had the authority to make a decision as to what to tell a current parish when an investigation was underway?

~~"A. The recommendation would be from the Secretary for the Clergy.~~

"Q. And you would make that decision to tell him go ahead, go ahead with that recommendation as to what to tell a parish when an investigation was underway?

[REDACTED]

[REDACTED]

(THE WITNESS:) "At -- yes. In this

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matter also, I'd have to say that if he recommended it, he more than -- he would ask me, and it would be ultimately my decision."

(BY MR. GALLAGHER:)

"Q. So in other words, he would say it was okay to tell the parish no, there isn't an allegation of child abuse, but Father so and so is ill and he needs a leave of absence? You would direct that?

"A. I would upon his recommendation, yes.

"Q. And who would make a decision whether or not to notify law enforcement if a credible allegation came into the Secretary of Clergy and to you after an investigation?"

MR. SPADE: 


(THE WITNESS:) "Because -- well, let

~~me put it this way. I -- he probably would -- the~~
Secretary of the Clergy would probably do it himself, if he ever had to do that."

(BY MR. GALLAGHER:)

"Q. Do you ever remember in the last fifteen years directing either of these two Secretaries of Clergy to notify law enforcement?

"A. Yes. After 2002.

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 "Q. Okay. Before 2002?

2 "A. No, I don't recall anytime.

3 "Q. So of all the cases that we've looked at, you've
4 never directed anyone to notify law enforcement; is that
5 correct?
6

7 "A. But the victim was told that they could.

8 "Q. No. No. I'm talking about people that work for
9 you.

10 "A. No. No, I don't recall ever directing anyone.

11 "Q. The decision as to whether or not a recommendation
12 would be made for a priest to go for initial psychiatric
13 and psychological evaluation, who would make that
14 decision?

15 "A. Again, it's part of our policy. I think I
16 explained before it's part of our policy of always any
17 allegation, that the priest ordinarily would be asked to
18 ~~undergo psychological evaluation.~~

19 "My Secretary of the Clergy, as a general policy,
20 would inform me of that, and I would agree with that
21 recommendation, that he be recommended to go --

22 "Q. So you made the decision?

23 "A. I made -- I agreed --

24 "Q. For a person to get psychiatric evaluation?

25 "A. Yes, that he be --

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1 "Q. The priest?

2 "A. That he be asked to go.

3 "Q. And as far as a new assignment, after the case was
4 completely investigated and after he was evaluated, a
5 decision on a new assignment, that would be made by you?
6

7 "A. Yes. Upon recommendation, all assignments of
8 priests are made -- ultimately, it's my decision.

9 "Q. Okay. And as far as the particulars of the
10 restrictions, if there was a restriction put, as far as
11 the ministry, as well as contact with -- well, as far as
12 the ministry is concerned, those recommendations would be
13 made to you and you would either approve or disapprove; is
14 that correct?

15 "A. That is correct.

16 "Q. Okay. How about contact with the victim and their
17 families? Who would make a decision as to what to tell
18 those people?

19 "A. That's part of the policy, and that would be the
20 Secretary of the Clergy would inform the victim and the
21 family of any developments that he felt he should tell
22 them. Ordinarily, that would not be brought to my
23 attention.

24 "Q. Okay. Was it ever brought to your attention that
25 we're not going to tell these people anything?

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1 "A. I don't ever recall that.

2 "Q. So in every case, after there was an allegation,
3 it was the policy that your Secretary of the Clergy would
4 have to explain to the victim and his or her family what
5 the resolution of the case was; is that correct?
6

7 "A. That is correct."

8 MR. SPADE: [REDACTED]
9 [REDACTED]

10 (THE WITNESS:): "It's part of the
11 policy, and as a general rule, that's what he would
12 do."
13

14 (BY MR. GALLAGHER:)

15 "Q. As far as a notification of a new assignment, how
16 would that be communicated to the priest?

17 "A. A recommendation would be made to me, and a letter
18 would be addressed to the priest, and that would be
19 assigned by me as a general rule. This is your new
20 assignment.

21 "Q. And how about notification to the parish where he
22 was leaving and the parish where he was being reassigned?
23 Who would do that notification?

24 "A. It could be done as a general rule verbally, and I
25 don't say it's an absolute practice. He would inform the

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1 pastor of the parish, or whoever the superior of his
2 previous assignment, that this priest is going to be
3 transferred, and I frequently, not as a general -- not
4 necessarily absolute, the priest or superior, whoever it
5 was, to the place where the priest was to go to, would be
6 informed perhaps verbally by telephone, as far as those
7 two, but the -- and there would be a public -- there would
8 be a public, as a general -- typically, there would be a
9 public announcement in our diocesan paper. It would be
10 published there.
11

12 "Q. Was the parish that he was removed from because of
13 a credible allegation, were they ever informed as to the
14 fact that there was a finding of a credible allegation by
15 the Archdiocese' Secretary of the Clergy.

16

17

18 (THE WITNESS:) "I'd have to say

19 generally they were not informed."

20 (BY MR. GALLAGHER:)

21 "Q. Generally they were not informed?

22 "A. That is correct.

23 "Q. Okay. And how about the new parish? Generally,
24 were they informed that there had been an investigation
25 and a decision made by the Archdiocese as to the

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 whether that allegation was frivolous or credible? Was
2 that ever communicated to the parishioners of the new
3 parish?
4

5 "A. Generally they were not informed.

6 "Q. Okay. Why weren't the old parish and the new
7 parish told about priests who had been -- received
8 allegations and been the subject of allegations of clergy
9 abuse, sexual abuse of a minor?

10 "A. I think here we have to consider the importance of
11 confidentiality at certain times. Even when there's
12 investigation, if there was not an admission or proof, the
13 fact that there's an investigation doesn't mean the priest
14 was guilty yet.

15 "It may be -- maybe there would be -- I'm talking
16 in the abstract. Maybe there was reason to transfer that
17 priest. That doesn't mean he was guilty.

18 "Q. Well, let's just talk about the credible
19 allegations where he was guilty and in fact not only was
20 there a credible allegation --

21 "A. I don't --

22 "Q. Excuse me. Not only was there a credible
23 allegation, but there was an admission by the priest?

24 "A. First of all, I don't -- I don't recall ever we
25 would send -- send that priest to another parish. Might

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1 be . . . so it might be that the recommendation would say
2 he may be reassigned to another ministry, and as a general
3 rule, I -- you know, we would . . . I don't know what it
4 involved. We would inform the . . ."

6 MR. SPADE: [REDACTED]
7 [REDACTED].

8 (THE WITNESS:) "Could I ask to repeat
9 the question, please."

10 (BY MR. GALLAGHER:)

11 "Q. Okay. The question was: There was a credible
12 allegation against a priest, okay, and he admits it. He's
13 sent off for treatment. He's then put in a new ministry.

14 "Are the people that he's dealing with in the new
15 ministry informed that he was guilty of a credible
16 allegation of sexual abuse of a minor?"

17 "A. I have to repeat that as a -- generally, my
18 recollection that he would not be sent to a parish, but it
19 could be another ministry, a chaplaincy, a restricted
20 ministry like that.

21 "Q. Okay. Let me give you an example.

22 "Say someone was put in a ministry, a chaplaincy of
23 a hospital, and there was children in that hospital. Were
24 the hospital and the people that the children in that
25 hospital, or their families, were they notified that this

()

()

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 priest had a credible allegation of sexual abuse of a
3 minor?

4 "A. That's . . . I -- I don't recall ever that
5 everybody in that hospital would be notified, but it was
6 not -- it was typically the superior of that new
7 assignment would be informed.

8 "Q. And was he directed to let the people know that
9 this priest was working with --

10 "A. I do not recall.

11 "Q. -- had a previous credible allegation?

12 "A. I did not direct that.

13 "Q. Okay. Why did you direct it?

14 "A. What?

15 "Q. Why did you not direct that?

16 "A. Because I think the confidentiality has to be
17 respected here and they have to make the judgment.

18 "Q. Okay. Did you ever check with the victim whether
19 or not they were comfortable with the confidentiality --

20 "A. Well, it's my --

21 "Q. -- or did you ever ask the victim whether they
22 thought it would be wise for you to tell, someplace where
23 the priest was going, what they had done to that victim?

24 "A. I left further questions on that to my Secretary
25 for the Clergy. I mean, I did not do it myself.

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1
2 "Q. Okay. But did you ever think about telling them
3 to do it?"

4 MR. SPADE: [REDACTED]

5 [REDACTED]
6 (THE WITNESS:) "To give a clear
7 answer, may I just disturb you and ask you to ask
8 the question again."

9 (BY MR. GALLAGHER:)

10 "Q. Well, just so you're clear about the question I
11 asked and I'm clear about it, why don't I have the
12 stenographer read it back, please.

13 "(The court reporter read back the
14 following:

15 "'QUESTION: Or did you ever ask the
16 victim whether they thought it would be wise for
17 you to tell, someplace where the priest was going,
18 what they had done to that victim?"

19 "'ANSWER: I left further questions on
20 that to my Secretary for the Clergy. I mean, I did
21 not do it myself.

22 "'QUESTION: Okay. But did you ever
23 think about telling them to do it?')

24 [REDACTED]

25 [REDACTED]

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (THE WITNESS:) "In answer to that
3 question, I never directed the Secretary of the
4 Clergy."

5 (BY MR. GALLAGHER:)

6 "Q. To do that?

7 "A. To do that.

8 "Q. Why?

9 "A. We relied on the advice of the medical experts,
10 and I presume the Secretary for the Clergy relied on that,
11 and no one ever said, you know, we should be asking the
12 victims.

13 "Q. What advice did you get from the medical experts
14 as far as how to handle this?

15 "A. I did not always see the medical reports, but they
16 would -- they would indicate as a final recommendation
17 some specific.

18 "Now, either don't assign this priest -- I'm just
19 talking in general, that he should not be assigned, or
20 they might make distinctions and say this priest can be
21 assigned. We think he is -- whether they use the word
22 healed or cured, I don't know, that he can be given some
23 kind of ministry. We suggest that he not be assigned in
24 any place where children are involved.

25 "It depends on the period of time, too. In the

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1
2 early history, I have read that some medical experts even
3 allow them to go back to parish ministry. It depends on
4 the development of learning even among the medical
5 experts.

6 "And so if the recommendation was made by the
7 medical facility that this priest is sufficiently helped
8 by us and that he is capable of a ministry, we would
9 generally at that time follow the recommendation, assign
10 him to a ministry.

11 "But they wouldn't tell us that you have to tell
12 anybody. Ordinarily, I don't recall that.

13 "Q. In answer to this previous question, you indicated
14 that you would rely upon what the medical community told
15 you as far as how to address this issue with the victims?

16 "A. No, I -- I don't recall that, believe, if I did,
17 how to address it, as far as telling the new community or
18 the new assignment.

19 "Q. My question is this: If you had a credible
20 allegation, you took that credible allegation back and
21 told the victim, okay, would you then ask the victim
22 whether or not they thought it was a good idea to tell the
23 next assignment where this credible perpetrator was going,
24 whether or not he had -- and whether he had done something
25 to that victim?

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1 "Do you understand my question?

2 "A. Yes. You're asking me whether or not we asked the
3 victim as to the feasibility of the new assignment and
4 whether the new assignment should be informed; is that
5 correct?
6

7 "Q. That's right.

8 "A. I don't recall ever asking -- directing the victim
9 to be asked that question.

10 "Q. Okay. Would you ask the victim whether or not
11 they thought it was wise for you to put a credible
12 predator priest and what to tell the new assignment?"

13 MR. SPADE: [REDACTED]

14 [REDACTED].

15 (THE WITNESS:) "I see I'm getting
16 confused about the question. May I ask for a
17 recess with my lawyer."

18 (MR. GALLAGHER:) "Sure."

19 ---

20 MR. GALLAGHER: [REDACTED]

21 [REDACTED]

22 MR. SPADE: [REDACTED]

23 MR. GALLAGHER: [REDACTED]

24 [REDACTED]

25

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (BY MR. GALLAGHER:)

3 "Q. Cardinal, I want to talk about the parish where
4 the priest was assigned when the credible allegation came
5 in. That's what I want to talk about.

6 "In any of these cases, did you and your staff ever
7 notify the parishioners in his present parish that a
8 priest in their parish have been accused of sexually
9 molesting a child?"

10 MR. SPADE: [REDACTED]

11 [REDACTED]

12 (THE WITNESS:) "The reason I'm

13 hesitant was, asking that, generally, no."

14 (BY MR. GALLAGHER:)

15 "Q. And why wouldn't you do that?

16 "A. In one case I did go up to the parish.

17 "Q. Okay. What parish was that, Cardinal?

18 "A. That would have been Saint Helena's. Saint

19 Helena's Parish.

20 "Q. Was that Father Craig Brugger?

21 "A. Yes. I did that because it was already public.

22 "Q. Okay. And in no other case in the last fifteen
23 years did you go to the parish where the priest was
24 residing and inform them that there was an allegation of a
25 child being molested by a priest in that parish; is that

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 correct?

2 "A. I never went to any other parish.

3 "Q. Did you ever direct the Secretary of the Clergy or
4 the pastor or anyone in the Archdiocese to tell the parish
5 that there was an allegation of sexual abuse by one of the
6 priests?
7

8 "A. No.

9 "Q. Why not?

10 "A. Because if the priest was in an assignment --
11 you're talking about the priest already assigned, I
12 presume.

13 "Q. Correct.

14 "A. We relied on the medical recommendations, and
15 medical recommendations, first of all, did not recommend
16 that. They didn't say anything.

17 "They wouldn't tell us that this priest is suitable
~~18 for an assignment, and to have the parishioners told that~~
19 this man had been -- you know, had a credible accusation
20 that even he admitted it, that he would not be able to
21 function in that parish anymore.

22 "Q. I'm not worried about whether he would be able to
23 function. I'm worried about whether or not you went back
24 to that parish and told them that a priest had been
25 assigned there had a credible allegation against him. Why

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 didn't you do that?

2 "A. This is after he's left the parish?

3 "Q. Correct.

4 "A. Yes. When he was -- you mean, when he was
5 removed.

6 "Q. Yes. After he left.

7 "A. I saw no reason to do that.

8 "Q. Wouldn't it have been advisable to go back to the
9 parish and advise them to find out whether or not that
10 priest had any other victims in that parish?
11

12 "A. I'm saying that I -- you know, I did not think it
13 was advisable.

14 "Because I didn't see any -- anyone who was -- who
15 happened to be abused by the priest in that parish, they
16 knew they could come to us anytime.

17 "Q. Okay. But what I'm saying to you is: Did your
18 ~~investigators or anyone in the parish, the pastor, ever~~
19 inform that parish where he had abused someone that there
20 was an abuser amongst them?

21 "A. He did not.

22 "Q. Okay. And don't you think it would have been
23 advisable to do that, to find out if he had abused anyone
24 else?

25 "A. I repeat what I said before, we did not see it was

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 necessary because no one was held back from reporting it.

2 "Q. Weren't you concerned about whether or not there
3 were other victims in that parish?
4

5 "A. Oh, I'd be concerned about any victim, but
6 there's -- if they wanted to come to us, they could have
7 come anytime.

8 "Q. So you left it all up to these innocent children
9 to come forward and make these claims; is that correct?

10 "A. Their families.

11 "I don't see -- there was no restriction on
12 anybody. They could come any time at all.

13 "Q. I'm not questioning the restriction that you may
14 or may not have intentionally or unintentionally put upon
15 the other parishioners.

16 "All I'm asking is: Don't you think it would have
17 been wise to go back to that parish to find out if there
18 were other victims in that parish?

19 "A. No, I didn't think it was necessary, and I don't
20 see why we had to do that.

21 "Q. Weren't you concerned about the other children of
22 this victim?

23 "A. I'm always concerned about victims. Always."

24 MR. GALLAGHER: [REDACTED]

25 [REDACTED].

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

Next question:

(BY MR. GALLAGHER:)

"Q. Did you or anyone in the Archdiocese ever ask any parishioner to contact law enforcement if there were allegations of sexual abuse by a priest and the priest admitted molesting the child?

"A. Forgive me. Could -- there are so many elements to that.

"Q. Did you or anyone in the Archdiocese ever ask any parishioner to contact law enforcement if there were allegations of sexual abuse by a priest and the priest admitted molesting the child?

"A. I don't recall any time, no. I don't recall any time having -- doing it or having anyone in my staff --

"Q. So the standard practice of the Archdiocese of Philadelphia is that if you found a priest molesting children, you would never advise the parents of that child or anyone in that parish to notify law enforcement?

"A. Oh, I told you it was part of the policy that when a victim and family came in, they -- as a general rule, they were told that they are free to go to the police authorities and report it.

"Q. So they're told as a general rule they're free to do it. ;

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

"Did you direct anyone in the Archdiocese of Philadelphia that you thought it was a good idea for them to notify law enforcement that their child had been molested?

"A. I don't recall specifically, except that at times they could actually be encouraged to do that.

"Q. And how would they be encouraged to do that?

"A. The Secretary for the Clergy would tell them.

"Q. Of, how would he do that?

"A. When they're with him and during the interview, he could encourage them to go to the civil authorities.

"Q. Now, so far we've been talking about the policy in generalities, but the reality is that you in fact promulgated a written policy about the handling of allegations of sexual abuse of minors by clergy when you became the Archbishop -- strike that -- in 1993; is that correct?

"A. Yes.

"Q. And that was published in the Catholic Standard and Times?

"A. Yes.

"Q. Who drafted that policy?

"A. It would have been primarily the Secretary of the Clergy, and he could have had others assisting him in

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1 that.

2
3 "At the same time, there could have been guidance
4 from materials supplied by the Conference of Bishops. In
5 other words, with the various workshops, they gave us
6 material, and there were recommendations in that on
7 setting up a written policy.

8 "Q. Okay. So you don't specifically remember who
9 drafted the policy here in Philadelphia?

10 "A. I am presuming at the time if Monsignor Lynn was
11 the Secretary of the Clergy, he would have been the final
12 one to recommend it.

13 "Q. And let's say it was Monsignor Lynn in 1993, did
14 the ultimate policy that was published in the Catholic
15 Standard and Times, was that approved by you?

16 "A. Yes.

17 "Q. Okay. What prompted you to do a written policy in
18 1993?

19 "A. Because we were evolving, we had a verbal policy,
20 that is, an unwritten policy before, which was pretty much
21 the written policy but was not set down and promulgated,
22 but in -- as we have workshops in the Conference of
23 Bishops, they more and more recommended that it be a
24 written policy and that it be published, and we decided to
25 follow that suggestion.

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 "Q. Had you ever considered yourself doing that prior
3 to 1993?

4 "A. I think we did, but we were trying to find out
5 what other dioceses were doing, because it was . . . we
6 were looking -- most dioceses I think at that time did not
7 have a written one, and so we were looking for models from
8 others, and so it helped us a great deal.

9 "Q. So each diocese has put out their own written
10 policy; is that correct?

11 "A. That is correct.

12 "Q. Why isn't there a universal policy for all the
13 churches in the United States?

14 "A. Each diocese is completely autonomous. There is
15 no kind of board or superior to the dioceses in the United
16 States. Each one is independent. You only report to the
17 Pope.

18 ~~"And so it's up to each diocese to decide whether~~
19 it wanted a policy, and in having a policy, whether it
20 should be written or not, and that evolved over a period
21 of time that more and more dioceses would have a written
22 policy, but it was not obligatory from any source."

23 MR. GALLAGHER: Okay. That concluded
24 the first day of testimony on June 26, 2003.

25

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TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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EXHIBITS

IDENTIFICATION

GJ-951, (Previously marked exhibit.)

5

GJ-952, (Previously marked exhibit.)

24

GJ-953, (Previously marked exhibit.)

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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

APPENDIX H-2

14-1-20

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

IN RE: : MISC. NO. 01-00-8944
: :
COUNTY INVESTIGATING : :
GRAND JURY XIX : C-1

October 31, 2003

Room 18013, One Parkway
Philadelphia, Pennsylvania

TRANSCRIPT TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA
(Taken on June 27, 2003)

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE
Deputy District Attorney

WILLIAM SPADE, ESQUIRE
~~Assistant District Attorney~~

MAUREEN McCARTNEY, ESQUIRE
Assistant District Attorney

For the Commonwealth

Reported by: Charles Holmberg
Official Court Reporter

VOLUME IV

- COLLOQUY -

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MR. GALLAGHER: [REDACTED] nt

[REDACTED]

[REDACTED]

A GRAND JUROR: [REDACTED]

[REDACTED]

MR. SPADE: [REDACTED]

[REDACTED]

MR. GALLAGHER: [REDACTED]

[REDACTED]

[REDACTED].

[REDACTED]

[REDACTED]

[REDACTED]

MR. GALLAGHER: [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

MS. MCCARTNEY: [REDACTED]

[REDACTED]

MR. SPADE: [REDACTED]

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- COLLOQUY -

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MS. MCCARTNEY: B [REDACTED]

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MR. GALLAGHER: [REDACTED]

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MR. SPADE: [REDACTED]

19

[REDACTED]

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MR. GALLAGHER: [REDACTED]

21

[REDACTED]

22

[REDACTED]

23

[REDACTED]

24

[REDACTED]

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[REDACTED]

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (The testimony of ANTHONY JOSEPH

3 CARDINAL BEVILACQUA, taken on June 27, 2003, was
4 read to the grand jury. The questions were read by
5 Mr. Gallagher, and the answers were read by Mr.
6 Spade as follows:)

7 ---

8 (BY MR. GALLAGHER:)

9 "Q. Yesterday we finished off with the discussion in
10 the last several minutes talking about the Archdiocese of
11 Philadelphia policy on clergy sexual abuse, which had been
12 previously marked as grand jury nine five four, and I'd
13 like to hand that to the Cardinal, and the stenographer
14 has a copy."

15 (BY MR. GALLAGHER:)

16 "Q. Cardinal, nine five four is the policy as I
17 indicated, and that was printed out again this morning by
18 me on the website of the Archdiocese over the internet.

19 "Could you please take a minute and review that and
20 see if that's consistent with what you promulgated
21 previously.

22 "A. You want me to read the whole thing?

23 "Q. No. Just skim it to see if you recognize it.

24 "Let me ask you a preliminary question. Are you
25 familiar with the Archdiocese's website?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. Yes.

3 "Q. Okay. Do you have approval or disapproval as to
4 what is put on the website?

5 "A. I have approval.

6 "Q. Okay. So this was on the Archdiocese's website.

7 "What I wanted to know is: Is it a correct copy?

8 "A. It seems to be, yes.

9 "Q. Okay. And this is the policy that was promulgated
10 in 1993; is that correct?

11 "A. I think that was the year.

12 "Q. Okay. And this is the one that we discussed
13 yesterday that was originally drafted by Monsignor Lynn
14 and then approved by you?

15 "A. Yes.

16 "Q. Okay. I just wanted to make sure of that.

17 "And this is the one that we discussed yesterday as
18 to what the policy has been --

19 "A. Correct.

20 "Q. -- for the time period since it was promulgated in
21 written form, but basically it summarized what the
22 policy's been since you've been the Archbishop?

23 "A. Pretty much, yes.

24 "Q. Archbishop of Philadelphia; is that correct?

25 "A. That's correct. Yes.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. So if you could just put that aside for a minute,
3 I want to ask you a couple questions.

4 "The internet, do you yourself make any use of the
5 internet to do research or reading or keeping up with
6 current events?

7 "A. The general internet, yes, I do.

8 "Q. And what websites do you go to?

9 "A. Well, I do shopping on it, and I also, if I need
10 information about government, or I generally find it on --
11 I use the internet.

12 "Q. Okay.

13 "A. I'm not saying extensively.

14 "Q. And how about your staff? Monsignor Cistone and
15 Monsignor Lynn, do they make reference to the internet, do
16 you know, in their work?

17 "A. I do not know whether they do or not.

18 "Q. Okay. Now, yesterday, we also discussed the
19 reporting of credible allegations to the law enforcement
20 and the police department, and you indicated that it was
21 done when it was required; is that correct?

22 "A. Yes.

23 "Q. Okay. And you determined when it was required by
24 conferring with your attorneys; is that correct?

25 "A. Generally, yes.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Okay. Without telling us specifically what your
3 attorneys told you, what attorneys did you confer with in
4 this regard as to when a case should or should not be
5 reported to law enforcement?

6 "A. It would be through Monsignor Lynn. He would
7 always discuss a case with the lawyers.

8 "Q. Okay. What lawyers?

9 "A. Stradley, Ronon.

10 "Q. Stradley, Ronon, Stevens and Young?

11 "A. Yes.

12 "Q. Do you know specifically the names of the lawyers
13 that he conferred with or you conferred with in this
14 regard, and that is reporting to the law enforcement?

15 "A. At one time, I just remember two names before."

16 MR. SPADE: [REDACTED]
17 [REDACTED]

18 ~~(THE WITNESS:) "Herb Keene. He died.~~
19 And then the other name would frequently be Clark
20 Hodgson."

21 (BY MR. GALLAGHER:)

22 "Q. The lawyer that's with you today; is that correct?

23 "A. That's correct."

24 MR. SPADE: [REDACTED]
25 [REDACTED]

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (THE WITNESS:) "Oh, excuse me. There
3 was another one, Jack O'Dea."

4 (BY MR. GALLAGHER:)

5 "Q. And how about the chairman of the firm, William
6 Sasso? Did you ever confer with him on this particular
7 issue, that is, reporting this to law enforcement?

8 "A. I did not.

9 "Q. Okay. Do you know if Monsignor Lynn or --

10 "A. I do not.

11 "Q. -- Monsignor Cistone have done that?

12 "A. With him I do not know.

13 "Q. Okay. Now, the nine fifty-four, when that was
14 drafted by Monsignor Lynn and then approved by you, did
15 you confer with the attorneys from Stradley, Ronon about
16 this policy?"

17 MR. SPADE: [REDACTED]

18 [REDACTED]

[REDACTED]

19 (THE WITNESS:) "I want to discuss this
20 at recess with my lawyer."

21 (MR. GALLAGHER:) "Okay."

22 (BY MR. GALLAGHER:):

23 "Q. Now, let's go back to the time period 1983 to 1987
24 when you were the Bishop of Pittsburgh. As the Bishop of
25 Pittsburgh, did you attend the annual meetings of the

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 United States Conference of Catholic Bishops?

3 "A. I did.

4 "Q. Okay. Was it called USCCB then or was it NCCB?

5 "A. NCCB.

6 "Q. Okay. And specifically in 1995 -- strike that.

7 "1985, did you attend that meeting?

8 "A. I attended all the meetings.

9 "Q. So you attended all the meetings.

10 "Did you ever meet with Reverend Thomas Doyle, the
11 former canon lawyer -- strike that -- the canon lawyer
12 assigned as the former canon counsel to the Vatican's
13 Embassy Nuncio about the sexual abuse of minors by
14 priests?

15 "A. I knew him when he was a nunciature. I knew he
16 was interested in this issue. I don't recall meeting with
17 him on this issue, though. I recall him talking to me,
18 and I think it was by phone.

19 "Q. And do you remember what you discussed in that
20 phone call?

21 "A. He was trying to -- he had a rather extensive
22 policy, program, and it -- I don't remember all the
23 details in it, but he wanted -- his aim was to get the
24 bishops to agree to that program of his on dealing with
25 this issue and -- but I do not recall what response I gave

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 to him.

3 "It was just a discussion.

4 "Q. Okay. Did you receive a copy of the Peterson
5 Doyle Mouton Manual distributed to the bishops at the NCCB
6 meeting in June of 1985?7 "A. I remember having a copy of that, I guess with
8 everybody else, yes.9 "Q. Okay. I'd like to hand you at this point what's
10 previously been marked as grand jury exhibit forty-two and
11 also hand you at this time what we'll mark as grand jury
12 number nine fifty-five."

13 (BY MR. GALLAGHER:)

14 "Q. Okay. Grand jury forty-two is the full report,
15 and nine fifty-five is the summary of the report."16 (MR. GALLAGHER:) "May the record
17 reflect that the Cardinal is looking at nine
18 ~~fifty-five and counsel is looking at forty-two."~~

19 (BY MR. GALLAGHER:)

20 "Q. Now, Cardinal, before I direct your attention to
21 anything in there, I'd like to ask you a few preliminary
22 questions.

23 "Did you read this report?

24 "A. I do not remember reading it.

25 "Q. You do not remember reading it?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. No.

3 "Q. Why didn't you -- well, in other words, you could
4 have read it. You just don't remember?

5 "A. I don't remember reading it.

6 "Q. Okay. Do you remember what it told you about
7 pedophilia?

8 "A. In this report?

9 "Q. Yes.

10 "A. No.

11 "Q. You don't remember that?

12 "A. No.

13 "Q. What do you know about pedophilia?

14 "A. That pedophilia is an illness that shows a
15 fixation, a sexual fixation, on children from birth to
16 about the age of twelve or thirteen.17 "Q. And, Cardinal, I'd like you to refer to nine
18 ~~fifty-five, please, and I'd like you to refer to the~~
19 eighth page of that document, which is indicated on I
20 think the fourth page, or the fourth page is the executive
21 summary.22 "I'd like you to go to the eighth page, but the top
23 of the page has the number two on it."24 MR. SPADE: 25 

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Then there's some talk about which
3 page, then down to line twenty-two.

4 MR. GALLAGHER: Right.

5 (BY MR. GALLAGHER:)

6 "Q. I'm sorry, Cardinal. Once again, could you say
7 what your understanding of pedophilia is.

8 "A. That it's a sexual fixation for having sex with a
9 child from birth until puberty, which generally is the --
10 about the age of thirteen.

11 "Q. Okay. And are you familiar with the Diagnostic
12 and Statistical Manual for the American Psychological
13 Association?

14 "A. I am not familiar with it personally.

15 "Q. It's called DSM, and it describes various mental
16 disorders.

17 "Does that refresh your recollection as to any
18 knowledge of that?

19 "A. No.

20 "Q. You have no knowledge of that at all?

21 "A. Of the manual?

22 "Q. Yes.

23 "A. I've never looked at it.

24 "Q. Okay. Pedophilia, as far as your knowledge of
25 pedophilia, do you know if that's a lifelong disease or

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 it's curable?

3 "A. From what I have read in various articles, it is
4 my understanding that it is now would be agreed that it is
5 not curable.

6 "Q. Okay. Was that the knowledge of the psychological
7 field and the general community in 1985?

8 "A. I think there was some felt it could be cured.

9 "Q. Okay.

10 "A. This is just my opinion of what I've read, that
11 there was some who indicated that.

12 "Q. Now, I'd like you to look at nine fifty-five.

13 "Do you agree that the page that has now been
14 marked four indicates that it's an executive summary? Is
15 that correct?

16 "A. Yes, this is.

17 "Q. The numbers I just put on there.

18 ~~"You got the right document?"~~

19 "A. Page four?

20 "Q. Correct.

21 "A. Yes.

22 "Q. It says: 'Executive Summary'?

23 "A. That is correct.

24 "Q. And that's signed by Michael R. Peterson, M.D.,
25 president of Saint Luke Institute?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. Right.

3 "Q. Did you know Father Peterson?

4 "A. I didn't know him personally, but I knew of him.

5 "Q. Okay. Did you ever attend any lectures or
6 workshops or speeches that he may have given?

7 "A. I don't know if he gave one to the conference.
8 I'm not sure.

9 "He may have.

10 "Q. How about Father Doyle? Did he give one to the
11 conference?

12 "A. No, not that I -- not that I recall.

13 "Q. Okay. If you could turn now to page five, that
14 indicates also at the top 'Executive Summary'; is that
15 correct?

16 "A. Correct.

17 "Q. And then page six, the second paragraph,
18 'Aftercare Planning.'

19 "Do you see that paragraph, Cardinal?

20 "A. I do.

21 "Q. "Reads, and correct me if I'm wrong: 'In this
22 section of the document, I list six possible areas of
23 discussion for Aftercare Planning, which is one of the
24 most important aspects of any treatment program. The
25 psychiatric disease is a lifelong disease and the

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 treatment of it in the cleric, though there is new hope in
3 some treatment modalities, must also be a lifelong
4 treatment plan. It is here that much discussion will be
5 generated and where you can be most helpful to us at the
6 Saint Luke Institute and perhaps at the other programs
7 where you have clerics now in treatment.'

8 "Do you recall learning that information from what
9 Dr. Peterson presented at the meeting in 1985?

10 "A. You say --

11 "Q. And specifically what it is that I'm asking you
12 is: Did you realize that pedophilia required lifelong
13 treatment?

14 "A. Now I think it's general agreement that it's
15 incurable; therefore, there has to be some kind of care
16 given.

17 "Q. Okay.

18 "A. I mean, I'm not a doctor, so . . .

19 "Q. Right.

20 "A. And I -- you know, you'd have -- I'd have to
21 understand what it -- what does it mean, lifelong
22 treatment. It's just you have to deal with this person at
23 all times.

24 "Q. Well, I think lifelong treatment means treatment
25 for the rest of their lives from the point it was

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 discovered that they were pedophiles.

3 "Do you agree with that?

4 "A. But I . . ."

5 MR. SPADE: [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 MR. GALLAGHER: [REDACTED]

12 [REDACTED]

13 (BY MR. GALLAGHER:)

14 "Q. Cardinal, I'd like to direct your attention to
15 page eight of nine five five, and in the middle of that
16 page, the second paragraph, commences: 'In the Diagnostic
17 and Statistical Manual of Mental Disorders, Third Edition,
18 which is accepted in the United States as the master
19 manual or dictionary for mental disorders defines
20 pedophilia as follows:

21 "A. The act or fantasy of engaging in sexual
22 activity with prepubertal children as a repeatedly
23 preferred or of exclusive method of achieving sexual
24 excitement.

25 "B. If the individual is an adult, the

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 prepubertal children are at least ten years younger than
3 the individual. If the individual is a late adolescent,
4 no precise age difference is required, and clinical
5 judgment must take into account the age difference as well
6 as the sexual maturity of the child."

7 "And the next sentence reads in Dr. Peterson's
8 text: 'Adults with the disorder are oriented toward
9 children of the other sex twice as often as toward
10 children of the same sex.'

11 "Is that what it says there, Cardinal?

12 "A. Yes.

13 "Q. Okay.

14 "A. Yes.

15 "Q. Does that refresh your recollection as to your
16 knowledge of what pedophilia is?

17 "A. It just adds a little nuance to it. I defined it
18 ~~before as obsession with a child under the age of puberty.~~

19 "Q. Okay.

20 "A. But nuance as far as generally the age difference
21 between the two.

22 "Q. Okay. So that's consistent with your knowledge of
23 what pedophilia is; is that correct?

24 "A. That's right.

25 "Q. I'm going to ask you again, and I want to be clear

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 on this. You don't recall ever reading this report; is
3 that correct?

4 "A. The more I read this, the more it seems that I did
5 not read it. I don't recall it at all.

6 "Q. Why is it the more that you read it now, that you
7 feel that you haven't read it?

8 "A. I guess -- I guess it's some of the terminology
9 and all seems new to me. Like this one here, those
10 nuances, but I won't be absolute about that. I don't
11 recall. I'll still say basically I do not recall reading
12 it.

13 "Q. Okay. Now, you say that the terminology is new to
14 you, but you, basically before you even read that,
15 defined -- excuse me -- you basically defined it the same
16 way it's here in this document?

17 "A. Yes, but I add the nuancing I did not realize.

18 "Q. Okay.

19 "A. The age, that it should be ten years' difference,
20 generally, I did not realize that.

21 "Q. Okay. Did you recall that report being
22 distributed at the 1985 meeting?

23 "A. No, I do not recall that.

24 "Q. Were you present at the 1985 June meeting at Saint
25 John's Abbey in Collegeville, Minnesota, when the bishops

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 were briefed on the contents of this report, Peterson
3 Mouton Doyle report?

4 "A. I know at that time I attended all the meetings of
5 the bishops; therefore, I presume I was there.

6 "Q. Okay. And if the record indicates that this was
7 discussed, this report was discussed, and you attended all
8 the sessions, then the assumption you are making today is
9 that you were present when this report was discussed?

10 "A. That's an assumption, yes.

11 "Q. Did you discuss this report with the other
12 bishops?

13 "A. I don't recall.

14 "Q. Do you recall whether the report was well received
15 by the bishops?

16 "A. No, I can't recall that. I don't recall any
17 discussion with the bishops.

18 ~~"Q. Was there a consensus by the bishops to follow the~~
19 ~~recommendations in the report and implement action to~~
20 ~~eliminate pedophiles from the clergy?~~

21 "A. As a result -- excuse me. As a result of this
22 report being given?

23 "Q. Correct.

24 "A. I do not recall any decision being made. I don't
25 recall it.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Did you direct anyone on your staff to obtain a
3 copy of the report, that's your staff in Pittsburgh, and
4 provide you with a summary of it?

5 "A. Not that I recall.

6 "Q. Now, when you returned to Pittsburgh and the
7 diocese there, did you direct anyone to review the report
8 and implement and put it into action, or did you direct
9 them to do anything based on your attendance at the
10 meeting where the report was discussed?

11 "A. Did I -- it sounded like two questions there.

12 "Did I direct someone to review this report?

13 "Q. Yes.

14 "A. I do not recall that.

15 "Q. Did you ask -- you did attend the meeting where
16 the report was discussed?

17 "A. Yes.

18 ~~"Q. Okay. When you got back to Pittsburgh, did you~~
19 direct anyone to implement what you learned at that
20 meeting?

21 "A. (No response.)

22 "Q. When the report was discussed?

23 "A. I cannot recall directing someone to implement
24 this report. I have a vague recollection we had to come
25 up with some kind of policy on this issue, but I don't

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 recall a direct, you know, mandate to implement this; or
3 as a result of my meeting, going there, I may have said we
4 have to examine this issue more carefully, but I do not
5 recall the specifics of that.

6 "Q. Did you attend any follow-up meetings of the NCCB,
7 any subcommittees concerning this issue?

8 "A. Not subcommittees, because it's restricted to the
9 members of those subcommittees.

10 "Q. Any ad-hoc committee on this issue, did you attend
11 any meetings of those?

12 "A. No.

13 "Q. Okay. And the issue I'm talking about is the
14 issue that we're --

15 "A. Right.

16 "Q. -- investigating.

17 "Do you know Cardinal Bernard Law?

18 "A. Yes.

19 "Q. Okay. He's the former Archbishop of Boston; is
20 that correct?

21 "A. That is correct.

22 "Q. Okay. Do you recall whether or not he was put in
23 charge of an ad-hoc committee to review the Mouton
24 Peterson Doyle report and implement its recommendations?

25 "A. I do not recall that at all.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Cardinal, I'd like you to . . ."

3 MR. GALLAGHER: We marked exhibit nine
4 fifty-six.

5 (BY MR. GALLAGHER:)

6 "Q. Cardinal, nine five six is titled:

7 "'It's Your Call with Lynn Doyle on CN8TV

8 "'Questions for the Cardinal

9 "'Interview of Anthony Cardinal Bevilacqua

10 "'Taped on June 24, 2002

11 "'Broadcast on June 25, 2002.'

12 "Cardinal, do you recall appearing a year and three
13 days ago before the TV audience at this TV show with Lynn
14 Doyle?

15 "A. I do recall that.

16 "Q. Okay. And this is a transcript of that broadcast.

17 "I'd like to refer you to page two, and at the
18 ~~bottom of that there's a question and answer. 'LD' means~~
19 Lynn Doyle. 'CB' means Cardinal Bevilacqua.20 "Would you please take a minute and read the answer
21 that you gave to Lynn Doyle as a result of her question:
22 'Are you talking about a matter of semantics here? It's
23 still a child, whether it be five or fifteen?'24 "And your answer?
25 

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1

2
3 (BY MR. GALLAGHER:)4 "Q. And there's another question and answer on the
5 next page, but for the edification of the jurors,
6 Cardinal, may I indulge you and ask you to read what your
7 answer was at the bottom of page two.

8 "A. Read the whole thing?

9 "Q. Yes, please."

10 MR. SPADE: And then the lawyer says:

11 "The question as well?"

12 MR. SPADE: Wait a minute. Hold on.

13 (THE WITNESS:) "Do they have to know
14 the question to what I'm answering?"

15 (MR. GALLAGHER:) "Yes, please."

16 (BY MR. GALLAGHER:)

17 "Q. As I said it a minute ago, but I'd like you to
18 ~~read both the question and the answer so that they~~
19 understand the context in which you gave this answer.

20 "Please read the question: 'LD.'

21 "A. 'Are you talking about a matter of semantics here?
22 It's still as a child, whether it be five or fifteen.'

23 "That's in response to a previous statement.

24 "My answer is: 'I know, but there's a horror, and
25 I say, even doctors say, there's a greater horror when

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 it's a seven, eight, nine year old child. They're all
3 horrible. I tried to explain that. They're all horrible.
4 Even one act. But given the impression that, that the
5 priests were predators, eight, nine year olds, ten year
6 olds, that takes on a more horrific impression on people.
7 The others are horrible too. But some terrible things are
8 more terrible than others. But also the impression that
9 was given by the media at times was that the bishops never
10 did anything about this. You know, we started when it was
11 first highlighted in 1985. The bishops began to address
12 this with workshops. We had many experts speak to us at
13 our conferences. We started a committee on -- the ad-hoc
14 committee on sexual abuse of minors. They provided us
15 with all kinds of material. Three major volumes on how
16 to -- how to deal with this and what to do in your own
17 diocese. Plus many of the bishops did do it. I don't
18 know those who did not, but there must be some perhaps
19 that did not implement them. But a lot of reform did take
20 place. Another impression that was created, and this is
21 by some analysts of the media, show that it gave the
22 impression that time, by the words that were used, that
23 the sexual abuse of minors to a larger extent was still
24 going on and that is not completely true. It's -- the
25 majority of cases took place ten, fifteen, twenty, thirty

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 years ago. But in most dioceses in the last ten-twelve
3 years, there are,' I guess it means, 'there are extremely
4 few cases of it.'

5 "Continue with the next?

6 "Q. The next question and answer, please.

7 "A. 'LD: And that's because, in your opinion, of the
8 reform that started as far back as 1985?'

9 "My answer: 'Most of the bishops, I think,
10 cooperated with that. You asked about, you know, sometime
11 question. The media may have overstepped the boundaries
12 and I think in given that, giving that perception I think
13 was misleading, though I again condemn even one act of
14 it.'

15 "Q. Okay. Now, the long answer that you gave on page
16 two, Cardinal, does that refresh your recollection as to
17 whether or not you read the work of Doyle, Mouton and
18 Peterson?

19 "A. It does not. I still do not recall reading it.

20 "Q. Okay. Now, in the middle of that answer, you
21 indicated that the conference in 1985 provided and a
22 subsequent committee provided all kinds of material, and
23 you indicate there specifically three major volumes on how
24 to deal with this and what to do in your own diocese.

25 "Does that refresh your recollection? Are you

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 talking about, when you gave this answer last year to Lynn
3 Doyle, the Doyle Mouton Peterson report?

4 "A. No.

5 "Q. Is that the very three volumes you're talking
6 about?

7 "A. No.

8 "Q. What three volumes are you talking about?

9 "A. The ad-hoc committee has provided binders and they
10 were over a period of time given to the bishops, and in
11 which they, in those volumes, it gives material on how to
12 deal with those situations.


13 "It gives examples of some of the other dioceses,
14 what they're doing, and it gives information, gives
15 definitions such as were given in the Doyle thing, but it
16 gives definitions by doctors of what pedophilia is, what
17 ephebophilia is, and it kind of defines a glossary of
18 terms in this area.

19 "Q. Do you still have those three volumes?

20 "A. I have two of them.

21 "Q. Okay. Would you be able to have your attorneys
22 make copies and provide them to this grand jury?

23 "A. Yes."

24 MR. SPADE: 

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TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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[REDACTED]

MR. GALLAGHER: And then I said: "You want to discuss this outside now?"

(MR. HODGSON:) "No. We can at the end of the day."

MR. GALLAGHER: [REDACTED]

[REDACTED]

(A recess was held.)

BY MR. GALLAGHER: [REDACTED] ne

[REDACTED]

Line fifteen on page twenty-seven.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (The testimony of ANTHONY JOSEPH
3 CARDINAL BEVILACQUA, taken on June 27, 2003, was
4 read to the grand jury. The questions were read by
5 Mr. Gallagher, and the answers were read by Ms.
6 McCartney as follows:)

7 ---
8 (BY MR. GALLAGHER:)

9 "Q. You indicate also in this answer, again I direct
10 you to it, Cardinal, that when you talk about how to deal
11 with it in a diocese and what to do in your own diocese,
12 plus many of the bishops did do it, as a Bishop of
13 Pittsburgh, did you do it?

14 "Did you implement the procedures that were
15 recommended by the ad-hoc committee on sexual abuse of
16 minors?

17 "A. My recollection was that I initiated a program of
18 establishing a policy on how to deal with these issues. I
19 don't recall specifically when I did it. It probably was
20 right after this.

21 "This is when it came to the forefront, and it was
22 then we put some kind of a policy together, and I can't
23 recall all the specifics of it.

24 "Q. Did you have a written policy in Pittsburgh --

25 "A. I don't recall that.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. -- as a result of this?

3 "A. I don't recall it being a public written policy,
4 and I don't know whether there's actually you know -- I
5 just don't recall.

6 "Q. Do you know if this ad-hoc committee was still in
7 existence and giving the bishops information through 1987
8 and 1988?

9 "A. Yes.

10 "I mean, it's still in existence.

11 "Q. When you became the Archbishop of Philadelphia in
12 1988, did you review the policy that was in existence in
13 Philadelphia and determine whether or not Cardinal Krol
14 was one of the bishops that followed the recommendations
15 of the ad-hoc committee, or what did you do when you took
16 over in 1988?

17 "A. Well, what we did was shortly after that, I don't
18 ~~know when, we reviewed a policy, and I did not compare it~~
19 with the previous policy of Cardinal Krol. We just began
20 to implement more and more policies suggested by the
21 conference.

22 "Q. Okay. I think you already answered this, but it's
23 already been indicated and we have it as a document. The
24 policy in Philadelphia was not put in writing until 1993;
25 is that correct?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. That is correct.

3 "Q. But did you implement what was said by the ad-hoc
4 committee prior to that?

5 "A. The policy of 1993 was pretty much the unwritten
6 policy before. In other words, it was -- as much as we
7 could. I don't remember all the details, but it was
8 pretty much what became the written policy.

9 "Q. Do you know if the ad-hoc committee and the three
10 volumes that were given, did they look at the Mouton
11 Peterson Doyle report and use it as a resource in
12 developing the policy?

13 "A. Not that I know of. I don't recall that.

14 "Q. Cardinal, I want to talk about the term that has
15 been used quite often in many of the books written about
16 this crisis.

17 "First of all, let me ask you. Do you consider
18 what's going on in the Catholic Church ~~today a crisis, of~~
19 crisis proportions, and that is dealing with this issue of
20 clergy abuse of minors?

21 "A. It has -- yes, it is a crisis.

22 "Q. And why do you believe that that's correct
23 terminology for what this is?

24 "A. Because of the consequences of the issue that it
25 has affected the -- I'll say to a significant extent the

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 credibility of the Church. I'd have to say it is one of
3 the most significant crises of the church in the United
4 States.

5 "Q. How about the history of the Church worldwide?

6 "Do you consider it one the greatest crises ever
7 faced by the Catholic Church?

8 "A. In history?

9 "Q. Yes.

10 "A. It's hard to tell that. There have been I think
11 more severe crises in the history of the Church than this
12 one.

13 "This is a very severe one, and right now, it's --
14 it is a severe crisis in the United States. I would not
15 say that it would be one of the more severe ones for the
16 whole Church in its whole history.

17 "Q. So you agree with me that it would be apt for me
18 ~~to describe this as a crisis when I ask you questions; is~~
19 that correct?

20 "A. In the United States, yes.

21 "Q. Well, there's been, I think, eight bishops who
22 have resigned as a result of this crisis in the United
23 States.

24 "Is that consistent with your knowledge?

25 "A. I don't remember all the -- if it's that many,

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 but --

3 "Q. But there have been some that have been?

4 "A. There have been, yes.

5 "Q. Is it less than that or more than that?

6 "A. I'd say offhand, I just recall immediately -- I
7 can -- I can just recall three.

8 "So I don't know. Maybe the others are -- I don't
9 know who they are, whom you're referring to.

10 "Q. Okay. Well, there's a recent report. I don't
11 have it at my hand now, but I can get it for you, from the
12 Boston Globe, that indicated that it was eight bishops,
13 maybe even nine now, that have resigned as a result of
14 this crisis, but you indicated that you don't read the
15 Boston Globe; is that correct?

16 "A. I do not, no.

17 "Q. How about on the internet?

18 "A. No.

19 "Q. Have you ever read their website about the crisis
20 that's going on in Boston?

21 "A. No.

22 "Q. Do you know of anyone in your chain of command,
23 Monsignor Cistone or Monsignor Lynn, that have read that
24 website and reported to you about it?

25 "A. No. They never did.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Okay. Let's go back to what some writers and
3 researchers and historians have contended concerning this
4 crisis. They indicated that there's a phenomenon of
5 clericalism within the Catholic Church.

6 "Have you ever heard that term, and do you know
7 what it means?

8 "A. Yes.

9 "Q. Would you please explain to the grand jurors what
10 clericalism is?

11 "A. It's a very -- it's a term that's hard to define.

12 "Clericalism is an approach in which clerics think
13 they are a very elitist group and that they have to be
14 given special privileges and authority beyond what is
15 legitimate for them.

16 "It's a concentration as though they were the whole
17 Church, and that's the general description. It's an
18 overexaggeration, an overexaggeration of the role of
19 clerics in the Church.

20 "Q. Do you yourself believe that there is an
21 overexaggeration of clerics in the Church?

22 "A. No.

23 "Q. And why don't you believe that?

24 "A. Just from my experience. I find most priests and
25 most bishops are -- do not exaggerate their importance. I

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 think they respect, you know, that, their proper role in
3 the Church.

4 "Q. Some commentators, writers, researchers,
5 historians understand clericalism to mean that there
6 exists a deep distinction between the clergy and the
7 laity.

8 "Do you agree with that?"

9 "A. It's a -- as a definition, as part of a
10 definition, that's a nuance of what I said, an
11 overexaggeration of the role of the clerics and where they
12 think that they are the whole Church, and they're not.

13 "Q. The same historians, writers and researchers have
14 also indicated as another nuance of that that many members
15 of the Catholic Church believe that the clergy and the
16 priests are somewhat different, apart and above the laity,
17 and hence, this belief keeps the clergy aloof from the

18 consequence of their destructive actions on victims and
19 others.

20 "Do you agree with that conclusion?"

21 "A. No.

22 "Q. Why not?"

23 "A. Because I think it's an exaggeration. I don't
24 believe most priests feel that. I do not think -- but at
25 the end, what you said, I don't think most priests do

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that.

3 "Q. Okay. Do you believe that most of the laity feel
4 that way?

5 "A. No.

6 "Q. And why don't you believe that?

7 "A. Just from my discussions with the laity.

8 "Q. Well, do you believe that clericalism is a
9 perception or it's a reality in the Catholic Church?

10 "A. I have to ask -- make a distinction there, if you
11 don't mind.

12 "It can exist amongst some clerics, not -- you can
13 make a universal out of it. I would say most clerics
14 would not be identified as afflicted with clericalism.
15 This is from my own experience.

16 "Q. Now, these experts, and many of them, and the
17 researchers, who have researched the problem of sexual
18 abuse of minors by clergy, this crisis of the Catholic
19 Church, many of them feel, and agree on this, that the
20 bishops missed the prospect to correct decades of
21 mishandling this crisis by not accepting the
22 recommendations in the Doyle Mouton Peterson report.

23 "Do you agree with this conclusion?

24 "A. May I discuss this with my lawyer.

25 "Q. Certainly."

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MR. GALLAGHER: [REDACTED] then

3 [REDACTED].

4 (THE WITNESS:) "You're using an
5 expression 'experts,' and you're referring --
6 mentioned that it was because we did not follow the
7 Mouton Doyle Peterson report, but I don't know who
8 these experts are."

9 (MR. GALLAGHER:) "Okay."

10 (THE WITNESS:) "Do you know who they
11 are?"

12 (MR. GALLAGHER:) "Yes, I do."

13 (BY MR. GALLAGHER:):

14 "Q. Okay. They're the people that I referred to
15 yesterday as far as that have written the books about this
16 crisis. That is, Philip Jenkins, the writer for the
17 Boston Globe.

18 "Jason Berry wrote the -- you're aware of the case
19 in Louisiana, Gilbert Gauthé, Father Gauthé, and that book
20 was written about him. Thomas Doyle, Reverend Thomas
21 Doyle, who's written extensively on this.

22 "They're the experts that I'm referring to.

23 "A. We could get into a discussion, but I don't
24 consider all of them necessarily experts.

25 "Q. Well, you indicated yesterday that Philip Jenkins

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 was one of the people that you -- excuse me. Let me
3 finish the question, please, Cardinal.

4 "A. Excuse me. I'm sorry.

5 "Q. You indicated Philip Jenkins was one of the people
6 you put on your commission here in Philadelphia.

7 "A. Yes, I consider him an expert.

8 "Q. Okay.

9 "A. I just said -- I didn't say all. I didn't
10 consider all of them experts.

11 "Q. Well, they're the ones that I'm referring to, and
12 I'm going to ask you the question again.

13 "They agree that the bishops missed the prospect to
14 correct decades of mishandling by not accepting the
15 recommendations of the Doyle Peterson Mouton Manual
16 Report.

17 "Do you agree with this conclusion, and if not, why
18 not?

19 "A. I consider Philip Jenkins an expert. I would
20 really like to know what he said.

21 "Did he say that about this report in particular?

22 "Q. He said this about this crisis generally. He said
23 many things, and we can get to what he said, but what I'm
24 telling you is that this is what has been said by many of
25 the experts that looked at this.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "And my question to you is, again, let's put Mr.
3 Jenkins out of it. Let's talk about the other people that
4 I mentioned.

5 "Berry, the Boston Globe, and Doyle himself, do you
6 agree or disagree with their conclusion?

7 "A. I cannot recall all that is in the Doyle report,
8 and therefore, it's hard for me to say that because we did
9 not follow that report, therefore we have this crisis.
10 I'm not knowledgeable enough of his report to say that, so
11 I cannot say I agree with them.

12 "Q. Okay. If you had an opportunity to review the
13 report, would that help to refresh your recollection
14 whether or not you can answer that question?

15

16

17

"(THE WITNESS:) It's very difficult

18

question to answer. I mean, I'd have to read the
19 whole report and then make a judgment about the
20 question you asked.

21

22

"This is only one report about a method
23 of avoiding the crisis that occurred. Since then,
24 there have been many, many articles that I have
25 read that say what could have been done. I don't
know why we're fixed on this one."

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (MR. GALLAGHER:) "Because quite

3 frankly, I'm the one that's asking the questions."

4 (THE WITNESS:) "I understand."

5 (BY MR. GALLAGHER:)

6 "Q. And what I was trying to ascertain from you is
7 whether or not you recall gleaning anything from the
8 meeting where this report was discussed or whether you
9 read this report back in 1985 when you were the Bishop of
10 Pittsburgh?

11 "A. In the meetings that took place, I can't remember
12 all the specifics. I've attended so many meetings and --
13 but we certainly were moved to act in our individual
14 diocese in accordance with what we learned at some of
15 these meetings and what we read, but I cannot say it's
16 because of the Doyle report, and I do not recall reading
17 it.

18 "Q. If I told you, based on my review, what you did in
19 Philadelphia and what the Doyle report recommended are not
20 consistent, would that refresh your recollection?"

21 (THE WITNESS:) "I would like to talk
22 to my lawyer in recess, please."

23 (MR. GALLAGHER:) "Fine. It's now ten
24 fifty-six."

25 MR. GALLAGHER: [REDACTED] nd

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2

3

MS. MCCARTNEY: [REDACTED]

4

MR. GALLAGHER: [REDACTED]

5

6

(BY MR. GALLAGHER:)

7

"Q. Before we broke, there was a question posed and, Cardinal, it's agreed that we will discuss this with the Supervising Judge.

10

"Do you understand that, sir?

11

"A. Yes.

12

"Q. Okay. Cardinal, there's a publication called the National Catholic Reporter.

14

"Are you familiar with that?

15

"A. I'm familiar with the publication, yes.

16

"Q. Okay. And they did a cover story on May 17, 2002, entitled 'Sex Abuse Crisis: What They Knew in 1985.'

18

"I want to ask you -- and this article was written by Thomas C. Fox. In the article it was reported that Auxiliary Bishop "A. James Quinn of Cleveland -- are you familiar with him, Cardinal?

22

"A. Yes.

23

"Q. He suggested in a 1990 speech that church leaders hide records of abusive priests by sending them to the Vatican Embassy as the Embassy has diplomatic immunity:

25

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Were you present at that speech?

3 "A. I don't recall it.

4 "Q. Okay. Did you ever hear anything concerning or
5 were you aware of this suggestion, of the suggestion by
6 Bishop Quinn?

7 "A. I just was aware of it through newspaper reports
8 that he said that.

9 "Q. Okay. Have you ever directed anyone in the
10 Archdiocese of Philadelphia to send records of abusive
11 priests to the Vatican Embassy?

12 "A. No.

13 "Q. Now, Cardinal, I'd like to discuss a series of
14 events that happened last year as a result of press
15 releases by the Archdiocese.

16 "In February 2002 or February 22, 2002, the
17 spokeswoman, Catherine Rossi -- she works for you,
18 correct?

19 "A. Yes.

20 "Q. And the press releases that she generates for the
21 Archdiocese, are they all approved by you?

22 "A. No.

23 "Q. Okay. Who has that responsibility?

24 "A. Generally, I would say Monsignor Cistone.

25 "Q. There was a series of press releases in February

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 and up through April by the Archdiocese on this sexual
3 abuse crisis generated by Catherine Rossi.

4 "Were you involved in the drafting of them and the
5 approval of them?

6 "A. I don't recall all of them. I don't know what
7 they are.

8 "There may have been some that I approved of.
9 Others she may have spoken on her own authority or
10 generally with Monsignor Cistone.

11 "Q. All right. On February 22, 2002 -- let me ask you
12 about a specific one -- Catherine Rossi announced that the
13 Philadelphia Archdiocese knows of, quote, credible
14 evidence, end quote, of child abuse with thirty-five
15 diocesan priests since 1950, which also included fifty
16 children.

17 "Were you involved in the drafting and the
18 publication of that press release?

19 "A. I know of, you know, that information, but I can't
20 say that I was personally involved in that.

21 "Q. Who was involved in it?

22 "A. That would have been the -- it would have been
23 Monsignor Lynn as far as the statistics and possibly
24 approved by Monsignor Cistone.

25 "Q. But not approved by you?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. I'm not saying it was. I don't recall being the
3 one to approve it.

4 "Q. So it could have been approved by you?

5 "A. Possibly.

6 "Q. Okay. I mean, this was a major announcement by
7 the Archdiocese of Philadelphia about the existence of
8 clergy abuse of minors, and you weren't involved?

9 "A. I'm not saying that.

10 "Q. What are you saying then, Cardinal?

11 "A. I'm just saying that I can't recall specifically.
12 I think there's a good possibility that I did approve of
13 that.

14 "Q. Okay. Do you know what the basis is for the
15 numbers that were given, credible evidence of thirty-five
16 priests over the past -- since 1950?

17 "A. It would have been information that was compiled
18 by Monsignor Lynn.

19 "Q. Okay. In response to the grand jury subpoena, the
20 Archdiocese has handed over sexual abuse files involving
21 approximately a hundred and twenty priests.

22 "Cardinal, do you know why there's a difference in
23 the numbers; that is, we got a hundred and twenty files,
24 and the Archdiocese indicated last February there were
25 thirty-five cases?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. I . . . what you read to me from the press
3 release, I think you used the word thirty-five credible
4 allegations.

5 "Q. Correct.

6 "A. Is that true?

7 "Q. Yes.

8 "A. And it refers to our priests, Diocesan priests?

9 "When you gave that number yesterday, a hundred and
10 twenty, I told you it was the first time I heard that
11 number, and I'd have to say that it means that there are
12 differences between the thirty-five priests and the rest
13 of them, probably in large number.

14 "There may have been over the years a number of
15 those priests that included a hundred and twenty that
16 there was no credible allegation. There may have been an
17 accusation, but it could have been frivolous.

18 "It could be a variety of other reasons. It could
19 be, for example, that they were anonymous, there's no
20 follow up. So it could be a series of reasons why you
21 have a hundred and twenty instead of the thirty-five that
22 are -- in which there were credible allegations, and that
23 thirty-five, I know Monsignor Lynn has, you know, checked
24 very carefully, and that's the number they came up with.

25 "Q. Okay. And did you see what he checked when he

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 came up with that number?

3 "A. No, I trusted him. He checked all the files.

4 "That I know.

5 "Q. Okay. Do you know the names of those thirty-five
6 credible evidence cases?

7 "A. I could not remember all of them. No.

8 "Q. Okay. Would you be able to get that from
9 Monsignor Lynn and provide it to us?"

10 (THE WITNESS:) "Yes. We could provide
11 the names, which is again -- I mean, as far as we
12 know, that's the number."

13 (MR. GALLAGHER:) "Now, I'd like this
14 next document to be -- thank you. And I'll be
15 checking with your attorneys to get that.

16 "I'd like to mark this next document as
17 grand jury exhibit nine fifty-seven."

18 ---

19 (BY MR. GALLAGHER:)

20 "Q. Cardinal, that is an Archdiocese of Philadelphia
21 Priest Data Profile on thirteen priests.

22 "Would you take a moment and just look to see if
23 you also have thirteen.

24 "We have Reverend Richard McLoughlin?

25 "A. Right.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Reverend Thomas Wisniewski, Reverend Francis J.
3 Gallagher?"

4 "(MR. HODGSON:) Excuse me. We have
5 Joseph Gallagher.

6 "(THE WITNESS:) Maybe it's behind
7 here. You have Joseph."

8 (BY MR. GALLAGHER:)

9 "Q. Reverend Joseph P. Gallagher, Reverend, Craig F.
10 Brugger, Reverend Sylwester Wiejata, Reverend Stanley M.
11 Gana, Reverend John J. Delli Carpini, Monsignor John E.
12 Gillespie, Reverend Thomas J. Grumm, Reverend Albert T.
13 Kostelnick, and Reverend James E. Maguire, and finally
14 Reverend David W. Givey. That's thirteen; is that
15 correct?

16 "A. Yes.

17 "Q. Okay. Are you familiar with those priests?

18 "A. Except one. I'm sorry, but I -- it doesn't . . .
19 it's just that I don't recollect it that well, but they
20 are our priests.

21 "Q. Now, these data profiles indicate that twelve of
22 these priests, excluding Father Givey, who was given
23 administrative leave on -- he's the last in the group.

24 "He was given administrative leave or leave of
25 absence on November 5 of 2001, but the other twelve, they

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 were all given either administrative leave or laicized
3 between March 4, 2002, and May 20, 2002.

4 "The exhibit is put in chronological order,
5 Cardinal, from those two dates. Do you know why the
6 Archdiocese or you waited until 2002 to put those priests
7 on an administrative leave or separated?

8 "A. Why?

9 "Q. Yes.

10 "A. We -- it wasn't a question of waiting. We -- the
11 ones I see here, I think most of them were on restricted
12 ministry up until that time, and we decided at that time
13 to remove them from all ministry.

14 "If these were accused . . . I'm trying to --
15 except one, which came afterwards, and that's Father
16 Brugger. That came later.

17 "Q. But all of these you had previous allegations
18 against; is that correct?

19 "A. I have to say that some of these I did not know
20 there were previous allegations of sexual abuse of a
21 minor, that they were -- for example, I'm talking -- may
22 I. If I may give an example.

23 "Q. Certainly.

24 "A. With Father Wiejata, that was news to me when I
25 found out that abuse of a minor was involved. He was --

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 there were allegations of him having sex with female
3 adults, but I did not realize that it was with a minor, I
4 mean, until much later.

5 "And I do not -- there's another one here that --
6 Father Grumm. I do not have any memory of him having any
7 allegations. I'm not saying there weren't, but I'm not --
8 I cannot recall that, being told about that, or I don't
9 remember it.

10 "Q. You will agree that these thirteen priests are
11 thirteen of the files that we received from the
12 Archdiocese as a result of our subpoena; is that correct?

13 "A. I presume that, yes.

14 "Q. And as far as Father Wiejata is concerned, he was
15 actually laicized --

16 "A. Yes.

17 "Q. -- on March 26, 2002; is that correct?

18 "A. Yes.

19 "Q. That's what this profile indicates on Sylwester
20 Wiejata?

21 "A. I see it there. Yes.

22 "Q. Okay. But he actually was put on administrative
23 leave back in July of 1999 and remained on administrative
24 leave until March of 2002; is that correct?

25 "A. Yes.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Could we go back to the first priest that was
3 given administrative leave after your press announcement,
4 and that is Father Richard J. McLoughlin. That indicates
5 he was given administrative leave -- strike that.

6 "Are priests given administrative leaves, or are
7 they directed to take administrative leave?

8 "A. (No response.)

9 "Q. It's a matter of semantics, but how does this
10 happen?

11 "A. Generally, if it's some kind of a misconduct that
12 requires a separation from functioning in the diocese, it
13 will be given to him.

14 "Q. Okay. So this happened on March 4, 2002. Since
15 that time, Father McLoughlin's address has been listed as
16 care of the Secretary for the Clergy, 222 North 17th
17 Street.

18 "That's Monsignor Lynn's office; is that correct?

19 "A. That is correct.

20 "Q. Okay. Do you know if this priest is currently in
21 the Archdiocese of Philadelphia?

22 "A. Physically, I do not know whether he's physically
23 in the Archdiocese.

24 "Q. Is he permitted to perform ministry in the
25 Archdiocese of Philadelphia?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. I'm presuming he's one of the ones accused. Like
3 I said, I don't know the details of all of them, that he
4 would not be permitted.

5 [REDACTED] s

6 [REDACTED]

7 (THE WITNESS:) "See, some of these --

8 I mean, there are so many here, I can't recall all
9 the details of that, so I don't recall whether or
10 not -- what his status is right now. But if he was
11 found guilty of sexual abuse of a minor, then he
12 would not have any functions whatsoever."

13 (BY MR. GALLAGHER:)

14 "Q. Okay. Well, would you please look at his previous
15 assignments on that, and if you examine down the list of
16 previous assignments, it indicates that from June of 1990
17 until April of 1994, he was the parochial vicar of Saint

18 Bede the Venerable in Holland; is that correct?

19 "A. That's what it says there.

20 "Q. Do you recall that that's where you assigned him?

21 "A. No. Except what it says here, I do not recall
22 personally.

23 "Q. And in June of 19 -- strike that.

24 "In April of 1994, he was granted administrative
25 leave for the period through January of 2001; is that

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 correct?

3 "A. That's what it says here.

4 "Q. Okay. And it also indicates that from April of
5 1994 until May of 1995, he resided at Presentation B.V.M.
6 in Wynnewood, is that correct?

7 "A. That's what it states here.

8 "Q. And then the next time period, June 1994 through
9 January of 2001, he resided -- it also says Philadelphia,
10 PA.

11 "It doesn't give any particulars; is that correct?

12 "A. That's what it states.

13 "Q. Okay. And then in January of 2001 he was
14 appointed the chaplain at Camilla Hall and served that
15 position until March of 2002 when he was again granted or
16 ordered on administrative leave; is that correct?

17 "A. That's what it states here, yes.

18 "Q. Do you know, Cardinal, whether or not Father
19 McLoughlin, had the opportunity to have contact with
20 children at Resurrection B.V.M. and as the chaplain of
21 Camilla Hall?

22 "A. Ordinarily, there wouldn't be children there, so
23 I -- but I can't -- I don't know.

24 "Q. Well, when you say there, that's a compound
25 question. Let me ask you one at a time.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "How about at Presentation B.V.M., Wynnewood? He
3 was there for a year and a month. April '94 to May of
4 '95.

5 "That's a large parish out in Wynnewood, isn't it?

6 "A. Yes.

7 "Q. Okay. And it has a parish school?

8 "A. I -- I don't know. I mean, I don't know all the
9 details of every parish.

10 "Q. Okay. Well, if I were to tell you that the
11 Catholic Directory indicates that it does have a Catholic
12 school, you would agree that that's correct?

13 "A. Yes, but your answer to your question, if he was
14 there under supervision, I don't remember the details of
15 all of these. May I say then he would not be allowed to
16 go near the schoolchildren.

17 "Camilla Hall is an infirmary for aged and sick
18 sisters of the Immaculate Heart, so ordinarily there
19 wouldn't be children there.

20 "Q. But those sisters have families, don't they,
21 Cardinal?

22 "A. Sure.

23 "Q. And those families and brothers and sisters, where
24 their own children visit Camilla Hall and the nuns; is
25 that correct?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. I would presume so, but they would be just -- I
3 mean, these are aged sisters, most of them. If they
4 brought children there, grandchildren, you know, brothers
5 and sisters or whatever of the sisters, they'd only be
6 there for a short period of time, ordinarily for visit,
7 and it would seem to me they would be there with their
8 parents.

9 "Q. But would they have interaction with the priests
10 that are there?

11 "A. They might.

12 "Q. Could we turn to the next priest.

13 "A. May I add one thing. That's not his function.
14 His function as a chaplain at Camilla Hall would be to say
15 Mass for the sisters and conduct any liturgical
16 celebrations. It's not -- like, that would be his major
17 function.

18 "Q. Well, let me ask you a hypothetical, Cardinal.

19 "Camilla Hall has every year a function, fund
20 raising function, for the elderly nuns and for the
21 families of those nuns to attend where many children
22 attend.

23 "Do you know for a fact whether or not Father
24 McLoughlin attended those also?

25 "A. I do not know that.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. It's possible that he would have the opportunity
3 to have contact with children at Camilla Hall; yes or no,
4 Cardinal?

5 "A. What do you mean by contact, may I ask, so I know
6 the definition?

7 "Q. By contact, meet the children, say hello to the
8 children, be involved with the children while they're
9 attending this affair or while they're visiting their
10 loved one.

11 "A. Well, to have contact in that sense of term,
12 greeting them or anything, that's possible.

13 "Q. Could you turn to the next priest, Father Thomas
14 Wisniewski.

15 "With Father Wisniewski, the profile indicates that
16 he was given administrative leave on March 15, 2002; is
17 that correct?

18 "A. Yes.

19 "Q. And if we could go down to the previous
20 assignments, it indicates that he was the parochial vicar
21 at Saint Pius X in Broomall from June of 1991 through July
22 of 1992; is that correct, Cardinal?

23 "A. Yes.

24 "Q. And in July of 1992 until September of 1993, he
25 was on health leave, and he resided for that time period

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 at Saint John Vianney Hospital?

3 "A. Yes.

4 "Q. Is that correct?

5 "A. Yes.

6 "Q. And then from September of '93 through June of
7 '95, he was the staff, Office of the Metropolitan
8 Tribunal; is that correct?

9 "A. Yes.

10 "Q. What is the staff of the Office of the
11 Metropolitan Tribunal?"

12 MS. McCARTNEY: [REDACTED]

13 [REDACTED]

14 MR. GALLAGHER: [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 (Hearing concluded.)

23 ---

24

25

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TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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EXHIBITSIDENTIFICATION

6

GJ-954, (Previously marked exhibit.)

4

7

GJ-42, (Previously marked exhibit.)

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8

GJ-955, (Previously marked exhibit.)

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GJ-956, (Previously marked exhibit.)

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GJ-957, (Previously marked exhibit.)

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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

APPENDIX H-3

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IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

IN RE: : MISC. NO. 01-00-8944
: :
COUNTY INVESTIGATING :
GRAND JURY XVIII : C-10

August 21, 2003

Room 18013, One Parkway
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

APPEARANCES:

MARIANNE E. COX, ESQUIRE
Assistant District Attorney

MAUREEN McCARTNEY, ESQUIRE
Assistant District Attorney

WILLIAM SPADE, ESQUIRE
Assistant District Attorney

For the Commonwealth

PRESENT:

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

Reported by: Charles Holmberg
Official Court Reporter

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ANTHONY JOSEPH CARDINAL BEVILACQUA

MS. COX: [REDACTED]

[REDACTED]

MS. COX: [REDACTED]

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

BY MS. COX:

Q. Good morning, your Eminence.

A. Good morning.

Q. Cardinal, would you please state your name for the
record.

A. My name is Cardinal Anthony Bevilacqua.

Q. And you're here with counsel.

MS. COX: If counsel could identify
himself.

MR. HODGSON: Yes.

I am Clark Hodgson. I practice at the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 law firm of Stradley, Ronon, Stevens and Young, and

3 I represent his Eminence.

4 BY MS. COX:

5 Q. Your Eminence, do you recall back in June of this
6 year when you appeared in front of the Honorable Darnell
7 Jones?

8 A. Yes.

9 Q. And do you recall at that time he advised you of
10 your rights and obligations as a witness?

11 A. Yes.

12 Q. And did you understand your rights at that time,
13 and do you understand them today?

14 A. Yes.

15 Q. And do you understand you have the right to consult
16 with counsel before, during and after your testimony

17 today?

18 A. Yes.

19 Q. Are you ready to proceed?

20 A. Yes.

21 Q. Okay. Thank you.

22 Cardinal, you previously testified that in December
23 of 1983 you became Bishop of Pittsburgh, the Diocese of
24 Pittsburgh.

25 As a newly appointed bishop at that time, did you

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 try to keep on top of current events nationally and
3 locally?

4 A. I tried.

5 Q. And at that time, were you also a reader of the New
6 York Times?

7 A. I don't recall that I did hit regularly at that
8 time. I don't recall that. Certainly local papers.

9 Q. Would people on your staff bring articles to your
10 attention that concerned the Catholic Church?

11 A. No. Not generally there.

12 Q. Did you try keep on top of articles that would
13 affect issues affecting the Catholic Church?

14 A. I would try.

15 Q. And back in 1984, in the fall of 1984, did you
16 become aware of the case of Reverend Gilbert Gauthé,

17 G-A-U-T-H-E?

18 A. I did.

19 Q. And do you recall that Reverend Gauthé had been
20 accused down in the Lafayette Diocese of Louisiana with
21 molesting approximately seventy children?

22 A. I recall it was a number of children.

23 Q. Okay. And do you remember that when that story
24 became national, it was rather a crisis for the Church at
25 that time?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. And in fact, it later became publicized in
4 approximately 1985 that the bishop down in Louisiana knew
5 about allegations regarding Father Gauthe and nevertheless
6 transferred him; were you aware of that?

7 A. I don't know the specifics of it, but I knew there
8 was a great deal of controversy.

9 Q. And would you agree that that would cause even
10 greater scandal to the Church if people found out that the
11 bishop transferred an individual who had been accused of
12 sexually molesting children?

13 A. Knowingly, yes, it would cause scandal.

14 Q. And were you aware that -- did you know Bishop
15 Frey, who was the bishop down there at the time?

16 A. No, I did not.

17 Q. You didn't know him through the National Catholic
18 Conference of Bishops to see at least?

19 A. No, I did not know him very well.

20 Q. Okay. And were you aware that the children who
21 were the victims of Father Gauthe were as young as seven
22 years old?

23 A. I don't recall any ages.

24 Q. Okay.

25 A. If there were, I just don't recollect that.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. And do you recall that he was charged with
3 basically raping, sodomizing and photographing children as
4 young as seven and as old as thirteen?

5 A. I don't recall the ages. I knew it was sexual
6 abuse of minors.

7 Q. And do you recall that the Vatican at that time was
8 so concerned about this case that they asked Father Thomas
9 Doyle to go down to Louisiana and to monitor the documents
10 that were being filed in the case?

11 A. I do not know that.

12 Q. Did you know that the Vatican sent Bishop James
13 Quinn to Louisiana to monitor the situation?

14 A. I did not know that.

15 Q. But you did know that it was in fact a rather large
16 scandal for the Catholic Church?

17 A. Yes.

18 Q. And you tried to keep on top of the --

19 A. I tried.

20 Q. And did you also become aware that Father Gauthier
21 was facing life imprisonment as a result of his --

22 A. I didn't know about that. I don't recollect.

23 Q. Sure. Sure, but you did know at the time that
24 molesting a child was a crime?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. And at that point you had been a bishop for less
3 than one year when the Gauthé story first broke; is that
4 true?

5 A. I came in the latter part of '83.

6 Q. Yes.

7 A. So about that.

8 Q. Sure. And once the Gauthé story became national
9 news, do you recall that it was somewhat of a watershed
10 and numerous other complaints surfaced throughout the
11 country very rapidly in 1985 accusing priests throughout
12 the country of abusing children?

13 A. I don't recall how extensive it was, but there was
14 a fallout.

15 Q. And the National Conference of Bishops immediately
16 became concerned about the Gauthé case and tried to alert
17 the bishops in terms of these kinds of problems.

18 Do you recall that?

19 A. They began to alert us about it.

20 Q. Yes.

21 MS. COX: If I may, I would like to
22 mark this exhibit nine seventy-five.

23 (GJ-975 was marked for identification.)

24 BY MS. COX:

25 Q. And, your Eminence, for the record -

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MR. HODGSON: Excuse me.

3 (Pause.)

4 BY MS. COX:

5 Q. I'm handing you a printout from the United States
6 Catholic Conference of Bishops, Office of Communication,
7 from their website, and it's entitled "Efforts to Combat
8 Clergy Sexual Abuse Against Minors: A Chronology."

9 A. Yes.

10 Q. Have you ever seen this document before?

11 A. I don't recall.

12 Q. Okay. And if I direct your attention to the first
13 paragraph, it says in 1992, the National Conference of
14 Bishops --

15 MR. HODGSON: Wait a minute. Wait a
16 minute.

17 THE WITNESS: 1982.

18 MS. COX: I'm sorry. '82. I
19 apologize.

20 BY MS. COX:

21 Q. Even before the Gauthé crisis in 1982, the National
22 Conference was assisting two dioceses in dealing with
23 these kinds of problems.

24 Do you recall that?

25 A. No.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay. And moving down to 1984, on the exhibit, it
3 indicates that the National Conference began to consider
4 these problems a result of the Gauthé case; is that
5 correct?

6 A. I see that there.

7 Q. And in the same paragraph, towards the end, it
8 says: "Additional claimants in other dioceses come
9 forward.

10 Does that refresh your recollection in terms of --

11 A. No.

12 Q. -- other claimants and other dioceses?

13 A. No.

14 Q. Okay. And directing your attention down to 1985,
15 it indicates that the National Conference of Bishops began
16 to make uniform suggestions to the bishops in terms of

17 what they could do in their own diocese, and it
18 indicates -- and if you could follow along with me to make
19 sure I'm reading it correctly: "Number one, remove the
20 alleged offender from assignment; two" --

21 A. Where are you? Forgive me.

22 Q. I'm at 1985?

23 A. June?

24 Q. No. Just 1985.

25 A. Oh, okay. Sorry.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Where it says "number one," it's about four lines
3 up from the bottom.

4 Do you see that?

5 A. Yes.

6 Q. Okay. "Remove the alleged offender from
7 assignment; two, refer the alleged offender for
8 professional medical evaluation; three, deal promptly with
9 the victim and his or her family to offer the solace and
10 support of the Church; and four, make efforts to protect
11 the confidential nature of the claim; and five, comply
12 with the obligations of civil law and make appropriate
13 notifications."

14 Do you recall that?

15 A. No.

16 Q. Okay.

17 A. I -- I was not one of the individual dioceses.

18 Q. Oh, I understand, but do you recall the National
19 Conference was trying to take some steps at that point?

20 A. With individual dioceses? No, I do not recall
21 that.

22 Q. Do you recall they were trying to be a resource,
23 provide resource materials for the bishops so the bishops
24 could deal with this?

25 A. It was around that time they began.

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2 Q. And directing your attention down to June of 1985,
3 do you recall that the National Conference held a
4 conference in Collegeville, Minnesota?

5 A. Yes.

6 Q. And at that time presented a psychiatrist, a lawyer
7 and a bishop to discuss various aspects of the problem?

8 A. I remember there were experts there.

9 Q. Yes. And did you attend that conference?

10 A. Yes.

11 Q. And experts talked about the nature of pedophilia
12 and the issues the bishops should be concerned with?

13 A. Yes.

14 Q. And were you familiar that in 1985 the Washington
15 Post had published an article indicating that there was a
16 claim of sexual abuse in your diocese, the Pittsburgh

17 diocese at the time?

18 A. No.

19 Q. Did you know that any of your cases had made the
20 press at that time?

21 A. I recall -- I don't recall their making the --
22 getting publicity in the press, but I presume it was
23 because there were a few cases there in my time.

24 Q. And do you recall Time Magazine in 1985 ran a large
25 article indicating that in the past fifteen months, at the

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2 time of the article, new -- excuse me -- in the past
3 month, fifteen cases, new cases, throughout the country
4 came forward regarding priests abusing children?

5 A. I don't recall them.

6 Q. Okay. As a result of the information you received
7 both from the National Conference and from trying to keep
8 abreast of this in your own diocese, what if any steps did
9 you try to take in your diocese to prevent this kind of a
10 problem from happening?

11 A. The only thing I can recall, just generally, was
12 that when we learned about the abuse problem, which is all
13 new to us, that I know we established some kind of a
14 policy in Pittsburgh, not written, but a policy to guide
15 us, to deal with the some of the cases that occurred then;
16 and that was -- primarily, it involved, you know, sending
17 them -- you know, listening to them, trying to ascertain
18 what happened when the case was presented.

19 We also . . . we generally referred to our legal
20 counsel. They would be sent away for medical evaluation
21 and treatment and that they would -- they would --
22 depended a great deal on the medical advice, whether or
23 not they could be restored to ministry; and -- but I think
24 at that time, and I can't be absolutely sure, that we did
25 not -- certainly did not return them to any ministry that

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2 involved any kind of contact with young people.

3 Q. And was that because you were concerned that they
4 might offend again?

5 A. We always had that concern, but even though it was
6 not that certain at that time, the medical advice
7 sometimes was not very strong about that.

8 In other words, we abided a great deal, or it was a
9 major factor, was what did the -- what the facility that
10 we sent the priest to would recommend.

11 But I -- I think at the time it was that we felt
12 that we avoid any possibility by having any contact with
13 young people, children or young people. That's my
14 recollection.

15 Q. And you knew at that time that pedophilia was an
16 addiction.

17 A. That was pretty early. I did not -- I can't say I
18 recollected that pedophilia was an addiction. It was only
19 then we began to understand what pedophilia was, and
20 that -- but I cannot recollect that we knew that it was
21 something incurable at the time.

22 Q. I'm going to -- oh, I'm sorry.

23 A. I say, to repeat, that I don't know at that time I
24 would have known that it was an addiction as you asked.

25 Q. Okay. I'm going to pass over to you what's going

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2 be marked grand jury exhibit nine seventy-six.

3 (GJ-976 was marked for identification.)

4 MS. COX: For the record, this is a
5 reprint from Time Magazine, July 1, 1985. The
6 third paragraph indicates that they mention that in
7 the past month, which would be within one month of
8 July of 1985, fifteen other cases had come forward,
9 and they talked about the various charges against
10 various clerics throughout the country.

11 BY MS. COX:

12 Q. And the last paragraph, if you direct your
13 attention down there, it says: "Pederasty is a puzzling
14 perversion."

15 MR. HODGSON: Where are you?

16 MS. COX: The very last paragraph.

17 THE WITNESS: Of the first page?

18 MS. COX: Of the first page.

19 THE WITNESS: I don't see . . .

20 MS. COX: Does the top of your --

21 THE WITNESS: It's not here.

22 MR. HODGSON: It's not here.

23 MS. COX: -- indicate or say Time

24 Magazine?

25 THE WITNESS: No. It's the Washington

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2 Post.

3 MS. COX: Oh, I'm sorry. Let me pass
4 over this one.

5 MR. HODGSON: I have the Time Magazine.

6 BY MS. COX:

7 Q. I direct your attention to the last paragraph:
8 "Pederasty is a puzzling perversion, which to many experts
9 seems essentially incurable."

10 A. Yes.

11 Q. Does that refresh your recollection in terms of
12 what many experts were saying back then?

13 A. No.

14 Q. Okay. And at that time, were you aware of the kind
15 of harm that could be caused to a child if they were
16 sexually abused?

17 A. I felt it, but I cannot say I recollect that
18 experts were, you know, saying this. I could see -- I
19 could sense it myself, the great harm. I thought it was a
20 horrendous thing. But there were also, say, experts at
21 the time that I did not agree with them, that said it may
22 not cause that much harm.

23 Kinsey himself I recall one time saying he didn't
24 think it would cause that much harm, so it's here I notice
25 it says, "to many experts seems essentially incurable,"

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2 though there are some who would probably -- according to
3 that statement, there's some who did not think the same
4 thing.

5 Q. But in terms of your own diocese, having seen what
6 happened in the Louisiana Lafayette diocese and the crisis
7 it caused the Church, was it your determination when you
8 returned in Pittsburgh not to let the same kind of thing
9 ever happen in your diocese?

10 A. That's right.

11 Q. And what if any lessons did you take away from the
12 Gauthe case where he was allowed to abuse children in
13 diocese after diocese when they knowingly transferred him?

14 A. Well, I would have been totally against that, and
15 he -- I would -- I would -- if I had -- if I had been
16 there and known this, this is knowingly, he would not have
17 been associated in any kind of ministry.

18 Q. So you would agree that it would be a mistake to
19 transfer someone to a new diocese -- excuse me -- a new
20 parish if the person had been accused of sexually
21 molesting a child?

22 A. Knowingly, it would be very wrong.

23 Q. When you say knowingly, you're referring to the
24 person making the transfer decision?

25 A. That's right. That person knew that he had been

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2 guilty of this.

3

4

5

THE WITNESS: Or credibly.

6

BY MS. COX:

7

Q. Now, directing your attention again back to the
8 bottom of what's been marked nine seventy-five, this is
9 the National Catholic Conference exhibit?

10

A. Yes.

11

Q. And by the way, the National Catholic Conference of
12 Bishops, which is now known as the United States Catholic
13 Conference of Bishops, would that be equivalent to a trade
14 group in a civil context?

15

A. It's hard to compare it. What do you mean by that,
16 a trade group?

17

Q. Is it an organization that is there for the benefit
18 of the bishops in terms of a support group providing
19 information?

20

A. It begins to approach that.

21

Q. So directing your attention to the last paragraph
22 on exhibit nine seventy-five, where it says "1985,
23 continued," it indicates, and tell me if I'm reading this
24 correctly, "The Reverend Michael Peterson, president of
25 Saint Luke Institute, and the Reverend Thomas Doyle, canon

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2 lawyer on the staff of the Apostolic Nunciature, and
3 Attorney Raymond Mouton, lawyer for Father Gauthe, draft a
4 resource paper entitled "The Problem of Sexual Molestation
5 by Roman Catholic Clergy: Meeting the Problem in a
6 Comprehensive and Responsible Manner."

7 Do you recall that the authors of this document had
8 been involved in the Gauthe case, that Reverend Mouton had
9 been defense counsel for Gilbert Gauthe?

10 A. I do not recall that, but I -- those names are
11 familiar.

12 Q. It would have been likely you would have known at
13 the time, I take it?

14 A. At that time, possibly.

15 Q. And you previously testified that you recalled, you
16 think you received a copy of that along --

17 A. Yes, I think I did.

18 Q. -- along with the other bishops?

19 And given the crisis that had occurred with the
20 Gauthe case, I take it you would have wanted to know as
21 much as you possibly could about this problem?

22 A. Yes.

23 Q. And would you agree that the Gauthe case was
24 probably the biggest scandal in the Catholic Church since
25 you had been ordained in 1949?

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2 A. No.

3 Q. You wouldn't?

4 What would have been a bigger scandal?

5 A. We're dealing with two thousand years of history.

6 Q. So since you've been ordained in 19 --

7 A. Oh, that I had -- happened since I was ordained?

8 Q. Since you were ordained in 1949, would you agree
9 that the Gauthé scandal was the biggest crisis in the
10 Catholic Church in the United States? Since the time of
11 your ordination, not in the history of the Church.

12 A. I guess it was. I'd have to say the most notorious
13 at the time.

14 At the time -- you have to understand. I don't
15 know whether it was -- I would have to say for myself, an
16 enormous amount of publicity that has ever been received,

17 I would say yes, of something that would be notorious and
18 evil.

19 Q. Now, this was not something that you would ever
20 want to see happen in your diocese, I take it?

21 A. No. That is correct.

22 Q. Now, directing your attention to the second page of
23 exhibit nine seventy-five, it indicates about eight lines
24 down, if you can find that spot, "An NCCB/USCC staff
25 review."

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2 A. Right.

3 Q. Have you found that spot?

4 A. Yes.

5 Q. "Finds that, with few exceptions, issues identified
6 in the report," and they're referring to the Doyle
7 Peterson Mouton report here, "have already been analyzed
8 for the bishops by the National Catholic Conference of
9 Bishops' staff and other experts, especially at the
10 Collegeville meeting. Major difference: The report's
11 suggestion of a national intervention team."

12 Now, do you recall that the National Catholic
13 Conference of Bishops basically had presented the bishops
14 with the same kind of information that was contained in
15 this Doyle manual so the bishops could respond in their
16 ~~own diocese to this issue?~~

17 A. I do not recall that it was considered, you know,
18 substantially the same as the Doyle. I do not recall
19 that.

20 Q. Would you dispute the National Conference of
21 Bishops' conclusion that it was substantially the same
22 except for the intervention team?

23 A. No, I would not dispute that.

24 Q. Now, continuing down on the same exhibit, in 1986
25 and 1987, the National Catholic Conference of Bishops in

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2 this statement, on their website, indicates how they were
3 encouraging bishops in their own diocese to deal with
4 personnel problems, and they were acknowledging the scope
5 and extent of the crisis of priests abusing children.

6 Is that correct?

7 A. I see that.

8 Q. Now, by 1988, you were transferred and actually
9 made Archbishop the of the Archdiocese of Philadelphia; is
10 that correct?

11 A. Yes.

12 Q. And do you recall -- I'm going to hand you a copy
13 of an exhibit that was previously marked nine fifty-six?

14 MS. COX: And for the record, this
15 exhibit is captioned: "It's Your Call with Lynn
16 Doyle.

17 "On CN8 TV.

18 "Questions for the Cardinal.

19 "Interview of Anthony Cardinal

20 Bevilacqua.

21 "Taped June 24, 2002."

22 BY MS. COX:

23 Q. Do you recall that interview?

24 A. Yes.

25 Q. And directing your attention to page two of the

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2 transcript, the last paragraph, five lines down, beginning
3 with the word "but," "but also," have you seen that?

4 A. No. The last paragraph on page two?

5 Q. The last paragraph on page two, the words "but also
6 the impression that was given."

7 A. By the media?

8 Q. Yes.

9 A. Okay.

10 Q. "But also the impression that was given by the
11 media at times" -- excuse me.

12 A. I see that.

13 Q. "But also the impression that was given by the
14 media at times was that the bishops never did anything
15 about this. You know, we started -- when it was first
~~16 highlighted in 1985, the bishops began to address this~~
17 with workshops. We had many experts speak to us at our
18 conferences."

19 And coming down a couple lines, "But a lot of
20 reform did take place."

21 And directing your attention to page three, at the
22 top, the question was posed by Lynn Doyle: "And that's
23 because, in your opinion, of the reform that started as
24 far back as 1985?" And your answer: "Most of the bishops
25 I think cooperated with that."

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2 And did I read that correctly?

3 A. Yes.

4 Q. And you would agree that you also cooperated with
5 the reform and were interested in making sure that no
6 child was ever placed at risk in any of your dioceses; is
7 that correct?

8 A. Yes.

9 BY MS. MCCARTNEY:

10 Q. Good morning Cardinal.

11 You were actually appointed Archbishop of
12 Philadelphia in June of 1987; is that correct?

13 A. No.

14 Q. When?

15 A. No. I -- I was appointed in December of '87.

16 Q. ~~And you took -- you were installed as Archbishop in~~
17 February of '88; is that right?

18 A. That's correct.

19 Q. And during that period of time, between your
20 appointment and your installation, were you the one that
21 made the decisions in Philadelphia, or was that still
22 Cardinal Krol's responsibility?

23 A. Cardinal Krol.

24 Q. Okay. During that period of time, the transitional
25 period, you were trying to familiarize yourself with the

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2 Archdiocese of Philadelphia; is that fair to say?

3 A. Trying, but not strongly, because I had to still
4 run the Diocese of Pittsburgh.

5 Q. Okay. And you were actually then installed in
6 February of 1988, at which point in time you became the
7 one that made the decisions with regard to the Archdiocese
8 of Philadelphia --

9 A. That is correct.

10 Q. -- correct?

11 And you've already testified previously that you
12 were the ultimate decision maker with regard to any
13 decision that occurred in the Archdiocese as it affected
14 the Catholic Church; is that fair to say?

15 A. For the more important ones. I mean, not every
16 ~~decision. Much of the administrative work I delegated to~~
17 others.

18 Q. Okay. But in terms of transferring and assignments
19 of priests --

20 A. Yes.

21 Q. -- ultimately, all of those decisions were yours to
22 make; is that right?

23 A. That is correct.

24 Q. Okay. And when you first became Archbishop of
25 Philadelphia in 1988, you set up an advisory committee; is

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2 that right?

3 A. What do you mean by an advisory committee? On this
4 issue or advisory committee to myself? What --

5 Q. An advisory committee to familiarize yourself with
6 what was going on within the Archdiocese of Philadelphia?

7 A. I don't recall any advisory committee that I set up
8 then as soon as I came in. I have -- by law there are
9 advisory committees.

10 Q. Okay.

11 A. One being the Priest Council, which I had to
12 install, which I did several months after I came here.

13 Q. Okay.

14 A. I had a -- I had -- one or two of my top staff were
15 kind of personal advisors to me, but I did not have a
16 ~~formal advisory body outside of what's required, you know,~~
17 allowed by the law itself.

18 Q. What about a transitional committee? Did you have
19 any persons from Cardinal Krol's administration working in
20 coordination with those that you were going to make
21 important in your administration?

22 A. There was no committee set up in that way.

23 Q. And who were your closest advisors that you
24 mentioned when you first came to Philadelphia?

25 A. When I first came here, it must have been at least

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2 six, about six or so months that I depended upon the ones
3 that were already in place in the office, and that would
4 have been Cardinal Krol's secretary. It would have been
5 the Chancellor of the diocese. It would have been also
6 the Vicar General of the diocese.

7 Those would be the top advisors that I would have
8 consulted with for a while until I began to form my --
9 make my own appointees.

10 Q. Now, you first came here in February, as we've
11 already discussed, the fact that the NCCB was addressing
12 this issue of clergy sexual abuse, and it was discussed at
13 the various meetings that were held from the point in time
14 of the Gauthe case forward through 1988; is that right?

15 A. Correct.

16 ~~Q. And they had provided you, you as well as the other~~
17 bishops, with a number of resource materials in terms of
18 how to address this issue and what the medical opinions at
19 the time were; is that right?

20 A. Yes, but you have to understand it wasn't -- there
21 was a constant influx of resource materials.

22 Q. I understand that, but the conference themselves
23 provided you with information --

24 A. Yes. At times.

25 Q. -- is that right?

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2 A. At times.

3 Q. And there was also obviously information that could
4 have been obtained through sources over the NCCB on this
5 issue; is that right?

6 A. That is correct.

7 Q. Individuals could have gone and done research by
8 themselves or had set up committees to, you know, speak
9 with experts and things like that; is that fair to say?

10 A. Yes.

11 Q. Did you do any of those things, Cardinal, either in
12 Pittsburgh or in Philadelphia, from 1995 through 1988?

13 A. I tried to keep up with as much of the relevant
14 resource materials that was available. I can't say I did
15 read everything.

16 Q. Okay.

17 A. But there was so much.

18 Q. So then you --

19 A. But I did try to say that I was, you know, current
20 with what the situation was.

21 Q. So you, in addition to the information provided by
22 the USCC, you supplemented that with your own research and
23 investigation?

24 A. It was mainly -- not that I necessarily researched
25 it, but that people would tell me about articles in the

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2 paper or in some magazine, and they might send me a copy.
3 I don't recall all of the incidents of it, but I would
4 keep up with it.

5 Q. And you were aware that the issue that was being
6 addressed, clergy sexual abuse, that there were children
7 that were affected by this crisis?

8 A. What I -- the information that I was reading seemed
9 to indicate frequently that the number of -- when you say
10 children, I'm presuming you mean below the age of puberty.

11 Q. When I say children, I'm talking about anywhere
12 from toddler through the legal age of majority, which
13 would be eighteen.

14 A. Oh, because we -- we learned, you know, after a
15 while, that distinction between children and young people,
16 ~~and so there were minors involved.~~

17 Q. Okay.

18 A. Yes.

19 Q. And you would agree that obviously one of your
20 major concerns would be the protection of children or
21 minors; is that right?

22 A. Yes.

23 Q. And so that was another reason why this issue was
24 extremely important to you --

25 A. Yes, it was.

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2 Q. -- is that correct?

3 And when you came to Philadelphia, would it be fair
4 to say that the protection of the children of the Diocese
5 or the minors of the Diocese, that was one of your main
6 concerns?

7 A. At the time it was always a concern, you know,
8 wherever I was, Pittsburgh and Philadelphia, but it -- to
9 say that it was my major of concern, if I took action
10 immediately, I cannot say that, but it was still a major
11 priority for me.

12 Q. What concern would you say was of greater
13 importance to you when you became Archbishop of
14 Philadelphia in February of 1988 than the protection of
15 children?

16 A. ~~Protection of children was always a very high~~
17 priority.

18 When I first came to Philadelphia, one of the first
19 things I had to do was to get a staff that could advise me
20 and to fulfill my own style and policies.

21 I knew very few people in Philadelphia. Very few.
22 And so it was very important to get people that I knew at
23 that I would -- who were competent, in charge of various
24 offices, because when I came here, I knew that I had to
25 take a different approach to the administration of the

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2 Diocese; and it was an approach that I felt would allow me
3 to be more of a shepherd, meaning that I could get out
4 among the people, and I wanted to delegate more to
5 administrators so that I would not have to be directly
6 involved --excuse me -- with the day-to-day running of the
7 Diocese.

8 That was very crucial to me from a practical point
9 of view or organizational point of view. That does not
10 diminish the priority of protection of children or many
11 other priorities.

12 Q. Well, when you say you needed to take a different
13 approach, that was different than the approach that had
14 been taken by Cardinal Krol?

15 A. That's correct.

16 Q. And --

17 A. It was an advancement of it.

18 Q. Okay. And when you came to Philadelphia, what did
19 you do to educate yourself with regard to the policy of
20 Cardinal Krol that Cardinal Krol had in place where there
21 were allegations of clergy sexual abuse with minors?

22 A. I don't recall at that time that there was any
23 prominent cases of sexual abuse of minors in Philadelphia

24 I depended upon the staff of Cardinal Krol, that
25 was the in the Chancery, to alert me to any situations

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2 that required immediate attention, and my recollection is
3 that they -- it seemed as if it was not a very -- there
4 was nothing notorious at the time.

5 Q. Well, Cardinal, just so I'm clear, when you say
6 nothing notorious, you're talking about nothing that had
7 maybe made the newspapers in Philadelphia?

8 A. Right, or that there were recent allegations or
9 cases.

10 Q. Was that an assumption that you made, or did you
11 actually go to the people that were in charge of dealing
12 with these issues under Cardinal Krol and -- I believe it
13 would have been Monsignor Shoemaker at the time?

14 A. That's right.

15 Q. Did you go to Monsignor Shoemaker and say, you
~~16 know, I need you to tell me what the situation here is in~~
17 Philadelphia?

18 A. I don't recall doing that.

19 Q. Did you direct anybody on your staff to provide
20 that information to you?

21 A. I don't recall that.

22 Q. So when you say that there were no cases that
23 required immediate attention, that was just an assumption
24 on your part?

25 You're not basing that on any firsthand knowledge

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2 that you had through any work that you did to discover
3 that.

4 Is that fair to say?

5 A. It's because that if there had been an allegation,
6 that would have been reported to me immediately.

7 Q. If there had been an allegation that occurred while
8 you were --

9 A. While I was there.

10 Q. Okay. What about allegations -- and we can talk
11 about that in a moment, but what about allegations that
12 had occurred prior to your arrival where the individuals
13 were reassigned or were still in treatment or had been,
14 you know, put on administrative leave?

15 Did you familiarize yourself with any of those
16 situations?

17 A. I don't recall doing that since I presumed that it
18 was being adequately taken care of.

19 Q. And when you say you presumed that it was being
20 adequately taken care of, on what facts were you making
21 that assumption?

22 A. On the fact that Cardinal Krol was a very competen
23 Archbishop, and I'm -- I presume again that he was
24 concerned about the protection of children as much as
25 anybody else.

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2 Q. Did you, Cardinal, given the fact that this was of
3 such paramount concern to you, the protection of children,
4 did you do anything besides just assume that these
5 situations had been handled appropriately in the past?

6 A. I have to repeat that the staff that was in charge
7 of the clergy at the time were very competent, and as I
8 was trying to reorganize the Diocese, I was waiting to get
9 people in that were the ones that would fulfill my goals
10 and my vision; and at the time, those in charge of the
11 clergy were very efficient, and I have to repeat that I
12 presumed that they were taking care of all of this.

13 Q. And you're saying that you assumed that they were
14 taking care of it because they were very competent; that's
15 why you were making that assumption, part of the reason?

16 A. I have to repeat that ~~if there was anything, any~~
17 danger there, I am presuming again that they would have
18 brought it to my attention.

19 Q. Did you, Cardinal, at any point in time tell those
20 individuals that this is an issue that you were extremely
21 concerned about and I need to know about it and I need you
22 to tell me what's going on in this archdiocese about this
23 issue?

24 A. You're talking about immediately after I arrived?

25 Q. Yes.

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2 A. I do not recall that.

3 Q. Okay. At the time that you became Archbishop of
4 Philadelphia, you were aware -- you're aware of the
5 existence of secret archive files, is that right? By
6 canon law, they have to be kept?

7 A. Yes.

8 Q. Okay. And you're aware that any allegation that
9 occurred in a priest's life and that involved anything
10 from alcohol abuse to stealing to allegations of sexual
11 abuse, there would have to be reports that were generated
12 in and placed in that individual's secret archive file; is
13 that correct?

14 A. Yes.

15 Q. Did you at any point in time when you first came to
16 Philadelphia, did you ask that anybody go through the
17 secret archive files so that you could be aware of those
18 priests that had files, or did you do that yourself?

19 A. No, I did not.

20 Q. Can you tell me why?

21 A. (No response.)

22 Q. Why was that not done?

23 A. I didn't see any necessity at the time.

24 Things are brought to me when it requires my
25 attention. That's why I have staff. And the clergy

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2 office at the time was the chancellor and the vice
3 chancellor.

4 That was their responsibility, and they knew that.
5 They always knew that it was a high priority for me,
6 protection of children. Apparently, there was nothing
7 urgent at the time to tell me.

8 Q. Cardinal, how would they know that was a high
9 priority of yours and that you were to be kept abreast of
10 all of this if you never had that conversation with them
11 and that you're assuming they would know it?

12 A. Because they would know as it was high priority for
13 Cardinal Krol, it would be a high priority for me; and if
14 they had anything urgent that had to be taken care of,
15 they would have brought it to my attention.

~~16 Q. The changes that occur within the Archdiocese,~~
17 they're usually done in May or June of any particular
18 year; is that correct?

19 A. Correct.

20 Q. And so, when you became Cardinal in 1988, in
21 February, the first set of clergy changes that you were
22 responsible for would have been in June of that year; is
23 that right?

24 A. Yes.

25 Q. Okay. And those changes are done on the basis of

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 needs of the Diocese and skills of each individual priest;
3 is that correct?

4 A. Yes.

5 Q. So when you went to make the changes in June of
6 1988, did you at that point in time, when you were
7 possibly going to be making, you know, decisions with
8 regard to moving one individual from one parish to
9 another, did you at that point in time ask that any of the
10 secret archive files be reviewed so that you could be
11 familiar with these individuals because you were the one
12 that was going to be making the decisions about where they
13 were going to go?

14 A. I don't recall that, but it was policy, and I don't
15 know when it began, whether that first time, certainly was
16 after that, that any appointment that is made, that it's
17 the responsibility of those in charge of the clergy to see
18 if there's anything in the secret archives that would
19 militate against an assignment. That is to be done
20 automatically.

21 Q. Now, just so I'm clear on this Cardinal, any time a
22 priest is changed from one assignment to the other, the
23 Secretary for Clergy is to go through the secret archive
24 files, find out whether a file exists on that individual,
25 if it does, to determine what the contents of it are and

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2 then bring that information to your attention?

3 A. That is correct. If -- but after a while,
4 naturally, he doesn't do it any time he becomes familiar
5 with that file.

6 Q. But that information that he gathers from looking
7 at the secret archive file is conveyed to you so that you
8 can then have an informed discussion about what changes
9 are made and how and what skills or deficiencies a
10 particular priest has?

11 A. Yes. If it was something notorious in that secret
12 archive file, then that would affect any kind of transfer;
13 but what I say -- I was trying to say I don't know that
14 first one because I set up a Personnel Board and I don't
15 know if I had set it up by that time.

~~16 Q. You set up a Priest Personnel Board?~~

17 A. That's right.

18 Q. And that is composed of the vicars of the various
19 counties, as well as some other individuals that are vote
20 on by other priests?

21 A. That is correct.

22 Q. You preside over every one of them?

23 A. Yes.

24 Q. And Monsignor Lynn is also a member that board; is
25 that right?

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2 A. That is correct.

3 Q. But if not with the first set of changes that you
4 were responsible for in 1988, every set of changes after
5 that, this procedure that you've just indicated, was in
6 place in terms of information from the secret archive
7 files being gathered and presented to you for decision?

8 A. If -- he is supposed to check whether anyone --
9 there's any record in the secret archives that would be a
10 major factor in the appointment. If there is, he would
11 generally let me know beforehand. In other words, it
12 wouldn't be brought up at the personnel meeting itself.

13 Q. Yes.

14 A. But after all, he became familiar with that file.

15 Q. And he would let you know that either through a
~~16 written memo or through sometimes just word of mouth of~~
17 conveying that information?

18 A. That's right. Most of the time they would say it
19 verbally, not that they were that frequent. It happened
20 very, very rarely.

21 Q. But, Cardinal, you would agree with me that since
22 your installation as Archbishop in 1988, there were
23 priests that were reassigned that had allegations of
24 sexual abuse in their secret archive files?

25 A. I can't say that. Wait a minute. That they

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2 reassigned to what?

3 Q. To different assignments throughout the Archdiocese
4 of Philadelphia.

5 A. They -- those who had allegations against them,
6 credible allegations, if they had gone for rehabilitation,
7 they would -- it would depend upon what the doctors said,
8 whether he could be reassigned, but I don't recall. I
9 cannot recall ever assigning to any kind of ministry that
10 would involve children.

11 Sometimes they would tell us this man can be
12 reassigned but he is not to be involved with any
13 responsibility involving young people, and so we -- it was
14 not long after I arrived in Philadelphia, I don't know the
15 precise time, that we had a policy that those involved in
16 sexual abuse of minors would have restricted ministry.

17 But I don't recall ever knowingly assigning anyone
18 to a parish or to any kind of apostolate or ministry
19 involving children or young people.

20 Q. When you say -- you've used the phrase "credible
21 allegation," that if it was a credible allegation, they
22 wouldn't be reassigned to a ministry, a full ministry; is
23 that right?

24 A. That is correct.

25 Q. How is credible allegation defined?

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2 A. One that where there's proof that he did commit a
3 sexual abuse of a minor.

4 Q. And when you say proof, are you talking about --
5 does it have to be an admission by the individual that's
6 accused?

7 A. Practically. Most of the time when we did have
8 allegations and we said that that person could not be
9 reassigned, it was because the priest admitted it.

10 Q. And is that the only factor that is used or that
11 goes into determining what is a credible allegation?

12 A. No. If it happened -- I don't recall any. If the
13 priest did not admit it, there could be other ways of
14 determining whether the allegation is credible.

15 Q. Like what, Cardinal?

16 A. Well, if there were any kind of evidence or if it
17 was -- it could reach a point where a number of people
18 made the allegation. I'm talking in general now. A
19 number of people made similar allegations. It would build
20 up a strong presumption of guilt.

21 Q. Well, with regard to the priests that were
22 reassigned by you, who may have had secret archive files
23 where allegations were made under Cardinal Krol, did you
24 review those files personally?

25 A. No.

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2 Q. Well, how is it that there would have been able to
3 be made a determination of whether or not the allegation
4 was credible if the individual who was in charge of making
5 the decision had never had the opportunity to speak with
6 the accuser?

7 A. Because I depended upon my -- my people responsible
8 for the clergy to do that.

9 Q. Well, you depended upon them, and they were clear
10 that you were depending upon them in that regard; is that
11 correct?

12 A. Yes.

13 Q. Okay. If they didn't do what it is that you
14 required them to do or expected that they would do,
15 ultimately you're responsible for the decision that gets
16 made; is that correct?

17 A. That's right. But I have to always presume that
18 they were efficient and they did do what the policy said
19 they should do.

20 Q. Did you ever personally -- did you ever check and
21 go through any type of an evaluation process to determine
22 whether or not these people that you've placed your
23 confidence in were actually doing what it was that you
24 expected them to do?

25 A. I'm not understanding how I'm supposed to do

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2 something like that, except that I trusted them. I mean,
3 they have a conscience, and I have to presume all my
4 priests follow their conscience, you know, that are my
5 advisors or my staff, that they know their
6 responsibilities and they know that they ought to carry it
7 out.

8 Q. Were you aware at any point in time since when you
9 took over as Cardinal in 1988 that the responsibility that
10 you had vested into an individual was not being -- and
11 when I say an individual, I'm talking about an individual
12 involved in this issue of clergy sexual abuse, that they
13 had not risen to the occasion, that they hadn't done the
14 job that was required of them?

15 A. I never found in my experience in the Archdiocese
16 ~~of Philadelphia that any of the priests involved in the~~
17 clergy, in the clergy office, that they failed in their
18 responsibility on this question of sexual abuse of minors

19 Q. So it's never been brought to your attention that
20 one of the things that you wanted done on a particular
21 case with this issue was not followed through on?

22 A. That was never brought to my attention.

23 Q. Now, Cardinal, when you became Archbishop in 2000,
24 I mean, in February -- what was the exact date again?

25 A. February 11.

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2 Q. February 11.

3 After you became Archbishop of Philadelphia, within
4 two weeks of your being installed, it became known to you
5 that an allegation of sexual abuse had been brought
6 against Monsignor David Walls; is that correct?

7 A. I don't recall it, but I know there was something
8 there.

9 Q. I'm just ask you to look at what's been marked as
10 grand jury six fifty-nine and just --

11 MR. HODGSON: Excuse me. What's the
12 number again?

13 MS. MCCARTNEY: Six fifty-nine.

14 BY MS. MCCARTNEY:

15 Q. Just for the record, Cardinal, this is the
16 ~~Archdiocese of Philadelphia priest data profile; is that~~
17 correct?

18 A. Yes.

19 Q. And it deals with Reverend Monsignor David E.
20 Walls --

21 A. Right.

22 Q. -- is that right?

23 Now, if you look down, Cardinal, to the previous
24 assignments, from June of 1987 through June of 1988,
25 Monsignor Walls was the vicar in the Office of Catholic

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2 Education; is that correct?

3 A. Yes.

4 Q. And that's a relatively high profile position
5 within the Archdiocese of Philadelphia; is that right?

6 A. Yes.

7 Q. Very important position?

8 A. Yes.

9 Q. Okay. Now, in February of 1988, there was an
10 allegation that came in, and the allegation was made by a
11 therapist, an [REDACTED]

12 Does that refresh your recollection at all?

13 A. No.

14 Q. And the therapist went and spoke with Monsignor
15 Pepe, and what position did he hold in the Archdiocese at
16 that time?

17 A. Forgive me. I . . . I think he -- I thought he was
18 in the Tribunal, but I can't be positive, but it may have
19 been in the Chancery.

20 Q. And also Samuel Shoemaker?

21 A. He was the Chancellor at the time.

22 Q. And Monsignor Shoemaker was the one that was in
23 charge. His office was in charge of dealing with these
24 issues of clergy sexual abuse when you took over. Is that
25 right?

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2 A. Yes.

3 Q. Okay. And just would it refresh your recollection,
4 Cardinal, if I were to tell that Joseph Pepe was the Vice
5 Chancellor from 1987 through 1991?

6 A. That could be.

7 Q. Okay. So he was Monsignor Shoemaker's assistant at
8 that point?

9 A. (No response.)

10 Q. The therapist that came to speak with them told
11 them that she was treating a client and that that client,
12 who was nineteen at the time, alleged that two years
13 previous, she had been sexually assaulted by Monsignor
14 Walls after she had gone to him for counseling.

15 Does that refresh your recollection --

~~16 A. No.~~

17 Q. -- as regard to the allegations?

18 A. No. No.

19 Q. She also said that there was another allegation
20 that she was familiar with where the girl's brother had
21 been approached by Monsignor Walls in a sexual way.

22 Does that ring a bell with you, Cardinal?

23 A. No.

24 Q. And she told you that --

25 A. Wait.

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2 Q. I'm sorry. I'm sorry. She didn't tell you. I
3 apologize, Cardinal.

4 And the allegations that had been brought to the
5 attention of the Chancellor's office were that these
6 incidents involving her had occurred at a point in time
7 when she was seventeen years old, which would have made
8 her a minor; is that correct?

9 A. This is the first time I hear that the allegations
10 involved a minor.

11 Q. Well, Cardinal, am I correct in saying that just a
12 couple minutes ago when we were talking about what the
13 procedure was in Philadelphia after you took place that
14 you had given instructions --

15 A. Yes.

16 Q. -- informed your staff to come to you and tell you
17 if there's any allegations of sexual abuse?

18 A. Yes.

19 Q. And you made that very well clear to them, is that
20 right, when you first --

21 A. They knew it.

22 Q. And they knew that because the protection of
23 children was one of, if not your main, concerns as the
24 spiritual, moral leader of the Diocese, correct?

25 A. Yes.

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Q. Are you saying that they never came to you and told you that the allegation involved a minor?

A. My memory of this has never linked him with abuse of a minor.

Q. Well, Cardinal, after these allegations became known, he was sent for an evaluation; is that right?

A. Yes.

Q. And the evaluation was done at Saint Luke's Institute?

A. I don't recall that, but . . .

Q. Okay. And obviously, because you were concerned about the allegations, you were concerned about the health and well-being of the priest and you were concerned about the potential for risk in the future, you were always clear that you wanted to see and read and know what was in the evaluations that had been conducted; is that right?

A. That's -- that is a . . .

[REDACTED]

[REDACTED]

MS. MCCARTNEY: [REDACTED]

[REDACTED]

THE WITNESS: [REDACTED]

[REDACTED]

MS. MCCARTNEY: [REDACTED]

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2

3

4

THE WITNESS: I agree.

5

6

Could you kind of break it up into several questions? It went on quite a while, so I lost -- there are a lot of distinctions there.

7

8

MS. McCARTNEY: I'll do my best.

9

BY MS. McCARTNEY:

10

Q. When an allegation about a priest in the

11

Archdiocese came in and an evaluation was conducted, you

12

were very interested in the results of that evaluation,

13

correct?

14

A. Yes.

15

Q. And you were not only interested in the results of

16

~~the evaluation, but you wanted to be familiar with what~~

17

the evaluation had consisted of; is that correct?

18

A. Generally if it involved particularly what the next

19

step would be with that priest.

20

Q. And as a result of your wanting to be aware of the

21

and concerned about it, you were made aware of all of the

22

evaluation reports that were done on a particular priest;

23

is that correct?

24

A. I don't know if I can say -- I say generally, yes.

25

Q. Okay.

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2 A. But I can't be absolute about that.

3 Q. And when you say generally, that's because your
4 staff would have been aware that they were your wishes and
5 that you wanted that information; is that right?

6 A. That which was most relevant for any kind of
7 appointment or decision about him.

8 Q. And you've already told us previously that a lot of
9 the decisions that you made on individual priests that had
10 been evaluated, part of what went into the decision was
11 the results of the evaluation?

12 A. Correct.

13 Q. So then your staff would have been aware of the
14 fact and would have known that this was a very important
15 thing that you wanted to be kept abreast on?

16 A. Yes. I have to say that.

17 Q. Now, Cardinal, when Monsignor Walls was evaluated
18 after these allegations came up, he was sent for an
19 evaluation at Saint Luke's.

20 Do you recall that?

21 A. I don't recall this specifically. Can you refresh
22 the time he was sent there?

23 Q. He was admitted to Saint Luke's on March 14, 1988,
24 which would have been a couple weeks after the allegation
25 had first come in.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MS. MCCARTNEY: And I'm going to ask
3 that this be marked as grand jury exhibit nine
4 seventy-seven.

5 (GJ-977 was marked for identification.)

6 BY MS. MCCARTNEY:

7 Q. Do you recognize that document, Cardinal?

8 A. I do not. I don't recall it.

9 Q. For the record, Cardinal, this is a document which
10 is marked nine seventy-seven. It's Saint Luke's
11 Institute. It is dated April 5, 1988, and it is addressed
12 to Reverend Monsignor Samuel Shoemaker, Chancellor,
13 Archdiocese of Philadelphia; is that correct?

14 A. Yes. That's what it states.

15 Q. And this evaluation refers to an evaluation that
16 ~~was conducted on Father Walls, is that correct, based upo~~
17 the information that's contained in that document?

18 A. Yes.

19 Q. Now, this would have been provided to you at some
20 point in time by Monsignor Shoemaker given what you've
21 already told us about how you expected things to be
22 conducted?

23 A. I said that the information generally is given to
24 me. Doesn't necessarily mean that the actual document i

25 Q. Well, Cardinal, correct me if I'm wrong, but this

1 ANTHONY JOSEPH CARDINAL BEVILACQUA
2 is two weeks after you became Cardinal or Archbishop of
3 Philadelphia.

4 This is an individual who had been excused of
5 sexual abuse, who held a very high ranking, ranking
6 position within the Archdiocese of Philadelphia.

7 And am I correct in saying that this would have
8 been an individual that would have been of great concern
9 to you?

10 A. It should have been, and perhaps I should have
11 been -- the point should have been apprised of this, but I
12 can't recollect it.

13 Q. Well, if you could, Cardinal, go to page three of
14 that document, and referring to the third paragraph down,
15 this is the information that deals with Father Walls's
16 sexual history and also deals with ~~information with regard~~
17 to the allegations that brought him to Saint Luke's.

18 MR. HODGSON: Where is it?

19 MS. McCARTNEY: It's the third
20 paragraph down, and it begins with the sentence
21 "more recently."

22 THE WITNESS: You said the third page?

23 MR. HODGSON: No. No. What page? At
24 the bottom?

25 MS. McCARTNEY: It's 000946.

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2 THE WITNESS: And how does the
3 paragraph begin? I'm not following your reading.

4 BY MS. MCCARTNEY:

5 Q. The paragraph begins in addition?

6 A. Okay. "To these personalized."

7 Q. Right. And if you look down about half way through
8 that paragraph, there's a sentence that begins "more
9 recently."

10 Do you see that sentence there?

11 A. Yes. Yes.

12 Q. Okay. It says: "More recently in 1985 and May of
13 1986, Father Walls noted that he did pursue a young woman,
14 an adolescent, sexually and that he was also inappropriate
15 in touching a young man. He is not aware of any abiding
16 ~~attraction, abiding attraction of a sexual nature to young~~
17 people. These individuals were adolescents, but were
18 physically mature."

19 Is that what that document reads, Cardinal?

20 A. Yes.

21 Q. Does that refresh your recollection with regard to
22 the allegations that were made against Monsignor Walls
23 dealing with minors?

24 A. No.

25 Q. Okay. So just so I'm clear, Cardinal, are you

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 saying that this information was not brought to your
3 attention or that you just don't recall it?

4 A. I don't recollect it being brought to my attention.

5 Q. And after this evaluation process took place --
6 well, what was brought to your attention? What do you
7 recall about what the allegations were and what you knew
8 about them?

9 A. I can't recall, except that I knew it was an
10 involvement sexually with someone, but that's all I can
11 recall.

12 Q. Well, Cardinal, let me ask you to just tell me.

13 With regard to what your normal practice would have
14 been, if someone comes to you and says: Cardinal or your
15 Eminence, there's an allegation that incurs, that has been
16 brought against a particular priest of a sexual nature,
17 certainly you would ask follow-up questions to that,
18 right?

19 A. You have to understand this is in April of '88 and
20 the procedure was different, and it's possible that
21 Monsignor Shoemaker may have followed a different system.

22 I was just getting -- I was getting kind of adapted
23 to my role as Archbishop. I know what I did afterwards,
24 but at this time, I cannot say that I received this
25 document or that they felt what -- that they felt that

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2 they had to follow a certain policy of mine.

3 Q. But, Cardinal, you've already told us that you made
4 it clear to the people that were part of Cardinal Krol's
5 staff when you became Archbishop in February that you had
6 certain expectations and that you wanted information
7 brought to your attention immediately upon --

8 A. I don't think I said it that way. I said I
9 presumed that they would know that as they did it with
10 Cardinal Krol, they should be doing it with me also, but I
11 don't recall sitting down with them and telling them what
12 my practices were or priorities were in those first
13 months.

14 Q. But, Cardinal, you came in to be Archbishop of
15 Philadelphia. There was a staff that was working for
16 ~~Cardinal Krol.~~

17 You're saying that you just assumed that they were
18 going to deal with things effectively and that you never
19 took any action yourself to ensure that that was, A,
20 taking place; or B, that you were informed of extremely
21 important --

22 A. Because I considered them competent. I figured
23 they were doing their job well since there were a hundred
24 other items that I had to deal with in those first few
25 months.

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2 Q. But again, Cardinal, one of if not the most
3 important item that you were dealing with then and now is
4 the protection of children?

5 A. That is correct.

6 Q. So you don't -- you do recall being informed of the
7 allegations against Monsignor Walls?

8 A. I was informed of something, but not necessarily --
9 I don't have no link of memory with it being minors.

10 I mean, he was -- it would seem that the conclusion
11 was mine. I mean, whatever this led to, he was given an
12 administrative leave right after this.

13 Q. Well, we'll talk about that in a moment, Cardinal,
14 but I just want to see whether or not we can be clear on
15 the record that when you were informed of the allegations
16 with regard to Monsignor Walls, you don't have any

17 recollection of their being told by Monsignor Shoemaker
18 that the allegation involved an adolescent or a minor?

19 A. I have no recollection of that.

20 Q. All right. And you're saying you have no
21 recollection of it, and you're clear that that information
22 was never conveyed to you?

23 A. I didn't say that. I said I have no recollection.

24 Q. I'm asking you to clarify. Are you saying --

25 A. I am saying I do not recall it.

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2 Q. Okay. So it could have been?

3 A. I don't recall it.

4 Q. Okay. And the evaluation that took place at Saint
5 Luke's, where it's discussed in there that the -- and
6 there's an admission by Monsignor Walls as to the
7 allegations and that they involved a minor, that doesn't
8 refresh your recollection?

9 A. That does not.

10 Q. You asked Monsignor Walls or you suggested to him
11 that he resign his position as Vicar for Catholic
12 Education; is that correct?

13 A. It . . . my recollection was that we -- his office
14 was terminated.

15 Q. Cardinal, if the allegation had involved Monsignor
16 ~~Walls having, you know, sexual relationship with an adult,~~
17 would that have required his resignation from the Office
18 of Catholic Education?

19 A. When you say required --

20 Q. Well, would it have been something that you would
21 have suggested that he do?

22 A. That's hard to say. That would depend on what
23 the -- you know, what the doctor's report was, but there
24 was a high likelihood I would have asked that.

25 Q. Now, at some point in time, Cardinal, you actually

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 met with Monsignor Walls; is that right?

3 A. I don't know. I don't recall it.

4 Q. Okay.

5 A. I may have.

6 MS. McCARTNEY: I'm going to mark this
7 grand jury exhibit nine seventy-eight.

8 (GJ-978 was marked for identification.)

9 BY MS. McCARTNEY:

10 Q. Could you just take a moment and review that
11 document for me, Cardinal.

12 (Pause.)

13 A. I've read it.

14 Q. All right. Thank you, Cardinal.

15 Before we get to that, could I just ask you to
16 refer back for one moment to the Saint Luke's Institute
17 report. This is the evaluation that was done on Monsignor
18 Walls, and I'm going to ask you to refer specifically to
19 the back page of that document.

20 And if you could look at the second paragraph down
21 when they make recommendations with regard to Monsignor
22 Walls, it reads: "We recommend treatment at least two
23 times weekly to explore psychosexual functioning."

24 Let me back up for a moment. It reads: "Number
25 one, we recommend that he continue in AA, at least at the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 level of participation; two, outpatient treatment, at
3 least two times weekly to explore psychosexual
4 functioning; three, repeat the DST in two months, and if
5 it is still elevated, obtain psychiatric consultation
6 regarding tricyclic medication; and four, abstain from
7 working with or mingling with youth or young adults in any
8 unsupervised capacity."

9 Did I read that correctly?

10 A. Yes.

11 Q. Okay. Now, after, Monsignor Walls, when these
12 allegations came in, was residing at Saint John Neumann;
13 is that correct, Cardinal?

14

15)

16 THE WITNESS: I don't recall. It
17 doesn't have -- it's not on this . . . it's not on
18 the database.

19 MS. McCARTNEY: Okay.

20 THE WITNESS: Where he's residing. I
21 don't recall.

22 BY MS. McCARTNEY:

23 Q. Well, if I were to tell you that he was residing at
24 Saint John Neumann Rectory where Father Meehan was the
25 pastor there, would that refresh your recollection as to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 what his residence was?

3 A. The reference in here, I think, to that . . . one
4 moment, please.

5 (Pause.)

6 Yes, it says in my own memo he could remain at
7 Saint John Neumann.

8 Q. Correct.

9 Now, Cardinal, Saint John Neumann, just so we're
10 clear, that's a church that's located in Bryn Mawr,
11 Pennsylvania?

12 A. Yes.

13 Q. And there's a school associated with that church;
14 is that correct?

15 A. Correct.

16 Q. Now, Monsignor Walls went and lived at Saint John
17 Neumann Rectory with Father Meehan; is that right?

18 A. Correct.

19 Q. And based upon -- and now I'm going to ask you to
20 look back at the document that had been marked nine
21 seventy-eight.

22 This is the memo with regard to your meeting with
23 Monsignor Walls; is that right?

24 A. Yes.

25 Q. And the date of this memo is May 4, 1988; is that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 right?

3 A. Yes.

4 Q. And it's from Archbishop Bevilacqua to the file of
5 Monsignor David E. Walls, and it's regarding an interview
6 with Monsignor Walls; is that right?

7 A. Yes.

8 Q. Second paragraph of this memo says: "Today I told
9 Monsignor Walls that returning him to the Office of Vicar
10 for Catholic Education would not be possible. I explained
11 the various reasons why this would not be prudent."

12 Is that what that paragraph says?

13 A. Yes.

14 Q. It continues on with: "Among the more immediate
15 reasons was the fear that the parents of the recent
16 victims were not likely to take any action of a legal

17 nature as long as the Archdiocese had reacted strongly."

18 Is that what that sentence says?

19 A. Yes.

20 Q. So you told him that he had to resign from the
21 Office of Vicar for Catholic Education or suggested it to
22 him because you thought that that would be in the best
23 interest of eliminating the possibility of legal action
24 against the Archdiocese. Fair reading of that, Cardinal?

25 (The witness conferred with his

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2 attorney.)

3 THE WITNESS: That's one of the
4 reasons.

5 MS. McCARTNEY: Okay.

6 BY MS. McCARTNEY:

7 Q. And the last paragraph, the last sentence on that
8 paragraph says: "It is to avoid any further action or
9 publicity which would be harmful to the Church that it was
10 not possible to return him to his original office."

11 Is that what that says?

12 A. It says that.

13 Q. Okay. Do any of these things that you've written
14 in this document with regard to his having to leave his
15 office and the possibility of legal action on the part of
16 the parents of the victims, does that refresh your

17 recollection with regard to it being a minor victim?

18 A. It does not.

19 Q. Do you think that you would have written anything
20 in a document about the parents of an adult victim?

21 A. Depends on how old the person was.

22 Q. Okay. Going to the next page of this document, it
23 says: "I suggested to him that it would be more prudent
24 if he would submit a letter of resignation requesting a
25 leave of absence for health reasons."

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Is that --

3 A. Yes.

4 Q. -- what that says?

5 A. Yes.

6 Q. Okay. And then the last paragraph, the third
7 paragraph down: "I told him he could remain at Saint John
8 Neumann and continue to assist Monsignor Meehan while he
9 is on his leave of absence."

10 Is that correct?

11 A. That's what it says.

12 Q. Now, Cardinal, at the time that you told him he
13 could stay at Saint John Neumann, you told him he could
14 assist Monsignor Meehan, that would have been assist him
15 with the duties of the parish; is that right?

16 A. I presume that.

17 Q. Okay. And that would have included saying Mass and
18 hearing confessions and all the other things that go on at
19 a particular parish; is that right?

20 A. I would presume that.

21 Q. And there's nothing --

22 A. But. But.

23 Q. I'm sorry?

24 A. I say as a resident. He would be a resident there

25 Q. I understand that, Cardinal.

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2 A. In other words, depending on generally residents
3 just hear confessions and say Mass.

4 Q. They just hear confessions and say Mass?

5 A. That's their responsibility there. They are not --
6 they're not assistants to the pastor.

7 Q. Okay. But you would agree with me, Cardinal, and
8 if you don't, please tell me, that as a resident, someone
9 who says Mass and hears confessions, that they are
10 actually coming in contact with youth, particularly in a
11 situation where there's a school associated with the
12 parish?

13 A. (No response.)

14 Q. Is that a fair statement?

15 A. It would be rather remote since they're just a
16 resident there. They should not be involved with any of
17 the other activities of the parish.

18 Q. But youth are involved in the saying of Mass,
19 correct? There's altar boys or altar girls that usually
20 assist the priest?

21 A. At the time, it would have been only altar boys.

22 Q. Okay. So there's altar boys?

23 A. Yes.

24 Q. That assist in the saying of a Mass; is that right

25 A. Yes.

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2 Q. And children, I'm sure, my memory might fail me,
3 but I think it's second grade that you receive the
4 sacrament of penance?

5 A. Around that, second or third.

6 Q. So then children would be in confession that were
7 from ten years and up; is that right?

8 A. Yes.

9 Q. So there would be contact. Even under the
10 situation as you've described, as strictly a resident at
11 the parish, there would be contact between Monsignor Walls
12 and children, correct?

13 A. Yes.

14 Q. And that contact would take place under the as he's
15 operating as a priest; is that right?

16 A. Yes, but I -- may I add anything?

17 ~~Q. Sure. Sure.~~

18 A. In looking at Saint Luke's Institute -- remember, I
19 have no recollection that he was involved with minors, but
20 even reading the report here, there's no indication here
21 that he was in any way diagnosed as a pedophile.

22 Q. I don't want to make the record unclear with regard
23 to that, Cardinal. That is true. There was no diagnosis
24 of pedophilia with regard to Monsignor Walls, but just so
25 we're clear for the record, one of the recommendations

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2 that Saint Luke's gave with regard to the evaluation
3 process that Monsignor Walls went under was that he was to
4 not have contact with youth in an unsupervised capacity?

5

6

7 BY MS. MCCARTNEY:

8 Q. Is that correct?

9 And I'm referring to recommendation number four.
10 It says: "Abstain from working with or mingling with
11 youth or young adults in any unsupervised capacity?"

12 A. That's very specific there, to abstain from working
13 with; and as a resident, he wouldn't be working with any
14 young people or mingling with them in any unsupervised
15 capacity.

16 I mean, I don't see -- a resident could not be
17 working with or mingling with young people.

18 Q. So you wouldn't consider an altar boy who is
19 helping the priest during the saying of the Mass and also
20 participating with the preparation of the Mass, you
21 wouldn't consider that mingling with or working with
22 youth?

23 A. I don't see that because it would be so temporary
24 and so casual and so public.

25 Q. Cardinal, you're aware, are you not, that many of

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the allegations that involve sexual abuse of minors by
3 clergy members have taken place in the sacristy and during
4 the capacity of those individuals working at the rectory
5 or as an altar boy?

6 A. I wouldn't --

7 Q. Are you aware of that?

8 A. I wouldn't say many.

9 Q. Some. Would you agree with some, Cardinal?

10 A. There might have been.

11 Q. So there is opportunity in those situations, based
12 upon your knowledge of the situation, that things could
13 happen under those limited circumstances?

14 A. You're talking about possibility?

15 Q. Yes. I am.

16 A. I have to say sure, there's that possibility, but
17 it's not the usual.

18 Q. And even the possibility of a child being damaged
19 is something that is a concern of yours; is that right?

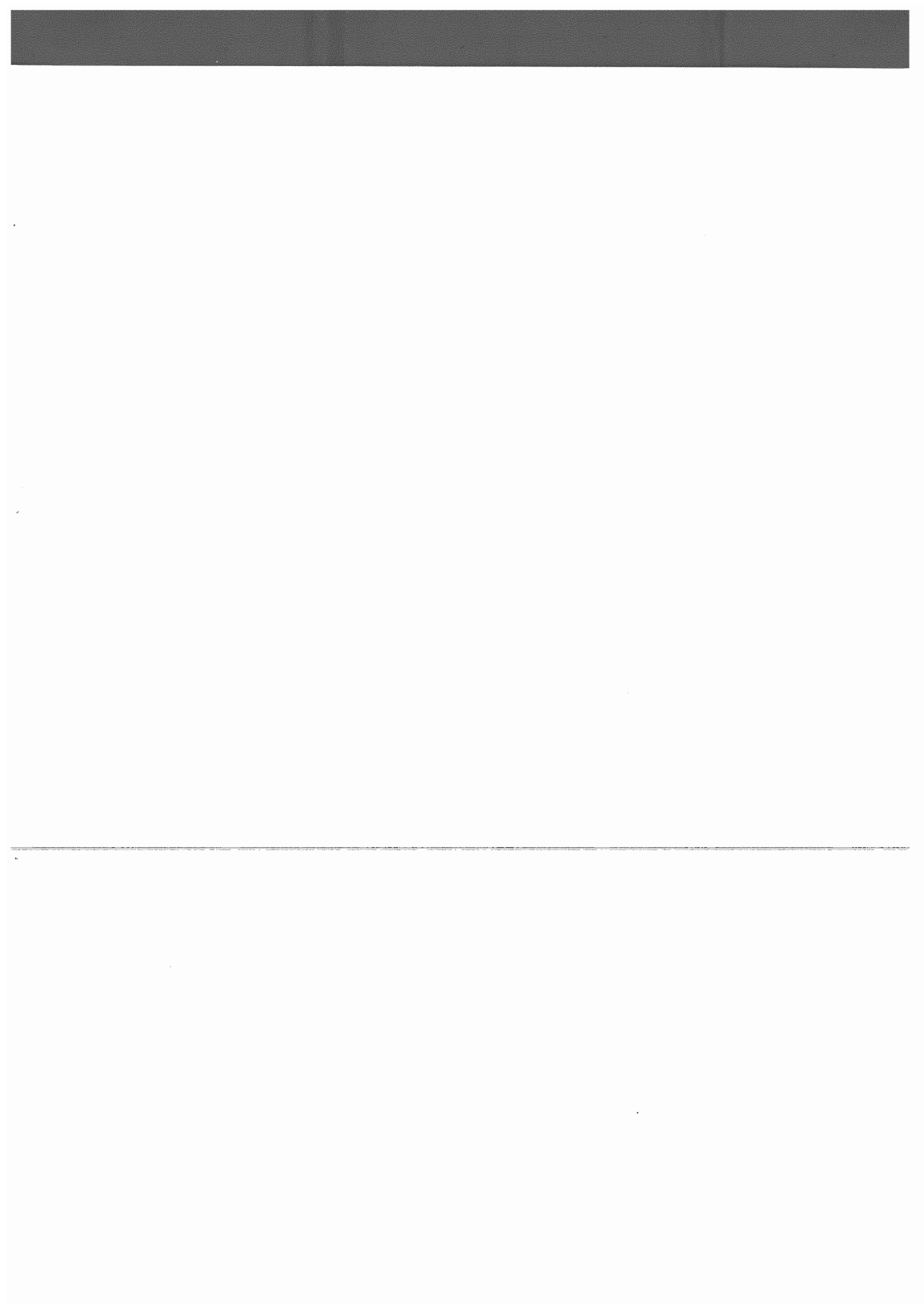
20 A. Very much so.

21 Q. Okay.

22 MS. McCARTNEY: Okay. Can we take a
23 break at this point in time?

24 MR. HODGSON: Sure.

25 MS. McCARTNEY: It's now eleven



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2 forty-two. Could we be back at twelve.

3 (A recess was held.)

4 MS. McCARTNEY: Back on the record.

5 Good afternoon.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 BY MS. McCARTNEY:

14 Q. Cardinal, before we took our break, we were talking
15 about the case of Monsignor Walls, and one of the
16 questions which I had asked you earlier was whether or not
17 you had any recollection of the allegations of sexual
18 abuse with regard to Monsignor Walls which involved a
19 minor, and you indicated that you had no knowledge of the
20 fact; is that right?

21 A. I had no recollection of it. That's right.

22 Q. Would it be fair to say, Cardinal, that given all
23 of the publicity and the crisis that occurred as a result
24 of the Gauthé case, which was only three years before
25 that, that one of the first questions that would have been

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2 on your mind and you would have conveyed to the individual
3 giving you information about an allegation of sexual abuse
4 was what the age of the victim was?

5

6

7

8

THE WITNESS: I -- forgive me. It's
convoluted, your question.

9 BY MS. MCCARTNEY:

10 Q. Okay. You've told us earlier that you were aware
11 of the Gauthe case --

12 A. Yes.

13 Q. -- is that right?

14 You were aware of the fact that the allegations in
15 the Gauthe case involved sexual abuse of children; is that
16 right?

17 A. Yes.

18 Q. You were aware of the ramifications that that case
19 had on the Catholic Church in the United States; is that
20 right?

21 A. Yes.

22 Q. You were aware of the fact that it created somewha
23 of a crisis and that there was a lot of media attention
24 surrounding that case; is that right?

25 A. Yes.

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2 Q. And there was a lot of concern both on the part of
3 the individual bishops and on the part of the NCCB as a
4 body in addressing the issue of clergy sexual abuse of
5 minors; is that right?

6 A. It was the beginning of concern.

7 Q. Okay. Given all of those factors, Cardinal, when,
8 two weeks after you became Cardinal or Archbishop of
9 Philadelphia, someone on your staff comes to you and says
10 that there's an allegation made against Monsignor Walls,
11 wouldn't it seem likely that your first question would be:
12 What is the age of the victim, of the alleged victim?

13 A. I don't see that that would be something that would
14 be my first concern, because it depends on what was said
15 to me.

16 It could easily have been -- I don't recall how it
17 was said to me, when it was said to me, anything, but it
18 could easily have been presented to me that Monsignor
19 Walls may have been involved with a woman.

20 Q. Do you --

21 A. Because that was -- that's my recollection --

22 Q. Okay.

23 A. -- of it. So I wouldn't have asked an age.

24 Q. So if that were the situation, though, Cardinal,
25 and I'm just trying to understand, and maybe you can help

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 me, if that were the situation, that Monsignor Walls was
3 involved with a woman, then we can only conclude from that
4 that the person on the staff, of your staff,
5 misrepresented information to you.

6 Is that something that you think was likely?

7 A. I don't know what. I don't know what information
8 the interviewer had.

9 Q. Well, the interviewer had information provided to
10 them that the girl in question was a minor.

11 If that information was available to them and they
12 conveyed it to you, that Monsignor Walls was involved in a
13 sexual situation with a woman, that would have been a
14 misrepresentation that they would have given you?

15 A. I'm just supposing that I did not -- I don't recall
16 asking that question about what the age was.

17 Q. Okay. The memo which I referred to earlier, which
18 references your meeting with Monsignor Walls, nine
19 seventy-eight, do you have that document in front of you,
20 Cardinal?

21 A. I do.

22 Q. Okay. In that document, one of the concerns which
23 you lay out in suggesting to Monsignor Walls that he
24 resign his position, is that the parents of the victim --
25 you see where I'm referring in that document?

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- 1
- 2 A. I recall it.
- 3 Q. Would potentially bring suit or bring legal action?
- 4 A. Yes, I see it.
- 5 Q. You see what it says there?
- 6 Could you just read it for the record, just that
- 7 one sentence.
- 8 A. That third paragraph?
- 9 Q. Yes.
- 10 A. "Among the more immediate reasons was the fear that
- 11 the parents of recent victims were not likely to take any
- 12 action of a legal nature as long as the Archdiocese has
- 13 acted strongly."
- 14 Q. And, Cardinal, I'm correct in saying that you are
- 15 in addition to being a Cardinal, you have a law degree; is
- 16 that right?
- 17 A. Yes.
- 18 Q. You have a degree in canon law and a degree in
- 19 civil law, correct?
- 20 A. Yes.
- 21 Q. And as a civil lawyer, you're aware of the fact
- 22 that once someone reaches the age of majority, they're
- 23 eighteen, that if there was legal action to be taken, th
- 24 would take it on their own behalf and that they wouldn't
- 25 need their parents to initiate any action; is that

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2 correct? You were trained in that?

3 A. I studied law, and I still would ask about the way
4 that was phrased there, that it could still be the parents
5 involved in the legal action.

6 Q. So your background in civil law and your knowledge
7 of who would be the moving party in a potential action if
8 the person were a minor, that it would be the parents, and
9 if the person were of the age of majority, it would be
10 they as individuals, that doesn't help you refresh your
11 recollection as to the age of the victim?

12 A. No, it does not.

13 Q. Okay. Now, Cardinal, after Monsignor Walls got the
14 evaluation at Saint Luke's and one of the recommendations
15 was that he refrain from contact with youth, he remained
16 in residence at Saint John Neumann; is that right?

17 A. Yes.

18 Q. And as a resident at Saint John Neumann, he was
19 saying Mass and hearing confessions; is that correct?

20 A. That's what he's allowed to do.

21 Q. Okay.

22 A. But.

23 Q. I'm sorry?

24 A. I say I don't know specifically. I have no
25 recollection. That's if a resident was at the parish,

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2 that's the most he could do.

3 But there are times that there are residents in a
4 parish, could have taken on an assignment in some other --
5 say Mass at another parish. That's possible. In other
6 words, as a resident, I don't know what the arrangement
7 was between him and Monsignor -- and Father Meehan.

8 It is possible that he could live in a place but
9 have made arrangements to say Mass at some other church.
10 That's possible. But I don't know specifically in this
11 case.

12 Q. Wouldn't it, though, Cardinal, given the fact that
13 there had been an allegation of sexual abuse, that there
14 had been an evaluation completed, that part of the
15 evaluation process was or part of the evaluation
16 ~~recommendation was that he refrain from contact with~~
17 youth, wouldn't it be your responsibility to determine
18 what he was doing and in what capacity he was operating as
19 a priest?

20 A. In this, remember, I have no recollection that he
21 was involved with a minor. I always have to presume that
22 the -- may I see this.

23 (Pause.)

24 The report here, that would have been given to the
25 Monsignor Shoemaker. Whoever it was in the office would

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2 have seen this, that he was to abstain from working with
3 or mingling with youth or young adults in any unsupervised
4 capacity, and I'm presuming that the office -- Monsignor
5 Shoemaker or anyone in his office would have seen that
6 this was implemented and that is he was not to work with
7 or mingle with youth or young adults and there be some
8 kind of supervision.

9 I'm presuming that the pastor there where he
10 remained was fully informed of all of this. I have to
11 presume that.

12 Q. Okay. Well, let me ask you a couple questions with
13 regard to that.

14 The pastor at Saint John's was Father Meehan; is
15 that right?

16 A. Yes.

17 Q. Do you recall having a conversation with Father
18 Meehan and during the course of that conversation he said
19 to you, "I'm not sure what my responsibilities are here.
20 I don't know what I'm supposed to be doing with Monsignor
21 Walls"?

22 Do you recall any part that conversation?

23 A. No, I do not.

24 Q. Do you recall the fact that Monsignor Meehan wrote
25 several letters to the Chancellor's office asking that hi

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2 position with regard to Monsignor Walls be clarified?

3 A. I don't recall that.

4 Q. Did anybody share with you that information?

5 A. I do not . . .

6 Q. Do you recall that?

7 A. I do not.

8 Q. Do you recall Monsignor Shoemaker sending you
9 information and asking whether or not you had heard from
10 Monsignor Walls?

11 A. I do not recall that.

12 Q. I'll ask that you take a look at what has been
13 marked as grand jury nine eighty.

14 (GJ-980 was marked for identification.)

15 BY MS. McCARTNEY:

16 Q. Do you recognize that document?

17 A. No. Let me read it, please.

18 Q. Okay. I'm sorry.

19 (Pause.)

20 A. I don't recall it.

21 Q. Okay. For the record, this is a document which has
22 a heading of Archdiocese of Philadelphia, Chancery Office,
23 and it's to Archbishop Bevilacqua from Monsignor
24 Shoemaker. The date on that document is August 22, 1988,
25 and it is regarding Monsignor David E. Walls, Ph.D.

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2 Is that correct?

3 A. I see it.

4 Q. And on that document, it reads: "On June 20, 1988,
5 you granted Monsignor Walls a leave of absence for health
6 reasons and you asked him to keep in touch with you during
7 his leave of absence.

8 "Two months have lapsed and I respectfully inquire
9 if Monsignor Walls has been in touch with your Excellency?

10 "As you know, he is residing at Saint John Neumann
11 Rectory, Bryn Mawr, telephone -525-3100."

12 And you actually responded on the bottom of that
13 document, is that right, in your handwriting?

14 A. I don't have that.

15 Q. This must be a light copy. I'm sorry.

16 (Pause.)

17 Does that reflect the fact that you responded on
18 the bottom of that document?

19 A. It does.

20 Q. And what does it say?

21 A. It says: "I have not heard from him."

22 Q. Okay. And they're your initials, AJB?

23 A. That is correct.

24 Q. And it's dated 9/2/88?

25 A. Correct.

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2 Q. At that point in time, Cardinal, were you concerned
3 about the fact that Monsignor Walls -- apparently you had
4 asked him to keep in touch with you about what his
5 activities were and that you hadn't heard from him in two
6 months?

7 A. I leave that up to those involved in the clergy
8 office to remind them when I have given leaves of
9 absences.

10 It's -- I'll be honest with you. This is other
11 reasons. Very -- and I tell them please keep in touch.
12 Very rarely do they.

13 Q. You're saying that the priests that you tell to
14 keep in touch with you do not do so?

15 A. I'm saying a lot of them do not.

16 Q. And what mechanism do you have in place to ensure
17 that that happens?

18 A. The Secretary of the Clergy is supposed to get in
19 touch with them.

20 Q. But these are priests that you're indicating you
21 had personal conversations with and you said: Father X, I
22 need you to tell me what's going on, and you're telling me
23 that they directly disregard an order that you've given
24 them?

25 A. They do.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. And are there --

3 A. But they don't have to be in touch necessarily with
4 me personally. I mean with the Archdiocese.

5 Q. And are there consequences to priests who do that?

6 A. When it reaches a certain point where they've --
7 whatever the leave of absence is, there are various kinds.
8 If they delayed in not being in touch with us, then
9 we remind them that their leave of absence is coming to an
10 end. It could be six months leave. It could be a year's
11 leave, and we remind them of that; and if they -- if they
12 procrastinate, then we warn them that their leave of
13 absence will be terminated.

14 Q. Now, Cardinal, with regard to Monsignor Walls, it
15 was the responsibility of the Secretary for Clergy,
16 ~~because you had changed the names of the office at that~~
17 point in time -- or does that occur later?

18 A. It came later.

19 Q. Okay. But the Secretary at the time, the person in
20 charge of that office, would have been John Jagodzinski;
21 is that right?

22 He takes over in 1989; is that right?

23 A. I don't recall the exact date.

24 Q. Okay.

25 A. But the next one was Monsignor Jagodzinski.

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2 Q. Did you order anybody in the Chancellor's office to
3 find out what was going on with Monsignor Walls since he
4 hadn't been in touch with you?

5 A. I do not recall.

6 Q. At any point in time, do you recall doing that?

7 A. You know, I may have, but I don't recall it.

8 Q. Now, at some point in time, Monsignor Jagodzinski
9 becomes Secretary of the Clergy; is that right?

10 A. Yes.

11 Q. And if I were to tell you that that was from 1989
12 through 1993, would that --

13 A. That's proximate. Yes.

14 Q. And I'm going to show you a document which has
15 previously been marked as grand jury six seventy-three.

16 A. You wish me to read this?

17 Q. If you would, please, Cardinal.

18 (Pause.)

19 A. Okay. I'm finished reading it.

20 Q. You are. Thank you.

21 (GJ-979, previously a part of exhibit
22 GJ-675, was marked for identification.)

23 BY MS. MCCARTNEY:

24 Q. I'm going to show you two additional documents, and
25 I'm going to ask you questions with regard to all three.

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2 I'm going to show you what's marked grand jury six
3 seventy-four and grand jury nine seven nine.

4 A. Okay.

5 MS. MCCARTNEY: There should be three,
6 six seventy-three, six seven four and nine seven
7 nine.

8 (Pause.)

9 (The witness conferred with his
10 attorney.)

11 BY MS. MCCARTNEY:

12 Q. Are you ready?

13 A. Yes.

14 Q. Have you had the opportunity to review those
15 documents, Cardinal?

16 A. I read them all.

17 Q. Okay. I'm going to ask you first to refer to
18 what's been marked as grand jury six seventy-four, and
19 that has a heading that says Archdiocese of Philadelphia,
20 Office of Secretary of the Clergy, and it's to Reverend
21 Monsignor Edward P. Cullen.

22 At this point in time, Cardinal, Monsignor Cullen
23 was your Vicar General?

24 A. Vicar for Administration.

25 Q. Vicar for Administration. That would have been

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2 the -- he would have held the position directly below
3 yours; is that right?

4 A. That's right. Correct.

5 Q. And the memo is from Reverend John J. Jagodzinski,
6 and the date is September 26, 1990; and on September 26,
7 1990, Father Jagodzinski was Secretary for Clergy.

8 Is that right?

9 A. Yes.

10 Q. Okay. And the reference is to Reverend Monsignor
11 David E. Walls, resident of Saint John Neumann Church,
12 Bryn Mawr; is that right?

13 A. Yes.

14 Q. Okay. And the first part of that memo reads: "For
15 information of the Archbishop"; is that right?

16 A. Yes.

17 Q. Okay. And this would have been a memo that would
18 have been given to you by Monsignor Cullen; is that right?

19 A. Not necessarily.

20 Q. Well, Monsignor Cullen would have shared with you
21 the information contained within that memo; is that right?

22 A. No. He may have, but I don't recall it.

23 Q. The memo deals with Monsignor Walls, and it says
24 that the information provided in it is an update, and that
25 word is in quotes, of the situation of Reverend Monsignor

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2 David E. Walls, which is marked by several difficult and
3 complicated factors; is that right?

4 A. Yes.

5 Q. And there's a listing of the factors that make
6 Monsignor Walls's situation difficult and complicated, the
7 first of which is the high profile nature of Monsignor
8 Walls's earlier position in the Archdiocese. The second
9 is the extremely sensitive nature of the earlier
10 accusations against him. The third is the continuing
11 explosive potential for future acting out, and the fourth
12 is the uncertainty as to what particular future ministries
13 most advisable for Monsignor Walls.

14 That's how that document reads, Cardinal?

15 A. Yes.

16 ~~Q. Okay. Now, if you go to the last paragraph on that~~
17 document, on the first page of that document, and it
18 reads: "In the intervening months, Monsignor James
19 Meehan, Pastor, Saint John Neumann Church, Bryn Mawr,
20 where Monsignor Walls resides, has several times raised
21 the question of the need to have his own position defined
22 as to his responsibility toward Monsignor Walls, since no
23 official communication from the Chancery Office occurred
24 in 1987."

25 "Monsignor Meehan has addressed this question very

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2 recently in a letter to me dated August 22, 1990," and in
3 parentheses it says: "Copy enclosed."

4 Is that how that document reads?

5 A. Yes.

6 Q. And if you look at what has been marked as grand
7 jury six seventy-three, that is a letter with the heading
8 on it from Saint John Neumann Church, dated August 22,
9 1990, and on the right-hand side of that, it says:
10 "Monsignor James H. Meehan, Pastor"; is that correct?

11 A. Yes.

12 Q. And it is addressed to Dear John, and it is signed
13 by Jim; is that right?

14 A. Yes.

15 Q. Based upon your review of GJ-674, the letter that
16 Monsignor Jagodzinski or Father Jagodzinski is referring

17 to is this, which is marked grand jury six seventy-three;
18 is that right?

19 A. I presume that, yes.

20 Q. Okay. Now, in the letter that Father Meehan write
21 to Father Jagodzinski, I want you to refer specifically to
22 the third paragraph of the first page, and the paragraph
23 reads as follows: "All of this leads up to the point of
24 this letter. Recently, you asked me to try to get some
25 idea of what Dave Walls does with his time. He did tell

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2 me he would give me a written description, but he has not
3 done that. Though his presence here is a very gracious
4 one and his willingness to be of help a substantial asset,
5 nevertheless, I have almost zero contact with him. I
6 think he is here over three years and I don't think he has
7 eaten more than two meals here, at the most three. He
8 leaves early in the morning and comes in around ten or
9 eleven at night. He rarely stops in my room and never to
10 sit down and talk. So, it is practically impossible to
11 know what his lifestyle is like."

12 Is that what that reads, Cardinal?

13 A. Yes.

14 Q. And if you look to the second page of that
15 document, and I'm going to refer to the second paragraph
16 there, it says: "However, I do not have in any written
17 file, through an authoritative source, a letter or
18 statement regarding my own responsibilities and, perhaps
19 more importantly, my liabilities. To my knowledge, I was
20 never informed of any of his problems when he came, excep
21 what he told me and, later on, on occasions when I
22 initiated the contact with the Chancery Office."

23 Is that how that reads there, Cardinal?

24 A. Yes.

25 Q. Okay. Now, was that information -- that

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2 information surely would have been brought to your
3 attention; is that right?

4 A. Not necessarily.

5 Q. You don't think that Monsignor Cullen would have
6 provided you the information that was provided to him by
7 Father Jagodzinski about Monsignor Walls, the fact that
8 the pastor of the parish where he was in residence had no
9 idea when he came and went and what he did with his time?
10 You don't think Monsignor Cullen would have provided you
11 with that information?

12 A. I don't recollect it.

13 Q. Would you consider Monsignor Cullen to have been
14 derelict in his duties if he did not provide you that
15 information?

16 A. No.

17 Q. Would you have wanted to know about that
18 information?

19 A. Not necessarily if I thought that he was handling
20 this. Reason why he's Vicar for Administration is that he
21 is to administer. You know, I don't -- I can't say that
22 this was that of a high level that it should have been
23 reported to me necessarily.

24 Q. Cardinal, are you -- and if I'm incorrect, I want
25 you to please correct me, but when we first began here

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2 today, one of the things that I believe that you said was
3 that your paramount concern was for the safety of children
4 and that you wanted to be aware of every allegation that
5 came into the Archdiocese of Philadelphia with regard to
6 this issue?

7 A. When I first came, I have to say that I -- that was
8 to be presumed that they tell -- they would tell me this.

9 Q. So you just left it to their desires whether or not
10 to give you that information?

11 A. I had to leave it up to their judgment. You know,
12 when any allegation was made, this is after establishing
13 the Secretary for the Clergy, it was to be brought to my
14 attention.

15 As far as memos to Monsignor Cullen or information
16 like this, how a policy was enacted with a pastor, their
17 judgment may have been that it wasn't necessary to inform
18 me of this. I don't recollect their telling me.

19 Q. Do you think, Cardinal, that Monsignor Meehan, who
20 was the pastor, had a right to know what the background of
21 Monsignor Walls was?

22 A. Looking back, yes.

23 Q. Do you think at that Monsignor Walls should have
24 had some restrictions or some monitoring of his behavior?

25 A. In accordance with the report of Saint Luke, he

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 should have.

3 Q. And given the letter which was received in 1990, it
4 appears to have been that neither of those things had been
5 done, that Monsignor Meehan hadn't been informed of what
6 his history was and that he was having no restrictions
7 placed on his activities?

8 (The witness conferred with his
9 attorney.)

10 THE WITNESS: One could argue from
11 this -- from this that he was not informed. He
12 says, "To my knowledge, I was not informed."

13 BY MS. MCCARTNEY:

14 Q. So it appears that information was never conveyed
15 to him?

16 A. It appears that.

17 Q. It appears that way, and I mean, in fact, the
18 letter also indicates that he has sought clarification of
19 what his position was?

20 A. Yes.

21 Q. And that that hadn't been acted on by the
22 Chancellor's office or the Secretary for Clergy's office?

23 A. It seemed that.

24 Q. And, Cardinal, would you agree that if during this
25 period of time where Monsignor Walls is in a parish and no

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2 one is monitoring his behavior and no one knows what it is
3 that they're supposed to be monitoring, because they don't
4 know what his past is, that if there were harm caused to a
5 child during that period of time, that the responsibility
6 for that would ultimately fall on your shoulders?

7 A. If it was dereliction of duties there, I would have
8 to say I am the one responsible. Yes.

9 Q. And, Cardinal, you would agree that as the
10 Secretary for Clergy or as your Vicar General, given the
11 past that we are aware of Monsignor Walls, that his
12 activities should have been monitored and the pastor
13 should have been informed?

14 A. From what the report from Saint Luke says, it would
15 seem that he should have been told.

16 Q. Now, referring to grand jury nine seventy-nine,
17 ~~that's the letter that was written by Monsignor Walls to~~
18 Reverend Jagodzinski, the date of that letter is September
19 24, 1990.

20 You see where I'm referring to, Cardinal?

21 A. Yes.

22 Q. Okay. And I'm talking about the second paragraph
23 there, and it reads: "It might be useful for me to begin
24 this response with the description of the parish
25 involvement I do maintain: I offer a parish Mass daily

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2 and often binate on Sundays and some weekdays. I help
3 with regular parish confessions as needed both on weekends
4 and for special events, and I administer the sacraments of
5 baptism and matrimony as needed. In addition, when
6 Monsignor Meehan is away from the area, I provide
7 necessary coverage of the parish. Sometimes, too,
8 individual parishioners approach me for individual
9 counseling and spiritual direction."

10 That's how that paragraph reads?

11 A. Yes.

12 Q. Now, Cardinal, back to the allegations that were
13 originally brought against Monsignor Walls, the allegation
14 involved a girl, a minor, who had gone to Monsignor Walls
15 for counseling, and during the course of that counseling,
16 Monsignor Walls had sexually assaulted her.

17 Do you think that his saying that he was offering
18 counseling to the parishioners was a cause for concern or
19 should have been a cause for a concern?

20 A. I never knew this was going on.

21 (The witness conferred with his
22 attorney.)

23 BY MS. McCARTNEY:

24 Q. Do you think that Father Jagodzinski should have
25 brought that to your attention?

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2 A. It talks here -- it talks here about "sometimes
3 individual parishioners approached me for individual
4 counseling and spiritual direction."

5 He doesn't mention any age there. Doesn't say he's
6 dealing with young people or children.

7 Q. You're talking about the original allegation?

8 A. No. The letter that he --

9 Q. I understand that. Do you think that -- oh, okay.

10 Do you think, Cardinal, that given that, that
11 somebody should have gone and said: This counseling that
12 you're doing, Monsignor Walls, who are you doing it with?
13 What are the ages of the people that you're counseling?

14 Given the nature of the allegation that had
15 occurred in which Monsignor Walls admitted his guilt in,
16 do you think that should have been followed up on?

17 A. Well, what should have been followed on is what was
18 said in Saint Luke's, that he should not be working with
19 or mingling with young people, with teenagers.

20 Q. Now, this is known -- I'm sorry.

21 A. I was going to say, if I may, that what he
22 describes here seems to be a little bit different from
23 what Monsignor Meehan describes in his letter, that he
24 hardly sees him.

25 I mean, this gives a different impression, as

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2 The date is May 3, 1988, and it's regarding a telephone
3 conversation with Monsignor James Meehan.

4 Is that how the heading that memo reads?

5 A. Yes.

6 Q. Okay. And in this memo, this references a letter
7 that Monsignor -- it says that you spoke with him by phone
8 and it is regarding a letter that he sent to you on April
9 11, 1988, where he wrote to you with some concerns about
10 Monsignor David Walls; is that right?

11 A. Yes.

12 Q. And it says: "Monsignor Meehan told me that he is
13 concerned for several reasons. First of all, he feels
14 that there are reports about Monsignor Walls that are
15 becoming more and more public."

16 ~~It says: "Several women have stated that he has~~
17 ~~been involved in pedophilia."~~

18 Is that what that says?

19 A. Yes.

20 Q. Now, Cardinal, just so we're clear, pedophilia is
21 sexual disorder that involves adults with children,
22 correct?

23 A. (No response.)

24 Q. That's your understanding, and you had that
25 understanding of pedophilia back in 1988?

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2 A. Yes. I don't know.

3 Q. You don't know whether you had that?

4 A. No. I think at the beginning. I know what it is
5 now.

6 Q. Okay.

7 A. I think when it first came out, there was a period
8 of time when that was a general term used and the
9 distinction was not made between pedophilia and
10 ephebophilia, and I knew that we -- it was a learning
11 process then to see the distinction.

12 That was rather early in the -- in the notoriety of
13 such cases, so I cannot say at that time when I use the
14 word "pedophilia," that it meant children below the age of
15 puberty, but that did develop later on.

16 Q. Your understanding may have been that it was a
17 disease that affected children from toddler age all the
18 way up to eighteen?

19 A. At that time.

20 Q. At that time in 1988?

21 A. It could have been, yes, a diagnosis of up to
22 eighteen.

23 Q. Does the fact that there were people talking in the
24 parish and that that information was conveyed to you, does
25 that refresh your recollection as to the fact that the

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2 minor -- that the victim that Monsignor Walls assaulted
3 was a minor?

4 A. No.

5 Q. Okay. Now, it goes on to say that he had a second
6 major concern, and that was he had been told by Monsignor
7 Shoemaker not to allow Monsignor Walls to say a public
8 Mass.

9 Was that the information that Monsignor Walls had,
10 that he wasn't allowed to say Mass?

11 A. I don't know, but this is what it says here.

12 Q. Okay. You at the end of this document say: "I
13 told Monsignor Meehan that I would look into the matter";
14 is that correct?

15 A. At that time, that's what it says.

16 Q. Now, can we assume, Cardinal, that you did do that,
17 that you looked into it?

18 A. Well, that I would have called up, probably. I
19 don't -- I'm just assuming now.

20 Q. Okay.

21 A. That if I received this, I would have been in touch
22 at least with Father Jagodzinski.

23 Excuse me, whoever was -- it may have been still
24 Monsignor Shoemaker at the time.

25 Q. Well --

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2 A. It was at that time because that was the first few
3 months after my arrival.

4 Q. Cardinal, given the fact that this memo is written
5 by you on May 3, 1988, and then the information which I
6 showed you, the three documents, all deal with a time in
7 August and September of 1990, and there still seems to be
8 a tremendous amount of confusion with regard to what
9 Monsignor Walls's responsibilities at the parish are, what
10 his restrictions, if any, are, does that refresh your
11 recollection that this situation was --

12 (The witness conferred with his
13 attorney.)

14 BY MS. McCARTNEY:

15 Q. That this was the situation that needed to be
16 looked into in?

17 A. Forgive me again.

18 Q. Sure.

19 A. Could you break it down.

20 Q. Sure. The memo that you wrote in 1988, you tell
21 Monsignor Meehan that you will look into the questions
22 that he has?

23 A. Yes.

24 Q. Which is what is the situation with Monsignor
25 Walls?

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2 A. Right.

3 Q. Okay. The other documents which I showed you,
4 which are all dated in 1990, either August or September of
5 1990, reflect the fact that Monsignor Meehan still has no
6 idea what his responsibilities towards Monsignor Walls
7 are.

8 Is that a fair statement with regard to the letter
9 that Monsignor Walls made?

10 A. It seems --

11 Q. Wrote?

12 Do you know whether anything was done to clear up
13 that situation?

14 A. I don't recall. A memo like this, what would -- my
15 usual practice, when I get a memo like this and it's
16 addressed to the file, it means it goes to whoever is
17 responsible for the clergy.

18 So they would have had to have seen this, and
19 there's a possibility, a good possibility that I called,
20 spoke to him, but I don't recall any of this.

21 Q. Cardinal, with regard to Monsignor Cullen, who
22 became your Vicar for Administration?

23 A. Yes.

24 Q. And given the fact that that was the second highest
25 position in the Archdiocese, directly under you -- and you

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2 handpicked Monsignor Cullen for that position; is that
3 right?

4 A. Yes.

5 Q. You handpicked Monsignor Cullen because you had
6 confidence in his abilities; is that right?

7 A. Yes.

8 Q. And you knew he was a good administrator, and you
9 knew that he was -- he provided you the information that
10 was important in the Archdiocese; is that right?

11 A. Yes. Yes.

12 Q. Information that came to him, he conveyed to you;
13 is that right?

14 A. Not all of it. What he thought was important to
15 bring to my attention.

16 Q. Cardinal, and you knew Monsignor Cullen -- you know
17 Monsignor Cullen very well. He's now bishop out in
18 Allentown, correct?

19 A. Yes.

20 Q. And Monsignor Cullen was obviously greatly
21 concerned about the issue of clergy sexual abuse with
22 minors, is that correct?

23 A. Yes.

24 Q. And he knew that that was a huge concern of yours
25 as well?

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2 A. Yes.

3 Q. And I just want to make sure, Cardinal. You're
4 saying that Monsignor Cullen, who this memo was directed
5 to, and the specific purpose of the memo was for
6 information of the Archbishop, you're saying that you
7 don't recall getting any of the information that's
8 contained in that memo?

9 A. I don't recall it.

10 Q. Okay. Now, Cardinal, would it surprise you to know
11 that Monsignor Walls remained in residence at Saint John
12 Neumann for fourteen years, from 1988 through 2002?

13 A. I can't say that I always knew that, but if that's
14 what it is, then . . . remember, I never linked him with
15 abuse of a minor.

16 Q. I'm sorry?

17 A. In my memory, never linked him with abuse of a
18 minor.

19 Q. When you say you never linked in your mind --

20 A. My recollection doesn't --

21 Q. Well, you were aware on a yearly basis who the
22 staff was at Saint John's, right?

23 A. Not necessarily. I mean, we have -- we have so
24 many parishes. I don't keep up on each one of them.

25 Q. Well, clearly at some point in time in those

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2 fourteen years, that had to have been an assignment made
3 by you or authorized by you for a change in an assistant
4 pastor at Saint John Neumann. Would that be likely,
5 Cardinal?

6 A. I don't recall all of these assignments that I
7 make. There are hundreds and hundreds of them over the
8 years.

9 Q. And you don't have any recollection? It wasn't in
10 your mind about Monsignor Walls?

11 Even though you yourself authored a memo in 1988
12 which says that Monsignor Meehan had said that several
13 women have stated that he had been involved in pedophilia,
14 that's not something that was in your mind?

15 A. No. No. I have no recollection of that.

16 Q. But, Cardinal, if in fact Monsignor Walls remained
17 at Saint John for fourteen years with no restrictions on
18 him, continuing to say Mass and hear confessions, included
19 within that, interaction with altar boys and hearing
20 confessions of students, that ultimately would have been
21 your responsibility; is that right?

22 A. (No response.)

23 Q. His remaining there?

24 (The witness conferred with his
25 attorney.)

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THE WITNESS: Could you repeat.

MS. McCARTNEY: Could I repeat it?

THE WITNESS: Yes.

MS. McCARTNEY: Absolutely, Cardinal.

BY MS. McCARTNEY:

Q. If in fact Monsignor Walls remained at Saint John Neumann for fourteen years and during that time he continued to say Mass, hear confessions, he would have been there with your authority; is that right?

A. I am the ultimate authority.

Q. Now, with regard to Monsignor Walls, on March 15, 2002, do you recall getting a memo that dealt with the fact that Monsignor Lynn and Father Welsh, both in the Secretary of Clergy's office, had met with ^{Colleen} [REDACTED] and that ^{Colleen} [REDACTED] identified herself as being the

individual that was involved, that had been sexually abused by Father Walls back in 1988?

A. I have no recollection of that.

Q. I'll show you what I'll mark as grand jury nine eight two.

(GJ-982 was marked for identification.)

(Pause.)

THE WITNESS: Okay. I have read this.

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2 BY MS. MCCARTNEY:

3 Q. Okay. Now, Cardinal, that memo, again, that is
4 headed "Archdiocese of Philadelphia, Secretary of the
5 Clergy." It's to Anthony Cardinal Bevilacqua. It's from
6 Monsignor William Lynn. The date on that is March 26, and
7 it's regarding Monsignor David Walls; is that right?

8 A. Yes.

9 Q. And in this memo, it says, and I'm summarizing,
10 that ^{Colleen} [REDACTED] and her mother met with Monsignor Lynn
11 and Father Welsh on March 15, 2002. She came forward
12 based upon the recent media publicity surrounding this
13 issue, and she says basically that she was the one that
14 the therapist was referring to when the therapist made the
15 allegation or made the complaints against Father Walls in
16 1988.

17 Is that right?

18 A. Excuse me. Could you tell me where that says that
19 again.

20 Q. Well, I'll read it directly. I'm looking at the
21 second paragraph.

22 "When allegations were brought forth against
23 Monsignor Walls in 1988, a therapist was interviewed by
24 the Chancery, who informed them that Monsignor Walls had
25 made sexual advances two years previous against a sixteen

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2 year old girl. The therapist also stated that the brother
3 of her client had been approached by Monsignor Walls. At
4 the time, Monsignor Walls was sent for evaluation and
5 therapy. Monsignor Walls was in residence at Saint
6 Matthias Parish, Bala Cynwyd, at the time. The file
7 indicates that he was never given a new assignment,
8 although at one point permission was given for him to work
9 in Catholic Social Services. It appears this never
10 happened. He was given permission to live in residence at
11 Saint John Neumann Parish, Bryn Mawr. In fact, his
12 current status is still listed as administrative leave."

13 A. Right.

14 (The witness conferred with his
15 attorney.)

16 BY MS. McCARTNEY:

17 Q. And in the fourth paragraph, and this is the
18 information that's provided by ^{Colleen} ~~_____~~ it says: "In
19 our meeting, she provided more detail than what was in the
20 file previously. Besides the incident reported by her
21 therapist, she stated that he had picked her up in his car
22 one evening. It was apparent he had been drinking. She
23 claimed he kissed her and fondled her breasts."

24 You see where I'm reading from, Cardinal?

25 A. Yes. Yes.

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2 Q. Okay. Now, after this comes forward, after ~~██████████~~ ^{Colleen}
3 ~~██████████~~ comes forward in 2002, Monsignor Walls is spoken
4 to, is that right?

5 And it's discussed with him --

6 A. Wait.

7 Q. -- that maybe he should have to move from the
8 parish at that time, and there's a recommendation which is
9 given to you, and that recommendation is that Monsignor
10 Walls remain on administrative leave, he be asked to leave
11 his residence at Saint John Neumann Rectory and restrict
12 his faculties to saying Mass privately and continue to be
13 provided with stipends and benefits, that discussion
14 concerning retirement be taken up at a later date.

15 That's what it says, correct?

16 A. Yes.

17 Q. And ultimately on 4/1 of '02, you write -- this is
18 your handwriting: "After clarification from Monsignor
19 Lynn, above recommendations are approved," and it's your
20 initials, "AJB"; is that right?

21 MR. HODGSON: No, that's not what it
22 says.

23 MS. McCARTNEY: I'm sorry?

24 THE WITNESS: That's not what it says.

25 MR. HODGSON: That's not what that

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2 says.

3 MS. McCARTNEY: What does it say?

4 (Pause.)

5 MS. McCARTNEY: You have a bad copy.

6 MR. SPADE: Yes.

7 (Pause.)

8 BY MS. McCARTNEY:

9 Q. Do you see where I was referring to, Cardinal?

10 A. Yes.

11 Q. I'm sorry. You had a copy that didn't come through
12 on that.

13 Ultimately, that is what happened, what happens
14 with Monsignor Walls; is that right? He continues on
15 administrative leave?

16 A. Yes.

17 Q. He left Saint John Neumann Rectory?

18 A. He had to leave there.

19 Q. Yes. Is that correct?

20 A. Yes.

21 Q. Now, Cardinal, can you explain to us why it is that
22 for fourteen years Monsignor Meehan was able to function
23 as a priest in the parish, saying Mass, hearing
24 confessions, and then in 2002 he was no longer permitted
25 to do that?

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2 A. Not Monsignor Meehan.

3 Q. Walls. I'm sorry. I apologize. Monsignor Walls?

4 A. Can I discuss this? May I discuss.

5 Q. Sure.

6 A. I need some clarification.

7 (The witness conferred with his
8 attorney.)

9 BY MS. McCARTNEY:

10 Q. Are you ready, Cardinal?

11 A. Yes. Could you repeat the question, please.

12 Q. Yes.

13 MS. McCARTNEY: Let the record reflect
14 that there has been time provided for counsel to
15 consult with the Cardinal.

16 BY MS. McCARTNEY:

17 Q. I believe that the question was, Cardinal: In
18 2002, Monsignor Walls was asked to leave Saint John
19 Neumann, a place where he had been for fourteen years,
20 functioning as a priest in that parish.

21 Can you explain to us why in 2002 he was no longer
22 able to do that, or I should say no longer permitted to do
23 that?

24 (The witness conferred with his
25 attorney.)

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2 THE WITNESS: This is the first time
3 that Monsignor Lynn actually spoke to the victim,
4 the alleged victim, ^{Colleen} [REDACTED]. Up until then,
5 everything was from the therapist.

6 In those fourteen years, I don't know
7 of any kind of incident involving Monsignor Walls,
8 so something must have been told to Monsignor Lynn
9 and that he felt that it was no longer appropriate
10 for him to remain in the parish.

11 I don't recall if there was something
12 like that, but it must have been good. He must
13 have had good reason for recommending that he be
14 removed from the parish.

15 BY MS. MCCARTNEY:

16 Q. Cardinal, if you recall, the evaluation that was
17 conducted at Saint John's or, I'm sorry, Saint Luke's,
18 they took a history from Monsignor Walls at that time.

19 In that history, Monsignor Walls acknowledged and
20 admitted that he had in fact inappropriately touched an
21 adolescent male and had pursued an adolescent female.

22 So there's acknowledgments on his part with regard
23 to the allegations that had been lodged against him in the
24 report from 1988.

25 A. Yes.

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2 Q. What more is needed? I mean, you have a guy that's
3 accused of sexual misconduct involving a minor. He
4 acknowledges it. He admits it occurred in 1988. He's
5 allowed to remain in a parish for fourteen years. And
6 then all of a sudden, when a victim comes forward, based
7 upon the publicity that had been going on nationally, then
8 he's told to pack up. He can no longer live at the
9 parish.

10 Can you tell us --

11 A. Well, the report from Saint Luke's Institute
12 actually says that he is allowed to go back to a ministry.
13 They tell you how, you know, to conduct the -- that he can
14 go back to ministry, abstain from working with --
15 conditions, abstain from working with or mingling with
16 youth or young adults.

17 Q. I understand that's what the evaluation says,
18 Cardinal, and we've already discussed it, and I think that
19 you've already acknowledged the fact that even though that
20 was a restriction that was recommended by Saint Luke's,
21 that he wasn't being monitored.

22 My question remains that what has changed between
23 1988 and 2002?

24 A. Whatever was reported -- all I can say, whatever
25 was reported by ~~_____~~ ^{Colleen} must have influenced Monsignor

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2 Walls was not credible?

3 A. No.

4 (The witness conferred with his
5 attorney.)

6 BY MS. MCCARTNEY:

7 Q. Is that right? You're saying it was, or it was not
8 credible?

9 (The witness conferred with his
10 attorney.)

11 THE WITNESS: It was credible.

12 BY MS. MCCARTNEY:

13 Q. And given the fact that there was a credible
14 allegation against Monsignor Walls, can you explain why
15 there were no restrictions on him in terms of what he was
16 able to do?

17 A. There were restrictions. We -- at the time, in
18 1988, remember, we were still at the beginning of an
19 appreciation of all of these problems, and we have the
20 medical report saying he can go back to some kind of
21 ministry with certain restrictions.

22 Q. But, Cardinal, those restrictions, those
23 restrictions were not actually imposed on Monsignor Walls
24 based upon the information that you have in front of you
25 today, correct?

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2 A. Well . . .

3 Q. He was able to work?

4 A. I had to presume again that the Office of the
5 Clergy, at the time it was 1988, was Monsignor Shoemaker,
6 was supposed to implement those restrictions.

7 Q. But you had personal information in 1988, in May,
8 when you had your conversation with Monsignor Meehan, you
9 had personal information that he was concerned about
10 whether or not Monsignor Walls could be saying Mass, and
11 you said that you would look into it?

12 A. Which I must have, because I -- the memo would go
13 down to Monsignor Shoemaker. It was up to him to follow
14 up on that.

15 Q. But since you said you would look into it,
16 Cardinal, and the letter came to you and the conversation
17 with Monsignor Meehan happened with you, didn't you have
18 an obligation to follow through on that personally and to
19 make sure that Monsignor Shoemaker was --

20 A. What my practice would have been, that memo would
21 have gone down to him.

22 I may have spoken to Monsignor Shoemaker, but I
23 have no recollection back in 1988.

24 Q. And in 1990, there's information that comes in that
25 there is confusion as to what Monsignor Walls is doing and

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2 what he's able to do and --

3 (The witness conferred with his
4 attorney.)

5 BY MS. McCARTNEY:

6 Q. And that was not pursued either, to your knowledge
7 or you don't know?

8 A. As far as I know, none of that was reporting that,
9 anything, involvement with children.

10 (The witness conferred with his
11 attorney.)

12 BY MS. McCARTNEY:

13 Q. Okay. Cardinal, just one further question and then
14 I think we're going to take a break.

15 When you -- this has already been previously marked
16 as grand jury nine fifty-six. ~~This is the interview that~~
17 was done with Lynn Doyle, and the date of that was -- it
18 was taped on June 24, and it was broadcast on June 25.

19 Do you have that exhibit in front of you?

20 MR. HODGSON: Here it is.

21 BY MS. McCARTNEY:

22 Q. And could you refer specifically to page six of
23 that document, Cardinal, and if you look at the top
24 paragraph on page six, I'm going to start reading the last
25 sentence on that paragraph, and it says: "And one thing I

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2 would like to point out, so many times when I've done this
3 topic on the show, we talk about the Catholic Church, and
4 we talked about it, people assume that it's Philadelphia,
5 but really Philadelphia has really not been touched
6 by . . ."

7 And you respond: "Very little."

8 And Lynn Doyle asks: ". . . very few accusations
9 of sexual misconduct because of programs that you've put
10 into place a long time ago,"

11 And you respond to that, "Yes."

12 And then you go on and you say: "I don't know how
13 to explain that. We've had some problems, but nowhere
14 near what some of the other dioceses and archdioceses. As
15 soon as I came in, I started it, you know, before when, as
16 soon as I came into Philadelphia I wanted to know what the
17 policies were and the procedures in this, and so I did
18 right from the very beginning say, 'we have to take a very
19 firm stand here.'"

20 Do you remember saying that on the Lynn Doyle show?

21 A. No, I don't recall my interviews.

22 Q. Is that consistent with how you view your --

23 A. Yes, but --

24 Q. -- leadership in the Archdiocese?

25 A. Yes. Taken in context, what it means, from the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 very beginning.

3 Q. From the very beginning of your taking over in the
4 Archdiocese?

5 A. Doesn't mean necessarily the first day.

6 Q. No, I --

7 A. You know, it means that I have to take a period of
8 time to assemble my leaders of various departments, to
9 reorganize, and that's what I start talking about, a very
10 beginning, once I had my various staff around me.

11 Q. Do you think, Cardinal, leaving a person who
12 acknowledged sexual misconduct with a minor in a parish
13 for fourteen years with, as we've already discussed, few
14 if any restrictions on their abilities, would you consider
15 that taking a very firm stand?

16 A. I said that I had no recollection that he was
17 involved with a minor.

18 ~~Q. Well, your recollection notwithstanding, Cardinal,~~
19 the documents supported --

20 A. I know that.

21 Q. -- that it was a minor, and so I'll ask you: With
22 regard to what the documents show and with Monsignor
23 Walls's own admission of his participation in the assault
24 with minors, do you think it's a very firm stand to allow
25 him to remain in a parish for fourteen years?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. If it had been brought to my attention, you know --
3 you know, as it was recently, we would have -- we still
4 would have gone by -- at the beginning, by what the Saint
5 Luke's Institute recommended.

6 (The witness conferred with his
7 attorney.)

8 MS. COX: Would everyone be able to
9 come back after an hour and fifteen-minute lunch
10 break?

11 MR. HODGSON: Oh, I can't. I can't. I
12 thought it was -- I understood this was ten to one.

13 MS. COX: Okay. Well, then we'll
14 resume tomorrow at nine thirty.

15 Would you be able to continue later
16 tomorrow?

17 MR. HODGSON: Yes. I'll talk to his
18 Eminence. Yes.

19 MS. COX: Okay. Thank you.

20 MR. HODGSON: Okay.

21 MS. COX: After you leave the room,
22 we'll find out from the jurors what their schedule
23 is like tomorrow.

24 MR. HODGSON: All right.


25 MS. COX: And for the record, it is

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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

APPENDIX H-4

18-10-174

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

IN RE: : MISC. NO. 01-00-8944
:
COUNTY INVESTIGATING :
GRAND JURY XVIII : C-10

August 22, 2003

Room 18013, One Parkway
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

NOT read in
2/10/10

APPEARANCES:

MAUREEN McCARTNEY, ESQUIRE
Assistant District Attorney

MARIANNE E. COX, ESQUIRE
Assistant District Attorney

~~WILLIAM SPADE, ESQUIRE
Assistant District Attorney~~

For the Commonwealth

PRESENT:

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

Reported by: Charles Holmberg
Official Court Reporter

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MS. McCARTNEY: Okay. Are we ready?

3 Today's date is August 22. The time is
4 now 10:04 A.M., and this is the matter of C-10.

5 We've just called a witness to the
6 stand.

7 ---

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

11 ---

12 BY MS. McCARTNEY:

13 Q. Good morning, Cardinal.

14 A. Good morning.

15 Q. Could you state your name for the record, please.

16 A. Yes. Cardinal Anthony Bevilacqua, Archbishop of
17 Philadelphia.

18 Q. Prior to coming here to testify today, Cardinal,
19 you were sworn in as a witness before this grand jury by
20 the Honorable Judge Jones?

21 A. Yes.

22 Q. And at that time your rights and obligations were
23 explained to you as a witness before the grand jury; is
24 that right?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. And you also filled out a form which also explained
3 those rights?

4 A. Yes.

5 Q. And one of the rights that you have is to have an
6 attorney present with you as you testify in front of this
7 grand jury; is that correct?

8 A. Yes.

9 Q. And you in fact do have an attorney with you?

10 A. Yes.

11 MS. McCARTNEY: Counsel, for the
12 record, could you please state your name.

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

17 ~~MS. McCARTNEY: Thank you.~~

18 BY MS. McCARTNEY:

19 Q. And, Cardinal, when those rights were explained to
20 you, did you understand them then and do you understand
21 them now today?

22 A. Yes.

23 Q. Okay.

24 MS. McCARTNEY: And for the record, we
25 have how many jurors present?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2

3

4

5

present, which constitutes a quorum.

6

BY MS. McCARTNEY:

7

Q. Good morning, Cardinal.

8

A. Good morning.

9

Q. When we were here yesterday, we spent some time
10 talking about the case of Monsignor David Walls.

11

Do you recall that?

12

A. Yes.

13

Q. And one of the issues that came up with regard to
14 Monsignor Walls was whether or not -- well, we became
15 aware of the fact that in 1988 an allegation had been
16 brought against Monsignor Walls with regard to a sexual
17 assault of a teenage girl, and there was also some
18 information about a sexual contact with an adolescent
19 male.

20

Do you recall that?

21

A. That was presented to me.

22

Q. Okay. And, Cardinal, at that time, you told us
23 that you did not recall having the information available
24 to you which would have indicated that the victim was a
25 minor or an adolescent.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Do you recall that?

3 A. Yes.

4 Q. Okay. I'm going to ask, Cardinal, if I could show
5 you a document.

6 MS. McCARTNEY: And I'm going to mark
7 this document as grand jury exhibit nine eight
8 three.

9 (GJ-983 was marked for identification.)

10 BY MS. McCARTNEY:

11 Q. And at the same time, Cardinal, I'm going to ask
12 that this be handed to you as well. This was marked
13 yesterday as grand jury exhibit nine seven seven.

14 (Pause.)

15 Now, Cardinal, what I handed you, which is marked
16 as grand jury nine eighty-three, that has a heading that
17 says "Archdiocese of Philadelphia," and it's from the
18 Office of the Chancery. It is directed to you, Archbishop
19 Bevilacqua. It's from Monsignor Shoemaker, and the date
20 of this document is May 3, 1988, and it is regarding
21 Reverend Monsignor David E. Walls, Ph.D., and in
22 parentheses, 1960, and that's the date of his ordination.

23 Is that right?

24 A. Yes.

25 Q. Okay. And on this document, it's a discussion

1 ANTHONY JOSEPH CARDINAL BEVILACQUA
2 about what had taken place at a personnel meeting which
3 had been held on April 27 of 1988 in which you had said
4 that you had wanted to see Monsignor Walls yourself.

5 And I'm going to ask specifically that you refer to
6 the last paragraph of that document, and I'm going to read
7 it, and I'd like you to say whether or not I've read it
8 correctly.

9 It says: "I am enclosing the confidential
10 memorandum from Saint Luke Institute regarding his case,
11 and I respectfully note the recommendations which are
12 summarized at the conclusion of the last page of this
13 evaluation."

14 Did I read that paragraph correctly, Cardinal?

15 A. Yes.

16 Q. And on the document it has your acknowledgment that
17 you received that, because it says: "Thanks, your
18 initials "AJB" and a date of 5/4/88.

19 Is that right?

20 A. Yes.

21 Q. Okay. And your acknowledgment on the bottom which
22 says: "Thanks," that would indicate that you had in fact
23 reviewed that document.

24 Is that right?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay. And looking back on to the last paragraph,
3 Monsignor Shoemaker says that he enclosed with that
4 memorandum that you're looking at, grand jury nine
5 eighty-three, the Saint Luke's Institute report.

6 Is that right?

7 A. Yes.

8 Q. Okay. And I'm going to ask you to refer to what
9 was marked yesterday as grand jury nine seven seven?

10 A. Can I read this, please.

11 Q. Sure.

12 A. The whole memorandum.

13 Q. Sure.

14 (Pause.)

15 A. Yes. You want to refer to this document?

16 Q. If you would, please, Cardinal, and I want you to

17 specifically refer to the page of this document which is

18 stamped 000946.

19 Do you see where I'm referring to?

20 A. Yes.

21 Q. Okay. And in this document, and I want to refer
22 specifically to the third paragraph, and I want to start

23 reading where the sentence begins: "More recently in

24 1985."

25 Do you see where I'm referring to? About the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 middle of the paragraph.

3 A. Yes.

4 Q. Do you see that?

5 A. Yes.

6 Q. Okay. It says there: "More recently in 1985 and
7 May of 1986, Father Walls noted that he did pursue a young
8 woman, an adolescent, sexually and that he also was
9 inappropriate in touching a young man. He is not aware of
10 any abiding attraction of a sexual nature to young people.
11 These individuals were adolescents, but were physically
12 mature. He is not aware of any sexual interest in
13 physically undeveloped children."

14 Is that what is written there?

15 A. Yes.

16 Q. So, Cardinal, is it fair to assume at this point in
17 time, given the fact that you received the memo from
18 Monsignor Shoemaker and enclosed within that memo was the
19 Saint Luke's evaluation, that you were in fact aware in
20 1988 that the allegations with regard to Monsignor Walls
21 involved an adolescent?

22 A. Yes. As I said, I do not recall this.

23 Q. Okay. But it would be fair to conclude that in
24 1988, not talking about what you remember today in 2003,
25 but in 1988, you were in fact aware of the fact that the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 accuser was a adolescent, a minor?

3 A. That the accuser was an adolescent?

4 Q. Yes.

5 A. Yes, from this.

6 Q. And --

7 A. May I make a . . . in reading this, you'll have to
8 remind me.

9 In reading this sentence, it speaks about he
10 pursued a young woman and he also was inappropriately in
11 touching a young man.

12 From this I cannot deduce that either one of these
13 was the accuser. You said now, right now, that the
14 accuser was an adolescent. This is referring to two
15 people, but no names.

16 Q. Cardinal --

17 A. Am I --

18 Q. -- let me just refresh, if I may, the history with
19 regard to Monsignor Walls, which I believe that we went
20 over yesterday and that we were clear that the information
21 had been conveyed to you.

22 There was an allegation of a young woman who wanted
23 to remain anonymous, and the therapist of that young woman
24 had come forward to Monsignor Shoemaker and said that
25 Monsignor Walls had been inappropriately sexual with her

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 and that she had reported it to her therapist and the
3 therapist went and reported it to Monsignor Shoemaker.

4 That was the allegation that came in --

5 A. Yes.

6 Q. -- to the Office of the Chancery, in addition to
7 which the therapist also reported to Monsignor Shoemaker
8 that there was an adolescent male who had also been
9 approached by Monsignor Walls.

10 Do you recall that?

11 A. Yes.

12 Q. Okay. So you're saying that even after when you
13 read this document --

14 A. I said it was hard from this to deduce that it was
15 the same person.

16 There seems to be a presumption of that, but these
17 two refer to the ones that are in the allegation.

18 Q. Okay. But you had access to this document back in
19 1988, and I can assume, Cardinal, that your memory of the
20 events surrounding Monsignor Walls and the allegation
21 would have certainly been much fresher in your mind when
22 you received this memo from Monsignor Shoemaker in May
23 1988 than they are today.

24 Would that be a fair assumption to make?

25 A. I think you could make that for that time.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. And again, Cardinal, the recommendation from Saint
3 Luke Institute specifically recommended that Monsignor
4 Walls abstain from working with or mingling with youth or
5 young adults in any unsupervised capacity; is that
6 correct?

7 A. Yes.

8 Q. That's also recommendation number four on the Saint
9 Luke Institute report; is that right?

10 A. Yes

11 (The witness conferred with his
12 attorney.)

13 BY MS. MCCARTNEY:

14 Q. Now, we also spoke yesterday with regard to
15 Monsignor Walls being given residence at Saint John
16 Neumann in Bryn Mawr.

17 Do you recall that?

18 A. Yes.

19 Q. And we established yesterday that Monsignor Walls
20 was allowed to remain in residence without an assignment,
21 but in residence at Saint John Neumann's for fourteen
22 years.

23 Do you recall that?

24 A. Yes.

25 Q. Okay. And we also talked about the fact that while

1 ANTHONY JOSEPH CARDINAL BEVILACQUA
2 Monsignor Walls was there, the pastor of Saint John
3 Neumann, Monsignor Meehan, was concerned with regard to
4 what his responsibility was vis-a-vis Monsignor Walls and
5 what if any restrictions were on Monsignor Walls as he was
6 in residence there.

7 Do you recall that testimony?

8 (The witness conferred with his
9 attorney.)

10 THE WITNESS: May I talk to my lawyer.

11 MS. McCARTNEY: Sure.

12 (The witness conferred with his
13 attorney.)

14 BY MS. McCARTNEY:

15 Q. Did you have the opportunity to consult with your
16 attorney --

17 A. Yes.

18 Q. -- Cardinal?

19 A. Thank you.

20 Q. Now, we were speaking yesterday about Monsignor
21 Meehan's request of you and someone from the Chancery
22 office defining his role with regard to Monsignor Walls.

23 Do you recall that testimony from yesterday,
24 Cardinal?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay. I'm going to ask at this point that you be
3 shown a document which I'll mark as grand jury exhibit
4 nine eighty-four.

5 (GJ-984 was marked for identification.)

6 BY MS. MCCARTNEY:

7 Q. And looking at the first page of that, I just -- I
8 left it open to the page that I'm ultimately going to
9 direct you to, but at the first page of this document,
10 it's a heading of the Archdiocese of Philadelphia, Office
11 of the Vicar for Delaware County, and it's a memorandum,
12 and it's to Reverend James E. Molloy from Reverend Francis
13 A. Menna. Date is November 2, 1990, and it's regarding
14 Monsignor David E Walls.

15 Is that how that --

16 A. Yes.

17 Q. -- heading reads?

18 A. Yes.

19 Q. Now, Cardinal, in 1990, Reverend Molloy was the
20 Assistant Vicar in the Archdiocese of Philadelphia?

21 A. Vicar for Administration.

22 Q. The Assistant Vicar for Administration?

23 A. Yes.

24 Q. He would have been directly under Monsignor Cullen,
25 who would have been directly under you; is that right?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. Okay. And Father Menna was the Vicar for Delaware
4 County; is that right?

5 A. Yes.

6 Q. Okay. And for the record, Saint John Neumann's,
7 which is located in Bryn Mawr, would have been part of the
8 vicariate of Delaware County; is that correct?

9 A. Yes.

10 Q. Now, reading what is contained in this document,
11 the first paragraph says: "Enclosed are copies of
12 correspondence and a file memorandum sent to me by
13 Monsignor James Meehan, the pastor of Saint John Neumann
14 Church in Bryn Mawr, which are self-explanatory."

15 Do you see where I'm reading from, Cardinal?

16 A. Yes.

17 Q. And then as you flip through this document, there
18 are a series of letters, all of which are authored by
19 Monsignor Meehan, who's the pastor of Saint John Neumann;
20 is that correct?

21 A. Yes.

22 Q. Okay. Now, I want to specifically direct your
23 attention to the letter that is dated October 25, 1990,
24 and it is on Saint John Neumann letterhead, and it begins
25 with: "Dear Frank," and again, "Dear Frank" is who

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Monsignor Meehan is writing to, would be Francis A.

3 Meehan, the Vicar for Delaware County?

4 MR. SPADE: Menna.

5 MS. McCARTNEY: Menna. I'm sorry.

6 BY MS. McCARTNEY:

7 Q. The Vicar for Delaware County, correct?

8 A. Yes.

9 Q. Now, if you could flip to the last page of that
10 document, under "B," do you see where I'm referring to?
11 It's stamped 000874.

12 A. Yes.

13 Q. And under "B" it says: "I have no idea to whom
14 Dave is accountable."

15 Do you see where?

16 A. Yes.

17 Q. Okay. And we can assume that Dave is referring to
18 David Walls --

19 A. Yes.

20 Q. -- is that right?

21 Now, where it's under or beside where it says "D,"
22 it says: "I make a strong request," and then in
23 parentheses, "as strong as the boundaries of respect
24 allow," end of parentheses, "for a legal document from a
25 diocesan lawyer describing my liabilities. I am aware

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that pastors have been included in suits brought against
3 the Church."

4 Did I read that correctly?

5 A. Yes.

6 Q. Okay. Now, the next page of that, there's a P.S.
7 You see where I'm referring to, Cardinal?

8 A. Yes.

9 Q. Now, it says on this: "P.S. John Jagodzinski,"
10 and for the record, John Jagodzinski was the Secretary for
11 Clergy at this time, correct --

12 A. Yes.

13 Q. -- in 1990?

14 "John Jagodzinski sent much of this information to
15 the Archbishop prior to his visit here on October 1. I
16 thought we would have a good discussion. However, he
17 interviewed Ed Klein and Dave Walls in the rectory and
18 told me he would interview me as I drove him around to
19 visit the sick. It wasn't a good setting. He asked about
20 Dave Walls, and I told him I felt I was sitting on a keg
21 of dynamite as we arrived at one of the homes. The
22 Archbishop's response, as best I can recall it, was" --
23 and this is in quotes -- "'These problems are serious, and
24 we cannot handle them as they were handled in the past,'"
25 end quote. "He said no more. Given all the efforts I had

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 made for help in this matter, I did not pursue the subject
3 further. Maybe I gave up too easily. I have no problem
4 with the needs of compassion. On the other hand, I cannot
5 accept responsibility for any decisions made in regard to
6 Dave Walls."

7 And then P.S. number two reads: "Frank, I cannot
8 ask too strongly, but always within the bounds of respect,
9 that any reply to the concerns of this letter be put in
10 writing. Already I am plagued in this whole matter by who
11 said what and when. I think it is too serious to depend
12 on the limits of human memory."

13 Did I read that correctly, Cardinal?

14 A. Yes.

15 Q. Okay. Do you recall that conversation with
16 Monsignor Meehan in which he asked for direction with

17 regard to Monsignor Walls when you visited at Saint John
18 Neumann?

19 A. I do not.

20 Q. Okay. Do you recall visiting Saint John Neumann?

21 A. I visited so many of the parishes. I presume I did
22 since he said so.

23 Q. Okay. And the letter that we were referring to is
24 dated October 25, and according to Monsignor Meehan, the
25 visit that you had made to Saint John Neumann where you

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 had this conversation was October 1.

3 So we can assume that it was close in time to when
4 he authored the letter, so his memory would have been
5 fairly good?

6 A. I have to presume that.

7 Q. Okay. And as we established yesterday, Cardinal,
8 to the best of your knowledge, nothing was done to clarify
9 the situation with regard to Monsignor Walls at Saint John
10 Neumann and he was allowed to remain in residence there
11 for fourteen years; is that correct?

12 A. I -- may I say that I -- these are all the records.
13 I don't see that. But these records and the concern of
14 Monsignor Meehan are dated in 1990, where he asked for
15 help. But after that, I don't know what happened.

16 There seems to be no further concern on the part of
17 Monsignor Meehan. It is a possibility that further
18 direction was given to him verbally in some way. So I'm
19 not aware of anything happening after that of concern by
20 Monsignor Meehan.

21 Q. Cardinal, the packet of documents that I showed
22 you, just for the record, established that letters were
23 written by Monsignor Meehan from 1988 through 1990; is
24 that right?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. And in the letter that I just referred to,
3 Monsignor Meehan asked for the clarification that he was
4 seeking and he asked that it be put in writing; is that
5 right?

6 A. Yes.

7 Q. And do you have any documents that establish that
8 there was anything in writing sent to Monsignor Meehan
9 that would establish what his responsibilities, if any,
10 were towards Monsignor Walls?

11 A. I have no knowledge of that, no recollection.

12 Q. And do you know whether or not the Archdiocese has
13 any documents?

14 A. I don't. No, I don't know.

15 Q. If there is documents that exist that were not
16 contained within the secret archive file that was provided
17 pursuant to the subpoena to our office, the secret archive
18 file of David Walls, that would reflect that there was a
19 clarification to Monsignor Meehan, that is not contained
20 in the secret archive file as it was provided to us, I
21 would ask that you would look for them and provide them to
22 him if they in fact exist.

23 Could you do that, in fact, for us, Cardinal?

24 THE WITNESS: Could you do that?

25 MR. HODGSON: Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 THE WITNESS: Yes.

3 BY MS. MCCARTNEY:

4 Q. But what is established on the record is the fact
5 that we know that Monsignor Walls stayed at Saint John
6 Neumann till 2002?

7 A. Yes.

8 Q. And he continued to say Mass there?

9 A. Again, as was seen in some of the documentation you
10 gave me yesterday, as a resident, he would be allowed to
11 say Mass.

12 Q. And he would be allowed to hear confessions?

13 A. Confessions, but as indicated, and it's hard for me
14 to elaborate on it, it seems that Monsignor Meehan said
15 that he was very, very rarely there. So I don't know the
16 extent of his functions there in actuality.

17 ~~Q. Except to know that he was saying Mass and hearing~~
18 confession based upon the documents that we have?

19 A. That was allowed, to do that.

20 Q. Cardinal, in retrospect, knowing what you know now
21 in 2003, do you think it was a mistake to leave Monsignor
22 Walls in the situation he was in at Saint John Neumann for
23 fourteen years?

24 A. That's very hard to say. Very hard for me to
25 answer that. He . . . he was assigned there because we

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 were trying to comply, you know, with the Saint Luke's
3 recommendations here.

4 Q. Cardinal, we've already been through the Saint
5 Luke's recommendations, one of which said he not be
6 allowed to mingle with youth or young adults.

7 That was their recommendation, correct?

8 A. Right, but there's no evidence that he did mingle
9 with youth and young adults.

10 Q. Pardon?

11 A. I said there's no evidence that he did do that. He
12 lived in a rectory.

13 Q. But as we've already established, Cardinal, and I
14 don't want to go back over what we did yesterday, but he
15 was allowed to say Mass and you are fully aware of the
16 fact that during the course of saying a Mass and preparing
~~17 for the Mass, there are altar boys that help the priest in~~
18 both the preparation and the completion of the Mass,
19 correct?

20 A. Ordinarily, yes.

21 Q. And that most of the altar boys are adolescent boys
22 generally from grade seven through nine or ten; is that
23 right?

24 A. Yes.

25 Q. And also the fact that an individual within the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Catholic Church makes their sacrament of penance sometime
3 after the second grade; is that right?

4 A. Yes.

5 Q. And that as a practicing Catholic, there are
6 obligations with regard to how often one would have to go
7 to confession during the course of a year; is that right?

8 A. The obligation's once a year.

9 Q. And --

10 A. If. If.

11 Q. I'm sorry?

12 A. Not even that necessarily.

13 Q. And that there is a school located on the property
14 of Saint John Neumann and that, as a Catholic school, the
15 classes are brought over on a somewhat regular basis to
16 have confession heard during school day?

17 ~~A. I don't know if they did it at that time.~~

18 Q. Okay. But you're aware that that practice does
19 exist?

20 A. Not in all places. Certainly not -- not in recent
21 years. You know, it was not a regular practice in all
22 parishes.

23 Q. Okay. And that normally the priests that hear the
24 confessions of the schoolchildren would be the parish
25 priest; is that right?

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2 A. Yes. But he was not a parish priest.

3 Q. Well . . .

4 A. And his functions were very limited as a resident.

5 Q. Well, Cardinal, they were limited if they were --
6 they were limited in his ability to say Mass and his
7 ability to hear confessions, and one of the documents that
8 was shown to you yesterday also indicated that when
9 Monsignor Meehan was not there, he would take over for
10 Monsignor Meehan; he would assume his responsibilities
11 within the parish?

12 A. I don't know the extent of that, because I
13 mentioned yesterday also Monsignor Meehan was saying he
14 was very rarely there, that he -- after the morning, he
15 would be gone till ten, eleven at night, and he rarely,
16 very rarely, saw him, very rarely had dinner with him,
17 which also indicated that he was out a great deal.

18 I have to add here --

19 Q. I'm sorry. Go ahead.

20 A. -- that in looking at this testimony, this document
21 here from Saint Luke's, may I be allowed to say this, that
22 there is no indication in here that he's been diagnosed as
23 a pedophile. Otherwise, he would never have been allowed
24 to go there.

25 He would never have been -- it would never be

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2 recommended that he could function providing he abstain
3 from working with or mingling with youth or young adults.
4 So there's no diagnosis that he has the sickness of
5 pedophilia or ephebophilia.

6 Q. Cardinal, referring back --

7 A. Horrible as any act. Don't misunderstand me. But
8 we're not talking here with someone who has been diagnosed
9 with that disease and therefore has the addiction.

10 Q. But just so we're clear, Cardinal, we are talking
11 about someone who is accused of a sexual assault with an
12 adolescent and an individual who, pursuant to the Saint
13 Luke's evaluation, acknowledged that they had in fact
14 engaged in that conduct.

15 That is true, correct?

16 A. I -- may I ask for an explanation of a paragraph
17 ~~you read to me before.~~

18 In that paragraph on 0946 -- excuse me, it says
19 here -- forgive me -- "noted that he did pursue a young
20 woman, an adolescent, sexually."

21 I never heard that expression. Could you clarify
22 what that means, to pursue sexually.

23 Q. Well, let me ask you a question, Cardinal, because
24 I don't know.

25 Based upon this document -- I mean, I can't give

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2 you a definition of what that means, but I'm going to ask
3 you if you had a question as to what that meant, you
4 received this document in 1988, two months after these
5 allegations had been brought against Monsignor Walls, did
6 you yourself or did you direct anybody on your staff to
7 call Saint Luke's Institute and say: I need some
8 clarification as to what's contained in this document
9 because I'm confused? Did you do that Cardinal?

10 A. I don't recall.

11 Q. Do you think that if you had that question at that
12 time, that that might have been somewhat prudent on your
13 part to ask it, if you thought that was a question?

14 A. That someone in the Clergy office, perhaps they
15 should have.

16 ~~Q. Okay. But you received this document. You~~
17 yourself received and reviewed this document pursuant to
18 the document which we just had marked as the memo from
19 Monsignor Shoemaker, grand jury nine eighty-three.

20 Do you recall doing that or asking anybody else to
21 do that?

22 A. I don't recall that.

23 Q. Did you at that point in time when you read that
24 document, did you go back to Monsignor Shoemaker and say:
25 I need you to be a little bit more clear?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 If you in fact had a question in your mind as to
3 what the extent of the allegation was, did you go back --

4 A. I don't recall doing that.

5 Q. Did you ask at any point in time for the therapist
6 who had come before Monsignor Shoemaker to lodge the
7 report?

8 Did you say: You know what? I want to speak with
9 that person, because I want to know a few more details
10 about what Monsignor Walls is being accused of?

11 Do you recall doing that or directing anybody to do
12 that, Cardinal?

13 A. I do not recall.

14 Q. And at that point in time, you had all of that
15 ability to do those things if in fact those questions
16 existed in your mind; is that right?

17 A. Yes.

18 Q. Did you at any point in time you made the
19 distinction of his not being diagnosed as a pedophilia or
20 an ephebophilia, did you at any point in time go to Saint
21 Luke's Institute and ask them exactly what tests and
22 evaluation process they were making an individual accused
23 of sexual abuse undergo?

24 Did you do that?

25 A. It was not necessary since it's a reputable

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2 institute. If he was a pedophile, they would have stated
3 it.

4 Q. Do you know, Cardinal, or did you know at the time
5 whether or not Saint Luke's Institute had any forensic
6 sexual abuse evaluators on their staff that specifically
7 dealt in that particular area?

8 A. That was not my responsibility to know those
9 things.

10 Q. You indicated that you didn't need to pursue these
11 things because Saint Luke's Institute was a reputable
12 place; is that right?

13 A. That's my understanding.

14 Q. And your understanding of that came from -- what
15 information did you have available to you to make that
16 decision?

17 A. It was known that it was a reputable institute.

18 Q. Were you aware that there were hospitals and
19 centers located throughout the country that had other
20 tests available or additional tests that were available to
21 individuals that were accused of sexual abuse that were
22 not being implemented by Saint Luke's Institute?

23 A. I was not aware.

24 Q. Did you at any point in time ask anybody on your
25 staff to research whether or not there were other

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 institutions that were using testing that was different
3 than the testing utilized by Saint Luke's or Saint John's?

4 A. No. I must presume that this was a reputable
5 institute. It wasn't necessary to search for others.

6 Q. Cardinal, let's speak for a moment, if we can
7 again.

8 You became Archbishop of Philadelphia and you were
9 installed in that position in February of 1988; is that
10 right?

11 A. Yes.

12 Q. Now, soon after you became Archbishop of
13 Philadelphia, you took from the Archdiocese of
14 Philadelphia a priest by the name of Father John Connor.

15 Do you recall that?

16 A. Excuse me. From where? Would you repeat the
17 question.

18 Q. From the Diocese of Pittsburgh?

19 A. Right. Yes.

20 Q. Okay. Now, speaking about Father Connor --

21 MR. HODGSON: Excuse me.

22 (The witness conferred with his
23 attorney.)

24 THE WITNESS: I misunderstood
25 something.

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2 MS. McCARTNEY: I'm sorry.

3 THE WITNESS: Could you repeat the
4 whole question.

5 BY MS. McCARTNEY:

6 Q. Cardinal, if any at any point in time you don't
7 understand my question I'll be happy to try to repeat it.

8 A. Thank you.

9 Q. Soon after you came to Philadelphia in February of
10 1988, a priest was transferred to the Archdiocese of
11 Philadelphia from the Diocese of Pittsburgh by the name of
12 Father John Connor.

13 A. Yes.

14 Q. Do you recall that?

15 A. Yes. I don't know how soon it was after, but I
16 remember that.

17 Q. All right. Now, let's talk about Father Connor for
18 a moment.

19 You recall who he was; is that right?

20 A. Yes.

21 Q. Father Connor was originally ordained in the
22 Diocese of Camden; is that correct?

23 A. Yes.

24 Q. Does that comport with your recollection?

25 A. Yes.

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2 Q. And in 1984, Father Connor sexually assaulted a
3 fourteen year old boy who at the time was a freshman at
4 the school where Father Connor taught, and the allegations
5 involved Father Connor taking the boy to Cape May, giving
6 him beer and then sexually assaulting him, and the conduct
7 that was described in the assault was mutual masturbation.

8 Do you recall those facts with regard to Father
9 Connor?

10 A. I do not.

11 Q. Okay. Father Connor ultimately in Camden admitted
12 to that conduct and was placed in a pretrial diversion
13 program in New Jersey.

14 You were aware of that, correct?

15 A. No. I have no recollection of that at all.

16 Q. Father Connor was as a result of that conduct and a
17 result of that admission, he was sent to Southdown, which
18 is a treatment center; is that right?

19 A. Going to Southdown was something I think I read
20 about a year ago when this sex scandal broke. It was in
21 the paper, but at the time, I did not know. I did not
22 recall anything of that.

23 Q. Okay. Well, let me see whether I can refresh any
24 of your recollection with regard to Father Connor.

25 You at the time in 1984, that was when you were

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2 Bishop of Pittsburgh; is that right?

3 A. Yes.

4 Q. And soon after Father Connor was sent to Southdown,
5 the Bishop of the Camden Diocese, that would have been
6 Bishop George H. Guilfoyle, G-U-I-L-F-O-Y-L-E, that he was
7 Bishop of Camden; is that right?

8 A. That is correct.

9 Q. Okay. And Bishop Guilfoyle would not allow at that
10 time Father Connor to come back and practice as a priest
11 within the Diocese of Camden; is that right?

12 A. I don't know.

13 Q. Okay.

14 A. I mean, my recollection. I have no recollection of
15 that.

16 Q. Okay. Bishop Guilfoyle, began to search around for
17 a place where Father Connor might be able to be placed,
18 and one of the areas that he looked at was Baltimore and
19 one of the areas that he looked at was the Diocese of
20 Pittsburgh.

21 Do you recall that?

22 A. Not your statement about Baltimore.

23 Q. Okay. The Diocese of Baltimore refused to take
24 Father Connor unless the Diocese of Camden provided an
25 indemnity agreement to them.

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2 Do you know what an indemnity agreement is,
3 Cardinal?

4 A. I just can imagine what it is. It's some kind of
5 payment in case of liability. I'm not sure.

6 Q. The Diocese of -- you're correct.

7 The Diocese of Baltimore would not take Father
8 Connor because they had concerns that if something
9 happened while he was in Baltimore, that they would be
10 liable, and so the indemnity agreement would have
11 continued to make the Diocese of Camden liable for Father
12 Connor?

13 A. I am not aware of that.

14 Q. Okay. You as the Bishop of Pittsburgh agreed to
15 take Father Connor into the Diocese of Pittsburgh.

16 Do you recall doing that?

17 A. Yes.

18 Q. And prior to doing that, you were given in your
19 capacity as Bishop of Pittsburgh the evaluation from
20 Southdown that Father Connor had.

21 Do you recall that?

22 A. No.

23 Q. All right. I'm going to show you and mark -- I'll
24 mark this document grand jury nine eighty-five.

25 (GJ-985 was marked for identification.)

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2 (Pause.)

3 THE WITNESS: I have read this.

4 BY MS. MCCARTNEY:

5 Q. Okay. This is the evaluation that was done or the
6 recommendations from Southdown -- which is located in
7 Canada; is that correct, Cardinal?

8 A. Yes.

9 Q. And this is dated September 3, 1985; is that right?

10 A. Yes.

11 Q. And it is a letter which is written to The Most
12 Reverend George H. Guilfoyle, Bishop of Camden, Camden
13 Diocesan Center, P.O. Box 709, Camden, New Jersey, 08101.

14 Is that what it says?

15 A. Yes.

16 Q. And it's regarding Reverend John Connor, correct?

17 A. Yes.

18 Q. And the first paragraph of that document reads:

19 "At your suggestion, I am directing this report to
20 yourself as part of the effort to seek an assignment for
21 Jack in the Diocese of Pittsburgh."

22 Is that what it says?

23 A. Yes.

24 Q. "As reported last to you on August 19, Jack
25 continues to do very well in the program. In fact, his

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2 progress is such that we are supporting his departure at
3 the end of September. The following points may be of
4 assistance in your conversation with Bishop Bevilacqua.

5 "Number one, the staff at Southdown does not
6 believe that Jack is a primary pedophile but rather
7 someone who, under the circumstances of extreme loneliness
8 and excessive use of alcohol, acts out sexually with some
9 preference for late adolescent males. However, in
10 general, his sexual drive is not outside the normal range
11 and can be easily controlled if he does abstain from
12 alcohol and leads a life of normal involvement with fellow
13 priests and with adult laity. However, because of the
14 incident for which he was apprehended, we would not
15 recommend any ministry that would directly put him in a
16 position of responsibility for adolescents such as a
17 teaching situation."

18 Did I read at that correctly, Cardinal?

19 A. Yes.

20 Q. Now, after that information was conveyed to you,
21 you in fact accepted him into the Diocese of Pittsburgh;
22 is that right?

23 A. One moment, please.

24 Q. Sure.

25 A. The sentence, second paragraph, says: "The

1 ANTHONY JOSEPH CARDINAL BEVILACQUA
2 following points may be of assistance in your conversation
3 with Bishop Bevilacqua."

4 I'm presuming from this he received this before he
5 even called me.

6 Q. Well, Cardinal, what --

7 A. I have no recollection of this, receiving this.
8 None whatsoever.

9 Q. Do you recall talking to the bishop?

10 A. Yes, I do.

11 Q. Okay. Do you recall what the content of the
12 conversation was with regard to Father Connor?

13 A. Substantially, it was -- I remember his call.

14 Bishop Guilfoyle was a friend of mine, in which he
15 asked if I would take this priest. He was concerned
16 about, my recollection, possible publicity in the Diocese

17 of Camden, and he said he committed on the -- my
18 recollection's a vague recollection -- under alcohol a
19 sexual act. I have absolutely no memory that he said
20 anything about it being with a minor.

21 Q. Cardinal, you get a call from a bishop in
22 Pittsburgh that says --

23 MS. COX: Camden.

24 MS. McCARTNEY: I'm sorry.

25

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2 BY MS. MCCARTNEY:

3 Q. A bishop in Camden that says: I'd like you to take
4 a priest that I can no longer have in my diocese to your
5 diocese because there was an incident involving alcohol
6 and sex or --

7 A. Yes.

8 Q. Okay.

9 A. And my recollection is that it was one act, and I
10 cannot be specific about my memory. I'm just thinking
11 that he thought -- I thought he said, but I can't
12 recollect it well, that it was an act of homosexuality or
13 possibly even heterosexuality, but there was -- in my
14 memory, there is nothing that links it with a minor.

15 Q. Cardinal, surely if that conversation had taken
16 place, in that consistent with your memory, you would have
17 ~~asked follow-up questions with regard to the extent of the~~
18 act and what the details of the act were?

19 A. No.

20 Q. You wouldn't have done that?

21 A. Not ordinarily. I just say because he kept -- what
22 I remember him saying, he says he's positive he was a very
23 good priest and he was positive that it would probably
24 never happen again.

25 Q. Positive it would probably never happen again?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. He felt it would never happen again. That's my
3 memory of it. He was very -- and I presumed it was based
4 on some kind of, you know, report of why he said that.

5 Q. So you're saying that you never asked for the
6 details.

7 Did you find out that Father Connor had been
8 arrested?

9 A. No, I did not.

10 Q. Did you find out?

11 A. I don't recall any of that.

12 Q. And you don't recall that the bishop shared with
13 you the information that the person that was assaulted in
14 the case that got Father Connor arrested was a fourteen
15 year old freshman in high school?

16 A. I have absolutely no recollection that.

~~17 Q. Did he tell you that the incident occurred with a~~
18 student that he taught because Father Connor had been
19 assigned as a teacher in a high school?

20 A. I have no recollection of that.

21 Q. And you didn't ask any of those questions? That's
22 what your recollection is, Cardinal?

23 A. My recollection is I did not.

24 Q. And can you tell us why you wouldn't have asked any
25 of those questions? This year is 1985. This is the same

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2 year that the Gauthe case broke nationally, and there was
3 a tremendous amount of publicity with regard to sexual
4 abuse of minors.

5 A. Because I trusted Bishop Guilfoyle.

6 Q. Do you think that your trust -- if it is in fact
7 true that that information was never conveyed to you, do
8 you still have that same trust in the bishop?

9 A. He told me -- I have to say that he -- I have to
10 presume he told me what he thought was necessary.

11 Q. Is Bishop Guilfoyle still alive, Cardinal, to the
12 best of your knowledge?

13 A. He's not alive.

14 MS. McCARTNEY: I'm going to mark this
15 document as grand jury exhibit number nine
16 eighty-six.

17 (GJ-986 was marked for identification.)

18 (Pause.)

19 BY MS. McCARTNEY:

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

22 A. Yes.

23 Q. Let me ask you before we get to that.

24 Would you consider it common for bishops to
25 misrepresent things to one another?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. No.

3 Q. Have you ever misrepresented anything to another
4 bishop?

5 A. No.

6 Q. Would you agree that if Bishop Guilfoyle didn't in
7 fact share with you the details which were true with
8 regard to Father Connor when he asked you to take him to
9 the Diocese in Pittsburgh, would that have been a
10 misrepresentation?

11 A. Would you repeat it again, please.

12 Q. Sure. If in fact Bishop Guilfoyle did not share
13 with you the information about Father Connor and he asked
14 you to take him because he was a good priest who had one
15 incident involving alcohol, would you consider that to be
16 a misrepresentation of facts?

17 ~~A. I believed at the time, my recollection. I have no~~
18 recollection of him describing all the details, that my
19 recollection is he gave me sufficient information that
20 indicated that he wanted help in accepting him, and I felt
21 that that information, my recollection, was sufficient. I
22 cannot remember any of the details.

23 Q. So he could have told you that the incident
24 involved a freshman in high school or fourteen year old
25 boy?

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2 A. I said I have no recollection of any details.

3 Q. But so you're saying that it's possible that he
4 could have told you that or that you just don't recall
5 now?

6 A. I don't recall any details of what he told me.

7 Q. Do you recall whether or not he told you that
8 Father Connor was -- it was recommended that Father Connor
9 not have any contact with adolescents?

10 A. I have no recollection of that.

11 Q. Cardinal, when this conversation came in to you as
12 acting bishop of -- as Bishop of Pittsburgh, again,
13 obviously, you were extremely concerned with the welfare
14 of children in the Diocese of Pittsburgh just as you are
15 in the Archdiocese of Philadelphia; is that right?

16 A. That is right.

~~17 Q. And so you would have been extremely concerned with~~
18 regard to whether or not you were allowing an assignment
19 for a priest that had a previous history that may have
20 involved sexual contact with minors?

21 A. Yes.

22 Q. Obviously, that was something that would have been
23 of great concern to you?

24 A. Yes.

25 Q. And having had this call come in to you from the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Bishop of Camden and part of the information that was
3 conveyed to you was that he had been evaluated by
4 Southdown?

5 A. I don't recall him telling me that.

6 Q. You don't recall him telling you that?

7 A. No.

8 Q. Well, Cardinal, what did you think -- I mean,
9 clearly, you must have assumed that there was a
10 significant problem with regard to Father Connor if he
11 couldn't continue to act as a priest within the Diocese of
12 Camden?

13 A. I remember Bishop Guilfoyle telling me that he was
14 concerned about the adverse publicity.

15 Q. Well, did you ask -- I mean, it would have been in
16 the normal course?

17 A. As I indicated before, my memory is I thought it
18 involved an act of homosexuality or possibly of
19 heterosexuality with an adult woman. That's my vague. I
20 don't know why, but that's what always remained in my
21 memory.

22 Q. Well, that's what remains in your memory today, and
23 you don't know why you have that vague memory of it, of
24 why you think it was a heterosexual act with an adult or
25 homosexual act with an adult?

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2 A. That's hard for me to explain, the why I have that
3 memory. That's the memory I have.

4 Q. Well, let me ask you this question, Cardinal. I'm
5 going to ask you to look at the document which I had
6 marked as grand jury exhibit nine eighty-six, and this is
7 a memorandum which is -- the heading of this, it says:
8 "Camden Diocesan Center."

9 You see where I'm referring to?

10 A. Yes.

11 Q. And it's dated September 12, 1988; is that correct?

12 A. Yes.

13 Q. And it's a memorandum, and it's to Monsignor
14 Pokusa, P-O-K-U-S-A, and it's from Bishop Guilfoyle, and
15 it's regarding Father John P. Connor; is that correct?

16 A. Yes.

17 Q. And the body of that document reads: "Father
18 Connor has been assigned as an associate pastor of Saint
19 Matthew Church, Conshohocken, PA, effective October 1
20 1988. Archbishop Bevilacqua called to tell me of this
21 last week. Certainly no one knows more than Archbishop
22 Bevilacqua about Father Connor's background over these
23 past several years."

24 Do you see that? Did I read that correctly,
25 Cardinal?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. And this is a document which is authored by the
4 Bishop of Camden, correct?

5 A. Yes.

6 Q. And can we assume that the Bishop of Camden was
7 being truthful when he authored this document which
8 indicates that no one knows better than you what Father
9 Connor's background is?

10 A. All I can say is I have no memory of his
11 background, and it's very hard for me to accept fully what
12 is said in that memorandum.

13 From my knowledge, I have no recollection of having
14 a full background of Father Connor.

15 Q. Well, certainly --

16 A. It may be a presumption on his part.

~~17 Q. You think it's a presumption on Bishop Guilfoyle's~~
18 part when he writes: "Certainly no one knows more than
19 Archbishop Bevilacqua about Father Connor's background
20 over these past several years." You think that he's just
21 presuming that you knew about it?

22 A. That's all I can presume.

23 Q. Let me show you another document, if I may,
24 Cardinal, and this is marked grand jury exhibit nine
25 eighty-seven.

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2 (GJ-987 was marked for identification.)

3 (Pause.)

4 (The witness conferred with his

5 attorney.)

6 MS. McCARTNEY: I'm going to mark this

7 grand jury nine eight eight.

8 (GJ-988 was marked for identification.)

9 (The witness conferred with his

10 attorney.)

11 BY MS. McCARTNEY:

12 Q. Cardinal, have you had the opportunity to review
13 the document that has been marked as grand jury exhibit
14 nine eighty-eight?

15 A. Yes, I have read this one. I haven't read the
16 other one.

17 Q. ~~Okay. We'll talk about nine eighty-eight first, if~~

18 we may. Nine eighty-eight is Office of the Bishop,
19 Diocese of Pittsburgh; is that correct?

20 A. Yes.

21 Q. And it's a memorandum, and it's to Bishop
22 Bevilacqua from Father Dattilo, D-A-T-T-I-L-O?

23 A. Yes.

24 Q. Date of September 11, 1988, and it's regarding.

25 MR. SPADE: '85.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MS. McCARTNEY: '85. I'm sorry.

3 BY MS. McCARTNEY:

4 Q. September 11, 1985, and it's regarding Bishop
5 Guilfoyle's request.

6 Is that what the heading says, Cardinal?

7 A. Yes.

8 Q. Now, Father Dattilo, who was he in the Diocese of
9 Pittsburgh?

10 A. I think at the time he was in charge of the clergy.

11 Q. In charge of the clergy?

12 A. Yes.

13 Q. So that position would have been comparable to our
14 Secretary of the Clergy in Philadelphia?

15 A. I'm fairly sure he was at that time.

16 Q. Okay. And based upon a review of this document, it
17 appears as if Father Dattilo was asking, was saying that
18 you need more information before you can make a decision
19 with regard to accepting Father Connor within the Diocese
20 of Pittsburgh; is that correct?

21 A. (No response.)

22 Q. Well, let me --

23 A. He's asking questions, but ultimately, he's asking,
24 you know, whether there's a risk or not.

25 Q. Right. This memo, this document was directed to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 your attention --

3 A. Yes.

4 Q. -- correct?

5 A. Yes.

6 Q. And it says: "Bishop Guilfoyle's letter requesting
7 temporary or permanent assignment in the Diocese of
8 Pittsburgh for Father John Connor does not indicate the
9 nature of Father Connor's problem. We need more
10 information."

11 Is that right?

12 A. Yes.

13 Q. And it says: "I have several concerns and
14 questions about the request"?

15 A. I read that.

16 Q. Okay. If you look at number three, it says: "Can
17 we trust the evaluation of Southdown, i.e., no basic or
18 lasting problem? I seem to remember you telling Father
19 Bober and me that you have reservations about Southdown."

20 Did I read that correctly?

21 A. Yes.

22 Q. Okay. So basically, can we assume from that
23 sentence, "Can we trust the evaluation of Southdown," it
24 would be a fair inference from that sentence that the
25 evaluation from Southdown was made available to you or

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 your staff in the Diocese of Pittsburgh?

3 Would that be a fair assumption based upon that
4 sentence, Cardinal?

5 (The witness conferred with his
6 attorney.)

7 THE WITNESS: Can I speak to my lawyer
8 a minute.

9 MS. McCARTNEY: Yes.

10 (The witness conferred with his
11 attorney.)

12 THE WITNESS: May you repeat the
13 question.

14 BY MS. McCARTNEY:

15 Q. Just for the record, have you had the opportunity
16 to confer with your lawyer?

17 A. Yes.

18 Q. Okay. My question was: Based upon the sentence
19 "Can we trust the evaluation of Southdown, i.e., no basic
20 or lasting problem?" that the inference that we can draw
21 from that sentence was that the evaluation of Southdown
22 was made available to you and/or your staff in the Diocese
23 of Pittsburgh?

24 A. I have to say not necessarily.

25 Q. Can you explain why you say not necessarily,

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2 Cardinal?

3 A. When you read what it says there, "Can we trust the
4 evaluation of Southdown, no basic or lasting problem?" I
5 don't know if that came from another source.

6 Q. What do you mean another source?

7 A. I don't know if whether the Office for the Clergy
8 there, the equivalent Office of the Clergy, was in
9 communication with Camden. That could be a possible other
10 source.

11 Something like this is handled by the Clergy
12 office, so I don't know what their dealings are with
13 Camden.

14 Q. But, Cardinal, this is not an everyday request that
15 you get from one bishop who says: I can't have this
16 person in my diocese anymore. Can you please take him

17 into yours. You would consider that to be somewhat of an
18 unusual request, right?

19 A. It's not common.

20 Q. It's not common. And because it's not common, then
21 it probably demands and requires and gets a little extra
22 attention than what would normally be given to a
23 situation. Would that be fair?

24 A. Yes, but what I do not know is when a request like
25 this comes in, the normal procedure is you hand it over to

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2 the clergy department, Clergy office.

3 I don't know whether Bishop Dattilo was in
4 communication with -- by phone or anyone in Camden. He
5 would have -- ordinarily, he would follow up on this.

6 So I can't say positively that that report was read
7 by Bishop Dattilo, Father Dattilo at the time, or myself.

8 Q. And number three says: "Can we" -- I'm sorry.

9 Number four says: "If the problem is homosexuality
10 or pedophilia, we could be accepting a difficulty with
11 which we have no post-therapeutic experience."

12 Is that what that sentence reads?

13 A. Yes.

14 Q. Well, Cardinal, when you saw that there was a
15 question with regard to whether or not Father Connor was
16 involved with pedophilia, did alarm bells go off in your
17 head or would they have?

18 A. I don't recall, but it does indicate that it seems
19 that by that sentence, it would seem that it's not sure
20 whether it was a problem of homosexuality or pedophilia.

21 Q. Let's take that for a moment then, Cardinal, and
22 you write at the bottom of this: "I cannot guarantee that
23 there is no serious risk," and you initial it "AJB,
24 9/17/85," correct?

25 A. Yes.

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2 Q. Now, Cardinal, assuming when you got this
3 memorandum, in this memorandum there were a series of
4 questions and concerns raised by Father Dattilo to you
5 with regard to Father Connor, correct?

6 A. Yes, there was a series of questions in here that
7 he's asking.

8 Q. I'm sorry?

9 A. I say he's putting down a series of questions.

10 Q. And so we're clear, just as things worked in
11 Philadelphia, they worked in Pittsburgh, in that
12 ultimately the ultimate decision maker with regard to this
13 would have been you; is that right?

14 A. I would have depended upon the recommendation of
15 Father Dattilo.

16 Q. But you certainly could have said: I reject your
17 ~~recommendation or I accept your recommendation.~~

18 Ultimately, it's your authorization that is needed in
19 order to have this person come to the Diocese of
20 Pittsburgh, correct?

21 A. Ultimately it is mine.

22 Q. Okay. And these questions were posed to you by
23 Father Dattilo or these were questions that he had with
24 regard to whether or not Father Connor should be accepted
25 into the Diocese of Pittsburgh, correct?

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2 A. They were questions. He's asking questions. I
3 don't know from reading this whether they're posed to me
4 for an answer to each one.

5 The ultimate question was: Is there a risk here,
6 and I said I cannot guarantee there's no risk.

7 Q. Cardinal -- I'm sorry. I apologize.

8 A. And I don't know whether or not I spoke to him to
9 follow up on this.

10 It's the responsibility of the Clergy office to
11 follow up on any kind of concerns.

12 Q. Cardinal, it's your responsibility to follow up on
13 whether or not you are taking into your diocese somebody
14 that poses a risk to the children of the diocese.

15 Ultimately, that is your responsibility. Is that right?

16 A. Yes.

17 Q. ~~And you've told us earlier that Bishop Guilfoyle~~
18 was a friend of yours, right?

19 A. Yes.

20 Q. And you would think that, as your friend, you would
21 have had conversations with him because he would have
22 called you not only in your capacity as a bishop but also
23 as a friend and he would have shared with you the
24 information with regard to Father Connor. Am I assuming
25 too much there, Cardinal?

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2 A. I think you are.

3 Q. Okay. Well, am I assuming too much when I read
4 this memo and I say that when you got this memorandum in
5 September of 1985, you directed Father Dattilo to get the
6 answers to the questions that he sought?

7 A. I don't recall any conversation with Father
8 Dattilo, but it could very well be that we spoke about
9 this, I don't know, and I asked him to follow up on this.

10 Q. Well, how was it, Cardinal, that when this
11 information comes to you in September 11, 1985, ultimately
12 you make a decision that you are going to take Father
13 Connor into the Diocese of Pittsburgh? Right? Because he
14 ultimately comes to Pittsburgh?

15 A. Ultimately comes.

16 Q. And you've received this memorandum, and then some
17 point later, you authorize his coming to Pittsburgh.

18 What was it that -- you know, how did you come to
19 that conclusion, that it was okay to do so?

20 A. I have no recollection other than I presume that
21 Father Dattilo followed up on it.

22 Q. Well, you presume. Why do you presume that,
23 Cardinal? Tell me why. Tell us that.

24 A. Because that's the responsibility of the Clergy
25 office.

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1
2 Q. But you received this memorandum and you wrote that
3 you can't guarantee that there's not a serious risk, and
4 ultimately, it's your signature that's going to go on
5 whatever paperwork that's needed to transfer him to
6 Pittsburgh.

7 What did you do to ensure that there wasn't a
8 problem with pedophilia, that the evaluation at Southdown
9 could be trusted and make a decision as to where Father
10 Connor would be placed once he came to Pittsburgh, and how
11 did you come to those decisions, based upon what
12 information?

13 A. I don't recall, other than again, I can presume
14 that I may have spoken to Father Dattilo and asked him to
15 follow through until the point he felt that there was no
16 risk, at least a minimal risk.

17 Q. So can we assume -- and Father Dattilo you put in
18 the position you did because you thought that he was
19 competent, correct?

20 A. Yes.

21 Q. And in terms of being a competent person, he would
22 have been following through on these issues and concerns
23 that he had, correct?

24 A. I presume so.

25 Q. And if you presume that he did so, then we can also

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 presume that he was given truthful information with regard
3 to the fact that Father Connor was arrested for molesting
4 a fourteen year old freshman in high school, a boy,
5 correct?

6 A. (No response.)

7 Q. And that he acknowledged his behavior with regard
8 to that and was placed into a pretrial diversion program?

9 Can we presume that?

10 A. I -- I don't know what Father Dattilo did at the
11 time.

12 Q. Can we presume it?

13 A. Or how much information he obtained.

14 Q. Can we presume that?

15 A. I presume he received enough information to say
16 that there was no great risk.

17 Q. No great risk? No great risk, or no risk?

18 A. I'm saying no great risk.

19 Q. So the information he got may have still created
20 the potential for risk with regard to Father Connor?

21 (The witness conferred with his
22 attorney.)

23 BY MS. McCARTNEY:

24 Q. Is that correct?

25 A. Whenever you accept anybody from a diocese, there's

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2 no problem -- there's a risk in every case. To say
3 possibility is always, you know, something that's hard to
4 counteract. There's a risk in anyone.

5 Q. But wouldn't you agree, Cardinal, that if someone
6 had actually been convicted of abusing a minor, that they
7 posed a greater risk than some others?

8 A. The report from Southdown seemed to say it was a
9 minor -- that he could be restored to some kind of
10 ministry. That's what I had gathered from the report.

11 Q. From the report from Southdown, but you're not sure
12 that that report was made available to you?

13 A. That's right.

14 Q. But the report also indicates that he's not a
15 primary pedophile. That's the words, correct?

16 A. That is correct. That's what it says.

17 Q. Do you know what that means? Does it mean he's a
18 secondary pedophile?

19 A. When I say primary pedophile, I presume that he's
20 not a pedophile.

21 Q. That's not what --

22 A. I don't know what the distinction -- the word
23 "primary."

24 Q. That's not what it says, sir. It says he's not a
25 primary pedophile, correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. That's right.

3 Q. So how many times -- have you ever sent an
4 individual from Philadelphia to another diocese?

5 A. Yes.

6 Q. Have you ever sent an individual to another diocese
7 while being Archbishop and Cardinal of Philadelphia? Have
8 you sent somebody to another diocese that has been accused
9 of sexual misconduct?

10 A. Yes.

11 Q. Do you know who those individuals were --

12 A. Just one.

13 Q. -- and where you sent them?

14 A. Just one.

15 Q. Who was that?

16 A. Excuse me.

17 (The witness conferred with his

18 attorney.)

19 BY MS. McCARTNEY:

20 Q. Cardinal, have you had the opportunity to consult
21 with your attorney?

22 A. Yes. I'm sorry. That the one I was thinking of
23 was not -- would that be sexual misconduct? It was for
24 pornography.

25 Q. Who was that?

5

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2 A. That was . . .

3 (The witness conferred with his
4 attorney.)

5 BY MS. McCARTNEY:

6 Q. DePaoli?

7 A. Yes.

8 Q. Father DePaoli?

9 A. Yes.

10 Q. While you were Bishop of Pittsburgh, was there any
11 type of an exchange with your sending somebody from
12 Pittsburgh to Camden in exchange for Father Connor?

13 A. Did I?

14 Q. Did you send anybody from your diocese in
15 Pittsburgh to Camden?

16 A. No, not that I . . .

17 Q. Did you send anybody from Pittsburgh to Camden when
18 you got Father Connor?

19 A. No.

20 (The witness conferred with his
21 attorney.)

22 THE WITNESS: May I kindly ask for a
23 recess, please.

24 MS. McCARTNEY: Sure.

25 The time is now eleven fourteen.

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2 MS. COX: For the record, Mr. Rayborn
3 is coming here in a moment just to speak to you for
4 a couple minutes about scheduling. If you could
5 wait one second, I'll see if he's in the hallway.

6 (A recess was held.)

7 MR. SPADE: Okay. We are back on the
8 record. The time is now 11:47 A.M., and we have?

9 GRAND JURY SECRETARY: Seventeen.

10 MS. McCARTNEY: Seventeen jurors
11 present, so that constitutes a quorum.

12 BY MS. McCARTNEY:

13 Q. Good morning, Cardinal?

14 A. Good morning.

15 Q. Before we broke, we were discussing the case of
16 John Connor, and we had determined that you had accepted

17 Father Connor into the Diocese of Pittsburgh while you
18 were bishop there, and you remained Bishop of Pittsburgh
19 until 1988; is that right?

20 A. Yes.

21 Q. And at that point in time, you were installed as
22 Archbishop of Philadelphia in February of 1988; is that
23 correct?

24 A. Yes.

25 Q. Now, Cardinal, in September of 1988, five months

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2 after you became Archbishop here, you took Father Connor
3 from the Diocese of Pittsburgh and you took him to
4 Philadelphia and you placed him as an assistant pastor at
5 Saint Matthew's in Conshohocken.

6 Do you recall that?

7 A. He asked to come here, and I know that he was
8 assigned here.

9 Q. He asked to come here, so he had a personal
10 conversation with you?

11 A. I think it was a phone call, but it could have been
12 a letter, but my -- I'm not sure, but it may have been a
13 phone call.

14 Q. And before you accepted him into the Archdiocese of
15 Philadelphia, did you require any further psychiatric
16 testing or ask for any information from his therapist with
17 regard to whether he was still suffering from any of the
18 problems that he did when he molested the fourteen year
19 old boy?

20 A. When he asked, I have no recollection of anything
21 that I did after that, other than I have to presume that I
22 followed my usual procedure, which was to turn it over to
23 the Clergy office.

24 Q. When you turned it over to the Clergy office, did
25 you inform them as to Father Connor's background?

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2 A. I don't recall that. I just -- my presumption
3 would have been that I handed over his request to come
4 here, and it would have been handled by the Clergy office.

5 Q. When you say the Clergy office, you're talking
6 about you handed over the request to the Clergy office in
7 Philadelphia?

8 A. Yes.

9 Q. And they must -- well, I don't want to ask it that
10 way.

11 Did they come to you and say: Cardinal Bevilacqua,
12 you worked with this man. You took him from Camden to
13 Pittsburgh. Can you tell us something about him?

14 A. I don't recall that.

15 Q. And in 1988, the people in the Clergy office, they
16 would have been Monsignor Shoemaker?

17 A. Yes.

18 Q. Would have been the Chancellor?

19 A. They were handling clergy matters.

20 Q. Was there a secret archive file on Father Connor?

21 A. I don't know.

22 Q. Under canon law, when the crime occurred in Camden
23 and the nature of it, being the fact that he had sexual
24 contact with a teenage boy, under canon law, a secret
25 archive file would have had to have been generated based

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2 on that; is that true?

3 A. Well, I ask clarification. Generated where?

4 Q. Generated in the office in Camden, in the --

5 A. I presume so.

6 Q. Okay. Canon law is -- every diocese has to follow
7 canon law, correct?

8 A. Yes.

9 Q. And canon law doesn't change from diocese to
10 diocese; is that correct?

11 A. Generally, no.

12 Q. Okay. The canon laws that deal with the generation
13 or the creation of a secret archive file and the
14 maintenance of a secret archive of file, that doesn't
15 change from diocese to diocese?

16 A. Generally not.

17 Q. So back in 1988 when you were having your
18 discussions with the bishop in Camden, did you ever ask
19 either yourself personally or the person that you had put
20 in charge of these cases, did you ask them to review the
21 secret archive file on Father Connor?

22 A. I don't recall any discussion that I had with the
23 Diocese of Camden at that time.

24 Q. If an individual is transferred from one diocese to
25 another and they have a secret archive file, is that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 something that gets transferred with them?

3 A. Ordinarily, if there's anything that is
4 confidential, ordinarily showing the background,
5 ordinarily that should be transferred.

6 Q. So if the ordinary practice was maintained in this
7 particular situation, then the secret archive file that
8 was generated in Camden would have been transferred to
9 Pittsburgh?

10 A. I don't know if a request was made.

11 Q. A request has to be made for it to be transferred
12 with the individual or it just doesn't come as a normal
13 course?

14 A. Yes. No.

15 Q. Okay.

16 A. You request that the other diocese will send you
17 relevant information.

18 Q. When you decided to accept Father Connor into
19 Philadelphia, did you request or direct anybody in the
20 Chancellor's office to obtain his secret archive file?

21 A. I would not have ordinarily been the one that, you
22 know, directing every incident or every procedure by
23 handing it over to those in charge of the clergy. They
24 would follow through on their procedure.

25 Q. But certainly, this being an unusual situation, in

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2 that it was someone who was coming from one diocese to
3 another and it was coming from a diocese that this person
4 had been sent from Camden to Pittsburgh, where you were
5 the bishop, and now to Philadelphia, you don't recall any
6 conversations taking place that would have asked for your
7 personal information with regard to Father Connor?

8 A. I don't recall that.

9 Q. And when you say you don't recall that, are you
10 saying -- you're not saying it doesn't happen; you're just
11 saying you don't remember?

12 A. I have to say -- yes, I don't remember.

13 Q. Now, Father Connor was ultimately assigned to Saint
14 Matthew's Parish in Conshohocken; is that correct?

15 A. If it's so stated, I presume I have to say yes.

16 Q. Okay. And again, Cardinal, the ultimate decision
17 of whether to send someone or accept someone into a
18 diocese from another diocese, that decision ultimately
19 rests with you, correct?

20 A. The ultimate decision is mine.

21 Q. And ultimately, the decision of where to place
22 someone within the Archdiocese of Philadelphia is yours to
23 make; is that correct?

24 A. The ultimate decision is mine. Yes.

25 Q. And the ultimate decision that you reached in this

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 case was to send Father Connor to Saint Matthew's in
3 Conshohocken, and that was effective as of October 1,
4 1988; is that correct?

5 A. If you say so. I have to state that that is
6 correct.

7 Q. Okay. And Saint Matthew's in Conshohocken, that
8 has a school associated with the parish; is that correct?

9 A. Yes.

10 Q. And there were no limitations or restrictions
11 placed on Father Connor when he was assigned or as an
12 associate pastor at that parish; is that correct?

13 A. I don't know.

14 Q. Well, if there were restrictions or limitations
15 placed on him, would that have been indicated by you in
16 your letter of assignment to him?

17 A. I don't recall.

18 Q. I understand that you don't recall whether there
19 were, but my question to you is this, Cardinal: If there
20 were limitations and restrictions that were placed on him,
21 they would have been detailed to him as part of the
22 assignment letter that he received; is that correct?

23 A. Yes. But I don't -- not necessarily in my letter.
24 It could have been -- if there are any restrictions, they
25 could have been in a separate memorandum or letter from

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 someone from the Clergy office. That's a possibility.

3 Q. Okay. But if there were any restrictions or
4 limitations placed on Father Connor's ministry, they would
5 have been documented somewhere, correct?

6 A. If they were, yes, they should have been
7 documented.

8 Q. And can we assume that if we don't have any
9 documents which detail any limitations or restrictions on
10 his ministry, that those documents were not generated and
11 that there were no limitations or restrictions?

12 A. I don't know. I can't conclude from that
13 necessarily. I don't think it would have been
14 communicated verbally.

15 Q. Are you saying, Cardinal, that there are times when
16 you restrict someone's ministry and limit their ability to
17 do certain things, that those restrictions and limitations
18 are conveyed verbally and not in writing?

19 A. I don't know what the Clergy office would have
20 done. In other words, I'm just saying ordinarily they
21 would be done in writing, but I just don't know.

22 Q. Have you ever heard of a limitation or a
23 restriction placed on a priest's ability to minister being
24 conveyed verbally to them?

25 A. Sometimes, and I can't say generally, if you want

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2 to put the restrictions by informing the pastor, it's very
3 possible that they are -- could have been conveyed
4 verbally at times.

5 Q. All right. Cardinal, if the pastor had been
6 informed of any restrictions or limitations, generally
7 that would have also been done in writing; is that right?

8 A. Say, generally.

9 Q. That's the normal course of how things operate?

10 A. Generally, but in writing.

11 Q. And the reason that restrictions and limitations
12 and things of that nature are put in writing is because
13 there need be a mechanism available to take administrative
14 action under canon law if those restrictions or
15 limitations are not followed through on that. That's one
16 of the reasons that things are put in writing. Correct?

17 A. Generally, yes.

18 Q. Okay. And something as important as your inability
19 or a priest's inability to function within the youth is
20 something that would have extremely serious consequences
21 if those limitations were not abided by; is that right?

22 A. I would say yes.

23 Q. And given the fact that that is such an important
24 restriction or limitation, if one existed in the case of
25 Father Connor, that would have been something that would

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2 have and should have been in writing; is that correct?

3 A. Generally.

4 Q. Well, when you say generally, Cardinal, the normal
5 course of how things work and would have been, that it
6 would have been in writing, right?

7 A. Generally.

8 Q. And the fact that there are no documents which
9 detail that, then that would be an unusual situation if
10 they existed; is that right?

11 A. I think you could say unusual.

12 Q. And you indicated earlier to one of my questions
13 that you were unaware of certain aspects of the Father
14 Connor case until you read a newspaper report about it?

15 A. About the -- it came to me when the newspaper
16 report about his being at Southdown and also about his
17 being involved with a minor.

18 Q. And that newspaper report was -- do you recall what
19 newspaper that was published in?

20 A. I remember it was on the fact that he was involved
21 with a minor, was a press conference. Someone asked me
22 the question, caught me by surprise, but I don't remember.
23 It was sometime in -- I think 2002.

24 Q. And, Cardinal, if someone asked you a question at a
25 press conference that caught you by surprise, did you at

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that point in time go back and try to figure out what
3 information was there that you were not made available and
4 why you weren't made aware of that information?

5 A. I did not.

6 Q. And you have staff that is -- that part of their
7 responsibility is to keep you informed of certain things;
8 is that right?

9 A. Yes.

10 Q. And you certainly are -- you take your press
11 conferences seriously and you want to convey the
12 appearance of being aware of what goes on in the
13 Archdiocese of Philadelphia; is that right?

14 A. If it's something that they think I might be
15 questioned about in a press conference.

16 Q. And after being asked that question and being
17 ~~caught off guard, you didn't go back and speak with~~
18 anybody about a lack of communication that you say existed
19 between yourself and members of your staff --

20 A. I did not.

21 Q. -- when Father Connor -- why not, Cardinal?

22 A. I just did not.

23 Q. Were you concerned about the information that had
24 been given to you in the press conference that you
25 apparently or allegedly were unaware of?

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2 A. Well, it disturbed me to realize that, that he was
3 involved with a minor, but I did not probe any further.

4 Q. Did you feel when that question was asked of you
5 that ultimately it had been your responsibility both in
6 1985 and 1988 to know what Father Connor's background was
7 as the bishop?

8 A. Could you please rephrase the question.

9 Q. Sure. Did you feel as if when that question -- you
10 said you were disturbed by the fact that, you know, you
11 didn't apparently have that information.

12 Did you feel as if you had an obligation as Bishop
13 of Pittsburgh and Archbishop of Philadelphia to know that
14 information about one of your priests, that you
15 singlehandedly took from one diocese to the other and then
16 took with you to Philadelphia?

17 A. I have to answer what I -- when previous questions
18 were asked about that, I didn't recall anything about his
19 being involved with a minor.

20 Q. When Father Connor was assigned to the parish in
21 Conshohocken with the school, do you know whether or not
22 that assignment was posted in The Catholic Standard and
23 Times?

24 A. I do not know.

25 Q. Is that the normal course that it would be?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. It certainly is for our priests, the diocesan
3 priests. I don't know whether his name was posted.

4 Q. Do you know whether or not anybody in the parish
5 was told about Father Connor's background? When I say the
6 parish, I'm talking about Saint Matthew's.

7 A. I do not know.

8 Q. Do you think that there was, or you just don't
9 know?

10 A. I don't know.

11 Q. Whose responsibility would it have been to inform
12 the parish that they had a priest assigned to them as an
13 assistant pastor that had been accused of and admitted
14 sexually abusing a fourteen year old boy?

15 A. There's a word that I would like you to repeat --
16 I'm not sure that you said -- could you repeat that.

17 Q. Sure. Whose responsibility would that have been to
18 inform the parish that Father Connor had been accused of
19 and admitted to sexually abusing a fourteen year old boy?

20 A. May I consult with my attorney, please.

21 Q. Sure.

22 (The witness conferred with his
23 attorney.)

24 BY MS. McCARTNEY:

25 Q. Did you have the opportunity to consult with your

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 attorney --

3 A. Yes.

4 Q. -- Cardinal?

5 A. If I recall your question, whose responsibility
6 would it have been to inform the parish --

7 Q. Yes.

8 A. -- of the background?

9 First of all, I had no recollection that he had any
10 background that would have had to have been reported.

11 Number two is I don't think it would have been
12 anybody's responsibility because I don't see there's an
13 obligation, that there was an obligation to report that.

14 Q. When you say, Cardinal, that you don't believe that
15 there's an obligation to report that, are you talking
16 about a legal obligation, or are you talking about a moral
17 obligation, or either?

18 A. Either.

19 Q. You don't believe that a parent who sends their
20 child to a grade school or a parent who sends their child
21 to confession or a parent who allows their child to be an
22 altar boy has a right to know who it is that their child
23 is associating with or what that person's background is,
24 particularly -- well, we'll start there.

25 A. I'm saying that he was cleared to be assigned as

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 far as we can tell from Southdown. Seems that the report
3 got that he was cleared to return to ministry.

4 Q. Cardinal, I don't want to -- you can certainly
5 review it yourself. You're free to review that. But I
6 think what the report says was that he was not a primary
7 pedophile and that there was a recommendation that he not
8 associate with youth or be in a position of authority over
9 youth.

10 A. Such as teaching, because if something like this --
11 this is where he didn't seem to pose any danger.

12 Q. But, Cardinal, you weren't aware, according to your
13 testimony today, of that Southdown report; is that right?

14 A. That's right.

15 Q. Okay. But I'm asking you if -- and that doesn't
16 really answer my question, so I'll ask it to you again.

17 You don't believe that a parent of a parish has an
18 obligation, that you have any obligation to inform the
19 parents with regard to an individual that you have
20 knowledge of with the background such as Father Connor's,
21 you don't think that those parents have any obligation or
22 you have any obligation to inform them of that?

23 (The witness conferred with his

24 attorney.)

25 THE WITNESS: I would like to repeat

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 what I said before. I do not feel that I have --

3 that there was any obligation moral or legal.

4 BY MS. MCCARTNEY:

5 Q. I need to ask you, Cardinal. You don't believe
6 that a parent has a right to know that? You don't believe
7 that there's any obligation on your part?

8 (The witness conferred with his
9 attorney.)

10 THE WITNESS: Yes. There's no
11 obligation on my part.

12 (The witness conferred with his
13 attorney.)

14 BY MS. MCCARTNEY:

15 Q. Have you had the opportunity to consult with your
16 attorney, Cardinal?

17 A. Yes. I have an obligation certainly not to -- you
18 know, to assign someone who doesn't . . . represent the
19 great risk to others, but I have an obligation that if a
20 medical report says the man can be returned to ministry,
21 then it means that I can assign him.

22 Q. Cardinal, do you believe that you as the Cardinal
23 or the Archbishop of Philadelphia had a duty of care to
24 the children within the Archdiocese?

25 A. I always have that.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. And you just said that you feel as if you have an
3 obligation not to assign someone who poses a great risk.
4 I don't want to misquote you. Is that what you said?

5 A. That is right.

6 Q. Do you think that you have a duty or you have an
7 obligation not to assign someone that poses any risk to
8 children?

9 A. Depending on what? If there's been any?

10 Q. Foreseeable risk, Cardinal. I'm sorry. I want to
11 say foreseeable risk.

12 A. That means a great risk. Foreseeable risk I'd
13 identify with a great risk.

14 Q. And foreseeable would be one that could be able to
15 be predicted based upon prior conduct?

16 A. I'm not a doctor.

17 Q. Cardinal, do you think -- but I'm going to go back
18 just for a moment.

19 Do you think that the fact that you think that you
20 have no obligation or no duty to inform the parents with
21 regard to decisions, in making informed decisions with
22 regard to what activities, if any, their children
23 participate in with a particular priest, do you think that
24 that would be something that they would want to know, a
25 parent?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. That was a long question.

3 (Pause.)

4 Q. I'm sorry?

5 A. I said it was a rather long question. Do you
6 mind --

7 Q. Actually, let me get back to it in a moment, if I
8 could.

9 The duty that you say you have to the children,
10 could you define how you perceive that, what you perceive
11 that duty to be?

12 A. As far as assignment of priests?

13 Q. Yes.

14 A. My general -- I have care for all children and for
15 all people. My duty is not to present any kind of

16 ~~general -- any grave risk to them by the assignment of a~~
17 priest. No.

18 Q. And part of that duty would be exercising an
19 appropriate care in making the assignment; is that right?

20 A. That is correct.

21 Q. And part of that duty would be exercising
22 appropriate care in appointing people to work on your
23 staff?

24 A. Correct.

25 Q. And part of that duty would be exercising care in

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 managing or supervising the individuals that work on your
3 staff; is that correct?

4 A. Correct. But may I add.

5 Q. Sure.

6 A. As far as supervising, it doesn't mean that I have
7 to handle it personally.

8 Q. If in fact you had known about the background of
9 Father Connor and you assigned him, you took him into
10 Philadelphia and you assigned him to Saint Matthew's,
11 would you without restrictions, would you say that you
12 showed a lack of care to the children of the parish?

13 (The witness conferred with his
14 attorney.)

15 BY MS. McCARTNEY:

16 Q. Would that have been a violation of your duty of
17 care to the children of that parish?

18 (The witness conferred with his
19 attorney.)

20 THE WITNESS: You asked . . .

21 (The witness conferred with his
22 attorney.)

23 THE WITNESS: I think you asked if I
24 had known?

25 MS. McCARTNEY: Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 THE WITNESS: I do not think it's a
3 dereliction of duty to comply with a recommendation
4 of expert medical witness, medical experts.

5 BY MS. McCARTNEY:

6 Q. But if the evaluation at Southdown was known, part
7 of their recommendations was that he not --

8 (The witness conferred with his
9 attorney.)

10 BY MS. McCARTNEY:

11 Q. Part of the recommendation from Southdown was: "We
12 would not recommend any ministry that would directly put
13 him in a position of responsibility for adolescents such
14 as a teaching situation."

15 That's an example of a position of responsibility.
16 It doesn't exclude other examples, Cardinal.

17 A. ~~It seems to focus on teaching, because he was a~~
18 teacher apparently.

19 Q. I'm sorry?

20 A. I said it seems to focus on teaching, because
21 apparently from what the records show here, he was a
22 teacher.

23 MS. McCARTNEY: I'm going to mark this
24 as grand jury exhibit number nine eight nine.

25 (GJ-989 was marked for identification.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. McCARTNEY:

3 Q. But, Cardinal, just so we're clear, the sentence
4 reads: However, because of the incident for which he was
5 apprehended, we would not recommend any ministry that
6 would directly put him in a position of responsibility for
7 adolescents such as a teaching situation." That's how the
8 sentence reads, correct?

9 (The witness conferred with his
10 attorney.)

11 THE WITNESS: You want me to read this
12 letter? Is that . . .

13 MS. McCARTNEY: Well, you can just --
14 I'm going to ask you a question about that letter,
15 but sure, so take a moment and read it.

16 (Pause.)

~~17 (The witness conferred with his
18 attorney.)~~

19 BY MS. McCARTNEY:

20 Q. Cardinal, let me ask you to look at that document
21 that was just marked and put in front of you.

22 This is from the Office of the Archbishop. The
23 date of it is September 7, 1988. It's addressed to
24 Reverend John P. Connor, and it's signed by yourself,
25 Archbishop of Philadelphia.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 This is his appointment letter to Saint Matthew's
3 Church, Conshohocken, effective as of Saturday, October 1,
4 1988; is that right?

5 A. Yes.

6 Q. Okay. And I'm going to ask you to look at the
7 second paragraph, and I'm going to read this sentence.

8 "Rooted in the reverent celebration of divine
9 worship and the worthy administration of the sacraments,
10 your priestly zeal should be truly Christlike to know the
11 people, to care for the poor and lowly, to educate youth,
12 to attend to the sick and dying, and to cooperate in the
13 maintenance of the parish and in the social and ecumenical
14 programs of the community."

15 That was the assignment letter that Father Connor
16 received; is that right?

17 A. Yes.

18 Q. Part of which you directed him to do, which would
19 be to educate the youth; is that right?

20 A. May I comment on this letter.

21 Q. You certainly can comment, but in answer to my
22 question, part of the assignment that he got --

23 A. Yes.

24 Q. -- along with these other things, was to educate
25 the youth; is that correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes. Yes.

3 Q. Okay. Yes, you can comment.

4 A. First of all, this is a letter sent to all
5 assignments at that time, to any priest. It's a form
6 letter.

7 Secondly, you emphasized the phrase "to educate
8 youth." Education is a very broad term in the Church.
9 You educate just by example. You educate by preaching.
10 You educate in all kinds of ways.

11 This letter would have gone to someone even if
12 there's no school in the parish. You educate youth in a
13 dozen ways. So it's not restricted to teaching, you know,
14 in a classroom or anything similar to that.

15 Q. And part of educating the youth of the parish would
16 be teaching the new altar boys, and that's an example,
17 correct?

18 A. Well, I . . .

19 Q. I mean, that's an example of educating the youth,
20 right?

21 A. It is.

22 Q. Okay. Cardinal, let me ask you. When you said
23 that you had this press conference or there was a press
24 conference in which you were informed about Father Connor
25 and you had not been aware of that prior to that, what did

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 you do in terms of taking action against your staff that
3 had not informed you of that?

4 A. I don't recall any action that I did take.

5 Q. I'm sorry?

6 A. I say I don't recall any.

7 Q. If what you say is the way that things happened,
8 Cardinal, that kind of you were just sort of informed and
9 you hadn't known anything about Father Connor's past, how
10 were you -- if you didn't take any action, how were you
11 going to ensure that something like that hadn't happened
12 with regard to other people and that it wasn't going to
13 happen in the future?

14 A. I . . . Father Connor, as you know, at that time of
15 the press conference, was no longer in Philadelphia, and
16 it is possible that I may have spoken to someone in the
17 ~~Clergy office, but I don't recall. I don't recall asking~~
18 anyone.

19 Q. Cardinal, but if what you say is true, that Father
20 Connor was allowed to or Father Connor was accepted into
21 Pittsburgh and to Philadelphia and that there was no
22 knowledge that was conveyed to you with regard to his
23 past, which included sexual abuse and admission of a
24 minor, how were you to ensure that you were getting all of
25 the relevant information on cases if that had not been

1 ANTHONY JOSEPH CARDINAL BEVILACQUA
2 conveyed to you, something as significant as that?

3 (The witness conferred with his
4 attorney.)

5 THE WITNESS: May I, please.

6 MS. McCARTNEY: Sure. Yes.

7 (The witness conferred with his
8 attorney.)

9 THE WITNESS: I have to clarify
10 something with my lawyer again.

11 MS. McCARTNEY: Sure.

12 (The witness conferred with his
13 attorney.)

14 BY MS. McCARTNEY:

15 Q. Have you had the opportunity to consult with your
16 lawyer, Cardinal?

17 A. Yes. I . . . there's a good possibility, since it
18 goes back about 2002, that I may have made an inquiry, but
19 I don't recall it. Left to the Clergy office of how I did
20 not know this, but I don't recall it.

21 Q. But, Cardinal, I have to ask you again. If the
22 situation with Father Connor happened without your
23 knowledge and the reason that you didn't have the
24 knowledge was because you relied on people on your staff
25 to provide it to you, somebody dropped the ball. Would

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 you agree with that?

3 A. I'm not sure.

4 Q. Somebody dropped the ball in that?

5 A. Well, wait a minute. Provide information to me for
6 a press conference?

7 Q. No, sir. Provide information to you with regard to
8 Father Connor's background?

9 A. I don't know if someone dropped the ball. That's
10 the usual practice, is that, you know, any information is
11 between one Clergy office and another, but that doesn't
12 necessarily mean they send all the information up to me.
13 I have to rely on them, you know, to carry out their
14 proper functions.

15 Q. So you're saying, Cardinal -- and if I'm wrong,
16 please correct me. You're saying that it's possible that
17 the people that work for you in your own Clergy office got
18 information about Father Connor, that information that was
19 available, being that he had molested a fourteen year old
20 boy and admitted to doing it, and that they didn't provide
21 that information to you? Is that -- I don't want to . . .

22 (The witness conferred with his
23 attorney.)

24 THE WITNESS: May I answer your
25 question.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MS. McCARTNEY: Yes.

3 THE WITNESS: Whether or not, if I
4 repeat it myself, whether or not the Clergy office
5 should not have informed me about this, and I must
6 state that I -- I don't know whether the Clergy
7 office of Philadelphia has that information.

8 BY MS. McCARTNEY:

9 Q. But certainly you would agree that they had an
10 obligation to seek that information out?

11 A. That's the normal practice.

12 Q. And --

13 A. But I don't know whether they had it or not.

14 Q. But the information, if they didn't have it, if
15 they didn't have it, it was because they didn't ask for it
16 or because it wasn't provided? It certainly was
17 available. ~~Would you agree with that?~~

18 A. It should have been available.

19 Q. Okay. Cardinal, you've now testified that in two
20 separate cases, the case of Father John Connor and the
21 case of Father Monsignor David Walls, that crucial
22 information about priests who admitted to sexually abusing
23 minors was not conveyed to you? That's --

24 A. I think I said in both times I don't recall.

25 Q. Okay. If it's true that it wasn't conveyed to you,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 would you agree that the administrative system that you
3 had in place to protect children and youth was
4 significantly faulty?

5 A. I could not say that.

6 Q. Would you say that as Archbishop, if it was faulty,
7 if this information was not conveyed to you, this very
8 crucial information wasn't conveyed to you, if that is
9 true, if the information wasn't conveyed to you, would you
10 say that the system was faulty or no?

11 A. I'm saying not necessarily that it was faulty.

12 Q. If there is a fault in the system with regard to
13 how information is conveyed and what information
14 ultimately comes to you and that information is used in
15 the assignment of priests that come in contact with
16 children, if there is a fault in that system that's in
17 place, would you agree that the fault lies ultimately with
18 you?

19 A. I'd have to -- may I.

20 Q. Sure.

21 (The witness conferred with his
22 attorney.)

23 BY MS. McCARTNEY:

24 Q. I'm sorry. Did you have the opportunity to consult
25 with your lawyer?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes. I would answer the question by saying I don't
3 necessarily see that it would involve a fault in the
4 system. It is possible there was some kind of human
5 error, but that doesn't necessarily fault the whole
6 system.

7 Q. So you're saying that if in fact the crucial
8 information that we discussed with regard to Monsignor
9 Walls and Father Connor, if in fact that information was
10 not conveyed to you, you're saying that that does not
11 indicate a fault in the system?

12 A. Yes.

13 Q. Okay. Now, at the time that Father Connor, that
14 you accepted Father Connor into the diocese, the
15 Archdiocese of Philadelphia, that was right in the middle
16 of the case involving Father Jones.

~~17 Are you familiar with the case involving Father~~
18 Jones?

19 A. No.

20 Q. Father Richard Jones?

21 A. I do not know the name.

22 MS. McCARTNEY: I'll mark this as nine
23 ninety. Grand jury nine ninety.

24 (GJ-990 was marked for identification.)

25 THE WITNESS: I have no memory of that.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (Pause.)

3 (The witness conferred with his
4 attorney.)

5 THE WITNESS: I have no memory of this
6 name at all.

7 BY MS. McCARTNEY:

8 Q. Father Jones, based upon -- I showed you what's
9 marked as grand jury nine ninety. That's the priest
10 profile, priest data profile, of a Reverend Richard G.
11 Jones; is that right?

12 A. Yes.

13 Q. And his address is listed "Care of Secretary for
14 the Clergy"?

15 A. Yes.

16 Q. And it says: "Left active ministry on 10/1/93."

~~17 What does that mean, Cardinal, left active~~
18 ministry?

19 A. It means that not functioning anymore as a priest.

20 Q. That doesn't mean that he's been laicized; is that
21 right?

22 A. No.

23 Q. Is that a decision that he makes, that he left the
24 active ministry? Is that how that happens?

25 A. It generally does, that he chose to leave active

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 ministry.

3 Q. But under the canon law, he's still a priest within
4 the -- he's still a priest, is that right, since he's not
5 been laicized?

6 A. Can I make a distinction?

7 Q. Sure.

8 A. Just for the sake of accuracy, that if you are
9 laicized, you still remain a priest.

10 Q. Okay.

11 A. So he's always a priest. I just want to make that
12 clear.

13 To be laicized, he's no longer attached to any kind
14 of diocese or religious community. It means while he
15 remains a priest, he only has the rights of a layperson,
16 with certain exceptions.

17 Q. Okay.

18 A. You know, danger of death or something like that.

19 But this does not indicate laicization.

20 Q. Let me see if I can refresh your recollection at
21 all with the case of Father Jones.

22 In September of 1988, it came to the attention of
23 the Chancellor's office, specifically Father Pepe --

24 A. Yes.

25 Q. -- that Father Jones himself had come to the office

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 to report that he had been caressing and fondling three
3 men of the Ephphatha community, E-P-H-P-H-A-T-H-A, off and
4 on for a period of some five or six years?

5 A. Three?

6 Q. Three men of that community.

7 Were you familiar with that community?

8 A. How do you -- what are the letters after it? "P?"

9 Q. It's E-P-H-P-H-A-T-H-A.

10 A. Ephphatha?

11 Q. Yes.

12 A. No, I'm not familiar with it.

13 Q. It appears as if it's a covenant community under
14 the leadership of at the time a lay coordinator by the
15 name of Mr. William Gannon, and Father Jones was the
16 chaplain there.

17 A. I'm not familiar with that.

18 Q. There was a house for formation of young men as
19 part of the community and that the house was located on
20 the grounds of Saint Peter and Paul Cemetery?

21 Does that --

22 A. I have no recollection of that.

23 Q. The Chancellor's office started to investigate
24 based upon what Father Jones had acknowledged on his own,
25 and ultimately, they spoke with eleven victims.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Does that refresh your recollection with regard to
3 the extent of the abuse that Father Jones was engaged in?

4 A. No. I'm afraid it does not.

5 Q. Were you aware of the fact that one of the
6 individuals that was allegedly abused was a minor?

7 A. I have no recollection of that.

8 (The witness conferred with his
9 attorney.)

10 BY MS. McCARTNEY:

11 Q. Cardinal, you would agree that the number of
12 victims, the number of victims involved in this particular
13 case being eleven, is fairly significant?

14 A. Are they all minors? Were they all minors?

15 Q. No. I'm not saying that they're all minors, just
16 the fact that eleven people came forward.

17 A. Yes, it would be. I think it's a horror.

18 Q. And do you have any -- and yet you don't remember
19 the case of Father Jones?

20 A. No, I do not. I don't. I'm sorry.

21 Q. Okay. And I'm going to show you what I'm going to
22 mark as grand jury nine nine one.

23 (GJ-991 was marked for identification.)

24 (Pause.)

25 (The witness conferred with his

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 attorney.)

3 BY MS. MCCARTNEY:

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

6 A. Yes.

7 Q. And this is from the Archdiocese of Philadelphia,
8 Office of Chancery. It says: "To Archbishop Bevilacqua
9 from Father Graf," and at the time in 1988, Father Graf
10 would have held the position of assistant chancellor; is
11 that correct?

12 A. Yes.

13 Q. And it is regarding Father Richard Jones -- or I'm
14 sorry. The date's actually missing off of this, but it's
15 regarding Father Richard Jones, Assistant Pastor, Saint
16 Thomas the Apostle, Chester Heights, and that document

17 talks about what Richard, what Father Jones was involved
18 in; is that correct?

19 A. Yes.

20 Q. And it says: "As we told you, we were in the
21 process of interviewing a variety of young men who have
22 been inappropriately and sexually touched by Father
23 Richard G. Jones. So far, only one gentleman mentioned
24 that he was a minor."

25 That's what that document says; is that correct?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 A. Yes.

2 Q. So at the time when this document was written, and
3 you acknowledged receiving this document on 10/20/88, you
4 were aware of the fact that Father Jones had been involved
5 with a variety of individuals, men, and that one of those
6 persons was a minor; is that correct?
7

8 A. That's what it states here.

9 Q. Okay. Cardinal, let me ask you that.

10 When you testified you were interviewed on the Lynn
11 Doyle show -- we talked about that yesterday --

12 A. Yes.

13 Q. -- you recall?

14 And again, for the record, that was on June 24,
15 2002, it was taped, and it was broadcast on June 25, and
16 it's been previously marked as grand jury nine five six.

17 One of the topics -- the topic that was being
18 discussed on the Lynn Doyle show was this issue of clergy
19 sexual abuse.

20 Do you recall that interview?

21 A. Yes.

22 Q. Okay. And one of the things that you told the
23 viewers of that show -- and this is something that Lynn
24 Doyle is asking or saying. This is Lynn Doyle speaking:

25 "And one thing I would like to point out, so many

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 times when I've done this topic on this show, we talk
3 about the Catholic Church and we talked about it, people
4 assumed that it's Philadelphia, but really Philadelphia
5 has not been touched by --"

6 And you interject there, and you say: "Very
7 little."

8 Lynn Doyle says: "-- very few accusations of
9 sexual misconduct, because of programs that you've put in
10 place a very long time ago."

11 And you respond: "Right."

12 You further talk about: "We've had some problems,
13 but nowhere near what some of the other dioceses and
14 archdioceses."

15 Do you recall those? Do you recall having part of
16 that conversation with Lynn Doyle?

17 A. You read it to me.

18 Q. Okay. So you're indicating that Philadelphia
19 doesn't really have the problems of other dioceses with
20 regard to this issue and that there weren't a significant
21 number of problems?

22 A. I said not as much as other dioceses, archdioceses
23 or dioceses.

24 Q. And in the course of yesterday and today, we've
25 talked about within the first six or seven months of your

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 becoming Archbishop of Philadelphia, you already talked
3 about tremendous cases involving allegations of sexual
4 abuse, one of which had eleven victims.

5 Do you think that that's a significant problem,
6 Cardinal?

7 A. I think the subject is on minors. I think the
8 interview was on sexual abuse of minors.

9 Q. It is, but we've established through documents --

10 A. Three. Three.

11 Q. I'm sorry?

12 A. I said we established three. You talked about
13 three, two from Monsignor Walls and one from here.

14 Q. Three. Would you disagree with the fact that three
15 is a lot within the first seven months of your taking
16 over?

17 A. I think, if I'm not mistaken -- may I ask for a
18 clarification of the dates for Monsignor Walls.

19 Q. Monsignor Walls was February of 1988.

20 (The witness conferred with his
21 attorney.)

22 THE WITNESS: When did the abuses take
23 place?

24 MS. McCARTNEY: It was a couple years
25 before that.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 THE WITNESS: I was not the Archbishop

3 then.

4 BY MS. McCARTNEY:

5 Q. I understand that, Cardinal, but I'm saying these
6 situations came to your letter attention, and we're
7 talking about whether or not this problem -- you were
8 talking to Lynn Doyle about whether or not these problems
9 existed in Philadelphia or the extent of the problem in
10 Philadelphia?

11 A. The question was about under my, you know, under my
12 tenure here, and thus far it's one.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. McCARTNEY:

3 Q. Good afternoon, Cardinal. I have some questions.

4 A. Good afternoon.

5 Q. I have some questions I want to put to you from the
6 jurors.

7 The first is that you have testified that you
8 believe that you have no legal or moral obligation to tell
9 the parishioners that a sex offender is assigned to the
10 parish.

11 Is that something that you would want to publicly
12 admit?

13 A. My response would have to be qualified, that it
14 wasn't put that way, that I have no legal or moral
15 obligation to inform the people of a sex offender being
16 assigned to a parish.

17 Simply when there's very little risk that that
18 person has for the people -- I mean, that's a general
19 question. I couldn't answer to that, except I said that
20 if there is a great risk, I would be obliged to inform the
21 people.

22 I would not obviously assign someone if there was a
23 great risk.

24 Q. Do you think if someone had been accused of a
25 sexual offense involving a minor and had admitted it and

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 had been assigned to a parish, under those circumstances
3 would you believe that you had a legal or moral obligation
4 to inform the parishioners of that?

5 A. I would have to say it would have to depend a great
6 deal as a major factor what the medical report said.

7 Q. If the medical report under the circumstances that
8 I laid out to you, that that someone had been accused of
9 it and they had admitted engaging in the conduct and they
10 were evaluated and the evaluation said that they were okay
11 to be put back in ministry, under those circumstances,
12 would you feel as if there was any legal or moral
13 obligation to inform the parishioners?

14 (The witness conferred with his
15 attorney.)

16 THE WITNESS: If the medical report
17 cleared the person that there is no risk, I'd have
18 to say there is no legal or moral obligation to
19 report to the people.

20 BY MS. MCCARTNEY:

21 Q. And that's a position that you're comfortable with
22 and that you would not have any problem publicly
23 acknowledging?

24 A. I would make that -- yes, I'm comfortable with that
25 position.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. The second question, Cardinal, is that you've
3 testified that secret archive files would actually have to
4 be asked for if an individual were transferred from one
5 diocese to another, that that's not something that would
6 automatically go with the person.

7 Am I correct in that?

8 A. Generally you seek -- the general procedure is you
9 seek the information about a priest coming. I'll add
10 something, which was not in the original testimony, that
11 today, today, as a result of our meeting in Dallas, you
12 know, that is now considered a policy, that you inform --
13 if there's a transfer of any kind, that you are to inform
14 the other diocese if there's any kind of abuse of -- you
15 know, any kind of sexual abuse.

16 Q. So prior to the -- and you're talking about the
17 National Conference of Bishops, that conference that was
18 held in Dallas in 2002?

19 A. Yes.

20 Q. And prior to that, there was no such policy that
21 existed?

22 A. It may not have been a policy, but it was generally
23 an accepted procedure.

24 Q. And if the receiving diocese didn't specifically
25 ask for information, then it wouldn't automatically be

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 conveyed to them. Is that how it worked?

3 A. Not automatically, but you still might send it.

4 Q. Okay. You indicated that restrictions or
5 limitations to someone's ministry are sometimes conveyed
6 to the individual verbally?

7 A. It could happen.

8 Q. Under the circumstances where that would be the
9 case, where something were conveyed verbally, how is that
10 person monitored?

11 A. Generally it would -- when I say verbally,
12 generally -- you say if it happened verbally, and I'm just
13 talking generally, it would be in writing, but if it did
14 happen verbally, you inform the pastor of the parish or
15 whomever the superior, if it's not in the parish and the
16 Clergy office, would ask the -- you know, the pastor or
17 superior to be the monitor.

18 Q. Do you have a policy in the Archdiocese of
19 Philadelphia that any restriction or limitation on
20 someone's ministry is to be in writing?

21 A. I don't think it's a written policy, but that's the
22 general procedure.

23 Q. Why is there no written policy, and do you think
24 that there should be?

25 A. I don't know whether there's a written one, but

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 it's just an accepted policy.

3 Q. Why are you minimizing the seriousness of a sexual
4 offense by drawing a distinction based upon the victim's
5 age?

6 A. All sexual offenses are bad. All of them. But I
7 think we all recognize that any kind of sexual offense to
8 a child is much more grievous than when there's consensual
9 sex, which could be, or any abuse, you know, of an adult,
10 you always feel with children it's much worse. I think
11 that's an accepted social, you know, act. I think it's
12 accepted socially that it's worse for children.

13 Q. But you acknowledge that you as the Archbishop of
14 Philadelphia, you have a duty to all of the people within
15 that diocese, children and adults alike, correct?

16 A. Yes.

17 Q. Okay. If by listening to your answer, Cardinal,
18 that it's your belief and you believe society's belief
19 that injury to a child is more grievous, then how is it
20 that you can say that when these allegations came to your
21 attention, that you didn't ask the question as to what the
22 age of the victim was if you believed that children being
23 injured is the most grievous offenses that could occur?

24 (The witness conferred with his
25 attorney.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. McCARTNEY:

3 Q. Are you asking me what allegations I'm referring
4 to, Cardinal?

5 I'm referring to the allegation involving Monsignor
6 Walls, where you testified yesterday that you had the
7 allegation, but you weren't aware of the fact that it was
8 a child that was the victim of it.

9 A. I had no recollection of it, yes, but let me --
10 could you repeat the question, please.

11 Q. I'll try.

12 (The witness conferred with his
13 attorney.)

14 BY MS. McCARTNEY:

15 Q. Given the fact that you acknowledged that the
16 injury to a child is more grievous, wouldn't it be natural
17 that when an allegation came to you with regard to

18 Monsignor Walls, that you would have asked the question:
19 How old was the victim?

20 A. That's very general. I don't know whether --

21 Q. Well, with all due respect, it's not general. I'm
22 referring to you specifically about the case of Monsignor
23 Walls.

24 A. But in what -- may I ask again. In what context is
25 that being addressed to me?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. In the context of your acknowledging that you
3 believe that an injury to a child is the most grievous of
4 injuries. Wouldn't you want to know what the age of the
5 victim was to ensure or to put your mind at ease that it
6 wasn't the child that was the victim?

7 A. I mean, it depends on the context again of the
8 information. I mean, sometimes I would not. Sometimes I
9 would. I couldn't answer that question.

10 (The witness conferred with his
11 attorney.)

12 BY MS. MCCARTNEY:

13 Q. Okay. What sort of monitoring procedures do you
14 have in place to ensure that the people that you've
15 delegated the responsibility with regard to these cases,
16 what sort of monitoring do you have for whether or not
17 they're being handled properly?

18 A. In my relationship to my staff?

19 Q. Yes. Yes.

20 A. I don't have any special oversight over all my
21 staff. I depend -- my staff I having chosen, chosen them
22 for good reasons. I presume they are efficient.

23 If anything comes to me, if there's someone is
24 inefficient, it would -- after a while, I would start --
25 somebody might report it to me or report it to the Vicar

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 for Administration.

3 Q. I'm not referring to all your staff, though,
4 Cardinal, just so we're clear; and if you want to change
5 your answer, you certainly may.

6 I'm referring to your staff, the individuals,
7 specifically the ones in the Secretary for Clergy, that
8 are responsible for dealing with these cases involving
9 sexual abuse.

10 A. I don't have -- I do not have a monitoring of them,
11 but if -- I'll add to what I said before.

12 Q. So if these cases were not being handled properly,
13 you don't have any mechanism in place to make sure that
14 you are aware of that?

15 A. I don't have a -- you know, some kind of written
16 system. I don't have any persons -- it would just be
17 brought -- I would hope it would be brought to my
18 attention if they were not being handled properly.

19 Q. So you're just working on the assumption that
20 everybody's doing their job and doing it well?

21 A. Yes.

22 Q. You're aware, Cardinal, that rectories are
23 oftentimes staffed, at least on a part-time basis, by
24 children, that children work there? They answer the
25 phones. You're aware of that. Correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. No, I am not aware that children do that.

3 Q. You have no knowledge of the fact that children
4 oftentimes work in rectories?

5 A. How old?

6 Q. Eighth grade. High school students.

7 A. I don't --

8 Q. I'm not talking about toddlers.

9 A. Well, I don't consider that those in high school
10 are children.

11 Q. Young adolescents?

12 A. Yes.

13 Q. Can we?

14 A. Yes.

15 Q. Are you aware of the fact that adolescents often
16 work in rectories?

17 A. Yes. Often they do.

18 Q. What safeguards were in place to ensure the safety
19 of children who work there prior to 2000 and three?

20 A. If you're talking about some specific safeguards
21 that we elaborated on, I can't say that there were --
22 we . . .

23 Q. So -- I'm sorry.

24 A. You asked a question. I was --

25 Q. I'm sorry.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I said we don't have any -- you know, did not at
3 that time have any kind of set safeguards. We just
4 presumed that the whole environment of the rectory, you
5 know, presented little risk to those working there.

6 You always have in a rectory, you know, a number of
7 people working there, whether it be the housekeepers,
8 cooks, other priests at times, but I -- we always presumed
9 on the goodness of the priests themselves.

10 Q. Can I just have a moment.

11 (Pause.)

12 Do you, Cardinal, believe that you were in any way
13 negligent in the assignment or transfer of any priest who
14 was accused of sexually abusing a minor?

15 A. You asked the question was I aware. You mean
16 knowingly? At no time knowingly did I say that I was
17 negligent in assigning any priest.

18 Q. Do you think, Cardinal, that you are in any way or
19 were in any way negligent in not knowing that Monsignor
20 Walls had abused a minor and to have assumed that it was
21 not a minor?

22 A. I don't see how I could say that I was negligent in
23 not knowing.

24 Q. Why would you accept anyone into your diocese for a
25 full ministry who had been criminally charged with sexual

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 abuse, whether the person that was the victim was a minor
3 or not?

4 A. First of all, I did not know, distinguishing I did
5 not know, did not recall that there was any involvement
6 with a minor. You're asking what? About another age?

7 Q. Yes.

8 A. Because we feel when it's an involvement with
9 another person, we might accept that person, that priest,
10 even though involved, say, with an adult.

11 Again, generally, there might be circumstances that
12 you say you do not accept him. There are circumstances
13 where you could accept him. Now, it depends on each case.

14 We don't have any general policy on that. So it's
15 case by case.

16 (The witness conferred with his
17 attorney.)

18 BY MS. McCARTNEY:

19 Q. So is your testimony, Cardinal, that you did not
20 know that Father Connor had been criminally charged with
21 sex abuse, the age of the victim notwithstanding?

22 A. I'm saying I have no recollection of it.

23 Q. If you had known, would you have accepted him into
24 your diocese?

25 A. Here in Philadelphia?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Or in Pittsburgh?

3 A. It depends on -- it depends on the -- on the
4 recommendation of the medical experts, and I mean, again,
5 it would be case by case.

6 Q. There was a document that had been shown to you
7 during the course of your testimony where -- and it was
8 the document -- it's nine eighty-eight.

9 I don't know whether you have it in front of you or
10 not. It's the document that was directed to you from
11 Father Dattilo, nine eighty-eight.

12 A. Yes.

13 Q. Do you see it? There was a statement on that
14 document, that number three in particular: "Can we trust
15 the evaluation of Southdown, i.e., no basic or lasting
16 problem? I seem to remember your telling Father Bober and
17 me that you have reservations about Southdown."

18 Do you or did you in fact have reservations about
19 Southdown?

20 A. It was -- it must have been that was a personal,
21 just purely personal, because it goes back many, many
22 years, goes back into the 19 -- must have been in the
23 sixties or seventies, that there was just one instance,
24 and that's why I had it, just that kind of a mild
25 reservation that they had to treat a priest from the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Diocese of Brooklyn, and some of us were not -- have
3 reservations about how he was treated.

4 That's what it came from, more than likely. I
5 don't recall. But they -- I can say this, that they have
6 since had changes there in their leadership, and it's
7 become one of the very reputable institutes.

8 Q. Cardinal, you had stated in the Lynn Doyle
9 interview that you never transferred a priest who had
10 admitted abusing a minor. We now have seen two cases
11 where you did.

12 Do you think that your statement that you made on
13 the Lynn Doyle show is incorrect?

14 A. I asked -- I think it may have been that the
15 word -- or omitted, or I may, you know, have failed to
16 say. I always use the word "knowingly."

17 Q. So the statement that you intended to make on the
18 Lynn Doyle show is that you never knowingly transferred a
19 priest?

20 A. That's my general policy on, but . . .

21 Q. If you were a parent of a child in a parish, would
22 you want to know that a priest in that parish had sexually
23 abused a child?

24 (The witness conferred with his
25 attorney.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 THE WITNESS: Can I ask you --

3 BY MS. MCCARTNEY:

4 Q. Just for the record, you did have an opportunity to
5 consult with your attorney?

6 A. Yes. Yes. Can I ask you to repeat it.

7 Q. Sure. If you were a parent of a child in a parish,
8 would you want to know that a priest in that parish had
9 sexually abused a child?

10 (The witness conferred with his
11 attorney.)

12 THE WITNESS: That's a -- I have to be
13 clear that I find that difficult to answer since I
14 am not a parent, but possibly I would be concerned
15 and would want to know, but I cannot speak when I'm
16 not a parent myself.

17 BY MS. MCCARTNEY:

18 Q. Do you think that a priest who sexually abuses a
19 child should be criminally charged and prosecuted?

20 A. He has committed a crime. Depends on the law.
21 Depends on the circumstance of the case. But I don't
22 know.

23 Q. So you have some questions or reservations with
24 regard to whether or not a priest who sexually abused a
25 child should be criminally charged and prosecuted?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. McCARTNEY:

3 Q. Do you feel you had? Did you feel you had a duty
4 to report?

5 A. May I -- that's not the same as obligation.

6 Q. Well, aside from a legal obligation, did you feel
7 like you had any other duty or moral obligation to do so?

8 (The witness conferred with his
9 attorney.)

10 BY MS. McCARTNEY:

11 Q. I'm sorry. Go ahead.

12 A. Say, my obligation, you know, before the charter
13 was to always comply with the law, and we did.

14 (The witness conferred with his
15 attorney.)

16 BY MS. McCARTNEY:

17 Q. Do you think, Cardinal, that if the policy that was
18 adopted in 2002, meaning that these cases were reported to
19 the civil authorities, if that policy had been in effect
20 from the time that you became Archbishop of Philadelphia,
21 do you think that less children would have -- do you think
22 that the children would have been better protected?

23 A. That's an abstract question, if I may say. That's
24 a lot of if's in that. That's very difficult to answer.


25 (The witness conferred with his

- I N D E X -

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2			<u>PAGE</u>
3	ANTHONY JOSEPH CARDINAL BEVILACQUA		
4	EXAMINATION	BY MS. McCARTNEY	2
5		---	
6	<u>EXHIBITS</u>		<u>IDENTIFICATION</u>
7	GJ-983		5
8	GJ-977(Previously marked exhibit.)		5
9	GJ-984		13
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14	GJ-989		77
15	GJ-990		86
16	GJ-991		90
17	GJ-956(Previously marked exhibit.)		92
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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

APPENDIX H-5

19-1-21

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

IN RE: : MISC. NO. 01-00-8944
: :
COUNTY INVESTIGATING : :
GRAND JURY XIX : C-1

November 6, 2003

Room 18013, One Parkway
Philadelphia, Pennsylvania

TRANSCRIPT TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA
(CONTINUED)
(Taken on June 27, 2003)

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE
Deputy District Attorney

~~WILLIAM SPADE, ESQUIRE~~
Assistant District Attorney

MAUREEN McCARTNEY, ESQUIRE
Assistant District Attorney

For the Commonwealth

Reported by: Charles Holmberg
Official Court Reporter

1 - COLLOQUY -

2 MS. McCARTNEY: Just for the purposes
3 of logistics for today, we told you next week we're
4 having Bishop Cullen in, so we wanted to give you
5 the benefit of hearing the testimony that Cardinal
6 Bevilacqua offered during the last grand jury.

7 We have a couple more transcripts that
8 we need to go through. I think he testified five
9 times before the last grand jury.

10 We also have today a fact witness.
11 Father Gana will be coming in, so we don't expect
12 that that will take overly long. But then we'll
13 finish up with the transcripts, and tomorrow we
14 have more of Cardinal Bevilacqua's transcripts as
15 well as one additional witness, a fact witness that
16 will be testifying.

17 -----

18
19 MS. McCARTNEY: We don't know yet.

20 MR. GALLAGHER: I'm in contact with his
21 attorney to set up the dates. I spoke with him
22 just this week.

23 MS. McCARTNEY: He has been subpoenaed.

24 MR. GALLAGHER: Okay. May the record
25 reflect that it's now 10:07 A.M. on November 6,

1 - COLLOQUY -

2 2003, and do we have a quorum?

3
4
5 (Pause.)

6 MS. MCCARTNEY: Regular jurors just
7 raise your hands.

8
9 jurors.

10 MR. GALLAGHER: Nineteen regular
11 jurors, and alternates?

12
13 MS. MCCARTNEY: Seven alternates. So
14 that's a quorum. Thank you.

15 MR. GALLAGHER: Last week when we
16 adjourned for day we were going through the
17 testimony of Cardinal Bevilacqua before the last
18 grand jury and his testimony of June 27, 2003. At
19 that time we ended at page fifty-five in the middle
20 of discussion of several priests who were given
21 leaves of absence in the spring of 2002.

22 In order to pick up in context and
23 there's some continuity here, we're going to pick
24 up on page fifty-four, line thirteen.

25 Charles Gallagher was doing the

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 questioning. Present was William Spade and Maureen
3 McCartney. And as I indicated, the witness was
4 Anthony Joseph Bevilacqua.

5 I will start on line thirteen. I will
6 be reading the questions, and assistant DA Maureen
7 McCartney will be providing the answers as per the
8 transcript.

9 ---

10 (The testimony of ANTHONY JOSEPH
11 CARDINAL BEVILACQUA, taken on June 27, 2003, was
12 read to the grand jury. The questions were read by
13 Mr. Gallagher, and the answers were read by Ms.
14 McCartney as follows:)

15 ---

16 (BY MR. GALLAGHER:)

17 "Q. Could you turn to the next priest, Father Thomas
18 Wisniewski.

19 "With Father Wisniewski, the profile indicates that
20 he was given administrative leave on March 15, 2002; is
21 that correct?

22 "A. Yes.

23 "Q. And if we could go down to the previous
24 assignments, it indicates that he was the parochial vicar
25 at Saint Pius X in Broomall from June of 1991 through July

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 of 1992; is that correct, Cardinal?

3 "A. Yes.

4 "Q. And in July of 1992 until September of 1993, he
5 was on health leave, and he resided for that time period
6 at Saint John Vianney Hospital?

7 "A. Yes.

8 "Q. Is that correct?

9 "A. Yes.

10 "Q. And then from September of '93 through June of
11 '95, he was the staff, Office of the Metropolitan
12 Tribunal; is that correct?

13 "A. Yes.

14 "Q. What is the staff of the Office of the
15 Metropolitan Tribunal?

16 "A. I don't know specifically. It means that he was
17 not an official of the Metropolitan Tribunal, meaning he
18 was not one of the judges.

19 "He could have had another function there, and I'm
20 not aware of what that function was.

21 "Q. Okay. It then indicates that from June of 1995
22 through March of 2002 -- strike that. I'm sorry. These
23 are hard to read.

24 "September of 1993 until June of 2001 he was a
25 resident at Saint Justin the Martyr in Narberth; is that

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 correct?

3 "A. Correct.

4 "Q. Do you know if he had any contact with the altar
5 boys at that Narberth parish?

6 "A. I do not know that.

7 "Q. Okay. And from June of 1995 until March of 2002,
8 he was the chaplain at Immaculate Mary Home, and then from
9 June of 2001 to March of 2002, he was resident at Saint
10 Callistus in Philadelphia; is that correct?

11 "A. Yes.

12 "Q. Do you know if he had any contact or interaction
13 with children --

14 "A. I do not.

15 "Q. -- at those assignments?

16 "A. I do not know.

17 "Q. But he was initially given health leave back in

18 1992, and then in March of 2002, he was given

19 administrative leave; is that correct?

20 "A. Yes.

21 "Q. Okay. Do you know why he was given administrative
22 leave in March 2002?

23 "A. Yes.

24 "Q. Why?

25 "A. Because it was determined that he was guilty of

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 sexual abuse of a minor.

3 "Q. And as of March 2002, his address is the Secretary
4 for the Clergy, Monsignor Lynn's office?

5 "A. Correct.

6 "Q. Do you know in fact where he's living?

7 "A. I do not know.

8 "Q. And do you know in fact whether or not he has any
9 access to children or altar boys?

10 "A. I do not know. He ordinarily -- may I ask this.

11 "Since he's prevented from saying any public Mass,
12 he ordinarily should not have any contact with altar boys,
13 but I cannot be absolute, so . . .

14 "Q. Without going through every one in detail, I did
15 indicate there were twelve priests here between March 2002
16 and May of 2002 that were granted administrative leave or
17 separated.

18 "Cardinal, do you know why the Archdiocese waited
19 until that time if these priests had previous credible
20 allegations of sexual abuse of minors?

21 "A. Because . . ."

22 MR. GALLAGHER: And then the witness
23 conferred with his attorney.

24 (THE WITNESS:) "Because up until that
25 time, I could see that these were either given --

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 put on full leave, or they were on restricted
3 ministry, and at that time we felt that was
4 sufficient according to our policy."

5 (BY MR. GALLAGHER:)

6 "Q. And why did you change that policy at that time?

7 "A. That was recommended to me by Monsignor Lynn."

8 ---

9 (BY MR. GALLAGHER:)

10 "Q. Do you know when he specifically recommended that
11 to you?

12 "A. Excuse me. May I for a moment."

13 MR. GALLAGHER: Then the witness
14 conferred with his attorney.

15 (THE WITNESS:) "See, I just want to
16 amplify that Monsignor Lynn had come to me earlier
17 in the year and recommended that all those that
18 were on restricted leave who were guilty of sexual
19 abuse of minors should be removed completely from
20 ministry, and I acceded to that recommendation."

21 (BY MR. GALLAGHER:)

22 "Q. Did he give you the basis for why he came to that
23 recommendation?

24 "A. No. He just thought it would be best to do it
25 that way.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Okay. Did you ask him for an explanation of why
3 he thought it was wise to do it at that point?

4 "A. I did not ask him that I recall.

5 "Q. It's possible that he may have a recollection of
6 that, Cardinal, as to the basis of why he recommended this
7 to you?

8 "A. Yes, it's possible, but I don't recall it.

9 "Q. Well, when he makes recommendations for you, for
10 someone to go on administrative leave, and that basically
11 means with these twelve priests, that they no longer even
12 practice restricted ministry, he doesn't do that lightly,
13 does he, Cardinal?

14 "A. No. But he -- when he's -- when he made that
15 recommendation, I acceded to it because he always has good
16 reasons for it.

17 "Q. Well, quite frankly, Cardinal, don't you think
18 that it would be more than possible that he knows the
19 reasons why he made those recommendations to you?

20 "A. Well, I'm sure he had reason for it, so I presume
21 he knows it.

22 "Q. Okay. Cardinal, in subsequent comments by your
23 spokeswoman, Catherine Rossi, she again reiterated that of
24 the thirty-five credible evidence of sexually abusive
25 priests over the past fifty years of Philadelphia, that

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 only six had been dismissed and their allegations became
3 known to law enforcement, plus they were charged, arrested
4 and prosecuted.

5 "Do you remember when she made that pronouncement?

6 "A. I can't remember exactly. No, I cannot.

7 "Q. Do you know if that pronouncement by her was
8 correct?

9 "A. That there were thirty-five? That there were six,
10 yes, I recall that number.

11 "Q. Six were dismissed because their allegations
12 became known to law enforcement, and they were charged,
13 arrested and prosecuted?

14 "A. I don't recall that area, the nuances that you
15 just gave. I recall those six, that number six.

16 "Q. Well, what nuances do you recall?

17 "A. Just that there were six priests.

18 "Q. Okay. Dismissed because they became known to law
19 enforcement and were prosecuted and arrested?

20 "A. That's the part that I don't recall"

21 MR. GALLAGHER: Okay. And then the
22 witness conferred with his attorney.

23 ---

24 (THE WITNESS:) "Yes. May I ask you to
25 read the press release."

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (MR. GALLAGHER:) "It's now eleven
3 forty-nine.

4 "I will get that out for you, Cardinal,
5 and then we will take a recess at this point for
6 ten minutes. Only ten minutes.

7 "Now, Cardinal, while -- well, let's
8 extend that. Let's make that fifteen minutes.

9 "During that time period, I will
10 ascertain whether or not any of the grand jurors
11 have questions of you, and do you understand the
12 process? They pose the questions in recess to me,
13 and then I ask you those questions.

14 "Do you understand that, Cardinal?"

15 (THE WITNESS:) "Yes."

16 (MR. GALLAGHER:) "Okay. We'll take a
17 recess."

18 MS. McCARTNEY: Eighty-two.

19 MR. GALLAGHER: Then it was reconvened,
20 and I continued questioning the Cardinal.

21 ---

22 (BY MR. GALLAGHER:)

23 "Q. Cardinal, the grand jurors have posed to us a
24 series of questions, and I'm going to go through them at
25 this point.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Cardinal, yesterday you indicated that you cannot
3 force priests into treatment. If you have a case of a
4 credible allegation and you've made that determination,
5 how do you get these priests treatment?

6 "A. We strongly recommend it, and I do not know of any
7 that I recall that did not accept that. There's -- as a
8 general rule, they go for treatment when we ask them.

9 "Q. Have you had any cases where once they go for
10 treatment, they've walked away from treatment?

11 "A. I don't know. I cannot -- I cannot identify -- I
12 think there was one or two priests, but not necessarily in
13 sexual abuse, that may have walked out of a treatment
14 house, but I'm not positive.

15 "Q. Okay. We were only --

16 "A. I'm -- not connected with sexual abuse
17 necessarily.

18 "Q. We're only talking about sexual abuse.

19 "A. I don't know of any.

20 "Q. You don't know of any that have walked away from
21 treatment?

22 "A. That's right.

23 "Q. But it is possible; is that correct, Cardinal?

24 "A. Yes, it is. I -- you have to say it's possible.

25 "Q. When you became the Archbishop in February of

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 1988, do you know if any of the secret archive files
3 dealing with matters of sexual abuse were thrown out?

4 "A. I do not know that, and that would be contrary to
5 the law.

6 "Q. Do you know if any of the files that were in the
7 custody of the Archdiocese of Philadelphia were thrown out
8 before you took over in 1988?

9 "A. I do not know that.

10 "Q. Okay. Do you know if any of the files, secret
11 archive files, have been thrown out or shredded or
12 destroyed since you took over in February of 1988?

13 "A. Again, I can't say that, but it would be against
14 the law to do that.

15 "Q. Isn't there a requirement under the canon law for
16 secret archive files to be thrown out and shredded or
17 destroyed after a period of ten years?

18 "A. That's in criminal cases.

19 "Q. What do you mean by that, Cardinal?

20 "A. I mean, if someone, a priest, was charged with a
21 crime in canon law, but there could be secret archives for
22 other reasons.

23 "Q. Okay. I'm talking about secret archives files
24 dealing with sexual abuse.

25 "A. Well, that's -- secret archives is a general

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 category. One of them would be, you know, criminal cases,
3 one of which would be sexual abuse. There is a law to
4 that effect.

5 "Q. Okay. When you say criminal cases, do you mean
6 criminal cases in the secular world in law enforcement
7 that I'm charged with investigating and prosecuting, or do
8 you mean in the canon law?

9 "A. I said in church law, canon law.

10 "Q. So if it's a criminal case in canon law for sexual
11 abuse of a minor, there is a provision in canon law for
12 those files to be destroyed; is that correct?

13 "A. After the completion of the case.

14 "Q. Okay. And, Cardinal, for clarification to the
15 jury, can you explain what do you mean by after completion
16 of the case?

17 "A. When a decision has been made, frequently --

18 frequently there are two ways of finalizing a case. One
19 is an administrative decision that would come from the
20 bishop himself.

21 "The other is if it went to the judicial court of
22 the diocese and the judge would render a decision; and
23 once you have it, either the person is innocent or guilty
24 of the crime, and the penalty is imposed. That's the
25 completion of the case, and provided there are no appeals

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2 from that.

3 "Q. So there's two categories, correct? Ones in which
4 they're administratively handled by the bishop, and ones
5 which go through the Metropolitan Tribunal. Is that
6 correct?

7 "A. Not the Metropolitan, no. The Archdiocesan. To
8 distinguish the Metropolitan Tribunal, it's different from
9 the Archdiocesan Tribunal.

10 "Philadelphia is a metropolitan Archdiocese,
11 meaning I'm a metropolitan for all the suffragan bishops
12 of Pennsylvania. When they have a court case, generally
13 an annulment, in order to -- you must have two decisions,
14 the original one of the diocese, and then it must be
15 appealed to the Metropolitan Tribunal. That's what the
16 metropolitan tries, the appeal court for other diocese.

17 "Q. Okay. Cardinal, so I can make sure this is
18 understood by the grand jury, we're not talking about
19 annulments here. We're talking about --

20 "A. I used that as an example.

21 "Q. We're talking about charges of criminal violations
22 under canon law dealing with sexual abuse of minors.
23 There's two avenues for those cases to be pursued in the
24 Archdiocese under canon law; is that correct?

25 "A. Right.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Those two methods of pursuing those cases is
3 administrative as well as the court --

4 "A. That's right.

5 "Q. -- correct?

6 "And if it's handled administratively and the
7 bishop makes the decision, when are those secret archive
8 files permitted to be destroyed as you understand canon
9 law?

10 "A. After the final appeal is made, either
11 administratively or judicially.

12 "Q. Okay.

13 "A. That's when it's fully completed.

14 "Q. Okay.

15 "A. Then ten years after that, they can be destroyed.

16 "Q. So it's ten years after the appeal; is that
17 correct?

18 "A. That's right. If there is one.

19 "Q. Where does the appeal go?

20 "A. If it's administratively, it's a recourse to the
21 Holy See, to the Vatican. If it's judicial, then it would
22 go to the Rota in Rome.

23 "Q. And when you say the Holy See, you mean the Pope,
24 correct?

25 "A. Well, it means not personally. It means his

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 administrative bodies there.

3 "Q. So if you made an administrative decision as a
4 result of being the Bishop of Philadelphia and you made a
5 decision on a case of child sexual abuse by a priest --

6 "A. Yes.

7 "Q. -- that priest could appeal that to the Holy See;
8 is that correct?

9 "A. That is correct.

10 "Q. And when you say the Holy See, so it's clear for
11 everyone, what do you mean by that?

12 "A. It means all of the various departments that
13 administer the work of the Holy See.

14 "So there are about eight congregations that are --
15 that minister various functions of the Church according to
16 our federal government, Secretary of Commerce and so on,
17 so they're divided into various categories.

18 ~~"At the present time, an appeal from an~~
19 administrative decision in the sexual abuse case would go
20 to the Congregation for the Doctrine of the Faith.

21 "Q. Okay.

22 "A. At the present time.

23 "Q. Now, you say at the present time. How about over
24 the last fifteen years?

25 "A. It would have gone -- it would have gone probably

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 to the Congregation for the Clergy, but about two or three
3 years ago, the Holy Father changed that, so that all cases
4 of sexual abuse of minors go to the Congregation of the
5 Doctrine of the Faith.

6 "Q. Was there ever an explanation as to why that was
7 changed?

8 "A. Yes. The Congregation for the Doctrine of the
9 Faith handles what we call very grave crimes, and there
10 are about six of them in the Church. You would not be
11 interested in the other. They're more on the sacraments.

12 "About three years ago, it was decided that sexual
13 abuse of a minor is now a graver crime than others. It's
14 a -- it is a very -- it's a word of art. In other words,
15 it's a scientific term, called a graver delict. That's
16 its actual term.

17 "Once it became a graver delict, then it
18 ~~automatically -- the Holy Father switched it over to the~~
19 Congregation of the Faith, which handles those kinds of
20 crimes.

21 "Q. And when did that occur?

22 "A. I think it was about three years ago.

23 "Q. So it would have been 2000 or 1999?

24 "A. Yes, about then.

25 "Q. Okay. So prior to let's say 2000, the

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Congregation for the Clergy handled these appeals?

3 "A. That's where I think --

4 "Q. The administrative appeals?

5 "A. The administrative.

6 "Q. From the time that you took over as Archbishop in
7 Philadelphia in 1988, were there any cases handled
8 administratively by you that resulted in canon law
9 criminal prosecution of a priest for sexual abuse of a
10 minor?

11 "A. You're talking up until the present time, may I
12 ask?

13 "Q. No. Fine. Up until the present time.

14 "A. Yes.

15 "Q. What were those cases?

16 "A. I don't -- there were cases when -- well, any time
17 I put a priest on administrative leave and removed all of
~~18 his functions, that's an administrative decision.~~

19 "Q. Okay. And how many times did you do that in the
20 last fifteen years?

21 "A. I only did them recently, and I don't remember the
22 exact number, but it's at least six.

23 "Q. Now, these cases that I talked about earlier, that
24 I gave you the profile that's still sitting in front of
25 you, which is in grand jury exhibit nine fifty-seven --

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 no, not that.

3 "Were those cases handled by you administratively
4 as far as -- are they considered canon law, criminal law
5 cases?

6 "A. I'd have to -- you know, I don't want to be
7 absolute that all of them are. They could be, but I'm
8 just not absolutely sure. Some of them are.

9 "Q. Well, the six that you mentioned, are they in that
10 group?

11 "A. I think they are, but I'm not sure. I don't
12 recall.

13 "Q. Would you be able to check that and let us know
14 later?

15 "A. Well, sure."

16 (THE WITNESS:) "Could you ask the
17 question again so we can put it down."

18 (BY MR. GALLAGHER:)

19 "Q. What I want to know is of the -- actually, there's
20 thirteen there, profiles. You were given thirteen priests
21 that were earlier mentioned in the record. That's marked
22 as grand jury exhibit nine fifty-seven.

23 "Which one of those cases were handled by you as
24 the Bishop in the administrative method that you
25 indicated?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. In which I imposed a penalty?

3 "Q. Correct.

4 "A. Okay.

5 "Q. Do you know if any of those cases were appealed
6 to -- that would be now the Congregation of Faith, because
7 those thirteen were handled in the last year and a half?

8 "A. In looking them over, I have to say I know of two
9 of them.

10 "Q. Which two?

11 "A. Thomas Wisniewski and Stanley Gana.

12 "Q. Have their appeals been resolved by the
13 Congregation of the Faith?

14 "A. The only one I know of that has been resolved is
15 the Father Gana, Stanley Gana.

16 "Q. And what was the resolution of that?

17 "A. It was an in our favor to uphold our decision.

18 ~~"Q. Your decision to do what?~~

19 "A. That he cannot perform any functions as a priest.

20 "Q. Okay. And when did you make that decision?

21 "A. That would have been in the early part of last
22 year.

23 "Q. As indicated in the profile for --

24 "A. Yes.

25 "Q. -- for Father Gana, it indicates --

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. I think it was February or March of 2002.

3 "Q. I believe the exhibit indicates that Stanley Gana
4 was given administrative leave on April 2, 2002; is that
5 correct?

6 "A. I'm looking for that here.

7 "Q. It's in the top part of the profile, Cardinal.

8 "A. Oh, I'm sorry. Then that would be correct.

9 "Q. So therefore, his file will be destroyed in ten
10 years?

11 "A. The law permits it, but it isn't necessarily done
12 always.

13 "Q. Now, prior to this group, do you recall other
14 cases in the last fifteen years where you administratively
15 removed a priest as a result of canon law?

16 "A. I don't recall any besides the present cases.

17 "Q. When you say the present cases --

~~18 "A. I mean the ones you're talking about here.~~

19 "Q. The twelve --strike that.

20 "The thirteen in exhibit nine fifty-seven?"

21 ---

22 (BY MR. GALLAGHER:)

23 "Q. Cardinal, the grand jurors have a few other
24 questions I'd like to go into because it's now twelve
25 forty-nine and we want to conclude by one o'clock.

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2 "Have you ever met with a priest who has been
3 accused of sexual abuse of a minor?

4 "A. Yes.

5 "Q. How many times, and do you recall who those
6 priests were?

7 "A. I've met with Father Joseph P. Gallagher I think
8 about maybe two or three times, and I recall meeting with
9 Father Stanley Gana, but I only recall once.

10 "Q. And do you recall when the meetings were with
11 Father Gallagher, Joseph P. Gallagher?

12 "A. I think it's possible both of them were in the
13 early part of this year.

14 "Q. That's the early part of 2003?

15 "A. Yes. Separated by several months. Maybe in the
16 early part of 2003. Maybe two months later again.

17 "Q. And how about meeting with Reverend Stanley Gana?
18 When was that?

19 "A. I think that was last year, in 2002.

20 "Q. Before or after you imposed the --

21 "A. After.

22 "Q. -- administrative leave?

23 "A. I think it was after.

24 "Q. It was after April 2, 2002; is that correct?

25 "A. That's my recollection, yes.

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2 "Q. Do you recall any other priests that you've met
3 with that have been accused -- not in that group, any
4 priests that were accused in the last fifteen years?

5 "A. That were accused? No, I don't recall that.

6 "Q. Have you, without indicating or remembering their
7 names, have you regularly met over the last fifteen years
8 with priests that have been accused of sexual abuse of
9 minors?

10 "A. No. As a general rule, I did not meet with them.

11 "Q. So you're --

12 "A. Unless they requested it.

13 "Q. So besides Gallagher and Gana, there may have been
14 other priests over the last fifteen years that you've met,
15 that have been accused of sexual abuse of a minor?

16 "A. I do not know, was not aware of it.

17 "Q. Excuse me?

18 ~~"A. It's possible that I was not aware of it.~~

19 "Q. Aware of what?

20 "A. That they were not accused.

21 "Q. I'm not worried about your meeting priests just
22 for the sake of meeting them in your capacity as their
23 bishop. I'm asking about specifically priests that have
24 been accused of sexual abuse of a child, how many priests
25 over the last fifteen years have you met with?

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2 "A. I can only recall in meeting with them the two I
3 mentioned to you. I do not recall others.

4 "Q. But other cases have been brought to your
5 attention by Monsignor Cistone, then at that time
6 Monsignor Cullen, and also Monsignor Lynn over the last
7 fifteen years; is that correct?

8 "A. Generally, Monsignor Lynn, yes.

9 "Q. Right. Right. But you yourself have only met
10 with Gana and Gallagher as you can recall --

11 "A. That is correct.

12 "Q. -- as of today?

13 "A. That is correct.

14 "Q. Have you ever had it as a standard policy for you
15 to meet with a priest who has an allegation of sexual
16 abuse in order for you yourself to determine whether or
17 not it was a credible allegation?

18 "A. I did not have that policy.

19 "Q. Okay. When you met with Father Joseph Gallagher
20 and Father Stanley Gana, did you meet with them for the
21 purpose of ascertaining for you yourself whether or not it
22 was a credible allegation?

23 "A. No.

24 "Q. What was the purpose of meeting with Father
25 Gallagher and Father Gana?

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2 "A. They asked to see me.

3 "Q. So it's the best of your recollection you've never
4 asked or never directed to meet with a priest yourself
5 over the last fifteen years who has been charged with an
6 allegation of sexual abuse of a minor?

7 "A. Generally, that's correct.

8 "Q. Cardinal, the next question from a grand juror
9 concerns your knowledge of this crisis.

10 "You said you have not read any scholarly works on
11 this crisis except for a couple magazine articles and some
12 news media?

13 "A. No, I did not say that.

14 "Q. Okay. What did you say?

15 "A. I did not read any of the ones you gave.

16 "Q. Okay. Which ones have you read?

17 "A. But I said that I read many articles.

18 "Q. Okay.

19 "A. In various newspapers and magazines.

20 "I didn't say a few. I -- I -- there are various
21 sources, other magazines, too, that I've read.

22 "Q. Could you mention those to the grand jury. What
23 other --

24 "A. Well, again, I mentioned the two reputable papers
25 the National Catholic Register. I mentioned also the

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2 Sunday Visitor. There is the Homiletic and Pastoral
3 Review. There is Crisis Magazine, and also there could be
4 other articles that at times I don't exactly remember
5 where, that my Communications Director would send to me.

6 "You know, whether it was Time Magazine, Newsweek,
7 at times they would have articles. She would always send
8 me a copy of anything relating to this.

9 "Q. Cardinal, besides the books that I've mentioned,
10 have you read any book about this crisis --

11 "A. I did not.

12 "Q. -- that's been published in the last fifteen to
13 twenty years?

14 "A. I did not.

15 "Q. Okay. And regardless of who the writer was or
16 what may be perceived as his or her intention, is it your
17 experience that people that commit themselves to writing a
18 book about a particular topic usually research it

19 thoroughly and there's a possibility that that research
20 will provide a more expansive explanation of the scope of
21 a crisis?

22 "A. I could not answer that question.

23 "Q. Okay. Considering the depravity of this matter
24 for the Catholic Church, the grand jurors wanted to know
25 why you haven't read any of the books that were mentioned

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2 to you yesterday --

3 "A. I did not --

4 "Q. -- to educate yourself personally?

5 "A. Well, first of all, I did not think I had to read
6 those books that you listed, but that did not mean that I
7 was not educated.

8 "It's not necessary to read those books to be
9 educated in this field. As I indicated, there are many
10 other resources available outside of those books that you
11 listed.

12 "Q. Okay. Do you think that based on the sources that
13 you've read, that you are sufficiently educated yourself
14 to understand and deal with this crisis?

15 "A. Yes. I might add that the resources given to us
16 by the -- by the Conference of Bishops is a very excellent
17 resource, and they are professionally written.

18 ~~"Q. Now, the information given to you by the United~~
19 States Conference of Bishops, is that what you're talking
20 about?

21 "A. Yes.

22 "Q. Okay. Do you keep a separate file on those items
23 that are sent to you by the bishops?

24 "A. On the sexual abuse of minors, generally I did.

25 "Q. Okay. May this grand jury have a copy of that,

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2 Cardinal?

3 "A. But they're mostly the ones contained in the
4 volumes that I told you about.

5 "Q. Now, those volumes you got back in 1985; is that
6 correct?

7 "A. Well, there were some -- I don't know if they were
8 limited to those. I think there may have been even -- no.
9 No. Because I know that they contained information from
10 1993 to '94. They are resource materials for bishops.
11 That's what I generally mean by material that I --

12 "Q. And you've kept all those resource materials?

13 "A. I have two binders of them. Yes. I have them.

14 "Q. And have you gotten anything subsequent to those
15 from the United States Conference of Bishops?

16 "A. Well, we -- yes. We received other materials
17 since -- especially since June of last year.

18 "Q. Okay.

19 "A. We have the charter and we have the norms, and
20 those are all provided to us by the conference.

21 "Q. Okay. Prior to last year at the conference, and
22 from the time that you originally got those two volumes,
23 have you gotten other material from the United States
24 Conference of Bishops that you've read?

25 "A. I can't say we did not, but I can't recall other

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 material that was sent to us. It may have been.

3 "Q. Okay. Do you keep all the material on sexual
4 abuse that you've gotten from the USCCB and the NCCB for
5 the last fifteen years? Do you keep all that material in
6 one place?

7 "A. No.

8 "Q. Okay. Where do you keep it all?

9 "A. Sometimes I don't keep it, because it becomes --
10 when I get the binders, you find that's more up-to-date
11 resources.

12 "Q. Okay. So you do keep it all in one place. It's
13 just that some of the stuff is not there because you've
14 thrown it out?

15 "A. Some I throw out.

16 "Q. You still have what you have as a current building
17 library on this topic of sexual abuse, correct?

18 "A. It's a -- from the conference, generally, what is
19 included in those binders I told you about.

20 "Q. Okay.

21 "A. That's my main resource.

22 "Q. And can you provide the grand jury with a copy of
23 that?

24 "A. Of both binders?

25 "Q. Yes.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. I think . . ."

3 (THE WITNESS:) "My lawyer will take it
4 up with you afterwards. Okay."

5 (BY MR. GALLAGHER:)

6 "Q. So the answer isn't yes or no, but I'll get an
7 answer later; is that correct, Cardinal."

8 (THE WITNESS:) "Yes, that's correct."

9 (BY MR. GALLAGHER:)

10 "Q. Your spokesman, Cardinal, has indicated publicly,
11 as recently as -- and that's Catherine Rossi -- as
12 recently as -- I believe it's two months ago, and I can
13 get it, that the Archdiocese is cooperating with this
14 investigation; is that correct?

15 "A. Yes.

16 "Q. And do you also agree with her comment that the
17 Archdiocese is cooperating with this investigation?

18 "A. Yes.

19 "Q. Cardinal, do you read the memos given to you by
20 Monsignor Lynn concerning recommendations on cases of
21 sexual abuse of minors by priests before you sign them?

22 "A. Yes.

23 "Q. And that's been your policy since he's had that
24 position in 1993 and person that was before him?

25 "A. I read all memos that I have to sign, yes.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Cardinal, do you agree with the way Monsignor Lynn
3 has handled these cases, and if not, why have you not
4 removed him as the Secretary for the Clergy?

5 "A. I fully support what he has done and is doing.

6 "Q. Specifically, we discussed it a little bit
7 yesterday, but could you explain again for the grand
8 jurors with the further definition.

9 "What does Monsignor Cistone do as far as handling
10 these cases? Is he a conduit for Monsignor Lynn, or can
11 Monsignor Lynn come to you directly on these cases?

12 "A. In the line of jurisdiction, Monsignor Cistone
13 would be above Monsignor Lynn, and --but yes to your
14 second question, that Monsignor Lynn can come to me
15 directly.

16 "Q. Okay. In the number of cases that have been
17 handled over the last ten years since Monsignor Lynn's
18 been involved, and I believe Monsignor Cistone has also
19 held that position of Vicar General during that same
20 course of time, does Monsignor Cistone see every case or
21 does -- what's the majority or what's the breakdown
22 percentagewise, if you can give us that, between those
23 cases directly being brought to your attention by
24 Monsignor Lynn vis-a-vis those cases brought to your
25 attention through Monsignor Cistone?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. If it's in the memorandum form, it will pass
3 through the office of Monsignor Cistone. That doesn't
4 necessarily mean he reads them, but it goes through his
5 office.

6 "But Monsignor Lynn at times has brought these
7 cases to me verbally, so he will call me up or wants to
8 see me in my office.

9 "Q. Cardinal, another question from the grand jurors
10 is that we received, the District Attorney's office
11 received seven or eight boxes of files, including a
12 hundred and twenty files, and you and the Archdiocese had
13 reported that there was a number of thirty-five cases of
14 credible allegations of sexual abuse of minors by priests
15 in the last fifty years, since 1950, actually fifty-two
16 years.

17 "Do you know if the balance of those and the
18 difference between those numbers are mostly credible cases
19 or frivolous cases?

20 "A. I wouldn't identify all of them as frivolous, I
21 mean, under that category, but I indicated before that
22 there could be some cases that are anonymous and there's
23 no way following through on them.

24 "It isn't that an anonymous allegation would be
25 disregarded completely, but sometimes they give no

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 information whatsoever, and there could be other reasons
3 that I can't think of at the present time that would
4 distinguish those cases from the thirty-five and why they
5 are not merely considered serious allegations.

6 "Q. So at this point, without knowing the list of a
7 hundred and twenty cases, you don't know which of those --
8 and the difference would be eighty-five cases.

9 "You don't know which of those cases are frivolous
10 or what category they fall into at this point; is that
11 correct, Cardinal?

12 "A. That is correct, except they'd fall in the
13 category of not being credible allegations. There could
14 be other reasons. I don't know.

15 "Q. They could be either frivolous and not credible,
16 or could there be any credible ones in those eighty-five
17 cases?

18 "A. ~~I don't know of any. I don't know. I don't know~~
19 what -- I'm just using categories that distinguish them
20 from the thirty-five.

21 "Q. Okay. Could you please direct someone, maybe
22 Monsignor Lynn or someone in the Archdiocese, to inform
23 the grand jury of the names of the thirty-five cases that
24 you consider to be credible.

25 "A. Okay. We'd be able to provide that information.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Cardinal, thank you."

3 MR. GALLAGHER: And that concluded the
4 testimony on June 27, 2003.

5 ---

6

7 - I N D E X -

8 PAGE

9 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA 4

10 ---

11 EXHIBITS IDENTIFICATION

12 GJ-957, (Previously marked exhibit.) 20

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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

APPENDIX H-6

19-1-42

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

IN RE: : MISC. NO. 0300-239
: :
COUNTY INVESTIGATING : :
GRAND JURY XIX : C-1

December 4, 2003

Room 18013, One Parkway
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA
(Re: Rev. Robert L. Brennan)

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE
Deputy District Attorney

WILLIAM SPADE, ESQUIRE
Assistant District Attorney

MAUREEN McCARTNEY, ESQUIRE
Assistant District Attorney

For the Commonwealth

PRESENT:

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

Reported by: Charles Holmberg
Official Court Reporter

VOLUME IV

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MS. McCARTNEY: Okay. You want to get
3 started.

4 Today's date is December 4. The time
5 is 1:59 P.M. This is the matter of C-1.

6 The Commonwealth has just called a
7 witness.

8 ---

9 ANTHONY JOSEPH CARDINAL BEVILACQUA,
10 having been duly sworn, was examined and testified
11 as follows:

12 ---

13 BY MS. McCARTNEY:

14 Q. Cardinal, for the record, could you please state
15 your name?

16 A. My name is Cardinal Anthony Bevilacqua.

17 Q. And, Cardinal, prior to coming here to testify in
18 ~~front of this grand jury, were you sworn in as a witness~~

19 by the Honorable Judge Bright?

20 (The witness conferred with his
21 attorney.)

22 THE WITNESS: We appeared before Judge
23 Bright.

24 BY MS. McCARTNEY:

25 Q. Okay. And when you appeared before Judge Bright,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 did she explain your rights and responsibilities as a
3 witness testifying in front of a grand jury?

4 A. Yes.

5 Q. And did you also complete a written form which
6 explains to you those rights and responsibilities?

7 A. Yes.

8 Q. And one of the rights and responsibilities that was
9 explained to you was the fact that you are entitled to
10 have an attorney present with you; is that correct?

11 A. Yes.

12 Q. And you in fact do have an attorney?

13 A. Yes.

14 MS. McCARTNEY: Counsel, for the
15 record, could you please state your name.

16 MR. HODGSON: Yes. My name is Clark
17 Hodgson. I practice of with the law firm of
~~18 Stradley, Ronon, Stevens and Young in Philadelphia,~~
19 and I represent Cardinal Bevilacqua.

20 BY MS. McCARTNEY:

21 Q. Now, Cardinal, did you understand the rights that
22 Judge Bright explained to you orally, and did you also
23 understand the rights that were written on the form that
24 you completed?

25 A. I did.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay. Cardinal, you testified previously in front
3 of the grand jury that concluded a couple months ago; is
4 that correct?

5 A. Yes.

6 Q. And I think that you testified approximately five
7 times during the course of that grand jury proceeding; is
8 that right?

9 A. I think so.

10 Q. And when you last testified, we were in the process
11 of discussing with you the case of Reverend Robert L.
12 Brennan. Do you recall that?

13 A. Yes.

14 Q. And just so you're clear on the record, Cardinal,
15 this grand jury has been read the testimony that was
16 offered during your last appearances in front of the
17 previous grand jury. Okay?

~~18 A. Okay.~~

19 Q. Now -- I'm sorry.

20 MS. McCARTNEY: And for the record, we
21 have how many jurors present?

22

23

24 MS. McCARTNEY: Okay. Which
25 constitutes a quorum. Thank you.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. MCCARTNEY:

3 Q. Now, Cardinal, as I indicated previously when you
4 last testified here, and I believe it was in September, we
5 were discussing the case of Reverend Robert L. Brennan;
6 and in the course of discussing Robert Brennan's case, we
7 had given to you the Archdiocese of Philadelphia Priest
8 Data Profile.

9 I'm going to give you a copy so that you can have
10 it in front of you today.

11 MS. MCCARTNEY: And for the record,
12 that was marked previously as grand jury exhibit
13 four eighty-five.

14 BY MS. MCCARTNEY:

15 Q. And, Cardinal, just for the record additionally, in
16 the discussions with your attorney in our office with
17 regard to scheduling your appearance before this grand
~~18 jury, in an effort to expedite and give you some notice,~~
19 we told you the cases that we would be primarily focused
20 on discussing with you over the course of today and
21 tomorrow; is that correct?

22 A. Yes.

23 Q. Okay.

24 MR. GALLAGHER: Cardinal, could you
25 speak up a little louder. Some of the people in

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ANTHONY JOSEPH CARDINAL BEVILACQUA

the back can't hear you.

THE WITNESS: Okay.

MR. GALLAGHER: Thank you.

BY MS. MCCARTNEY:

Q. And, Cardinal, just so we're back on track where we ended last time in September, in discussing the case of Father Brennan, we had gone through the documents which had established the following: That Father Brennan, while he was assigned as a pastor at Saint Ignatius in Yardley, that complaints had come into the Chancellery office from both the assistant pastor at that location, as well as the cook and the cleaning lady, with regard to conduct that they saw Father Brennan engaging in that was concerning to them, and there was also a complaint brought by a teenage boy, I believe an eighth grader, by the name of [REDACTED] LUK [REDACTED] that talked about activity that Father Brennan was engaging in with him that made him uncomfortable.

Based upon the reports that came in, there were interviews conducted of those individuals, and Father Brennan was sent to Saint John Vianney for an evaluation.

Do you recall testifying and the documents that established that?

A. Yes.

Q. Okay.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. We then established that after his evaluation at
4 Saint John Vianney and a second evaluation conducted by
5 Dr. Fitzgibbons, Father Brennan was assigned first as a
6 resident priest and then as the parochial -- he was a
7 resident priest at Saint Eleanor's in Collegeville and
8 then was given an assignment as a parochial administrator
9 at Saint Mary's, and then became pastor at Saint Mary's;
10 is that right?

11 A. Yes. It so states.


12 Q. And the document that I showed you, grand jury four
13 eighty-five, establishes that Father Brennan was the
14 pastor of Saint Mary's from June of 1990 to September of
15 1992; is that correct?

16 A. So it states.

17 Q. And we established when you testified previously
~~18 that while Father Brennan was at Saint Mary's there were a~~
19 number of complaints that were brought to the attention of
20 archdiocesan officials, specifically that Father Brennan
21 had taken some high school students from Saint Pius out of
22 class against the regulations of the school, that there
23 were two individual priests at Saint Pius that were
24 concerned about what they observed with regard to Father
25 Brennan and in particular, that activity, there was also a

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 group of five eighth grade students that had gone to the
3 principal of the school there, Karen Coldwell, and made
4 complaints about Father Brennan's behavior toward them
5 that made them uncomfortable.

6 There was also a report that came into the
7 Montgomery County Children and Youth with regard to one of
8 those students, a boy by the name of  Geo.
9 who alleged that Father Brennan had touched him in ways
10 that made him uncomfortable.

11 There was an investigation conducted, and that
12 report by the Montgomery County Children and Youth was
13 deemed to be unfounded.

14 Do you recall that testimony?

15 A. I recall it.

16 Q. Okay. And we also established through the course
17 of the documents that there was no action at that time
18 ~~taken, remedial action taken, on the part of the~~

19 Archdiocese of Philadelphia with regard to any of those
20 complaints at Saint Mary's at that time; is that correct?

21 A. It depended on the reports. Yes.

22 Q. But based upon the information, information that
23 the Archdiocese had, nothing was done with regard to
24 Father Brennan as a result of either the complaint that
25 came in at Saint Pius or the five eighth grade students

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that had come forward to the principal or the one student
3 going to Children and Youth; is that correct?

4 A. (No response.)

5 Q. Father Brennan remained as pastor at Saint Mary's,
6 and there was no evaluation ordered or requested on the
7 part of the Archdiocese?

8 A. He remained there. Yes.

9 Q. Correct. Okay.

10 And then I believe that at the end of our last
11 session, we were talking about the fact that subsequent to
12 those events taking place, that there was another
13 complaint that came to the Archdiocese' attention, brought
14 by a boy by the name of [REDACTED] ^{Hal} who alleged
15 that Father Brennan had touched him inappropriately on his
16 butt and that he had hugged him in ways that made him feel
17 uncomfortable, and I believe that that's where we
18 concluded your last testimony.

19 Is that accurate with regard to your recollection
20 what we talked about?

21 A. As far as my recollection. Yes.

22 Q. Okay. And there was some -- at that point in time,
23 Monsignor Molloy and Monsignor Lynn were made aware of
24 those incidents, and just again for the record, Monsignor
25 Molloy was the Assistant Vicar at that time, correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 We're talking about 1992 at this time.

3 A. Correct.

4 Q. And Monsignor Lynn was Secretary of the Clergy at
5 that time; is that correct?

6 A. Yes.

7 Q. And it was their responsibility to investigate
8 allegations that involved priests' misconduct with minors;
9 is that correct?

10 A. Correct.

11 Q. Okay. And they made you aware of the incidents
12 that had occurred at Saint Mary's and the concerns that
13 had been brought to their attention; is that correct?

14 A. I have a vague recollection of that, but I can't
15 recall that.

16 Q. Okay.

17 A. I presume that they did.

~~18 Q. I'm going to show you a document, Cardinal, that~~
19 has previously been marked as grand jury exhibit five
20 thirteen.

21 Now, Cardinal, I've just shown you the document
22 that's been marked as grand jury exhibit five thirteen,
23 and this is from the Office of the Vicar for
24 Administration to you, Anthony Cardinal Bevilacqua,
25 authored by Monsignor James E. Molloy. The date of that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 document is July 17, 1992, and it regards Reverend Robert
3 L. Brennan.

4 Is that correct?

5 A. So it states there.

6 Q. Okay. And have you had the opportunity to review
7 that document, Cardinal?

8 A. I don't . . .

9 (The witness conferred with his
10 attorney.)

11 THE WITNESS: Not recently I haven't.

12 BY MS. MCCARTNEY:

13 Q. Well, let me ask it to you two ways, if I may.

14 You would agree that this document was directed to
15 your attention back in 1992, so based upon that we can
16 assume that you read it at that time; correct?

17 A. Yes. That can be assumed.

~~18 Q. Okay.~~

19 A. But I don't recall reading it.

20 Q. Okay.

21 A. You know, I'm . . .

22 Q. And again, Cardinal, since our office gave you the
23 opportunity to have advance notices of the cases that we
24 would be questioning you about, you -- obviously, these
25 documents were provided by the Archdiocese of Philadelphia


1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 to our office; is that right?

3 A. But I looked at very few of them. We didn't have
4 that much time to go through all the documents.

5 Q. Okay. Well, let's go through what's contained in
6 this document.

7 Basically, for summary purposes, this is a document
8 which lays out the history of Father Brennan, and it's
9 authored again by Monsignor Molloy, and he writes out to
10 you in some detail the allegations that had come to the
11 Archdiocese' attention starting back in November of 1988
12 when Father Brennan was assigned as pastor of Saint
13 Ignatius.

14 It talks about the fact that he was evaluated. It
15 talks about the fact that there were some incidents that
16 had occurred at Saint Mary's Parish, and it talks about
17 the fact that the recent allegation with regard to the
18 ~~student that had come forward to talk about Father Brennan~~
19 touching him inappropriately on his butt and that Father
20 Brennan had pushed him on his lap, and it also indicates
21 in this document that that boy,  had
22 indicated that there are many similar incidents that had
23 occurred with other boys.

24 Is that an accurate summary of this document,
25 Cardinal?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I don't know. I didn't -- you know, I presume I
3 read the document. I haven't gotten to the end yet, but
4 I'm presuming what you're saying is true.

5 Q. Okay. Do you want to take a moment to read it?

6 A. May I scan it, at least?

7 Q. Sure.

8 (Pause.)

9 (The witness conferred with his
10 attorney.)

11 THE WITNESS: I've scanned this. These
12 are all -- what I don't see, if I may ask a
13 question --

14 MS. McCARTNEY: Sure.

15 THE WITNESS: -- is I don't see the
16 names of the complainants in here.

17 Are they . . . did I miss that in
18 scanning?

19 BY MS. McCARTNEY:

20 Q. I would agree with you, Cardinal, that the names of
21 the complainants are not in there, but it does talk
22 about --

23 A. It talks about opinions, yes.

24 Q. In summary fashion; is that correct?

25 A. Yes.

ANTHONY JOSEPH CARDINAL BEVILACQUA

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Q. And it talks about the fact that -- and the reason that the names aren't in there, is that of significance to you?

A. No.

Q. I mean --

A. I thought you had mentioned some names.

Q. Well, I did mention names, and I think that we established the last time, and if I'm incorrect about that, please correct me, but this was a summary of the events that had occurred in Father Brennan's case up to this point; is that right?

A. Okay. Yes.

Q. And there were other documents that we showed you last time which established that you were kind of kept abreast of the events as they proceeded through; is that right?

~~A. Yes.~~

Q. Okay. So in July of 1992, this document summarizes the history of Father Brennan, and it is just a summary of that; is that right?

A. Yes.

Q. And I want you to draw your attention specifically to paragraph two of this document, and I just want you to tell me whether I'm reading this incorrectly, and this

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 paragraph two deals with the five male students from Saint
3 Mary's Parish, all seventh graders, who had told their
4 principal about their concerns with regard to Father
5 Brennan.

6 And it says: "One student reported an occasion on
7 which Father Brennan allegedly had grasped the student's
8 hands and pulled or pushed or pulled them down towards his
9 genitals. Another student reported that he had fainted
10 one day at church and that Father Brennan was helping to
11 revive him by rubbing his leg," quote, "up high on the
12 thigh."

13 That's contained in paragraph two of that document,
14 correct?

15 A. Yes.

16 Q. And at the end of this document it talks about the
17 fact that Father Lynn had contacted Dr. Karney and Dr.

~~18 Miraglia and that they indicated that given the~~

19 accumulating series of incidents, that there was a
20 recognized pattern of behavior which is cause for concern;
21 is that correct?

22 A. Where are you?

23 Q. I'm talking subsection C?

24 A. Okay. Yes, I see that.

25 Q. "Consultations," and they make some recommendations

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 to you in this document, and one of those recommendations
3 is that appropriate reevaluation be initiated promptly, to
4 be performed at The Anodos Center on an outpatient basis
5 and that further recommendations be provided to your
6 attention in light of the results of that.

7 (The witness conferred with his

8 attorney.)

9 BY MS. MCCARTNEY:

10 Q. The last page. I'm sorry. Are you with me?

11 A. Yes.

12 Q. And you comment, and you read this document, and
13 you note after reading it that he -- and we're referring
14 to Father Brennan there -- should be removed immediately
15 from the parish even prior to psychiatric evaluation --

16 A. Yes.

17 Q. -- is that correct?

18 A. Yes.

19 Q. Okay. And then that document is given to you or
20 authored on July 17 of 1992, and you respond back on July
21 22. That's the date that you signed that.

22 Now, on July 30, Cardinal, there had been an
23 evaluation that had been conducted on Father Brennan, and
24 the results of that evaluation were shared with you, the
25 diagnostic impressions were shared with you, as well as

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the need, based upon the evaluation for Father Brennan, to
3 have inpatient hospitalization, and do you recall getting
4 that information with regard to Father Brennan?

5 A. No.

6 Q. Okay. I'll show you what has been marked as grand
7 jury five seventeen.

8 (Pause.)

9 (The witness conferred with his
10 attorney.)

11 THE WITNESS: I have completed reading
12 this.

13 BY MS. MCCARTNEY:

14 Q. Okay. And I also handed you another document,
15 Cardinal. That's grand jury exhibit five nineteen, and
16 that's the diagnostic impressions from The Anodos Center.
17 Do you see that document?

18 ~~A. I do.~~

19 Q. Okay. And in the document five seventeen, that you
20 indicated that you completed reviewing, this is again
21 directed to your attention from Reverend William J. Lynn,
22 and the date of it is July 30, and it's regarding Father
23 Brennan; and in that document, Father Lynn says that he's
24 attached the diagnostic impressions and recommendations
25 which resulted from the assessment of Father Brennan,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 correct?

3 A. Yes.

4 Q. And there is a section in there which deals with
5 the fact that Father Brennan needs to be in inpatient
6 treatment at Saint John Vianney Hospital as soon as
7 possible and that until that hospitalization is possible,
8 he is to reside at Immaculate Conception; is that correct?

9 A. That's what it says.

10 Q. And also that there be a request on the part of
11 Father Brennan to resign his pastorship at Saint Mary's
12 and that any consideration for future ministry from the
13 Archdiocese be based on results of the inpatient treatment
14 at Saint John Vianney; is that accurate?

15 A. So it states.

16 Q. And you approved all those recommendations, and
17 that's indicated through your signature at the bottom of
18 the document, dated 7/31/92; is that correct?

19 A. That is correct.

20 Q. Now, with regard to the diagnostic impressions from
21 The Anodos Center, Cardinal, if you flip to page two of
22 five nineteen under, axis one, there are three different
23 diagnoses.

24 One is adjustment disorder.

25 A. Page two?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 Q. Page two, the second -- no, the second page of the
2 actual packet of information.

3 A. Oh.

4 Q. The first is an adjustment disorder with mixed
5 emotional features secondary to stress of the allegations
6 and current investigations. The second is rule out
7 pedophilia, same sex.

8 Do you know what that is, Cardinal? Are you
9 familiar with what rule out pedophilia means?

10 A. Yes. It means where children below the age of
11 puberty of the same sex.

12 Q. Do you know what it means that that was one of the
13 diagnostic impressions that were listed down by The Anodos
14 Center, what that means with regard to information?

15 A. Not fully. I'm not conversant with that. I
16 presume it meant that he's not a pedophile.

~~17 Q. The accurate definition of rule out pedophilia~~
18 diagnosis, same sex, would be that there are indications
19 that that would indicate pedophilia but that there was
20 insufficient information to come to that conclusion.

21 Were you familiar with that?

22 A. No.

23 Q. Did you do anything to understand these diagnoses
24 that were provided by The Anodos Center?
25

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2 A. I did not do that personally.

3 Q. Did you ask anybody on your staff to provide you
4 with further information with regard to what that
5 diagnosis meant?

6 A. No, not that I recall.

7 Q. And then subsequent to Father Brennan going into
8 The Anodos Center, there is a letter that is received by
9 one of the doctors that had initially conducted an
10 evaluation of Father Brennan, Richard Fitzgibbons, and
11 that letter was written to Monsignor Edward P. Cullen; and
12 at some point in time, you were given information with
13 regard to that.

14 Do you recall that letter?

15 A. I do not recall it.

16 Q. Okay. Let me give you a copy of five twenty-one,
17 and just so we're clear on the record, Cardinal, when you
18 testified previously, you had indicated to us in your
19 testimony that Dr. Fitzgibbons was in your opinion a very
20 competent therapist and psychiatrist; is that right?

21 A. I would so hold that, yes.

22 Q. Could you just take a moment -- are you familiar
23 with that document which I've just handed you, grand jury
24 five twenty-one?

25 A. I don't recall it.

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2 Q. Okay. Well, you can take a moment and review it.

3 BY MR. SPADE:

4 Q. Did you take the opportunity in the last week or
5 two, after we told you which documents we'd be showing
6 you, to review this document or any of these documents,
7 Cardinal?

8 A. No.

9 Q. Okay.

10 MR. HODGSON: Could we have a recess.

11 (The conference transpired out of the
12 presence of the grand jury.)

13 MS. McCARTNEY: And just for the
14 record, counsel and the district attorneys stepped
15 outside to have a consultation, and we are now
16 back.

17 BY MS. McCARTNEY:

~~18 Q. Cardinal, have you had the opportunity when we were~~
19 out of the room to review grand jury exhibit five
20 twenty-one?

21 A. I have.

22 Q. And this, as I said, was a letter written on
23 August 20, 1992, and it's to Monsignor Edward P. Cullen,
24 your Vicar General; is that right?

25 A. Yes.

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2 Q. Okay. And it is a letter which is written by
3 Richard P. Fitzgibbons, M.D., correct?

4 A. Yes.

5 Q. And it's a letter which deals with Father Robert
6 Brennan, and in that letter it says that Dr. Fitzgibbons
7 was recently contacted by the evaluation team at Villa
8 Saint John's in regard to the evaluation that he had
9 conducted of Father Brennan last year; is that right?

10 A. Yes.

11 Q. Okay. And I just want to read certain portions of
12 this letter.

13 Paragraph two: "I wanted you to know that my
14 evaluation of Father Brennan last year was seriously
15 impaired by the refusal of the assistant associate pastor
16 in Yardley to speak to me about Father Brennan's behavior
17 with the youngsters. I only had scanty historical
~~18 information provided for me by Monsignor Shoemaker and~~
19 Monsignor Jagodzinski. At the same time Father Brennan
20 totally denied these accusations which, as far as I knew,
21 were limited solely to having children sit on his lap."

22 Is that accurate? Did I read that accurately?

23 A. Yes.

24 Q. And the last paragraph of this document indicates:
25 "In view of the recent allegations, my clinical opinion is

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2 that Father Brennan has very serious problems which might
3 predispose this Archdiocese to major scandal and,
4 possibly, litigation in the future. I believe that had I
5 had the opportunity to speak to the parents of the
6 children from Yardley or with the associate pastor, that
7 the conclusions that I reached in 1991 would have been
8 very different."

9 Did I read that accurately?

10 A. Yes.

11 Q. Once that document becomes known to the
12 Archdiocese, what do you do, Cardinal, to contact Dr.
13 Fitzgibbons to find out how his evaluation would have been
14 different, whether it was recommended that he conduct an
15 additional evaluation, whether it was thought to be
16 important to have the team at Saint John Vianney speak to
17 the assistant pastor at Saint Ignatius or to the alleged
18 ~~victims in the case?~~

19 What was done when this document was received by
20 the Archdiocese?

21 A. It was directed to then Monsignor Cullen. I do not
22 know what was done. I have no recollection.

23 Q. At some point in time, Cardinal, you were given
24 that document, though, correct?

25 A. I have no recollection of it.

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2 Q. Do you know what Monsignor Cullen did when he
3 received that document?

4 A. I do not recall.

5 Q. Well, I'm going to show you a document that's
6 previously been marked as grand jury five thirty-two.

7 (Pause.)

8 Have you had the opportunity to review that
9 document, Cardinal?

10 A. Yes.

11 Q. That's a document which is directed to your
12 attention from Monsignor Molloy, dated November 29, 1993;
13 is that correct?

14 A. Yes.

15 Q. And in that document, Monsignor Molloy gives you
16 documents which relate to Father Brennan; is that right?

17 A. Yes. Correct.

~~18 Q. One of the documents which this memo indicates was~~
19 given to you was the letter from Dr. Fitzgibbons; is that
20 right?

21 A. Yes.

22 Q. And so let me ask you again.

23 Do you recall whether or not, when you received
24 that letter, which shows that at some point in time you
25 did in fact get a copy of the letter, if not, were

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2 verbally told about the contents of it -- what did you do
3 when you saw that letter?

4 A. As I said, I don't recall receiving it. I presume
5 from this memo that I did receive it, but I still don't
6 recall it.

7 Q. Do you think there should have been some action
8 taken with regard to having received that letter and the
9 concerns that were raised by Dr. Fitzgibbons with regard
10 to his inability to conduct a full evaluation of Father
11 Brennan and given the reluctance of certain individuals to
12 talk to him?

13 A. I think that would -- I would have relied on
14 Monsignor Cullen to decide what to do.

15 May I talk to my attorney, please.

16 Q. Sure.

17 (The witness conferred with his
18 attorney.)

19 THE WITNESS: May I relate something
20 from the record.

21 MS. McCARTNEY: Sure.

22 THE WITNESS: That this letter is
23 August 20, 1992. The memo that was given to me,
24 the memo citing the documents that were given to
25 me, among which is this letter, is November 29,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 1993.

3 According to the record here, he must
4 have been in Saint John Vianney Hospital at the
5 time, because this states that he was on health
6 leave.

7 MS. MCCARTNEY: Until December of 1993.

8 I understand that, Cardinal.

9 BY MS. MCCARTNEY:

10 Q. My question to you, though, remains that that
11 information came to the attention of the Archdiocese where
12 there were serious concerns raised on the part of a doctor
13 with regard to an evaluation that he had done on Father
14 Brennan previously.

15 When that information, those concerns from that
16 doctor were brought to the attention of the Archdiocese,
17 was anything done to try to clear up that problem?

18 A. I don't know.

19 Q. Okay. If nothing was done, if there's no
20 documentation in the file provided by the Archdiocese with
21 regard to Father Brennan, if there's no indication, if
22 there's no indication --

23 (The witness conferred with his
24 attorney.)

25

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2 BY MS. MCCARTNEY:

3 Q. If there's no indication that anything was done to
4 speak with Dr. Fitzgibbons or to have Dr. Fitzgibbons
5 speak with the victims from Yardley, or Father Marine, who
6 was the assistant pastor that's referred to in that
7 letter, ultimately that would be your responsibility,
8 though; is that correct, Cardinal?

9 A. I think I have to say that ultimately everything is
10 my responsibility.

11 Q. Okay.

12 A. But I do rely on my staff to carry out their
13 responsibilities.

14 Q. Now, Cardinal, after Father Brennan is in Saint
15 John Vianney, there comes a discussion about what will be
16 his next assignment, if any, within the Archdiocese of
17 Philadelphia; is that correct?

18 (The witness conferred with his
19 attorney.)

20 THE WITNESS: Excuse me.

21 MR. SPADE: We're going to show you the
22 document, Cardinal.

23 MS. MCCARTNEY: Cardinal, for the
24 record, I just handed you two documents, one that's
25 marked as grand jury five twenty-eight and one

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2 that's marked as grand jury five thirty-three.

3 THE WITNESS: I have no numbers on
4 this.

5 MS. McCARTNEY: Five thirty-three.

6 MR. SPADE: Five thirty-three would be
7 a memorandum from Monsignor James Molloy to the
8 Reverend William J. Lynn, dated December 6, 1993.

9 MR. GALLAGHER: The other one is five
10 twenty-eight.

11 MS. McCARTNEY: Yes.

12 MR. GALLAGHER: That's five
13 twenty-eight.

14 (Pause.)

15 (The witness conferred with his
16 attorney.)

17 (Pause.)

18 (The witness conferred with his
19 attorney.)

20 THE WITNESS: Yes, I finished.

21 BY MS. McCARTNEY:

22 Q. Okay. Now, Cardinal, I've handed you two
23 documents, grand jury five twenty-eight and grand jury
24 five thirty-two, that was the one I handed you previously,
25 and grand jury five thirty-three.

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2 Grand jury five twenty-eight, that is a memo to you
3 authored by Father Lynn. Date of that is November 23,
4 1993; is that right?

5 A. Yes.

6 Q. And it talks about the fact that Father Brennan was
7 discharged from Saint John Vianney on June 14, 1993; is
8 that right?

9 A. Yes.

10 Q. And it talks about what Father Lynn recommends for
11 Father Brennan at this point in time; is that correct?

12 And his recommendation is that Father Brennan be
13 assigned as associate pastor at the Resurrection of Our
14 Lord Parish, correct?

15 A. Yes.

16 Q. And ultimately you approved that recommendation,
17 but you were given a copy of this memo and you were also
~~18 given the documents that were referred to in grand jury~~

19 five thirty-two, amongst them, the letter from Dr.

20 Fitzgibbons, and that's the documents that are listed out
21 on grand jury five thirty-two, correct?

22 A. Is this the one, five thirty-two?

23 Q. Five thirty-two, yes. I'm sorry. That's five
24 thirty-two.

25 A. I have the assessment and the letter to Dr.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Fitzgibbons. I don't see the other two, the first two.

3 Q. But this is a listing of documents that were
4 provided to you --

5 A. Yes.

6 Q. -- based upon this memo; is that right?

7 A. Yes.

8 Q. And this memo was to you again from Monsignor
9 Molloy. The date of that is November 23.

10 Is that right?

11 A. This memo here?

12 Q. November 29. I apologize.

13 Is that right?

14 A. Yes.

15 Q. And it says that these documents listed below are
16 for your review in anticipation of discussion to be held
17 at the issues meeting scheduled for 1st of December 1993;
18 is that right?

19 A. Yes.

20 Q. Okay. Now, Cardinal, before Father Brennan was
21 assigned to Resurrection, you not only got these
22 documents, but you actually -- this was actually part of
23 an issues meeting that you had; is that right?

24 A. Yes.

25 Q. And present at the issues meeting would have been

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2 yourself and who else?

3 A. At that time, probably just -- I don't recall, but
4 only be Monsignor Cullen.

5 Q. Okay. And Monsignor Cullen was your Vicar General,
6 Vicar for Administration; is that right?

7 A. Correct.

8 Q. And you and he would have sat down and discussed
9 the case of Father Brennan from start to finish and any
10 issues that either one of you would have had?

11 A. Well, I don't know start to finish, but whatever
12 was relevant for that meeting. I don't recall the meeting
13 obviously.

14 Q. Well, certainly relevant to that meeting would have
15 been whether or not it was appropriate to put Father
16 Brennan in a situation where he could possibly harm
17 children, right?

~~18 A. It was to put him in an appropriate situation.~~

19 Q. Okay. And so part of the discussion that you would
20 have had with Monsignor Cullen at that time would have
21 been or he would -- was he Bishop Cullen at this point?

22 A. I don't know.

23 Q. I don't remember. Monsignor I believe still.

24 So it would have been what was Father Brennan's
25 past, what was his future, what were the risks involved;

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2 is that right?

3 A. I don't recall what we discussed.

4 Q. Well, as a general practice, Cardinal, it would
5 have been something that you would have discussed?

6 A. What is the appropriate place for him in view of
7 the report from Saint John Vianney Hospital.

8 Q. Now, do you recall whether or not part of your
9 discussion that you had with Monsignor Cullen at that time
10 was the contents of this letter from --

11 A. I don't recall anything of the meeting.

12 Q. But you would agree with me, Cardinal, that
13 Monsignor Cullen, being in the trusted position that he
14 was, kept you informed of things that were going on with
15 regard to the priests in the Archdiocese if they were
16 significant things; is that right?

17 A. Well, they have to be very significant. As a
18 ~~general rule, yes.~~

19 Q. As a general rule, your policy for operating the
20 Archdiocese -- and this was a policy that was passed on
21 either verbally or inferentially through your
22 subordinates -- was don't surprise me, correct?

23 A. Yes. Generally.

24 Q. Yes. And given the fact that this letter authored
25 by Dr. Fitzgibbons indicated in the last paragraph that

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Father Brennan has very serious problems which might predispose this Archdiocese to major scandal and possibly litigation in the future, that would have been something that we can be confident about was brought to your attention by Monsignor Cullen, correct?

A. The memo was sent to me. Whether it was discussed I cannot recall.

Q. And after the discussions that you had, there was actually an issues meeting that was held on December 1, and there's an excerpt of it, and it's on the second page of grand jury exhibit five thirty-three.

(The witness conferred with his attorney.)

BY MS. MCCARTNEY:

Q. And in that document, it's issues discussed on December 1, 1993, and it says: "His Eminence approved the recommendation as submitted by Father Lynn"; is that right?

A. Yes.

Q. And it also indicates that you provided related comments which were conveyed from Monsignor Molloy to Father Lynn for implementation; is that right?

A. That's what it says.

Q. And those comments are contained on the first page

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2 of that document; is that right?

3 A. I don't know. But these are my observations
4 here. I see other recommendations here, and it could be,
5 but . . .

6 Q. Cardinal, are you familiar with the fact that or
7 can you answer the question as to whether or not this
8 document contains the handwriting of Monsignor Molloy?

9 A. I am . . . I don't know what his handwriting is.
10 I'll be honest with you.

11 Q. Right.

12 A. I mean, but it --

13 Q. I'm sorry.

14 A. It's authentic. I mean, someone in an official
15 position wrote this.

16 Q. Okay. And this memorandum is to Reverend William
17 J. Lynn, and it's from Reverend Monsignor James E. Molloy,
~~18 correct?~~

19 A. Yes. So I presume he wrote this.

20 Q. And the date is December 6, 1993, and it's: "Item:
21 Excerpt from minutes of issues meeting of December 1,
22 1993"; is that right?

23 A. Yes.

24 Q. Okay. And it says: "Please proceed in accord with
25 the attached excerpt"; and then handwritten on this

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2 document, it says: "On 12/2/93 I telephoned Father Lynn
3 from Ventnor to explain the following on this case," and
4 the case would be referring to Father Brennan, right?

5 A. Yes.

6 Q. Okay. It says: "One, okay to assign Brennan to
7 Resurrection Parish provided: A, he is kept as much as
8 possible away from the youth; B, another priest at the
9 parish is to be assigned to all youth activities; C,
10 pastor is to be completely informed of Father Brennan's
11 background and Father Brennan is to be informed that the
12 pastor has been told of his background, Father Lynn should
13 first get Father Brennan's permission to share this
14 information with pastor; D, at the first sign of a
15 suspicious incident, the pastor is to report his
16 suspicions immediately to the clergy office; E, pastor
17 must give Father Brennan close supervision; two, Father
~~18 Brennan is to be told to keep his hands off everyone," and~~
19 that word is underlined. "He is not even to put his hand
20 on someone's shoulder as a sign of congratulations or
21 anything; and three, if dioceses has to react to a public
22 relations crisis in this case, can we say that Father
23 Brennan has been sent away and can we have a statement
24 that he is not a pedophile? Father Lynn is to get a
25 reading on this from legal counsel," and it's signed:

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2 "J.E. Molloy, 12/9/93."

3 Did I read that accurately?

4 A. Yes.

5 Q. And the comments and the things written down there
6 in Father Molloy's handwriting, things that he indicated
7 he conveyed to Father Lynn, they would have been points
8 that he wanted to convey to Father Lynn based upon the
9 issues meeting and what was discussed in the issues
10 meeting; is that right?

11 A. I presume so.

12 Q. So those comments and those restrictions, for lack
13 of a better word, would have been items that were
14 discussed by yourself and Monsignor Cullen that you
15 thought were appropriate as it related to Father Brennan,
16 correct?

17 A. It could very well be. Yes.

~~18 Q. Okay. And so, Cardinal, if I'm correct about this,~~
19 there was a concern on your part with regard to Father
20 Brennan and the fact that he was not to put his hands on
21 anybody; is that right?

22 A. Yes.

23 Q. Did you think that that was appropriate, if you had
24 those kinds of concerns that you had, to in writing put
25 down that he's not to put his hands on anybody?

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2 Did you think it was appropriate to assign him to a
3 parish with a school?

4 A. The recommendation made by the clergy office was
5 based on the psychological report.

6 Q. But again, Cardinal, based upon the psychological
7 report that was handed to you along with the other
8 documents that were handed to you, you had some concerns
9 that you wanted to express to Monsignor Lynn, correct?

10 A. We expressed certain -- those do express certain
11 concerns.

12 Q. So you didn't just take this recommendation, assign
13 him -- just let me finish my question, and I'll give you
14 every opportunity to answers

15 So you didn't just take the recommendation, assign
16 him to Resurrection Parish and rubber stamp it. You had
17 some concerns about Father Brennan, correct? And you
~~18 wanted those concerns addressed, correct?~~

19 A. They were cautions. Yes.

20 Q. And one of the cautions that you felt important
21 enough to make and that you needed to actually verbalize
22 and have it conveyed to somebody was that Father Brennan
23 is to be told to keep his hands off everyone. He is not
24 even to put his hand on someone's shoulder as a sign of
25 congratulations?

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2 A. That's what it says there.

3 Q. And also there was a concern, obviously based upon
4 this document, on your part that there could be a public
5 relations crisis in this case.

6 Where were those concerns coming from, Cardinal?

7 Do you recall?

8 A. I don't recall.

9 Q. So based upon this, would it be fair to say -- and
10 if it's not, please tell me.

11 Would it be fair to say that you thought that it
12 was very possible, given Father Brennan's past and what
13 you knew about him, that there could continue to be
14 problems with regard to him and his relation to children?

15 A. I'm not going to come to that conclusion.

16 Q. Well, what conclusion do you want us to come to
17 based upon the concerns that you've addressed and based
~~18 upon the fact that you thought that it was possible that~~
19 the Diocese could have to react to a public relations
20 crisis, that if there was any kind of suspicious incident,
21 it was to be reported immediately, and that you wanted to
22 get a read, you wanted to have a statement that Father
23 Brennan had been sent away and that he's not a pedophile,
24 and you wanted to have legal counsel evaluate that?

25 What conclusion would you like us to draw based

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 upon those concerns that you had?

3 A. The recommendations that were made came from the
4 diagnosis that he was not a pedophile. The fact that
5 there were cautions doesn't mean that I can predetermine
6 what might happen.

7 BY MR. SPADE:

8 Q. When you're saying that the recommendations came
9 that he was not a pedophile, you're speaking of the
10 Vianney recommendations; is that correct?

11 A. That is correct.

12 Q. And it's also true that we've shown you the
13 document from Dr. Fitzgibbons that had recommendations or
14 at least observations that conflicted with the Vianney
15 report; is that correct?

16 A. Yes. But I don't know whether Dr. Fitzgibbons was
17 able to interview any of those people. I mean, his is
~~18 conditioned. He said if he had this, but he doesn't come~~
19 to a firm conclusion from any kind of interview.

20 Q. Right. And you've testified also that you don't
21 know, in fact, you don't have any recollection of your
22 taking any steps when that letter came to your attention
23 to make sure that Dr. Fitzgibbons had the opportunity to
24 conduct those interviews, correct?

25 A. That is correct. I don't recall any steps being

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2 taken.

3 Q. So certainly at the time that you approved the
4 recommendation that Father Brennan be assigned to
5 Resurrection, which had a K through eight school, you
6 certainly had at the very least incomplete and conflicting
7 evidence as to whether Father Brennan was sexually
8 attracted to minors; is that correct?

9 A. I can't say that.

10 Q. Based on the report from Dr. Fitzgibbons?

11 A. I cannot say that.

12 Q. And you've testified that Dr. Fitzgibbons in your
13 opinion is a competent --

14 A. Yes.

15 Q. -- and good doctor; is that correct?

16 A. Yes.

17 Q. Okay.

~~18 BY MS. MCCARTNEY:~~

19 Q. So, Cardinal, and correct me if I'm wrong, that
20 there were other assignments within the Archdiocese of
21 Philadelphia that did not involve parish work, and there
22 were also parish assignments within the Archdiocese of
23 Philadelphia that weren't connected to schools, correct?

24 A. I don't know at the time.

25 Q. In nineteen ninety --

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1
2 A. I can't say at that time that there were other
3 assignments available.

4 Q. But nonetheless, given the information about Father
5 Brennan that was known to the Archdiocese generally, you
6 specifically, you approved the recommendation that he be
7 assigned as a parochial assistant pastor, rather, a
8 parochial vicar at Resurrection; is that right?

9 A. I approved it at the recommendation of the clergy
10 office.

11 Q. And what did you do, Cardinal, to ensure that those
12 concerns and those observations that you made were
13 completed and followed through on?

14 A. I presume that they followed through on them.

15 Q. And what is that presumption based upon?

16 A. That my staff is a very competent staff.

17 Q. And what are you basing the fact that they're a
18 competent staff?

19 A. From my knowledge of them and my experience with
20 them.

21 Q. Given the history of Father Brennan up to this
22 point, Cardinal, the fact that you were informed that
23 there had been an incident that had occurred with regard
24 to two priests in the Archdiocese of Philadelphia that
25 were assigned to Saint Pius High School, that had come to

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2 the Archdiocese with concerns about behavior that they saw
3 Father Brennan engaging in, you knew based upon your
4 review of the situation that no action was taken on the
5 part of the Archdiocese at that point in time, and that
6 was very shortly after Father Brennan had already been
7 removed as pastor of one parish, sent for treatment, is
8 assigned to another parish and basically begins to engage
9 in the exact same kind of conduct, do you think it's
10 competency not to recommend that anything be done at that
11 point and were you concerned when you realized a couple
12 years later that that activity had happened and that
13 nothing was done?

14 THE WITNESS: May I talk to my lawyer
15 please.

16 MS. McCARTNEY: Sure.

17 (The witness conferred with his
18 attorney.)

19 BY MS. McCARTNEY:

20 Q. If you don't understand my question, Cardinal,
21 because I'll --

22 A. It was a very long question, and it has many, you
23 know, factors in it, and if you could break it down,
24 please.

25 Q. Sure. You said that you presumed that the concerns

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that you had, that were listed out in the memo, were going
3 to be followed through on; is that right?

4 A. Yes.

5 Q. And you've made that presumption based upon the
6 fact that you had confidence in your staff, correct?

7 A. Yes.

8 Q. And that they were competent, correct?

9 A. Yes.

10 Q. And I asked you to think back over the history of
11 Father Brennan; is that right?

12 A. Yes.

13 Q. And I asked you whether or not you ever questioned
14 the competency of your staff when you realized that there
15 had been concern about behavior that Father Brennan had
16 engaged in, specifically the Saint Pius X incident, where
17 your staff had done nothing to address that.

~~18 Did that make you question their competence?~~

19 A. No. I presume they knew more than I did about all
20 of the circumstances.

21 My staff was very concerned also about the safety
22 of children. I mean, I have to rely on them, that they
23 would -- they were just as concerned and anxious to
24 protect children.

25

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2 BY MR. SPADE:

3 Q. What policies and procedures did you put in place
4 to make sure that your staff knew more about these cases
5 than you did and followed up on situations where priests
6 were potentially endangering the welfare of children?

7 A. I'm not sure -- you said what policies for my
8 staff?

9 Q. Did you have any policies on procedures,
10 safeguards, so to speak, to make certain that your staff
11 was actually following up on these cases?

12 A. If there was supervisory policies? No, I didn't
13 have that.

14 Q. In other words, you didn't assign anybody, any one
15 of your subordinates, to check up on Monsignor Molloy or
16 Father Lynn or even Monsignor Cullen at that point?

17 A. I didn't have anyone check up. The Vicar for
~~18 Administration was in an administrative flow line,~~
19 responsible for that, but there was no set policy on that,
20 evaluating them at times or checking on them.

21 Q. And again, if one of your subordinates in this
22 case, Monsignor Molloy or Father Lynn, did not follow up
23 on this situation with Father Brennan and Father Brennan
24 did endanger some children, the ultimate responsibility
25 would have lain with you, correct?

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2 A. I always have the ultimate responsibility.

3 BY MS. MCCARTNEY:

4 Q. Cardinal, not to belabor the point, but did you
5 question the competence of your staff when you learned
6 that not only had nothing been done when the Saint Pius X
7 situation had come to their attention, but that nothing
8 had been done when it was discovered that five students,
9 five seventh grade students, had come to the principal of
10 the school?

11 A. I don't know what reasons they had. I did not
12 question them.

13 Q. But do you think that you should have questioned
14 them and asked --

15 A. I don't recall the circumstances at the time. It's
16 a long time ago.

17 Q. But it's clear from the memo that with the concerns
~~18 and the directives that you spell out, that you don't just~~
19 rubber stamp what your clergy office tells you, that if
20 you think something important needs to be done or
21 addressed more fully than it is in the memos, that you
22 make sure that that information is conveyed, correct?

23 A. I try.

24 Q. Now, Father Brennan gets assigned to Resurrection
25 Parish in five thirty-five.

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2 MR. SPADE: Here you are, Cardinal.

3 (Pause.)

4 BY MS. McCARTNEY:

5 Q. You've been handed grand jury five thirty-five.

6 Have you reviewed that document, Cardinal, or do you need

7 a moment to do so?

8 A. I need a moment, please.

9 Q. Okay.

10 MS. McCARTNEY: It's two fifty-six at

11 this juncture. We said we were going to take a

12 break at three o'clock. Why don't we go ahead and

13 do that.

14 That will give you a chance to review

15 that document.

16 THE WITNESS: Thank you.

17 MS. McCARTNEY: We'll be back in ten

18 minutes.

19 MR. SPADE: Please be back at three

20 ten.

21 (A recess was held.)

22 MS. McCARTNEY: Okay. We're back on

23 record. The time is now three sixteen. Cardinal

24 Bevilacqua is back in the room.

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. MCCARTNEY:

3 Q. Cardinal, when we left off, I had shown you a
4 document which had previously been marked as grand jury
5 five thirty-five, and you took the time during the break
6 to review that document; is that correct?

7 A. Yes.

8 Q. And this is a memo which is written by Reverend
9 Michael T. McCulken, and it's to the file, and it's dated
10 June 11 of 1996, and it's a meeting with Reverend
11 Monsignor Thomas J. Scanlon, and it's regarding Reverend
12 Robert L. Brennan, Parochial Vicar, Resurrection of Our
13 Lord Church, Philadelphia; is that right?

14 A. Yes.

15 Q. And Monsignor Scanlon was the pastor at
16 Resurrection of Our Lord, is that correct, in 1996?

17 A. Yes.

~~18 Q. And this memo deals with the fact that Monsignor~~
19 Scanlon came to meet with Monsignor Reverend McCulken and
20 Father Lynn with regard to some concerns that he had about
21 Father Brennan; is that right?

22 A. Yes.

23 Q. And the first paragraph of the memo says:
24 "Monsignor Scanlon began by saying that he was aware that
25 Father Brennan had had some difficulties in the past but

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2 was not sure exactly what they were."

3 Did I read at that correctly?

4 A. Yes.

5 Q. And it says that Father Lynn explained that Father
6 Brennan was hospitalized because of boundary issues and
7 that he continues in therapy, and he also apparently,
8 Father Lynn, shared with Monsignor Scanlon at that time
9 that Father Brennan was not diagnosed as a pedophile but
10 he had had difficulties with inappropriate boundary
11 issues; is that correct?

12 A. Yes.

13 Q. And it says that Monsignor Scanlon noted that
14 Father Brennan had given evidence of those same
15 difficulties several times in the church sacristy, and it
16 also said: "Monsignor Scanlon continued by saying that
17 examples also occurred in the rectory office."

~~18 He tells Monsignor Lynn and Father McCulken that~~

19 Father Brennan had taken a teenage boy parishioner to the
20 movies and taken two eighth grade boys to lunch at a fast
21 food restaurant.

22 It says: "Monsignor Scanlon stated that the
23 housekeeper, the social minister and a parishioner have
24 come to him with reports. Monsignor Scanlon said that the
25 rectory staff are aware of Father Brennan's background and

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2 that there are rumors about that background. These people
3 have stated that Father Brennan's contacts with young
4 people appear strange. One person described Father
5 Brennan's conversation in the rectory office with one boy
6 as seductive. And as far as Monsignor Scanlon knows,
7 Father Brennan has not had any youngsters upstairs in his
8 room."

9 And Monsignor Scanlon goes on to tell Father Lynn
10 that a sacristan had reported the behavior with regard to
11 Father Brennan as wrestling, i.e., Father Brennan grabbing
12 the boy from behind and pulling him to himself; and it
13 says: "Monsignor Scanlon does not believe there is any
14 parish wide concern, just among the rectory staff," and he
15 goes on to say: "Monsignor Scanlon described the one boy
16 as being very vulnerable and that Father Brennan seems to
17 be focused on two boys particularly."

~~18 Did I accurately read what was in that memo, parts~~
19 of that memo?

20 A. Parts of it, yes.

21 Q. Okay. Now, were you made aware of that
22 information, Cardinal?

23 A. I don't recall it.

24 Q. Well, here we have Father Brennan, who has twice
25 been removed from parishes, and he's placed into another

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 situation based upon your approval with certain conditions
3 supposed to be met as a result of that assignment; and now
4 he's at Resurrection, and the pastor there comes and tells
5 your staff two things: One, that there's the same
6 problems occurring at Resurrection and, two, that the
7 pastor knew nothing about Father Brennan's past?

8 Is that accurate?

9 A. It's not that he knew nothing.

10 Q. Well --

11 A. It says that he's aware of difficulties that he had
12 in the past, was not sure exactly what they were.

13 Q. Okay. That he had difficulties in the past but was
14 not sure about what they were; is that right?

15 A. Yes.

16 Q. Now, based upon the information that you directed
17 Monsignor Molloy to do with Father Lynn, which was to
18 ~~fully inform the pastor, can we assume that was not done?~~

19 A. You have to ask Monsignor Lynn.

20 Q. Well, based upon your reading and interpretation of
21 this memo, can we assume that Father Lynn did not convey
22 to Monsignor Scanlon the extent of Father Brennan's
23 problems?

24 A. I don't know if I can say that.

25 Q. Okay. Well, I'm going to show you a document, and

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2 maybe then we can . . . this is grand jury exhibit five
3 thirty-seven.

4 (Pause.)

5 (The witness conferred with his
6 attorney.)

7 BY MS. MCCARTNEY:

8 Q. Did you have the opportunity to review that?

9 A. Yes.

10 Q. Okay. This is a memo from the Office for Clergy,
11 from the desk of Reverend Michael T. McCulken to the file,
12 dated June 13, 1996, regarding a meeting, and it's
13 regarding Reverend Robert L. Brennan, Parochial Vicar,
14 Resurrection of Our Lord Parish, Philadelphia; and in this
15 memo, it talks about a meeting that was held between
16 Father Brennan, Monsignor Scanlon, Father Lynn and Father
17 McCulken at the Office for Clergy; is that correct?

18 A. Yes.

19 Q. And in this memo, Cardinal, on page two of that
20 memo, it says in the third paragraph: "Father Lynn shared
21 that although his intention was to review with Monsignor
22 Scanlon the issues that Father Brennan is dealing with,
23 when Father Brennan was assigned, this was not
24 accomplished. He also reported that Cardinal Bevilacqua
25 wanted Father Brennan to know that he was never to touch

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2 another child again."

3 Is that what that third paragraph, that portion of
4 it, reads?

5 A. Yes. Yes.

6 Q. And in this memo it talks -- again it goes through
7 some of the things that had come up with regard to
8 Monsignor Scanlon's concerns about Father Brennan; is that
9 right?

10 A. Yes.

11 Q. And it says in this memo that Father Brennan had in
12 fact taken two boys to a Catholic shop for a Sunday
13 missal; is that right?

14 A. Yes.

15 Q. But he says he wasn't the one initiating those
16 ventures; is that correct?

17 A. Yes.

~~18 Q. Okay. And it says also that Father Scanlon, I~~
19 mean, that Father Brennan admitted that he had been out
20 with young people; is that right?

21 A. Yes.

22 Q. And the last page of this document, it says: "At
23 the conclusion of the meeting, Father Lynn noted that the
24 reports shared today raised danger signals for Father
25 Brennan which will help him to be more prudent in the

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2 months ahead," correct?

3 A. Yes.

4 Q. So Father Lynn is indicating that based upon what
5 he's just learned about the activities occurring at
6 Resurrection, that there's danger signals with regard to
7 Father Brennan; is that accurate?

8 A. Are you drawing a conclusion from that?

9 I'm just seeing what it says here, "Father Lynn
10 noted that the reports shared today raised danger signals
11 for Father Brennan," that he became aware of.

12 Q. Do you think that the -- well, let me ask it to you
13 this way, Cardinal.

14 Do you think that the information which is shared
15 now by Monsignor Scanlon to Monsignor Lynn and that the
16 information of his own observations and the observations
17 of the other people on the rectory staff, do you think
~~18 that they raised danger signals with regard to Father~~
19 Brennan?

20 A. I'm just going to say there are things that Father
21 Brennan has to look at, that they -- that they are
22 cautions for him. In other words, I --

23 Q. You wouldn't --

24 A. -- I don't know if Father Brennan realized that
25 they were dangers.

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2 Q. I'm asking you, though, I'm asking you based upon
3 your knowledge of the case and based upon your knowledge
4 of Father Brennan's past and his past behavior and his
5 past treatment and his current behavior based upon this
6 memo, would you say that there were danger signs raised
7 with regard to Father Brennan?

8 A. I have to say that I . . . I have to abide by what
9 Father Lynn said at the time from his hearing from
10 Monsignor Scanlon.

11 Q. I don't really understand that answer, Cardinal,
12 and I apologize, but --

13 A. In other words, to say that I would have
14 interpreted it as danger, I think these were boundary
15 issues. This is what's repeated constantly throughout the
16 memo. They were dealing with boundary issues.

17 Q. Let me ask you, if you could, to refer back to
18 grand jury exhibit five thirty-five. That's the one that
19 you read just before this.

20 A. I have it here.

21 Q. And the last page of that document or the last two
22 pages actually are handwritten notes that are attached.

23 A. Well --

24 Q. Do you see where I'm talking about?

25 A. (No response.)

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2 Q. And presumably they're handwritten notes that were
3 taken and then were put into the actual typewritten form.

4 A. I just skimmed through them. They looked like the
5 notes for the memo.

6 Q. Exactly. If you look on page two of those
7 handwritten notes, at the very top it says: ~~██████████~~, ^{Walt}
8 one boy, "M" equals crossing guard, "F" equals policeman.
9 Not totally masculine, vulnerable. Centering upon two
10 kids. Going out with them."

11 Is that what that says?

12 A. I presume that's what it says there.

13 Is that what it says? "Going out with them"?

14 Q. If you interpret it differently, please --

15 A. No. No. Well, I . . . no, I'll take your word for
16 it.

17 Q. Okay. And that's also indicated in the typewritten
18 memo, where it says: ~~"Monsignor Scanlon described the one~~
19 boy as being very vulnerable and that Father Brennan seems
20 to be focused on two boys particularly," correct?

21 A. Yes.

22 Q. Okay. Now, so is this the answer to my question I
23 asked you originally, Cardinal, that you don't view these
24 as danger signals with regard to Father Brennan?

25 A. I said they're issues that he has to, you know,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 take up with, as he said, himself. They were boundary
3 issues that he has to deal with.

4 Q. Let me ask it to you this way. Maybe we can
5 quantify it.

6 How many children have to be put in the situations
7 that the children that have come in contact with Father
8 Brennan in the past, how many children have to be put in
9 that situation before something is ultimately done with
10 Father Brennan?

11 A. I don't think that's a proper question to ask.

12 Q. Okay. Let me ask you this question.

13 Go back to the document, and I don't know whether I
14 have the number of it, the document where you have
15 approved Father Brennan's assignment to Resurrection
16 Parish and you have directed Monsignor Molloy to give some
17 certain directions to Father Lynn.

~~18 Do you see the document that I'm referring to?~~

19 A. Yes, I do.

20 Q. Yes. Now, Cardinal, again this was a discussed.
21 You authorized Father Brennan's assignment to
22 Resurrection, correct?

23 A. Yes.

24 Q. In doing so, you knew that there was a school
25 attached to that, correct?

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2 A. Well, I presume so.

3 Q. And in doing so, you were fully aware based upon
4 the documents that we've shown you thus far, based upon
5 your conversation at the issues meeting, of what Father
6 Brennan's past had been, correct?

7 A. Yes.

8 Q. And based upon all of those things that you were
9 aware of with Father Brennan, you wanted certain things to
10 be done with regard to his assignment at Resurrection; is
11 that right? And we've already gone through what they
12 were.

13 A. Yes.

14 Q. Okay. And I just want to go through a couple of
15 them.

16 "He is to be kept as much as possible away from the
17 youth." And there's nothing in the memo written in 1996
~~18 to indicate that that was done, correct?~~

19 A. Well, it says: "As much as possible," every effort
20 should be made.

21 Q. Okay. Well, and every effort would be made by
22 informing the people at the parish as to what that
23 restriction was, correct?

24 A. No, I don't -- I can't say that that was required.

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MR. SPADE:

3 Q. By people at the parish, Cardinal, we mean --

4 BY MS. MCCARTNEY:

5 Q. I'm talking about the pastor and any other people
6 that may be in charge in a supervisory way?

7 A. No. His supervisory?

8 Q. Right.

9 A. That would be mainly the pastor.

10 Q. Right. And the pastor -- go to "C."

11 "Pastor is to be completely informed of Father
12 Brennan's background and Father Brennan is to be informed
13 that the pastor has been told of his background. Father
14 Lynn should first get Father Brennan's permission to share
15 this information."

16 That was something that you wanted specifically
17 done, correct?

18 ~~A. Yes.~~

19 Q. And you said that you presumed that your staff was
20 competent, correct?

21 A. Yes.

22 Q. And then we look at the document from 1996 where
23 Father Brennan is zeroing in on two vulnerable boys
24 and --

25 A. Wait. Wait. Wait.

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2 Q. On one vulnerable boy, and zeroing in, based upon
3 Monsignor Scanlon, on two boys in particular?

4 A. Right.

5 Q. And we know that Father Lynn never conveyed any of
6 Father Brennan's background to him.

7 Is there something about that question that's
8 difficult? I'll break it down for you.

9 We know that you indicated that you wanted the
10 pastor to be completely informed of Father Brennan's
11 background, correct?

12 A. Yes.

13 Q. Okay. We know this is 1993, December of 1993, that
14 those instructions are given out, correct?

15 A. Yes.

16 Q. 1996 we have information from the pastor at
17 Resurrection that Father Brennan is engaging in behavior
18 that's concerning to him, correct?

19 A. Yes.

20 Q. And that behavior includes talking seductively to a
21 boy, wrestling with boys, taking boys to the movies, is
22 that right? And out to dinner, correct? That's all
23 contained in the memo; is that right?

24 A. To a dinner? Excuse me.

25 Q. I don't want to misquote, so let me --

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MR. SPADE:

3 Q. To a fast food restaurant.

4 A. Oh, fast food.

5 BY MS. MCCARTNEY:

6 Q. Maybe we can argue whether or not it's good food,
7 but it's out for food, okay, and that we can also -- and
8 I'm sorry. It does say to lunch at a fast food
9 restaurant. I apologize.

10 And that also we know that Father Brennan,
11 according to Monsignor Scanlon, seems to be focused on two
12 boys particularly, correct?

13 A. That's what he said.

14 Q. Okay. Is there a reason for us to disbelieve
15 Monsignor Scanlon?

16 A. I don't know how he's judging that.

17 Q. Okay. But we know from that memo and we know from
18 the conversation with Monsignor Scanlon that Monsignor
19 Lynn never did inform him about the background of Father
20 Brennan, right?

21 (The witness conferred with his
22 attorney.)

23 THE WITNESS: May I read that.

24 MS. MCCARTNEY: Sure. Five
25 thirty-seven, third paragraph, page two.

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2 MR. SPADE: Page two, Cardinal, third
3 paragraph.

4 THE WITNESS: Okay. I don't understand
5 that. "Father Lynn shared that although his
6 intention was to review with Monsignor Scanlon the
7 issues that Father Brennan is dealing with."

8 That is something I think that I'm not
9 sure that I understand. What does it mean? The
10 issues that he is dealing with at that time?

11 BY MS. MCCARTNEY:

12 Q. I mean, I don't think that that's a difficult
13 question, but what do you think about this: "Father Lynn
14 shared that although his intention was to review with
15 Monsignor Scanlon the issues that Father Brennan is
16 dealing with, when Father Brennan was assigned, this was
17 not accomplished"?

18 A. Yes.

19 Q. And we know that the issues that Father Brennan was
20 dealing with when he was assigned was having acted
21 inappropriately towards young boys in his two previous
22 assignments; is that a fair read of that?

23 A. I'd have to say I don't know what -- why Father
24 Lynn stated that and why he did not.

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MR. SPADE:

3 Q. Cardinal, we'll represent to you that from
4 testimony that this grand jury has heard, that it's
5 established on the record that Monsignor Scanlon was never
6 informed by Father Lynn about any of the allegations
7 against Father Brennan from Saint Ignatius Parish, from
8 Saint Mary's Parish, about any of the allegations made,
9 any of the numerous allegations made of inappropriate
10 conduct towards minors on the part of Father Brennan.

11 Will you accept that representation?

12 A. I -- I mean, that's what you have stated.

13 Q. Okay.

14 BY MS. McCARTNEY:

15 Q. So based upon that, Cardinal, we know that your
16 directive with regard to the pastor being fully informed
17 and that the pastor must give Father Brennan close
18 supervision, those things were not done, correct?

19 A. I have to say I don't know what -- why Father
20 Lynn -- he made the statement that he did not, that was
21 not accomplished. I don't know why it was not
22 accomplished.

23 Q. Also, based upon the memo when the assignment
24 was made that Father Brennan is to be told to keep his
25 hands off everyone, he is not even to put his hands on

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2 someone's shoulder as a sign of congratulations or
3 anything, based upon the information coming out of
4 Resurrection, we know that that was not accomplished; is
5 that fair?

6 A. Well, from believing what was alleged, he did
7 wrestle and he did not keep his hands off.

8 Q. Well, let me ask you then. I'm going to go back to
9 a question I asked you earlier.

10 Given that information, do you still have the same
11 confidence in your staff?

12 A. Yes.

13 Q. You do?

14 A. Yes.

15 Q. You don't think that Father Lynn endangered
16 children at Resurrection Parish by not accomplishing those
17 directives that you had set out?

18 A. I cannot reach that conclusion.

19 Q. Do you think and, Cardinal, would it be fair to say
20 that even though these were your instructions to your
21 staff, to make sure that these things were done with
22 regard to Father Brennan -- and ultimately you are
23 responsible. You are the ultimate authority in the
24 Philadelphia Archdiocese. You did nothing to make sure
25 yourself that any of these things were actually carried

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2 out, correct?

3 A. I trusted my staff, and I had, you know, and enough
4 experience with them that generally they carried out the
5 directives they were supposed to carry out and fulfill
6 their responsibilities.

7 Q. Well, but you did nothing to ensure that that
8 occurred, correct?

9 A. My trust in them was the insurance. I trusted
10 them.

11 Q. So the answer is no, you did nothing except for
12 trust them; is that right?

13 A. Well, we have a system of accountability with my
14 Vicar for Administration.

15 Q. What is that system of accountability?

16 A. That was up to him to set it up. I mean he -- I
17 don't know how it works out, but they are accountable to
18 him, who in turn was accountable to me.

19 Q. With regard to Father Brennan, even after these
20 incidents occurred at Resurrection Parish, the same
21 conduct that's been going on now since 1988 in Saint
22 Ignatius, what did you do to address the situation at
23 Resurrection?

24 A. I left it in the hands of my Vicar for
25 Administration and my Secretary for the Clergy.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MR. SPADE:

3 Q. And what did they do, Cardinal?

4 A. I can't remember.

5 Q. To your knowledge, was Father Brennan ever removed
6 as parochial vicar from Resurrection after this incident?
7 Was he ever sent for treatment?

8 A. I'm not aware.

9 Q. Were any restrictions ever placed on him in terms
10 of his conduct, his contact with children from this point
11 forward?

12 A. I'm not aware of that.

13 Q. To this day is he still a parochial vicar at
14 Resurrection Parish?

15 A. I think he is.

16 Q. And this is the same of person that has a rule out
17 pedophilia diagnosis, which we've indicated means that
18 clinical diagnosticians indicated that he showed some
19 tendency toward sexual attraction to minors; is that
20 correct?

21 A. No, I do not accept that. That's not my
22 interpretation of that diagnosis, because in the memo here
23 it says it was ruled out that he was a pedophile.

24 Q. But, Cardinal, you testified yourself that you
25 never took any steps and you never directed your staff to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 take any steps to explain what that diagnosis meant,
3 correct?

4 A. Well, it seemed obvious that it meant that he was
5 not a pedophile. That's my interpretation from reading
6 it.

7 BY MS. MCCARTNEY:

8 Q. But you've indicated several times, Cardinal, that
9 you're not a psychiatrist and that you certainly left
10 certain things to the professionals; is that right?

11 A. That is correct.

12 Q. And if someone had a question as to what a
13 diagnosis meant or the interpretation of a diagnosis,
14 certainly the way to get that information would not be to
15 rely upon it yourself but rather to go to the
16 professionals that you had access to, correct?

17 A. Right. But --

18 Q. And you indicated that you didn't do any of those
19 things with regard to the rule out pedophilia diagnosis,
20 correct?

21 A. I did not because I just accepted his face meaning,
22 ruled out pedophilia.

23 BY MR. SPADE:

24 Q. Okay. You say that you accepted the face meaning,
25 and we've shown you grand jury exhibit five twenty-one,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 which is again a letter from Dr. Fitzgibbons to your Vicar
3 for Administration, Monsignor Cullen; is that correct?

4 A. I've seen this.

5 Q. And you've testified that you believed that Dr.
6 Fitzgibbons is a competent and good psychiatrist; is that
7 correct?

8 A. Yes, as far as I know.

9 Q. And you testified that, according to your words,
10 you took the face value of the rule out pedophilia
11 diagnosis to mean that it meant that Father Brennan was
12 not a pedophile and exhibited no tendencies towards
13 pedophilia, correct?

14 A. I just accepted what it is, and based on my staff
15 with him, which said they ruled out pedophilia at Saint
16 John Vianney.

17 Q. Okay. I want to direct your attention to the last
18 ~~paragraph of five twenty-one where Dr. Fitzgibbons writes~~
19 to Monsignor Cullen: "In view of the recent allegations,
20 my clinical opinion is that Father Brennan has very
21 serious problems which might predispose this Archdiocese
22 to major scandal and, possibly, litigation in the future."

23 Did you accept Dr. Fitzgibbons words at their face
24 value, Cardinal?

25 A. I'm just reading this. I can't make any judgment

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2 on that.

3 BY MS. McCARTNEY:

4 Q. So based upon the documents provided in Father
5 Brennan's case, he was not sent for an evaluation, no
6 action was taken on the part of the Archdiocese based upon
7 the information that they received and ultimately you
8 received from Monsignor Scanlon; is that correct?

9 A. I don't recall what further action was taken.

10 Q. Okay. And the record reflects the fact based upon
11 the priest data profile that Father Brennan is still the
12 parochial vicar at Resurrection; is that right?

13 MR. HODGSON: We don't have that.

14 MS. McCARTNEY: That was the first
15 document I showed you. It's four eighty-five.

16 THE WITNESS: It's not listed here.

17 MR. HODGSON: It's two pages?

18 ~~THE WITNESS: This goes up to~~

19 ninety-three.

20 BY MS. McCARTNEY:

21 Q. It says: "Primary Position." That's under
22 "Current Assignments." Is that right?

23 A. Oh, excuse me. Excuse me.

24 Q. That's okay.

25 A. Yes.

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2 Q. Now, Cardinal, I'm going to show you one further
3 document with regard to Father Brennan.

4 MS. McCARTNEY: Grand jury exhibit
5 1112.

6 (GJ-1112 was marked for
7 identification.)

8 (Pause.)

9 (The witness conferred with his
10 attorney.)

11 (Pause.)

12 BY MS. McCARTNEY:

13 Q. Have you reviewed that document, Cardinal?

14 A. Yes.

15 Q. All right. Before we get to that, I do want to go
16 back and just ask you a few follow-up questions with
17 regard to the 1996 incidents at Resurrection Parish.

18 You were made aware of those issues at Resurrection
19 with regard to Father Brennan; is that right?

20 A. I don't recall them. I really don't.

21 Q. Well, let me ask you this.

22 Based upon the way you had set up the Archdiocese'
23 hierarchy and the chain of command and given the
24 seriousness of the situation that was being addressed by
25 Monsignor Scanlon, would that have been something that

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2 would have been brought to your attention, do you think?

3 A. Not necessarily if it was an ongoing thing. I -- I
4 can't say that. As a general rule, serious matters are
5 brought to my attention.

6 Q. Okay. As a general rule.

7 And would you -- and if I'm wrong, please, I want
8 you to correct me. Would you agree that the incidents
9 occurring with Father Brennan at Resurrection Parish were
10 serious matters?

11 A. They -- they raise boundary issues, as stated in
12 the memo.

13 Q. So with regard to -- and they raise boundary
14 issues, according to you, boundary issues with regard to
15 children; is that right?

16 A. Yes. According to the memo.

17 Q. And you would agree that that's a serious issue,
18 right?

19 A. I'm saying they're boundary issues. The level of
20 severity I cannot make a judgment. They're just
21 recalling -- I'm just seeing what's in the memo.

22 Q. And based upon the way that you had set up the
23 Archdiocese and what information was brought to your
24 attention, you said serious things were brought to your
25 attention.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Would you think that this would be something that
3 would have been brought to your attention?

4 A. It might have been.

5 Q. And also given the fact that you were specifically
6 directed in the memo back in 1993, when Father Brennan was
7 assigned there, that if the Diocese has to react to a
8 public relations crisis in this case, can we say that
9 Father Brennan had been sent away, can we have a statement
10 that he's not a pedophile, clearly with regard to Father
11 Brennan's behavior, there was a concern on your part of a
12 possible public relations crisis, correct?

13 A. Yes.

14 Q. Okay. So based upon that directive that you handed
15 out, based upon the information coming to Monsignor Lynn,
16 is it fair to assume that you were given that information?

17 A. I don't think I can assume that on the basis of
~~18 what you said.~~

19 Q. Okay. Well, let me ask you this, then. I'll ask
20 it two ways, Cardinal.

21 Based upon the information that you know about
22 Father Brennan, do you think that this was information
23 that you should have known about in 1996?

24 Let's assume that you didn't. Let's go with that
25 assumption first.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I left that up to the discretion of the Vicar for
3 the Clergy or my Vicar for Administration.

4 Q. You left it to the discretion of those people who
5 we clearly established in this particular case did nothing
6 that you had directed them to do, correct?

7 A. I can't say that.

8 BY MR. SPADE:

9 Q. Well, Cardinal, if you weren't made aware of this
10 information in 1996, what does it say about the adequacy
11 of the system that you put into place to protect the
12 welfare of children?

13 If this information was not brought to your
14 attention, what does it say about the adequacy of the
15 system that you were responsible for?

16 A. I think the system we had was adequate.

17 BY MS. MCCARTNEY:

18 Q. Well, what did you do, if anything, to make sure
19 that when you gave out specific commands with regard to
20 supervising a priest that had twice been in Saint John
21 Vianney for treatment with regard to incidents involving
22 children, that when you gave out specific directives, that
23 those directives were followed through on?

24 A. I think I answered that, that I did not have any
25 specific administrative process for checking on people.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Well, when you found --

3 A. But I trusted them.

4 Q. I'm sorry. When you found out in this case that
5 those directives that you handed down were not followed
6 through on, what did you do to change that laissez faire
7 attitude, for lack of a better word?

8 A. I thought I said I did not know what I was told.

9 Q. Well, let's assume that you were told, Cardinal.
10 Do you recall doing anything?

11 A. You put an "if" there. If I were told, did I do
12 anything?

13 Q. Right. If you were told, did you do anything?

14 A. Would I?

15 Q. Would you?

16 A. I don't know. I'd have to listen to the whole
17 story. I can't say, you know, what action I would have
18 taken, if any. That's a contingent question.

19 Q. Okay. Cardinal, let's talk about grand jury
20 exhibit 1112. This is a letter that was written to you on
21 April 4, 2002.

22 Did you have a chance to review that document?

23 A. I did.

24 Q. And do you recall receiving that letter? }

25 A. Not at all.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1

2 Q. Are you saying you didn't get it, or are you saying
3 you just don't recall?

4 A. I said I don't recall it.

5 BY MR. SPADE:

6 Q. And the date of this letter is April 4 of 2002,
7 about a year and a half ago?

8 A. Yes.

9 BY MS. McCARTNEY:

10 Q. And you would agree, Cardinal, that the contents of
11 this letter -- and I'm going to summarize them for you.
12 This letter was written by a parishioner of Saint Mary's
13 Parish; is that right?

14 A. I didn't catch that, if you don't mind, but I'll
15 take your word for it. It's in there. I scanned through
16 this.

17 Q. It talks about the fact that this parishioner is a
18 single mother with four children. It talks about the fact
19 that she had become aware back at the time that Father
20 Brennan was at Saint Mary's that he had done some things,
21 that a boy in particular had told this parishioner that
22 Father Brennan was touching him and making him
23 uncomfortable, that he played inappropriate games with all
24 the altar boys and that he offered them food and rewards
25 for participating, and she indicates that the boy that she

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 spoke with was new to the neighborhood and he was an altar
3 boy; is that right?

4 A. That's what you're reading, yes.

5 Q. And she talks about the difficulty that she
6 witnessed with regard to this child telling his parents
7 about this incident; is that right? These incidents,
8 correct?

9 A. Yes.

10 Q. And she also talks about the fact that after the
11 mother of that child informed the vicar and that there was
12 a threat made that the local papers would be called unless
13 Father Brennan was removed from the parish, that he was in
14 fact removed, according to the information she provides to
15 you; is that right?

16 (The witness conferred with his
17 attorney.)

18 BY MS. MCCARTNEY:

19 Q. That's what she says, correct?

20 (The witness conferred with his
21 attorney.)

22 THE WITNESS: Yes. This says up here
23 that he was treated for Lyme disease.

24 BY MS. MCCARTNEY:

25 Q. "The mother was on the phone to the vicar and

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 informed him of the situation. She told him that either
3 this priest will be removed from our parish the following
4 day or all the local papers and The Philadelphia Inquirer
5 would get the whole story. The following Sunday at Mass
6 we were encouraged to pray for poor Father Brennan because
7 he was being treated for Lyme disease and was very sick
8 and would be gone indefinitely."

9 A. I see that.

10 Q. "I was outraged. How could this priest, a
11 representative of the Church, stoop so low to cover for
12 this evil act? I remember looking at my children and just
13 didn't have an explanation. I was shocked, disappointed,
14 but most importantly, I felt the foundation of my belief
15 shatter. I went through a period where I doubted my
16 faith, considered changing religions, and visited other
17 churches."

18 ~~And she goes on to say that she "loves my Catholic~~
19 ~~faith and I'm very devoted to its teachings. However, I~~
20 ~~have huge concerns over priests and bishops who have~~
21 ~~authority over my children, for my respect for them is in~~
22 ~~question."~~

23 She talks about those things in her letter; is that
24 right?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Have you no recollection of receiving this letter,
3 Cardinal?

4 A. No, I do not.

5 BY MR. SPADE:

6 Q. Cardinal, you see in the second paragraph of this
7 document where the writer, Mrs. ██████████, says: "About
8 eight years ago I was aware of a legal issue"?

9 Do you see that?

10 A. The second paragraph, first page?

11 Q. First page, second paragraph. It starts out:
12 "About eight years about ago, I was aware of a legal
13 issue."

14 A. Yes.

15 Q. And then if you drop down further in that
16 paragraph, maybe about ten sentences up from the bottom,
17 it says: "About a year later, I was driving home from
18 church with a carload of kids in the back."

19 Do you see that?

20 A. Yes.

21 Q. "And I heard snickering and talk that made me
22 curious," and then she goes on to relate that one of her
23 daughters' friends, a boy, told her that Father Brennan
24 was touching him and making him uncomfortable and playing
25 inappropriate games with all the altar boys.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Do you see that?

3 A. Yes.

4 Q. Now, so that would have been, if we're reading
5 this, if my math is correct, Cardinal, she's talking there
6 about seven years from 2002. So that would have been
7 about 1995; is that correct?

8 A. (No response.)

9 Q. Seven years before 2002 was about 1995?

10 A. Well, yes.

11 Q. Okay. And that's just two or three years after
12 Father Brennan had the trouble in Saint Mary's with
13 inappropriate touching of boys and inappropriate contact
14 with boys; is that correct?

15 A. Excuse me. What are you saying? Two or three
16 years?

17 Q. 1995 would have been about two or three years after
18 Father Brennan was accused of inappropriate conduct with
19 several of the boys in Saint Mary's Parish; is that
20 correct?

21 A. I guess it would be around that time.

22 Q. In other words, he accused of that behavior in
23 1992, correct?

24 A. It would seem he was in Saint Mary's Parish at the
25 time.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Right. Now, would you agree with me, Cardinal,
3 that this boy that was talking to Mrs. ██████████, that
4 it's a fair inference that this boy that was talking to
5 Mrs. ██████████ may have been one of those boys from Saint
6 Mary's Parish that Father Brennan was touching
7 inappropriately?

8 In fact, it says it in the letter, that he was one
9 of the boys in Saint Mary's Parish, correct?

10 A. That's what the letter says.

11 Q. Right.

12 A. I'm trying to place this in a time range, if you
13 don't mind.

14 Q. Sure. Take your time.

15 (Pause.)

16 (The witness conferred with his
17 attorney.)

18 BY MR. SPADE:

19 Q. Cardinal, you're referring to GJ-485, right? The
20 priest data profile sheet; is that correct?

21 A. I'm looking to find the time here.

22 Q. Okay. If you look back at four eighty-five, that's
23 the last assignment that Father Brennan had before his
24 health leave, listed on there was Saint Mary's Parish,
25 Schwenksville, correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Correct.

3 Q. And it's listed as June of 1990 to September of
4 '92, correct?

5 A. Right.

6 Q. And from the other documents that we've shown you,
7 the allegations that came forward on the part of these
8 boys at Saint Mary's against Father Brennan were in 1992,
9 correct, and that's why in fact he was removed from Saint
10 Mary's?

11 A. (No response.)

12 Q. Correct?

13 A. Well, it would seem that from the second page when
14 he was removed then.

15 So you're placing this -- this is all in between
16 '90 and '2, then.

17 Q. Right. Right. All I'm asking you, Cardinal, is:

18 This boy that Mrs. ██████████ refers to here, is it a fair
19 inference that this was one of the boys making the
20 allegations against Father Brennan at that time, or this
21 was one of the boys at Saint Mary's Parish that he was
22 engaging in inappropriate contact with?

23 A. I don't assume anything. I mean, this is what she
24 says.

25 Q. Okay. Is it fair to assume, Cardinal, that this

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 boy again was somewhere in the age range of maybe ten to
3 fifteen years old at the time that he was telling Mrs.

4 this?

5 A. Well, she's talking about a boy.

6 Q. Right.

7 A. That's the most I can . . .

8 Q. Right. Boy generally refers to -- she didn't say
9 teenager. She said a boy, correct?

10 A. That's the term she's using.

11 Q. Right.

12 A. I can't make any judgment from what she says.

13 Q. Okay. Well, my ultimate question to you, Cardinal:
14 Is it fair to assume that in 2002, seven years later, say
15 the boy was twelve or thirteen at this time, that he would
16 have been about twenty, twenty-one in 2002 when you got
17 this information?

18 A. This --

19 Q. He would have been in his late teens or early
20 twenties at the time that you got this information seven
21 years later?

22 MR. HODGSON: I don't think you mean
23 that.

24 THE WITNESS: Excuse me.

25 MR. SPADE: Counsel, if the witness

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 wants to confer --

3 MR. GALLAGHER: Let him answer. Let

4 him answer.

5 Go ahead, Cardinal.

6 THE WITNESS: I'm -- I'm not following

7 what you're saying, if you don't mind.

8 BY MR. SPADE:

9 Q. If the boy --

10 A. She's talking about an incident.

11 Q. That happened around 1994 or 1995 with a boy,

12 correct?

13 A. I got all confused in this one. If you don't mind.

14 Q. Well, she's talking about --

15 MR. GALLAGHER: No. Wait. Let him

16 read it.

17 MR. SPADE: Oh, I'm sorry.

18 I didn't know that you wanted to read

19 it.

20 (Pause.)

21 (The witness conferred with his

22 attorney.)

23 (Pause.)

24 THE WITNESS: This letter here that

25 this woman is describing is talking about when he

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 was in Saint Mary's?

3 BY MR. SPADE:

4 Q. She's talking about -- we've established that she's
5 talking about the time period of 1995, correct?

6 A. Well, I don't know.

7 Q. She says seven years ago, and the letter is dated
8 2002?

9 A. But seven years ago he was -- seven years before he
10 was not in Saint Mary's.

11 Q. No, I'm not saying that he was in Saint Mary's
12 then, Cardinal. I'm just saying that she's talking about
13 a timeframe of 1995, correct?

14 A. If she says -- if she says it was seven years ago?

15 Q. Yes.

16 A. Eight years ago.

17 Q. And then later on, she says about a year later,
18 which would be seven years ago, correct?

19 A. Eight years would be '94.

20 (The witness conferred with his
21 attorney.)

22 BY MR. SPADE:

23 Q. I'm not asking whether he was pastor at Saint
24 Mary's at that time, Cardinal. I'm just asking you she's
25 talking about a boy?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Well, she says here: "I was aware of a legal issue
3 involving the pastor of my church."

4 What pastor is she referring to there?

5 Q. I don't know, Cardinal. I'm just asking you.

6 She brought to your attention some allegations that
7 a boy was making against Father Brennan in the 1995 time
8 period, correct?

9 A. Go ahead.

10 Q. Is that correct?

11 A. It seems to be.

12 Q. Okay. And I'm just asking you is it likely -- she
13 refers to a boy, correct?

14 A. Yes.

15 Q. So it's likely that this boy was somewhere in the
16 ten, twelve, ten, eleven, twelve age?

17 A. I don't know.

18 Q. Okay. All right.

19 MR. SPADE: No further questions.

20 MS. MCCARTNEY: It's 4:05 P.M. We will
21 break for the day.

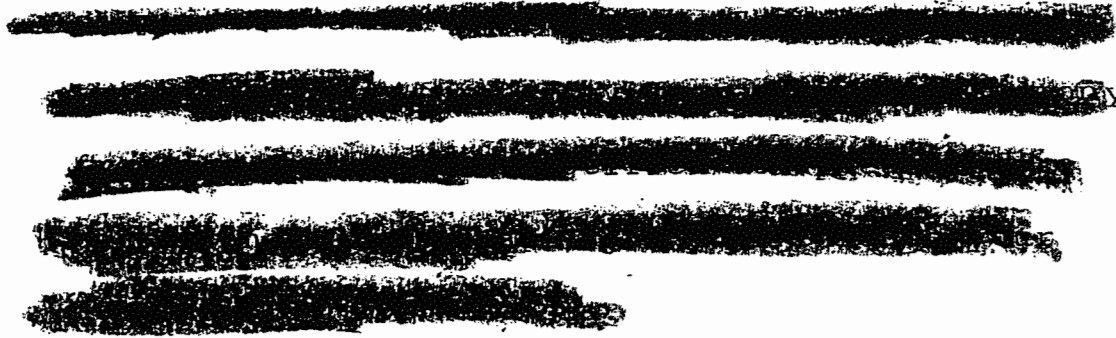
22 Could the foreperson advise the witness
23 of his continuing subpoena.

24

25

ANTHONY JOSEPH CARDINAL BEVILACQUA

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Do you understand that?

THE WITNESS: Yes.

GRAND JURY FOREPERSON: Thank you.

MS. McCARTNEY: Cardinal, just so
you're aware, tomorrow morning we intend to begin
our questioning with regard to Father Cudemo.
Okay.

THE WITNESS: Okay.

(Witness excused.)

(Hearing concluded.)

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EXAMINATION BY MR. SPADE

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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

APPENDIX H-7

19-144

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

IN RE: : MISC. NO. 0300-239
:
COUNTY INVESTIGATING :
GRAND JURY XIX : C-1

December 5, 2003

Room 18013, One Parkway
Philadelphia, Pennsylvania

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

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE
Deputy District Attorney

WILLIAM SPADE, ESQUIRE
Assistant District Attorney

MAUREEN MCCARTNEY, ESQUIRE
Assistant District Attorney

For the Commonwealth

PRESENT:

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

Reported by: Charles Holmberg
Official Court Reporter

VOLUME I

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

5 We have?

6 C

7

8

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

11 ---

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

15 ---

16 BY MS. MCCARTNEY:

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

19 A. Yes. Cardinal Anthony Bevilacqua.

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

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

4 THE WITNESS: Yes. We appeared there.

5 BY MS. McCARTNEY:

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

8 A. Yes.

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

11 A. Yes.

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

15 A. Yes.

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

18 A. Yes.

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

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

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. MCCARTNEY:

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

7 A. Yes.

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

11 A. That is correct.

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

14 A. Yes.

15 Q. Over a period of time --

16 A. Gradually.

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

19 A. The administration. Yes.

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

23 A. Yes.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Secretary of Clergy; is that correct?

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

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

8 A. Yes.

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

11 A. Yes.

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

14 A. How I chose them?

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

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

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

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

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

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

25 Q. Okay.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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

17 A. Yes. It would be one of them.

~~18 Q. Okay. And knowing that it was going to be one of~~
19 his functions, what did you do to require that Monsignor
20 Jagodzinski had any type of skill level with regard to
21 dealing with victims of sexual abuse or any type of
22 educational classes that dealt with psychology or dealing
23 with these issues generally or specifically?

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

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 Q. Now, you also said one of the other changes that
3 you made in the Archdiocese was to set up the regional
4 vicar situation; is that right?

5 A. Yes.

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

8 A. That is correct.

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

11 A. Yes.

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

14 A. Yes.

15 Q. And the --

16 A. And others.

17 Q. And others.

~~18 And the purpose of the Priest Personnel Board was~~

19 to discuss appointments of priests throughout the
20 Archdiocese of Philadelphia. That was one of their
21 functions. Is that correct?

22 A. That's one of the major functions.

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

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2 correct?

3 A. Generally.

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

6 A. Yes.

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

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

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

11 A. Right.

12 Q. -- that would be done?

13 A. Generally.

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

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

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

21 A. Yes.

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

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

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

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

14 Q. And be --

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

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

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

25 A. That comes under the factor of spiritual.

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

A. We -- yes.

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

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

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

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

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

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

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

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

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

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

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

9 Q. And did you?

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

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

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

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

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

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

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

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

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

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

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

24 A. That was known.

25 Q. How was it known, Cardinal?

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

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

5 A. No.

6 Q. Do you recall who had it?

7 A. No.

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

9 A. No.

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

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

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

16 A. It was understood.

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

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

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

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

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

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

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

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

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

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

17 A. I don't recall.

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

23 A. Yes. Every diocese to have one.

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

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2 A. No. No.

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

7 A. (The witness nodded.)

8 Q. Yes?

9 A. Yes.

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

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

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

~~18 A. Yes.~~

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

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

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

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

8 A. No, I did not.

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

11 A. In general, yes.

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

14 (Pause.)

15 Cardinal, let me just ask you.

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

19 A. Yes.

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

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

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

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

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

12 A. Correct.

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

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

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

19 A. I always have the ultimate --

20 Q. Authority?

21 A. -- authority.

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

25 A. Yes.

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

A. I don't recall.

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

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

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

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

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

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

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

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2 with children? Would that have factored in?

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

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

9 A. Yes.

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

14 A. Would you repeat that, please.

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

18 A. That there was a problem with children?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2 A. (No response.)

3 Q. You referred to the usual criteria.

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

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

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

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

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

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

20 A. Right.

21 Q. But --

22 A. But --

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 investigated.

3 Q. And what was the procedure for investigation?

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

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

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

11 A. Yes.

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

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

17 Q. So is it fair to say then, in terms of your
18 Secretary for Clergy and the other people making these
19 credibility determinations, that they really had no
20 guidance when you first took office as the Archbishop of
21 Philadelphia, they really had no guidance as to how to
22 determine whether an allegation was credible or not
23 credible?

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

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

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

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

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

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

18 MS. McCARTNEY: '93.

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

22 BY MS. McCARTNEY:

23 Q. Let me ask you, Cardinal.

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

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

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

10 Q. Okay.

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

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

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

17 A. Possibly.

18 Q. Possibly?

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

21 Q. Whose case was that?

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

23 Q. Oh, okay.

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

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

6 Q. Okay.

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

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

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

14 A. I don't recall it.

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

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

22 Are you familiar with those documents, Cardinal?

23 A. No.

24 Q. Have you ever seen those documents before?

25 A. Not that I recall, no.

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

6 You never saw those documents before?

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

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

10 A. I don't recall them.

11 Q. Okay.

12 A. You want me to read them?

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

16 A. Okay.

17 (Pause.)

18 ~~(The witness conferred with his~~

19 ~~attorney.)~~

20 BY MS. McCARTNEY:

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

23 A. I have.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

4 (The witness conferred with his
5 attorney.)

6 THE WITNESS: Yes.

7 BY MS. MCCARTNEY:

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

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

14 A. (No response.)

15 Q. Is that correct?

16 A. I've seen these.

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

19 A. I presume so.

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

22 A. Yes.

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

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2 Archdiocese of Philadelphia in 1963.

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

5 A. Yes.

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

9 A. Yes.

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

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

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

17 A. That's what it says.

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

20 A. That's what it says.

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

23 A. Yes.

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

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2 that right?

3 A. That's what it says.

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

5 Correct?

6 A. That's what it says.

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

10 Is that what this document says, Cardinal?

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

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

14 A. I presume so.

15 Q. You presume so.

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

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

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

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

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

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

3 A. That's what it says.

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

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

9 A. That's a possibility. Yes.

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

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

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

20 A. That's right.

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

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

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

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

A. Yes.

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

A. Yes.

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

A. Yes.

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

A. Yes.

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

A. Yes.

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

A. That's what it says. Yes.

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

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

4 A. Yes.

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

8 A. (No response.)

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

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

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

14 A. Yes.

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

16 A. Yes.

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

18 ~~extremely careful in his behavior with girls from then~~

19 on"; is that right?

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

22 Q. Pardon me?

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

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

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

3 A. That's the word used, yes.

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

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

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

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

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

~~18~~ Cosmas and Damian, that one afternoon Father Cudemo had
19 taken a young girl to his room for half an hour with the
20 door closed.

21 That's what it says, correct?

22 A. Yes.

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

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1
2 A. Yes.

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

6 A. (No response.)

7 Q. According to what this document says?

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

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

12 A. Yes.

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

15 A. I presume so.

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

18 A. I have to presume that.

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

22 A. Yes.

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

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

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

4 Yes.

5 A. Yes.

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

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

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

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

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

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

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

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

19 A. Yes.

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

24 That's what it says, correct?

25 A. That's what it says.

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

6 A. (No response.)

7 Q. According to the priest profile sheet?

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

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

11 A. According to this, yes.

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

19 that right?

20 A. That's what it says.

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

24 A. Yes.

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

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

4 A. Yes.

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

6 A. Yes.

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

9 A. Yes.

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

13 A. Yes.

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

16 A. I . . . yes.

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

22 A. Generally, yes.

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

25 This document says that there was a woman and her

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

3 A. Yes.

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

8 A. That's what it says.

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

13 A. That's what it says.

14 Q. Paragraph two.

15 A. Yes. I see it.

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

~~17 confided in her since as early as June of 1975, that she~~
~~18 has been associating with Father Cudemo.~~ ^{Dance} noted
19 that ^{Emily} revealed to her at that time that the two were
20 having sex"?

21 A. That's what it says.

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

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2 A. That's what's indicated.

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

5 A. I presume so.

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

9 A. That's what it states.

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

14 A. That's what it states.

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

17 "Both the mother and the daughter" -- and in that
18 sense, we're referring there to ^{Emilys mother} and her
19 daughter ^{Emily}.

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

24 So that's what it says, correct?

25 A. That's what it says.

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

7 A. That's what it states.

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

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

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

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

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

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

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

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2 later.

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

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

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

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

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

23 A. I -- I did not.

24 Q. Is that what you did?

25 A. I trust my staff.

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

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

7 A. It's not anonymous.

8 Q. It's anonymous.

9 A. Right.

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

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

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

17 A. (No response.)

18 Q. It would have been, correct?

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

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

23 BY MR. SPADE:

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

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

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

9 A. I mean, a school keeps records.

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

12 (The witness conferred with his
13 attorney.)

14 BY MR. SPADE:

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

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

18 Q. I'm sorry. What?

19 A. I gave an answer to your question.

20 BY MS. McCARTNEY:

21 Q. And your answer is what, Cardinal?

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

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

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

9 A. I need to ask a clarification.

10 Q. Okay.

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

14 Q. I'm sorry?

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

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

19 (The witness conferred with his
20 attorney.)

21 BY MS. McCARTNEY:

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

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2 A. Okay.

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

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

11 (The witness conferred with his
12 attorney.)

13 THE WITNESS: It is possible. Correct.

14 BY MS. MCCARTNEY:

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

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

21 A. That's always possible.

22 Q. It's always possible, correct?

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

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

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

8 A. He said it was all innocent.

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

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

17 A. Yes.

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

20 A. That's what it says there.

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

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

24 Q. He had to be transferred, right?

25 A. (No response.)

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Q. His residence would have to be transferred?

A. His residence.

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

A. That's what it says, states.

Q. Presumably so, right?

A. Yes.

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

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

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

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

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

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

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

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2 question?

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

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

8 (The witness conferred with his
9 attorney.)

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

12 BY MS. McCARTNEY:

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

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

16 A. Not that I recall.

17 (Pause.)

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

20 BY MS. McCARTNEY:

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

23 A. Yes. Yes.

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

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

6 A. That's what he says.

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

9 A. Yes.

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

13 A. Yes.

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

16 A. Yes.

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

21 A. Separate places.

22 Q. Separate places; is that right?

23 A. Yes.

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

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1
2 A. Yes.

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

7 A. That's what it says.

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

10 A. That's what it says.

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

14 A. That's what it says.

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

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

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

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

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1
2 piety, compassion, humanity?

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

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

7 Q. Okay.

8 A. Not about this.

9 Q. Not about Father Cudemo?

10 A. No. I have to say here that this goes back to
11 1977.

12 Q. Yes.

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

17 Q. Yes.

~~18 A. But even if you have certain suspicions, remember~~
19 here he states that he would obey without any reservation
20 the Chancery's directive. He will do anything he is told
21 to do.

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

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

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

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

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

15 Q. Let me ask you.

16 A. Sorry.

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

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

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

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

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

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

9 Q. Okay. That's fine.

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

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

18 A. Well, wait a minute.

19 Q. Because the second --

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

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

25 ~~_____~~

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

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

8 A. Yes. I know that.

9 Q. Okay. So --

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

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

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

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

18 A. I have to say yes.

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

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

4 That's what you're saying, correct?

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

8 Q. It has less credibility?

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

11 Q. Okay.

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

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

23 A. I did not say that.

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

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2 A. I don't see that.

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

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

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

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

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

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

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

6 A. I did not say that.

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

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

10 Q. I understand that.

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

14 BY MR. SPADE:

15 Q. But you're confident that your Secretary of Clergy
16 at the time in 1989 that you approved the recommendation
17 to appoint Father Cudemo as pastor, you're confident that
~~18 your Secretary of Clergy at that time would have gone back~~
19 to research the file to make sure that Father Statkus had
20 indeed investigated these allegations so that he, Father
21 Jagodzinski, was confident that these allegations were in
22 fact incredible, right?

23 A. I can't . . .

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

7 BY MS. McCARTNEY:

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

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

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

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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

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

19 (The witness conferred with his
20 attorney.)

21 BY MS. McCARTNEY:

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

5 Q. All right.

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

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

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

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

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

24 A. I don't recall any.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 is that right, of King of Peace in 1989?

3 A. I appointed him.

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

6 A. That's what it states there.

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

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

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

16 A. Yes.

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

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

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

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that; is that right?

3 A. Yes.

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

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

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

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

17 Were you aware of that?

18 A. I can't recall that.

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

24 A. No.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I can't recall it.

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

5 (Pause.)

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

9 MR. GALLAGHER: Make it two.

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

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

19 Two o'clock. Okay.

20 (A luncheon recess was held.)

21 ---

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ANTHONY JOSEPH CARDINAL BEVILACQUA

AFTERNOON SESSION

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

[Redacted text block covering lines 7 through 19]

(No response.)

[Redacted text block covering lines 21 through 25]

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[Redacted text block containing 25 numbered lines, with some legible fragments like 'Six.', 'e.', 'g.', and 'a.']

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GRAND JUROR

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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(Pause.)

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

(Pause.)

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

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

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MS. McCARTNEY: Which constitutes a quorum.

BY MS. McCARTNEY:

Q. Good afternoon, Cardinal.

A. Good afternoon.

ANTHONY JOSEPH CARDINAL BEVILACQUA

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

Did you have the opportunity to review them?

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

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

A. Okay.

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

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

A. I do not.

Q. Okay.

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

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

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

First, what is your recollection of the situation

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1 involving Father Cudemo?

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

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

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

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

19 A. Of being?

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

24 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

10 A. No.

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

12 A. No.

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

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

17 A. If you give me a moment.

18 Q. Sure.

19 (Pause.)

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

25 And she initially said that she came out of concern

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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

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

24 A. Yes.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

4 A. Yes.

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

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

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

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

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

22 Q. What's the condition?

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 context.

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

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

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

20 A. What you read?

21 Q. Correct.

22 A. Yes.

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

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2 A. Yes.

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

5 A. Yes.

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

10 A. Yes.

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

14 A. Yes.

15 Q. Now, Cardinal, can you tell us in light of those
16 questions why it is that Father Cudemo was, based upon the
17 secret archive file, never questioned about the situation
18 with ^{Marion} [REDACTED]?

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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

13 A. Yes. Because you cannot mandate it.

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

~~18 A. Ordinarily, yes.~~

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

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

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

ANTHONY JOSEPH CARDINAL BEVILACQUA

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2 recommendation were in this particular case?

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

4 Q. What would that be?

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

16 So I'm presuming that they were investigating at
17 this time, but I -- I don't recall. But I'm sure that
~~18 they were taking action.~~

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

24 A. Yes.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 reflects?

3 A. Yes. I accept that.

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

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

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

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

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

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

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 request, correct?

2 A. Not always, but most do.

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

6 A. Thank you.

7 Q. Is that right?

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

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

17 ~~18 A. I have to say that again I rely on my Secretary for~~
19 the Clergy, that he would make that recommendation.

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

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

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

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

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

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

11 A. I know about that.

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

17 A. Documented allegations, please.

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

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

ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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

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

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

17 A. But they -- I have to say that they made a judgment
18 ~~and I don't know -- they were investigating, I'm~~
19 presuming, in preparation for the evaluation and to
20 make -- and to get him to be evaluated and perhaps in
21 their minds was trying to get enough information in order
22 to ask him to resign. That's all. That could have been
23 part of their strategy.

24 BY MR. SPADE:

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

ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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

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

20 A. I'm sure he was.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

6 Q. Yes.

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

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

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

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

14 Q. Okay.

15 MR. SPADE: That's all.

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

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

19 BY MR. GALLAGHER:

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

5 Q. Right.

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

8 (Pause.)

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

11 BY MS. MCCARTNEY:

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

14 MR. GALLAGHER: The page before.

15 BY MS. MCCARTNEY:

16 Q. "I asked him if he were willing to be tested and
17 have an evaluation. He said that he was willing and that
~~18 I had offered that last year. I stated that in this case~~
19 it would be good to have because the allegations were very
20 specific. I then explained the nature of the evaluation
21 at Saint Luke's Institute."

22 A. I see that.

23 BY MR. GALLAGHER:

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

ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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

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

16 A. I cannot answer that question.

17 Q. Why can't you answer it?

~~18 A. It's contingent. I don't know -- because I don't~~
19 know what they would -- I would have asked them.

20 Q. Well, you got a guy --

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 said would have been a good reason?

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

8 What would you have said to them?

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

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

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

16 A. Yes.

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

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

5 Q. Can you remember what the reasons were?

6 A. No.

7 Q. Okay.

8 BY MS. McCARTNEY:

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

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

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

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

23 A. Page twenty-nine?

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

25 (The witness conferred with his

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 attorney.)

3 THE WITNESS: I see it. Forgive me.

4 BY MS. MCCARTNEY:

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

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

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

11 Doesn't necessarily mean that --

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

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

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

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

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 reasons for their . . .

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

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

11 Do you think that that's competent?

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

14 BY MR. GALLAGHER:

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

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

17 Q. Why not?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ANTHONY JOSEPH CARDINAL BEVILACQUA

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2 A. Yes.

3 Q. Why?

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

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

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

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

20 Q. Okay.

21 BY MS. McCARTNEY:

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. And I informed you earlier --

3 A. And that could happen today, too, that it could be.
4 Today it could be considered competent, too.

5 BY MR. GALLAGHER:

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

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

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

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

15 Q. Sure.

16 A. -- to discuss something with him.

17 Q. Sure.

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

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

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

ANTHONY JOSEPH CARDINAL BEVILACQUA

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competent at that time.

BY MR. SPADE:

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

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

BY MS. MCCARTNEY:

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

^{Donna} [redacted] ^{Donna's Father} [redacted] ^{Ruth} [redacted]

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

A. Yes, I remember that.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 situation, she stated," and I'm referring to ~~_____~~ Donna

3 ~~_____~~ "seems ridiculous."

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

6 A. Yes.

7 (The witness conferred with his
8 attorney.)

9 BY MS. MCCARTNEY:

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

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

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

18 A. ~~Four four seven? First page?~~

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

20 A. Excuse me. October 24?

21 Q. October 24.

22 A. This is the first page.

23 Q. The first page.

24 A. The last lines.

25 Q. The second paragraph.

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1 A. Oh, I'm sorry.

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

4 A. I see it.

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

9 A. Yes.

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

13 A. Yes.

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

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

1 ANTHONY JOSEPH CARDINAL BEVELLACQUA

2 pending the evaluation report."

3 You see that?

4 A. Yes.

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

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

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

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

16 Q. You didn't ask him -- you didn't give him the
17 opportunity to deny your request to remove himself from
~~18 the parish at that time, though, correct? No one asked~~
19 him to?

20 A. I don't know if they did.

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

23 A. I say I don't know.

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

25 A. I understand.

ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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

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

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

4 A. That's why they wanted him evaluated.

5 Q. And the victims --

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

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

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

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

15 (Pause.)

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

18 (Pause.)

19 (The witness conferred with his
20 attorney.)

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (A recess was held.)

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

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

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

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(A discussion was held off the record.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (Pause.)

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

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

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

13 BY MS. McCARTNEY:

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

17 A. I did.

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

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

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

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

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

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

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

19 A. Yes.

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

22 A. Yes.

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

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Sister Irene

Peggy

2

3

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

5

A. It's dated November 5?

6

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

8

A. It's directed to me.

9

Q. Okay. And it talks about the fact that they
10 believe that Father Cudemo has sexually and
11 psychologically abused girls and young women for the past
12 twenty years; is that right?

13

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

14

Q. And they talk about how his criminal and immoral
15 conduct constitutes a pattern of abuse which makes him a
16 present real danger to other girls and women; is that
17 right?

18

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

19

~~you're on.~~

20

Q. I'm page one, paragraph two.

21

A. All right.

22

Q. Is that right?

23

A. Yes.

24

Q. And it talks about how they believe that the
25 Archdiocese has a moral and a legal duty to remove that

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

2 A. That's what it says.

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

8 A. That's what they say.

9 Q. Do you disagree with that?

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

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

13 A. I'm not making a judgment.

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

15 A. I can't answer the question.

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

19 A. That's what it says.

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

24 A. You're on page?

25 Q. I'm on page sixty.

ANTHONY JOSEPH CARDINAL BEVILACQUA

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

4 Q. It's Bates stamped.

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

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

7 What paragraph, please?

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

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

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

9 Q. Well --

10 A. They are summarizing an interview.

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

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

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

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

22 A. I don't know.

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

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

4 A. I can understand their being upset.

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

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

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

13 Was that the --

14 A. Where are you reading from?

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

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

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

23 A. Where are we?

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

25 A. I see that.

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2 Q. You see where I'm talking about?

3 A. "Our immediate concern"?

4 Q. Yes. And they also write: "Our complaints are
5 reason enough to suspend Father Cudemo. Reliance on the
6 age of our complaints to avoid taking immediate action
7 conveniently ignores the information provided by Ms.
8 [REDACTED]. To ask us how we know whether Father Cudemo has
9 not been grown up and is not doing it anymore reflects a
10 mindset which is demeaning to us and pathetically
11 self-deceptive. It shows a regrettable lack of
12 sensitivity and a basic ignorance of the area of child
13 abuse and sexual misconduct."

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

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

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

25 A. (No response.)

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

3 A. Yes.

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

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

12 Q. Sure.

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

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

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

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

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

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

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

5 A. That's what it says here.

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

9 A. I don't know.

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

11 A. That's right.

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

15 A. No.

16 Q. Would there --

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

19 Q. Well, this --

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

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

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

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

4 BY MR. SPADE:

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

9 A. Yes.

10 Q. You would agree that this is --

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

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

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

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

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

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

6 A. Sorry.

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

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

11 BY MS. MCCARTNEY:

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

13 A. Final decisions of their recommendations.

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

19 A. Yes.

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

23 A. Yes.

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

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

4 A. Yes.

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

8 A. Yes.

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

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

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2 Is that correct?

3 A. That's what it says.

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

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

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

16 A. That's what it says there.

17 Q. And there's no mention in that paragraph about
~~18 what's good for the victims or what's good for the~~
19 children, correct?

20 A. (No response.)

21 Q. It's not in that paragraph?

22 A. It's not in that paragraph.

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

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

4 A. Yes.

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

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

10 Q. The threat of the lawsuit?

11 A. No. I don't know.

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

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

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

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

~~18 Q. Well, just so we're clear, Cardinal, he wasn't~~

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

21 A. No.

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

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A. That's correct.

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

A. Correct.

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

A. May I.

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

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

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

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

A. Yes.

Q. The first question that the grand jurors wanted to

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

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

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

9 A. Not that I recall.

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

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

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

7 A. Yes.

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

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

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

18 ~~A. That is correct.~~

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

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

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

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

8 A. It wouldn't have been -- ordinarily, it wouldn't
9 have been raised at the Personnel Board meeting because it
10 was confidential.

11 Q. So if that was the ordinary way that things
12 happened, then can we assume from that answer, Cardinal,
13 that you were made aware of the three incidents that were
14 in Father Cudemo's file before he was discussed for being
15 appointed as a pastor?

16 A. Forgive me. I say it would have been brought to my
17 attention, you know, if they felt it was something
~~18 significant for the appointment and they still want -- in~~
19 other words, they would want to make a judgment on the
20 appointment and ask my advice.

21 In this case, I don't recall that before the
22 appointment of Father Cudemo, that matters from the --
23 that these allegations were brought to my attention, but
24 it would -- ordinarily, I have to leave it to the judgment
25 of the Secretary for the Clergy to say is this something

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2 that has to be brought to me before the appointment to a
3 particular office.

4 But I don't recall that was brought to my
5 attention, because I don't know whether they felt what
6 their judgment was about the allegations.

7 I also cannot -- I don't know whether or not they
8 themselves looked at the secret archives. I just don't
9 know. I have no recollection.

10 Q. Now, you've testified on numerous occasions
11 throughout this last day or so that you relied
12 tremendously on the discretion and abilities of your
13 Secretary of the Clergy; is that right?

14 A. Yes.

15 Q. And that you basically relegated a lot of the
16 responsibility to that individual?

17 A. Yes.

~~18 Q. And the grand jurors wanted to know that given the~~
19 number of times that that was the answer, exactly what
20 role did you have in this issue of clergy sexual abuse if
21 everything, according to you, was relegated to the
22 Secretary of Clergy?

23 A. They handled the specifics of interviewing, of
24 listening to allegations, that when victims, alleged
25 victims came in, it was my responsibility -- and whatever

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2 cases, they would be brought to my attention.

3 They would make recommendations on what actions
4 should be taken. They would follow through on an
5 investigative phase. They would keep me -- they wouldn't
6 every day inform me, but they would inform me of
7 significant steps in the investigation and then the final
8 recommendation.

9 Also, it was naturally -- was my responsibility
10 to -- when we had to set up the policy, to approve the
11 policy on how to handle these cases.

12 Q. So then you were apprised on a continuing basis as
13 to the nature of allegations, the specifics of the
14 allegations and the severity of the allegations?

15 A. When you say specifics, it may not be all of them.
16 Those that they felt were sufficient.

17 Q. And certainly the people on your staff would have
~~18 known it to be sufficient, would have known it to be~~
19 significant, the age of the victim that would have been in
20 question, the nature of the allegations, the past history
21 of the priest?

22 A. I have to presume that they would give me that
23 which was significant.

24 Q. Well, you would agree that those factors that I
25 just listed out would be significant, correct?

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2 A. They sound reasonable.

3 Q. Okay. Now, you indicated, and if I'm wrong, please
4 correct me, that you believe, even sitting here in 2003,
5 that the situation, the information that you know at this
6 juncture with regard to Father Cudemo, that it was handled
7 properly; is that right?

8 A. It was handled competently, yes.

9 Q. Okay. And that you would be comfortable if it was
10 handled in the exact same way today in 2003?

11 A. I said that what they did was done in a competent
12 way.

13 Q. And you would be comfortable if that situation --

14 A. I don't know what information would be presented
15 today.

16 Q. If the situation that we know about Father Cudemo
17 were presented today, would you be comfortable with the
~~18 way it was handled?~~

19 A. If my staff handled it in the same way, I repeat
20 that what they did then was handled in a competent way.

21 Q. And you would agree that the way that it was
22 handled would have been inconsistent with the norms that
23 were passed in 2002; is that right?

24 A. What norms?

25 Q. The norms from Dallas, the Dallas charter?

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2 A. I mean, that . . . you have to say which norms are
3 you talking about?

4 Q. The way that an investigation is to be conducted
5 when an allegation of sexual abuse comes in.

6 A. Well, the norms made it different, so it would be
7 handled differently today, so we have already changed the
8 process, procedure in handling investigations in
9 accordance with the norms.

10 Q. And it was changed because it was determined that
11 the way things were being handled was not as responsibly
12 as it should have been handled; is that fair to say or no?

13 A. That's your judgment.

14 Q. Is that fair to say?

15 A. No.

16 Q. Okay. Now, the grand jurors had a question about
17 how many sexual allegations, allegations of sexual abuse
~~18 have to be made before some action is taken, before a~~

19 priest is asked to remove himself from assignment?

20 A. Could I please react to that first.

21 Q. Sure.

22 A. There are several questions involved in that. In
23 other words, how many allegations must be made before
24 action is taken, and then it's added on, you know, before
25 a priest has to be removed. There's several questions in

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1 there.

2
3 The policy is and has been that when an allegation
4 comes in, that action is taken as quickly as possible.
5 The policy is that a victim comes in, an accuser comes in
6 or makes an appointment, they are to be seen as quickly as
7 possible, and this is what we did do.

8 And it's done today with a different approach. Now
9 it's a social worker, but then with the Secretary for the
10 Clergy.

11 And secondly, that the priest -- the accused is
12 called in as quickly as possible. If in that interview
13 with the priest the allegation seems credible, then as
14 quickly as possible he is sent for evaluation --
15 psychological evaluation.

16 And also then there are other factors as far as
17 offering to the victim, you know, psychological
~~18 counseling, spiritual counseling and so on, and that we~~
19 are to conform -- also part of the obligation to conform
20 with all the requirements of civil law. That was done
21 then.

22 That's what's required today, but with different
23 approach as far as who handles the immediate
24 investigation; but we do handle them as quickly as
25 possible, and you don't have to wait for several

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2 allegations.

3 One, it must be the first allegation sufficient to
4 trigger the response. If there's an admission on the part
5 of the priest of the sexual abuse, then he is removed
6 immediately.

7 Q. Cardinal, do you yourself keep any personal files
8 with regard to priests that have sexual abuse of minors --

9 A. I did not.

10 Q. -- or did you?

11 A. I did not.

12 Q. When you would get information with regard to like
13 the investigation of Father Cudemo, did you keep any
14 personal diary as to that investigation or what was being
15 done?

16 A. I did not.

17 Q. It seems to the grand jurors, Cardinal, that the
~~18 rights and protection of the children of the Archdiocese~~
19 of Philadelphia are considered less seriously than the
20 rights and protections of the priests.

21 Would you agree with that?

22 A. No.

23 Q. Do you think that the rights and the protection of
24 the children of the parish of Saint Callistus were given a
25 higher priority than the rights and the protection of

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1 Father Cudemo?

2 A. When you say that, what -- I'm not following.

3 We -- you know, we certainly wouldn't -- didn't think we
4 were creating a serious danger. I mean, the protection of
5 children is always our highest priority.
6

7 BY MR. SPADE:

8 Q. To keep a man that had about eight allegations in
9 the file going back twenty years of having sex with
10 teenage girls, to keep him after he's agreed to an
11 evaluation, to not move him immediately to Villa Saint
12 Joseph or to a his sister's house or to any other place
13 where there aren't children available to him or teenagers
14 available to him, but to keep him in Saint Callistus for
15 approximately two months, that's the question.

16 Was the priority of the teenagers and the children
17 of that parish taken into account adequately by that
18 decision?

19 A. I have to say we did everything possible to protect
20 the children.

21 Q. So it wasn't possible to take him out immediately
22 and put him in Villa Saint Joseph, for instance?

23 A. It was very difficult to arrange an evaluation that
24 quickly.

25 Q. No. No. I don't mean Villa Saint John Vianney. I

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 mean the retirement home that the Archdiocese owns.

3 You couldn't have taken him out immediately on
4 October 2, 1991, and put him in Villa Saint Joseph?

5 A. We had -- as I said before, we take someone out
6 immediately if there is an admission on the part of the
7 accused or certainly sufficient evidence that he's guilty.

8 As you have said, these were allegations. He was
9 denying them.

10 BY MS. McCARTNEY:

11 Q. Cardinal, you have in the --

12 MR. SPADE: Let me just ask one last
13 question.

14 MS. McCARTNEY: Go ahead.

15 BY MR. SPADE:

16 Q. You explained your criteria for taking him out, but
17 that wasn't my question.

18 ~~My question was: Would it have been possible,~~
19 would it have been possible, to take him out on October 2,
20 1991, and put him in Villa Saint Joseph? Not what your
21 criteria were for doing it, would it have been possible to
22 do that?

23 A. You mean theoretically?

24 Q. Yes, theoretically. Would it have been possible?
25 Could you have said to Father Cudemo: We're moving you

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 immediately to Villa Saint Joseph?

2 A. (No response.)

3 Q. Did you have the power to do that as the
4 Archbishop?

5 A. I -- it would have -- I would have had -- I don't
6 know if I would have had the authority on -- at that time
7 to do it without sufficient evidence.

8 I mean, I can say anything, but if I don't -- don't
9 have the authority, that is, the sufficient evidence, then
10 him acting improperly . . .

11 BY MS. MCCARTNEY:

12 Q. Cardinal, in the case of Father Cudemo, when he was
13 asked on your behalf the Archbishop thinks it's best that
14 you leave Saint Callistus and not exercise your faculties
15 until you get the evaluation, he complied with that
16 request; is that right?

17 A. (No response.)

18 Q. He complied with it based upon the memo that you
19 read from November 11; is that right?

20 A. (No response.)

21 Q. You didn't have to initiate a canonical process to
22 do that, correct?

23 A. Yes.

24 Q. At some point in time after you got that letter

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 from the victims where they said we might have to
3 institute a lawsuit, you then called up or had a
4 conversation with Monsignor Molloy and Father Lynn.

5 You said: Talk to Father Cudemo. Tell him I want
6 him out of the parish. Tell him I want him out of the
7 parish because it's good for him and it's good for the
8 Church and going to lessen the damage that the Archdiocese
9 may face if he doesn't leave.

10 And you know what? They called him in. They had
11 that conversation with him, and he left Saint Callistus
12 pending the evaluation at Saint John's.

13 That's what happened in Father Cudemo's case,
14 correct, Cardinal?

15 A. When my Secretary for the Clergy brought in a
16 recommendation to me, they felt at that time it was one of
17 the reasons for authorizing me to remove someone for the
~~18 good of the Church, and they came to that conclusion, is~~
19 what I feel very strongly, that at that point they said it
20 reached a certain point where the Church could be
21 jeopardized, the good of the Church, and they felt that
22 sufficient reason now to remove him.

23 Q. My point is this, Cardinal: That you didn't have
24 to remove him with any type of a canonical process --

25 A. No.

1 ANTHONY JOSEPH CARDINAL BEVILLACQUA

2 Q. -- that you have to show just cause for it?

3 On November 11, when that meeting was finally had,
4 after the pleas from the victims and all those other
5 factors that I told you about, Father Cudemo was asked --
6 he was asked to just remove himself and not exercise his
7 faculties, and he agreed with that; is that right?

8 A. Yes.

9 Q. Okay. Having a yes to that question, Cardinal,
10 that could have been done back in September when the
11 allegations from the family members first came to the
12 Archdiocese' attention. I'm not asking you to speculate
13 as to whether he would do it. It could have been asked,
14 correct?

15 A. May I.

16 Q. Just answer my question, Cardinal. It could have
17 been asked of him; is that right?

~~18 A. I cannot answer yes or no. I have to explain, as I~~
19 explained before to the previous question, that I would
20 need evidence in order to ask someone to step down.

21 The Secretary for the Clergy at that time, as you
22 recall, said there was insufficient evidence to ask him to
23 resign.

24 At this point when he was asked, it was felt by the
25 Secretary of the Clergy, and this is my -- I'm presuming

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 this from their recommendation, that it had reached that
3 point that the good of the Church, and that's a just
4 cause, common good of the Church now was in danger, and
5 therefore there was sufficient evidence authorizing me to
6 ask him to remove himself.

7 BY MR. GALLAGHER:

8 Q. When you say the common good of the Church, does
9 that also include the children at Saint Callistus?

10 A. That's part of it.

11 Q. What is the other part of it?

12 A. Oh, there's so much. There is the possible
13 scandal. So many factors enter in.

14 Q. So it wasn't until there was possible scandal that
15 you removed the guy?

16 A. I didn't say that. It was also the good of the
17 children, the whole accumulation of all that had happened.

18 Q. Okay.

19 BY MS. McCARTNEY:

20 Q. Now, Cardinal, are you aware of the fact that the
21 information that's come before this grand jury is that
22 there are many priests that have abused children in the
23 Archdiocese of Philadelphia, that do so and in abusing
24 them tell them that the abuse is okay because it's okay
25 with God?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 A. (No response.)

3 Q. Are you aware that many abusers have said that to
4 their victims?

5 A. I am not, except what I have read in here, some of
6 the -- you know, the statements made here on the part of
7 Father Cudemo seems to be, if it's true, that he's using
8 that in an indirect way.

9 Q. Do you have any idea what kind of an effect that
10 would have on a child to hear that?

11 A. It would be horrible.

12 Q. Now, have you had any conversations with either the
13 Pope or any Vatican official about the situation of clergy
14 sexual abuse in Philadelphia, clergy sexual abuse of
15 minors in Philadelphia?

16 A. In April of 2002, all the cardinals were called to
17 Rome on the issue of sexual abuse of minors. You may
~~18 recall it got a lot of publicity, and there was a frank~~
19 discussion of the whole issue before the top authorities
20 of the Courier of the Vatican.

21 I'm sure all of us had discussions with, you know,
22 not in an official matter, but just in conversation on
23 this issue. So they are very much aware of the complexity
24 and the seriousness of it.

25 Q. Now, Cardinal, you -- and I guess we just want to

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 be clear about this. You had a policy in the Archdiocese
3 that you wanted to know right away about an allegation of
4 sexual abuse of children by a priest; is that right?

5 A. When you say right away, I say any kind of abuse
6 that took place of a child, it is expected that they
7 inform me as quickly as possible.

8 Q. Well, there would be -- I mean, pending your being,
9 you know, out of the country, that would happen very
10 expeditiously; is that right?

11 A. Yes. Ordinarily it would. Yes.

12 Q. Now, we talked a little bit before about the fact
13 that there was a policy not written down but certainly
14 known by your staff that you don't surprise me; is that
15 right?

16 A. I don't know if I used that expression, and I may
17 have.

18 Q. Okay.

19 A. In other words, I don't want to read something in
20 the papers.

21 Q. Okay.

22 A. You know.

23 Q. Are you at all surprised by what you've read in the
24 Cudemo file?

25 A. A lot of it I -- I did not recollect at all, and I

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 think a lot of it surprised me, yes.

3 Q. Now, you are aware of the experts in the field of
4 psychology that talk about the fact that pedophilia is not
5 a curable disease?

6 A. Is not an incurable?

7 Q. Is not a curable diseases.

8 A. Is not a curable? I have read that.

9 Q. And having had that information available to you,
10 can you explain to us why you thought it was significant
11 in Father Cudemo's case that there was a twelve-year gap
12 between the allegation that occurred in '77 and then the
13 incidents that were related by ~~_____~~ ^{Manson} in 1991?

14 A. I never knew that Father Cudemo was a pedophile.

15 MS. McCARTNEY: Okay. You want to ask
16 your question.

17 BY MR. SPADE:

18 Q. ~~Cardinal, the last question that the jurors had for~~
19 you, one in particular, is: You're of course familiar
20 with the gospels of Matthew, Mark, Luke and John?

21 A. (No response.)

22 Q. Yes, of course?

23 A. I'd say yes, I am familiar. Yes. I don't have
24 them memorized.

25 Q. I'm sorry to ask such an obvious question, but it's

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 a question that we're posing on behalf of the jurors; and
3 you of course believe the gospels of both Matthew, Mark,
4 Luke and John, correct?

5 A. Yes.

6 Q. And you of course know much more about this than I
7 do or any of the jurors, but it's the jurors'
8 understanding that the gospels of Matthew, Mark, Luke and
9 John were written many years after the actual events that
10 occurred in those gospels, correct?

11 A. Yes.

12 Q. In some cases up to a hundred years after the
13 events that were documented, is that correct, give or take
14 a few years?

15 A. Close, it would take twenty, thirty years.

16 Q. So in some cases it was seventy years?

17 A. Yes.

~~18 Q. Okay. So of course, the information that's~~
19 documented in those gospels is then of course based on
20 secondhand information, correct? That's secondhand
21 information?

22 A. Not all of them. Some were firsthand.

23 Q. Okay. But a lot of it, a lot of what is attributed
24 to Jesus Christ in both words and actions was secondhand
25 information as documented in those gospels, correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. . . I don't know what you mean. If we're getting into
3 scripture, what do you mean by secondhand? It was the
4 actual writers themselves or the apostles, you know, who
5 gave that information.

6 Q. Right. But the people that wrote the gospels were
7 not the actual ones themselves that observed it; they were
8 told by people who observed it at the time, correct?

9 A. Some of them were observers.

10 Q. And some were not?

11 A.. Some were not.

12 Q. Okay. So some of it was based on secondhand
13 information.

14 The question that the jurors have is: Going back
15 to the Cudemo file and the allegation that was made in
16 1977 by ^{Denise} [REDACTED] and her mother that Father Cudemo
17 was having sex with ^{Emily} [REDACTED], who was a fifteen year
18 old Cardinal Dougherty student at the time, when [REDACTED]

19 [REDACTED] presented that allegation to you and you looked
20 at it, you indicated that you would not find it credible
21 because it was based on secondhand information; and the
22 question that the jurors have is: What's the difference
23 between the credibility of that secondhand information and
24 the credibility of the information that's contained in the
25 gospels?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. May I make two statements.

3 Q. Why do you judge the credibility of those two
4 accounts differently?

5 A. First of all, you said that because I said, because
6 secondhand information was not credible. I didn't say --
7 I didn't say that.

8 I said it doesn't have the same level of
9 credibility as firsthand information, so it has value in
10 itself, but not as much value as, and that's true in any
11 trial, too, you know, that . . .

12 Now, if you want me to give a theological
13 discussion --

14 Q. No. You can answer the question any way that you
15 want. I'm not telling you how to answer it.

16 A. The difference between that and the gospel is very
17 simple, that when you have secondhand information in the
18 ~~gospel, that it's not the actual observer.~~

19 Remember you have to be a member of the faith, in
20 other words, to understand what I'm about to say. All
21 scripture is revealed by God himself. God doesn't reveal
22 all human second information, secondhand information.

23 The gospels, and this is a matter of faith, that
24 you must believe that all the scriptures are revealed by
25 God through a human instrument.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 It does not mean that God dictates, you know,
3 Matthew, Mark, Luke or John or any of the old testament,
4 but that the writers are inspired by God that they cannot
5 make a mistake when they write that what they -- that what
6 they say is true. So it has truth. It has divine truth.
7 We cannot take that and apply that to secondhand human
8 witnesses.

9 Q. Okay.

10 BY MR. GALLAGHER:

11 Q. How many witnesses would it take for you to believe
12 after 1991 that Cudemo was a pedophile?

13 A. I would need the decision of a psychiatrist.

14 MR. GALLAGHER: Thank you.

15 MR. SPADE: Could the foreperson advise
16 the Cardinal of his continuing obligation please.

17 GRAND JURY FOREPERSON: Cardinal

~~18 Bevilacqua, you are hereby notified that your~~
19 subpoena is a continuing one. That means should
20 the jury desire further evidence and/or testimony
21 from you, you will be notified to appear before
22 this grand jury by mail, phone or through your
23 attorney, if you have one.

24 Do you understand that?

25 THE WITNESS: Thank you.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 GRAND JURY FOREPERSON: Thank you.

3 THE WITNESS: Good night.

4 GRAND JURY FOREPERSON: Good afternoon.

5 MR. SPADE: Thank you, Cardinal.

6 THE WITNESS: Thank you very much.

7 MR. GALLAGHER: May the record reflect

8 it's four nineteen and today's proceedings are

9 concluded.

10 (Witness excused.)

11 (Hearing concluded.)

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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

APPENDIX H-8

14-1-96

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

IN RE: : MISC. NO. 0300-239
: COUNTY INVESTIGATING :
GRAND JURY XIX : C-1

January 29, 2004

Room 18013, One Parkway
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE
Deputy District Attorney

WILLIAM SPADE, ESQUIRE
Assistant District Attorney

MAUREEN MCCARTNEY, ESQUIRE
Assistant District Attorney

~~For the Commonwealth~~

PRESENT:

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

Reported by: Charles Holmberg
Official Court Reporter

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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

And how many jurors do we have present?

GRAND JURY SECRETARY: [REDACTED]

MR. SPADE: [REDACTED].

The Commonwealth has recalled Anthony Cardinal Bevilacqua as a witness.

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

BY MR. SPADE:

Q. Good morning, Cardinal. How are you?

A. Good morning. How are you?

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

Honorable Gwendolyn Bright on December 4; is that correct?

A. I appeared before her. Yes.

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

A. Yes.

Q. And you understood them at that time?

A. Yes.

Q. And you understand them now?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

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

5 A. Yes.

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

7 A. Yes.

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

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

14 MR. SPADE: Okay.

15 BY MR. SPADE:

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

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

19 indicating which files we would be talking about today and

20 tomorrow, and indicated on there the numbers of the

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

22 A. Yes.

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

24 A. I did.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 also in an effort to speed this process along.

3 A. Yes.

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

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

11 In the upper right-hand corner.

12 MR. HODGSON: Yes.

13 THE WITNESS: Yes.

14 BY MR. SPADE:

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

18 ~~Okay?~~

19 A. Yes.

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

7 Q. No, I understand. I understand.

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

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

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

17 A. Yes.

18 ~~Q. Okay. Do you remember that the allegations against~~
19 ^{Timmy} [REDACTED] were that he had engaged in homosexual
20 activity at the seminary and had made certain statements
21 at the seminary that were called into question?

22 A. Yes. Yes.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Daniel Murray?

3 A. Yes.

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

5 A. Yes.

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

9 A. Well, an investigation was carried out.

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

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

17 Q. He was to oversee the investigation?

18 A. Yes.

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

21 A. Correct.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

5 A. It was brought out in these records.

6 Q. Okay.

7 A. That there was accusations made.

8 Q. Okay.

9 A. That Father Gana had abused him.

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

13 [REDACTED]

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

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

18 A. Yes.

19 Q. Okay. And, sir, do you remember that the
20 allegations came to light, that it was brought to
21 Monsignor Molloy's attention and Monsignor Cullen's
22 attention that ^{Timmy} [REDACTED] had told some other
23 seminarians by the name of [REDACTED] and [REDACTED]
24 and [REDACTED]

25 A. [REDACTED]

ANTHONY JOSEPH CARDINAL BEVILACQUA

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Q. [REDACTED] That Father Gana sexually abused him when he was eleven years old?

A. I saw that in here very clearly.

Q. Okay. And did you also see in the documents that a priest of the Archdiocese by the name of [REDACTED] [REDACTED] had also reported to Monsignor Murray that he knew that Stanley Gana had abused [REDACTED] ^{Timmy} [REDACTED]?

A. I recall reading that in the documents.

Q. Okay. As a result of looking at these documents, do you have a memory of learning that at that time in the fall of 1991?

A. From reading these documents, I -- you know, it brought back the memory, but some of this was not always given to me while it was going on.

Q. Okay.

A. So some of this was actually new to me.

~~Q. Okay. Do you also remember that Monsignor Murray reported to Monsignor Molloy that he found the seminarians to be credible, that is, [REDACTED] and [REDACTED], that Monsignor found them to be credible when they reported that [REDACTED] ^{Timmy} [REDACTED] had shared with them that Father Gana had abused him?~~

A. From reading this, I recall that.

Q. Okay. Sir, could you look at [REDACTED] just briefly,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 could you look towards the back of that first set of
3 documents, GJ-115, which is a December 19, 1991, memo to
4 the file from Reverend William J. Lynn?

5 A. GJ-115?

6 Q. GJ-115. Correct. Grand jury one fifteen. The
7 marking is in the top right-hand corner of the document.
8 I think you're too far into it. It's about the tenth
9 document from the top.

10 A. I have that.

11 Q. Okay. So just referring to the third full
12 paragraph of that document -- and again, this is a memo
13 from Father Lynn to the file regarding an interview that
14 he had had with Monsignor Murray.

15 In the third paragraph, Father Lynn writes: "DAM,"
16 referring to Monsignor Murray, "stated that he wanted to
17 share something with us in the beginning. DAM helps on
18 Sundays at Nativity Parish in Media. [REDACTED]

19 [REDACTED] told DAM that Father Stanley Gana
20 is involved with ^{Timmy} [REDACTED] and ^{Timmy} [REDACTED] would refer to ^{Timmy} [REDACTED]

21 [REDACTED]; is that right Cardinal?

22 A. Yes.

23 Q. Okay. "He also told DAM there is anywhere from
24 four to nine priests involved with ^{Timmy} [REDACTED]
25 said things such as who do you think helps him afford a

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2 BMW or pays for all his trips? [REDACTED] did not
3 give DAM any other names. DAM has a concern that Father
4 Gana has invited other seminarians to his rectory
5 recently."

6 Cardinal, what I wanted to ask you is: When you
7 reviewed this document in the last couple of weeks, did
8 that refresh your memory as to these allegations that
9 [REDACTED] made, specifically about the allegations
10 of Father Gana being involved with -- I'm sorry -- ^{Timmy} [REDACTED]
11 [REDACTED] being involved with anywhere from four to nine
12 priests?

13 A. It doesn't refresh my memory in the sense that I
14 may have had a memory of this, that this material was
15 actually shown to me.

16 Q. Okay.

17 A. But I read this material.

18 Q. Okay. So you don't have a memory at the time --

19 A. No.

20 Q. -- of worrying about that? Okay.

21 Cardinal, is it true that in your relationship with
22 Monsignor Cullen and then later Bishop Cullen, and I'm not
23 saying that these were the exact words, but early on in
24 your relationship, that you told him, "Don't surprise me,"
25 and by that you meant bring to my attention all major

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2 things that you know could cause problems for the
3 Archdiocese?

4 A. I don't recall saying that, but if I did say it,
5 probably that's what it refers to, being major things.

6 Q. Okay. So it's accurate then that you made
7 Monsignor of Cullen aware from the beginning that you
8 wanted him to keep you informed about major problems --

9 A. Yes.

10 Q. -- or issues within the Archdiocese? Okay.

11 And would an allegation that a seminarian at Saint
12 Charles Seminary was involved with four to nine priests in
13 sexual relationships, would that be something that would
14 fit your criteria of something major, that you would want
15 to be informed of?

16 A. Oh, I would think so.

17 Q. Okay. So is it likely then, sir, that at that time
~~18 in the fall of 1991, this would have been brought to your~~
19 attention?

20 A. I can't say that because I cannot say that this was
21 brought to the attention of Monsignor Cullen.

22 Q. Okay.

23 A. This testimony.

24 Q. Okay. Do you know whether Monsignor Cullen gave
25 the same directive to Monsignors Molloy and Lynn, that he

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wanted them to inform him of all major problems or issues in the Archdiocese?

A. I do not.

Q. Okay.

BY MS. McCARTNEY:

Q. Cardinal, if the Secretary for Clergy, the person that was the author of this memo, if they were doing their job competently, would that be information that they would have shared with Monsignor Cullen, given the magnitude of the information that was given to them?

A. I can just say I hope they would have done that.

Q. So in your estimation, this information is of a serious nature and information that, if the Secretary of Clergy were doing their job properly, should have been brought to the attention of Monsignor Cullen, who then would have been vested with the responsibility of bringing it to you, if the organizational chain worked properly?

A. I don't know what his -- you know . . .

Q. I'm not asking you, Cardinal, if it happened. I'm asking you --

A. There were several phrases to your question.

Q. Okay. If your Secretary of Clergy were doing their job properly and they received the information which is contained in this memo, should they have brought that to

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2 the attention of Monsignor Cullen?

3 A. I can't speak for them, honestly.

4 Q. I'm not asking you, Cardinal, to say whether or not
5 they did it, because you can't speak to that, but in your
6 mind, in the way that the Archdiocese ran, if it was
7 running effectively and this information came to your
8 Secretary of Clergy, should they have passed that on to
9 Monsignor Cullen?

10 A. All I can say, I would have hoped they did pass it
11 on.

12 Q. Okay. And you would have hoped that because that
13 would have been the type of information that should have
14 been passed on, correct?

15 A. Ordinarily yes.

16 Q. Okay. And again, if that information had been
17 passed on to Monsignor Cullen, you would have hoped that
~~18 he would have passed that on to you, correct?~~

19 A. I don't know if he would have done it right away.
20 He may want to say where are the names? There's nothing
21 else given except that allegation, and it's really -- you
22 know, it's hearsay, too.

23 Q. But at some point in time, Cardinal, that
24 information, if the organizational structure was working
25 the way that you had envisioned it working, it would have

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2 made its way to you, given in the serious nature that
3 we're talking about, correct?

4 A. Well, I would have hoped that it would have been
5 brought to my attention.

6 Q. All right. Thank you.

7 BY MR. SPADE:

8 Q. Cardinal, do you still have one twelve before you?

9 A. GJ-112?

10 Q. Yes.

11 A. Yes.

12 Q. Okay. Sir, could you turn to page eleven of the
13 document. There's just one thing in this document that I
14 want to ask you about.

15 A. Page eleven?

16 Q. Yes.

17 A. Yes.

18 Q. Towards the bottom, the second to the last full
19 paragraph. I'll just read you the first sentence in that
20 paragraph, because it sheds light on what we've just been
21 discussing in terms of the chain of command or reporting
22 of information.

23 Quote: "JEM," and that would be Monsignor Molloy,
24 correct?

25 A. Yes, correct.

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2 Q. "JEM stated that we would collect the information
3 and present it to Cardinal Bevilacqua with recommendations
4 that flow logically from our findings."

5 Now, sir, this document, GJ-112, it's a memo to the
6 file from Father Lynn regarding his interview with
7 ^{Timmy} [REDACTED] dated December 10 of 1991; and I'm
8 just showing it to you because we've been discussing what
9 information would have come up to you and what information
10 would not have.

11 I mean, you would agree with me that, you know,
12 based on what Father Lynn wrote here, that there was
13 information regarding the investigation into ^{Timmy} [REDACTED]
14 [REDACTED] that was being shared with you, correct?

15 A. Yes.

16 Q. Okay. You just can't remember specifically whether
17 the information about the four to nine, ^{Timmy} [REDACTED]
18 allegedly being sexually involved with four to nine
19 priests was shared with you?

20 A. No.

21 Q. Okay. Sir, did you have faith in the competence of
22 Monsignor Murray, the rector of the seminary?

23 A. I did.

24 Q. Okay. So is it fair then to say that if Monsignor
25 Murray had reported to Father Lynn and Father Molloy that

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2 he found the reports of the three seminarians to be
3 credible and if that information had been reported to you,
4 that you would have credited that information? In other
5 words, you would have yourself believed that the
6 allegations were credible, correct?

7 A. Yes.

8 Q. Okay. And, sir, could you just turn briefly, flip
9 back to another couple of exhibits forward to GJ-1149, and
10 then it's marked in the upper right hand.

11 A. In back?

12 Q. Just one or --

13 A. One one four nine?

14 Q. Yes.

15 A. One one four?

16 Q. One one four nine.

17 A. Would that be towards the back?

18 Q. It should be in the next couple of documents, or

19 maybe if you go to the ones that you've turned over, it
20 might be the last one of the last documents from the
21 bottom there.

22 A. I have this.

23 Q. One one four nine?

24 A. Yes.

25 Q. Okay. Sir, who's your Vicar for Administration

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1
2 or -- I'm sorry.

3 Before you stepped down as Archbishop of the
4 Archdiocese of Philadelphia, who was your Vicar for
5 Administration?

6 A. You mean Monsignor Cistone?

7 Q. Monsignor Joseph Cistone.

8 One one four nine is a memo to the file from
9 William J. Lynn regarding an interview with Reverend
10 Joseph Cistone, dated September 16 of 1991.

11 Sir, you would agree with me that given the fact
12 that you appointed Monsignor Cistone to one of the highest
13 positions in the Archdiocese, that you had faith in his
14 abilities and his judgment?

15 A. Yes.

16 Q. Okay. If you could turn to page three of this
17 document, the second paragraph from the top, I'm going to
18 ~~read a couple of sentences there.~~

19 "JC," and that refers to Joseph Cistone, "also said
20 he felt [REDACTED] is a credible witness. [REDACTED] had
21 lived in the same rectory for a summer and JC found him
22 very trustworthy. Also [REDACTED] testimony is somewhat
23 self-incriminating and yet he still came forward. JC
24 found [REDACTED] willing to put his own reputation on the line
25 by admitting his naivete in this situation. JC felt [REDACTED]

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2 is too honest an individual to conceive a false story. He
3 impressed him that the story was not fabrication.

4 "JC also stated that [REDACTED] and [REDACTED]
5 were clear and precise in their talking with the three
6 administrators."

7 So, Cardinal, it's fair to say here that Monsignor
8 Cistone, who was also interviewed regarding this
9 investigation into ^{Timmy} [REDACTED]'s activities, himself
10 weighed in and said that he found the seminarians who were
11 reporting the abuse of Gana on ^{Timmy} [REDACTED] to be credible,
12 correct?

13 A. Yes.

14 Q. Okay. Do you remember at that time being informed
15 that Monsignor Cistone found the allegations of abuse to
16 be credible?

17 A. No.

~~18 Q. Okay. And reading these documents didn't refresh
19 your recollection?~~

20 A. No.

21 Q. Okay. Sir, could you turn to GJ 116.

22 A. I have that.

23 Q. Okay. This is a June 11, 1992, memo to the file
24 from Father Lynn regarding a meeting with Dr. Christopher
25 Dematatis, and I wanted to just read a short snippet of

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2 this memo, the second full paragraph. I'm going to read
3 the entire paragraph.

4 "CD," which refers to Dematatis, "was aware of our
5 interviews with ^{Timmy} [REDACTED] and was familiar with the situation
6 surrounding ^{Timmy} [REDACTED] and his leaving Saint Charles Seminary.
7 JEM," referring to Monsignor Molloy, "asked CD his
8 estimate of a prognosis for ^{Timmy} [REDACTED] considering the fact that
9 he had been sexually abused as an adolescent."

10 And then I'm going to jump down. I'm going to skip
11 one paragraph and jump to the last paragraph on page one.

12 "CD stated that he has been impressed with the honesty
13 with which ^{Timmy} [REDACTED] has dealt with issues in his life. CD
14 stated that ^{Timmy} [REDACTED] mentioned the fact of the sexual abuse by
15 a priest almost immediately upon entering therapy about
16 six years ago."

17 Did I read that correctly, Cardinal?

18 A. Yes.

19 Q. Now, Cardinal, if you refer to the date at the top
20 of the memo, it's June 11 of 1992, correct?

21 A. Yes.

22 Q. Okay. So you would agree with me if Dematatis
23 reported on June 11 of 1992 to Monsignor Lynn that
24 ^{Timmy} [REDACTED] had revealed to Dematatis the fact that he had
25 been sexually abused by a priest six years earlier, that

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2 the time that ^{Timmy} [REDACTED] reported it to Dematatis would
3 have been approximately 1986, correct?

4 A. Yes.

5 Q. Okay. And, sir, would you agree with me -- well,
6 let me ask you first of all. Do you remember as a result
7 of reviewing these documents, did it refresh your memory
8 as to whether Monsignor Cullen or Monsignor Molloy or
9 Monsignor Lynn reported to you in the fall of 1991 that
10 ^{Timmy} [REDACTED] had reported his sexual abuse by Father
11 Gana six years prior to that to his therapist?

12 A. I do not . . . that.

13 Q. Okay. Sir, would you agree with me that the fact
14 that ^{Timmy} [REDACTED], that ^{Timmy} [REDACTED] reported his sexual
15 abuse within the confines of a confidential
16 therapist-patient relationship six years earlier, before
17 this investigation came to light, would indicate that his
18 ~~allegation against Father Gana was credible?~~

19 A. (No response.)

20 Q. In other words, he had no motive to lie to his
21 therapist in a private relationship six years before he
22 was investigated, correct?

23 A. Yes.

24 Q. Okay.

25 (Pause.)

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2 Sir, could you turn, flip back another couple of
3 exhibits, to GJ-119, please.

4 Do you see that document?

5 A. Yes.

6 Q. Now, sir, this is a July 28, 1992, memo to you from
7 Monsignor James E. Molloy regarding ^{Timmy} [REDACTED]
8 [REDACTED], and is it fair to say -- you reviewed this
9 document in the last couple of weeks, correct?

10 A. Yes.

11 Q. Is it fair to say, sir, that in summarizing this
12 document, that this is a report of Monsignor Molloy and
13 Father Lynn's findings regarding their investigation of
14 whether ^{Timmy} [REDACTED] had acted out homosexually at the
15 seminary?

16 A. Yes.

17 Q. Okay. And also included are their recommendations
18 ~~as to what to do with their findings?~~

19 A. Yes.

20 Q. Okay. So they're recommending to you what you
21 should do as a result of their investigation, correct?

22 A. Well, to authorize others to do things. Yes.

23 Q. Okay. Could you turn to the last page, please, the
24 third page. I'm just going to read the ninth
25 recommendation.

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2 "The Secretary for Clergy is to continue a separate
3 investigation concerning the alleged perpetrator of the
4 reported victimization of ~~_____~~^{Timmy} as an adolescent."

5 Did I read that correctly?

6 A. Yes.

7 Q. And then, Cardinal, below that, in handwritten
8 script, it says: "Thanks. Pursue steps outlined in our
9 meeting of 7/28/92."

10 Is that your handwriting?

11 A. Yes.

12 Q. Okay. Now, sir, let me just ask you. If you can
13 remember, what did you mean when you wrote: "Thanks.
14 Pursue steps outlined in our meeting of July 28 of 1992"?

15 A. I can't recall that, but it means at least to
16 pursue these.

17 Q. It would mean to pursue these nine recommendations?

18 A. Yes.

19 Q. Okay. So one of the things that you decided as a
20 result of this memo and as a result of being briefed by
21 Monsignor Molloy and Father Lynn was that the Secretary
22 for Clergy should investigate Father Gana to determine
23 whether the allegation made by ~~_____~~^{Timmy} was
24 credible, correct?

25 A. Yes.

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2 Q. Okay. And, sir, when you referred to the meeting
3 of July 28 of 1992, was that an issues meeting?

4 A. I can't recall that.

5 Q. Okay. Given your knowledge of how you ran the
6 Archdiocese, is it likely that that July 28, 1992, meeting
7 would have been an issues meeting?

8 A. It's very possible.

9 Q. Okay. And again, we've gone over this territory
10 before, but very briefly, at the issues meetings, the
11 people present were you yourself and Monsignor Cullen; is
12 that correct?

13 A. Most of the time.

14 Q. And sometimes Monsignor Molloy?

15 A. Monsignor Molloy at that time, yes.

16 Q. Okay. And, sir, just to be clear, you have no
17 independent recollection of that July 28, 1992, meeting?

18 A. I do not.

19 Q. Okay. If you can remember, or you can just tell us
20 based on your knowledge of how you worked as the
21 Archbishop of Philadelphia, when that GJ-119 was given to
22 you and you reviewed it, can you tell us why you directed
23 the Secretary for Clergy to conduct an investigation of
24 Father Gana?

25 A. Well, because of the report that was given, that

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2 it -- there was involvement by some priest, you know,
3 outside, that I wanted that investigated.

4 Q. I guess what I'm asking you, sir, is: If you could
5 amplify, if you can amplify the words in the memo, what
6 were your concerns at the time or what would have been
7 your concerns at the time?

8 A. Well, that there was a priest that was performing
9 sexual abuse and had performed them on this -- on [REDACTED]
10 [REDACTED] even as a minor.

11 Q. Okay. So you were concerned, that it's fair to say
12 that you were concerned that you had an allegation that
13 Father Gana had sexually abused ^{Timmy} [REDACTED] starting
14 when he was eleven years old and that he may, Father Gana,
15 at that time in the fall of '91, have been abusing another
16 minor?

17 A. That's right.

18 Q. Or minors?

19 A. Or could have been.

20 Q. Okay.

21 A. That's why I wanted it done.

22 Q. Okay. And, sir, could you refer to the very first
23 exhibit that I gave you. It's GJ-25, and this is the
24 Archdiocese of Philadelphia Priest Data Profile, correct,
25 for Father Gana?

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2 A. Yes.

3 Q. And at the time that this investigation of [REDACTED]
4 [REDACTED] brought to light the allegation of sexual abuse
5 by Father Gana, Father Gana was assigned as pastor Our
6 Mother of Sorrows Parish in Bridgeport, correct.

7 A. Where?

8 Q. It's the fourth entry up from the bottom on
9 previous positions.

10 A. Yes. It would have been. Yes.

11 Q. And, sir, do you know from your knowledge of the
12 Archdiocese whether Our Mother of Sorrows had a school
13 involved, whether there was a school at that parish?

14 A. I don't recall.

15 Q. Okay.

16 A. It was a very small parish. I don't have a
17 recollection.

~~18 Q. Okay. Sir, could you turn to -- well, let me ask
19 you this first of all.~~

20 As a result of making that, of making that
21 directive outlined in GJ-119 on July 28 of 1992, that the
22 Secretary for Clergy investigate Father Gana, was there
23 any -- and we've gone over this territory before, but I
24 just want to touch on it briefly.

25 Was there any procedure that you had put into place

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2 to ensure that the person that you had delegated this task
3 to, namely, at that time it would have been -- it would
4 have been Father Lynn, correct, who was the Secretary of
5 Clergy?

6 A. What year was that? Please forgive me.

7 Q. Well, it doesn't matter who the Secretary of Clergy
8 was.

9 A. He came in in '92.

10 Q. So this was July of '92.

11 A. He would have just come in then.

12 Q. So the Secretary of Clergy was Father Lynn,
13 correct?

14 A. Yes.

15 Q. Did you have any procedures in place to ensure that
16 Father Lynn would follow through on that investigation?

17 A. Like I say, we had a procedure of how they should
~~18 act. We had a policy of what should be done.~~

19 Q. Okay. A policy on what should be done in terms of
20 investigating allegations of sexual abuse of minors?

21 A. Yes.

22 Q. Okay. So at that time in July of 1992, the
23 Archdiocese of Philadelphia had a written procedure for
24 allegations of child sex abuse, correct?

25 A. I don't know if it was written at that time, but it

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2 was about that time we did write it down, but aside from
3 being whether it was written or not, there was that
4 policy.

5 Q. Okay.

6 A. When we wrote it, it was really a written
7 articulation of what was already a standard policy.

8 Q. Okay. And part of that policy or the substance of
9 that policy was to outline for the people in the
10 Archdiocese who were handling these matters, namely, the
11 employees of the Secretary of Clergy's office, how they
12 were to investigate allegations of a priest abusing a
13 minor, correct?

14 A. Yes.

15 Q. Okay. Now, what I'm asking you -- I understand
16 that you had a policy for how the investigation should be
17 conducted, but I'm actually asking you a different
18 question, which is: Did you have a checks and balances

19 type procedure to make sure that the investigation
20 actually was conducted?

21 A. I did not.

22 Q. Okay.

23 BY MS. MCCARTNEY:

24 Q. Cardinal, when you say that there was a policy in
25 place as to how to conduct this investigation, could you

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2 tell us, to the best of your recollection, what that
3 policy involved in terms of investigation?

4 A. Yes. I testified to this before, but I will repeat
5 it.

6 Q. Okay.

7 A. That when an allegation comes in, the person making
8 the accusation is immediately called in, and they are --
9 at that time, it would have been the Secretary for the
10 Clergy, and they would give their allegations; and as
11 quickly as possible after that, the one accused would be
12 called in and give, you know, his version; and depending
13 on the allegations, if they were considered credible, he
14 would be sent for evaluation, and the investigation would
15 continue, depending on what the -- what the alleged
16 perpetrator said, and also on what the accuser said,
17 giving the names and so on. All of that would be
18 investigated.

19 Q. So when you --

20 A. The immediate steps would have been speaking to the
21 accused and then to send him for a psychological
22 evaluation.

23 Q. So when you ordered that the allegations as they
24 related to Father Gana be investigated, you had an
25 expectation that Father Gana himself would be spoken to

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about these allegations?

A. Yes.

Q. You had an expectation that Monsignor Lynn would use whatever resources he had available to him to conduct a investigation that went beyond just speaking with Father Gana, correct?

A. Yes.

Q. And that would possibly have been speaking with people that had been in previous assignments with Father Gana? I mean, that would be something that --

A. Whatever he thought was appropriate for having a complete investigation.

Q. And because you've had the benefit of looking at these documents and when the allegations came about of ^{Timmy} ~~_____~~, would you consider the investigation that was done on him to be a complete, thorough investigation?

Were you satisfied with the number of people that were spoken to and the different sources that Monsignor Molloy and Father Lynn went to?

A. I'm not sure if we're referring to the same investigation. In other words, there's one investigation about his status in the seminary.

Q. Correct.

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2 A. That was a very thorough one from reading this.

3 Q. Correct. That's the one I'm talking about.

4 A. Yes.

5 Q. When allegations came in that related to potential
6 misconduct on the part of ^{Timmy} [REDACTED]
7 you were satisfied with the investigation that took place.
8 They went and spoke with some of his professors?

9 A. Yes.

10 Q. They spoke with other seminarians; they spoke
11 with --

12 A. Yes.

13 Q. -- as many people as they could find. You were
14 satisfied that that was a complete investigation, correct?

15 A. Yes.

16 Q. And so given the fact that your staff did that,
17 then they were aware what type of level and completeness
18 ~~investigation you were interested in having done, correct?~~

19 A. Yes.

20 Q. Okay. And then the allegations came about as a
21 result of that investigation, that Father Gana had
22 actually been abusing ^{Timmy} [REDACTED] from the time he
23 was eleven years old --

24 A. Yes.

25 Q. -- onward?

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2 And then Monsignor Molloy and Father Lynn got that
3 information not only from ~~Timmy~~ but from other
4 sources --

5 A. Yes.

6 Q. -- is that right?

7 A. Yes.

8 Q. Okay. Thank you.

9 BY MR. SPADE:

10 Q. Cardinal, I'm going to mark a new exhibit, and the
11 number -- I'm going to hand it to you right now. The
12 number is GJ-1159.

13 (GJ-1159 was marked for
14 identification.)

15 BY MR. SPADE:

16 Q. Cardinal, the document that I've handed to you is
17 actually an article that I pulled from the three-volume
18 set called Restoring Trust, a Pastoral Response to Sexual
19 Abuse, that the Archdiocese of Philadelphia produced to
20 this grand jury; and this Restoring Trust document, the
21 three volumes you produced, actually, two volumes, to us,
22 but the three-volume set was published by the Bishops'
23 Ad-Hoc Committee on Sexual Abuse in November of 1996, and
24 I'm correct, sir, that the Bishops' Ad-Hoc Committee on
25 Sexual Abuse was an ad-hoc committee formed under the

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2 auspices of the National Conference of Catholic Bishops,
3 correct?

4 A. Correct.

5 Q. Okay. And, sir, you testified previously that this
6 three-volume set was one of the major sources of knowledge
7 and guidance that you used in dealing with these matters
8 of clergy sex abuse, correct?

9 A. Yes.

10 Q. Sir, could you -- and this excerpt that I handed to
11 you and marked as GJ-1159 is entitled: "Will Priests
12 Sexually Abuse After Treatment?" It's authored by James
13 J. Gill, Society of Jesus and also M.D., and it's a
14 ten-page document, and it comes from Restoring Trust,
15 Volume two; and, sir, I just wanted to show you one
16 excerpt from this, and it actually comes from page four of
17 the document.

18 Let me ask you first of all: Were you familiar --
19 are you now or at that time were you familiar with the
20 work of Father Gill or Dr. Gill?

21 A. I know of him.

22 Q. Okay.

23 A. He had a good reputation.

24 Q. He had a good reputation?

25 A. Yes.

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2 Q. Okay. And recognizing, Cardinal, just off the bat,
3 so that there's no misunderstanding, recognizing that this
4 document was not produced by the subcommittee until 1996,
5 although the committee had been working on it since
6 approximately 1993, but this was not produced until '96.

7 But I just want to read an excerpt from page four,
8 and this paper in general is about the recidivism rate
9 among sex offenders in general as well as sex offender
10 priests; and by recidivism, I mean, whether or not a sex
11 offender who has sexually abused a minor will do it again
12 after treatment.

13 Do you understand that?

14 A. Yes.

15 Q. Okay. Now, on page four, Father Gill, Dr. Gill and
16 Father Gill writes: "For the sake of comparison, it
17 should be noted that another study, reported by Marshall
~~18 and Barber, 1990, found recidivism to occur at a rate o~~
19 17.9 percent and 13.3 percent at four-year follow up for
20 treated heterosexual and homosexual pedophiles
21 respectively."

22 And just for the sake of clarity and to make sure
23 that there's no misunderstanding, Dr. Gill had also
24 referred earlier on in that page to a study by Fred
25 Berlin, M.D., and Dr. Berlin's study had indicated that

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2 the recidivism rate for treated sex offenders was 1.2
3 percent. Okay. And then Father or Dr. Gill quotes the
4 17.9 percent and 13.3 percent recidivism rates found by
5 Marshall and Barber.

6 And then the next sentence is, quote: "These
7 researchers also used 'official plus unofficial sources'
8 to establish the relapse rate among untreated" -- and
9 "untreated," its underlined, -- "sexual abusers of minors
10 at a significantly higher 42.9 percent."

11 Did I read that correctly?

12 A. Yes.

13 Q. Okay. So that indicates, does it not, Cardinal,
14 that the experts that were advising the National
15 Conference of Catholic Bishops at that time were
16 indicating that if a sex abuser, somebody who was sexually
17 abusing minors, is not treated, that he has almost a fifty
18 percent chance of abusing minors again, correct?

19 A. (No response.)

20 Q. A 42.9 percent chance of abusing minors again,
21 correct?

22 A. Well, that's the claim of these researchers.

23 Q. Right. Right. Dr. Gill, who is advising the
24 National Conference of Catholic Bishops, reports to them
25 that there are some experts in the field that have

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 reported these findings, correct?

3 A. May I ask something.

4 Q. Absolutely. Sure.

5 A. Just looking at this -- and I don't recall reading
6 this. If I did, it was many, many years ago.

7 Q. I understand.

8 A. The statistics above, the recidivism is only 1.2
9 percent.

10 Q. Correct. Dr. Berlin found the recidivism for
11 treated --

12 A. That's for sexual abusers.

13 Q. Right.

14 A. The one below by Marshall and Barber --

15 Q. Right.

16 A. -- is different from that. That's for pedophiles.
17 You can be a sexual abuser without being a
18 pedophile.

19 Q. Correct. I understand.

20 A. But this refers to pedophiles.

21 Q. Correct. That's right.

22 A. I do not know -- and the following sentence, it's
23 in that category of pedophiles, talks about 42.9 percent,
24 but it's not clear is he talking about sexual abusers or
25 sexual abusers who are also pedophiles?

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2 Q. I agree with you, Cardinal. It's not clear.

3 A. Yes.

4 Q. Now, given the fact that it's not clear and, you
5 know, now that you've made that observation and given the
6 fact that you were given this document in approximately
7 the fall of 1996, if you had read this document and those
8 questions presented themselves to you as to what the
9 distinctions were between recidivism rates for treated
10 pedophiles, for untreated sexual abusers of minors, for
11 homosexual pedophiles, heterosexual pedophiles, that would
12 have been information -- given the importance of
13 recidivism of sex offender priests, that would have been
14 information that you would have wanted followed up on,
15 correct?

16 In other words, you would have wanted to delegate
17 to somebody to get answers to your questions, correct?

18 ~~A. Well, I don't know about this material presented~~
19 right here.

20 Q. Yes. This material that was presented to you in
21 the fall of 1996.

22 A. I would not have wanted that investigated. We just
23 know. We always knew that they had to be treated. We
24 treated all of them.

25 Q. Okay. But the information that was reported to you

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1
2 and to the other Catholic bishops at this time by one of
3 your own chosen experts was that there was, that at least
4 some experts in the field of treating sex offenders were
5 reporting, that if you didn't treat a sex offender, he had
6 a significantly higher risk of reoffending, correct?

7 A. I would accept that.

8 Q. Okay. Now, turning back, if you could look at --
9 it hasn't been marked, but it's an excerpt of the
10 testimony before this grand jury of Monsignor William J.
11 Lynn. It should be --

12 A. It's in here?

13 Q. Yes. It's in there.

14 It's the September 26, 2002, testimony of the
15 Reverend Monsignor William J. Lynn.

16 Do you see it, Cardinal?

17 A. This one here?

18 Q. No. I don't think that's it. It would be a

19 transcript.

20 MR. SPADE: Is that a transcript, Mr.

21 Hodgson?

22 MS. MCCARTNEY: That's it.

23 MR. SPADE: I'm sorry. That's it.

24 BY MR. SPADE:

25 Q. Now, Cardinal, could you turn to the fourth page in

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 on that excerpt from Father or Monsignor Lynn's testimony,
3 and the page number at the top right hand of the page
4 forty-four.

5 A. Yes.

6 Q. Do you see that?

7 Now, again, this is Monsignor Lynn testifying, and
8 he was being questioned here about the investigation that
9 you directed him to conduct of Father Gana, and I'm
10 reading from again page forty-four, starting at line nine.

11 "QUESTION: And is it fair to say that one of the
12 findings or one of the recommendations that was included
13 in this memorandum was that you were to continue a
14 separate investigation involving Stanley Gana?

15 "ANSWER: That's right.

16 "QUESTION: Now, Monsignor, once again, is it your
17 testimony that despite the additional information you
18 ~~received from Dematatis in June of 1992 as well as the~~
19 directive contained in this memorandum, presumably that
20 you agreed with, that once again the investigation simply
21 fell through the cracks?

22 "ANSWER: Yes, it is."

23 Would you agree with me, Cardinal, that Monsignor
24 Lynn had testified there that when you directed him on
25 July 28 of 1992 to investigate whether Father Gana had in

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 fact sexually abused ^{Timmy} [REDACTED], that Monsignor Lynn
3 never actually conducted that investigation?

4 A. I have to accept that from what he says here.

5 Q. Okay. Sir, did it ever come to your attention
6 before today that in fact Monsignor Lynn never conducted
7 the investigation of whether Father Gana had sexually
8 abused ^{Timmy} [REDACTED]?

9 A. I have to say that it did come to my attention that
10 there was no report, and I did not know, perhaps the
11 report was not included, why there was no report after
12 that was -- that directive was given.

13 Q. Sir, do you remember when that came to your
14 attention, that there was no report on the investigation
15 that you had directed into Father Gana?

16 A. Only in reading this.

17 Q. Only in reading what?

18 A. All of this material.

19 Q. Only in reading the documents from the Gana file
20 that we turned over to you three weeks ago?

21 A. Yes.

22 Q. Okay. So sometime in the last three weeks was the
23 first time that you learned that Monsignor Lynn had
24 disobeyed your directive to investigate Father Gana?

25 A. I don't know if you would call it a disobedience.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay. What would you call it, sir?

3 A. I would call it, you know, a negligence. I would
4 call it a lapse.

5 Q. Okay. Sir, could you turn to the next couple of
6 documents that are marked GJ-29 and GJ-27. Twenty-seven
7 and twenty-nine. Again, they're marked in the upper
8 right-hand corner of the page.

9 A. I have twenty-seven and twenty-nine.

10 Q. Okay.

11 A. Which one first?

12 Q. Well, sir, I'm just going to summarize them again.
13 Again, we're trying to speed this process along for the
14 benefit of everybody.

15 These documents, GJ-27 and twenty-nine, previously
16 marked in this grand jury -- and again, you've had some
17 time to review these documents.

18 These documents establish that in the late summer
19 of 1995, specifically in September, early September of
20 1995, it came to the attention of the Archdiocese of
21 Philadelphia through Monsignor Lynn that a man by the name
22 of ^{Bamy} [REDACTED] reported to Father Lynn that he had also
23 been sexually abused by Stanley Gana.

24 A. Yes.

25 Q. Is that an accurate characterization of these

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1 documents?

2 A. Yes.

3 Q. Okay. Starting with twenty-seven, I just want to
4 read a couple of excerpts from this, the second full
5 paragraph:
6

7 "~~_____~~^{Bamy} explained that as a child he was molested by
8 a family friend over a period of years. His parents were
9 advised to get counseling for him by Father Gana and he
10 suggested" --

11 A. Forgive me. I'm just -- sorry.

12 Q. Oh, I'm sorry.

13 A. I didn't hear the paragraph. Which paragraph?

14 Q. Oh, I'm sorry. The second full paragraph on GJ-27.

15 A. Page one?

16 Q. Page one of GJ-27.

17 A. Sorry about that.

18 Q. That's all right.

19 "His parents were advised to get counseling for him
20 by Father" -- I'm sorry. I skipped over the first line
21 because I had already read it.

22 Starting with the second line: "His parents were
23 advised to get counseling for him by Father Gana and he
24 suggested himself as the counselor. ~~_____~~^{Bamy} was about eleven
25 or twelve years old." And then it goes on to describe

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 for the rest of that paragraph how Father Gana began to
3 sexually abuse --

4 A. Yes.

5 Q. -- ^{Barry} [REDACTED] and then in the next full paragraph,
6 mid-way through the paragraph: "Father Lynn" -- I'm
7 sorry. This memo, I didn't identify the document, but
8 it's a September 7, 1995, memo from Michael T. McCulken to
9 the file --

10 A. Right.

11 Q. -- regarding his interview with ^{Barry} [REDACTED], and
12 going down to the third full paragraph, midway through,
13 Father McCulken writes: ^{Barry} [REDACTED] stated that he was invited
14 to the shore house of a priest friend of Father Gana's,"
15 in brackets, "Monsignor Michael Bransfield, and while
16 there Father Gana ejaculated in front of him and told ^{Barry} [REDACTED]
17 that he made love to him. ^{Barry} [REDACTED] was thirteen years old.
18 ^{Barry} [REDACTED] stated that the above-described incidences occurred

19 in the rectory, the farmhouse and the shore. He stated
20 that there was full anal intercourse and oral sex between
21 them and that this activity continued until the summer
22 before he left for college."

23 So, Cardinal, you would agree with me that in
24 September, in early September of 1995, which would be a
25 little over three years after you directed Monsignor Lynn

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 to investigate whether Stanley Gana had sexually abused
3 ^{Timon} [REDACTED] when he was eleven years old, that
4 another man by the name of [REDACTED] came forward and
5 said that in fact Father Gana had sexually abused him
6 beginning when he was thirteen years old, correct?

7 A. Yes.

8 Q. And that the abuse consisted of anal intercourse
9 and oral sex, correct?

10 A. Yes.

11 Q. Okay. Do you remember, after having reviewed these
12 documents, this information coming to your attention in
13 September of '95?

14 A. I do not recollect it.

15 Q. Okay. Is it likely, sir, that this information
16 would have been brought to your attention in September of
17 '95?

18 ~~A. It's a good possibility, unless they wanted to wait~~
19 until after they completed it.

20 Q. Okay. You don't think that in September of 1995,
21 when [REDACTED] walked into the Secretary for Clergy's
22 office and made this allegation against Father Gana, that
23 Father Lynn, knowing that he had not investigated Father
24 Gana for three years, would have wanted to bring this to
25 the attention of Bishop Cullen and yourself?

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2 A. There's a -- I mean, I presume he would have done
3 that.

4 Q. Okay. You just don't remember?

5 A. I don't have an original memory of it.

6 Q. I understand.

7 And then turning to GJ-29, this is a September 6,
8 1995, memo from Father Lynn to yourself regarding Father
9 Gana. And again, I'll just characterize the document.

10 Essentially, Father Gana reports to you that [REDACTED]
11 ^{Bamy} [REDACTED] -- I mean -- I'm sorry -- that ^{Bamy} [REDACTED] had
12 come forward and alleged the sexual abuse.

13 A. Excuse me. You said Father Gana reports to me?

14 Q. Oh, I'm sorry. Father Lynn reported to you that
15 ^{Bamy} [REDACTED] came forward and reported that Father Gana had
16 sexually abused him, correct?

17 A. Yes.

18 Q. And, sir, again, looking at this document, given

19 the fact that Father Lynn wrote this memo to you, you
20 would again agree that it's likely that this information
21 was given to you in September of 1995?

22 A. Yes.

23 Q. Okay. And then the last, the second to last
24 paragraph from the bottom, I'm going to read it.

25 "Father Gana, while denying any guilt, said he did

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2 not want to disgrace the priesthood or the church. We
3 believe he is not being honest regarding the allegations.
4 I explained our usual procedures. Father Gana willingly
5 volunteered to undergo a psychological evaluation at Saint
6 John Vianney Hospital. This has been arranged for the
7 week of September 25."

8 Did I read that correctly?

9 A. Correct.

10 Q. So Monsignor Lynn reported to you that he and
11 Monsignor McCulken had some doubt as to whether Father
12 Gana was being honest when he denied in these allegations?

13 A. Decree.

14 Q. Correct?

15 BY MS. MCCARTNEY:

16 Q. Cardinal, can I just ask you a question.

17 Back in 1992 when you approved the recommendation
18 ~~that Father Gana be investigated based upon the~~

19 allegations that had been made against him, you had the
20 expectation that that was going to be followed up on by
21 your Secretary of Clergy, correct?

22 A. Yes.

23 Q. And you would agree with me that the allegations
24 that were involved were of an extremely serious nature,
25 specifically that Father Gana had sexually abused a boy

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starting at eleven years old?

A. Yes.

Q. Something that you took very seriously, correct?

A. Yes.

Q. And although I'm sure your base of knowledge has evolved all the years, even as early as 1992, you had some concerns about whether someone -- that if they did in fact engage in that kind of behavior, they could possibly still be doing it, correct?

A. Yes.

Q. And that was one of the reasons that you ordered that investigation be done; is that right?

A. Yes.

Q. And would you agree with me also, Cardinal, that given the fact that Father Gana was a pastor in an archdiocesan school, I mean, an archdiocesan parish, that he held a rather significant position within the

Archdiocese?

A. Yes.

Q. Okay. And would you agree with me also that there weren't a large number of pastors who had these allegations about them coming to your attention in 1992?

A. Correct.

Q. So Father Gana's situation, the allegations that he

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1
2 had, what he had engaged in, were kind of unique and stuck
3 out? I mean, they were significant, correct?

4 A. Yes.

5 Q. Now, when you ordered the investigation into a
6 pastor at an archdiocesan parish and you expected that
7 investigation would be followed up on, we find out later,
8 as you've been able to conclude from reviewing the
9 documents, that it was in fact not followed up on?

10 A. Not that I know of, so . . .

11 Q. Okay. Did you, Cardinal, given the fact that this
12 was such an important issue to you and given the fact that
13 Father Gana had the position he did within the Archdiocese
14 and given the fact that the allegations were so
15 significant, did you do anything to follow up on whether
16 or not the investigation had actually taken place?

17 A. I don't recall.

18 Q. Can you give us a reason, if you can, why you
19 wouldn't have done that, given the fact that there
20 weren't -- you know, there weren't a lot of pastors that
21 were allegedly having anal sex with eleven year olds?

22 Did you ever say: Hey, Bill. Did you do the
23 investigation I ordered? What's the status of Father
24 Gana?

25 A. I don't recall.

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2 Q. You and Father Lynn, although you didn't work side
3 by side, you had a lot of interaction with one another,
4 correct?

5 A. Well, at that time, he would have just begun to be
6 the Secretary for the Clergy.

7 Q. Even more question than that comes to my mind,
8 Cardinal, is given the fact that he had just taken over
9 that position, did you do anything to make sure that he
10 was doing it properly?

11 I mean, you may have convinced yourself somewhere
12 down the road that he knew what he was doing and he was
13 doing it well, but he's new into the job.

14 Here's an extremely important task with an
15 extremely important consequence attached to it. What did
16 you do to ensure that he was doing his job properly?

17 A. I have no recollection.

18 Q. Okay. You don't have any --

19 A. I presume --

20 Q. Okay.

21 A. -- he was a very competent person, and I presumed
22 he was carrying out his responsibility. Why that was not
23 done, I do not know.

24 Q. And you don't have any recollection of ever
25 yourself following up on what the conclusion of the

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1
2 investigation that you expected was being done was or
3 directing anybody else like Monsignor Cullen to follow up
4 on that; is that right?

5 A. I have no recollection.

6 Q. Okay.

7 A. I trusted him and I trusted of Monsignor Cullen.

8 Q. Okay. Thank you.

9 BY MR. SPADE:

10 Q. And, sir, just a couple more questions on GJ-27.
11 If you could turn to the second page of that memo, I'm
12 going to read the second full paragraph, and again, this
13 is a memo that was written by Father McCulken.

14 Father McCulken writes: "[REDACTED] reported that in his
15 junior year of high school he found out that four other
16 boys and one adult were having sex with Father Gana. He
17 reported that Father Gana stated that [REDACTED] ^{Barry} was his number
18 one and that he loved him and would never leave him. [REDACTED] ^{Barry}

19 stated that when he found out that Father Gana was
20 sleeping with another boy, Father Gana denied it to him
21 and then handled it by having himself, the other boy and
22 Father Gana all in bed together. [REDACTED] ^{Barry} indicated that this
23 other boy is now a student at Saint Charles Seminary and
24 said his name was [REDACTED] ^{Timmy} "

25 Cardinal, would you agree with me that at this time

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2 in September of '95, when ^{Bammy} [REDACTED] reports that he had
3 personal knowledge that ^{Timmy} [REDACTED] had been sexually
4 abused by Father Gana, that that again would bolster the
5 credibility of the allegations that [REDACTED] had
6 made three years earlier?

7 A. Yes.

8 Q. Okay. And then the last page of the document,
9 Cardinal, Father McCulken writes: "On Valentine's Day,
10 1982, Father Gana began having sex with ^{Timmy} [REDACTED]
11 in 1980, ^{John} [REDACTED] -- this would be now a third victim
12 that's documented of Father Gana -- "stopped having sex
13 with Father Gana; there were trips to Disney World, Notre
14 Dame, Niagara Falls. ^{Bammy} [REDACTED] stated that there was a
15 rotation process. He said that Father Gana stated that
16 each boy should have personal time for friendship with him
17 and this time was in the bedroom at night. Each boy would
18 rotate sleeping with Father Gana."

19 Continuing into the next paragraph, Father McCulken
20 writes: ^{Bammy} [REDACTED] stated that he realized that Father Gana
21 was doing the same things to the other two boys when
22 Father Gana joked about how hard it was to have sex with
23 three boys in one week."

24 Sir, recognizing fully that you're not a
25 psychiatrist or a psychologist and have never treated sex

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2 offenders, would you agree with me that this was fairly
3 strong evidence here in the context of lay people that
4 Father Gana, having sex with three preadolescent boys in
5 one week, that this was pretty strong evidence, if he was
6 not a pedophile, he certainly had pedophilic tendencies?

7 A. I can't testify to that.

8 Q. Okay. I'm just asking you, sir, as a layperson,
9 when you were made aware of this -- you agree with me that
10 this is something that was brought to your attention in
11 September of 1995, correct?

12 A. To call it pedophilic tendencies, I'm not an
13 authority on that.

14 Q. But you know that the definition of a pedophile is
15 somebody that has sexual desires, recurrent sexual desires
16 towards preadolescent boys or girls, correct?

17 A. Yes.

~~18 Q. You know that that's part of the definition, at~~

19 least, of it.

20 So you would agree when you read that information
21 about Father Gana sleeping with three preadolescent boys
22 in one week, that that would certainly be some
23 indication -- and I'm not saying that he would be
24 diagnosed, but that would certainly be some indication of
25 pedophile behavior, correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I can't testify to that.

3 Q. Okay. Well, sir, would it be -- it was certainly a
4 warning sign to you and to the Archdiocese and the
5 Secretary for Clergy that this man had a problem with
6 sexual desire towards preadolescent boys, correct?

7 A. I'd have to say that.

8 Q. Okay. And then the next document is -- it's marked
9 in the upper right-hand corner as GJ-1150.

10 Do you see that document? It's a November 16,
11 1995, memo from Ronald J. Karney, Ph.D., to William Lynn.

12 A. This is before?

13 Q. I'm sorry. GJ-1150.

14 A. Is it before this or after?

15 Q. It would be after that, I believe. It's just a
16 two-page document.

17 A. It's one one five zero?

~~18 Q. It might be in the other pile.~~

19 MR. SPADE: Maybe you could look
20 through that, Mr. Hodgson.

21 (Pause.)

22 MR. HODGSON: I don't see it.

23 MR. SPADE: Let me help you out. I
24 know it's there.

25 THE WITNESS: Hold it. I have it.

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2 MR. SPADE: Okay. They're all mixed
3 up.

4 BY MR. SPADE:

5 Q. Now, again, Cardinal, this is a document that was
6 previously marked GJ-1150. It's a November 16, 1995,
7 letter from Ronald J. Karney, Ph.D., of the Anodos Center,
8 to Reverend William J. Lynn.

9 And, sir, The Anodos Center is part of Saint John
10 Vianney Hospital; is that correct?

11 A. Correct.

12 Q. And Saint John Vianney Hospital is wholly owned and
13 operated by the Archdiocese of Philadelphia, correct?

14 A. Correct.

15 Q. Okay. On the second page -- well, the cover letter
16 is covering a document that gives diagnostic impressions
17 of Father Gana; is that correct?

18 A. Yes.

19 Q. And then under axis one of the diagnostic
20 impressions, it says: "Sexual disorder, NOS"; is that
21 correct?

22 A. Yes.

23 Q. Okay. And that means sexual disorder, not
24 otherwise specified, correct?

25 A. Right.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. And then going down to the paragraph under the
3 heading "Recommendations," I'm going to read the third
4 sentence in: "Father," referring to Father Gana,
5 "demonstrates significantly impaired professional conduct
6 such that he is at risk for further inappropriate and
7 dangerous behavior. This should be considered in any
8 further ministerial assignments."

9 Did I read that correctly?

10 A. Yes.

11 Q. And, sir, this diagnostic impression page that Dr.
12 Karney sent to Father Lynn, this would have been shared
13 with you, correct, in November of 1995?

14 A. Ordinarily, but I don't recall.

15 Q. I know. I understand you don't have a specific
16 recollection, but this is something that would have been
17 shared with you, correct?

18 A. Ordinarily.

19 Q. Okay. Sir, do you -- and understanding that you
20 don't have a specific recommendation, but you obviously
21 know how your own mind works and how you operated at that
22 time.

23 When you read that Father Gana had been diagnosed
24 as having a sexual disorder, NOS, and that he presented a
25 danger of further inappropriate behavior towards minors,

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2 what would your reaction have been at that time?

3 A. I don't understand "my reaction."

4 Q. Well, in other words, you don't have a specific
5 recollection of receiving this document in November of
6 '95, correct?

7 A. No, I do not.

8 Q. Right. But you obviously know yourself. You know
9 how your mind works and how you operate.

10 What I'm asking you is: Can you infer from your
11 knowledge of yourself what your reaction to this document
12 would have been in November of '95?

13 A. Well, I presume my -- in any -- if there's any
14 consideration of further ministerial assignment, that this
15 be taken into consideration.

16 Q. Okay.

17 A. What was said here.

18 Q. Okay. And would this have been of concern to you,

19 that you had now a priest that had been operating for
20 three years at Our Mother of Sorrows Parish, who had now
21 been diagnosed as having a sexual disorder and presenting
22 a danger to minors?

23 Would that have concerned you, that he had been
24 left in a parish for three years?

25 A. (No response.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. When he could have been evaluated earlier if Father
3 Lynn had done his job?

4 A. But I -- I did not receive this information before,
5 that I recall.

6 Q. Okay. But you've agreed with me that this
7 diagnostic impression page would have been shared with you
8 in November of '95, correct?

9 A. It's probable, but I can't recall whether it was or
10 not.

11 Q. Okay. When this would have been shared with you --

12 A. I said I don't recall that it ever was.

13 Q. I know, but you've agreed that it's likely that it
14 would have been, correct?

15 A. Probable.

16 Q. I'm not saying that it was or it wasn't. I'm just
17 saying that you testified that it's likely that this would
18 have been shared with you, and given that, when you read

19 this, would you not have thought to yourself, "Wait a
20 minute, Father Lynn. I told you to investigate this guy
21 three years ago. What did you find out about him?"

22 A. I did not make that connection. I don't recall
23 making any connection.

24 Q. Okay. But knowing how you worked and knowing how
25 your mind works, would you have made that connection at

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that time?

3 A. I'd have to take all this, the circumstances, into
4 consideration. I don't know what I would have felt at
5 that time.

6 Q. Okay. So you don't think it's likely that at that
7 point you would have said to yourself, "Please tell me
8 what the results of your investigation into Father Gana
9 abusing ^{Timmy} [REDACTED] were," and if Father Lynn had
10 shared with you: "Well, Cardinal, I didn't actually do
11 that investigation," your response would not have been to
12 take him out of his position as Secretary for Clergy?

13 A. No, because in other ways he was very competent.
14 The fact that -- even granting there was a lapse there, a
15 single lapse doesn't make someone necessarily incompetent.

16 Q. A single lapse doesn't make somebody incompetent?

17 A. Well, too, it depends on the circumstances.

18 Q. Okay. Do you agree with me, sir, that his lapse in
19 the fall of 1992 resulted in minors in the Archdiocese of
20 Philadelphia being endangered?

21 A. I don't know.

22 Q. Okay.

23 A. That's very hard for me to determine.

24 Q. Okay.

25

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 BY MS. MCCARTNEY:

3 Q. But, Cardinal, you've already agreed with the fact
4 that given the information that was available with regard
5 to Father Gana, and that was made known to you, that that
6 was one of the reasons that you ordered the investigation,
7 that you did not want children jeopardized, correct?

8 A. Yes, I never --

9 Q. And you felt, though, that Father Gana, given what
10 information had come out in the ^{Timmy} [REDACTED] investigation,
11 you felt that he did in fact potentially pose a risk to
12 children, correct?

13 A. I have to say that according to statistics, he may
14 have posed a risk.

15 Q. He may have posed a risk, and one of the reasons
16 that you wanted that investigation done and completed and
17 you ordered that to be done in 1992 was for that reason,
18 correct?

19 A. That would be what I wanted to --

20 (The witness conferred with his
21 attorney.)

22 MS. MCCARTNEY: I'm sorry. Counsel,
23 unless the client wants to speak with you, please
24 don't be giving answers to him.

25 THE WITNESS: Please.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (The witness conferred with his
3 attorney.)

4 THE WITNESS: I say at that time the
5 main investigation was to find out about the
6 relationship of Father Gana and ^{Timmy} [REDACTED]
7 Naturally, it's always to remove someone who
8 presents a danger.

9 BY MS. MCCARTNEY:

10 Q. Correct. And one of the reasons -- and you
11 believed that given the information that had come out in
12 the ^{Timmy} [REDACTED] investigation, you believed that Stanley
13 Gana potentially posed a risk to other children, correct?

14 A. I'd have to say that -- you know . . . you know,
15 from the statistics that were shown to me, he could be a
16 potential risk, but I cannot determine that myself.

17 Q. I understand that, Cardinal, but that's the reason
18 ~~you wanted the investigation done, correct?~~

19 I'm not asking you to put a percentage on what the
20 risk was, but the fact that there was a risk was known to
21 you and that was one of the reasons that caused you to
22 order that investigation to be conducted, correct?

23 A. Was to find out if -- if [REDACTED]
24 allegations were true and to take action on that.

25 Q. So given the fact that that was known in 1992 and

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 nothing was done between 1992 and 1995 and Father Gana was
3 left at Our Mother of Sorrows in the role of pastor with
4 no treatment and no evaluation being conducted, would you
5 agree with me that there was a risk to the adolescent
6 children of that parish during that period of time?

7 A. (No response.)

8 Q. Given the failing of Monsignor Lynn to conduct that
9 investigation?

10 A. According as was read to me, statistically there's
11 always a potential.

12 Q. But we're not talking about hypotheticals here,
13 Cardinal, and we'll move off this in a moment, but we're
14 talking about somebody that was known to have the
15 allegations that he -- everybody poses that risk,
16 Cardinal. I mean, I could pose a risk. You could pose a
17 risk. We all could pose a risk. But this was more than
~~18 just an unknown risk, correct?~~

19 A. Well, first of all, we only have -- we had the
20 allegations from [REDACTED] and others.

21 Q. And others, correct?

22 A. But as yet, from the evidence that was presented to
23 me, there was -- you know, we don't have proof yet whether
24 Father Gana actually did these. I mean, there was a lot
25 of allegations.

ANTHONY JOSEPH CARDINAL BEVILACQUA

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Q. Exactly my point, though, Cardinal, that you ordered the investigation to be conducted so that maybe there could have been a conclusive answer to that that came about as a result of the investigation that you had ordered, correct?

A. That is right.

Q. And part of the investigation potentially could have revealed other victims, potentially, correct?

A. If it's true, I mean, but the investigation at that time, since it's not done . . .

Q. So the bottom line, then, my question --

A. It would seem to me we don't have the response of Father Gana yet.

Q. Because we never conducted the investigation, can we conclude that from the document?

A. No, but then you're asking me if he's a potential ~~risk if it hasn't been determined.~~

Q. I'm asking you, Cardinal -- and again, just so we're clear, what I'm actually asking you, you ordered the investigation not based upon whether or not Father Gana came in and acknowledged that he had abused children, but based upon the information that you had, you believed that there was the potential for risk to children, correct?

A. Because the allegations that were made seemed to be

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 credible.

3 Q. Correct. So you ordered the investigation?

4 A. But they were not absolute, and therefore, with
5 credibility, you would have to use the word "potential."
6 If it's true that he did do these things, yes, then there
7 is a risk.

8 Q. Okay. Right. And my question to you, back to the
9 very first one that I asked you: So the potential for
10 harm existed for an additional three years to the children
11 of Our Mother of Sorrows. The potential for harm by a
12 sexual offender existed because no investigation was done.
13 Would you agree with that?

14 A. I can't answer that question.

15 Q. All right. Fine.

16 BY MR. SPADE:

17 Q. Okay. Cardinal, it's twelve twenty now. We've
~~18 been going for a little over an hour. We're going to take~~
19 a ten-minute break, and then we'll come back. So we'll
20 come back at twelve thirty and then we'll go for fifteen
21 to thirty minutes before the luncheon.

22 MR. GALLAGHER: We're breaking at
23 twelve thirty. We decided that earlier. We're
24 breaking at twelve thirty.

25 MR. SPADE: All right.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Are you okay, Cardinal, to go another
3 ten minutes?

4 THE WITNESS: Yes.

5 MR. SPADE: Okay.

6 BY MR. SPADE:

7 Q. The next document, Cardinal, is GJ-1151. It's a
8 November 21, 1995, memo from William J. Lynn to yourself.

9 Do you see that?

10 A. Yes.

11 Q. Okay. And, sir, this is the only point I want to
12 make here, is that the summary report that we were just
13 discussing, marked GJ-1150, according to this memo, was in
14 fact passed on to you, correct?

15 In other words, Father Lynn writes at the bottom of
16 the first paragraph: "Also, attached is the initial
17 summary report from Saint John Vianney Hospital"?

18 A. Which one are you talking about?

19 Q. This is GJ-1151. At the bottom of the first
20 paragraph, Father Lynn writes: "Also, attached is the
21 initial summary report from Saint John Vianney Hospital"?

22 A. Yes.

23 Q. You would agree with me, sir, that he's referring
24 to that document?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. -- that we just discussed, correct?

3 A. Yes.

4 Q. So you would agree with me, sir, that that was in
5 fact -- even though you don't have a specific recollection
6 of it, it was in fact given to you?

7 A. Yes.

8 Q. Okay. And then the other information that's
9 contained in eleven fifty-one is the fact that Father Lynn
10 writes: "Given the strong suspicions that are present
11 concerning the two allegations that have been made against
12 Father Gana," he recommends that Father Gana be asked to
13 resign as pastor of Our Mother of Sorrows, correct?

14 A. Yes.

15 Q. So again, even though you've testified that you
16 didn't have conclusive evidence that Father Gana had
17 abused ~~Timmy~~ and ~~Barny~~ you had strong suspicions,
18 and therefore, you asked him to resign as pastor?

19 A. Yes.

20 Q. And the conclusive evidence, Cardinal, would have
21 been what? An admission by Father Gana?

22 A. Yes.

23 Q. Okay. And then the next document is GJ-34, which
24 is a November 22, 1995, memo from Reverend Joseph Cistone
25 to yourself.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. Do you see that?

4 A. Yes.

5 Q. Okay. And again, I'm just trying to refresh your
6 recollection and establish the fact that the Vianney
7 diagnosis, as well as the recommendations of Father Lynn,
8 namely, that Father Gana be asked to resign as pastor of
9 Our Mother of Sorrows, were in fact passed on to you and
10 discussed with you, correct?

11 A. Yes.

12 Q. Okay. Having looked at these documents, does it
13 refresh your recollection, your independent recollection,
14 about this transpiring?

15 A. No, they do not. No.

16 Q. Okay. And then in the first full paragraph of
17 GJ-34, Father Cistone writes: "Bishop Cullen and I
18 ~~discussed this matter. Bishop Cullen concurs with the~~
19 recommendations but believes that, after Father Gana
20 submits his resignation, Father Lynn should inform him
21 that his faculties are limited to private Mass and that
22 Father Gana can seek permission for exceptions. Bishop
23 Cullen and I both feel that this has the potential of
24 becoming a PR concern."

25 Cardinal, what I wanted to ask you is: Do you

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 remember discussing with Bishop Cullen that he in fact
3 thought that Father Lynn's recommendations needed to go a
4 step further, namely that Father Gana be restricted to
5 private Mass?

6 A. No, I don't recall that.

7 Q. Okay. Do you have any idea why Bishop Cullen would
8 have been concerned that Father Gana be restricted to
9 saying private Mass?

10 A. Why he would be concerned?

11 Q. Yes.

12 A. I suppose it's based on what was said, the
13 suspicions and, you know, to make sure that on those
14 suspicions, that he has -- that he's removed from public
15 ceremonies.

16 Q. Okay. And would one of the concerns there be that
17 he not have access to children, to minors?

18 ~~A. That would be one of them.~~

19 Q. Okay. Can you think of any other concerns there?

20 A. Not at the present time.

21 Q. Okay. Can you turn to GJ-35. It should be the
22 next document.

23 Do you see that?

24 A. Yes.

25 Q. And this is a November 27, 1995, memo from Cistone

1 ANTHONY JOSEPH CARDINAL BEVILACQUA
2 to Father Lynn, and it's regarding the letter dated
3 November 22, 1995, from Reverend Stanley M. Gana to
4 Cardinal Bevilacqua, "Re: Resignation from pastorate,"
5 and then the second page in this, in GJ-35, would be the
6 November 22 resignation letter.

7 Do you see that?

8 A. Yes.

9 Q. Okay. And then at the bottom of first page of the
10 cover memorandum, Father Cistone writes: "Please note
11 that his Eminence has seen this letter but no response was
12 given. If appropriate, please prepare a suitable letter
13 of response for Cardinal Bevilacqua's signature."

14 So again, sir, these documents establish that you
15 were involved in the discussions regarding what to do with
16 Father Gana after the diagnosis came in from Vianney of
17 sexual disorder, correct?

18 A. Well, by recommendations, I would have seen the
19 recommendations made.

20 Q. Right.

21 A. Yes.

22 Q. Okay. And then the next document would be GJ-48.
23 Do you see that one? It's a one page memorandum.

24 A. I have it.

25 Q. It's a February 23, 1996

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. -- memo from Father Lynn to the file regarding a
4 telephone call from Dr. Donna Markham.

5 A. Yes.

6 Q. And Dr. Markham, do you recall now what her
7 position was at that time?

8 A. Not independently.

9 Q. Okay.

10 A. Just from this.

11 Q. She's identified in the memo as being a
12 psychologist who is treating Father Gana at Southdown --

13 A. Yes.

14 Q. -- is that correct?

15 A. Yes.

16 Q. And Southdown -- I think we've touched on this
17 before, but Southdown is a Catholic treatment center in
18 Toronto, Canada; is that correct?

19 A. Yes.

20 Q. Okay. And then the second full paragraph at the
21 bottom, Father Lynn writes: "She," meaning Dr. Markham,
22 "confronted him about it," and him would refer to Father
23 Gana, "and he broke down and was completely honest with
24 her.

25 "He described in explicit detail to her the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 incidents in which he was involved. She said all the
3 allegations against him are true. He admitted
4 everything."

5 Did I read that correctly?

6 A. Yes.

7 Q. Cardinal, would this information have been reported
8 to you in February of 1996, the fact that Father Gana had
9 now finally admitted that he had sexually abused these
10 boys?

11 A. I don't recall.

12 Q. I'm asking would it have been reported to you?

13 Is this something of enough importance that you
14 would have wanted to have known about it?

15 A. I can't answer that. I don't know how they
16 determined -- they can't be sending me all the files.

17 Q. No. But what I'm asking you, sir, is: Given your
~~18 order of priority of issues that you were dealing with in~~

19 the Archdiocese of Philadelphia, is the fact that one of
20 your priests had admitted to having anal intercourse with
21 eleven, twelve and thirteen year old boys something of
22 enough importance that you would have wanted it reported
23 to you?

24 A. It's important, but I have a hesitation that they
25 would have sent this to me. They may have been waiting

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 for a summary updating. I don't know how they would
3 inform me.

4 Q. I understand. I understand, but you would have
5 wanted to know about this; that's what I'm asking you?

6 A. I always would want to know, but . . .

7 Q. Okay. And in your communications with -- and we've
8 gone over this before, and I'm sorry to belabor the point,
9 but in your communications with your subordinates, you
10 made that known to them that you would want to know
11 information like this, correct?

12 A. Well, important information.

13 Q. Okay.

14 MR. SPADE: All right. It's twelve
15 twenty-nine now, and as Mr. Gallagher indicated,
16 we're going to break now how lunch.

17 MR. GALLAGHER: Two o'clock.

18 MR. SPADE: Cardinal, thank you. We're
19 going to break until two o'clock, and then please
20 be back at two o'clock. Thank you.

21 THE WITNESS: Okay. Thank you.

22

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25

MR. GALLAGHER: Cardinal, you can leave

ANTHONY JOSEPH CARDINAL BEVILACQUA

the documents here. The stenographer will be here during the lunch hour for security.

(Whereupon the witness and his counsel were excused from the grand jury room.)

MS. MCCARTNEY: [REDACTED]

[REDACTED]

about ten more pages [REDACTED]

[REDACTED]

get [REDACTED] fifteen

pages [REDACTED]

So [REDACTED]

[REDACTED]

[REDACTED] ss

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MS. MCCARTNEY: [REDACTED]

[REDACTED] at.

[REDACTED]

(A luncheon recess was held.)

(END OF VOLUME 11)

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APPENDIX H-9

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E

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

IN RE: : MISC. NO. 0300-239
: :
COUNTY INVESTIGATING :
GRAND JURY XIX : C-1

January 29, 2004

Room 18013, One Parkway
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA
(RE: REV. STANLEY M. GANA)

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE
Deputy District Attorney

WILLIAM SPADE, ESQUIRE
Assistant District Attorney

MAUREEN MCCARTNEY, ESQUIRE
Assistant District Attorney

For the Commonwealth

PRESENT:

C. CLARK HODGSON, JR., ESQUIRE
For the Witness

Reported by: Charles Holmberg
Official Court Reporter

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ANTHONY JOSEPH CARDINAL BEVILACQUA

MR. SPADE: Okay. We're back on the record. It's two o'clock on Thursday, January 29.

How many jurors are present, please?

[REDACTED]

Cardinal Bevilacqua is back in the room with his counsel.

ANTHONY JOSEPH CARDINAL BEVILACQUA, having been previously sworn, was examined and testified as follows:

BY MR. SPADE:

Q. Good afternoon, Cardinal.

Cardinal, when we left off, we were talking about GJ-48, and I just have one or two more questions about this. This is a document again of February 23, '96, memo from Father Lynn to the file.

You don't have that in front of you yet?

MR. HODGSON: What's the date again?

MR. SPADE: GJ-48.

THE WITNESS: I don't have it here.

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ANTHONY JOSEPH CARDINAL BEVILACQUA

(Pause.)

MR. HODGSON: It's the last one.

THE WITNESS: Okay. Thank you.

MR. SPADE: You're welcome.

BY MR. SPADE:

Q. I know it's hard to keep track. There are a lot of documents.

Again, this is the document where Father Lynn reports that Dr. Markham had disclosed to him that Father Gana had admitted that the allegations of sexual abuse of minors made against him were true, and the second to last paragraph, Cardinal, where Father Lynn reports: "She," meaning Dr. Markham, "said what we are looking at is a person that is very heavily addicted to drugs and alcohol and very heavily involved in substance abuse, and that causes sexual acting out. She said he would not be diagnosed a pedophile or ephobophile, but rather a person who acted out under the influence of drugs or alcohol."

Cardinal, do you have a recollection, an independent recollection, of receiving that information?

A. I do not.

Q. Okay. Again, let me ask you. Realizing that you don't have a recollection of that, but knowing how your mind works, when that information was reported to you,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that Dr. Mackham would not diagnosis Stanley Gana as a
3 pedophile or an ephebophile, would you have had some
4 questions about that diagnosis?

5 In other words, would you have had a question along
6 the lines of: Well, how can he be having anal intercourse
7 with eleven, twelve and thirteen year old boys but not be
8 diagnosed as a pedophile or ephebophile?

9 A. You mean -- this is a hypothetical?

10 Q. Right. When you received that, can you go back and
11 guess how you would have reacted to that, knowing how
12 you -- you know, knowing yourself essentially?

13 Well, let me ask you this.

14 A. No. I would not be considered professional in this
15 area.

16 Q. I understand. Well, let me ask you this.

17 As you sit here and look at it today, at this

18 document, knowing what you know, that he had anal
19 intercourse with three boys from the ages of eleven to
20 thirteen, does that strike you as raising questions that
21 he would not be diagnosed as a pedophile or ephebophile?

22 A. I always leave that to the doctors.

23 Q. Okay. But as the person at that time who was
24 trying to make a decision about whether Stanley Gana would
25 be reassigned to a position within the Archdiocese, would

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 you have wanted to have more information as to how she
3 could have reached that diagnosis?

4 A. No. I would have trusted her diagnosis.

5 Q. Okay. When we were looking at the document before
6 that I marked as GJ-1159 and we looked at one of the
7 excerpts on page four, you had raised some -- you don't
8 need to go back and look at it. I just have a general
9 question.

10 You had raised some distinctions about between
11 people who are diagnosed as pedophiles or ephebophiles and
12 people who are referred to as people who sexually act out
13 with minors, and you would seem to indicate that that
14 raised some questions in your mind as to whether there are
15 many different recidivism rates for the different
16 categories; is that accurate?

17 A. No. I was just reflecting what was written there.

18 Q. Okay. Do you think it's significant whether a
19 priest, one of your priests, comes back and is not
20 diagnosed as a pedophile but is diagnosed as having a
21 sexual disorder?

22 A. Oh, I'm concerned about that.

23 Q. Okay. I mean, would it raise questions in your
24 mind: Well, Father Gana was diagnosed as having a sexual
25 disorder. Is that something that we need to worry about

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 about in terms of him acting out in the future?

3 A. Yes.

4 Q. Okay. Are those questions something that you would
5 have communicated to Father Lynn or the other people that
6 were working on these matters for you?

7 A. I think they would have thought of it themselves.

8 Q. Okay. So are you saying that you assumed that they
9 would have thought about these questions themselves?

10 A. Yes.

11 Q. Okay. And again, you didn't have any procedures in
12 place to make sure that they were thinking about these
13 questions or asking these questions?


14 A. Well, I know they were thinking about it because
15 whenever we had any kind of accusations, we took them very
16 seriously.

17 Q. Okay. Cardinal, could you turn to the document
18 that's marked GJ-1152.

19 I'll give you a minute to find it.

20 A. Well, the numbers are all . . .

21 I have it.

22 Q. Okay. GJ-1152 is a November 28, 1995, memo from
23 Michael McCulken to the file regarding a telephone
24 conversation with 

25 Cardinal, again, I'm just going to summarize this

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 briefly.

3 The key piece of information in here, in this
4 document, that I wanted to bring to your attention was
5 that Father Moran, who was Father Gana's canonical advisor
6 or canonical lawyer, had reported to Father McCulken and
7 Father Lynn that Father Gana was informing his
8 parishioners about his resignation and he was reporting to
9 the parishioners that he was resigning for health reasons.

10 Do you see that? It's the second full paragraph.

11 I'll just read it to you.

12 A. Yes.

13 Q. "I explained to Father Moran that Cardinal
14 Bevilacqua approved Father Gana's request to resign as
15 pastor."

16 A. Yes.

17 Q. "I indicated that Father Gana's letter had arrived
18 and that Cardinal Bevilacqua would respond accepting the
19 resignation. I told Father Moran that Father Gana
20 informing the parishioners about his resignation because
21 of health was approved as was his living temporarily at
22 his home or the home of his friend in Florida. I also
23 explained that we would help with finding an appropriate
24 inpatient facility."

25 Did you see that?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 A. Yes.

3 Q. Did you follow along as I was reading?

4 The question, and I think we've touched on this
5 before, and I don't want to go over it much, but what was
6 the reasoning there behind telling the parishioners at Our
7 Mother of Sorrows that Father Gana was resigning for
8 health reasons and not because he had admitted to sexually
9 abusing some prepubescent boys?

10 A. I mean, it is true that there are many health
11 reasons when you read the report from -- what was it?
12 Anodos, and Southdown? That he had health problems. Even
13 psychological problems. A sexual disorder is a health
14 problem.

15 Q. Okay. I guess what I'm asking -- I agree with you
16 that a sexual disorder is a health problem, but my
17 question is: What was the rationale for not reporting the
18 full picture, which is yes, he had health problems and the
19 health problems were that he had a sexual disorder and was
20 having sex with prepubescent boys?

21 A. It was not our practice to specify at that time,
22 you know, what the health reasons were.

23 Q. Okay. Cardinal, I didn't make a copy of this for
24 you, but this is another -- I'm going to read to you from
25 volume two of Restoring Trust, a Pastoral Response to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Sexual Abuse. I had referred to this document before.

3 It's a document that you produced to the grand
4 jury, and, Cardinal, the tab that I'm reading from, and
5 it's just a very short section, is entitled "Ad-Hoc
6 Committee on Sexual Abuse," responding to
7 Victim-Survivors, and it's dated November of 1995, and
8 I'll give it to you in a minute so that you can look at
9 it, but the part that I'm reading from within that
10 subsection is page thirty of the document, and I just want
11 to read a short excerpt for you; and again, the whole
12 article is talking about how bishops and secretaries of
13 clergy should deal with parishes when the pastor or one of
14 the priests assigned to the parish is removed because he's
15 been alleged to have sexually abused a minor or has
16 admitted to sexually abusing a minor, and again, this is
17 an NCCB document.

18 "In responding to affected parish communities, the
19 diocese is guided by these three principles:

20 "These parishes undergo a complex process of
21 grieving when they learn a trusted and respected leader
22 has been accused.

23 "A most important element in healing is receiving
24 accurate information of what happened; the healing of the
25 community is a multidisciplinary challenge."

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2 I'm just going to hand you the document so that you
3 can take a look at it for yourself. What I read from is
4 right there and right there, and it's got the arrow next
5 to it.

6 (Pause.)

7 MR. GALLAGHER: Is that volume one or
8 two?

9 MR. SPADE: It's two.

10 (The witness conferred with his
11 attorney.)

12 THE WITNESS: May I talk?

13 MR. SPADE: Yes, you can certainly
14 confer with counsel.

15 (The witness conferred with his
16 attorney.)

17 BY MR. SPADE:

18 Q. Have you had a chance to confer with counsel?

19 A. I did.

20 Q. Okay. Cardinal, I just wanted to ask you just a
21 very basic question.

22 I'm sorry. Did you have something that you wanted
23 to say?

24 A. No. I was going to answer it again. Go ahead.

25 Q. Answer what again?

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2 A. No. I thought you were going to ask me that I -- I
3 was just repeating what I said before, you know, about
4 it's true that there were health reasons.

5 Q. Okay.

6 A. And to repeat why didn't I tell, you know, give the
7 full explanation is at that time it was not our practice.

8 Q. Okay. Cardinal, in reading that excerpt from the
9 NCCB document that I just showed to you, you would agree
10 that the NCCB experts that were advising you and the other
11 bishops about how to deal with this were telling you -- I
12 believe it's -- I don't have it in front of me. I think
13 it says a most important element of dealing with the
14 parishes is giving them complete and accurate information,
15 correct?

16 A. That's what it says here.

17 Q. Okay. And you would agree that in telling Our
18 Mother of Sorrows Parish that Father Gana was being
19 removed for health reasons, that that was certainly
20 accurate but it wasn't complete, correct?

21 A. Well, it was complete as we did at the time.

22 Q. Okay. So in your understanding of it, that was a
23 complete explanation?

24 A. Yes, for us.

25 Q. Okay.

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2 (The witness conferred with his
3 attorney.)

4 BY MR. SPADE:

5 Q. And, Cardinal, has that practice -- well, up until
6 the time that you stepped down as the Archbishop of the
7 Archdiocese of Philadelphia, did the practice change any
8 time between when Father Gana was removed from Our Mother
9 of Sorrows in the fall of 1995 until the time that you
10 stopped being the Archbishop?

11 A. We didn't have much occasion, but after the --
12 after Dallas, we revised our guidelines.

13 Q. Okay.

14 A. As far as I recall.

15 Q. And Dallas was in June of 2002?

16 A. Yes.

17 Q. Okay. You're referring to the meeting of the U.S.
18 Conference of Catholic Bishops in June of 2002?

19 A. Right. And after the guidelines -- that was only
20 the beginning of the change, because the charter had to be
21 approved and so on. So it took quite a while after.

22 Q. Okay. When you received the three-volume set of
23 Restoring Trust from the NCCB in 1995, do you remember --
24 did you read the whole document? Did you read excerpts
25 from it, or did you delegate somebody to read it?

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2 A. I went through, you know, what I thought were
3 relevant portions, but that's -- that's such a long time
4 ago, and I presume I gave it to the Secretary for the
5 Clergy.

6 Q. Okay. Do you remember at that time having
7 discussions with other bishops or people that worked for
8 you in the Archdiocese as to how to put into effect some
9 of the suggestions that were being set forth by NCCB
10 document, Restoring Trust document?

11 A. I don't recall doing that, but I know there would
12 have been occasions when we would have discussed this.

13 Q. Okay. Would the discussions have included a
14 discussion of why the NCCB experts were advising the
15 bishops to provide complete and accurate information to
16 the parishes when a sex abuser priest was removed from the
17 parish?

18 A. I don't recall that.

19 Q. You don't remember if that would have included
20 that?

21 Well, do you have any insight as to why that
22 recommendation was made?

23 Do you know what the rationale behind the
24 recommendation was?

25 A. (No response.)

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2 Q. Do you have any insight into that?

3 A. Why this was made?

4 Q. Yes. The recommendation of providing complete and
5 accurate information to the parishes?

6 A. I guess it would depend on the parishes, maybe to
7 avoid -- you know, to find out if others have been
8 affected. There could be several mothers.

9 Q. Of other minors within the parish that had been
10 affected; is that correct?

11 A. Yes.

12 Q. Okay.

13 A. That could have been one of the reasons.

14 Q. So there was an insight at that time among the
15 bishops in the NCCB that it would be important when you
16 remove a sex offender priest from a parish to find out
17 whether he had abused other minors within the parish,

18 correct?

19 A. It's important, but it may not necessarily mean by
20 conveying it in that way, of announcing it to the people.
21 There could be other ways possibly.

22 Q. Okay. And would another rationale have been that
23 by providing information to the parishioners that that
24 priest that had been removed had had allegations against
25 him of sexually abusing minors, that then the

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2 parishioners, if they had any further contact with that
3 priest in the future, would be on notice that they should
4 be careful about allowing their children, their teenagers
5 or their children, to have contact with that priest?

6 A. That's hard to answer when you say there were
7 allegations because that already makes that -- if you
8 announce that, in the minds of people, he's guilty
9 already.

10 Q. Right.

11 A. If their allegations had not been determined.

12 Q. Let's make it more concrete.

13 In the case of Father Gana, or Father Gana at this
14 point in time, being the spring of '96, the fall of '95
15 and the spring of '96, Father Gana at that point had
16 admitted that he had sexually abused minors.

17 A. Yes.

18 Q. Would one of the purposes of advising Our Mother of
19 Sorrows parishioners that Father Gana had admitted to
20 sexually abusing minors have been to put them on guard in
21 the future that they should be careful about allowing
22 their children or their teenagers to be around Father
23 Gana?

24 A. But in there he was resigning, so he was not going
25 to be there anymore.

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2 Q. Okay. So in your mind there was no chance that he
3 would be around minors in the future?

4 A. Well, certainly we were going to make every effort
5 for that.

6 Q. Okay?

7 A. And in that parish particularly he would be gone.

8 Q. But you would agree with me if after that point,
9 after the fall of '95 and the spring of '96, if Father
10 Gana, despite your efforts, was around minors at that
11 point and the parents of those minors had not been
12 informed that he had admitted to sexually abusing minors,
13 they would not be on notice to be careful about allowing
14 their children to be around Father Gana, correct?

15 A. Well, it depends on what -- would you repeat that,
16 because we can't follow him everywhere, and you know, at
17 that time, we would not have announced it in -- you know,
18 throughout the whole Archdiocese. It's hard to follow
19 your question.

20 Q. Okay. Well, let me break it down for you.

21 If you had announced -- you agree with me that
22 according to that NCCB document, which was produced in the
23 fall of 1995, right around the time that this was
24 happening with Father Gana -- in fact, Father Gana
25 admitted to sexually abusing minors in February of 1996

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2 according to GJ-48. You had that document in the fall of
3 1995, referring to Restoring Trust, correct?

4 A. Yes.

5 Q. And that was advising you, correct, to be deplete
6 and accurate in the information that you gave to parishes?

7 A. Yes. It was still considered only guidelines.

8 Q. I understand, but it was advising you to be
9 complete and accurate, correct?

10 A. Well, it suggested that.

11 Q. Okay. If at that time -- you would agree with me
12 if at that time, if you had followed that suggestion to be
13 fair and accurate with the parishioners of Our Mother of
14 Sorrows or in fact with all of the parishioners of the
15 Archdiocese of Philadelphia, you would agree with me that
16 if you had done that, the parishioners who had teenagers
17 and children would then have been on notice about any
18 potential danger that Father Gana presented to their

19 children, correct?

20 A. Your hypothetical is if I -- if I had done that,
21 would they be on notice? Sure, they would be on notice.

22 Q. Okay. And you testified that you couldn't follow
23 Father Gana around everywhere, correct?

24 A. Correct.

25 Q. Okay. And you testified that it was always your

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2 intention that he not be around children in the future,
3 correct?

4 A. That was our intent.

5 Q. Okay. So given all of those things that we just
6 established, if at that point, meaning February of 1996,
7 if after February of 1996 in one of his assignments with
8 the Archdiocese of Philadelphia he was around teenagers or
9 children again, he would present more of a danger to those
10 children because the parents of those children and indeed
11 those children themselves would not know that he was an
12 admitted sex offender?

13 A. It would depend on the circumstances that he was
14 in.

15 Q. Okay. The next document that we're going to look
16 at is GJ-39. I'll give you a minute to find your copy of
17 that.

18 (Pause.)

19 A. I have it here.

20 Q. And again, Cardinal, I'm going to summarize this in
21 the interest of moving this along.

22 This is a March 13, 1996, memo from Michael
23 McCulken to the file regarding a telephone call from
24 [REDACTED] who was who's the Chancellor of the
25 Diocese of Orlando, and you would agree that it's accurate

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that in this memo, Father McCulken reports that [REDACTED]
3 [REDACTED] reported to him that Stanley Gana was living in
4 the Diocese of Orlando, and I'll just quote from the
5 second paragraph of the memo.

6 "Evidently some of the parishioners have told
7 Father O'Reilly," Father O'Reilly was a priest in the
8 Diocese of Orlando, "that there are a number of young
9 people from Slovakia at the house. The ages appear to the
10 people to be late teens and early twenties. The
11 parishioners have expressed their concerns about what
12 might be happening at the house. The pastor reported the
13 information simply to let the officials know the concerns
14 of the people in the event that anything should be wrong
15 or go wrong."

16 The third paragraph: "[REDACTED] noted that the
17 diocese has recently experienced some cases of sexual
18 abuse that were highly publicized, and they are very
19 sensitive about such issues. They do not want any adverse
20 publicity. She wanted to let us know that they do not
21 look favorably on such situations and in fact have a
22 policy that no priest can have a minor child stay in the
23 rectory or in the priest house. Sister also noted that a
24 parishioner stated that they are aware that Father Gana
25 left his parish abruptly and wonder what that might be
[REDACTED]

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1 about."

2
3 Q. Did I read that accurately?

4 A. Yes.

5 Q. Cardinal, do you have any recollection, you know,
6 in looking at this document, did it refresh your
7 recollection about learning this information in March of
8 1996?

9 A. I have none at all.

10 Q. Okay. Is that something that would have been
11 reported to you?

12 A. (No response.)

13 Q. Is that something of significant importance that
14 would have been reported to you?

15 A. I'll be honest with you, I would doubt it.

16 Q. Okay.

17 BY MS. MCCARTNEY:

18 Q. Cardinal, you don't think that that's something of
19 significant importance, the fact that Stanley Gana, who
20 had admitted to sexually abusing three teenagers, left the
21 Archdiocese of Philadelphia, went down to Florida and
22 there were reports coming back to the Archdiocese of
23 Philadelphia that he was living in a house where there
24 were teenagers there? That wouldn't have been of
25 significant importance to reach your office?

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2 A. I'm just saying -- you know, something like this,
3 they may have tried to find out, you know, when he went
4 down, other information, before they would tell me, but I
5 would not think that would -- I can understand if they did
6 not inform me of this until they found out where he was,
7 also that this is a . . . you know, there is no specific
8 information here that they are, you know, below the age of
9 eighteen. It says late teens and early twenties.

10 Q. Okay. Thank you.

11 BY MR. SPADE:

12 Q. Let me ask you this. You said that you think that
13 Father Lynn and Father McCulken may not have reported this
14 to you until they had done some investigation and found
15 out what was happening; is that correct?

16 A. It's possible.

17 Q. Okay. You would agree with me that after they
18 investigated and found out why he was down there and what
19 he was doing, that they would have reported back to you on
20 this, correct?

21 A. At some time, yes.

22 Q. Okay. Understanding that you don't have any
23 independent recollection of a report being made to you,
24 what would you have done or what would you have wanted to
25 be done when you found out that Gana was down in Orlando

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2 in a house with people in their late teens and early
3 twenties?

4 A. Well, the first thing I think, I would have
5 presumed they would try to find out, you know, why he was
6 down there.

7 Q. Okay. Would you have wanted to issue an order to
8 tell Father Lynn to call Father Gana back immediately to
9 the Archdiocese of Philadelphia?

10 A. Well, I wouldn't -- they are very competent people.
11 I am presuming that they would have realized that they
12 would have to do that themselves.

13 Q. Okay. But, Cardinal, this wouldn't have outraged
14 you that Father Gana was down there and the chancellor of
15 another diocese was reporting that she was concerned
16 about, you know, possible sexual abuse happening in his
17 house?

18 A. You're talking about sexual abuse of a minor? It's
19 not clear in this.

20 Q. Well, I'll just read from the document.

21 [REDACTED] noted that the diocese has recently
22 experienced some cases of sexual abuse that were highly
23 publicized and they are very sensitive about such issues.
24 They do not want any adverse publicity. She wanted to let
25 us know that they do not look favorably on such situations

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2 and in fact have a policy that no priest can have a minor
3 child stay in the rectory or in the priest house."

4 A. Right.

5 Q. Now, you would agree with me, Cardinal -- she
6 certainly says that the reports were that the people were
7 in their late teens and early twenties that were staying
8 with Father Gana. I concede that.

9 But you would agree with me that the later
10 paragraph indicates that [REDACTED] isn't certain how old
11 the people living with Father Gana are and that she's
12 concerned that they may be -- she doesn't know, but she's
13 concerned that they may be minors and that there may be
14 sexual abuse happening in the house, correct?

15 A. Yes.

16 Q. Is that a fair reading of the memo?

17 A. That she's concerned, yes.

18 Q. Yes. Okay. And my question to you is: When that
19 was reported to you, after Father Lynn had done his
20 investigation, you would have been outraged about that,
21 correct?

22 A. I don't know if it was reported to me.

23 Q. Okay. No, but I'm asking you, knowing yourself,
24 knowing, you know, what your reaction to something like
25 this would be, right?

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2 A. When you say outraged, I mean, I presume that they
3 would do something about it, be in touch with him.

4 Q. Okay.

5 A. At least ask him to come back to Philadelphia.

6 Q. Right.

7 A. Go back to Southdown.

8 Q. Right. And you would want to be absolutely certain
9 that they did do that, correct?

10 A. Yes.

11 Q. Because you're concerned about these matters?

12 A. Ordinarily, yes.

13 Q. Okay.

14 A. I'm presuming they made every effort.

15 Q. Okay. And the next document that we're going to
16 look at is GJ-57.

17 Have you found your copy of that, Cardinal?

18 A. Yes.

19 Q. Okay. This is an April 2, 1997, memo from William
20 Lynn to the file regarding a meeting with Dr. Samuel
21 Mikail, and Dr. Samuel Mikail is identified as a doctor at
22 Southdown institute or hospital in Ontario, Canada.

23 Cardinal, I just wanted to touch on the report
24 there that Dr. Mikail makes, and this is in the fourth
25 full paragraph: "Father Gana had sexual contact with

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2 eight people, both women and men. Of these eight, three
3 were adolescents at the time."

4 So this is just confirming the fact that -- just
5 confirming his earlier admission to having sexual
6 relationships with minors, correct?

7 A. And also with adults.

8 Q. And also with adults as well, which I assume was
9 not something that you wanted to tolerate, either?

10 A. No.

11 Q. And then the next document is GJ-59. This is an
12 April 17, 1997, memo from Father Lynn to yourself
13 regarding Father Gana, and the first thing I want you to
14 touch on is in the second to last paragraph of the first
15 page.

16 "On October 24, 1996, Father Gana called me to
17 inform me he was returning to Southdown. He stated that
18 he realized how important his priesthood is to him and
19 that he needs to get well. He finally returned to
20 Southdown in February of 1997."

21 Did I read that accurately?

22 A. Yes.

23 Q. So Father Gana returned to Southdown in February of
24 1997. If you go back to GJ-39, and you don't need to look
25 at it, Cardinal. You can just -- if you don't mind, you

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2 can take my representation for what it says.

3 But GJ-39 is the document that's dated March 13 of
4 '96, that's the document where [REDACTED] reported Father
5 Gana living with the young people in a house in the
6 diocese of Orlando. You remember that?

7 A. I don't know if he was living or they were visiting
8 him.

9 Q. Okay. They were visiting him.

10 The key thing, Cardinal, is that the date on
11 GJ-39 is March 13 of 1996; and then in GJ-59, which is the
12 April 17, '97 memo from Father Lynn to yourself, he
13 reports that Father Gana didn't return to Southdown until
14 February of '97.

15 Now, you would agree with me that that's an
16 eleven-month period, correct?

17 A. Yes.

18 Q. Okay. So Father Gana, the inference that we can
19 draw from this documentation, is that Father Gana may have
20 been down in Orlando for eleven months, correct?

21 A. Could have been.

22 Q. Okay. And again, you don't have any recollection
23 and there's no documentation that Father Lynn went down
24 there to investigate what was happening, correct?

25 A. To Orlando?

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2 Q. Yes.

3 A. I'm not aware of that.

4 Q. Because you testified earlier that you thought it
5 would be likely that he wouldn't report back to you until
6 he had investigated what was going on down in Orlando,
7 correct?

8 A. Yes. But that doesn't mean going down. I mean
9 inquiring.

10 Q. Okay.

11 A. And urging.

12 Q. How would you make inquiries about what was
13 happening down there of Father Gana?

14 A. I don't know about investigating. Trying to
15 urge -- I said to urge him to come back to Philadelphia,
16 go back to Southdown.

17 Q. Okay. So you would agree with me that if Father
18 Lynn had been urging Father Gana to come back, to go back
19 to Southdown, he wasn't successful for about eleven
20 months, correct?

21 A. I would have to infer that.

22 Q. Okay. And during that time period, since you have
23 no recollection of it, and it's not documented, apparently
24 he wasn't reporting back to you, that you had a renegade
25 priest, a renegade sex abuser priest living down in the

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2 Diocese of Orlando?

3 A. I'm just presuming that Father Lynn kept trying to
4 urge him.

5 Q. Okay. And correct me if I'm wrong, Cardinal,
6 because you're a canonist, but under canon law, you as the
7 bishop could issue a directive to Father Gana to
8 immediately return to the Archdiocese of Philadelphia, and
9 you actually had power under canon law to reprimand him or
10 to punish him under canon law if he did not obey your
11 directive, correct?

12 A. That's true.

13 Q. Okay. And then going back to GJ-59 -- and again,
14 I'll just summarize this. The other information here is
15 that Dr. Mikail apparently agrees with the Vianney
16 therapist that evaluated Father Gana and agrees -- and
17 this is on the second page, Cardinal, of the first
18 paragraph.

19 Dr. Mikail agrees, and I'm quoting, middle of the
20 first paragraph: "Father Gana is not diagnosed as a
21 pedophile although there were three men with whom he was
22 involved in sexual misconduct from the time of their
23 teenage years into young adulthood. These actions
24 occurred from the mid-seventies to the mid-eighties. The
25 remainder of these actions took place with adult females."

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2 That's again confirming that Father Gana was having
3 sex with adults as well as children, correct?

4 A. That's what it states.

5 Q. Okay: And you would agree with me that Father
6 Lynn, who's writing this memo, was actually a little
7 inaccurate in his reporting when he said that, that Father
8 Gana was involved in sexual misconduct from the time of
9 their teenage years into young adulthood, because we know
10 from other documents that ~~_____~~ *Timmy and Barry*

11 ~~_____~~ were actually eleven and twelve when they first
12 started getting sodomized by Father Gana, correct; and
13 that's actually before teenage years, correct?

14 That's prepubescent; would you agree with that?

15 A. In that particular . . . in that particular
16 statement, but I don't know if that's the statement of Dr.
17 Mikail.

18 Q. Oh, okay. I see. You're saying that maybe Father
19 Lynn is just reporting what Dr. Mikail said?

20 A. That is correct.

21 Q. So you would agree with me whether it was Dr.
22 Mikail or Father Lynn, that whoever it was that was making
23 this statement was inaccurate?

24 A. Well, it's hard to tell. I don't know the whole
25 story here.

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2 Q. Okay. And then the next document is marked
3 GJ-1153.

4 Do you see that?

5 A. I have that.

6 Q. Okay. And this is Southdown. It's on Southdown
7 letterhead. It's dated May 5 of '97, and it's a letter to
8 Father Lynn from Donna Markham, Ph.D., who's a Southdown
9 therapist; is that correct, Cardinal?

10 A. Yes.

11 Q. Okay. And then on the second page, second full
12 paragraph, Dr. Markham writes: "With regard to diagnosis,
13 I do not consider Father Gana to be a pedophile,
14 ephebophile, nor does he exhibit any evidence of predatory
15 sexual behavior."

16 I assume that you don't have a recollection of this
17 being reported to you, correct?

18 A. An original recollection, no.

19 Q. Right. Again, but you would agree that this is
20 important enough information that it would have been
21 reported to you at some point, correct?

22 A. Possibly.

23 Q. Possibly. Okay.

24 If it was reported to you, Cardinal -- well, let me
25 just ask you, sitting here today, reading that, Dr.

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2 Markham saying that Father Gana does not exhibit any
3 evidence of predatory sexual behavior --

4 A. Right.

5 Q. -- do you look at that statement and feel any sort
6 of disbelief or skepticism about the statement?

7 A. No. I can't answer that.

8 Q. You can't answer it?

9 A. No.

10 Q. Okay. And then down to the bottom full paragraph,
11 I'll read it: "Father Gana's hope and desire to continue
12 in ministry raises the issue of future risk. At this
13 point in Father Gana's recovery, I would" --

14 A. Forgive me. I can't find that.

15 Q. I'm sorry. At the bottom of the second page. The
16 bottom paragraph of the second page.

17 A. Oh, okay.

18 Q. It starts off "Father Gana's hope." Do you see
19 where I am?

20 A. Yes.

21 Q. "Father Gana's hope and desire to continue in
22 ministry raises the issue of future risk. At this point
23 in Father Gana's recovery, I would view him as being of
24 minimal risk for relapse of substance abuse or sexual
25 misconduct."

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2 I'm going to assume that you can't answer the
3 question about whether you would view that statement with
4 skepticism?

5 A. She's the expert.

6 Q. Okay.

7 A. We relied so much on medical experts.

8 Q. Okay. So you can answer the question?

9 A. Well, in the sense that's what she says, "minimal
10 risk for relapse of substance abuse or sexual misconduct."

11 Q. And if today you had to face the decision of
12 assigning Father Gana to a ministry and you could talk to
13 Dr. Markham, you wouldn't want to ask her: Well, how is
14 it he could have had anal intercourse with three boys,
15 underaged, prepubescent boys, in the past and you view him
16 as being of minimal risk for relapse into sexual
17 misbehavior?

18 A. I am not the doctor, and she's the one that was the
19 therapist.

20 Q. Okay.

21 A. They're supposed to have the expertise.

22 BY MS. MCCARTNEY:

23 Q. Well, Cardinal, we're clear on the fact that you
24 are the one that makes the assignments of priests in the
25 Archdiocese of Philadelphia, correct?

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2 A. Yes.

3 Q. So you have that responsibility.

4 And being vested with that responsibility, you
5 don't think it was important to go back and question what
6 somebody told you?7 I mean no disrespect, Cardinal, but in many of the
8 questions that you've been asked today, if you don't agree
9 with what's being said or you have a question about what
10 the question actually means, you ask that. You say: I
11 don't understand --

12 A. That's right.

13 Q. -- or I want to go back and I want to be clear on
14 what it is that you're asking me.'15 So certainly that's part of what skills you've
16 developed to get you as far as you've gotten in life,
17 correct?

18 A. (No response.)

19 Q. You've achieved a very high position of Cardinal.
20 Aside from the Pope, it's the highest you can go, correct?

21 A. (No response.)

22 Q. Correct?

23 A. I don't know about that.

24 Q. Within the Catholic Church, correct?

25 A. I don't consider it a very high position.

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2 Q. Okay. Well, if we were looking --

3 A. But anyhow.

4 Q. Correct. And the reason that you've gotten to that
5 point, Cardinal, is because you've demonstrated your
6 ability with certain skills, correct?

7 A. I don't know. It's God's providence.

8 Q. Well, Cardinal, I mean, I think that this is a
9 question that the grand jurors have, and that is that
10 somebody who is vested with the responsibility that you
11 had in the Archdiocese of Philadelphia, your educational
12 background, your experience, your obvious intelligence, is
13 it your testimony that you take a diagnosis from an expert
14 that says that he has no or there's little, minimal risk
15 of relapse and that you just accept that blindly?

16 A. When it comes to medical professional people, we
17 generally do. I mean, how can I countermand that? How
18 can I question that?

19 BY MR. GALLAGHER:

20 Q. You had an admission by him that he did it. You
21 have an admission by Gana that he did this earlier.

22 A. Yes, but this is a rehabilitation.

23 Q. I don't care about rehabilitation. You had an
24 admission. You have an admission by Gana that he anally
25 raped eleven year old boys.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. This is after he has received a lot of treatment,
3 and it's -- I have to rely on these experts, that after
4 all of this therapy and treatment, now he presents what
5 she says, a minimal risk.

6 THE WITNESS: If I may.

7 MR. SPADE: Yes, please.

8 THE WITNESS: I mean, even the
9 statistics you gave from Dr. Gill, remember there
10 was a difference between those who were not
11 treated.

12 MR. SPADE: Yes.

13 THE WITNESS: And those who are
14 treated.

15 MR. SPADE: Right.

16 THE WITNESS: So there can be a change
17 with the treatment.

18 MR. SPADE: Right.

19 THE WITNESS: Therefore, I have to rely
20 on their expertise to say now at this point he
21 presents a minimal risk.

22 MR. SPADE: Okay.

23 BY MR. SPADE:

24 Q. Do you know, Cardinal, whether Drs. Mikail and
25 Markham, in treating Father Gana and in evaluating Father

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1
2 Gana, relied solely on information that was provided to
3 them by the Archdiocese of Philadelphia and Father Gana
4 himself or whether they got information from outside
5 sources?

6 A. I do not know that.

7 Q. You do not know that.

8 Do you know whether your Secretary of Clergy would
9 have known that?

10 A. I do not know that, either.

11 Q. Okay. Since you raised it, going back to GJ-1159,
12 the Gill article, the article by Dr. Gill, do you still
13 have your copy of that?

14 If you look at page five of that article, under the
15 heading "Additional Information Obtained," do you see
16 where I am?

17 A. Yes.

18 Q. The first bullet point there, there's a number of
19 bullet points that Dr. Gill puts out. The first one
20 that's listed there is: "Clinicians believe that both
21 self-reports by patients and clinical opinions of
22 therapists will underestimate the incidence rate of
23 recidivism."

24 Do you understand what that means?

25 A. Yes.

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1
2 Q. Okay. What does that mean?

3 A. I mean, that they may minimize it in the sense they
4 will underestimate, that word "underestimate."

5 Q. Right.

6 A. This is one man's opinion.

7 Q. Right. And this one man's opinion is one man that
8 the NCCB hired to counsel you and your fellow bishops,
9 correct, about how to handle sex offenders?

10 A. I don't know about counseling us. It's an article
11 that was in one of the volumes.

12 Q. Well, okay. Let me rephrase it.

13 This is a man who was solicited by somebody at the
14 NCCB to submit an article to the bishops about how to
15 handle sex offender priests after they had received
16 treatment, correct?

17 A. But it doesn't mean you have to follow this.

18 Q. I understand that. I'm just asking you. This
19 opinion, this one man's opinion, was solicited by the
20 bishops, correct?

21 A. I presume someone had to ask him to include this.

22 Q. Right. It just didn't get into the Restoring Trust
23 document by itself, correct?

24 A. No.

25 Q. Okay. And then if you turn to page six, the fourth

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 bullet point down, and I'll read it: "In some centers
3 where priests are treated, the diagnosis (sexual abuser)
4 has been disguised; as a result, accurate statistics are
5 impossible to obtain there."

6 Do you have an understanding of what that means?

7 A. Yes.

8 Q. What do you think that means?

9 A. But we're talking about something entirely
10 different, first of all.

11 Q. Well, Cardinal, with all due respect, really, could
12 you first answer my question, and then we can talk about
13 the other topic.

14 What do you think that this means here, that the
15 diagnosis in some of these treatment centers is disguised?

16 A. Just what it says.

17 Q. In other words, somebody might be a pedophile or an
18 ephebophile, but they're given a diagnosis that is not
19 labeled pedophile or ephebophile; is that your
20 understanding of that?

21 A. That's what he says.

22 Q. That's what Dr. Gill says?

23 A. In some centers.

24 Q. Okay.

25 A. But I'm not saying that. You know, I have to rely

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 on the expertise of reputable centers.

3 Q. Okay. You're not saying that you have to rely on
4 the expertise?

5 A. I said I have to.

6 Q. Okay?

7 A. Southdown is a reputable center.

8 Q. Okay. Do you know whether any of the diagnoses
9 that are reached by clinicians at Southdown are disguised?

10 A. No.

11 Q. Well, when you were deciding -- when you approved
12 of the recommendation of Father Lynn to send Father Gana
13 to Southdown, you had this information at your disposal.
14 It had been given to you. By that I mean Dr. Gill's
15 report.

16 Did you delegate anybody in the Archdiocese to do
17 any investigation into whether Southdown was a reputable
18 institution or not?

19 A. I am sure -- let me say this. I am presuming it
20 was done beforehand, and there's general knowledge that it
21 was a reputable center.

22 Q. Okay. And then the last bullet point, Cardinal, on
23 page seven: "Most of the spokespersons for the centers
24 agree that follow-up studies which have lasted only a few
25 years may be of very limited value."

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 What they're talking about there, Cardinal, and
3 you'll have to take my representation for it, but Dr. Gill
4 in the paper talks about how he and some other doctors at
5 so-called Catholic treatment centers have been trying to
6 put together a project where they would study recidivism
7 rates for sex offender priests, but the bishops had not
8 approved that project. Okay. And what he's talking about
9 here is that the information that he and his fellow
10 clinicians had collected up to that time indicates that
11 whatever these treatment centers had about recidivism
12 rates for sex offender priests would be of very limited
13 value.

14 Do you remember that coming to your attention in
15 the fall of '95?

16 A. No.

17 Q. Okay. And then the last thing I wanted to point
18 out to you in this document is -- turning to page eight,
19 and again, I agree with you completely that these are
20 recommendations that were made by Dr. Gill and they
21 certainly weren't binding on you or your fellow bishops,
22 but one of the recommendations that Dr. Gill makes under
23 the heading three, "Bishops could promote and attend
24 meetings in which clinicians and researchers from the
25 leading centers where priests are treated would design

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 research projects that would identify (a) which priests
3 are the best candidates for successful treatment, (b)
4 which treatment modalities are likely to be most
5 successful with which patients, and (c) which aftercare
6 programs are most likely to prevent recidivism."

7 To your knowledge, did you participate in any
8 meetings with your fellow bishops in which you recommended
9 or your fellow bishops recommended that a program like
10 this be instituted?

11 A. No.

12 Q. Okay. And then going back to the Gana file, could
13 you take a look at the document that's marked GJ-1154.

14 Do you see that?

15 A. It's not after eleven fifty-three.

16 MR. HODGSON: What's the date?

17 MS. MCCARTNEY: August 19, 1997.

18 MR. SPADE: It's an August 19, 1997,
19 cover memo from Reverend Cistone to Bishop Cullen.

20 (Pause.)

21 MR. HODGSON: What's the number again?

22 MR. SPADE: Eleven fifty-four.

23 (Pause.)

24 THE WITNESS: I have it here.

25 MR. SPADE: You have it. Okay.

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2 BY MR. SPADE:

3 Q. Again, this is an August 19, 1997, memo from Joseph
4 Cistone to Bishop Cullen regarding Stanley Gana, and it's
5 a cover memo which covers an August 12, 1997, memo from
6 Father Lynn to yourself regarding Gana; is that correct,
7 Cardinal?

8 A. Yes.

9 Q. Okay. At the very top of the August 12 memo,
10 Father Lynn writes: "In response to my memorandum of June
11 17 of '97, you approved a limited form of priestly service
12 in the Archdiocese of Philadelphia for Father Gana as a
13 chaplain to a religious community."

14 Is this jogging your memory as to that appointment
15 that you made at that time, Cardinal?

16 A. Not independently of this.

17 Q. Okay. But now you see that you appointed Father
18 Gana in June of '97 --

19 A. Yes.

20 Q. -- to be the pastor or the priest?

21 A. Chaplain.

22 Q. The chaplain assigned to the Carmelite Monastery?

23 A. Yes.

24 Q. Okay. And then at the bottom of that document
25 Father Lynn writes: "The appointment of Father Gana as

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 chaplain to the Carmelite Monastery would minimize the
3 possibility of unwanted publicity."

4 And again, Cardinal, by unwanted publicity there,
5 am I right in assuming that the unwanted publicity was the
6 fact that Father Gana had admitted to sexually abusing
7 three minors?

8 A. (No response.)

9 Q. Is that the publicity that you didn't want to come
10 out?

11 A. Yes. On the abuses that were alleged.

12 Q. Okay. And you would agree with me that that's
13 again contrary to the NCCB recommendation that you provide
14 complete information to parishioners?

15 A. This is a monastery.

16 Q. Okay. So presumably he wasn't coming in contact
17 with children at the monastery?

18 A. For the most part he would not be.

19 Q. Okay. Are you aware that he did come in contact
20 with children at the monastery --

21 A. He --

22 Q. -- because you had said for the most part?

23 A. Well, you know, I'm thinking of instances there
24 where they might bring children there.

25 Q. Okay.

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1 A. But the risk would be almost zero.

2 Q. Okay. How do you make that calculation, that it
3 would be almost zero?
4

5 A. Because very rarely that children, as one of the
6 other memos shows, that, you know, there were altar
7 servers there, but they would only happen maybe twice a
8 year, and the memos show that, because there was concern
9 about that.

10 Q. Okay.

11 A. They would only be like at Christmas or Easter, and
12 all of the altar servers were managed by the Mother
13 Superior.

14 Q. Okay.

15 A. He had nothing to do with them.

16 Q. Okay.

17 A. And in fact, when they vested, the parents were
18 always there.

19 Q. Okay.

20 A. So he had nothing else -- he had nothing to do with
21 altar servers or young people.

22 Q. Okay. And again I'm going to make an assumption
23 here based on prior answers, but I'm assuming that you had
24 no direct knowledge that the facts that you just stated
25 were in fact true, that you were relying on the competence

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 of Father Lynn to make sure that these things were true,
3 correct?

4 A. Correct.

5 Q. Okay. Because you never actually investigated
6 yourself to make sure that there were only altar servers
7 at Easter and Christmas, correct?

8 A. But it's from the memo that I read here.

9 Q. I understand.

10 A. Apparently, he was in touch with the Mother
11 Superior there.

12 Q. Okay. And was the Mother Superior supervising
13 Father Gana?

14 A. Yes.

15 Q. As far as you know?

16 A. As far as I know.

17 Q. Okay. And as far as you know again is based on
18 your presumptions of Father Lynn's competence, correct?

19 A. Well, I said one of the memos that I read here,
20 that she was informed completely of the situation of
21 Father Gana.

22 Q. Father Lynn stated that Mother Pia had been
23 informed completely, correct?

24 A. Yes.

25 Q. Okay. And the only way that you know that that's

1 ANTHONY JOSEPH CARDINAL DEVILACQUA

2 True is from Father Lynn, correct?

3 A. Correct.

4 Q. Okay. And then here, if you go back to the bottom
5 of the August 12 memo, Father Lynn writes: "He, meaning
6 Father Gana, "has been living at Immaculate Conception
7 Parish under the supervision of Father William Dombrow
8 since his discharge from Southdown. Father Dombrow has
9 indicated a willingness to continue this arrangement.
10 Father Gana could stay at Immaculate Conception Parish
11 while serving as chaplain for the Carmelite Monastery."

12 Is that accurate?

13 A. Yes.

14 Q. Okay. And then the recommendation on the bottom of
15 page two, the second recommendation, "That Father Gana be
16 informed that the Carmelite Monastery and Immaculate
17 Conception Parish are the only places where he may
18 exercise his priestly faculties on a regular basis. He
19 should request permission for any other sacramental
20 celebrations."

21 And you approved that, correct?

22 A. Yes. Yes.

23 Q. And you noted that with your note at the bottom of
24 the second page?

25 A. I did.

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2 Q. And it's dated August 25 of '97?

3 A. Yes.

4 Q. Okay. So you were aware that Father Dombrow was
5 supervising Father Gana?

6 A. Yes.

7 Q. Do you know anything about the details of Father
8 Dombrow's supervision of Father Gana at Immaculate
9 Conception?

10 A. Not the specifics, but what would be expected from
11 a supervisor.

12 Q. What would be expected? I'm interested in what
13 your --

14 A. I don't know all the details --

15 Q. Okay.

16 A. -- that were explained.

17 Q. Would you expect that somebody supervising an

18 admitted sex offender would know where that sex offender
19 is at every hour of the day?

20 A. That would be almost impossible.

21 Q. Okay. How many hours of the day do you think that
22 Father Dombrow should have been monitoring Father Gana?

23 A. I don't know.

24 Q. You don't know. Okay.

25 Whose authority was it to make those decisions

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 about how closely Father Gana should be supervised?

3 A. I think the information on how to supervise him
4 would have come from Monsignor Lynn.

5 Q. Okay. If Father Gana was supervised by Father
6 Dombrow for three hours a day, that is, that Father
7 Dombrow knew where Father Gana was and what he was doing
8 for three hours out of the day, and the rest of the time,
9 the rest of the remaining hours of the day, Father Dombrow
10 had no idea where Father Gana was or what he was doing or
11 who he was coming into contact with, in your opinion, is
12 that proper supervision to ensure --

13 A. I can't answer --

14 Q. Could I just finish my question, Cardinal.

15 A. I thought you were finished.

16 Q. Is that proper or appropriate supervision to ensure
17 that Father Gana is not getting back involved in abusing
18 minors sexually?

19 A. That's very hard for me to answer.

20 Q. Okay. You agree you're the one that assigned him
21 to Immaculate Conception, right?

22 A. Yes.

23 Q. And it was your responsibility ultimately to make
24 sure that Father Gana was not acting out again sexually
25 with minors?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. With every effort possible.

3 Q. Right. Okay.

4 A. We can just do our best.

5 Q. If you don't know, if you have no knowledge about
6 how closely Father Gana should have been supervised in
7 order to prevent him from acting out sexually with minors
8 again, who would know, Cardinal?

9 A. The ones who do the supervising. Father Dombrow.
10 Immaculate Conception is a place where we sent different
11 persons with weaknesses.

12 Q. Okay.

13 A. Whether it be alcoholics or others.

14 Q. Okay.

15 A. And I think through -- at least, through
16 experience, if not through other ways, he learned, but I
17 can't guarantee that one can be watched every minute of
18 every day.

19 Q. Well, given that you had at your disposal a whole
20 three-volume set of opinions from people that were very
21 experienced in treating and monitoring sex offender
22 priests, would it have occurred to you at that point to
23 maybe seek some guidance from the Restoring Trust
24 documents about how closely a priest like Father Gana
25 should be supervised?

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1
2 A. I'll be honest with you. That did not enter into
3 my mind because I presumed those in charge would try to
4 find out and also that supervision is always a difficult
5 situation.

6 Q. Okay.

7 A. And also where we had the information that he was a
8 minimal risk.

9 Q. Okay.

10 A. And you just do the best you can.

11 Q. Okay.

12 BY MS. MCCARTNEY:

13 Q. Minimal risk, Cardinal, but based upon that
14 document that you're referring back to, it's very clear
15 that although the risk is minimal, it also says it's not
16 zero, correct?

17 A. That's right.

18 Q. Okay.

19 A. But that's true about anybody.

20 Q. Understood.

21 When you said earlier that Father Gana was being
22 supervised at Immaculate Conception by Father Dombrow,
23 when you signed off and allowed for that appointment to be
24 made to Immaculate Conception with the thought that he was
25 going to be supervised, what did you think supervision for

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Father Gana involved?

3 A. That's hard for me to describe because Father
4 Dombrow was used to supervision, and I presumed he knew
5 what to do.

6 Q. But you signed the document that allowed for that
7 transfer to occur and you're the one that authorized his
8 residence at Immaculate Conception, and you did so, based
9 upon your testimony, on the presumption that he was going
10 to be supervised.

11 What gave you that level of comfort, what was it
12 that you believed was the supervision that Father Gana was
13 going to be receiving at Immaculate Conception, your
14 thinking, not what actually happened, what you thought
15 when you signed your name to that document?

16 A. Because when I signed that supervision, it doesn't
17 mean that I have to know that specifically. I have people
18 that work for me. I have a Secretary for the Clergy, and
19 I presume that he has to gain that knowledge and
20 communicate it to Father Dombrow.

21 Q. Okay. Cardinal, let me ask you this.

22 What level of supervision -- I understand your
23 answer, but what level of supervision would make you
24 comfortable in the situation of Stanley Gana?

25 A. I would be comfortable with the supervision that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 was given to Father Dombrow by the Secretary for the
3 Clergy.

4 Q. No. No, my question to you, Cardinal, is what
5 level of supervision would you be comfortable with as it
6 related to Father Gana?

7 Tell me how you would have -- if it was your job
8 personally to supervise Father Gana, what do you think
9 should have been done given the history that you know
10 exists with regard to Father Gana?

11 A. I cannot answer that question.

12 Q. Well, why not?

13 A. Because I don't know.

14 Q. But you're the one that authorized it --

15 A. I know.

16 Q. -- when you assumed he was going to be supervised?

17 A. That is correct, but I entrusted that to other
18 people to communicate the level of supervision.

19 Q. But my question again, Cardinal, and I don't want
20 to belabor the point, but what level of supervision would
21 you have been comfortable with, did you think was
22 appropriate for Father Gana?

23 A. I'm -- just supervision.

24 Q. I don't want to know what happened with other
25 people. That's not really my question.

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2 My question really is: What level would you have
3 been comfortable with?

4 A. I can't go in specifics but to say it should be as
5 reasonable supervision as possible.

6 Q. Reasonable supervision. Okay.

7 MR. SPADE: All right. It's 3:01 P.M.
8 We're going to take a fifteen-minute break. Please
9 be back at three sixteen.

10 (A recess was held.)

11 MR. SPADE: Okay. We're back on the
12 record. It's 3:17 P.M.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 The Cardinal and his counsel are back
19 in the room.

20 BY MR. SPADE:

21 Q. Cardinal, could you turn to the next exhibit, which
22 is GJ-11.

23 Do you see that? It's a November 3, 1997, letter
24 from ^{Timmy} [REDACTED] to yourself.

25 In the letter, Cardinal, ^{Mr.} [REDACTED] or, I guess at this

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2 point, ^{Timmy} [REDACTED] informs you that he was abused by
3 Stanley Gana when he was a boy in the Archdiocese and
4 reminds you of what happened or tells you that he's now a
5 priest in the Diocese of Bridgeport and then tells you
6 that, at the bottom of the third paragraph, he would never
7 want any other young boy to suffer the trauma of sexual
8 abuse and says, "I trust you feel the same way," and then
9 writes: "Please consider this letter to be a warning to
10 look into Reverend Stanley Gana's past in the
11 Archdiocese."

12 Am I correct, Cardinal, that you don't have a
13 recollection of receiving this letter?

14 A. That is correct.

15 Q. Okay. At this point in time, is it correct also
16 that Father Lynn had still not gone back and investigated
17 the allegations of Father Gana abusing ^{Timmy} [REDACTED] or
18 ^{John} [REDACTED] or ^{Barry} [REDACTED]?

19 A. I'm looking for a date on the letter.

20 Q. It's at the very top left, November 3 of 1997.

21 A. Oh, that's where it is. Okay.

22 Q. Is it true that Father Lynn had still at this point
23 not conducted an investigation into Father Gana's past?

24 A. I thought he started sooner. In 1995, was it?

25 Q. So it's your understanding that when the allegation

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 From Mark Berkery came in, there was some investigation
3 into Father Gana at that point?

4 A. Yes.

5 Q. Okay.

6 A. When [REDACTED] comes in, yes.

7 Q. Okay. Do you know at that time whether Father Lynn
8 had done any further investigation into the allegations
9 that Father Gana had abused ^{John} [REDACTED]?

10 A. I don't know.

11 Q. You don't know.

12 Do you presume that he did or that he didn't?

13 A. I just presume he tried something.

14 Q. Okay. And am I correct that -- well, let me ask
15 you.

16 You don't have any recollection of receiving this
17 letter from ^{Timmy} [REDACTED]?

18 A. No.

19 Q. Is this a letter that you would have read in your
20 normal practice?

21 A. I don't know. It's possible that this letter was
22 never even given to me.

23 Q. Okay. And then the next document is GJ-105.

24 Do you see that?

25 A. Yes.

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2 Q. And this is a January 9, 1998, memo from Father
3 Cistone to Father Lynn?

4 A. Yes.

5 Q. I just wanted to touch on one thing.

6 This is dealing with ^{Barry} [REDACTED] again, and at the
7 bottom of the page, this letter essentially is talking
8 about how ^{Barry} [REDACTED] wanted to know whether you had been
9 informed of the allegations against Father Gana regarding
10 the sexual abuse of ^{Barry} [REDACTED] and that he wanted to meet
11 with you himself, ^{Barry} [REDACTED] did.

12 And then at the bottom of the page, Father Cistone
13 writes: His Eminence noted that, in essence, ^{Barry} [REDACTED]
14 was calling you a liar," meaning Father Lynn.

15 "Nonetheless, your memorandum seems to suggest that you
16 may consider a recommendation that his Eminence meet with
17 ^{Barry} [REDACTED] sometime in the future. This would be setting

18 a precedent, i.e., for the Cardinal to meet with such
19 individuals. His Eminence cautioned about such a
20 recommendation and noted there must be other means of
21 letting ^{Barry} [REDACTED] know that his Eminence was informed,
22 other than for his Eminence to meet with him personally."

23 Did I read that correctly?

24 A. Yes.

25 Q. Do you have any recollection of that, of having a

1 ANTHONY JOSEPH CARDINAL BEVILLACQUA

2 conversation with Father Cistone about meeting with Mr.
3 Berkery?

4 A. I do not have a recollection.

5 Q. Okay. Was it your practice at that time not to
6 meet with victims of clergy sex abuse?

7 A. At the advice of legal counsel, it was.

8 Q. Okay. And again, I just want to draw your
9 attention very briefly to this Restoring Trust document,
10 and there's an article in there, and I'll just read it to
11 you, Cardinal.

12 This is an article called care for victims and
13 their families. It's dated September 29, 1994, and it's
14 authored by Archbishop Harry J. Flynn, Archdiocese of
15 Saint Paul and Minneapolis.

16 I presume that you're acquainted with Archbishop
17 Flynn?

18 A. I am.

19 Q. Okay. And Archbishop Flynn relates in the article
20 about how he was assigned to go down to the Diocese of
21 Lafayette, Louisiana, in June of 1983 to deal with the
22 Gauthé sex abuse scandal. Are you familiar with that?

23 A. Yes.

24 Q. Okay. Archbishop Flynn writes on page three: "It
25 seems to me that the underlying presence a bishop should

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 have in a relationship with anyone who has been victimized
3 is a listening presence. A listening presence is born out
4 of prayer. It means that we are able to believe still in
5 the presence of another and not feel that we must say
6 something out of defense or explanation. It means asking
7 ourselves what this person is saying and what is being
8 left unsaid. We are looking at the person and letting
9 that individual express his or her pain in any way that
10 seems appropriate at the moment."

11 Do you have a recollection of reading Archbishop
12 Flynn's article on dealing with victims?

13 A. No.

14 Q. Okay. Is it an article that you would have read
15 when you received this Restoring Trust document?

16 A. Probably.

17 Q. Okay.

18 A. But I don't recall it.

19 Q. Okay. And can I assume from what you just said,
20 about upon advice of counsel not meeting with victims,
21 that you disagree with Archbishop Flynn's recommendation
22 here that the bishop be a listening presence for the
23 victims of sexual abuse?

24 A. No, I don't disagree with that.

25 Q. At the time --

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1
2 A. At that time.

3 Q. At that time you disagreed with it?

4 A. No. No.

5 Q. Okay.

6 A. I said at that time, legal counsel advised me not
7 to. Later on it was different.

8 Q. Okay. The next document is GJ-107, and this is a
9 memorandum dated December 18, 1998, from yourself to the
10 file regarding Father Gana, and in here you write: "The
11 second reason that he," meaning Father Gana, "came in to
12 see me was to obtain clarification on what he was
13 permitted to do in his priestly ministry and what were the
14 restrictions. He knew that he was restricted to carrying
15 out priestly ministry at the Carmelite Monastery, but he
16 also said that he helps out in his parish at Immaculate
17 Conception whenever there is a need. He emphasized that
18 this did not occur frequently. When I expressed a little
19 surprise at this, he told me that Monsignor Lynn had told
20 him that he could assist there in the time of need. He
21 then asked me what my policy was regarding his ministry at
22 Immaculate Conception. I responded that any questions
23 regarding what he is permitted to do in his priestly
24 ministry and what his restrictions are should be discussed
25 with Monsignor Lynn."

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Did I read that accurately?

3 A. Yes.

4 Q. Do you have any recollection of meeting with Father
5 Gana in December of '98?

6 A. Well, as a result of this memo I have.

7 Q. What do you remember about the meeting?

8 A. No. Other than what's in here, I don't remember
9 the contents of the meeting.

10 Q. Okay. So I take it then that you don't remember
11 why you were surprised when he told you that he was saying
12 Mass infrequently at the Immaculate Conception Parish?

13 A. Probably because he was saying Mass at the
14 monastery.

15 Q. You were surprised that he was saying Mass?

16 A. No. No. No. He must have meant something else.
17 He emphasized.

18 Q. Well, I'll just read it again.

19 A. It says he helps out at Immaculate Conception.

20 Q. Right.

21 A. It's a very small parish. There is -- you know,
22 there are very few people there, so unless it was some
23 exceptional reason, when Father Dombrow was sick or
24 something, that he may have said a Mass there, but
25 ordinarily, he was to say Mass every day at the Carmelite

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Monastery.

3 Q. But he's informing you here that he does help out
4 infrequently at Immaculate Conception, correct?

5 A. Yes. He says it there.

6 Q. Okay. And you said that Immaculate Conception is a
7 small parish, right?

8 A. Right.

9 Q. And at that time, are you aware now or were you
10 aware at that time, December of 1998, that Immaculate
11 Conception does have parishioners who are families that
12 have children?

13 A. I don't know much about the -- you know, the
14 demography or the parish.

15 Q. Okay. And you didn't at that time?

16 A. No.

17 Q. And then the next document, Cardinal, is GJ-108.

18 This is an April 5, '99, memo from Monsignor Lynn
19 to the file regarding a telephone call from ~~_____~~ ^{Timmy's sister}
20 ~~_____~~, who is a sister of ~~_____~~ ^{Timmy}, and
21 ~~_____~~ ^{Timmy's sister} reported that she had been to an Easter
22 vigil at the Carmelite Monastery and that she had seen --
23 I'm sorry, Cardinal.

24 She had been to a Saturday vigil service at the
25 Carmelite Monastery, and she knew that Father Gana had a

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 limited ministry, so she was surprised to see him there;
2 and then she goes on to report that she was concerned --
3 and this is in the middle of the second paragraph, and I'm
4 quoting Father Lynn.
5

6 "She was concerned because there were no other
7 priests there. She wondered who the supervisor was. I
8 told her the Mother Superior there knew the whole
9 situation and is observant of different things as she
10 needs to be. She said she was concerned because there was
11 a child being baptized. At least, there was a child there
12 in white, and she presumed he was being baptized, and
13 there were altar servers there also."

14 And you had touched on this before, Cardinal. I
15 guess you've read this document in the last couple of
16 weeks. But again, so you don't have, I take it, any
17 independent recollection of hearing about this --

18 A. No.

19 Q. -- in 1998?

20 A. No.

21 Q. Or 1999?

22 A. No.

23 Q. Okay. But again, you presume that when Father Lynn
24 writes that he was being supervised and all of the various
25 things that he talks about in terms of Father Gana being

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 supervised, you presumed that those things are true,
3 correct?

4 A. Yes.

5 Q. But you never made any attempts to find out whether
6 they were true?

7 A. No.

8 Q. All right. And then GJ-109, and again, this is a
9 May 3, 1999, memo from Father Lynn to the file, and this
10 is regarding a conversation that he had with ~~_____~~ ^{Timmy}
11 ~~_____~~ who called when he heard about Father Gana
12 saying Mass at the Carmelite Monastery, and this is where
13 Father Lynn assures ~~_____~~ ^{Timmy} that the altar
14 servers are children of those who are Third Order
15 Carmelites, are part of the Women's Guild, who are
16 connected with the monastery, and the Mother Superior
17 makes arrangements for the servers.

18 "Father Gana does not call them. He does not even
19 have their phone numbers. Mother Superior makes all those
20 arrangements, and they vest right in front of their
21 parents so that there is not a time when Father Gana is
22 alone with these children."

23 Did I read that correctly?

24 A. Yes.

25 Q. Okay. Now, Cardinal, you said that you presumed

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that when Father Lynn writes this about these
3 restrictions, that what he's writing is true, correct?

4 A. His restrictions? Yes.

5 Q. These restrictions that were supposedly placed on
6 Father Lynn?

7 A. Yes. Yes. Placed on whom?

8 Q. I'm sorry. On Father Gana. Restrictions placed on
9 Father Gana.

10 A. Yes.

11 Q. Okay. And you've testified that you did not take
12 any actions to verify that what Father Lynn was saying was
13 true, correct?

14 A. I presume that it was true?

15 Q. Okay. And I'm presuming also that at this time,
16 meaning May of 1999, you weren't aware at that time about
~~17 Father Lynn letting the investigation of Gana fall through~~
18 the cracks from '92 to '95, correct?

19 A. Yes.

20 Q. If you had been aware that he had allowed that
21 investigation to fall through the cracks, would you have
22 been as confident in your presumption that he was making
23 sure that these supervisory restrictions on Father Gana
24 were in fact in place?

25 A. I would still have confidence in him.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. You would still have confidence in him. Okay.

3 And then the next document is GJ-110, and this is
4 the December 5, 2000, memo from Monsignor Lynn to the file
5 regarding Father Gana and his recovery; and in there,
6 Father Lynn writes that Monsignor Dombrow, who was the
7 supervisor of Father Gana at Immaculate Conception, had
8 reported that Father Gana had become overly involved with
9 a young man who was in treatment and who goes to
10 twelve-step meetings.

11 And then if you jump down to the fourth paragraph,
12 "Father Gana stated that he knows he still gets overly
13 involved with people but he is pleased that both Monsignor
14 Dombrow and Father Hennelly have pointed these things out
15 to him. When questioning Father Gana about this person he
16 was involved with, we asked him if there were any others.
17 He mentioned one other person, but by the end of our

18 conversation, he had mentioned two more. It is hard to
19 tell if Father Gana is ever being truthful about these
20 matters."

21 Can I presume, Cardinal, that you don't have any
22 independent recollection of receiving this information in
23 December of 2000?

24 A. That is right. I do not.

25 Q. Okay. This is a report where Father Gana is being

ANTHONY JOSEPH CARDINAL REVILLACQUA

1
2 informed by Father Dombrow that Father Dombrow is
3 concerned that Father Gana might be relapsing into the
4 criminal behavior, correct?

5 A. Oh, I can't say that. Involved does not mean that
6 he's doing anything overt. This could be that he's
7 getting too friendly with them.

8 Q. Okay.

9 A. I would think he was warned about that.

10 Q. Does it indicate there, Cardinal, in the fourth
11 paragraph, where it says: "Father Gana mentioned one
12 other person, but by the end of our conversation, he had
13 mentioned two more," does it indicate in there, in any
14 place, what the ages of those three other people were?

15 A. I just read what you have there.

16 Q. Right.

17 A. I don't see any age.

18 Q. Okay.

19 A. They talk about persons, people. You know, I'm
20 just -- if I may, generally, you don't refer to children
21 in that -- with those words. When you say persons or
22 people, you generally mean adults.

23 Q. Okay.

24 A. But that's only a subjective reaction.

25 Q. Okay. Is this report something that you would have

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 wanted to come to your attention at that time?

3 A. I would doubt it.

4 Q. Okay. So even reading this, as you read it today,
5 this is not something that would cause you concern about
6 the possibility of Father Gana relapsing into criminal
7 sexual activity with minors?

8 A. Not from what it says there. I think that they
9 were concerned that he was getting involved with people
10 too closely.

11 Q. Okay.

12 A. And I think what they did, rightfully, is put him
13 on the alert.

14 Q. Okay. And then the last document, Cardinal, second
15 to last document, it's not marked, but it's the October 1,
16 2001, memo from Father Lynn to the file regarding the
17 possibility of Father Gana retiring?

18 A. Yes.

19 Q. And it's reported in there that as a result of --
20 on the second page, the top of the second full page, and
21 I'll mark this as GJ-1160.

22 Do you have a pen?

23 A. Eleven sixty.

24 Q. Would you mind putting that on top of there. Thank
25 you.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (GJ-1160 was marked for

3 identification.)

4 BY MR. SPADE:

5 Q. On the top of the second page there, Father Lynn
6 writes: "Father Gana stated he realizes he could not even
7 go out and get a job because for him to enter into the
8 workplace with so many people, he fears he would fall into
9 the danger of unhealthy relationships, which he is prone
10 to. Knowing his own weaknesses, Father Gana says he has
11 hobbies and things which he could do in an isolated way so
12 as not to interact too much with other people and
13 therefore fall into the some of the same difficulties he
14 has had in the past."

15 Did I read that right?

16 A. Yes.

17 Q. Okay. So you would agree with me here that Father
18 Gana is acknowledging that if he were to be in certain
19 situations, he would be prone to falling into, quote,
20 unhealthy relationships, correct?

21 A. Yes. That's true about all of us.

22 Q. Okay. And then the last document has already been
23 marked as GJ-1155.

24 A. Yes.

25 Q. And this is a February 13, 2002, memo from Father

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Lynn to the file regarding a change of policy?

3 A. Yes.

4 Q. And Father Lynn writes that he and Father Welsh met
5 with Father Gana on February 13, 2002, to discuss a change
6 in policy. "Monsignor Lynn told Father Gana that the
7 Archdiocesan Policy on Clergy Sexual Abuse has been
8 revised. The policy had allowed the possibility of
9 limited, supervised ministry for priests who have sexually
10 abused minors but have not been diagnosed with pedophilia
11 or ephebophilia. However, after a review of the policy in
12 light of the real situation of priests in these types of
13 assignments, including his own situation, it was
14 determined that the Archdiocese is not able to provide and
15 sustain an adequate level of supervision for these priests
16 even in limited ministry."

17 Cardinal, do you have an independent recollection

18 of when the Archdiocese implemented that policy of a
19 limited, supervised ministry?

20 A. The limited one prior to this one is -- it goes
21 back, and it was a very customary policy in most dioceses.

22 Q. Okay. Was it in the 1992-1993 time period?

23 A. Yes.

24 Q. Okay.

25 A. But you know, even earlier times we did it.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 Q. Okay. Do you know, sitting here today, what it was
3 that changed or what it was that you or Father Lynn became
4 aware of that caused you to revise this policy?

5 A. It was a kind of an evolution over the years, that
6 as we realized the potential, we thought we were doing an
7 adequate job with the limited ministry and the supervision
8 we gave; and as is stated here, we realized that perhaps
9 that adequate supervision was not sufficient in these
10 cases and it was to make no exceptions.

11 Q. Okay. Now, Cardinal, you testified just a little
12 while ago, did you not, that you yourself had at that time
13 and even today have no conception of what an adequate
14 supervision of a sex offender priest would be? Correct?

15 A. That is correct.

16 Q. So how is it then that you were able to determine
17 that whatever level of supervision that you were providing
18 at that point was not adequate?

19 A. The one thing I remember from original memory is
20 Monsignor Lynn coming to me at the beginning of the year
21 and telling me that he just could not do it anymore, that
22 we'd have to have an absolute policy as is incorporated in
23 here, and it was his reasons, and I accepted them.

24 Q. Okay. So again, you relied on the expertise of
25 Father Lynn?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. Or Monsignor Lynn?

4 A. Yes.

5 BY MS. MCCARTNEY:

6 Q. When did that conversation with Monsignor Lynn, to
7 the best of your recollection, occur?

8 A. It was not long before this date here. It was
9 towards sometime -- I think either the end of January, the
10 beginning of February.

11 Q. Of 2002?

12 A. 2002.

13 Q. Okay. Cardinal, you've now had the benefit of
14 examining the Gana file, the documents that go back as far
15 as the ~~Timothy~~ allegations and go forward as far as his
16 being told that he could no longer function in any
17 capacity in the Archdiocese.

18 Having the overview of that file and, you know,
19 refreshing your recollection as best these documents can,
20 do you think, sitting here today, that this file was
21 handled competently by the Secretary of Clergy or by the
22 Archdiocese; and when I say the file, I'm talking about
23 the situation with Stanley Gana?

24 A. I cannot say that gap was something that was
25 considered competent. It was a lapse, that period in

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 which we had the allegations, and there was a lapse of
3 several months there.

4 Q. Years, Cardinal?

5 A. Excuse me. Years that that was not acted on.

6 That's -- that was a lapse. I have no explanation. It
7 was not our policy by any means whatsoever. It was just a
8 lapse in policy.

9 But I must repeat that one lapse, even several, do
10 not mean a person is incompetent. I have no explanation
11 for it, but I have to say that.

12 Q. Thank you. But just so with these -- I'm sorry.

13 A. May I add.

14 Q. Sure.

15 A. But when you look over all the files, you have to
16 see -- I have to speak in favor of Monsignor Lynn, that
17 the cases were handled very, very adequately, you know,

18 most of the cases. This was one of those things that he
19 called falling through the crack, and he admitted it.

20 BY MR. GALLAGHER:

21 Q. Cardinal, when you said the policy changed in
22 February -- right before February 13 of 2002; is that
23 correct?

24 A. Around that time, yes.

25 Q. And that that happened as a result of Monsignor

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Lynn independently coming to you; is that correct?

3 A. That is correct. I remember that.

4 Q. Okay. Now, when he came to see you, do you recall
5 that meeting?

6 A. I just recall him coming to see me.

7 Q. Okay.

8 A. I don't remember all the details of it, but that
9 was the essence of it.

10 Q. In that essence of it, did he give you explanations
11 of why he thought that he could no longer supervise these
12 people?

13 A. No. I mean, that was a fact. He felt that he --
14 you know, felt that he couldn't have -- couldn't do it
15 anymore, as he felt it should be, but he didn't expand
16 on -- I don't remember much more beyond that conclusion
17 and that recommendation.

18 Q. When you say it was a fact, it was a fact
19 established by him, by his admissions to you?

20 A. Yes. Yes.

21 Q. Okay. Did you concur with his determination of his
22 fact?

23 A. When he -- you know, when he put that to me, I
24 agreed with his recommendation.

25 Q. Now, this timing of February of 2002, at this time

1 ANTHONY JOSEPH CARDINAL BEVELACQUA

2 when he made this admission to you that he could no longer
3 handle it, in the process of that conversation, did what
4 was going on nationally come into your discussions, in
5 other words, nationally what was going on at that time in
6 Boston?

7 A. I don't recall that, honestly.

8 Q. Okay. Were you aware of what was going on in
9 Boston in February of 2002?

10 A. Yes.

11 Q. But you don't recall whether that was part of the
12 discussion as to change your policy?

13 A. I do not recall that.

14 Q. So basically, your policy was changed because the
15 guy that was in charge of this, the Secretary of Clergy,
16 told you by that point he couldn't do his job anymore?

17 A. I don't put it that way.

18 Q. How would you put it?

19 A. You know, that he told me that he felt it should --
20 you know, it was not -- he felt at that time it was not
21 adequate enough.

22 Q. What was not adequate enough?

23 A. The supervision that he could give.

24 Q. Okay. Did he ask you for more resources to do the
25 supervision?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 A. I don't recall that.

3 Q. Okay. Did you recommend to him that maybe he
4 needed more resources to do the supervision?

5 A. No, I don't recall that at all. All I recall is
6 that he felt it was time that -- you know, to enact this
7 policy. He gave the reason, and I agreed with it.

8 Q. And that policy affected Gana, correct?

9 A. Yes.

10 Q. Okay. Do you know where Father Gana is now?

11 A. To be honest with you, I don't.

12 Q. Do you know if he's abusing children now?

13 A. No.

14 Q. Back when he made this admission -- and it was
15 brought to your attention in 1995, correct?

16 That's what the record established today; is that
17 correct?

18 A. My recollection was that was it '95.

19 Q. Late '95, early '96?

20 A. Right.

21 Q. Okay. At that point, did you or anyone in the
22 Archdiocese consider notifying law enforcement?

23 A. That we depended on legal counsel, you know, for
24 that.

25 Q. Do you recall whether or not you conferred with

ANTHONY JOSEPH CARDINAL BEVELACQUA

1 legal counsel concerning the Stanley Gana case?

2 A. I don't recall. That was always my secretary.

3 Q. I don't want to know what you talked to counsel
4 about. I just want to know -- and the specifics of it --
5 whether you recall discussing the Gana case with counsel?
6

7 A. Ordinarily I wouldn't do it myself. It would be
8 the Secretary for Clergy, when he determined it, and I
9 don't recall that.

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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17 (Whereupon the witness and his counsel
18 returned to the grand jury room.)

19 MR. GALLAGHER: Madam Secretary, would
20 you please inform the Cardinal of his continuing
21 responsibility.

22 GRAND JURY FOREPERSON: Cardinal
23 Bevilacqua, you are hereby notified that your
24 subpoena is a continuing one. That means should
25 the jury desire further evidence and/or testimony

1 ANTHONY JOSEPH CARDINAL DEVILACQUA

2 from you, you will be notified to appear before
3 this grand jury by mail, phone or through your
4 attorney, if you have one.

5 Do you understand that?

6 THE WITNESS: Yes.

7 GRAND JURY FOREPERSON: Thank you.

8 MR. SPADE: Thank you, Cardinal.

9 ---

10 (END OF VOLUME IV)

11 ---

12 (Hearing concluded.)

13 ---

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the trial of the above cause, and that this copy is a correct transcript of the same.


Official Court Reporter

The foregoing record of the proceedings upon the trial of the above cause is hereby approved and directed to be filed

Judge

APPENDIX H-10

101-46 ③

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

IN RE: : MISC. NO. 0300-239
:
COUNTY INVESTIGATING :
GRAND JURY XIX : C-1

January 30, 2004

Room 18013, One Parkway
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

(RE: REV. GANA, REV. TRAUGER, REV. GILLESPIE,
REV. SICOLI)

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE
Deputy District Attorney

WILLIAM SPADE, ESQUIRE
Assistant District Attorney

~~MAUREEN McCARTNEY, ESQUIRE
Assistant District Attorney~~

For the Commonwealth

PRESENT:

C. CLARK HODGSON, JR., ESQUIRE
For the Witness

Reported by: Charles Holmberg
Official Court Reporter

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ANTHONY JOSEPH CARDINAL BEVILACQUA

MR. SPADE: Okay. We're on the record.
It's Friday, January 30, 2004, ten o'clock A.M.
How many jurors are present, please?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

And the Commonwealth has recalled

Anthony Cardinal Bevilacqua.

ANTHONY JOSEPH CARDINAL BEVILACQUA,
having been previously sworn, was examined and
testified as follows:

BY MR. SPADE:

Q. ~~Good morning, Cardinal. How are you?~~

A. Good morning. How are you?

Q. Fine. And, Cardinal, you were sworn in to this
grand jury on December 4 by the Honorable Gwendolyn
Bright, correct?

A. I appeared before her, yes.

Q. Yes. And she explained to you your rights at that
time?

A. Yes.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 Q. And you understood them?

3 A. Yes.

4 Q. Okay. And you understand them now?

5 A. Yes.

6 Q. Okay. And one of the rights that she explained to
7 you was the right to have counsel present when you
8 testify?

9 A. Yes.

10 Q. Okay. And do you have counsel with you?

11 A. Yes.

12 MR. SPADE: And, counsel, could you
13 identify yourself for the record, please.

14 MR. HODGSON: Yes.

15 My name is Clark Hodgson. I practice
16 with the law firm of Stradley, Ronon, Stevens and
17 Young in of Philadelphia, and I represent Cardinal
18 Bevilacqua.

19 MR. SPADE: Okay.

20 BY MR. SPADE:

21 Q. [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

ANTHONY JOSEPH CARDINAL BEVILACQUA

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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Q.

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[REDACTED] e?

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

A. [REDACTED]

[REDACTED]

[REDACTED]

Q. [REDACTED]

A. [REDACTED]

Q. [REDACTED]

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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[REDACTED]

A. [REDACTED]

Q. [REDACTED]

A. [REDACTED]

Q. [REDACTED]

A. [REDACTED]

Q. [REDACTED]

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A. [REDACTED]

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[REDACTED]

BY MS. MCCARTNEY:

Q. [REDACTED]

ANTHONY JOSEPH CARDINAL BEVILACQUA

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[REDACTED]

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[REDACTED]

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A. [REDACTED]

Q. [REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A. [REDACTED] a?

A. [REDACTED] t.

Q. [REDACTED]

BY MR. GALLAGHER:

Q. [REDACTED]

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[REDACTED] that

[REDACTED]

ANTHONY JOSEPH CARDINAL BEVILLACQUA

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2 A. [REDACTED]

3 Q. [REDACTED]

4 A. [REDACTED]

5 [REDACTED]

6 Q. [REDACTED]

7 A. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. Okay. Is there any action pending as far as
11 laicization of Stanley Gana?

12 A. I'm not aware of any.

13 Q. Okay. And I'm sorry. What did you say again?
14 He's on administrative leave with all what?

15 A. I said that he had no faculties. He cannot act as
16 a priest in any way.

17 Q. Okay.

18 A. But as far as laicization, I do not know if he has
19 made any request for that.

20 Q. Well, could you or the present Cardinal initiate
21 laicization?

22 A. Very extremely difficult to do, a bishop to do it
23 on his own.

24 BY MS. MCCARTNEY:

25 Q. But not impossible?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Sometimes. Sometimes it would be. It would have
3 to be a notorious case. I'm just using an example, a
4 notorious case where he would be considered a predator,
5 grave danger, extreme grave danger, and then that would be
6 a possibility for a bishop to do it on his own, that is,
7 in the sense of asking the Holy See.

8 It depends on the circumstances, but most of the
9 time it would be that we would sometimes ask the priest to
10 do it, but he still has to ask for it.

11 Q. And if a priest does not ask for it himself even,
12 then there's obviously the difficulties which you've just
13 annunciated for us again, Cardinal.

14 It's not impossible for the bishop to initiate the
15 process himself, correct?

16 A. It would be -- I -- you'd have to go through a
17 trial in that, which is very, very difficult.

18 Q. I understand that, but my question to you is: It's
19 not impossible?

20 The Archdiocese of Philadelphia could -- albeit an
21 uphill battle as you've already described it for us, they
22 could do that, correct? They could say we're initiating
23 the process for laicization?

24 A. They could ask.

25 Q. Okay. And they, to your knowledge, have not done

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 no, correct?

3 A. I'm not aware of it.

4 Q. Okay.

5 BY MR. GALLAGHER:

6 Q. Stanley Gana's name is still listed in the
7 Philadelphia Catholic Directory, correct?

8 A. Yes. I think so.

9 Q. Okay.

10 A. I haven't seen the latest one really.

11 Q. And it indicates his address is care of the
12 Secretary for the Clergy.

13 Why does the Archdiocese continue do that if he's
14 on administrative leave?

15 A. Because he's still actually a priest of the
16 Archdiocese.

17 Q. Okay.

18 A. Canonically he is.

19 BY MS. MCCARTNEY:

20 Q. Cardinal, and I'm sorry, but when you were saying
21 about the difficulty involved in the attempting to laicize
22 someone, you know, you said that there had to be a really
23 grave situation, a real threat, a real perpetrator. And
24 you're a canon lawyer. You also ran the Archdiocese.
25 What in your opinion would be such a situation?

1 ANTHONY JOSEPH CARDINAL BEVELACQUA

2 I mean, with regard to Stanley Gana, you have him
3 by his own admission abusing at least three known victims,
4 all of whom were under the age of fifteen, over a period
5 of years.

6 He also by his own admission acknowledged breaking
7 his vow of celibacy with regard to some people that were
8 over the age of majority, both male and female.

9 There's documentation to support the impact that
10 Stanley Gana's actions have had on some of the victims
11 that were raped by him.

12 What would you consider to be a graver situation
13 whereby you might consider instituting a laicization
14 process against someone?

15 A. Forgive me, but that's very difficult to put into
16 some kind of criteria.

17 It's the time that it's done and not too often is
18 when one is very notorious publicly and the person is
19 known causing grave scandal, is considered a very serious,
20 serious threat to others, which Gana was, you know, it was
21 said that he was not.

22 So it would be -- the bishop could try, but it
23 could be that he would be refused.

24 BY MR. GALLAGHER:

25 Q. So in other words, the person has to not only have

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 committed grave violations but he also has to have caused
2 scandal for the church?

4 A. Horrific scandal.

5 Q. If the public knew about

6 A. And be, you know, considered, you know, a very
7 severe risk.

8 Q. Okay. If the public knew about the history of
9 Stanley Gana, would that be considered grave scandal?

10 A. Well, that would be scandal. Yes.

11 Q. All right.

12 BY MR. SPADE:

13 Q. [REDACTED]
14 [REDACTED] of
15 [REDACTED]
16 [REDACTED]
17 [REDACTED] a?

18 A. [REDACTED]

19 Q. [REDACTED]
20 [REDACTED]

21 A. Just one that we have on the list was DePaoli, was
22 convicted.

23 Q. Okay. And he was convicted in federal court of
24 receiving child pornography?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay.

3 A. I'm not aware of anyone else. I'm not aware of it.

4 Q. Okay. And his sentence was a probation sentence?

5 A. That's what I understand. Yes.

6 Q. He didn't serve any time in jail?

7 A. Not that I know of.

8 Q. And are you aware of the case of a priest by the
9 name of Michael Swierzy?

10 A. Oh, yes. Yes, I've heard of that. Yes.

11 Q. To your knowledge, was he convicted of a crime
12 during the time that you were the Archbishop?

13 A. Can I ask?

14 Q. Sure. Absolutely.

15 (The witness conferred with his
16 attorney.)

17 ~~THE WITNESS: Yes. Yes, he was.~~

18 BY MR. SPADE:

19 Q. Okay. And to your knowledge, did he receive a
20 probationary sentence or an incarceration?

21 MS. MCCARTNEY: Cardinal, I don't mean
22 to interrupt, but one of the grand jurors in the
23 back is indicating they're having some trouble
24 hearing you. Okay.

25 THE WITNESS: Okay.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MR. MCCARTNEY: You want me to get you
3 some water? If you want some water so you have it,
4 I'll get you a glass of water.

5 THE WITNESS: I haven't got the
6 strongest voice.

7 MS. MCCARTNEY: You want some, Clark?

8 MR. HODGSON: Yes. Thanks.

9 BY MR. SPADE:

10 Q. To your knowledge, Cardinal, did he receive a
11 probationary sentence or an term of incarceration?

12 A. That's to my knowledge, but I'm not absolutely sure
13 that he received probationary sentence.

14 Q. Okay. 

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16 

17 ~~During the time that you were the Archbishop of~~
18 Philadelphia, what was a higher priority to you as the
19 Archbishop, to protect the reputations and the well being
20 of your priests or protect the well being of the children
21 of the Archdiocese?

22 A. I always said a priority -- and it has been made
23 public a number of times, that the priority was always the
24 children and their families, followed by the common good
25 of the church and then the rights and welfare of the

1 ANTHONY JOSEPH CARDINAL BEVILLACQUA

2 priest.

3 Q. Okay.

4 A. In that order.

5 Q. Okay. Cardinal, that's the end of the questioning
6 with regard to the case of Stanley Gana, and we're going
7 to move on to another file now?

8 A. Thank you.

9 Q. You're welcome.

10 BY MS. MCCARTNEY:

11 Q. Cardinal, I placed some documents on your desk, and
12 the first file that I want to talk to you about is the
13 file of Reverend Francis Trauger.

14 Do you see those documents?

15 A. Yes.

16 Q. Okay. And the first document is grand jury
17 ~~six-o-one, and that's the data priest profile for Father~~

18 Trauger.

19 You see that in front of you?

20 A. Yes.

21 Q. Okay. Now, just before we begin, Cardinal, do you
22 have any -- you obviously have reviewed the documents
23 because we had given them to you?

24 A. I have.

25 Q. Okay. Did you have, before you reviewed those

1 ANTHONY JOSEPH CARDINAL REVILLACQUA

2 documents, any independent recollection of anything
3 dealing with Father Trauger's situation?

4 A. Very, very little. Most of it took place before my
5 time.

6 Q. Okay. When you reviewed some of the documents that
7 we're going to discuss today, did that refresh your
8 recollection as to anything that occurred during your
9 tenure with regard to Father Trauger?

10 A. Not independent recollections.

11 Q. Okay. Well, let's just go through, and I want to
12 do this fairly briefly, and we'll talk about the first
13 couple documents in the package, and they would be
14 six-o-two, six-o-three, and six-o-four, and do you see
15 those documents?

16 A. Yes.

17 ~~Q. And just for purposes of the record, Cardinal, I'm~~
18 just going to summarize what is contained in these three
19 documents, and before doing so, I'll make it clear that
20 what we're talking about in this situation occurred in the
21 1981, and clearly that was at a time well before you took
22 over as Archbishop and then subsequently as Cardinal in
23 Philadelphia.

24 But what the substance of these documents is, is
25 basically a situation was brought to the attention of the

ANTHONY JOSEPH CARDINAL BEVILACQUA

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2 Chancery office of parents by the name of ^{Evan} [REDACTED].
3 [REDACTED], who came forward, and they were members
4 of Saint Titus Parish where Father Trauger was assigned as
5 an assistant pastor; and they related that their son ^{Evan} [REDACTED]
6 who at the time was twelve years old, had been taken on an
7 overnight camping trip with Father Trauger, and they
8 indicated in the memo that ^{Evan} [REDACTED] had shared with them that
9 he and Father Trauger had shared the same bed and that
10 there were touches, and according to the documents, it
11 says that there were touches but no sodomy, but there's no
12 explanation contained in the documents as to what exactly
13 is meant by the word "touches."

14 The ^{Evan's Parents} [REDACTED] also shared the fact that they had
15 conversations with another parent by the name of ^{Carl's mother} [REDACTED]
16 ^{Carl} [REDACTED] who indicated that her son, by the name of [REDACTED]
17 who was thirteen years old, had also been taken on an

18 overnight trip by Father Trauger to the Poconos and that
19 he also shared the same bed with Father Trauger and that
20 there were touches.

21 Apparently, based upon those two complaints, Father
22 Trauger was asked to come in for an interview at the
23 Chancery office, and he indicated that he did admit
24 sleeping in the same bed with the boys.

25 With ^{Evan} [REDACTED] he said that he had massaged

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 The boy on the back and the chest to relax him. He also
3 admitted at that time that he had slept in the same bed
4 with ^{Carl} [REDACTED] and that he also had massaged him on
5 the chest and the back to relax him.

6 He also indicated when he was interviewed that he
7 had had two other encounters with two different boys from
8 that parish, being Saint Titus.

9 There's no indication in these memos as to the
10 names or ages of those two boys that he indicated he had
11 had those encounters with or what was involved in those
12 encounters.

13 And Trauger was told at that time not to have any
14 boys alone in the future and that he would be transferred
15 and that he should seek professional help and an
16 evaluation.

17 The documents also indicate that he was seen by a
18 Dr. Donnelly at Paoli Hospital and that Dr. Donnelly said
19 that Father Trauger had made a, quote, gross error in
20 judgment with the boys; however, there is no evidence of
21 homosexual problems.

22 And as I indicated earlier, Father Trauger was told
23 that he would have to be transferred as a result of those
24 encounters with those boys, and he was in fact transferred
25 to Saint Matthew's Parish in Philadelphia in September of

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 1981.

3 Does that accurately summarize the contents of
4 those documents?

5 A. From what I recall.

6 Q. Okay. In Father Trauger's next parish, Saint
7 Matthew's and these documents will relate to what's
8 been marked as grand jury exhibit six-o-six, six-o-nine,
9 six ten.

10 These series of documents in summary fashion
11 basically reflect the fact that in August of 1982, shortly
12 after Father Trauger's reassignment at Saint Matthew's, a
13 detective, [REDACTED]
14 *Marty's father* [REDACTED] came forward and indicated to Father
15 Statkus, who was the Chancellor at the time, that Father
16 Trauger had taken his fourteen year old son *Marty* [REDACTED] on an
17 overnight trip to the Poconos.

18 He said that his son said that he and Father
19 Trauger had slept outside in the tent and that Father
20 Trauger began patting him on the stomach and back. The
21 son, the fourteen year old, also said that Trauger put his
22 leg over *Marty's* [REDACTED] thigh and began moving his leg.

23 The Detective told Father Statkus that his son was
24 supposed to accompany Father Trauger on yet another
25 camping trip but had decided not to go, but the detective

1 ANTHONY JOSEPH CARDINAL BEVELLACQUA

2 informed Father Statkus that at that present time, Father
3 Trauger was actually away with two other boys.

4 The detective, according to these memos, was told
5 that the situation would be handled by the church and
6 therefore he was convinced not to pursue the matter with
7 the civil authorities, which he agreed with.

8 And what happens next, according to the
9 documentation, is that Dr. Donnelly is consulted again and
10 told of the reoccurrence of Father Trauger's problems.
11 The Cardinal, Cardinal Krol at the time, was notified as
12 to what was going on, and Father Trauger was interviewed
13 as a result of what had been told to Father Statkus.

14 And basically what happens with regard to that is
15 when Father Trauger is interviewed, and that interview was
16 conducted on August 8, 1982, Trauger said that he had been
17 confronted by the detective about what had happened with

18 his son and Father Trauger said that he had intended no
19 wrongdoing and, if there had been any objectionable
20 positions which had taken place or patterns which had
21 taken place with regard to the detective's son, it must
22 have occurred when they were sleeping.

23 Father Trauger said he had done nothing wrong but
24 had given the boy a gentle pat on his stomach and back
25 after they had spent the night together because he sensed

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that the boy was homesick. That was Father Trauger's
3 explanation for what had occurred between him and the
4 fourteen year old boy.

5 He also admitted at that time that he had spent the
6 night alone with the boy and that that had been in
7 disregard of the order which he had been given the
8 previous year.

9 He also said that he had gone on about eight
10 camping trips with boys since the last time that he had
11 been called in a year previously.

12 Father Trauger was again told his assignment was
13 going to be terminated and his faculties were going to be
14 withdrawn pending a review and that he was in fact -- he
15 was told to go to Saint John's for that evaluation.

16 It's also indicated in that memo, Cardinal, that
17 Father Trauger was told that he wasn't to discuss what had
18 happened with anybody, including his own pastor, a man by
19 the name of Monsignor Gaughan.

20 The last document in that packet, which would be
21 six ten, is the psychological evaluation which was
22 conducted by a Dr. Phillip Miraglia at Saint John's.

23 The psychological evaluation indicated that Father
24 Trauger needed no longer than two months' hospitalization
25 and that he should follow it up with intensive treatment.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 He said that he needed to explore his psychosexual
3 impulses and that with a deeper understanding and
4 acceptance, he can control his sexual feelings without
5 threatening his priesthood.

6 And there's also an indication at that time that
7 Father Trauger has made good progress. He needs an
8 intensive retreat and continued outpatient treatment, but
9 it was suggested at that time that he could be reassigned.

10 Is that a pretty accurate summary of the context of
11 those documents?

12 A. As far as I remember, yes.

13 Q. Okay. Father Trauger is next reassigned to Saint
14 Francis de Sales as an assistant pastor. He was told
15 again that he was not allowed to take any trips with boys,
16 even in a group setting.

17 He was told, however, at that time that if the
18 pastor directs him to, he was to participate and monitor
19 youth activities within the parish, including visiting
20 school, monitoring the altar boys, as well as the CYO.

21 And again, Cardinal, just so we're clear, that all
22 occurred prior to your coming to Philadelphia, and what is
23 clear from Father Trauger's priest data profile is that
24 there was a series of transfers that occurred after that
25 and that when you become Archbishop of Philadelphia in

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 1988, he was assigned in September of 1988 as an assistant
3 pastor at Annunciation B.V.M., and that would have been
4 under your tenure as Archbishop; is that right?

5 You would have been responsible for the transfer
6 that occurred in September of 1988?

7 A. Yes.

8 Q. Okay. And then he's transferred again in June of
9 1989 to Saint Joseph's in Aston.

10 Let me just ask you at this juncture, Cardinal.

11 Do you have any recollection, with the transfer of
12 1988, whether or not you were informed of any of the
13 contents that were contained in Father Trauger's secret
14 archive file?

15 A. I have no memory of that.

16 Q. Okay. If everything had worked perfectly, would
17 that have been something that you would have been aware

18 of?

19 A. I don't -- I can't say that.

20 Q. Okay. Do you have any idea or do you have any
21 explanation why it is that Father Trauger spent such a
22 short period of time at Annunciation before he was
23 transferred to Saint Joseph's?

24 A. No, I do not.

25 Q. Okay. Would you agree that given the way the

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 transfers usually occur, that it's unusual for someone to
2 be assigned for such a short period of time?

4 A. No, it is not unusual.

5 Q. Okay. It's not unusual?

6 A. No. It's happened a number of times.

7 Q. Okay. Now, when Father Trauger is assigned to
8 Saint Joseph's in Aston, do you have any recollection of
9 that transfer taking place or whether or not at that point
10 in time you were aware of the content of Father Trauger's
11 secret archive file?

12 A. I have no recollection of being made aware.

13 Q. While Father Trauger is assigned to Saint Joseph's
14 in Aston, there occurs a situation that's brought to the
15 attention of the Secretary of Clergy in April of 1991, and
16 the Secretary of Clergy at that time was Father
17 Jagodzinski; is that correct?

18 A. Yes.

19 Q. And you've had the opportunity to review some of
20 the documents that relate to that incident?

21 A. Yes.

22 Q. What was involved in that incident? Do you have
23 any recollection of that incident occurring?

24 A. None at all.

25 Q. Okay. Just for purposes of the record, basically

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 what happens in April of 1991 is Father Jagodzinski gets a
3 phone call from the principal

4 A. Excuse me. May I interrupt. I meant I have no
5 independent recollection. I mean, I read this.

6 Q. Well, let me ask it to you this way, Cardinal.

7 When you read these documents, did they refresh
8 your recollection?

9 A. No.

10 Q. Did they bring back to you a memory of this
11 occurring in 1991?

12 A. No, they did not.

13 Q. Okay. So your only base of knowledge comes from
14 reading these documents?

15 A. Yes.

16 Q. Okay. Well, just for the purposes of the record,
17 what happens in 1991 is while Father Trauger is assigned
18 to Saint Joseph's School, the Secretary of the Clergy gets
19 a phone call from the principal and the vice principal at
20 Saint John Neumann High School, and they report to Father
21 Jagodzinski a situation that had been brought to their
22 attention by a mother of a boy who was a student at Saint
23 John Neumann; and basically, in summary fashion, what is
24 related to Father Jagodzinski is that Father Trauger
25 had -- the mother had called complaining about the fact

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that Father Trauger had come to the high school, Saint
3 John Neumann, and had taken her son out of class and spent
4 about an hour and a half with him and then drove him home.

5 She also expressed some concern over the fact that
6 she didn't know who Father Trauger was, her son didn't
7 know who Father Trauger was and yet Father Trauger
8 appeared to know some things about her life, her son's
9 life, that she had no idea where he got that information.

10 Is that accurate based upon the information?

11 A. Yes.

12 Q. Then there's an investigation of sorts that is
13 conducted, and the principal gets a subsequent call from
14 the mother where she's expressing even further concerns
15 about it because her son is telling her more things of
16 what was discussed during the conversation he had with
17 Father Trauger; and Father Jagodzinski shares this

18 information with Father Molloy, who tries to gather some
19 more information about how it all came to pass, and
20 basically what happens is Father Trauger is called down
21 for an interview as a result of this concern, and Father
22 Trauger tells Father Molloy, and that's contained in a
23 memo, grand jury exhibit six fifteen, and this interview
24 took place on April 15, 1991.

25 Father Trauger said that he had been down at the

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1
2 Art Museum and wandered into a bookstore in Center City
3 where he saw a boy in a Neumann jacket, and Father Trauger
4 said he approached the boy and identified himself as a
5 priest because he was in civilian clothing.

6 Father Trauger said that he noticed that the boy
7 had some rolled up magazines in his hand, and so Father
8 Trauger asked him what they were, and it was discovered
9 that the magazines were all pornographic magazines which
10 contained exclusively male photos.

11 Father Trauger then says he had a conversation with
12 the boy, asked him whether or not his parents knew that he
13 was reading that type of material and asked him whether or
14 not he wanted him, meaning Father Trauger, to speak with
15 his parents about it. Apparently, the boy said no and
16 went on his way.

17 Father Trauger said that he next attempted to
18 gather the identity of the boy and did so by going to the
19 school, eliciting the help of the principal, and according
20 to Father Trauger, he was able to identify the student in
21 that manner.

22 He returned to the school the next day. The boy
23 was on retreat. He returned on a third day, and
24 eventually, that was when he was able to have his face to
25 face meeting with the boy, which occurred for about an

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 hour and a half. He drove him home.

3 Father Trauger said they talked about the school
4 boy's school life, home life and whether or not the boy
5 thought he was gay.

6 Father Molloy, in this memo that is written
7 regarding the interview with Father Trauger, said that he
8 didn't really find Father Trauger's explanations to be
9 very comforting, so apparently Father Molloy didn't
10 totally believe the explanation that Father Trauger was
11 advancing.

12 Is that your interpretation from reading the
13 documents as well, Cardinal?

14 A. Yes.

15 Q. And he also basically did not believe that Father
16 Trauger had gotten the identity of the boy through the
17 principal of the school, and so Father Molloy did some

18 further research into that.

19 Just for the record, when you were reviewing this
20 document which was prepared by Father Molloy -- and Father
21 Molloy was a very good note taker. Would you agree with
22 that?

23 A. Yes.

24 Q. And he was very efficient and copious in taking the
25 notes --

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2 A. Yes.

3 Q. -- that he took; is that right?

4 Did you find it at all unusual, Cardinal, when you
5 were reviewing the memo that was authored by Father
6 Molloy, that nowhere in that memo is the name of the boy
7 mentioned?

8 A. I -- I don't know why he was not mentioned.

9 Q. Clearly Father Trauger, having obtained the
10 identity of the boy through whatever means, had it,
11 correct?

12 A. I presume so. He certainly went out of his way to
13 find out who he was.

14 Q. And Father Trauger, also, given the fact that he
15 admitted that he had taken the boy out of class and he had
16 actually taken him home, Father Trauger had the address of
17 the boy, correct?

18 A. I presume so.

19 Q. Okay. But nowhere in this memo is there any
20 indication that Father Molloy made any efforts to identify
21 the boy or to find out where he lived; is that right?

22 A. I don't know the reason for that.


23 Q. Okay. But I'm correct in stating that there's
24 nothing in that memo that indicates that that information
25 was either sought or obtained by Father Trauger?

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1 A. My recollection, I didn't see a name.

2 Q. Now, after that, Father Molloy then has a
3 conversation with the pastor of the parish that the boy
4 belonged to Epiphany and it is determined from speaking to
5 that pastor that Father Trauger went to the boy's parish,
6 had a conversation with the pastor and obtained the parish
7 card, which apparently contains information not only of
8 biographical information, but apparently it contained some
9 pastoral notes, and that Father Trauger got a hold of that
10 information, and it was from that that he was able to
11 track down the boy; is that accurate?
12

13 A. Yes.

14 Q. Okay. And in that memo -- and I'm referring
15 specifically to grand jury six seventeen. Again, this
16 would be authored by Father Molloy. There is a mention of
17 the boy's name, but only the last name is mentioned,
18 ; is that right?

19 A. I forgot that, but I take your word for it.

20 Q. Okay. And there's no indication on here of the
21 date of birth of the boy or any information that would
22 reveal his age; is that correct?

23 A. Yes.

24 Q. Okay. Now, Cardinal, were you made aware of this
25 situation in 1991?

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2 A. I have no recollection of it.

3 Q. Do you think that this would be something
4 significant enough that it would have been brought to your
5 attention?

6 A. I doubt it.

7 Q. Would you agree with me that the actions taken by
8 Father Trauger are alarming in this particular case?

9 A. I would say it's very bizarre.

10 Q. Do you think that they raise concerns as to what
11 Father Trauger's motivations were in tracking down this
12 boy?

13 I don't want to put a legal term on it, but it
14 certainly appears as if stalking is something that could
15 be considered to have taken place?

16 A. It would be concern. That is why there was such an
17 investigation of it.

18 Q. Do you consider this to be a complete investigation
19 of the situation?

20 A. I don't know.

21 Q. Okay. Do you think that in that situation, it
22 would have been prudent for your Secretary of Clergy or
23 for Father Molloy to have actually gone and interviewed
24 the boy himself?

25 A. I don't know why.

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1 Q. Okay.

2 A. What action they did not take or did take and why
3 they made those decisions.

4 Q. Well, can we agree, Cardinal, that if there had
5 been an interview that had been conducted with the boy
6 himself, that given the record keeping of Father Molloy
7 and given the prescriptions of canon law as to what needs
8 to be put in the secret archive file, that that would have
9 been reduced to writing and put in Father Trauger's file
10 if that had taken place?

11 A. If what -- excuse me. If what had taken place?

12 Q. If Father Molloy or Father Lynn had gone out and
13 spoken to the boy himself and taken an interview of him as
14 to what was said, how it happened, things like that, would
15 that have been put in writing?

16 A. If they had interviewed the boy?

17 Q. Right.

18 A. That should have been in writing.

19 Q. Can we conclude that since there's nothing in the
20 secret archive file to indicate that any memos that relate
21 to any type of an interview that took place with the boy,
22 that that was not done? Would that be a fair assumption
23 for us to make?

24 A. It's a conjecture, but I guess it could be an

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2 assumption.

3 Q. But it's an assumption that's based on the practice
4 of the Archdiocese and the practice of the individuals
5 involved, correct?

6 A. I just don't know. I really don't know.

7 Q. Let me ask you, Cardinal. At the time in 1991, the
8 interpretation of the reporting requirements would be that
9 unless the individual themselves, this being the person
10 who was the potential victim, comes forward themselves and
11 speaks about what had taken place, the interpretation was
12 that the Archdiocese had no requirement under the law to
13 report that to any civil authorities; is that right?

14 A. I don't know. I presume that was the law at the
15 time.

16 Might I.

17 (The witness conferred with his
18 attorney.)

19 THE WITNESS: Can I ask my attorney?

20 (The witness conferred with his
21 attorney.)

22 MS. MCCARTNEY: Sure. Absolutely.

23 THE WITNESS: Yes. The answer is yes.

24 BY MS. MCCARTNEY:

25 Q. Yes. Is it a possible explanation as to why this

1 ANTHONY JOSEPH CARDINAL BEVELLACQUA

2 particular boy was not sought out for any type of an
3 interview himself was because if he had been spoken to and
4 he had said anything that had taken place between him and
5 Father Trauger, that that would have triggered a reporting
6 requirement on the part of the Archdiocese?

7 A. I don't know what the reason was.

8 Q. Okay. But you don't think that -- you don't know
9 whether or not this information was actually brought to
10 your attention, correct?

11 A. That is correct. I do not know.

12 Q. Okay. Do you think it was -- you have labeled the
13 conduct involved with Father Trauger as bizarre. Given
14 what had taken place in 1991 with regard to this boy,
15 taking that in conjunction with the information that is
16 contained in Father Trauger's secret archive file from
17 1981 and 1982, do you think that Father Trauger should

18 have been called in and sent for an evaluation at that
19 point?

20 A. I can't make that judgment.

21 Q. Well, if you were the one making that decision,
22 would that have been something that you would have
23 suggested take place?

24 A. That's conjecture. I cannot answer that.

25 Q. But, Cardinal, you've put people in your staff that

1 ANTHONY JOSEPH CARDINAL BEVELACQUA

2 you say are competent people. Given the facts, do you
3 think it was competent for Father Trauger to have nothing
4 remedial occur to him as a result of this behavior with
5 this boy in 1991?

6 A. I don't know what reasons prompted them to act the
7 way they did.

8 Q. Now, subsequent to this incident occurring in 1991,
9 and again, let me just make it clear for the record that
10 Father Trauger was called down and interviewed on that
11 first occasion and he gave his explanation as to how he
12 had come in contact with the boy and what had taken place
13 during their encounter. There's nothing in the file to
14 reflect that he, Father Trauger, was ever spoken to again
15 with regard to this incident.

16 And again let me ask you. If there isn't anything
17 in the file to reflect that, can we assume -- is it a fair
18 assumption that it was not done?

19 A. I just don't know.

20 Q. Okay. There also is nothing in the file that would
21 indicate that Father Trauger was in any way limited in any
22 ministry which he had at the time, that being the
23 assistant pastor at Saint Joseph's in Aston.

24 Again, if there had been any limitations placed on
25 Father Trauger, that would have been contained in his --

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1 should have been contained in his secret archive file,
2 correct?

3
4 A. It should have been.

5 Q. Okay. Now, let me ask you, Cardinal. Subsequent
6 to that occurring in 1993, in June of 1993, Father Trauger
7 is made assistant pastor at Saint Michael the Archangel in
8 Levittown, and you were responsible for that transfer; is
9 that correct?

10 A. Yes.

11 Q. And Saint Michael the Archangel, that has a school
12 associated with it; is that correct?

13 A. Yes.

14 Q. Now, do you have any recollection of when Father
15 Trauger's name came up for discussion about, you know,
16 who's appropriate to move and whether or not they're
17 appropriate to be associated with a church with a school,

18 do you have any recollection of any of Father Trauger's
19 past --

20 A. No.

21 Q. -- coming up?

22 A. No.

23 Q. Would you have wanted to know about Father
24 Trauger's past before you made the assignment that you did
25 to Saint Michael the Archangel with the school?

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1
2 A. Well, since I didn't have any recollection of his
3 past, I would not have inquired. That's up to the
4 Secretary of the Clergy to send me any pertinent
5 information that should be necessary for a decision.

6 Q. Do you think that the information about what Father
7 Trauger had done, was alleged to have done, and what he
8 admitted to doing in 1981 and what he did in 1991, do you
9 think that that was information that you should have known
10 about before making the decision?

11 A. I can't answer that question because --

12 Q. Well, I'm asking --

13 A. -- that's left up to the Secretary of the Clergy,
14 you know, to provide pertinent information.

15 Q. Well, let me ask you this question, Cardinal.

16 Let's assume that that information was made
17 available to you. Would that have impacted your decision
18 to transfer Father Trauger to a school, to a church with a
19 school?

20 A. As I would have to place myself in the
21 circumstances at that time and as I depended on the
22 recommendation of the Secretary of the Clergy.

23 Q. But the recommendation -- okay. All right.

24 Now, Father Trauger remains at Saint Michael the
25 Archangel till December of 2003; is that correct?

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2 A. According to this.

3 (The witness conferred with his
4 attorney.)

5 BY MS. MCCARTNEY:

6 Q. The last document would actually reflect his
7 removal from Saint Michael the Archangel, and that's been
8 marked as grand jury exhibit eleven fifty-eight, and we'll
9 talk about that.

10 A. I see it there.

11 Q. Okay. But between 1993 and 2003, there's a series
12 of documents in the file, and basically, we don't need to
13 go through the details of each of them, but there is a
14 request at a certain point in time that Father Trauger be
15 made part-time chaplain of a high school, and that
16 recommendation was not endorsed by either Father
17 Jagodzinski or Father Molloy; is that right?

18 A. Yes.

19 Q. Would that be something that you would have been
20 involved in, any discussion with regard to making someone
21 a chaplain at a high school?

22 A. In the actual appointment, I think I would have
23 been the one to authorize it.

24 Q. And do you have any idea why that endorsement was
25 withheld by Father Jagodzinski and Father Molloy?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I do not.

3 Q. Do you think it had anything to do with their
4 concern about Father Trauger and his past?

5 A. Perhaps.

6 Q. Do you think that that's what prompted their
7 withholding of the endorsement, that maybe it should have
8 been something that should have prompted their withholding
9 the recommendation that he be appointed to a church with a
10 school?

11 A. I don't know if they saw a distinction there, being
12 in a high school or in a parish.

13 Q. All right. There's also a series of letters where
14 Father Trauger requests both from you and from Father Lynn
15 consideration to become a pastor.

16 Do you have any recollection of being involved in
17 any of those discussions?

18 A. I can't recall them.

19 Q. Is that in the normal course of how things work?

20 Would you have been involved in -- if a priest,
21 who's an assistant pastor or parochial vicar, says I want
22 to be a pastor, would you be involved in a discussion as
23 to how to respond to that request.

24 A. If there was any kind of situation, I would have
25 been asked, but generally, when a request comes in like

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2 that, it's handed over to the Secretary of the Clergy.

3 Q. Okay. Now, Cardinal, in November of 2003, Father
4 Trauger receives a letter which basically -- and that's
5 not been marked.

6 MS. McCARTNEY: I'll mark that

7 document, the second to last one, eleven sixty-one.

8 (GJ-1161 was marked for
9 identification.)

10 BY MS. McCARTNEY:

11 Q. Could you just do me a favor and just mark that
12 document, if you could.

13 It's a letter to Father Trauger from Father Lynn,
14 and the date of it is November 7, 2003.

15 A. That has a number.

16 Q. It has a number?

17 MR. HODGSON: Eleven fifty-eight.

18 MS. McCARTNEY: The letter itself has
19 eleven fifty-eight?

20 THE WITNESS: Yes.

21 MS. McCARTNEY: And what's the document
22 after that one?

23 THE WITNESS: There is a memo of
24 December 12, 2003.

25 MS. McCARTNEY: Does that have a number

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2 on 11?

3 THE WITNESS: No. That's the Cardinal
4 Rigali.

5 MS. MCCARTNEY: Right. So all right.

6 BY MS. MCCARTNEY:

7 Q. Now, Cardinal, the November 7, 2003, letter to
8 Father Trauger from Monsignor Lyon that basically informs
9 Father Trauger that his case is being examined; is that
10 right?

11 A. Yes.

12 Q. Do you know who initiated that preliminary
13 investigation? Do you recall?

14 A. No.

15 Q. Do you know whether it was you or whether it was
16 Cardinal Rigali?

17 A. Well, it couldn't have been me since my office
18 terminated October 7.

19 Q. Your office, though, began some preliminary
20 investigations into cases that existed prior to your
21 departing; is that right?

22 A. That was left up to the Review Board, but I . . .

23 Q. The Review Board, that was something that was
24 started under your tenure, correct?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL REVELLACQUA

2 Q. And when was that started?

3 A. Well, I don't have the exact recollection, but it
4 was being formed, I think, in early 2001.

5 Q. Okay. And that was something that was -- well,
6 what prompted the impaneling of the Review Board?

7 A. Because it's required by the charter.

8 Q. Okay. And the charter requires that the Review
9 Board be impaneled and that the members are made up of
10 both lay people and -- are there any clergy members on the
11 board?

12 A. I think one priest, one had to be a clergyman.

13 Q. Okay. And the other people were civilians?

14 A. Lay people.

15 Q. Lay people. And who directed them to the files
16 that should have been looked at for a further examination?
17 Do you know?

18 A. I'm presuming it was the Secretary for the Clergy.

19 Q. Okay. Did you have any input into the Review
20 Board?

21 A. No.

22 Q. Who appointed the individuals to the Review Board?

23 A. Oh, that would have been brought to my attention,
24 and I would have approved them.

25 Q. Okay.

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2 MR. HODGSON: I don't think he
3 understood the question.

4 MS. McCARTNEY: All right.

5 THE WITNESS: Excuse me.

6 MS. McCARTNEY: That's fine. Take your
7 time.

8 (The witness conferred with his
9 attorney.)

10 THE WITNESS: I mean, it was my
11 authority to appoint the members of the Review
12 Board.

13 MS. McCARTNEY: Okay.

14 BY MS. McCARTNEY:

15 Q. And they were given the responsibility of going and
16 looking at cases that had already come up in the
17 Archdiocese; is that right?

18 A. Yes. Yes.

19 Q. All right. And did you have any input into which
20 cases they should be reviewing?

21 A. I have no recollection of being asked that.

22 Q. So that was something that was totally taken care
23 of by your Secretary for the Clergy?

24 A. Yes.

25 Q. All right. And then this preliminary

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 investigation, which is apparently authorized under Canon
3 1717 --

4 A. Yes.

5 Q. Can you explain to us what that is?

6 A. It's a -- Canon 1717 begins a series of canons on
7 investigating any charges of a criminal nature against the
8 priest, and it's the usual, what has been done, of
9 interviewing the relevant people, the accuser, the priest
10 and any witnesses that there are.

11 Q. And -- I'm sorry.

12 A. And to determine whether there's credibility to the
13 accusation. That's substantially what it is.

14 Q. And if there's credibility to the accusation, then
15 what's the next step in the process, if any?

16 A. It's up to the one conducting it whether or not
17 perhaps that person should be removed, at least

18 temporarily, from active duty; and then if there is a
19 basis for action, then it's determined whether it goes to
20 trial or not.

21 Q. And this canon obviously existed prior to the
22 charter --

23 A. Yes.

24 Q. -- in June of 2002?

25 Did you ever use this to conduct any preliminary

1 ANTHONY JOSEPH CARDINAL BEVILLACQUA

2 investigations on any of the priests that were accused?

3 A. Well, all of the investigations really follow that
4 procedure.

5 Q. But there's a number of priests that were -- okay.
6 All right.

7 Let me ask you again to look at the last document.

8 MS. MCCARTNEY: We'll mark that grand
9 jury exhibit eleven sixty-one.

10 BY MS. MCCARTNEY:

11 Q. This is a memo to Cardinal Rigali from Monsignor
12 Lynn and the date of it is December 12, 2003; and just so
13 we're clear on the record, Cardinal, this is a -- you had
14 left the Archdiocese of Philadelphia; is that right?

15 A. Yes.

16 Q. Basically, what this memo relates to Cardinal
17 Rigali is that Father Trauger, when Father Trauger came
18 in, he found out he was being investigated by the Review
19 Board. He met with the private investigator as a result
20 of that, and then after that meeting, Father Trauger asked
21 for a meeting with the Secretary of Clergy.

22 He came into the office. He admitted in 1981 and
23 1982 that he had abused three boys by fondling their
24 genitals. He said one was while they were naked, the
25 other two through clothing. Two boys were twelve and

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2 thirteen years of age, and the other was fourteen at the
3 time.

4 He said that these incidents occurred while he was
5 stationed at Saint Titus and Saint Matthew's Parish, and
6 he also indicated that there were no other victims of
7 abuse by him.

8 Father Trauger at that point was relieved of his
9 assignment, told he could have no more public ministry and
10 that he was to report to Saint John Vianney.

11 Is that accurate an summary of the contents of that
12 document?

13 A. Yes.

14 Q. Father Trauger admitted that he had molested boys
15 in 1981 and 1982; is that right?

16 A. Yes.

17 Q. Let me ask you, Cardinal, and I know that this is
18 somewhat of a speculative question, but Father Trauger --
19 well, Father Trauger, when asked about the incidents of
20 1981 and 1982 said he had patted the boys and rubbed them,
21 but he denied that there was anything sexual involved,
22 correct?

23 A. Yes.

24 Q. Father Trauger was evaluated by two doctors, Dr.
25 Donnelly and then Dr. Miraglia, where he denied that there

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1
2 was anything sexual involved in his behavior; is that
3 right?

4 A. Yes.

5 Q. Now we find out in 2003 from himself that there was
6 actually something certain that he did in fact fondle
7 boys; is that right?

8 A. Yes.

9 Q. Do you think that given the fact that Father
10 Trauger was molesting boys in 1981 and 1982 and that --
11 strike that -- that you would agree with me that the
12 treatment that one receives, the best treatment is only
13 once there's honesty from the person receiving the
14 treatment, correct?

15 A. Could you repeat that.

16 Q. Father Trauger was treated twice within the
17 Archdiocese of Philadelphia, both of which he went into
18 the treatment and he left the treatment denying that
19 anything was wrong with him and denying that anything had
20 occurred, correct?

21 A. Yes.

22 Q. Father Trauger then, would you agree, that the
23 treatment that he received, if we call it treatment, was
24 less effective because of his lack of truthfulness with
25 the evaluators?

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1
2 A. Yes.

3 Q. Okay. Do you think that given the fact that Father
4 Trauger then for all practical purposes went untreated
5 from 1982 forward, does that in any way call into question
6 in your mind his assertion that there were no other
7 victims of abuse by him?

8 A. I can't answer that question.

9 Q. Okay. All right.

10 BY MR. GALLAGHER:

11 Q. Cardinal, this letter of November 7, 2003, from the
12 Secretary of Clergy, Monsignor Lynn. You may have already
13 addressed this, but I want to be clear on it.

14 It indicates that on November 7, 2003, Cardinal
15 Rigali and Monsignor Lynn informed Father Trauger that
16 they were initiating a preliminary investigation under
17 Canon 1717 for events that happened in August of 1981 and
18 August of 1982.

19 Do you know what prompted the Archdiocese to
20 initiate this preliminary investigation in November of
21 2003?

22 A. I can only surmise. I can't be, you know, sure. I
23 don't know really, unless it came from the Review Board.
24 I don't know what prompted them other than that's a
25 conjecture on my part.

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1
2 Q. Okay. You were involved in appointing the Review
3 Board, correct?

4 A. Yes.

5 Q. And were you involved in approving the procedures
6 that they are following?

7 A. I think so. There's a special procedure given by
8 the -- you know, by the National Conference of Bishops on
9 review boards.

10 Q. Are they charged with reviewing every secret
11 archive file that is in the possession of the Archdiocese
12 of Philadelphia?

13 A. I think it's restricted -- I'm not positive -- just
14 to sexual abuse of minors by clergy or -- and I think it
15 may include those who worked for the Archdiocese.

16 Q. Okay. So this came about because the Review Board
17 is looking at all secret archive files in the Archdiocese
18 that involved allegations of sexual abuse by minors?

19 A. I didn't say that. I said -- you asked me why was
20 this done. I said perhaps it came from the Review Board,
21 so I'm not certain that it actually did.

22 Q. You issued yourself, before you retired on October
23 7 of 2003, these preliminary investigation letters; is
24 that correct?

25 A. This one here?

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2 Q. Not this one here, but others?

3 A. Not that I recall. I can't recall any special
4 investigatory letters.

5 Q. You don't recall initiating them, signing them, any
6 of these letters before you left on October 7?

7 A. Letters such as this? I don't recall them.

8 I was, you know, waiting for the Review Board to
9 become more active at that time. You know, they were
10 being formed, and I think they were reviewing cases, but
11 that's all I recall.

12 Q. You don't recall the Review Board submitting to you
13 for signature letters of this effect --

14 A. No.

15 Q. -- to initiate?

16 A. I don't recall any.

17 Q. Thank you.

18 MS. McCARTNEY: Okay. Cardinal, it is
19 now eleven clock. We're going to take a break
20 until eleven fifteen. Okay.

21 MR. SPADE: It's actually ten
22 fifty-seven. We'll take a break until eleven
23 twelve.

24 (A recess was held.)

25 MS. McCARTNEY: Okay. We're back on

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the record. The time is eleven nineteen.

3 We have?

4 [REDACTED]

5 [REDACTED]

6 MS. McCARTNEY: Which constitutes a
7 quorum. Thank you.

8 And we've recalled Cardinal Bevilacqua,
9 who's back in the room along with his counsel.

10 BY MS. McCARTNEY:

11 Q. Good morning, Cardinal.

12 A. Good morning.

13 Q. We're going to move now to some questions regarding
14 the file of John E. Gillespie, and I put some documents in
15 front of you that relate to that file.

16 Do you have them in front of you, Cardinal?

17 A. I do.

18 Q. Okay. First let me ask you, I guess, before we
19 begin the actual questioning of the file.

20 Do you have any independent recollection of
21 Monsignor Gillespie's situation in the Archdiocese?

22 A. Very vague.

23 Q. Okay. But you have had the opportunity to review
24 these documents; is that correct?

25 A. I have.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. All right. Let's begin, Cardinal, with the first
3 document that's actually a series of documents, but they
4 are marked collectively as grand jury exhibit two sixty.

5 Do you have that in front of you?

6 A. (No response.)

7 Q. It should be the very first -- two sixty, it's
8 marked collectively. What it is, is it's a memo to you.

9 A. I have no number on these.

10 Q. You don't have a number on it?

11 MR. HODGSON: First number is two
12 sixty-one.

13 MS. MCCARTNEY: What is two sixty-one?

14 MR. HODGSON: That's the memo of April
15 26 and 27, 1994.

16 MS. MCCARTNEY: The first three
17 documents, which would be the memo to Anthony

18 Cardinal Bevilacqua along with two letters that are
19 attached to that memo. They are collectively grand
20 jury two sixty.

21 I'm sorry. You don't have a copy?

22 THE WITNESS: You want me to note that?

23 MS. MCCARTNEY: If you would, that
24 would be great. Thank you.

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MR. MCCARTNEY:

3 Q. Okay. Thank you, Cardinal.

4 A. Okay.

5 Q. The first of those three documents is a memo to you
6 from Monsignor James E. Molloy, and the date of that is
7 January 10, 1994, and it's involving Monsignor John
8 Gillespie; is that correct?

9 A. Yes.

10 Q. And it's cc'd to Monsignor Edward Cullen, correct?

11 A. (No response.)

12 Q. On the first page, it should say: "Cc'd:
13 Monsignor Cullen."

14 A. I don't see that.

15 Q. On the very first page.

16 A. Oh, this one here?

17 Q. Yes.

18 A. Sorry.

19 Q. Okay. That's fine.

20 Now, Cardinal, what this is is a cover sheet, which
21 is saying attached you're going to find a memorandum of
22 today's date from Father Lynn to your attention; and if
23 you flip to the second page of that packet, there's a memo
24 to yourself from Father Lynn, and the date that is January
25 10, 1994, and it basically is provided for your

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1 information and it involves letting you know that
 2 Monsignor Gillespie, who's the pastor at Our Lady of
 3 Calvary Parish in Philadelphia had come into the Secretary
 4 of Clergy's office and he had said that a former altar boy
 5 had contacted him at his parish and said that he, being
 6 the former altar boy, had been molested by Father
 7 Gillespie when he was a priest at Immaculate Conception in
 8 Levittown and that the boy who was now a man was ^{Mark} [redacted]

10 [redacted]
 11 It indicates that after ^{Mark} [redacted] contacted
 12 Monsignor Gillespie, ^{Mark's Mother} [redacted] also
 13 contacted him and accused him of molesting her boys,
 14 quote, molesting her boys, end quote.

15 She had told Monsignor Gillespie that her son had
 16 been in therapy and that it also indicates in this memo
 17 that Monsignor Gillespie had written a letter to ^{Mark} [redacted]

18 [redacted] and it says in this memo in parentheses: Letter
 19 attached, and it then goes on to say that Monsignor
 20 Gillespie had received another phone call from ^{Mark} [redacted]
 21 [redacted], who repeated the allegations, saying that Father
 22 Gillespie had put his hands down his trousers, that would
 23 be ^{Mark's} [redacted] trousers, touched his genitals and that he had
 24 threatened to -- he being ^{Mark} [redacted] -- had said that
 25 he would face Monsignor Gillespie face to face and that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Monsignor Gillespie indicated that after he got that phone
3 call, he wrote a second letter to [REDACTED] and
4 again it's indicated in this memo that the letter is
5 attached.

6 Then there's some background information that was
7 provided to you with regard to the family of ^{Mark's} [REDACTED]
8 [REDACTED], that ^{Mark's} [REDACTED] father was an alcoholic, that
9 the family was split for a while because of the father's
10 alcoholism and that finally they got back together.

11 It indicates that in 1985 Father Gillespie had lent
12 ^{Mark} [REDACTED] \$2500 as a loan because he was in a
13 financial crisis, and it also indicates per Monsignor
14 Gillespie that ^{Mark} [REDACTED] had some drug problems.

15 Now, you received that memo, and as I've already
16 indicated, Cardinal, you also got as attachments to that
17 letter two letters that were written to ^{Mark and} [REDACTED]
18 ^{Andrew (Mark's brother)} [REDACTED] by Monsignor Gillespie; is that right?

19 A. Yes.

20 Q. And those two letters are provided in that first
21 document, correct?

22 A. Yes.

23 Q. The first one is December 19, 1993, and January 8,
24 1994, which would be the dates that Monsignor Gillespie
25 wrote to the [REDACTED] brothers, correct?

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2 A. Yes.

3 Q. Now, do you have any independent recollection of
4 receiving these documents?

5 A. I do not.

6 Q. Okay. Did reading these letters and reading that
7 memo refresh your recollection at all?

8 A. No.

9 Q. We can conclude, can we not, that you received
10 these letters, though, at the time?

11 A. Yes.

12 Q. Okay. Now, I want to ask you, having received the
13 letters in the memo, I want to ask you to look at the
14 letters that were written by Monsignor Gillespie, and
15 let's focus first on the one from December 19, 1993.

16 In this letter, Monsignor Gillespie is telling
17 ~~Andrew~~ that he did not molest him and denying

18 the allegations that were lodged against him.

19 I'm going to read you some excerpts and tell me
20 what you think about this, and I'm looking specifically at
21 the second paragraph, and I'll just read part of it.

22 "As a young priest, I enjoyed being with all of you
23 at church and at school and on the occasions we took car
24 rides to various places, especially ice cream stores. We
25 all teased one another and laughed over a number of

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1
2 amusing incidents. Of all of them, I guess I especially
3 like you and ^{Mark} [REDACTED] because both of you had a good sense of
4 humor. I find in life that when people like one another,
5 they express it either quietly in words or more openly in
6 actions, showing affection by embracing, hugging, et
7 cetera. I know I showed my affection in a physical way by
8 clowning with you, embracing you, et cetera. However, I
9 was extremely careful" -- and this part of the sentence is
10 underlined by Monsignor Gillespie -- "I was extremely
11 careful never to touch any of the sexual areas of any of
12 you. I avoided this not only because it was and is
13 morally wrong but also because I had no desire to do so."

14 And then if you go down to the third paragraph,
15 Cardinal, and I'm going to read the first sentence:
16 "Furthermore, ^{Andrew} [REDACTED] if I were inclined to touch any of you
17 in a sexual way, I would certainly not have done it in the
18 presence of others. Yet, you will recall how I never took
19 any of you alone with me, either to the rectory or in my
20 car. There was always others around. The last thing in
21 the world I wanted to do was molest you. I thought too
22 highly of you."

23 Now, Cardinal, when you read that letter, did you
24 think it was at all -- what were your thoughts for someone
25 that was denying the fact that they had sexually touched

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1 someone and writing a letter to the person that had made
2 the accusation and, in doing so, they had included in the
3 letter certain things like "I was extremely careful never
4 to touch any of the sexual areas of any of you. If I were
5 inclined to touch any of you in a sexual way, I certainly
6 would not have done it in the presence of others"?

8 Did you find those denials -- did they cause any
9 concern to you?

10 A. They did, yes.

11 O. Let's go to the second letter that he wrote, and
12 this is a letter to ^{Mark} [REDACTED] and this one's dated
13 January 8, 1994; and I want to focus specifically on the
14 second paragraph, and I'll just read it, and tell me if
15 I'm reading it correctly.

16 "As I said in my letter to ^{Andrew} [REDACTED] I enjoyed being
17 with you and ^{Andrew} [REDACTED] and I recall we had many mutually

18 enjoyable experiences. As a young and perhaps immature
19 priest, I was exuberant in reaching out, embracing and
20 touching people for whom I had affection. This may have
21 caused discomfort to you and ^{Andrew} [REDACTED], and for" -- and I'm
22 sorry, Cardinal, but my copy is cut off, so I can't read
23 that.

24 "You mentioned or stated in our brief conversation
25 that I reached down your trousers and touched you

1 ANTHONY JOSEPH CARDINAL BEVELLACQUA

2 sexually. To this I respond in all honesty, I did at
3 times touch your belly and kidded you about gaining a few
4 pounds, but again I say," -- and this is underlined -- "I
5 was extremely careful to avoid touching your sexual parts.
6 If you think back in all honesty, I am confident you will
7 remember this. I avoided touching you or anyone sexually
8 not only because it is wrong and I didn't want to lead you
9 astray but also because I had no desire or inclination to
10 do so."

11 Now, again, Cardinal, you received that letter back
12 in 1994 as part of the memo that you got from Monsignor
13 Lynn, and this is the letter that Monsignor Gillespie
14 wrote advancing his innocence in these acts.

15 Did you find those denials at all concerning?

16 A. As in what he's saying he did not do, that
17 concerned me.

18 Q. Did you think it was odd that he would feel
19 compelled to write: "I was extremely careful to avoid
20 touching your sexual parts"?

21 A. Yes, that was.

22 Q. Okay. But yet, Cardinal, after you received that
23 memo and you received those letters, and if you look on
24 the third page of the memo that you received from
25 Monsignor Lynn, or it's actually the second page of that

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1 memo, you note on the bottom of this, and this is your
2 handwriting: "I believe Monsignor Gillespie. What a
3 heavy cross. Keep me informed."

4
5 A. Excuse me. I'm not aware of where you are.

6 Q. I'm sorry. Back to the beginning of two sixty,
7 okay, if you flip that first page, then you come to the
8 memo from Monsignor Lynn to you, and then the third page
9 back, this is your response to the memo after receiving it
10 and also receiving the letters.

11 You wrote in your writing: "I believe Monsignor
12 Gillespie. What a heavy cross. Keep me informed. AJB.
13 1/11/1994" --

14 A. Yes.

15 Q. -- is that accurate?

16 A. Yes.

17 Q. So you believed at that point in time Monsignor

18 Gillespie's denials as to the allegations involving the
19 ~~brothers?~~ brothers?

20 A. Well, I said it then, because I must admit that my
21 reaction now is having now read the whole file.

22 Q. It's different?

23 A. You know, it appears different now.

24 Q. Okay. At the time, if you had made that notation
25 then, you obviously must have evaluated the letters,

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1 evaluated the memo?

2 A. Of that time.

3 Q. Okay. And, Cardinal, we can we agree that there
4 was no action taken on the part of the Archdiocese towards
5 Monsignor Gillespie as a result of these allegations; at
6 that time, he was not asked to go for an evaluation and he
7 was not removed from his assignment as pastor of Our Lady
8 of Calvary?
9 of Calvary?

10 A. I don't recall what action if any was taken.

11 Q. If I were to tell you that there's nothing in the
12 file to indicate that any action was taken, would you
13 accept my representation of that?

14 A. I would say that there's nothing in the file that
15 was given to me, but I don't know if any action was taken
16 by Monsignor Lynn.

17 Q. Well, Cardinal, not only --

18 A. Ordinarily, it would be here.

19 Q. If there was some action taken?

20 A. Ordinarily.

21 Q. Yes.

22 A. But I don't recall.

23 Q. My telling you that there's nothing in the file to
24 reflect that anything happened, coupled with your response
25 back in 1994 that you believed Monsignor Gillespie and it

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2 was a heavy cross for him to bear, that would reflect the
3 fact that nothing was done by the Archdiocese, correct?

4 A. Not necessarily. It could be that -- I think the
5 [REDACTED] brothers did not come in.

6 Q. Okay. The next document in front of you, Cardinal,
7 which is marked grand jury exhibit two sixty-one, that
8 basically is a memo which relates the fact that the -- I'm
9 sorry. Are you with me?

10 MR. HODGSON: No.

11 MS. MCCARTNEY: I'm sorry.

12 (The witness conferred with his
13 attorney.)

14 THE WITNESS: Okay.

15 BY MS. MCCARTNEY:

16 Q. Okay. That basically reflects it's dated April 26
17 and 27, 1994. It involves a telephone call that Monsignor
18 Gillespie placed to Monsignor Lynn, and it talks about the
19 fact that Monsignor Gillespie had been confronted by [REDACTED]
20 [REDACTED] with regard to the allegations that he had made
21 against him and that Monsignor Gillespie was told by
22 Monsignor Lynn that he was not to write any more letters
23 to the [REDACTED] *brothers* that if the [REDACTED] *brothers* had anything to
24 report, that they should do so through the Secretary of
25 Clergy's office; is that correct?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. Okay. Now, the next document, grand jury exhibit
4 two sixty three, do you have a copy of that?

5 A. Yes.

6 Q. Okay. This is a letter that is written to you, and
7 it's dated November 17, 1997, and it's written by [REDACTED]

8 *Neil's mother*, and she informs you that there's a serious
9 problem that has occurred, that needs to be addressed

10 immediately. It occurred at Our Lady of Calvary on

11 Saturday, November 19, which involved one of your priests
12 and her twelve year old son. Is that correct?

13 A. Did you say November 19?

14 Q. November 17, 1997.

15 A. I thought you were talking about the incident.

16 Q. Oh, I'm sorry.

17 A. The letter is dated November 17.

18 Q. Right. And the incident occurred on Saturday,
19 November 15. If I said the 19th, I apologize. And she
20 basically is informing you that something happened between
21 one of your priests at Our Lady of Calvary and her twelve
22 year old son?

23 A. Right.

24 Q. And that there better be some action taken on the
25 part of the Archdiocese or she would go to the

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2 Philadelphia Police Department, Sex Crimes Division; is
3 that correct?

4 A. Yes.

5 Q. All right. And then the next document -- do you
6 have any recollection of receiving that letter?

7 A. I do not.

8 Q. Okay. The next document is grand jury exhibit two
9 sixty-four, and this is a document which is written by
10 Reverend Francis W. Beach, and the date of this is
11 November 21, 1997, and who was Father Beach?

12 A. He would have been the Regional Vicar of
13 Philadelphia North.

14 Q. Okay. And Our Lady of Calvary would have been
15 encompassed by Philadelphia North?

16 A. Yes.

17 Q. Okay. So basically what this memo says is that

18 Father Beach was forwarded a copy of the letter that had
19 been sent to you and that as a result of that, he went out
20 and had a conversation and a meeting with [REDACTED]
21 [REDACTED]; is that right?

22 A. Yes.

23 Q. Okay. And I believe that also at the meeting was
24 Father Lynn, and they go to [REDACTED] house, and she
25 tells them basically that she had taken her twelve year

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2 old son ^{Neil} [REDACTED] to confession at Our Lady of
3 Calvary and that he came out of the confessional and he
4 was very upset.

5 I apologize. It was actually her mother who had
6 taken the boy to confession at Our Lady of Calvary. He
7 came out and he was very upset, and he reported -- he
8 being ^{Neil} [REDACTED] twelve years old, reported that while
9 he was in the confessional, the priest who was hearing his
10 confession had asked him the following questions: "Are
11 you married? How old are you? Do you touch yourself? Do
12 you ever sexually hurt yourself? Did you ever sexually
13 hurt someone else?"

14 ^{Neil} [REDACTED] id he was embarrassed and angry at
15 the questions that were asked of him and he wanted the
16 person's -- he wanted the priest to be arrested, and [REDACTED]
17 ^{Neil's mother} [REDACTED] says that she went to Our Lady of Calvary Rectory

18 and she had a conversation with the pastor there, who was
19 Monsignor Gillespie, and it was during the course of that
20 conversation that Monsignor Gillespie had tried to make it
21 appear as if it was another priest who had actually heard
22 ^{Neil's} [REDACTED] confession, and according to ^{Neil's Mother} [REDACTED], he
23 appeared to be unconcerned about what she was telling him.

24 Is that accurate thus far, Cardinal?

25 A. Yes.

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1
2 Q. Okay. Also, the memo goes on to indicate that
3 Father Lynn, I guess, did some investigation, and it was
4 determined that it was actually Monsignor Gillespie who
5 had heard the boy's confession; is that correct?

6 A. Well, it was Father Lynn who spoke to Monsignor
7 Gillespie and asked about what confessional box it was in.

8 Q. Yes.

9 A. And then that Monsignor Gillespie felt it was his.

10 Q. Yes. That he was the one that was in the
11 confessional box at the time that ^{Neil} went to have
12 his confession heard, correct?

13 A. Yes.

14 Q. Okay. So --

15 A. But I -- could I add something here?

16 Q. Absolutely.

17 A. This letter has presented a problem to me.

18 Q. Okay.

19 A. Because the boy insisted that the priest had an
20 accent.

21 Q. Yes.

22 A. And Monsignor Gillespie doesn't have any accent,
23 but one of the other priests there does, so I -- you know,
24 I was confused about that, how Monsignor Gillespie just
25 choosing a box, by the box that he was hearing in, that

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2 confessional, said it was he. I don't know if it -- you
3 understand my problem?

4 Q. I understand that you're concerned, and I
5 understand the question you have, but we can only rely on
6 the documents; and let me read to you what Father Lynn
7 said that Monsignor Gillespie told him, that Father Hutton
8 was in the front of the church hearing confessions and
9 that he, Monsignor Gillespie, was in the confessional on
10 the right side of the church, and therefore, he must have
11 been the priest that ^{Neil's} [REDACTED] referring to?

12 A. I see that, but it's still -- there's still a
13 question I had about the accent. But anyhow, I accept
14 what it says there.

15 Q. Cardinal, and your question is a legitimate one,
16 did you raise it at the time?

17 A. I don't remember seeing this.

18 Q. Okay. Do you think that this is something that
19 should have been brought to your attention, that you have
20 a priest who was saying to a twelve year old boy: Do you
21 sexually touch yourself? Do you sexually hurt yourself?
22 Have you ever sexually hurt somebody else?

23 That's obviously is something -- I can only assume
24 that's something that's quite concerning?

25 A. It's hard for me to answer questions involving a

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2 confessional matter like this because I don't know if the
3 boy repeated it accurately.

4 I -- that's my problem. I was not the
5 investigator, and the boy repeated five questions which I
6 find -- you know, if those were asked of a little boy, you
7 know, they would not be appropriate questions, so I -- I
8 don't know why they were asked.

9 And it's amazing that he remembers all of them, but
10 it would not be something ordinarily that would have been
11 brought to my attention, so I have no recollection of this
12 at all.

13 Q. I'm sorry, Cardinal. You're surprised that the boy
14 remembered those questions being asked of him in
15 confession?

16 A. No. I'm saying -- I am, but it's amazing that he
17 does.

18 Q. Can you --

19 A. I'm not saying he did not remember them.

20 Q. All right. But nonetheless, based upon the
21 information that's contained in this memo, GJ-264, it
22 appears as if when the investigation was done, that it was
23 actually Monsignor Gillespie who had been the one --
24 whether he put on an accent or not, he was the one that
25 said that he was in the confessional at the time --

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2 A. He does. He does.

3 Q. Is that right?

4 A. He does. Yes.

5 Q. And whatever questions, your questions,
6 legitimately being raised, would you agree that they were
7 best handled or, if those questions were raised, that they
8 could have been answered back by the people that you
9 vested the responsibility to do these investigations?

10 A. Could you repeat that, please.

11 Q. Sure. Monsignor Lynn was in charge of priest
12 sexual abuse matters?

13 A. Right.

14 Q. If this situation presented itself and he went out
15 and he had questions about who said what to whom and
16 whether it was cause for concern, he had the ability to
17 answer those questions, correct?

18 A. Yes.

19 Q. And if those questions still remained, still based
20 upon a document that he wrote, can we conclude that he
21 didn't do a proper investigation, if there's still
22 questions that remain?

23 A. That Monsignor Lynn didn't know?

24 Q. Right.

25 A. No, I can't answer that.

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1
2 Q. Okay.

3 A. I don't know the circumstances of the time, whether
4 he was reluctant to go into confessional matters. So I
5 can't -- I can't answer that.

6 Q. Cardinal, based upon a review of this memo,
7 though -- and the boy was spoken to. His mother was
8 spoken to. The boy talked about what had happened in the
9 confessional with his mother, so any kind of
10 confidentiality within the confessional clearly had been
11 violated anyway, right?

12 The boy talked about it to Father Lynn, about what
13 had happened in the confessional?

14 A. Yes.

15 Q. So it wasn't as if there was that problem with
16 Father Lynn in terms of delving further into the situation
17 if those questions needed to be answered, correct?

18 A. I still think Monsignor Lynn may be reluctant to
19 pursue it further because it's a confessional matter.

20 Q. All right. But nonetheless, we have this incident
21 in Monsignor Gillespie's secret archive file, and there's
22 nothing in the file to reflect that Monsignor Gillespie
23 was asked to go for an evaluation or that he was removed
24 from his assignment or in any way limited in his
25 assignment as pastor at Our Lady of Calvary; would you

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2 agree with that, Cardinal?

3 A. There's nothing in the file.

4 Q. Okay. And if he had been removed as pastor of Our
5 Lady of Calvary, that would have been in the file,
6 correct?

7 A. If he had been?

8 Q. Yes.

9 A. It should.

10 Q. If he was sent for an evaluation at Saint John
11 Vianney or Saint Luke's or any of the other institutions,
12 that would have been in the file, too, correct?

13 A. I presume so.

14 Q. Okay. And the fact that it's not there, we can
15 assume that that was not done, correct?

16 A. (No response.)

17 Q. That's a fair assumption based upon the facts as we
18 know them?

19 A. It's an assumption.

20 Q. Okay. Let's go to the next document, which is --
21 actually, this one is not marked, and I'll mark this, if
22 you would do me the favor of marking yours, grand jury
23 exhibit eleven sixty-two?

24 (GJ-1162 was marked for
25 identification.)

1 ANTHONY JOSEPH CARDINAL BEVILLACQUA

2 THE WITNESS: THIS IS

3 MS. MCCARTNEY: Eleven sixty-two.

4 BY MS. MCCARTNEY:

5 Q. This is 1/19. Yes. It says: "~~_____~~
6 called with complaint against Monsignor John Gillespie at
7 Our Lady of Calvary, Philadelphia"?

8 A. Yes.

9 Q. And it's to the file, and it's from Reverend
10 Vincent F. Welsh, and it's dated 1/19/2000, correct?

11 A. Yes.

12 Q. All right. The next document is grand jury exhibit
13 two sixty-five?

14 A. Yes.

15 Q. And this is a memo which relates to a meeting
16 between ~~_____~~ ^{Gabriel} Father Lynn and Father
17 Welsh, correct?

18 A. Yes.

19 Q. And it's regarding Monsignor John E. Gillespie,
20 Pastor of Our Lady of Calvary Church.

21 In this memo, it details the fact that ~~_____~~ ^{Gabriel}
22 says that between his freshman and the beginning of his
23 senior year in high school, while he served as a weekend
24 sacristan at Our Lady of Calvary Church, Monsignor
25 Gillespie sexually molested him.

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2 He said that over a period of two or three years,
3 every time he assisted as a sacristan at Our Lady of
4 Calvary Church, Monsignor Gillespie touched him in an
5 inappropriate manner.

6 He said that these incidents occurred in the church
7 sacristy before and after Mass and that there were no
8 witnesses.

9 He went on to say that Monsignor Gillespie would
10 call him over, compliment him on his athletic build, asked
11 him how much he weighed.

12 He said he would touch his stomach and chest and
13 then reach into his pants and fondle his genital area,
14 including on occasion grabbing and pulling his penis, and
15 he said that sometimes Monsignor Gillespie would reach
16 down the back of his pants and touch his rear end.

17 And he goes on in this memo to talk about the fact
18 that he never heard of Monsignor Gillespie acting this way
19 with anyone else, but he does mention another man by the
20 name of [REDACTED] who is also a sacristan. He told [REDACTED]
21 *Gabenel* years later that Monsignor Gillespie had also
22 asked him about his weight, but he says he doesn't know
23 whether or not he had been abused by Monsignor Gillespie
24 at all.

25 A. Forgive me.

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- 1
- 2 Q. Sure. I'm sorry. On page two?
- 3 A. Yes. I saw the first part.
- 4 Q. Third paragraph. I'm sorry.
- 5 A. Okay.
- 6 Q. The last couple sentences there?
- 7 A. I found it.
- 8 Q. Okay. Now, it also details the fact that ^{Gabriel} [REDACTED]
- 9 [REDACTED] is now a [REDACTED]; is that
- 10 right?
- 11 A. Yes.
- 12 Q. Okay. And it talks about the difficulty that [REDACTED]
- 13 ^{Gabriel} [REDACTED] has had as a result of being abused and that he's
- 14 in therapy; is that correct?
- 15 A. Yes.
- 16 Q. All right. ^{Gabriel} [REDACTED] is told that Monsignor
- 17 Gillespie would be confronted with these allegations; is
- 18 that right?
- 19 A. (No response.)
- 20 Q. That's at the end of the document.
- 21 A. About the encouragement to contact Monsignor Lynn?
- 22 Q. It says: "Monsignor Lynn thanked ^{Gabriel} [REDACTED] for
- 23 sharing" --
- 24 A. All right. Thank you.
- 25 Q. All right. And then if you look at the next

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2 document, Cardinal, that's grand jury exhibit two
3 sixty six. That actually is a memo written by Vincent
4 Welsh to the file, dated January 24, 2000, and it is
5 detailing out a meeting that took place between Monsignor
6 Gillespie, Father Lynn and Father Welsh, correct?

7 A. Yes.

8 Q. Okay. And in this memo, in paragraph two, it says:
9 "When presented with the accusation, Monsignor Gillespie
10 acknowledged that he knew ^{Gabriel} [REDACTED] and his family
11 and that ^{Gabriel} [REDACTED] and his brother has functioned as
12 sacristans at Our Lady of Calvary Parish approximately
13 thirteen to fifteen years ago. Monsignor Gillespie
14 admitted that over a two-year period while Gregory was a
15 sacristan, he touched ^{Gabriel} [REDACTED] in an inappropriate manner
16 on a number of occasions. He admitted that he touched
17 ^{Gabriel's} [REDACTED] stomach and reached into his pants and touched
18 his pubic area but stated he never fondled or touched his
19 penis."

20 Is that accurate?

21 A. Yes.

22 Q. Okay. And then if you flip to the second page of
23 that, it says: "When Monsignor Gillespie was reminded of
24 the [REDACTED] brothers who had contacted him in 1994 with
25 the similar accusation but never contacted the Clergy

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2 office, Monsignor Gillespie stated that over the years he
3 had behaved 'too freely' with some boys but denied ever
4 touching anyone's genitals. He also stated that he was
5 more sure that he had 'never gone that far' with the
6 [REDACTED] brothers than ^{Gabriel} [REDACTED] because the [REDACTED]
7 brothers were usually together. Monsignor Gillespie said
8 that ^{Gabriel} [REDACTED] was probably the last boy he had touched
9 inappropriately."

10 Is that accurate?

11 A. Yes.

12 Q. Okay. Monsignor Gillespie was told that he should
13 go for an evaluation at the Anodos Center, and he agreed
14 to do that; is that right?

15 A. Yes.

16 Q. Okay. Now, you were made aware of the fact that
17 Monsignor Gillespie had these new allegations that came to
18 light, correct?

19 A. I presume they would have been brought to my
20 attention at some time.

21 Q. And the fact that a pastor at a parish in
22 Philadelphia was being sent for a four-day evaluation at
23 the Anodos Center, that would have been something that
24 would have been brought to your attention?

25 A. Ordinarily, yes.

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2 Q. Okay. Now, he is evaluated at the Anodos Center,
3 and I'm going to ask you -- you can skip that document, if
4 you would, and go to the next document, which is grand
5 jury exhibit two sixty-seven.

6 A. Yes.

7 Q. This is dated January 27, 2000, and this is the
8 form which is filled out by Monsignor Lynn, and it's the
9 assessment referral information; is that right?

10 A. Yes.

11 Q. Let me ask you a couple questions about this, if I
12 could, Cardinal.

13 If you flip to the third page, this is where we
14 actually get into the information, the assessment referral
15 information.

16 A. Yes.

17 Q. And it's referred by Monsignor William J. Lynn; is
18 that right?

19 A. Yes.

20 Q. Okay. Would you agree with me, Cardinal, that a
21 referral for evaluation is only as good as the information
22 that the evaluation team is -- their eventual conclusions
23 with regard to an individual are only as good as the
24 information that they're provided with, whether it be by
25 the person or, in this case, by the person and by the

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2 referral information?

3 A. Ordinarily.

4 Q. Okay. Now, in this document, which is authored by
5 the Secretary of Clergy for the purposes of having the
6 evaluation conducted of Monsignor Gillespie, it talks
7 about the fact that a twenty-nine year old male had come
8 and said that Father Gillespie had reached into his pants
9 and fondled his genitals.

10 It also talks about the fact that in 1994, two
11 other men had come forward alleging that Monsignor
12 Gillespie had abused them; and it also indicates in here:
13 "Since they did not come to us, there was no previous
14 history or concerns, and Monsignor Gillespie brought this
15 to our attention himself. No further action was taken,"
16 and it says that these complaints went back to 1958 and
17 that there were also indications of just wanting money
18 from Monsignor Gillespie.

19 Do you find it at all troublesome, Cardinal,
20 looking at this evaluation referral form, that nowhere in
21 here does it mention any of the allegations that came out
22 as a result of the incident with the confessional in 1958?

23 A. No. Because it was a confessional matter. That
24 may be the reason why it was not mentioned, and there was
25 no overt action.

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2 Q. But do you not think it would be somewhat important
3 to determine?

4 Do you think it would be important for the
5 evaluators who are being asked to come to a conclusion at
6 the end of the evaluation whether or not someone's capable
7 of going back to parish work?

8 Do you think that they might want to have the
9 information available to them, that during a confession
10 with a twelve year old boy, questions were asked with
11 regard to have you ever sexually hurt yourself, have you
12 ever sexually hurt anybody else?

13 You don't think that that's information that they
14 could have --

15 A. I think that Monsignor would be concerned about the
16 fact that there was a confessional matter.

17 Q. I don't understand how that would impact this
18 referral.

19 Can you explain this to me?

20 A. I cannot speak for the reason why they did not
21 include it. I feel it's because it was a confessional
22 matter.

23 Q. Aside from the fact it may have been a confessional
24 matter, you can think of no other reason why that wouldn't
25 be important?

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A. I can't say that. I don't know what other reasons Monsignor would have had.

Q. Okay. The next memo, which is grand jury exhibit two sixty nine, that basically is a memo to you from Monsignor Lynn, dated January 31, 2000, and it basically updates you with the situation that has occurred thus far; is that correct?

A. That is correct.

Q. All right. And you indicate that you received that, because it says on the bottom: "Noted, AJB, 2/1/00" --

A. Yes.

Q. -- is that right?

Okay. The next document is grand jury exhibit two seventy-one.

This is a letter written to Monsignor Lynn from John Gillespie; is that right?

A. Yes.

Q. Okay. And this talks about the fact that last Thursday, it says that he returned to the parish after a few days of psychological evaluation. He said he found the evaluation helpful, and if you flip to the second side of that document, the second to last paragraph, it says: "In addition to ^{Gabriel} [REDACTED], I told the staff of two

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1 other young men with whom I was involved at the same time.
2 Again, I repeat, there was no touching or handling of
3 sexual organs. I see these two men at Mass here
4 periodically and speak to them."

5 That's accurate, correct?

6 A. Yes.

7 Q. Okay. Do you know whether or not this situation
8 was brought to your attention?

9 A. No.

10 Q. Okay. No, it wasn't, or no, you're not sure?

11 A. I don't recall.

12 Q. Okay. The next document, Cardinal, is grand jury
13 exhibit two seventy?

14 A. Yes.

15 Q. And this is basically a memo from Father Welsh, and
16 it's documenting a meeting that took place between

17 Monsignor Gillespie, Father Welsh, Reverend Charles
18 O'Hara, Dr. Wayne Pellegrini, Dr. Ralph Kaufman, and those
19 two doctors were from the Anados Center at Saint John
20 Vianney Hospital; is that correct?

21 A. Yes.

22 Q. Okay. In this memo, it says: "Monsignor Gillespie
23 admitted and expressed remorse for past inappropriate
24 behavior with the [REDACTED] brothers forty years ago
25

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Gabriel

2 and inappropriate behavior with [REDACTED] and
3 two other young men approximately ten to fifteen years
4 ago. He admitted that he was too free in expressing
5 affection and running his hands over their bodies, but
6 denied the allegation that he ever reached into their
7 pants and touched or fondled their genitals or buttocks."

8 It says: "During his January 25, 2000, meeting
9 with Monsignor Lynn and Father Welsh, Monsignor Lynn and
10 Father Welsh believed that Monsignor Gillespie had
11 admitted reaching into Gabriel's [REDACTED] pants and touching his
12 pubic area, but on February 10, Monsignor Gillespie said
13 that these young men sometimes wore loose fitting clothes
14 and that when touching their stomachs he may have brushed
15 their pubic area."

16 Is that accurate?

17 A. Yes.

18 Q. Okay. If you flip to the second page of that, the
19 end of the first paragraph, it says: "He said that he had
20 not touched anyone in an inappropriate manner for
21 approximately ten years and will never do so again."

22 And then if you flip -- if you go down to almost
23 the end of the document, it says: "Because Monsignor
24 Gillespie does not want his past inappropriate actions to
25 hurt the reputation of the church and the priesthood, he

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1
2 said that he will not press to remain as pastor of Our
3 Lady of Calvary Church. He suggested that appointment to
4 senior priest status might allow him to leave the parish
5 with his good reputation intact. Since he is still in
6 relatively good health, he wishes to continue in some sort
7 of pastoral work."

8 Is that right?

9 A. Yes.

10 Q. Okay. Do you recall being brought up to speed with
11 regard to the contents of that meeting where he admits not
12 only was he inappropriate, in his words, inappropriate,
13 with the [REDACTED] brothers and ^{Graomy} [REDACTED], but that
14 there were two other young men in addition to ^{Graomy} [REDACTED]
15 and the [REDACTED] brothers?

16 A. (No response.)

17 Q. Do you remember being brought up to speed with
18 that?

19 A. No, I do not recall.

20 Q. Okay. Do you think that that would have been
21 something that would have been brought to your attention?

22 A. Well, all the others were brought to my attention.

23 Q. Okay. The next document -- and if you could do me
24 the favor of marking it, because I don't believe it's
25 marked.

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2 A. The February?

3 Q. It would be grand jury eleven sixty-three?

4 A. This is The Anodos Center?

5 Q. Yes.

6 A. Eleven sixty-three?

7 Q. Sixty-three.

8 (GJ-1163 was marked for

9 identification.)

10 BY MS. MCCARTNEY:

11 Q. This is dated February 17, 2000. This is addressed
12 to Monsignor Lynn, and it's a report of the initial
13 findings and recommendations based upon the assessment; is
14 that correct?

15 A. Yes.

16 Q. And if you flip to the second page, it talks about
17 the fact that Monsignor Gillespie was referred for

18 comprehensive psychodiagnostic evaluation; and if you go
19 down to number one, "Although during the assessment
20 Monsignor Gillespie did not admit to further actions, he
21 did admit that he sexually abused one more boy."

22 A. Excuse me. Did you say number one?

23 Q. Number one. I'm sorry. It says: "One, two," and
24 if you go down a little bit more, there's another number
25 one.

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2 (The witness conferred with his
3 attorney.)

4 MR. HODGSON: This one down here.

5 MS. MCCARTNEY: I'm sorry.

6 BY MS. MCCARTNEY:

7 Q. Do you see where I was reading from?

8 A. Yes.

9 Q. Okay. It says: "Also, given the fact that
10 Monsignor feels driven to make amends to those who are
11 still in his parish, it is extremely important that he
12 maintain firm boundaries. Given the history of
13 relationships and two independent accounts of similar
14 sexual abuse and his lack of appreciation of the impact he
15 had on others makes Monsignor dangerous to others. If he
16 pursues making amends with others, he could bring forth
17 both difficulty for himself and legal jeopardy."

18 Did I read that correctly?

19 A. Yes.

20 Q. And if you go on to the second page, it says:

21 "Monsignor would be a risk to have in parish work because
22 of his lack of insight into his own sexuality, the nature
23 of the sexual abuse and the impact on the victims, and his
24 drivenness to make amends. Monsignor is also at risk
25 because he is in contact with one of the victims and some

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2 of the families of the victims in the parish." Correct?

3 A. Yes.

4 Q. Okay. And if you go down and look at the diagnoses
5 that came out as a result of this evaluation, the first
6 one under axis one, it says: "Sexual abuse of a child";
7 is that right?

8 A. Yes.

9 Q. Okay. Now, that information was given to Monsignor
10 Lynn, the initial findings, in addition to the copy of the
11 comprehensive psychodiagnostic assessment, which is the
12 next document in; and if you flip to the second page of
13 that, it's marked grand jury exhibit two seventy-three.

14 You see where I am, Cardinal?

15 A. No. February 28?

16 Q. This is dated February 28, correct?

17 A. And the number is?

18 Q. Well, actually, yes, you can mark the first page of
19 that grand jury exhibit eleven sixty-four. Thank you.

20 (GJ-1164 was marked for
21 identification.)

22 BY MS. MCCARTNEY:

23 Q. And again, this is basically the report that
24 justifies the diagnoses that were made with regard to
25 Monsignor Gillespie; is that right?

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2 A. You say justifies, or comprehensive?

3 Q. Comprehensive report, correct. Is that right?

4 A. Yes, it's a comprehensive diagnostic report.

5 Q. Okay. And again, if you go to page ten of that
6 report --

7 A. Yes.

8 Q. -- under diagnostic impressions, again, the axis
9 one diagnosis is sexual abuse of children; is that right?

10 A. Yes.

11 Q. Of child. I'm sorry.

12 And again, it cautions under the summary section,
13 "Given the neuropsychological issues and sexual intimacy
14 concerns, Father, would be a risk to function in a parish
15 without supervision."

16 A. Excuse me. Where is that?

17 Q. Under the summary section.

18 A. All right.

19 Q. It's like the fourth sentence in.

20 A. I see that, "in a parish without supervision."

21 Q. Correct.

22 Okay. And the next document, Cardinal, which is
23 marked grand jury exhibit two seventy-four, that's a memo
24 to you from Monsignor Lynn, and the date of that is
25 March 3, 2000; is that right?

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2 A. Yes.

3 Q. Okay. And basically, what that is, is that's
4 apprising you of the results of the evaluation?

5 A. Right.

6 Q. What Monsignor Gillespie has admitted to, which is
7 that he inappropriately touched four teenage men, two
8 forty years ago, one thirteen years ago and another twelve
9 years ago; and it says that in the third paragraph of that
10 document.

11 You're told by Monsignor Lynn, "The February 17,
12 2000, initial report following Monsignor Gillespie's
13 assessment stated: 'Given the history of relationships
14 and two independent accounts of similar sexual abuse and
15 his lack of appreciation of the impact he's had on others
16 makes Monsignor dangerous to others.'"

17 And it goes on to say: "It further stated:

18 'Monsignor would be a risk to have in parish work because
19 of his lack of insight into his own sexuality, the nature
20 of the sexual abuse and the impact on the victims and his
21 drive to make amends.'"

22 Is that correct?

23 A. Yes.

24 Q. Okay. And it also indicates in this memo that not
25 only has Monsignor Lynn summarized that document for you,

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1
2 but he has provided a copy of the January 21 comprehensive
3 psychodiagnostic assessment; is that right?

4 A. Yes.

5 Q. Okay. And it goes on to say at the end of this
6 document: "In order to protect his reputation and at the
7 same time address the seriousness of the situation, I
8 believe that Monsignor Gillespie should be asked to resign
9 his pastorate in June 2000"; is that right?

10 A. . . . Where is that, please?

11 Q. It's the end of the first paragraph. The last, I
12 mean. The end of the first page, the last sentence, it
13 says: "In order to protect his reputation and at the same
14 time address the seriousness of the situation, I believe
15 that Monsignor Gillespie should be asked to resign his
16 pastorate in June 2000"; is that right?

17 A. I don't . . . the first page?

18 Q. At the very last sentence of the first page.

19 A. The line begins: "In all of my discussions and
20 conversations"?

21 Q. It's the sentence after that.

22 A. Oh, the last few words. I'm sorry.

23 Q. The last sentence. You see where I'm talking
24 about?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVELACQUA

2 Q. Okay. It's not a full sentence on the first page.
3 It goes over to the second.

4 A. Right.

5 Q. And that the recommendation that Father Lynn writes
6 out for you would be that Monsignor Gillespie be
7 encouraged to pursue the recommended course of treatment,
8 he be asked to resign as pastor effective upon the
9 installation of a new pastor in June 2000, and you
10 approved that recommendation on 3/9/2000; is that right?

11 A. Yes.

12 Q. And in approving it, you write: "Approved. Could
13 he be given senior priest status or resigning for health
14 reasons?"

15 Do you recall why you wanted to pursue either of
16 those two options?

17 A. Because he -- well, he's -- he would he was not
18 seventy-five when you're allowed to retire.

19 Q. Yes.

20 A. So you can have senior -- first, priest status, you
21 had to resign, but it's not retirement with the benefits
22 of retirement, is provided before the age of seventy-five.
23 That's what senior priest status means.

24 Q. Senior priest status means that you -- I'm sorry.
25 You retire?

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2 A. You resign.

3 Q. Okay.

4 A. The parish.

5 Q. Okay.

6 A. But you don't get the same benefits as a
7 retirement. You don't get that title of emeritus and so
8 on.

9 Q. Okay.

10 A. But you know, for health reasons, you may do so
11 before the age of seventy-five.

12 Q. Would there be a distinction in terms of ability to
13 function as a senior priest or retired for health reasons
14 or resigning for health reasons?

15 A. Well, no. Retirement, you gain the title
16 "emeritus," and you are completely on your own. Senior
17 priest status is for special reasons, as I've said. The

18 health reasons generally.

19 To retire before seventy-five, it is possible that
20 you could still function, but only a very limited basis.
21 You might be -- go back, help in a parish if you want, but
22 it could be not wanting to do anything.

23 Q. Okay.

24 A. But there are -- because of retirement pension and
25 so on, it has to wait -- you have to wait until you're

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2 seventy-five as far as all the benefits that accrue.

3 Q. If someone is given the status of pastor emeritus,
4 what exactly does that mean?

5 A. It just means - it's just a title. Nothing.

6 Q. Does it provide you the ability to function within
7 that parish in any special way?

8 A. No. No.

9 Q. So what's the purpose? I mean, I don't understand.
10 So what's the purpose of having the title?

11 A. It's just a title. Like, I have Archbishop
12 Emeritus. I mean, it's a title that's given to such
13 priests when they reach official retirement age.

14 Q. But not every priest gets the title of pastor
15 emeritus; is that right?

16 I mean, if they were a pastor and they retired,
17 they don't necessarily always just by virtue of retiring
18 get that title of pastor emeritus, do they?

19 A. It depends on where they retire from. They could
20 retire from a chaplaincy. They would not get that title.
21 But most of them, as far as I know, if they retire from a
22 parish at the age of seventy-five, I don't know many times
23 that they're not given that title.

24 Q. It's not something that they're required to have,
25 though, right?

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2 A. No. No.

3 Q. All right. Now, the next document is grand jury
4 exhibit two seventy five and, it's dated March 24, 2000,
5 and this is a memo which details a meeting that was held
6 between Monsignor Gillespie, Monsignor Lynn and Father
7 Welsh, correct?

8 A. Yes.

9 Q. Okay. And the second paragraph of that says:
10 "Monsignor Lynn asked Monsignor Gillespie to resign his
11 pastorate for the sake of his personal reputation and the
12 good of the church. He was asked to write a letter to
13 Cardinal Bevilacqua resigning his pastorate and requesting
14 retirement or senior priest status. Monsignor Lynn told
15 Monsignor Gillespie that he may be able to be appointed to
16 a chaplaincy, but not a parish position"; is that right?

17 A. Yes.

18 Q. Okay. Now, let me ask you, Cardinal, because I
19 don't -- I mean, why not just let Monsignor Gillespie
20 retire at this point, or you know, just he's willing to
21 give up his pastorate, why even consider appointing him to
22 chaplaincy?

23 A. Again, because he had not reached of the age of
24 seventy-five.

25 It is customary for those priests to -- unless

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2 there was really debilitated, to want to work and help in
3 some other capacity.

4 Q. And understanding that, Cardinal, but you have a
5 guy here who has admitted to sexually touching a number of
6 different boys. Why -- I mean, I'm confused.

7 Why let him even have the possibility of being
8 involved in any type of work that would allow him to wear
9 a Roman collar?

10 A. He would be in an environment where he would not
11 have any contact with young people.

12 Q. Okay. The next document, which is actually a
13 series of documents, and they're not marked as grand jury
14 exhibits. I guess we'll go ahead and do that now.

15 If you could please mark that grand jury exhibit
16 eleven sixty-five.

17 A. Which one? March 28, 2000?

18 Q. There should be three documents. Yes. It's begins
19 with that, and then --

20 A. And what's the number, please?

21 Q. Eleven sixty-five. Thank you.

22 A. Thank you.

23 (GJ-1165 was marked for
24 identification.)

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MR. MCCARTNEY:

3 Q. The first document, dated March 28, 2000, is a
4 letter from Monsignor Gillespie to you in which he offers
5 his resignation; is that right?

6 A. Yes.

7 Q. Okay. The next document is an April 17, 2000,
8 letter to Monsignor Gillespie from yourself, and it
9 basically acknowledges your having received his letter
10 where he submits his resignation, and you tell him that
11 when a new pastor is installed in June of 2000, he'll be
12 appointed pastor emeritus, and you thank him for the
13 service at Our Lady of Calvary; is that correct?

14 A. Yes.

15 Q. Now, let me ask you something, Cardinal. This is
16 the report from The Anodos Center, dated in January, which
17 basically diagnoses -- I'm sorry. It's not dated in
18 January. I apologize for that.

19 It's dated in February, which diagnoses Monsignor
20 Gillespie, and his first diagnosis is sexual abuse of a
21 child. In that assessment, it says that he is dangerous
22 to others. It also says that he is a risk. He's a risk
23 because he's in contact with one of the victims and some
24 of the families in the parish. This is in February. He
25 submits his resignation in March, and you accept the

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1
2 resignation effective upon the installation of a new
3 pastor in June 2000.

4 Why let him remain at Our Lady of Calvary? Given
5 the diagnosis that he had, given the admissions that he
6 made, given the allegations that had been lodged against
7 him, why let him remain at Our Lady of Calvary in those
8 intervening months when there's a diagnosis that says he's
9 a risk to others?

10 A. That was a judgment made by Monsignor Lynn.

11 Q. To leave him?

12 A. I mean, it isn't that easy to certainly remove
13 someone, you know, from an assignment when you know that
14 he's going to be leaving you as soon as possible.

15 Q. But --

16 A. And also that Monsignor Lynn must have had reason
17 that there would not be -- as far as one can determine,

18 that it would not be a very grave risk for the -- keep him
19 there until he actually went to the chaplaincy.

20 Q. And I understand -- I mean, I know that you're
21 speculating as to what Monsignor Lynn may have thought or
22 didn't think or what his evaluation was, but, Cardinal,
23 you got the diagnosis. You got the reports from The
24 Anodos Center. You were told that he was a risk. You
25 were fully aware of the situation, and you were the one

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that got the letter of resignation, and you're the one
3 that wrote Monsignor Gillespie a letter back saying that I
4 accept it effective in two months time.

5 I mean, I understand Monsignor Lynn and I
6 understand he may have made that recommendation to you,
7 but do you have any explanation as to why you would have
8 gone along with that recommendation given the documents
9 and the information that you had available to you, to
10 yourself?

11 A. It's also the other -- I might add that he was --
12 that he could be a risk without supervision.

13 Q. Yes.

14 A. So I -- it is possible Monsignor Lynn felt that
15 being at the parish there with other assistants, that
16 anything would happen there. It was a form of
17 supervision. I just don't know.

18 Q. But you don't recall ever raising any questions --

19 A. I do not recall.

20 Q. -- with regard to why we're allowing or I'm
21 authorizing someone to remain in a parish for two
22 additional months even though I have the diagnosis that I
23 do? You don't recall having any of those discussions?

24 A. No, I do not.

25 Q. Okay. And just for the record, Our Lady of Calvary

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2 Parish has a school associated with it; is that right?

3 A. That is correct.

4 Q. Okay. And the next document is -- within that same
5 packet, Cardinal -- is a May 26, 2000, letter, and this is
6 a letter to you.

7 This is a letter which basically appoints -- I'm
8 sorry. This is a letter to Monsignor Gillespie from
9 yourself. Again, you give him your gratitude for his
10 service at Our Lady of Calvary Parish and you tell him
11 that you're pleased to appoint him as pastor emeritus and
12 that that appointment will become effective on the
13 installation of the new pastor, and it says: "As pastor
14 emeritus, you are granted the general faculty to assist at
15 marriages in Our Lady of Calvary Parish in the Code of
16 Canon Law and the Faculties for Priests of the Archdiocese
17 of Philadelphia"; is that right?

18 A. Yes.

19 Q. What does that mean, granted the general faculty?

20 A. That's a form letter that when you are pastor
21 emeritus, that if the -- if you go to a parish to
22 officiate at a marriage, anyone who does not -- who is not
23 associated with the parish has to ask delegation from one
24 of the priests in the parish so that he can assist at that
25 marriage; otherwise, the marriage is invalid.

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2 This is a privilege given to them so that they do
3 not have to ask. He has a general faculty to do that in
4 that parish.

5 Q. Okay. And then in the third paragraph it says that
6 you are appointing him chaplain, Mother House of the Grey
7 Nuns of the Sacred Heart in Yardley, effective June 19,
8 2000; is that right?

9 A. Yes.

10 Q. Cardinal, let me ask you this. The chaplain,
11 Mother House of the Grey Nuns, there's a school on that
12 property; is that right?

13 A. I learned from here, yes.

14 Q. What do you think about the fact that you were
15 asked to and you authorized the appointment of someone who
16 has the past that Monsignor Gillespie has, the admissions
17 that he does, you appoint him to a chaplaincy that has a
18 school?

19 A. Because I have to presume that he was informed that
20 he was to limit his services to the Grey Nuns as done with
21 all chaplains to mother houses.

22 Q. Well, and I understand your assumptions, but what
23 did you do to -- I mean, you're the one that authorized
24 the chaplaincy. You're the one that informed him that
25 that was his new position.

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2 A. The details of his responsibilities are given by
3 the Secretary for the Clergy after speaking to whoever the
4 superior at the mother house is. I don't handle those
5 details.

6 Q. But, Cardinal, did you ever or do you have a
7 recollection of when a discussion came up about what are
8 we going to do with Monsignor Gillespie?

9 Do you remember having any discussion like saying
10 to Monsignor Lynn: Well, wait a second. Here's a guy, I
11 have his assessment. I know they said he was a danger to
12 children. I know they said he admitted to having been
13 sexually involved with at least four kids. Why are you
14 telling -- why are you asking me to approve a
15 recommendation for him to be chaplain at a facility where
16 there's a school?

17 Did you ever have that discussion?

18 A. I do not have a recollection of that discussion.

19 Q. Do you think that that's something you knew, that
20 the Grey Nuns had a school associated with it right on the
21 property?

22 A. I have no recollection of that. These are the
23 details that I leave to my Secretary for the Clergy.

24 Q. The next documents, which are authored by Monsignor
25 Lynn, and they're basically Monsignor Lynn to Monsignor

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Gillespie.

3 Basically the first one, November 10, tells him,
4 tells Monsignor Gillespie, that he hopes he's doing well
5 in his new assignment. He was inquiring to know whether
6 he was following up on the recommendations that were made
7 as a result of the evaluation and asking him to set up a
8 time so that they could meet together; is that right?

9 A. Yes.

10 Q. Okay. The next document December 4, 2000, is a
11 letter to Monsignor Gillespie from Monsignor Lynn, and it
12 talks about the meeting that they had, and it talks about
13 the fact that, according to Monsignor Gillespie, he was
14 partaking in inpatient counseling.

15 It's also clear, apparently, from the conversation
16 that they had that Monsignor Gillespie was to restrict his
17 ministry to the care of the sisters at the Mother House of
18 the Grey Nuns of the Sacred Heart; is that right?

19 A. Yes.

20 Q. Okay. The next document is Monsignor Gillespie
21 asking Father Lynn if he could -- he's been asked to help
22 out at some other parishes, and he's asking Monsignor
23 Lynn's permission to do that; and then the response from
24 Monsignor Lynn is a document that's dated February 28,
25 2001, and in that document says: "Any ministry you

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2 perform outside the monastery could lead to more
3 accusations or allegations against you and the
4 Archdiocese. My strong advice is that you continue to
5 restrict your ministry to the Sisters."

6 That's what it says, correct?

7 A. Yes.

8 Q. Now, I'm curious about something, Cardinal. When
9 it says: "My strong advice," so that's just advisory on
10 the part of Monsignor Lynn; is that right?

11 A. Well, with the use of those words, it is, but I
12 think it's alerting him. I think he would understand that
13 is more than advice, but you are correct, and that's what
14 one could construe from that.

15 Q. That even though Monsignor -- I mean, you could
16 take this letter and you could evaluate it and say
17 Monsignor Lynn doesn't think it's a good idea for me to do

18 it, but there's nothing that says I can't do it, correct?

19 A. Yes. One could be forced to say you could draw
20 that interpretation.

21 Q. Okay. And just for the record, that document was
22 previously marked as grand jury exhibit two seventy-seven.

23 The next document, Cardinal, is a document that's
24 already been marked as grand jury exhibit two
25 seventy-eight, and this is a memo to the file dated

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1 November 12, 2001, and it involves a telephone
2 conversation that apparently took place between Reverend
3 Allen Okon, who is the parochial vicar at Saint Ignatius
4 Parish in Yardley, Monsignor Lynn, Secretary of the
5 Clergy, and Reverend Welsh; is that right?

7 A. Yes.

8 Q. Okay. And in this memo it talks about the fact
9 that on November 12, 2001, Father Okon had called the
10 Secretary of Clergy's office to report that a parishioner
11 by the name of *Charles's sister's friend* had recently met with him and had
12 told him that the brother of her friend *her friend's* was sexually
13 molested by Monsignor John Gillespie twenty-five years
14 ago, and she says that the abuse of *her friend's* brother, whose
15 name was *Charles* occurred in Mother of Divine Providence
16 Parish in King of Prussia, and it occurred when *Charles* was
17 fifteen years old and that *Charles* now lives in California;

18 is that right?

19 A. Yes.

20 Q. Okay. And the reason that this had all come up was
21 because *two girls, lead a*
22 Little Flower Youth Group; is that right?

23 A. Yes.

24 Q. And that they recently had met at the Mother House
25 of the Grey Nuns of the Sacred Heart, and during that

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1 meeting, Monsignor Gillespie had stepped in to say hello,
 2 and it was his stopping in when they were having this
 3 meeting, and this is the Little Flower Youth Group having
 4 a meeting at the Grey Nuns of the Sacred Heart and coming
 5 in contact with Monsignor Gillespie there, that this
 6 situation occurred, and it was brought to the attention of
 7 Father Okon; is that right?

8 A. Yes.

9 Q. Okay. And Father Okon then spoke with ^{Charles' sister} [REDACTED] on the
 10 phone, and ^{Charles' sister} [REDACTED] went on to tell him that her brother ^{Charles} [REDACTED]
 11 was abused when he was fifteen years old. It happened on
 12 a Sunday twenty-five years ago. She said that Father
 13 Gillespie had shaken hands with ^{Charles} [REDACTED] put his hand on
 14 ^{Charles'} [REDACTED] shoulder and then put his hand down ^{Charles'} [REDACTED] pants
 15 and touched his genitals and told him what a handsome
 16 young man he was; is that right?

17 A. Yes.

18 Q. Okay. And it goes on to say that her ^{other} brother
 19 [REDACTED] witnessed the abuse that had taken place of his
 20 brother and that they both had told their mother about it
 21 but she didn't believe them; is that right?

22 A. Yes.

23 Q. Okay. And she expressed her concern as did [REDACTED]
 24 for the fact that Monsignor Gillespie was interacting with
 25

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2 children at the Grey Nun Academy; is that right?

3 A. Yes.

4 Q. Okay. And it was based upon that that there was a
5 telephone call that was placed to -

6 A. Excuse me. Could I go back a little bit.

7 Q. Sure. Absolutely.

8 A. When you say interacting with the children, where
9 is that?

10 Q. They were concerned that he was interacting with
11 the children. That would be on the second paragraph, the
12 last sentence. ██████████ met with Father Okon because she
13 was afraid."

14 A. I see it now. Thank you.

15 Q. Sure. If you go to the last page of that document,
16 it talks about the fact that after receiving this
17 information, a phone call was placed to Monsignor

18 Gillespie and he was told about what the allegations were,
19 and his response was: "He said that he had assisted at
20 Mother of Divine Providence Parish while he was stationed
21 at the seminary as spiritual director, but he did not
22 recall the incident. He said that the incidents to which
23 he had admitted occurred long ago, and he does not go to
24 the school. He said that he hears the confessions of
25 schoolchildren in the mother house chapel several times a

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1
2 year. He agreed to arrange for another priest to hear the
3 children's confessions in the future."

4 So you would agree with me, Cardinal, that based
5 upon what Monsignor Gillespie reported as to what his
6 activities were, that he wasn't being kept away from
7 children; is that fair?

8 A. I think he violated what his -- that he was told to
9 restrict his ministry to the Grey Sisters.

10 Q. Well, is there any documents that you have in front
11 of you or that you have available to you to talk about his
12 restrictions and that he was not permitted to do that?

13 A. Well, there's one that you read before that went
14 and told him to restrict his ministry to the Grey Sisters.

15 Q. Well, whether or not he was given that as an order
16 or whether it was advised or --

17 A. No, that was -- that would have been a mandate, the
18 other one that you entered about advisory and helping out
19 other places. I have no instance that he actually did
20 that, but the word "advisory" was used there.

21 Q. Okay. And, Cardinal, I'm sorry. I don't mean to
22 cut you off?

23 A. I'm saying as far as the Grey Nuns, he was told to
24 restrict himself to the Grey Sisters themselves, so what
25 he did there was violation.

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2 Q. Would you agree with me that if it was a violation
3 of an order, that he wasn't being properly supervised or
4 that the people who were supposed to be supervising him,
5 the superior of the Grey Nuns, wasn't given accurate
6 information because she allowed him to do it?

7 A. I don't know if she allowed him to do it or what
8 reason she had. I have no idea.

9 Q. Well, can we agree that he wasn't being properly
10 supervised if he was doing things that were in
11 contradiction to the orders that were given out by the
12 Archdiocese?

13 A. It's hard for me to answer that, that he was being
14 supervised, but I keep repeating you cannot watch someone
15 every hour of the day.

16 Q. Okay. You know what, Cardinal. It is twelve
17 thirty. We're going to break now for lunch until two
18 o'clock. Okay.

19

20

(A luncheon recess was held.)

21

22

AFTERNOON SESSION

23

24

MS. MCCARTNEY: Okay. We're back on

25

the record. Today's date is January 30, 2004. The

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2 Time is: 2:07 P.M.

3 [REDACTED]
4 [REDACTED] is.
5 MS. MCCARTNEY: Twenty two regulars and
6 ten alternates, which constitutes a quorum.

7 We've recalled Cardinal Bevilacqua.

8 BY MS. MCCARTNEY:

9 Q. Good afternoon, Cardinal.

10 A. Good afternoon.

11 Q. And you're present after the launch break with
12 yourself and your counsel; is that correct?

13 A. Yes.

14 Q. Okay. Now, when we concluded prior to lunch, we
15 were talking about the telephone call that had come in
16 from Reverend Okon, who was the assistant pastor at Saint
17 Ignatius, and he had talked about having taken some

18 information from a parishioner there who had told him
19 about abuse that a friend of hers' brother had suffered at
20 the hands of Monsignor Gillespie, and then we talked about
21 the fact that GJ-278 reflects the fact that Monsignor
22 Gillespie was confronted with those allegations and that
23 he said that he was in fact at that parish, living at the
24 parish, where the abuse allegedly took place when it did,
25 but that he didn't make any admissions with regard to the

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2 abuse. He also said that he had been hearing confession
3 of the schoolchildren in the mother house chapel at the
4 Grey Nuns Academy but he stopped doing that.

5 You agree that's where we ended?

6 A. Yes.

7 Q. Okay. The next memo would be grand jury exhibit
8 two seventy-nine, and this is a December 10, 2001, memo
9 from Monsignor Lynn, involving a meeting that was held at
10 his office with Monsignor Gillespie, and this memo
11 reflects the fact that Monsignor Gillespie again
12 reiterated the fact that the only connection that he had
13 at the academy of the mother house is to hear confessions
14 and that he had stopped doing that and that his work is
15 purely now with the sisters at the mother house; and
16 Monsignor Gillespie was told that the person who had
17 suffered the abuse or allegedly suffered the abuse by

18 Monsignor Gillespie had not in fact contacted the office
19 so far.

20 And the third paragraph of this document, and I'll
21 just read it. It's only one sentence. "However, I told
22 Monsignor Gillespie that because of these rumors, and in
23 order to preserve his reputation and the reputation of the
24 church, I thought it best that he retire."

25 Did I read that correctly?

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1
2 A. Yes.

3 Q. And it goes on to say that he intended to retire
4 when he was seventy five and he would be willing to do so
5 now; is that accurate?

6 A. Yes.

7 Q. Okay. And then the next memo, GJ-280, is a
8 February 13, 2002, memo, which involves the telling of
9 Monsignor Gillespie about the change in policy with regard
10 to clergy sexual abuse.

11 It says: "So it was determined that limited,
12 supervised ministry will no longer be recommended for any
13 priests who had sexually abused minors and that priests
14 who have admitted sexually abusing minors and are
15 currently on assignment would be removed from these
16 assignments," and at that point, Monsignor Gillespie was
17 informed by Monsignor Lynn that he was relieved of his
18 assignment as chaplain and residence at the Mother House
19 of the Grey Nuns of the Sacred Heart effective February
20 17, 2002; is that correct?

21 A. Yes.

22 Q. Okay. And Mr. Monsignor Lynn told him that he
23 would recommend that his request for retirement be granted
24 with residence at Villa Saint Joseph, and he also said
25 that the Archdiocese would continue to support him and

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 would continue to offer assistance with counseling, and he
3 was told that he was to restrict his faculties to Mass at
4 Villa Saint Joseph; is that accurate?

5 A. Yes.

6 Q. Okay. Now, were you apprised of that situation,
7 Cardinal, to the best of your recollection?

8 A. Yes.

9 Q. The situation with -- I'm sorry.

10 A. I don't recall it specifically, but I would have
11 been apprised of it.

12 Q. Okay. Were you apprised of the fact that further
13 allegations had come forward with regard to Monsignor
14 Gillespie?

15 A. About the one about from Father Okon?

16 Q. Yes.

17 A. Father Okon. I don't remember specifically, but I
18 may have been apprised of it.

19 Q. Now, looking at this memo, Cardinal, and the one
20 that is before it, it's GJ-279 and GJ-280, what it shows
21 is that the meeting that was held with Monsignor Gillespie
22 where he, you know, said he had stopped hearing the
23 confessions and that there was a discussion about him
24 retiring and then the next meeting where he's called in in
25 February to say that, given the change of policy, he would

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1
2 be relieved from his assignment, we can conclude from that
3 that during those two months, that -- actually, it was a
4 year. No, I'm sorry. Those two months, from December of
5 2001 through February of 2002, Monsignor Gillespie
6 maintained his position as chaplain at the mother house;
7 is that right?

8 A. I would have to presume that.

9 Q. Now, and then the next document, GJ-281, it's dated
10 March 5. It's to Monsignor Gillespie, authored by
11 Monsignor Lynn. Monsignor Gillespie's address at this
12 time is listed as Villa Saint Joseph.

13 So we can conclude from that that he had actually
14 left the Mother House of the Grey Nuns after the meeting
15 in February and had moved to Villa Saint Joseph's; is that
16 right?

17 A. Yes.

18 Q. Okay. And this is basically again just reiterating
19 to him the change in the Archdiocesan policy, and it says
20 that, and I'm just going to read from the first paragraph:
21 "However, after review of this policy in light of the real
22 situations of priests in these types of assignments,
23 including your own situation, it was determined that,
24 unfortunately, the Archdiocese is not able to provide and
25 sustain an adequate level of supervision for these priests

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2 even in a limited ministry. Therefore, it was determined
3 that limit, supervised ministry would no longer be
4 recommended for any priest who had sexually abused minors
5 and that priests who admitted sexually abusing minors and
6 are currently on assignments would be removed from those
7 assignment"; is that right?

8 A. Yes.

9 Q. Okay. Now, let me ask you, if I may, Cardinal.
10 Monsignor Gillespie is told that he's got to leave the
11 mother house, and he's told he's going to be given the
12 status of retired priest. He's to go to Villa Saint
13 Joseph and restrict his faculties to saying Mass there
14 privately.

15 What if any supervision was given to the priests
16 that are at Villa Saint Joseph who fall into the category
17 that Monsignor Gillespie did, who are admitted sex
18 offenders? What supervision is given to them at Villa
19 Saint Joseph?

20 A. I'm not aware of the details of it, except that we
21 have a moderator there, someone in charge, but I don't
22 know the specifics of how they're actually supervised.

23 Q. Do you have -- I'm sorry.

24 A. You know, that they -- I mean, all I know is from
25 the general -- from the general comportment there that

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2 most of them stay right there. At least, they can see
3 them there. They know when they come in and out. I don't
4 know the specifics of it.

5 Q. But you don't know whether or not -- I mean, to
6 your knowledge, are any of these priests that would fall
7 into the category of Monsignor Gillespie, would they be
8 told that they're not able to leave the grounds of Saint
9 Joseph, and if they do, they're going to be accompanied by
10 somebody? Is there any type of supervision that would
11 involve?

12 A. I do not know what type of supervision.

13 Q. Okay. And the next and last document -- yes, the
14 last document as it relates to Monsignor Gillespie, that
15 would be grand jury two eighty-two.

16 A. Excuse me.

17 Q. Do you have that? You don't have that? I'm sorry.

18 A. No, I don't.

19 Q. All right. Let me just tell you what it is,
20 Cardinal, and I'll hand it to you when I'm through so that
21 you can check it and make sure that what I'm saying is
22 accurate about it.

23 This is a copy of an email that was -- the top of
24 the email says: "Father Vincent F. Welsh," and it's
25 regarding your article in Philly Inquirer, 3/8/02, and

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Gabriel

2 it's from [REDACTED], and it's sent March 8, 2002,
3 and it goes on in this email and says: "I was also
4 molested by a Catholic priest, when I was a young teenager
5 years ago. I'm thirty-one years old now and also have
6 physical problems which ultimately stemmed from the abuse.
7 The abuse started when I was about fourteen until I was
8 sixteen. I was the church sacristan," and then it says in
9 parentheses, "after altar boy for six years, and the abuse
10 was done at the hands of the parish pastor. At the time
11 of and after the abuse, my school grades plummeted, my
12 interest in sports diminished, and I have a severe problem
13 with intimacy with my fiancée. It wasn't until I revealed
14 my abuse for the first time to anyone ever," and it says
15 in parentheses, "my fiancée bless her," end paren, "that I
16 realized I should let the church be aware. I met with
17 Father Lynn who said he would have pastor removed if true.

18 Pastor admitted the abuse and was removed, but I recently
19 found out that he still gives communion sometimes at a
20 church where there are children. Basically I was lied to
21 by Father Lynn who said the pastor would never be around
22 children anymore. The Archdiocese referred me to a
23 counselor whom I have been seeing for about one and a half
24 years with my fiancée. Although I never realized it so
25 many years, my problems with not being interested in

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1 anything I used to enjoy as a child because of the abuse,
2 my wasting my parents' money in high school and college,
3 my problem with intimacy with my fiancée, my distance with
4 my family and my obsessive-compulsive disorder all were
5 due to the abuse my counselor discovered."
6

7 And it goes on to say: "I recently contacted a
8 lawyer about one month ago, before numerous stories in
9 Philly came out and before Cardinal's message and apology,
10 and he stated statute of limitations was up. I'm still
11 going to contact another lawyer until I find one who will
12 take a lawsuit. And any tips you might have?" ,

13 Do you have any recollection of that email being
14 shared with you?

15 A. It was not independent, but it was in the material
16 that was presented to us.

17 Q. Okay.

~~18 A. It's not in here.~~

19 Q. Okay. But you have a recollection of --

20 A. In the last -- after this material was given to us.

21 Q. Okay. Now, Cardinal, as you look back on this
22 case, and I know I'm asking you to do something in 2003,
23 now that you have the history of the case, do you think
24 that this case was handled adequately by the Archdiocese?

25 A. To say adequately, I'd have to say yes.

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2 Q. Okay. Thank you.

3 BY MR. SPADE:

4 Q. Cardinal, I'm going to hand you a packet of
5 documents on a file regarding a priest by the name of
6 Reverend David Sicoli.

7 Are you acquainted with Father Sicoli?

8 A. Yes.

9 Q. And Father Sicoli, the first document there is
10 GJ-878; is that correct?

11 A. Yes.

12 Q. And this is a priest data profile for Father
13 Sicoli --

14 A. Yes.

15 Q. -- is that correct?

16 And it indicates that as of June 21 of 1999, he was
17 assigned to Holy Spirit Parish in Philadelphia?

18 A. Yes.

19 Q. And you assigned him there, Cardinal?

20 A. I did.

21 Q. Okay. Cardinal, did you ever have any occasion to
22 look at his secret archives file before you assigned him
23 to Holy Spirit --

24 A. No.

25 Q. -- parish?

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2 Okay. And could you look at GJ-879. It's that.
3 It's a handwritten document.

4 A. I have it.

5 Q. Okay. In this document, Cardinal, it's a letter
6 that was or I guess a note by Monsignor Statkus, dated
7 December 29 of 1977, and Monsignor Statkus writes that
8 three boys at Saint Martin of Tours Parish, ^{Nick} [REDACTED],
9 ^{Jeffrey} [REDACTED] and ^{Adam} [REDACTED], accused Father Sicoli of --
10 well, the quote is: "Either bordering on homosexuality or
11 has had homosexual acts with them." That's if the first
12 paragraph there.

13 A. Yes.

14 Q. Do you see that?

15 A. Yes.

16 Q. Was this ever brought to your attention, this memo,
17 before you assigned Father Sicoli to Holy Spirit Parish?

18 A. ~~Not that I recall.~~

19 Q. Okay. So you didn't know that he had ever had any
20 accusations against him of acting out sexually with
21 minors?

22 A. I don't recall.

23 Q. Okay. And again, Cardinal, these events that are
24 recorded in this memo by Father Statkus date back to 1977.
25 That's obviously before you were the Archbishop of

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2 Philadelphia, correct?

3 A. Yes.

4 Q. Okay. And we've covered this ground before, but
5 when you first came in and were installed in February of
6 1988 as the Archbishop of Philadelphia, I'm correct in
7 stating that you never gave a directive to whoever the
8 chancellor was at that time or anybody in the Chancery
9 office at that time to review the files of all the priests
10 to see whether any of them had problems of acting out
11 sexually with minors?

12 A. That is right.

13 Q. If you could look at GJ-880. I believe it's the
14 next document in the pile, and I'm going to briefly
15 describe the contents of this document, but the relevant
16 facts here for our purposes are that -- and this is a
17 December 30, 1977, handwritten memo regarding Reverend
18 ~~David Sicoli, who was ordained in 1975, and he's~~

19 identified as assistant pastor at Saint Martin of Tours;
20 and in this memo it documents that Father Sicoli took
21 ~~██████████~~ ^{Nick} and ~~██████████~~ ^{Jeffrey} to California and while on the
22 trip to California he offered them money to -- they went
23 into a bar, and he offered them money to go off with a
24 prostitute.

25 It was reported by ~~██████████~~ ^{Jeffrey} that Father Sicoli,

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1
2 quote, "acts like he's in love with me," and that during
3 that trip and an earlier trip to Florida, he slept in the
4 same bed with ^{Nick} [REDACTED]. Although it's not reported,
5 it wasn't reported that any sexual activity occurred, but
6 he slept in the same bed with him.

7 Also in this document, eight eighty, it's reported
8 that at a CYO party at Saint Martin of Tours, Father
9 Sicoli gave ^{Nick} [REDACTED] and another boy named ^{Adam} [REDACTED]
10 beer, that he drove ^{Nick} [REDACTED] home and that he persuaded
11 ^{Adam} [REDACTED] to go back to his rectory room with him at four
12 o'clock in the morning where he made an advance towards
13 him, where he tried to hug him, and ^{Nick} [REDACTED] -- I'm
14 sorry -- ^{Adam} [REDACTED] declined and left the room at four o'clock
15 in the morning.

16 I assume again that none of this information was
17 brought to your attention?

18 A. Not that I recall.

19 Q. Okay. And I believe we've gone over this before as
20 well, but when you appointed Father Jagodzinski and Father
21 Lynn to be your secretaries of clergy, from what I
22 remember of your testimony, you never took any steps to
23 make sure that they had training in recognizing the
24 grooming patterns of sex offenders?

25 A. That would be a good recollection. Yes, I don't

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1 recall doing that.

2
3 Q. Okay. As a result of reading the Restoring Trust
4 document and your own educational activities in this area,
5 have you ever become familiar with the grooming patterns
6 of sex offenders?

7 A. No.

8 Q. Okay. Do you recognize this behavior that's being
9 described in these two documents as grooming behavior?

10 A. Thus far, they're allegations.

11 Q. Right.

12 A. I can't say they're facts.

13 Q. Okay. The next document, Cardinal, could you look
14 at GJ-883. This is again a handwritten memo. It's
15 authored by Francis J. Clemins. It's dated January 6 of
16 1978, and it's regarding Father David Sicoli.

17 And in this memo, Father Clemins or Monsignor

18 Clemins indicates that ^{Nick} [REDACTED] wrote a letter to

19 Monsignor Marley, who is the pastor at Saint Martin of

20 Tours, saying that in his earlier allegations against

21 Father Sicoli, he had made some exaggerations against

22 Sicoli but that he still admitted that the imprudent

23 behavior of Sicoli that he reported was true and that --

24 the last part there is on page two, the bit about

25 admitting that it was still true.

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1 A. Which page? Forgive me.

2 Q. The second page of the document. I'll read it to
3 you.

4 A. Is that the bottom?

5 Q. I'm sorry, Cardinal. This is eight eighty-three
6 that I'm referring to?

7 A. Oh. I'm at eight eighty-one.

8 Q. Okay. I think it's the next document over.

9 Is that eight eighty-three?

10 A. Yes.

11 Q. The second page of that document where he writes:

12 "He said no, but that" --

13 A. I see it.

14 Q. "That there were exaggerations. Yet he still
15 admitted that basically the imprudent behavior of Father
16 Sicoli."

17 ~~18 And then if you could look at -- if you could jump~~

19 ahead about ten documents to eight ninety-four, this is an
20 exhibit. Number eight ninety-four is a June 21, 1983,
21 letter to Monsignor Statkus?

22 A. I can't find that.

23 Q. It's about ten documents forward. It's a
24 typewritten document on Immaculate Conception School
25 letterhead.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (Pause.)

3 A. I have it.

4 Q. Okay. I'm going to summarize this one for you
5 again, Cardinal. This is now approximately six years
6 after the incidents that occurred at Saint Martin of Tours
7 Parish, and sister -- this is again a letter from a nun by
8 the name of Sister [REDACTED] Immaculate Heart of
9 Mary, who teaches at the Immaculate Conception School in
10 Levittown, Pennsylvania, where Father Sicoli had been.

11 If you go back to the first exhibit, which is eight
12 seventy-eight, the third entry there is where Father
13 Sicoli was assigned.

14 A. Excuse me.

15 MR. HODGSON: He's looking at the
16 priest profile.

17 MR. SPADE: The priest data profile
18 Cardinal.

19 MR. HODGSON: To your right.

20 THE WITNESS: Oh, I'm sorry.

21 MR. SPADE: I'm sorry if I'm going too
22 fast for you.

23 BY MR. SPADE:

24 Q. On eight seventy-eight, the third entry in, Father
25 Sicoli was assigned as an assistant pastor of Immaculate

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Conception, Levittown, from January of '78 until June of
3 '83; is that correct?

4 A. Yes.

5 Q. Okay. In exhibit number eight ninety-four, turning
6 back to eight ninety-four, the letter from Sister [REDACTED]
7 [REDACTED], basically in the letter, the sister writes that
8 Father Sicoli has been focusing on a boy in the parish by
9 the name of ^{Hugh} [REDACTED] and she notes that she has observed
10 in ^{Hugh} [REDACTED], quote, inner emotional stress and strain as a
11 result of Father Sicoli's attention directed towards him
12 and that she has been notified by somebody in the school
13 that there has been graffiti in both the boys' and the
14 girls' rest rooms showing ^{Hugh} [REDACTED] performing obscene
15 sexual acts on Father Sicoli.

16 And again, I take it that none of this -- you had
17 none of this information when you made the decision to
18 ~~appoint Father Sicoli to Holy Spirit Rectory? I mean, to~~
19 Holy Spirit Church as the pastor?

20 A. Yes.

21 Q. Okay. And then jumping ahead, Cardinal, there's
22 just one last document that I wanted to show you in this
23 file. It's GJ-903. It's the last document in the file?
24 It's a computer generated phone message slip from the
25 Archdiocese of Philadelphia.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 Do you see that?

2 A. (The witness nodded.)

3 Q. Cardinal, as I said, it's a computer generated
4 phone message slip. It has Monsignor William Lynn's name
5 at the top, and then there's the name [REDACTED],
6 [REDACTED] and it gives a phone number with an
7 extension.
8

9 Do you recognize this? Is this the type of
10 computer generated phone message that the Archdiocese
11 would generate?

12 A. I guess so. I'm not . . .

13 Q. You're not familiar with it?

14 A. I'm not acquainted.

15 Q. Okay. And do you recognize the handwriting on the
16 document?

17 A. I -- I think it's Monsignor Lynn's.

18 Q. Okay. This is a --

19 A. I couldn't -- I can't read it, but it's very hard
20 to understand it.

21 Q. Okay. Well, it was very hard for us to understand
22 the writing as well, Cardinal.

23 But what we were able to make of this is that

24 [REDACTED] is a counselor in an organization

25 called Shalom that is associated with West Catholic High

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 School.

3 West Catholic High School is an archdiocesan high
4 school; is that correct?

5 A. Yes.

6 Q. Okay. [REDACTED] is a counselor who works with
7 at risk children at West Catholic High School.

8 Do you know what I mean by at risk children?

9 A. I'm not positive.

10 Q. Children that are at risk for being abused, either
11 physically or sexually. Children that are having
12 emotional --

13 A. Okay.

14 Q. -- or psychological problems. Children that are
15 having problems at home in the family. Anything like
16 that?

17 A. Thank you.

18 Q. Okay. Apparently, although the only thing that's
19 documented on this document, on exhibit number
20 nine-o-three, Cardinal, is that Father Lynn received a
21 telephone call on June 6 of 2002 at 11:14 A.M. from a
22 [REDACTED].

23 You'll agree with me, won't you, that there's
24 nothing on this document that identifies who [REDACTED]
25 is, what her title is or where she works?

ANTHONY JOSEPH CARDINAL BEVILACQUA

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2 A. No. I said I find it hard to understand.

3 Q. Right.

4 A. So I agree with you.

5 Q. Okay. And the only thing that we were able to put
6 together from the information on the document, there's a
7 notation there "Sicoli," and then there's a notation
8 "older boy sixteen/seventeen."

9 Do you see that?

10 A. (No response.)

11 Q. Do you see the "sixteen/seventeen"?

12 A. You said altar boy?

13 Q. Older boy?

14 A. Older boy.

15 Q. Is the way I read it.

16 A. Yes. I see that now.

17 Q. Okay. Well, Cardinal, this is Father Lynn.

~~18 What we later learned is that Father Lynn received~~

19 a telephone call from [REDACTED] in which she told him
20 that there were two boys, two students at West Catholic
21 High School, one who was sixteen or seventeen years old, I
22 believe he was sixteen at the time, and the other one who
23 was I believe fourteen at the time, who were parishioners
24 at Holy Spirit Parish in Philadelphia at the time, and
25 they were also, as I said, students at West Catholic.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 And she had been -- ██████████ had been
3 approached in the parking lot of West Catholic High School
4 on a parent teacher conference night by the mother of the
5 two boys, and the mother of the two boys had reported to
6 ██████████ that her two sons had been -- that Father
7 Sicoli had approached her to have her two sons live at
8 Holy Spirit Rectory with him and in fact that the two boys
9 had lived at Holy Spirit Rectory with Father Sicoli for a
10 period of several months, a period of two to as long as
11 six months in the rectory with Father Sicoli; that Father
12 Sicoli had to the boys, had undermined and criticized the
13 mother, her parenting skills, the environment, the family
14 environment that she provided for the boys, and in fact
15 had taken actions to prevent the mother from seeing the
16 children while they were living at the rectory.

17 And the mother was understandably upset by this and
18 reported it to ██████████. The mother was an
19 immigrant. The mother is an immigrant, as are the boys,
20 and ██████████ -- and this is why ██████████ on June
21 6 of 2002 telephoned Father Lynn to report this
22 information.

23 (Pause.)

24 I'm sorry, Cardinal. I actually misstated it a
25 little bit. ██████████ had actually telephoned Father

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 Lynn approximately a year before this to report the
3 activity that I just stated to you, the boy's living at
4 the rectory and all of that activity.

5 She had actually called him about a year before
6 this date on this memo to report that activity, and I'll
7 represent to you, Cardinal, that there's no documentation
8 in the file that was produced to us on Father Sicoli that
9 documents that that call was ever made to Father Lynn
10 reporting that activity.

11 This call here on June 6 of 2002 was made by [REDACTED]
12 [REDACTED] after the first call, approximately a year after
13 the first call, and what precipitated [REDACTED] making
14 this call is that she had found out -- she had called
15 Father Lynn approximately a year before to report that
16 activity and to ask him to intercede on behalf of the
17 mother and find out what was happening at Holy Spirit
18 Rectory and why the boys were living there, if any of this
19 was true, to make sure that the boys were okay.

20 And a year later she found out that Father Sicoli
21 was actually taking the altar boy on a trip to Notre Dame,
22 to Notre Dame University out in South Bend, Indiana, and
23 this of course caused her even greater concern because
24 this was approximately a year after she had reported the
25 activity on the behalf of Father Sicoli. So this is what

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 precipitated this telephone call right here.

3 After the first call, Cardinal, Father Lynn
4 apparently told ██████████ that he was going to look
5 into the situation and take care of it, and then of
6 course, she found out about Father Sicoli taking the boys
7 to Notre Dame or taking the one boy to Notre Dame, and
8 when she called him again to report this, he again told
9 her that he would look into it; and then he later called
10 her back and told ██████████ to not worry about it,
11 that Father Sicoli was not going to make the trip out to
12 Notre Dame with the boys.

13 I'll also represented to you, Cardinal, that this
14 document right here is the only document that was produced
15 to us regarding this entire incident. There was no
16 indication in the file of any investigation being done on
17 the part of Father Lynn into the situation. There was no
18 indication of any contact being made with Father Sicoli to
19 look into the situation. There was no documentation that
20 would indicate that he was sent for an evaluation at Saint
21 John Vianney or any other hospital.

22 And as I've already put on the record, there was
23 this previous information in the file regarding an
24 allegation of homosexual activity on the part of Father
25 Sicoli with some other boys about twenty-five years

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 earlier, and then some other questionable grooming
3 activity in 1983, which would have been about nineteen
4 years earlier.

5 And, Cardinal, the question that I have for you
6 about this file is: You've testified on a number of
7 occasions that Father Lynn, although he may have made some
8 lapses in looking into various files, for instance, Gana,
9 Brennan, Cudemo, although he made those lapses, he was
10 nevertheless a competent Secretary of Clergy with regard
11 to handling cases of priest sex offenders and priests
12 acting out sexually against minors.

13 My question to you is: If we accept your
14 representation as true, that this is the first that you've
15 heard of this file or any allegations with regard to
16 Father Sicoli, what is your opinion as to how this file
17 was handled on the part of Father Lynn and the
~~18 Archdiocese?~~

19 A. First of all, I need to go back a little bit when
20 you made -- you stated about the incidents that occurred
21 back in, you know, on the three young men.

22 Q. Of 1977?

23 A. Right. But what was omitted is that the boys
24 recanted.

25 Q. No. I actually put that on the record, that

ANTHONY JOSEPH CARDINAL BEVELLACQUA

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A. I mean, I didn't hear you state that this -- you know, in GJ 884, I don't recall you mentioning that they recanted.

Q. I thought that I put on the record that the one boy came in and said that he had exaggerated his allegations against Father Sicoli?

A. That was the other one, but he himself, his own letter to Monsignor, and he talks about the other boys too, that they recanted.

Q. Okay.

A. In other words, first allegations --

Q. Okay.

A. -- on this one. I don't know all the circumstances. Very vague here. So I mean, I don't know if there was reason for Monsignor Lynn to investigate

further. I don't know why he did -- why he did not, but I can't judge from this that he had reason to further investigate. I really don't know -- I can't call this incompetence since I don't know all the circumstances.

Q. Well, let me ask you something about that. Let me ask you again about the administrative procedure that you had in place at the Archdiocese.

If this activity was not reported to you, which

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 you've testified it wasn't, the fact that you had a priest
3 that had two adolescent boys living with him at a rectory
4 and that he was blocking access of the mother to the boys,
5 do you think that that was a -- do you think that your
6 administrative procedures that you had in place were
7 adequate to prevent harm being done to those boys?

8 A. I'd have to say that I'm sure that Monsignor Lynn,
9 you know, evaluated the whole situation, but I don't know
10 what he did or did not do after.

11 Q. No. But I'm not asking you what he did or did not
12 do. What I'm asking you: Do you believe that your
13 administrative procedures were adequate given that this
14 information was not reported to you?

15 Is not information that is important enough with
16 regard to the well being of those boys that it should have
17 been reported to you?

18 A. I have to leave it to Monsignor Lynn's discretion
19 what he reports to me or doesn't.

20 Q. Okay.

21 BY MS. MCCARTNEY:

22 Q. Well, Cardinal, let me ask you. You have looked at
23 GJ-903, and you indicated earlier that you had some
24 trouble reading it, and I don't disagree with that
25 assessment of the document. Mr. Spade has told you what

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 we were able to figure out, taking that exact information
3 and working with it.

4 Do you think it's competent -- let's just start
5 with basics. Do you think it's competent on the part of
6 your Secretary for Clergy to not reduce this type of phone
7 call to at least a typed memo in the file?

8 A. I --

9 Q. I mean, let's just start with the basics?

10 A. I would have preferred if it had been reduced to a
11 typed.

12 Q. Given the content of what the conversation
13 involved, do you find it at all concerning that your
14 Secretary of Clergy would nowhere on this document mention
15 the name of the boys that were being referred to?

16 A. I can't answer for Monsignor Lynn.

17 Q. Well, but you can answer for you as their boss as
18 ~~to what you would expect them to do working for you and~~
19 you being the one that is -- as their boss, as someone's
20 boss, when you look at this document, you say to yourself:
21 Monsignor Lynn got this phone call. It's about a kid.
22 Some priest of mine is taking a kid on a trip to Notre
23 Dame.

24 I mean, what kind of information would you have
25 wanted Monsignor Lynn to gather from and to?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I don't know of the circumstances of that event.

3 If he was going to inform me, I'm sure he would have typed
4 it out.

5 Q. But these documents are kept in a secret archive
6 file, and they're kept in a secret archive file for a
7 purpose, correct, Cardinal?

8 A. Yes.

9 Q. They're kept there for the purpose of there being
10 some record of misconduct on the part of a priest so that
11 when someone is going to decide whether or not someone
12 should be moved to a different position, they have the
13 ability to go back and get an idea of what someone's past
14 is like. Is that one of the reasons why they're kept?

15 A. Yes.

16 Q. Well, what benefit would you get from looking at
17 this document that Monsignor Lynn scribbled on and put in
18 the secret archive file?

19 Do you think that would be any help to anybody, not
20 just you, Cardinal, but someone down the road, say: Hmm,
21 I wonder what we're going to do with Father Sicoli? Would
22 that be of any benefit to you at all?

23 A. It would be very difficult to figure out what this
24 intends to do.

25 Q. Given that, then, do you have some question or some

ANTHONY JOSEPH CARDINAL BEVELACQUA

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comment on the competency of Monsignor Ryan even as a record keeper?

A. I don't know what his intent was, whether he intended to type this up and something happened that it was not done. I cannot speak for him.

Q. All right. Thank you.

MR. SPADE: Okay. It's two forty-six. Could we ask you to step out of the room for a few minutes so that we can have a discussion with the jurors, please.

(Whereupon the witness and his counsel were excused from the grand jury room.)

[REDACTED]

ANTHONY JOSEPH CARDINAL BEVILLACQUA

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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(A recess was held.)

MR. SPADE: Okay. We're back on the record. It's 3:28 P.M.

And how many jurors do we have present?

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MR. SPADE: Twenty-one regulars and ten alternates.

The witness has returned to the room.

MR. SPADE: Good afternoon, Cardinal?

THE WITNESS: Good afternoon.

MR. SPADE: Counsel is present, correct?

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2 MR. HODGSON: Yes.

3 BY MR. SPADE:

4 Q. Cardinal, we've had a discussion with the jurors to
5 give them, as per our policy, the right to pose questions
6 to you. We've collected the questions, and I'll pose them
7 to you on behalf of the jurors.

8 The first question is: If you had been informed of
9 the situation with Father Sicoli in the 2001-2002 time
10 period when you were still the Archbishop of Philadelphia,
11 would you have done anything about it?

12 A. About what?

13 Q. About the fact that he had two immigrant boys
14 living at the rectory with him and that he was barring the
15 mother from having access to them.

16 A. It would have depended on getting the facts of why
17 they were there, and I don't have them all.

~~18 Q. Okay. The second question is: Well, Cardinal,~~
19 what about if the only facts that you had were that you
20 had two adolescent immigrant boys living at the rectory
21 with Father Sicoli and he was barring the mother from
22 access to them?

23 A. There are too many other possibilities that could
24 have occurred that would have made that possibly even
25 legitimate. I can't say. I don't know.

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2 Q. Okay. Could you give me a possibility where that
3 would be legitimate?

4 A. They could have had permission to be there.

5 Q. No, but I'm saying the mother didn't want them
6 there. The mother was trying to get them back home.

7 A. I don't know what are the circumstances.

8 Q. Okay.

9 A. I mean, from a prima facie appearance, it's not the
10 usual, you know, way of having boys in the rectory.

11 Q. Okay.

12 A. But I say I've heard of other dioceses where
13 sometimes they have done that for special reasons. I just
14 cannot conjecture.

15 Q. Were you aware during the years that you were the
16 Archbishop of Philadelphia of other priests that were
17 having adolescent boys living in the rectory with them?

18 A. In Philadelphia?

19 Q. In Philadelphia.

20 A. No. No.

21 Q. Okay. And is that a practice --

22 A. No.

23 Q. -- that was condoned in the Archdiocese of
24 Philadelphia?

25 A. I didn't say that. No.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay. The second question is: You're aware of the
3 fact obviously that recently the Archdiocese of
4 Philadelphia removed the faculties from four priests. I'm
5 sorry. Strike that. Wrong question.

6 In the cases that we discussed of Gana, Trauger and
7 Gillespie, after the initial report of sexual acting out
8 on the part of those priests, they were sent for
9 treatment, either at Saint John Vianney or another
10 Catholic treatment center, and none of those three
11 priests, Gana, Trauger or Gillespie, was diagnosed as a
12 pedophile or an ephebophile, and then later it turned out
13 that they actually had been sexually acting out with
14 minors; and one of the jurors wants to know: Do you find
15 it disconcerting that these treatment centers and these
16 therapists, whose opinions you were crediting, got it
17 wrong in so many cases, in other words, that they weren't

18 ~~picking up on the fact that these priests, that these~~
19 three priests, had been acting out sexually with minors?

20 A. They knew they were acting out, I think. They
21 admitted it, but you say wrong in the sense of not
22 predicting that they wouldn't do it again?

23 Q. Or not even diagnosing them as having a sexual
24 disorder or being a pedophile or an ephebophile?

25 A. Well, most of them I think they said there was a

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2 sexual disorder, but they did not identify them as
3 pedophiles or ephobophiles. I can't say that that
4 diagnosis was wrong.

5 Q. Okay. So you weren't disconcerted by the
6 performance of the --

7 A. I said I didn't know that that was wrong, you know.
8 In other words, you can have a correct diagnosis, but you
9 can't always guarantee what will happen afterwards.

10 Q. Okay.

11 A. There's no way that they can predict that.

12 They can just give their estimate and say they're
13 minimal risk or they're capable of going back to ministry,
14 as they said, and that's their opinion.

15 Q. And, Cardinal, when did you become aware that
16 there's no way that a therapist can predict whether a
17 priest will act out --

18 A. They --

19 Q. Let me just finish the question.

20 A. Excuse me. I'm sorry.

21 Q. When did you become aware that there's no way that
22 a therapist can predict whether a sex offender will act
23 out again?

24 A. It's not becoming aware. That's true about any
25 therapist or any doctor who prophesied something. He says

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2 this is the best of my ability this will not happen, but
3 it can happen.

4 Q. Okay. One of the jurors wanted to know, looking
5 back now, having been questioned about nine files that
6 were investigated by your Secretary of Clergy and various
7 other members of the Archdiocese employed by you, are you
8 disconcerted that so many of these investigations were
9 handled in an ineffective manner?

10 A. I think they were handled very adequately.

11 Q. Okay. So you don't think that any of them were
12 handled ineffectively?

13 A. No.

14 Q. Okay. The next question is --

15 A. Excuse me. You have to understand that one
16 exception, that there was an inadvertent lapse.

17 Q. There was what?

18 A. There was an inadvertent lapse on the part of
19 Monsignor Lynn that we discussed before.

20 Q. Are you referring to the Sicoli case or the Gana
21 case or --

22 A. No. No. No. It would have been the Gana case.

23 Q. Okay.

24 A. I mean, that was an inadvertent lapse.

25 Q. Okay. What about in the Brennan case? Was that an

ANTHONY JOSEPH CARDINAL BEVILACQUA

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2 inadvertent lapse as well?

3 A. I can't recall all the details, I'm sorry, in the
4 Brennan case.

5 Q. In the Brennan case when Father Lynn was supposed
6 to inform Monsignor Scanlon at Resurrection Parish about
7 the history of Father Brennan and his previous parishes,
8 the accusations of boundary violations and sexually
9 inappropriate behavior, and he was supposed to make sure
10 that the priests in the parish knew about Father Brennan's
11 background and that Father Brennan was in treatment
12 programs and was being monitored?

13 A. I don't know why.

14 Q. And it turned out three years later to be the case
15 that he had never informed Monsignor Scanlon or any other
16 personnel at that Resurrection Parish of those facts?

17 A. Again, that could have been an inadvertent lapse.

18 Q. Okay. So Gana, Brennan, Sicoli, they were all
19 inadvertent lapses?

20 A. Well, when you say Sicoli, I don't understand which
21 part you're saying.

22 Q. The fact that the file documents that no
23 investigation was done when Father Lynn learned that these
24 two immigrant adolescent boys were living in the rectory
25 with Father Sicoli and --

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2 A. I can't --

3 Q. -- it was not brought to your attention or anybody
4 else's attention?

5 A. I can't say that in this, in that case, because
6 it's so vague what is written there. I do not know all of
7 the circumstances.

8 Q. Okay.

9 BY MS. MCCARTNEY:

10 Q. Cardinal, how many inadvertent lapses do you think
11 it takes before you would be comfortable in coming to the
12 conclusion that your Secretary of Clergy was not doing as
13 competent a job as what was required?

14 Given the magnitude of the harm that could occur to
15 children, how many inadvertent lapses are there?

16 A. I can't answer that question because as you look at
17 all the cases, Monsignor Lynn was very competent in
18 handling them and handling them, you know, very quickly,
19 the larger number of cases.

20 You're mentioning only two that possibly -- you
21 know, that he had an inadvertent lapse, but all the other
22 cases, I consider him -- he was very competent.

23 Q. So you consider it very competent with regard to
24 Monsignor Gillespie that Monsignor Lynn never informed the
25 evaluators at the hospital that Monsignor Gillespie had

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2 talked in the way he did to a twelve year old in
3 confession, that that's not --

4 A. The confession matter is a different issue
5 altogether. That's very delicate.

6 Q. So is the health and welfare of children. Would
7 you agree with that, Cardinal?

8 A. That always is primary.

9 Q. All right.

10 BY MR. SPADE:

11 Q. The next question, Cardinal, one of the jurors
12 wanted to know is: You've testified on a number of
13 occasions in your appearances before the grand jury that
14 you delegated these matters to Monsignor Lynn, to
15 Monsignor Jagodzinski, to Bishop Cullen, to Monsignor
16 Molloy, various members of the Vicar for Administration's
17 office, and the Secretary of Clergy's office, and some of
18 ~~the facts of these cases were reported to you and some~~
19 were not, but that you didn't have very much day-to-day
20 involvement in them. Is that a fairly accurate summary of
21 your testimony in that regard?

22 A. They kept --

23 Q. I'm sorry.

24 A. They kept me informed what they thought was
25 relevant and important.

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2 Q. Okay. One of the jurors wanted me to ask you:
3 Given all of the harm that was done to minors, teenagers,
4 prepubescent children at the hands of Philadelphia
5 priests, all of the sexual harm that's done to them, at
6 some point, did it not occur to you that you would have to
7 stop delegating responsibility for these cases and get
8 directly involved in handling them?

9 A. I would talk at times to Monsignor Cullen at the
10 time and Monsignor Lynn about the importance of
11 safeguarding all the children. There were times in
12 meetings or whatever, not things that recorded, that I
13 emphasized the gravity of this.

14 I told them to give it very special attention and
15 that -- and I repeated the order of priorities, and I
16 would do that at times to them, you know, that the
17 children and their families came first and the common good
18 of the church and then the rights of the priest, and I
19 presume from my saying those things to them they would
20 carry out their responsibilities adequately and
21 effectively.

22 Q. But, Cardinal, you would agree with me, wouldn't
23 you, that -- and I'm following up on the juror's question.

24 You would agree with me that giving a general
25 directive about the importance of protecting children to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the people that you had delegated responsibility for these
3 cases is different than actually asking for a file,
4 looking at the file, reading the file, you know, talking
5 to the people that were handling the file, getting
6 involved on a personal basis with the handling of some of
7 these cases; you would agree that what you said is
8 different than what the juror asked?

9 A. Different, but is more efficient that they were the
10 ones that would have the time, the expertise, the
11 experience to handle these better.

12 Q. Okay. And you're aware along these lines, too,
13 that the Restoring Trust document that was produced by the
14 NCCB in the fall of 1995, in the flow chart at the back of
15 the first volume, had a recommendation there that when a
16 priest comes back after being treated for being a sex
17 offender, when the priest comes back to the diocese, that
18 ~~the Restoring Trust document recommended that the bishop~~
19 get personally involved in meeting with the priest,
20 setting up an aftercare program for the priest and
21 monitoring the priest to make sure that he was following
22 the aftercare program and not sliding into the danger of
23 acting out again?

24 A. I'd have to interpret that, I mean, different
25 meaning of what personally means. It can't be that I --

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2 someone with as large a -- with such a large archdiocese,
3 with other bishops in other large dioceses, it would be
4 almost counterproductive to do everything personally and
5 in the sense of individually, but you do it personally by
6 delegating others to follow up on that.

7 There's so many responsibilities. Even though this
8 was the primary -- became the primary one for us, but I
9 would not have the ability, the time, the experience to
10 handle these things. So I left it to those who had the
11 time and the experience and the effectiveness.

12 Q. Okay. The next question is a simple one, Cardinal.
13 One of the jurors wanted me to ask you what is Monsignor
14 Lynn doing today? What is his responsibility within the
15 Archdiocese of Philadelphia, if you know?

16 A. As far as I know, he was -- his responsibility was
17 not changed. He's still Secretary for the Clergy.

18 ~~Q. And then the follow-up question is: Given the~~
19 evidence that we've reviewed in these files that we've
20 talked with you about and understanding that you no longer
21 have control over the matters, but why did you keep him as
22 the Secretary of Clergy up until the end of your term as
23 the Archbishop of Philadelphia, given the mishandling of
24 these cases?

25 A. Because I considered him very efficient and

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1 competent.

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3 Q. Okay. And then the third follow-up question to
4 that is: Does Cardinal Rigali, the present Archbishop of
5 Philadelphia, have the power to replace Monsignor Lynn as
6 Secretary of Clergy?

7 A. Any bishop of a diocese has the power to change his
8 staff.

9 Q. Okay. The next question is: What preventive
10 measures are currently being taken, to your knowledge, to
11 ensure that no children of the Archdiocese today are being
12 sexually abused by a priest or by priests?

13 A. There's so many measures we have taken.

14 First of all, as far as I know, even now, and I
15 could say that even when I left on October 7, that there
16 is no priest presently working in a parish or in any
17 institution who is known to have sexually molested a
18 minor, as far as we know.

19 Number two, we have had a number of sessions with
20 our priests, even when I was still the Archbishop, in
21 explaining to them, you know, boundaries. These were done
22 by experts.

23 We have had -- now we have a check with the police,
24 with the state police, you know, that everyone is checked
25 out. I even had to do it myself. Any crimes committed,

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2 any abuse.

3 We're doing this for all of our lay staff that have
4 anything to do with children -- teachers, volunteers,
5 counselors. We're following a program, the VIRTUS
6 program, on how to deal with children, the boundaries.
7 There's the instruction on how to report any kind of, you
8 know, dangers. I can go on and on in other things.

9 Q. Okay.

10 A. That we are taking strong measures to prevent any
11 further harm as far as is possible coming to any children.

12 Q. Can I just ask you a follow-up question about that.

13 At the beginning of your answer, you repeated that
14 statement that you made, that there's no priest currently
15 in the Archdiocese --

16 A. As far as I know.

17 Q. -- as far as you know who has sexually abused a
18 child, and I wanted to ask you: Are you familiar with

19 Father John Schmeer?

20 A. No.

21 Q. The pastor of Saint Martins Parish in Bucks County?

22 A. I know the name.

23 Q. Okay.

24 A. That's all.

25 Q. To your knowledge, there have never been any

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2 allegations -- well, let me represent to you that if you
3 look at Father Schmeer's file, the secret archives file,
4 there are allegations in there by a number of people that
5 he sexually abused, and the Archdiocese's Review Board did
6 an investigation of him and cleared him of the charges and
7 recommended to the present Archbishop that he remain as
8 the pastor of Saint Martin's Parish, and my question to
9 you is: Now, when you make that statement that there's no
10 priest that you know of who has allegations against him --

11 A. Oh, I didn't say that. Please forgive me. Check
12 the record.

13 Q. -- who has sexually abused a child; is that what
14 you said?

15 A. Where he's actually guilty.

16 Q. Who is actually guilty of sexually abusing a child.

17 My question to you is: Isn't that -- I mean,
18 ~~that's, I guess, technically accurate, but isn't it sort~~
19 of misleading, because you do have somebody who has
20 multiple allegations of sexually abusing minors as a
21 pastor of a parish right now, and essentially what
22 happened is the Archdiocese investigated it and credited
23 Father Schmeer over his accusers.

24 A. Yes.

25 Q. So wouldn't it be more accurate to say that

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2 currently there are priests who have allegations of
3 sexually abusing minors; we just haven't credited those
4 allegations as being credible?

5 A. That would be an unfair statement to make because a
6 priest could be completely innocent.

7 Q. I understand that.

8 A. Just because a priest has allegations, you can't
9 destroy his reputation if he's innocent. I mean, once a
10 name is mentioned as allegations, that's the end of that
11 priest's reputation for the rest of his life, even though
12 he's completely innocent.

13 That's why I phrased it that way. I do not know at
14 the present time of any priest in the Archdiocese who is
15 guilty of having abused a minor.

16 BY MS. MCCARTNEY:

17 Q. Cardinal, I'm going to take an exception with the
18 ~~technical accuracy of that statement because you just said~~
19 that even when you left in October of 2003, that that
20 statement to the best of your knowledge was true.

21 What about Father Avery, Father Cannon, Father
22 Trauger, Father Furmanski? These were all priests, by
23 virtue of your Review Board, who were investigated and
24 ultimately released from assignment, because it was
25 determined that they did have allegations against them?

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2 A. The allegations -- I said as far as I know. As far
3 as I know, they were not guilty. That may have happened
4 that they were found guilty afterwards.

5 Q. And one other follow up, Cardinal, and I don't want
6 to belabor this point at all, but one of the things that
7 you said in terms of assuring both the people on this
8 grand jury and you've made the statement publicly, that we
9 can all breathe somewhat easier that these priests that
10 are coming in contact with our children are not going to
11 sexually abuse them because one of the mechanisms that you
12 put in place was the background checks with the state
13 police; is that right?

14 A. I didn't say that. I said we're trying -- you
15 asked what measures have we taken to try to prevent. I
16 didn't say because they got that they wouldn't abuse.

17 Q. I understand that, but that statement was made in
18 ~~an effort to show the public that the Archdiocese was~~
19 acting responsibly and that there was some level of
20 responsibility taken with regard to its priests, correct?

21 A. Yes.

22 Q. Okay. Let me ask you, Cardinal. When the
23 Archdiocese put in place the background checks for the
24 priests, did they share with the state police the secret
25 archive files with these people so that when a background

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2 check is done, the information that's in the secret
3 archive files could be evaluated by a civil organization?

4 A. I don't know what was presented to the state
5 police. They do background checks on them.

6 Q. The bottom line, Cardinal, is somebody like a
7 Stanley Gana, who has admitted to anally raping children,
8 would have a clear background check, is that right,
9 because the Archdiocese of Philadelphia never shared any
10 of these allegations or never shared his admissions with
11 any civil authority? So therefore, if I were to run a
12 background check on him, he'd come up totally clear,
13 right?

14 A. The fact that --

15 Q. Is that correct, Cardinal? You can comment
16 whatever way you want afterwards, but that would be
17 accurate, right?

18 A. ~~If it was not reported by the Archdiocese.~~

19 Q. And it was not, correct?

20 A. Yes, but anybody else could -- the family could
21 have reported it.

22 Q. All right. Thank you, Cardinal.

23 BY MR. GALLAGHER:

24 Q. Well, Cardinal, really, that's not relevant, who
25 reported. The issue here is the Archdiocese, as a result

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2 of the charter and the result of the revisions that have
3 been going on since June of 2002, has put into place
4 procedures, and one of the procedures is that now you
5 check the criminal background of every priest in the
6 Archdiocese, correct?

7 A. Yes.

8 Q. Okay. The question is: What is the value of that
9 if you had thirty-five priests with credible allegations
10 in February of 2002 and only two of those priests were
11 ever arrested?

12 What is the value to the other thirty-three priests
13 whether or not the public can find out whether they've had
14 credible evidence of sexual abuse in their background of
15 children?

16 Do you understand my question?

17 A. Yes. We're saying that -- we're just saying now,
18 ~~as of that time, we're asked now, as a result of the~~
19 charter, to do these background checks.

20 I'm not guaranteeing that those background checks
21 mean that a person was not -- did not abuse a minor. I'm
22 just saying this is something anyhow.

23 Q. Well, the question is: What is the value of those
24 background checks if none of these thirty-three people
25 were ever reported to law enforcement and you know as the

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2 Archbishop that there was credible evidence of sexual
3 abuse of minors in their background? What is the value of
4 those checks?

5 A. Well, now all of them have been reported.

6 Q. All of them have been reported?

7 A. May I.

8 (The witness conferred with his
9 attorney.)

10 THE WITNESS: You just want it to be
11 confirmed that since the charter, all allegations
12 have been reported to the civil authorities?

13 MR. GALLAGHER: That occurred
14 subsequent to the charter. Correct.

15 THE WITNESS: That is correct.

16 BY MR. GALLAGHER:

17 Q. But we're talking none of the incidents that
18 ~~occurred prior to the passing of the charter.~~

19 A. That is correct. But now it's to prevent anything
20 further in the future.

21 You asked me how to prevent things in the future.
22 Right now all their names now are listed.

23 Q. Listed with this grand jury?

24 A. No. No. No. We report it to the civil
25 authorities. The charter requires it.

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2 Q. I'm not talking about anything that's happened
3 since the charter happened. What I'm talking about is the
4 thirty-three priests who in February of 2002 you and your
5 press person have indicated that there was credible
6 evidence of sexual abuse of minors in their background.

7 A. Yes, but I'm getting back to the original question.
8 What are we doing to prevent this from happening?

9 Q. Well, I'm not getting back to the original
10 question. I'm asking you what is the value of doing an
11 FBI check of those thirty-three people when what they did
12 was never reported to law enforcement and they never had a
13 criminal record?

14 What is the point of doing a record check on
15 someone? A record check is the FBI National Crime
16 Information Center, a rap sheet on someone. That's what
17 the FBI checks.

18 ~~What is the value of checking those if none of~~
19 these people were ever arrested?

20 A. We just did what -- we complied with the law at the
21 time.

22 MR. GALLAGHER: What's the next
23 question?

24

25 BY MR. SPADE:

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1 Q. The next question, Cardinal, is: There's been
2 evidence before the grand jury, and I believe you've
3 testified to it on a couple of occasions, that when a
4 victim comes forward to the Archdiocese, the Archdiocese
5 offers the victim counseling or offers to pay for
6 counseling --

7 A. Yes.

8 Q. -- either with a therapist provided by the
9 Archdiocese or with the person's therapist, chosen by the
10 victim, and one of the jurors wanted to know: Besides
11 offering the counseling, are you doing anything else to
12 help the victims of these crimes?

13 A. I don't know what it means. They are now
14 interviewed by someone from Social Services, and not only
15 offering to pay for them, but to offer any other
16 assistance that might be of help to them.

17 ~~I'll give you one example. There's an older man~~
18 who came to see me, a victim, and he didn't have a decent
19 place to live, and we found a place for him to reside that
20 would be help helpful to him.

21 Q. Okay?

22 A. It could be so many others. It could be medical
23 attention. It's not just counseling. It's anything we
24 can do to help them as a result of whatever psychological
25

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2 injuries with others that were consequent upon them.

3 Q. Cardinal, I just wanted to bring one case to your
4 attention, because when you mentioned an elder man who
5 doesn't have a place to live, it brought something to my
6 mind of one of the cases that's been presented to this
7 grand jury.

8 There was a priest who's now deceased by the name
9 of Gerard Chambers. I don't know if you were ever
10 acquainted with him, but Father Chambers abused three
11 brothers at Saint Gregory's Parish in West Philadelphia
12 back in the 1950s and early 1960s -- [REDACTED]

George Francis Owen

13 [REDACTED]
14 [REDACTED] *Owen*
15 [REDACTED] who's now approximately in his
16 late fifties, early sixties, when he was eleven years old,
17 he was anally raped by Father Chambers; and when I use the
18 word "raped," I mean, raped. It was a crime of force.

Owen

19 [REDACTED] now institutionalized at Norristown
20 State Hospital in Montgomery County and is facing charges
21 of aggravated assault on his landlord and, to the
22 knowledge of the grand jury, has no place to go when he
23 leaves Norristown State Hospital.

Owen

24 If [REDACTED] were to seek some sort of
25 shelter, some sort of institutional care on the part of

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 the Archdiocese when he leaves Norristown State Hospital,
3 is that something that the Archdiocese would be willing -

4 A. Yes. They get in touch with Social Services. Yes.

5 Q. Okay. Is that something that you would be willing
6 to look into yourself?

7 A. Well, I have no authority anymore.

8 Q. Okay. Is it something that you would be of willing
9 to bring to Cardinal Rigali's attention?

10 A. If I could have something written, I'm sure we can.

11 Q. I'll provide you written information about it.

12 A. Yes.

13 Q. The next question is: One of the jurors wanted to
14 know how is the Archdiocese of Philadelphia at Saint
15 Charles Seminary currently attempting to evaluate its
16 seminarians to weed out seminarians who have a sexual
17 attraction to minors, not just pedophiles and

18 ~~ephebophiles, but anybody that has a sexual disorder~~
19 relating to this sexually acting out with minors?

20 A. There's a whole very expansive program at the
21 seminary. It always had it, but it has naturally been
22 emphasized even more.

23 As you know, it would be impossible to determine
24 ahead of time whether someone is -- you know, has a sexual
25 disorder, but they have to undergo a barrage of

1 ANTHONY JOSEPH CARDINAL BEVILLACQUA

2 psychological testing and interviews with the
3 psychiatrist.

4 There are constant symposia or lectures of experts
5 to the seminarians themselves, so this has reached the
6 present rector, one of the highest priorities, in order to
7 make sure, to the extent that is possible, they not only
8 are aware of all of the dangers, you know, but to examine
9 their own conscience, but also through the testing that is
10 available to discern to the best of, you know, human
11 ability whether there is a propensity for any kind of
12 sexual abuse of minors. I can assure you that's being
13 done.

14 When we had the commission, the Alvarez Commission,
15 you may have heard of that. They spent a great deal of
16 time at the seminary, you know, overlooking all their
17 programs; and in fact, it's a large portion of the report
18 ~~of the commission, and there was mainly commendations,~~
19 what's being done with certain other recommendations that
20 I don't even recall, but it was to make it a very high
21 priority and it is.

22 Q. Okay. The next question, Cardinal, is --

23 MR. SPADE: If we could just break for
24 just a minute.

25 It's four o'clock. Does anybody have a

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 transportation issue or can we go another five or
3 ten minutes?

4 All right. We have more questions,
5 Cardinal, but it's four o'clock, and some of the
6 jurors have to take public transportation and need
7 to catch trains and buses, so we're going to
8 adjourn for the day. Thank you.

9 Could the foreperson please advise the
10 Cardinal of his continuing obligation.

11 GRAND JURY FOREPERSON: Cardinal
12 Bevilacqua, you are hereby notified that your
13 subpoena is a continuing one. That means should
14 the jury desire further evidence and/or testimony
15 from you, you will be notified to appear before
16 this grand jury by mail, phone or through your
17 attorney, if you have one.

18 ~~Do you understand?~~

19 THE WITNESS: Yes.

20 GRAND JURY FOREPERSON: Thank you.

21 ---

22 (Hearing concluded.)

23 ---

24

25

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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.

Charles Holmberg
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

APPENDIX H-11

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.

ANTHONY JOSEPH CARDINAL BEVILACQUA,
having been previously sworn, was examined and
testified as follows:

BY MR. SPADE:

Q. Good morning, Cardinal. How are you?

A. 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

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 rights are?

2 A. Yes.

3 Q. And you understood at that time --

4 A. Yes.

5 Q. -- what your rights are?

6 A. Yes.

7 Q. Okay. And one of the rights that she explained to
8 you was the right to have counsel present?

9 A. Yes.

10 Q. Okay. And in fact, you do have counsel present
11 today?

12 A. Yes.

13 MR. SPADE: Counsel, could you please
14 identify yourself for the record, please.

15 MR. HODGSON: Yes. My name is Clark
16 Hodgson, and I practice with the law firm of
17 Stradley, Ronon, Stevens and Young in Philadelphia,
18 and I represent Cardinal Bevilacqua.

19 MR. SPADE: Thank you.

20 BY MR. SPADE:

21 Q. Cardinal, when we left off at your last appearance,
22 we were in the process of asking you some questions that
23 the jurors had for you as a result of your last day's
24 testimony. I'm going to continue on with those. Okay?
25

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 A. Yes.

3 Q. The next question that one of the jurors had,
4 Cardinal, was: What are the punitive consequences for a
5 priest who breaks his celibacy vow?

6 A. What are the?

7 Q. What are the punitive consequences under church law
8 for a priest who breaks his celibacy vow?

9 A. It depends on, you know, which celibacy vows he
10 broke, you know, if it's a minor or if it's an adult.

11 We almost always -- if there's any violation of
12 celibacy and it becomes public, it -- the priest is sent
13 for counseling.

14 Q. Okay.

15 A. And almost every case of the counseling and what
16 happens afterwards, we depend a great deal on the advice
17 of the professionals, psychiatrists or psychologists, as
18 to whether or not he receives an assignment.

19 Q. Okay. The next question, Cardinal, is -- and I
20 believe the background for this is when we were discussing
21 the Gana file and we were discussing whether Stanley Gana
22 could be laicized or not, and I believe, and you correct
23 me if I'm wrong, but I believe that you responded that if
24 the crime was scandalous enough?

25 A. No. Laicization can take place anytime. First of

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 all, he can ask for laicization himself.

2 Q. I think what we're referring to is involuntary
3 laicization.
4

5 A. Involuntary laicization, I say it's extremely rare
6 and it would have to be very notorious, very public,
7 almost a predator, that it demands that he be laicized.

8 Q. Okay. And with that as the background, Cardinal,
9 one of the jurors had the question: Is murder the only
10 crime that a priest could commit that would be scandalous
11 enough or notorious enough for that priest to be
12 voluntarily laicized?

13 A. No. No. Even abuse of a minor could be so
14 notorious, it could be done, and in other dioceses, that
15 it actually has been done.

16 Q. Okay. For the crime of abusing a minor?

17 A. Yes.

18 Q. Sexually abusing a minor?

19 A. That was done in Boston.

20 Q. Okay. The next question, Cardinal, is: One of the
21 jurors made the observation that the Archdiocese has a
22 great number of resources and that for the most part its
23 priests are highly educated, competent, and as well as
24 yourself and Bishop Cullen and the people that you
25 entrusted these cases to, you yourselves are highly

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 educated and competent administrators of the Archdiocese;
2 and with that as the background, the juror wanted to know
3 whether you expect the jury to believe that these sex
4 offender cases were simply mismanaged through negligence,
5 or was it something that was intentional?
6

7 A. I don't even raise it to the level of strict
8 negligence. I see that we did the best we could. Those
9 who were in charge were competent.

10 There was a very rarely -- a few times that there
11 was an unintentional lapse, and that could have been for
12 several reasons, and I don't know what those reasons were,
13 but I can assure you that every effort was made to deal
14 with these matters immediately and comprehensively and
15 efficiently.

16 Q. Okay. The next question, Cardinal, is that a juror
17 made the observation that in reviewing these files that we
18 have reviewed with you during your time before the grand
19 jury, there has been quite a number of instances of poor
20 record keeping on the part of the Secretary for Clergy's
21 office, and by that we mean calls coming in where the
22 person making the allegation wasn't -- the identity of the
23 person wasn't documented.

24 In a particular instance, that would have been in
25 the Trauger case where Father Trauger was stalking the boy

ANTHONY JOSEPH CARDINAL BEVILACQUA

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

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 had the opportunity to do, are you comfortable with the
2 level of record keeping that was done by the Secretary of
3 Clergy's office?
4

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

ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

9
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.

ANTHONY JOSEPH CARDINAL BEVILACQUA

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;

ANTHONY JOSEPH CARDINAL BEVELACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 of Philadelphia, have you had discussions with Cardinal
3 Rigali on this issue of how to handle priest sex offenders
4 within the Archdiocese?

5 A. No. He has never raised the issue.

6 Q. Okay. Cardinal, in one of the files, and we
7 haven't specifically discussed it with you yet, but in one
8 of the files there was evidence that a victim of sexual
9 abuse by a priest, Father Furmanski, had actually been
10 lured into the sexual relationship at the beginning
11 through Father Furmanski teaching a sex education class in
12 the parish school; and one of the jurors wanted to know:
13 Are you aware that Father Furmanski or possibly other
14 priests have used sex education classes as grooming
15 mechanisms to lure victims into sexual relations?

16 A. No. I say I read the file of Father Furmanski that
17 you had given to me. I didn't see any reference to that
18 and I did not know that.

19 BY MS. MCCARTNEY:

20 Q. Just so you're clear, Cardinal, this was a victim
21 that came to us and has not made the report to the
22 Archdiocese of Philadelphia, so it's not as if there's
23 documents that we have with regard to the Furmanski file
24 that you didn't have access to. This was a new victim.

25

() ()

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

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.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 Q. Okay. Cardinal, at this point, that's the end of
3 the group of questions that the jurors had for you from
4 your last day of testimony.

5 . We're now going to move on to a couple of other
6 files, and I'm handing you some documents regarding the
7 secret archives file of Father John Reardon.

8 Now, Cardinal, for the record, I just want to put
9 on the record that you have not had a chance to review
10 these documents. We made your counsel aware yesterday
11 roughly around noontime that we were going to be
12 questioning you.

13 A. I did not see them.

14 Q. I understand. I just wanted to put that on the
15 record, and what I hoped to do, Cardinal, in terms of
16 expediting this, is go through this fairly quickly.

17 I'm not going to refer to all of those documents,
18 and in fact, I'm just going to sort of summarize what
19 happened in that file.

20 Feel free to go through and, you know, look more
21 closely at any of the documents, and if you want to at a
22 later point, if you have a chance to review it at the
23 lunch break or something and you want to supplement any
24 answers or put anything else on the record --

25 A. Thank you.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
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?

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 A. Yes.

2 Q. The only information that this imparts for the
3 purposes of this grand jury is that Father Lynn made you
4 aware on September 24 of 1993 that a victim, that a woman
5 by the name of [REDACTED] came forward and accused
6 Father Reardon of sexually abusing her in the form of
7 touches and fondling of her breasts and genital area, and
8 that would be in the bottom part of the first paragraph.
9

10 A. I see it.

11 Q. And at that time she was -- at the time that the
12 abuse occurred, she was approximately ten or twelve years
13 old.

14 Do you see where I'm reading from?

15 A. Yes.

16 Q. And then if you skip down to the bottom, to the
17 second to last paragraph, Father Lynn informs you that

18 Father Reardon has denied the allegations and appointed
19 Monsignor Vincent Walsh as his advocate in the matter.

20 Do you see that?

21 A. No, I do not see that. On the first page?

22 Q. Yes. It's the second to last paragraph.

23 A. I'm sorry. I see that.

24 Q. Okay. The next document, Cardinal, is seven
25 sixteen. It's a November 15, 1993, cover letter from

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 Sandra O'Hara at the Anodos Center at Vianney Hospital to
3 Father Lynn.

4 Do you see that?

5 A. Yes.

6 Q. If you turn to the second page, it's a listing of
7 diagnostic impressions, and we've covered this territory
8 in another file, Cardinal, but I just wanted to go back
9 over it briefly.

10 Do you see there, that under axis one, the Anodos
11 therapist diagnosed Father Reardon as having a rule out
12 pedophilia diagnosis?

13 A. Yes.

14 Q. Okay.

15 A. I'm not an expert. Could you tell me what "R/O"
16 means.

17 Q. Well, that's what we're going to get to, Cardinal.

18 We had discussed this before in the case of Father
19 Brennan.

20 A. Thank you.

21 Q. If you turn to the document that I just gave you,
22 it's GJ-977.

23 If you turn to the last page of that, and for the
24 record this is a Saint Luke Institute document, correct?

25 A. Yes.

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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.

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."

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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2 Q. Okay. This is a December 3, 1993, memo from Father
3 Lynn to the file, regarding a telephone conversation with
4 Reverend William J. O'Donnell, Pastor, Nativity of Our
5 Lord Parish, Warminster; and essentially, Father Lynn is
6 reporting to you or is reporting to the file that the
7 conversation that he had with Father O'Donnell, and in the
8 second paragraph, he writes: "Father O'Donnell stated
9 that Father Reardon did spend" -- well, I'm sorry. Let me
10 just read the whole paragraph.

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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2 And you ordered him ultimately to get an evaluation
3 at Saint Clare's Riverside, and the thing that strikes me
4 about this paragraph in that letter is that Mr. Martinez
5 has specialized training in diagnosing and treating adult
6 sex abusers; and my question to you is: To your
7 knowledge, in the time that you were the Archbishop of
8 Philadelphia, did any of the therapists that were used at
9 Saint John Vianney Hospital to evaluate, diagnosis and
10 treat the priest sex abusers that were in the Archdiocese
11 of Philadelphia, did any of them have specialized training
12 in diagnosing and treating adult sex offenders?

13 A. I can't answer that question.

14 Q. Okay.

15 A. For their background.

16 Q. You don't know?

17 A. No.

18 Q. Would you agree with me that this trying to get an
19 accurate read on whether any of these priests that were
20 referred to Vianney were in fact pedophiles or sex
21 offenders in any way, that it would be useful to have
22 somebody who had specialized training in diagnosing and
23 treating adult sex offenders?

24 A. When you spoke about those at Saint John Vianney, I
25 said I did not know. It doesn't mean they did not have

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1 any --

2 Q. I understand. I'm just asking for your opinion.

3 You would agree that that would be helpful in terms
4 of getting an accurate read on the priests that were sent
5 there for a diagnosis, correct?

6 A. Yes. It's always helpful to have an expertise.

7 Q. Okay. The next document, Cardinal, is seven
8 twenty-seven.

9 Do you see that?

10 It's a letter to you dated January 2, 1994?

11 A. Yes.

12 Q. Okay. On the letterhead of Presentation B.V.M.
13 Rectory, and it has Reverend Monsignor Vincent M. Walsh,
14 J.C.D.

15 Is that Doctor of Canon Law?

16 A. Yes.

17 Q. Okay. You have that degree as well, Cardinal?

18 A. Yes.

19 Q. Well, let me ask you first of all. What's your
20 opinion of the legal skill, the canon law skill of
21 Monsignor Walsh? Is he a good canon lawyer?

22 A. He's a canon lawyer. I can't answer about his
23 skills.

24 Q. The only point I wanted to make with this letter is
25

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1
2 the last -- on the first page, before the heading "Delay
3 in New Assignment," there's a paragraph, and I'll read it.
4 Father Walsh writes: "So at this point, the
5 Archdiocese" --

6 A. Excuse me. Is it the first page?

7 Q. Yes. The first page.

8 A. Which paragraph?

9 Q. One, two --

10 A. I have it.

11 Q. Four down.

12 A. All right. Thank you.

13 Q. You're welcome.

14 "So at this point, the Archdiocese has never
15 declared a specific canon, has no promulgated procedures,
16 and is following guidelines that are not applicable in
17 this case."

18 So Monsignor Walsh is informing you that in his
19 opinion the Archdiocese has no promulgated procedures for
20 how to deal with clergy sex abuse cases; is that correct?

21 A. (No response.)

22 Q. That's his opinion that he's expressing in this
23 letter?

24 A. That's only his opinion.

25 Q. I understand, but --

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2 A. But we did have policies.

3 Q. Okay. And then if you turn to the second page,
4 Cardinal, under the heading "Further Appeal" -- it's the
5 last paragraph in the letter.

6 Monsignor Walsh writes: "Given the way this case
7 has been handled, if a satisfactory solution is not
8 reached, then an appeal will be made to a higher
9 authority."

10 Is it accurate, Cardinal, that what Monsignor Walsh
11 was threatening to do in this case was to appeal your
12 administrative handling of this case to one of the
13 congregations at the Vatican?

14 A. That's what I presume he's -- would be his intent.

15 Q. Okay. Do you have any independent recollection of
16 Monsignor Walsh making that threat?

17 A. I do not.

18 Q. Okay. What would the effect be if Monsignor Walsh
19 had appealed this case to the congregation in Rome?

20 A. His appeal would first of all be appealed to me.

21 Q. Okay.

22 A. In order to have me change my opinion.

23 Q. Okay.

24 A. If that failed, then he could appeal to Rome.

25 Q. Was that something -- well, let me ask you. Since

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1 you have no independent recollection of it, would this
2 have been something that would have concerned you at the
3 time, in other words, Father Reardon making an appeal over
4 your head to one of the congregations in Rome?
5

6 A. In what way do you mean by a concern, if I may ask?

7 I mean, he had a right to do it.

8 Q. Right. I don't know anything about how the process
9 works in this case, and I'm just wondering did this put
10 any pressure on you --

11 A. No.

12 Q. -- to handle the case in a certain manner?

13 A. No.

14 Q. Okay. So it wasn't anything that concerned you?

15 A. No.

16 Q. Okay. And then the next document, Cardinal, is
17 seven thirty, and this is a January 17, 1994, letter to

18 Father Lynn from Dr. Fitzgibbons on his letterhead,
19 Comprehensive Counseling Services, and essentially,
20 Cardinal, I'll just summarize this document as saying that
21 Dr. Fitzgibbons gives Father Reardon a glowing review.

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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1 manifests a significant degree of psychosexual
2 integration."

3
4 Do you remember this information being brought to
5 your attention?

6 A. I do not.

7 Q. Okay. And again, Dr. Fitzgibbons, you had a high
8 opinion of him, correct?

9 A. Yes.

10 Q. The next document, Cardinal, would be seven
11 thirty-two. This is -- well, there's a cover page dated
12 January 21 of 1994, from Father Lynn to Father Molloy, and
13 then the next page is January 13, '94, a letter from
14 Sandra O'Hara at the Vianney Hospital to Father Lynn, and
15 then they cover a twelve-page comprehensive
16 psychodiagnostic assessment report from Vianney Hospital.

17 Do you see this document?

18 A. Yes.

19 Q. Okay. And if you go to page ten of the
20 psychodiagnostic assessment report . . . have you found
21 that page?

22 A. Yes.

23 Q. Okay. Towards the end, the second full paragraph,
24 midway through, the therapist writes: "On projective
25 measures there was some evidence of intensely negative and

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2 painful emotions and a lack of integration in the area of
3 his psychosexual development."

4 And then starting with the next paragraph down
5 after that, "This assessment cannot confirm or negate the
6 possibility of sexually inappropriate behavior with a
7 minor. Father Reardon's guardedness and state of extreme
8 anxiety have made it impossible for him to respond to this
9 assessment in a manner that could clarify the diagnostic
10 picture. Further observation and a controlled environment
11 may be helpful in doing this."

12 And then again, this page eleven is a page that I
13 showed to you in an earlier exhibit, and it contains the
14 rule out pedophilia diagnosis, and then under
15 "Recommendations" -- I already read this, but I'll read it
16 again. In the middle of the first recommendation, the
17 therapist writes: "Father Reardon's response to the

18 victim which could be construed as an admission of
19 wrongdoing"; "and his lack of psychosexual integration,"
20 and I assume, Cardinal, that you don't have any memory of
21 this being brought to your attention?

22 A. No, I do not.

23 Q. Okay. The next document is seven thirty-three, and
24 this is a January 27, 1994, a letter from Father Walsh to
25 yourself on Presentation B.V.M. letterhead; and

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1 essentially, Cardinal, this is a notification, a notice of
2 appeal to the Sacred Congregation of the Clergy of the
3 Reardon case, correct?
4

5 A. Yes.

6 Q. What would you do? What was the procedure in a
7 case where one of your priests appealed one of your
8 decrees to the Sacred Congregation of the Clergy in Rome?

9 A. The priest just appeals.

10 Q. Okay. But then what do you do in response? Would
11 you direct any of your --

12 A. I would have to -- I mean, this is a matter between
13 myself and the Holy See now.

14 Q. Okay. And does somebody represent you in that, in
15 that matter?

16 A. Well, generally, my canonical expert, you know,
17 would handle a great deal of this, but it would be between
18 them -- they would write directly to me.

19 Q. Okay.

20 A. But that's all confidential.

21 Q. I understand. I'm not asking you about it.

22 The next question is -- I'm sorry. The next
23 document is seven thirty-six, exhibit seven thirty-six.

24 Have you found that?

25 It's a one-page document. It's a memo --

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1
2 A. Yes.

3 Q. -- dated February 4 of 1994 to you from three
4 members of the Metropolitan Tribunal, Graham, Dieckhaus
5 and Montero; is that correct?

6 A. Yes.

7 Q. And, Cardinal, I'll summarize here, but apparently
8 your canon lawyers are telling you in the first
9 paragraph -- they say: There's insufficient evidence to
10 require further investigation of Reardon. None of the
11 complainant's accusations have been verified. There has
12 been no investigation of the complainant's reliability.
13 There has been no attempt to confer with the complainant's
14 counselor. Nothing is known about her," and they go on to
15 tell you that there's insufficient evidence to insist on a
16 third evaluation of Father Reardon; is that correct?

17 A. That last statement you made, I couldn't find it.

18 Q. It's in the paragraph number two.

19 A. Oh.

20 Q. They write: "There is insufficient reason to
21 insist on a third evaluation."

22 A. Yes.

23 Q. "Concerning JDR, there are two in-depth
24 evaluations. One of these is inconclusive and one is
25 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 their 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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2 A. Yes.

3 Q. Cardinal, it seems to me in reading this excerpt
4 from the issues meeting that there are a couple of
5 conflicting things going on here.

6 In the first instance, you seem to be directing
7 Father Lynn to tell Monsignor Walsh that he has no grounds
8 for an appeal because you haven't made a decree; is that
9 correct?

10 A. Right. It was -- it's not based on the merits.

11 Q. Okay. Now, it seems that before this, you had made
12 a decree, and the decree was that Father Reardon was to be
13 removed from his parish and he was to get a third
14 evaluation from an independent evaluation center to
15 confirm whether or not he was a pedophile?

16 A. I don't recall all the instances here. What
17 possibly they were arguing about is that it was done in a
18 way that did not satisfy all of the canonical elements,
19 that ordinarily you to don't have to do that. You tell
20 someone to do something and they usually obey, but
21 canonically, it has to be done in a certain way, you know,
22 written, signed and so forth.

23 Q. Okay.

24 A. And that's probably the argument being made.

25 Q. Okay.

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1 A. You know, that it's not written.

2 Q. So Monsignor Walsh, to choose a colloquialism, was
3 making you dot all your i's and cross all your t's?
4

5 A. Kind of. That's what was indicated.

6 Q. Okay.

7 A. But it had nothing to do with the content that we
8 were demanding.

9 Q. Okay. Cardinal, in this case here, it seems like
10 you were really trying to get to the bottom of the matter
11 about whether Father Reardon was in fact a pedophile or
12 not a pedophile, correct?

13 A. My recollection is that's true.

14 Q. Why -- and forgive me if I'm wrong about this, but
15 it seems like in telling Monsignor Walsh that there was no
16 decree and saying that you were open to appointing Father
17 Reardon to the Metropolitan Tribunal, that you were
18 backing off a little bit.

19 In other words, at the beginning you had taken a
20 very firm hand with it and you said you would remove him
21 from the parish and you said, "Get an evaluation." The
22 evaluation was inconclusive, and you said, "Okay. I want
23 an independent second evaluation to confirm," and you even
24 sent him to a hospital where there was a qualified sex
25 offender therapist there who had, you know, experience in

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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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1
2 Q. Okay. The next document is seven thirty-nine.

3 Cardinal, this is a February 14, 1994, memo to the file
4 from Reverend James D. Beissel --

5 A. Yes.

6 Q. -- regarding the appointment of Father Reardon.

7 This is a fairly important document, Cardinal, so
8 I'm going to go into it in some detail, but it talks about
9 a meeting being held in the Office of the Clergy, and
10 present at the meeting was Bishop-elect Cullen. Monsignor
11 Walsh, Reverend Lynn and Reverend Reardon and Father
12 Beisel.

13 Cardinal, do you have any independent
14 recollection -- did you delegate Bishop-elect Cullen to go
15 in a meeting and talk to Monsignor Walsh and Father
16 Reardon?

17 A. I have no independent recollection. Forgive me.

18 Q. That's okay.

19 You would agree with me that by Bishop-elect Cullen
20 being at this meeting, it's an indication that this is a
21 fairly serious matter, right?

22 A. Well, he was still Vicar for Administration.

23 Q. I understand. In a lot of these cases, though, the
24 people that attend these meetings are in fact -- you could
25 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

5 A. Right.

6 Q. But in this case, the Vicar for Administration got
7 involved?

8 A. Yes.

9 Q. Is that an indication that because there was a
10 possible appeal here to the Vatican, that Bishop Cullen
11 decided that it was important enough that he had to get
12 involved?

13 A. I don't know if that was the reason, but the fact
14 that Bishop-elect Cullen was there showed its
15 significance.

16 Q. Okay. Cardinal, and this is just -- well, let me
17 just ask you about this.

18 In the fourth paragraph down, I'll read it to you:
19 "Bishop-elect Cullen began the meeting by recapping for
20 all present the climate of the times concerning alleged
21 sexual abuse by clerics. Bishop-elect Cullen noted the
22 vicious and satanic attacks that are being leveled against
23 the church's leadership."

24 I mean, is that an accurate assessment of how you
25 and the bishop and other leaders of the church viewed this

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1 at the time, and by this, I mean, these allegations that
2 were being made against priests?
3

4 A. That was the opinion of Bishop Cullen.

5 Q. Okay?

6 A. Many of us took it very seriously.

7 Q. Okay. Did it seem to you at the time that this was
8 a rather vicious attack on the church?

9 A. Yes. But we're not faulting anyone. We're just
10 saying generally it was.

11 Q. Okay.

12 A. Why the Catholic Church was singled out.

13 Q. Okay. And then if you turn to the second page, the
14 second full paragraph, Father Beisel writes:

15 "Bishop-elect Cullen made it clear that Cardinal
16 Bevilacqua wanted to impress upon Father Reardon the
17 attitude and approach of these people," and these people

18 refers to victims. I'm sorry. People who make
19 allegations of priest sex abuse, "and the fact that they
20 often will go to any length to make their stories known.
21 Bishop-elect Cullen stated that Cardinal Bevilacqua thinks
22 that the wiser thing to do at this point is to back off
23 from an assignment at this time until more information can
24 be obtained on the complainant. This would include trying
25 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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1 that the Archdiocese would like the second approved
2 assessment for Father Reardon but that Cardinal Bevilacqua
3 will abide by Father Reardon's decision in this matter."

4 So again, Bishop-elect Cullen is telling him we
5 want you to get another evaluation at Saint Clare's,
6 correct?
7

8 A. Yes.

9 Q. And I guess you're saying he --

10 A. Excuse me.

11 Q. I'm sorry.

12 A. Saint Clare's?

13 Q. Saint Clare's Riverside.

14 A. Oh.

15 Q. The treatment facility that we had been talking
16 about earlier, and I'm assuming that that last --

17 MR. HODGSON: It doesn't say that.

18 THE WITNESS: It doesn't.

19 BY MR. SPADE:

20 Q. Oh, I know it doesn't say Saint Clare's, but I'm
21 just inferring that it was at Saint Clare's because that
22 was the place that you directed him to go in your earlier
23 decrees.

24 A. Well, I'm not sure if it means that. I don't
25 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
2 In the second paragraph, Father Lynn writes: "She
3 stated she wanted me to know that this is not a case of
4 memories through therapy, but that she has always known
5 and been aware of the abuse. She said she did not know
6 what could be gained from meeting with her therapist. She
7 said she might be able to provide her parents as
8 corroborating witnesses and would talk to them. I told
9 her I would do whatever she thought was best. I did offer
10 assistance with counseling during the investigation. She
11 stated that she did not want 'our money' but just wants
12 Father Reardon not to work with children again. I did
13 tell [REDACTED] that Father Reardon was receiving an
14 assignment in the Tribunal and would be assigned in
15 residence to a parish without a school. She did not
16 verbally react to this. She said she would get back to
17 me."

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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1
2 Q. Okay. The next document is seven forty-seven, and
3 it's a March 9, 1994, letter from Father Reardon to Father
4 Lynn; and in the middle of the first paragraph, Father
5 Reardon writes, and it's about six sentences down,
6 Cardinal: "I pray that in the future I will be able to
7 return to a parochial assignment. That will come when the
8 Lord wants it."

9 And then in the next full paragraph, he writes:
10 "As far as a third psychological evaluation, at Saint
11 Clare's, it is the feeling of both Monsignor Walsh and I
12 that this does not seem to be necessary at this time."

13 Did I read that correctly?

14 A. Yes.

15 Q. So Father Reardon refuses to get this evaluation.

16 At this point, Cardinal, what you've testified to
17 is because of the position of the Vatican, you did not

18 have the power to order Father Reardon to get this third
19 evaluation at Saint Clare's, correct?

20 A. Yes.

21 Q. And he refused to do it of his own will, correct?

22 A. Yes.

23 Q. Okay. Cardinal, I mean, do you have any
24 independent recollection of this particular juncture in
25 the case?

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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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1
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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1
2 Q. All right. I think it's included in another
3 exhibit, but I don't want to waste time looking for it, so
4 I'll just read it to you, and I'll give you my copy to
5 look at.

6 A. Excuse me. It is on, I just noticed, seven fifty.

7 Q. You found the October 13, 1997, memo?

8 A. Yes.

9 Q. This is a memo to yourself from Father Lynn dated
10 October 13, 1997, and Father Lynn writes: "As you will
11 recall, in 1993 a woman named [REDACTED] accused
12 Father Reardon of touching her in a sexual manner on
13 numerous occasions when she was a child. At that time I
14 met with Father Reardon and his canonical advisor,
15 Monsignor Vincent Walsh. Father Reardon denied the
16 accusation. He agreed to be evaluated at the Anodos
17 Center at Saint John Vianney Hospital. Their report was
18 inconclusive and they recommended inpatient
19 hospitalization so that further tests could be done.
20 Father Reardon insisted on a second opinion, but refused
21 to cooperate with an inpatient evaluation. Instead, on
22 his own, he obtained a second opinion from Richard P.
23 Fitzgibbons, M.D., who found no psychological
24 difficulties. When the woman making the accusations
25 stopped cooperating, Father Reardon was given his current

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1 assignment in the Tribunal and a residence at a parish
2 without a school.

3
4 "As the attached memorandum explains, another
5 woman, [REDACTED], has come forward with complaints of
6 having been touched by Father Reardon in a sexual manner
7 when she was a child. She also recounts other strange
8 behavior. While her memories of this are limited, they
9 are somewhat similar to the accusations previously made
10 against Father Reardon."

11 Did I read it correctly?

12 A. Yes.

13 Q. And then he recommends among other things that he
14 meet with Father Reardon and his advisor and that another
15 inpatient evaluation at a hospital that you, the Cardinal,
16 approved should be done on Father Reardon, correct?

17 A. Yes.

18 Q. And you signed down at the bottom noting that you
19 approved those recommendations?

20 A. Yes.

21 Q. Okay. We only have a couple more documents,
22 Cardinal, and we'll be done with this file.

23 The next one is seven fifty-one. Do you see that?

24 A. Yes.

25 Q. If you turn to the second page -- excuse me just a

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1
2 minute.

3 MR. SPADE: We can finish this file in
4 another five to ten minutes. Do you want to just
5 go through?

6 A GRAND JUROR: Yes.

7 MR. SPADE: Okay. Let it be noted that
8 the jurors indicated that they wanted to continue.

9 BY MR. SPADE:

10 Q. Cardinal, are you okay for another five to ten
11 minutes?

12 A. Yes.

13 MR. SPADE: If somebody needs to use
14 the bathroom, you could just step out and use it.

15 BY MR. SPADE:

16 Q. The second page, Cardinal --

17 MR. SPADE: And one juror left the
18 room, and we still have a quorum.

19 BY MR. SPADE:

20 Q. On the second page, Father Measure writes -- this is
21 an October 28, 1997, memo from Father Measure to the file
22 regarding an interview with Father Reardon.

23 In the middle of the second page, third full
24 paragraph down, Father Measure writes: "Monsignor Walsh
25 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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1 we'll work it out.

2 Cardinal, so it's indicated here that Father Lynn
3 found [REDACTED] to be credible and again asked Father
4 Reardon to get evaluated at an objective evaluation
5 center?
6

7 A. On this memo, yes.

8 Q. Right. Okay. And then the next document,
9 Cardinal, is [REDACTED] - and you don't have a copy of it. I'll
10 hand one over to you.

11 It's a January 12, 1998, memo from Father Lynn to
12 yourself.

13 MR. SPADE: And I'm going to mark this
14 as GJ-1166.

15 (GJ-1166 was marked for
16 identification.)

17 BY MR. SPADE:

18 Q. Thank you for marking it for me, Cardinal.

19 Father Lynn reports to you. He gives you a brief
20 history of the case, including Father Reardon's refusals
21 to get the objective evaluation, and then he notes towards
22 the bottom, Cardinal, third paragraph up from the bottom,
23 he notes that Father Reardon denied Miss [REDACTED]'s
24 accusations, and then Father Lynn writes to you: "I asked
25 Father Reardon if he would be willing to go for further

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1
2 psychological testing. He refused, citing a lack of
3 confidence" --

4 A. ; Forgive me.

5 Q. You can't find it?

6 A. You're going from the bottom?

7 Q. It's on first page, about maybe --

8 A. Second paragraph?

9 Q. Yes. About eight sentences up from the bottom.

10 A. "Father Reardon refused"?

11 Q. Yes.

12 A. Okay.

13 Q. Where Father Lynn writes: "I asked Father Reardon
14 if he would be willing to go for further psychological
15 testing. He refused, citing a lack of confidence in the
16 objective basis of psychology."

17 Did you follow along?

18 A. I'm still not . . .

19 MR. HODGSON: I don't either see it. I
20 don't see it either.

21 What paragraph?

22 MR. SPADE: Let me point it out to you.

23 THE WITNESS: I'm sorry.

24 MR. SPADE: That's okay, Cardinal.

25 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 Dolores 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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1 point, which is you had some doubts about whether Father
2 Reardon was sexually attracted to children, but you took
3 reassurance from the fact that he was in the Tribunal, not
4 interacting with children on a daily basis and he was
5 assigned to a parish where there wasn't a school, correct?
6

7 A. Yes.

8 Q. And that's essentially what Father Reardon writes?

9 A. Yes.

10 Q. Okay. And then the next document, Cardinal, is --
11 I'll give you the last two. We have two left.

12 The first one, Cardinal, is a June 9, 2000, memo
13 from William Lynn to the file regarding a meeting with
14 Reverend John Reardon.

15 MR. SPADE: And I'll mark that as
16 eleven sixty-seven.

17 (GJ-1167 was marked for
18 identification.)

19 MR. SPADE: And then the last one is a
20 June 8, 2000, letter from Monsignor Lynn to Father
21 Reardon, and I'll mark that as eleven sixty-eight.

22 (GJ-1168 was marked for
23 identification.)

24 BY MR. SPADE:

25 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

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June 19, 2000. I trust that this assignment will be beneficial to your priestly ministry and to you personally.

"While your primary assignment is Secretary, Metropolitan Tribunal, in accord with priest personnel policies, you are required to be available for liturgy on Sundays and holy days at Saint Genevieve Parish, Flourtown. You also are asked to offer assistance in Seven Dolors Parish, Wyndmoor, as requested by the pastor.

"May the Lord continue to bless you as you begin this new phase of your priestly ministry.

"With best wishes, I remain

"Reverend Monsignor William J. Lynn, Secretary for Clergy."

Did I read that correctly?

A. Yes.

Q. Now, Cardinal, this indicates that you on June 8 of 2000 changed Father Reardon's residence from Seven Dolors to Saint Genevieve's, correct?

A. Yes.

Q. And you're aware, are you not, that Saint Genevieve's has a school at that parish?

A. I think it does.

Q. You think it does?

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1
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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1
2 from Father Lynn to the file regarding a meeting that he
3 had with Reverend John Reardon, regarding his new
4 residence, and I'll just read the whole thing.

5 "Father John Reardon met with me today at my office
6 at my request. The purpose of the meeting was to discuss
7 with him the need for a new residence.

8 "Father Reardon stated that he is willing to move
9 to the new residence at Saint Genevieve Parish, Flourtown,
10 as long as Father Carroll realizes he will be an advocate
11 for the people of Seven Dolors Parish in Wyndmoor. He
12 stated he believes Father Carroll knows this since he had
13 spoken honestly with Father Carroll several nights before.
14 Father Reardon strongly feels Seven Dolors Parish still
15 has life in it, and he is afraid that it is not being
16 given a chance. He clearly did not understand the cluster
17 planning process.

18 "He also raised the question with me of a
19 pastorate, and I told him we would review the situation
20 this year to see if he would ever be considered for a
21 pastorate. I told him that he has to realize there were
22 two different people that made similar allegations on
23 separate occasions. He emphatically denied the
24 allegations. He did say, however, that he knows he made
25 mistakes earlier in his life and he hopes that he would

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1 not have to pay for them for the rest of his life. That
2 immediately made me suspect as to what mistakes he would
3 admit he made earlier in his life. He quickly reiterated
4 none of the things happened of which he was accused.
5

6 "I thanked Father Reardon for meeting with me and I
7 told him we would review the situation to see if he could
8 ever be considered for a pastorate."

9 Does that give you any insight into what Father
10 Lynn's possible reasons could be for recommending that
11 Father Reardon be assigned to Saint Genevieve's?

12 A. I must confess not much.

13 Q. Okay. Do you have anything that you want to say
14 about this memo or this assignment?

15 A. No, except that, you know, Monsignor Lynn would
16 have had some good reason for it.

17 Q. Okay.

18 A. It was, you know . . .

19 (The witness conferred with his
20 attorney.)

21 THE WITNESS: It would seem to me that
22 in the letter of assignment, that he is still to
23 offer this assistance to Seven Dolores Parish, that
24 is to be as far as anything outside of the
25 Tribunal, he is to limit himself to Seven Dolores

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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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1
2 with your counsel during the break, and your counsel
3 brought to my attention a document that I had not found in
4 our files this morning.

5 I did look in the files. I didn't find it. You
6 know, it might have been misplaced or something, but it's
7 a November 7, 2003, letter from Monsignor Lynn to Reverend
8 Reardon, informing him that Cardinal Rigali had initiated
9 a preliminary investigation pursuant to Canon 1717 into
10 the allegations made against Father Reardon on or about
11 August 19 of 1993 and October 8 of 1997.

12 It informs him that any information that he has
13 concerning this matter as well as any other pertinent
14 information previously collected is incorporated into the
15 acts of the preliminary investigation.

16 It advises him that he has the right to civil and
17 canonical counsel, and it encloses copies of some
18 documents regarding the canonical rights of clerics
19 accused of sexual abuse of minors and various other
20 procedural documents, and then Father Lynn notifies him
21 that once the preliminary investigation is completed, he
22 will be notified of the results.

23 And just for the record, also in the record of
24 supplemental files turned over by the Archdiocese to the
25 Commonwealth, it is indicated that this document as well

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1
2 as another one was turned over to the Commonwealth on
3 December 17 of 2003. I'm going to mark it later. I don't
4 have a copy of it.

5 And, Cardinal, I just had -- oh, and the other
6 thing I wanted to put on the record as well was, and
7 counsel have informed me of this, is that it seems that
8 Seven Dolors Parish has been closed. Okay. And that was
9 the parish that Father Reardon had been assigned in
10 residence to before Saint Genevieve's.

11 A. That must have been the reason.

12 Q. Okay. Cardinal, let me ask you with regard to this
13 document that I just referred to and that I will mark
14 later, which is the November 7, 2003, letter from
15 Monsignor Lynn to Reverend Reardon.

16 You were the Archbishop until approximately October
17 6 of 2003?

18 A. Seven.

19 Q. October 7 of 2003, and then this preliminary
20 investigation under Canon 1717 was initiated by Cardinal
21 Rigali approximately a month later, after you stepped
22 down.

23 Did you have any role in initiating this
24 preliminary investigation?

25 A. Not directly, other than setting up the Review

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1 Board.

2
3 Q. Okay. And how does the Review Board factor into
4 this investigation?

5 A. I think they're the ones that conduct it. I'm
6 pretty sure.

7 Q. Okay.

8 A. They're reviewing the allegations

9 (The witness conferred with his
10 attorney.)

11 THE WITNESS: The Review Board conducts
12 the investigation.

13 MR. SPADE: Okay.

14 BY MR. SPADE:

15 Q. Cardinal, can I ask you just one last question on
16 this.

17 Given the fact that the last time that Father

18 Reardon refused to have that third evaluation from Saint
19 Clare's was in June of 2000, the year 2000, could you not
20 have initiated a preliminary investigation of Father
21 Reardon in the three years between when his last refusal
22 was and when this preliminary investigation was initiated
23 in November of 2003?

24 A. No recommendation was made to me. It may have been
25 that since we could not mandate another evaluation, that

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1 BY MR. SPADE:

2 Q. Have you had a chance to confer with counsel,
3 Cardinal?
4

5 A. Yes. Could I forgo saying anything now. Perhaps
6 after the recess.

7 Q. Absolutely.

8 MR. SPADE: And it's now 11:29 A.M. I
9 apologize for going over the hour, and we'll take a
10 fifteen-minute break.

11 (A recess was held.)

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 MR. HODGSON: Mr. Spade, just a second.

20 MR. SPADE: Sure.

21 (The witness conferred with his
22 attorney.)

23 MR. HODGSON: Okay. Thanks.

24 BY MR. SPADE:

25 Q. Okay. Cardinal, I just wanted to -- I conferred

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1 would have been very hard to conduct an investigation.

2 Q. Okay. We're going to move on to another file at
3 this point, Cardinal.

4 BY MS. MCCARTNEY:

5 Q. Well, Cardinal, can I just ask you a couple of
6 questions, and I'm sorry, but you said that since he
7 refused the evaluation, it would have been very hard to
8 conduct another evaluation; and if I'm wrong about this,
9 please tell me.

10 There was the preliminary investigation that was
11 done, and we don't know the results of it, but it was able
12 to be initiated. What is the difference?

13 A. I think they have more resources perhaps in the
14 National Review Board. I think they can use a private
15 investigator, which we did not use at that time.

16 Q. The Review Board that looks into these allegations
17 that was set up by you, correct?

18 A. Yes.

19 Q. Okay. And that was established when?

20 A. Just this past year.

21 Q. Okay. And the individuals -- I think we talked
22 about this a little bit. The individuals on that Review
23 Board were appointed to that board by yourself, correct?

24 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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1 should open a preliminary investigation"?

2 A. No, because I don't think the Review Board began
3 until -- in actual operation there. I think they were
4 organizing and determining what their rights were, that
5 process, and I think they only began a few months before
6 I, you know, had to resign, in getting organized.

7 Q. Okay. But the document that was just shown to you
8 with regard to the Reardon file, you authorized the
9 institution of the preliminary investigation; is that
10 right?
11

12 A. Years ago. Yes. But not for the Review Board.

13 Q. The investigation, the preliminary investigation on
14 the Reardon case?

15 A. Yes. In every case there's a preliminary
16 investigation.

17 Q. Correct. But I guess what I'm confused about, and
18 it could very well be my confusion, Cardinal, with the
19 Reardon file, that preliminary investigation was
20 initiated -- you have the document in front of you,
21 because Will took the other one out.

22 MR. HODGSON: He took it.

23 BY MS. MCCARTNEY:

24 Q. That was initiated in November of 2003?

25 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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1 Father Avery was pastor of Saint Therese of the Child
2 Jesus in Philadelphia; is that right?

3 A. This is the profile?

4 Q. Yes.

5 A. None of these seem to be marked for me.

6 Q. They're not marked? Okay. Well, it's --

7 A. It's the first one?

8 Q. Yes. It's the first one.

9 Okay. And that indicates that from 1990 to 1993

10 Father Avery was assigned as pastor of Saint Therese of
11 the Child Jesus; is that right?

12 A. Correct.

13 Q. And the next document underneath that one,
14 Cardinal, is a letter dated September 15, 1992, and it's
15 written to a ^{James} [REDACTED], and it's written by
16 Reverend William J. Lynn; is that correct?

17 A. Yes.

18 Q. And that letter indicates to ^{James} [REDACTED] that --
19 I'll just read the first paragraph: "During the past
20 summer I have assumed new responsibilities in the
21 Archdiocese of Philadelphia as Secretary for Clergy. In
22 the process of reviewing files of the office, I read the
23 attached correspondence which was apparently sent to
24 Monsignor Jagodzinski earlier in the year."
25

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1 Did I read that correctly?

2 A. Yes.

3 Q. And then there's two documents that should be
4 attached to that. One is -- it just says: "Dear
5 Monsignor," and that's written by ^{James} [REDACTED]

6 A. Yes.

7 Q. And then the other one is sent to Father Avery; is
8 that correct?

9 A. Yes.

10 Q. And they detail -- presumably the one addressed to
11 Monsignor was forwarded to Monsignor Jagodzinski, and
12 that's the letter that Monsignor Lynn is referring to.

13 It talks about the fact that Father Avery had
14 abused ^{James} [REDACTED] when he was a teenager; is that
15 correct?

16 A. Just something I noticed --

17 Q. Sure.

18 A. -- in one, if you don't mind.

19 (Pause.)

20 In the -- it's just a some kind of a doubt that I
21 have. All right.

22 Q. Okay.

23 A. It's on the letter to Monsignor from ^{James} [REDACTED]

24 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 ^{James} [REDACTED] that he would like to -- because the
25

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1
2 allegations are serious, he would like to speak further
3 with ^{James} [REDACTED]; is that correct?

4 A. Yes.

5 Q. Okay. The next document, Cardinal -- and I don't
6 think that this has been marked. This is a memo to you
7 from Monsignor Lynn, and I am going to mark that, if you
8 don't mind, grand jury exhibit eleven sixty-nine. The
9 date of this is October 16, 1996.

10 MR. HODGSON: It's sixty-nine, right?

11 MS. MCCARTNEY: Sixty-nine. Yes.

12 (GJ-1169 was marked for
13 identification.)

14 BY MS. MCCARTNEY:

15 Q. And this memo is basically giving you the
16 information with regard to the allegations that Robert
17 Fisher has made against Father Avery, correct?

18 A. Yes.

19 Q. All right. And basically, they lay out the fact
20 that ^{James} [REDACTED] has said that Father Avery was responsible
21 for his first drink of beer at the age of twelve, that
22 Father Avery would encourage drinking while at the shore
23 and while the boys helped Father Avery with his disk
24 jockey business. Apparently, Father Avery had a side
25 business of disk jockeying.

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1 Do you have any recollection of that?

2 A. No.

3 Q. Okay. It says that Father Avery would wrestle with
4 the boys and that ^{James} [REDACTED] had said that Father Avery's
5 hand slipped to his genital area at least three or four
6 times, that ^{James} [REDACTED] had helped Father Avery when he was a
7 teenager at Smokey Joe's Deejaying, that pitchers of beer
8 were passed to [REDACTED] and to Father Avery while the disk
9 jockeying was going on, that Father Avery took him back to
10 the rectory afterwards, that when ^{James} [REDACTED] woke up, Father
11 Avery was grabbing at him and reaching down into his
12 underwear.
13

14 It goes on to say that Father Avery took Robert on
15 a trip to Wisconsin, because they were helping a Laotian
16 family, and although nothing sexual happened during that
17 encounter, Father Avery did talk to [REDACTED] about finding
18 pictures of nude men in the rectory.

19 There was a ski trip to Vermont where Father Avery
20 went with his brother, that Father Avery and ^{James} [REDACTED] slept
21 in the same bed and Father Avery's brother slept in the
22 other bed and that Father Avery fondled his genital
23 area -- when I say his, I'm talking about ^{James} [REDACTED]'s genital
24 area -- during that trip, and that information was
25 conveyed to you, correct?

() ()
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1
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, ^{Janes} [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

ANTHONY JOSEPH CARDINAL BEVILACQUA

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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1 to an outpatient, to have an outpatient assessment at
2 Saint John Vianney, and you approved that recommendation
3 on 10/22/92; is that correct?
4

5 A. Yes.

6 Q. Okay. And the next document is just a cover sheet
7 with a memo from an issues meeting where apparently the
8 situation of Father Avery was discussed, and it indicates
9 that you approved the recommendations in Father Lynn's
10 memo?

11 A. Yes.

12 Q. The next document, which again has not been marked,
13 so I'm going to mark this as grand jury exhibit eleven
14 seventy.

15 (GJ-1170 was marked for
16 identification.)

17 BY MS. MCCARTNEY:

18 Q. That's the memo to you from Monsignor Lynn, dated
19 December 4, 1992.

20 Do you see where --

21 A. Yes.

22 Q. Okay. And this is basically bringing you up to
23 speed on the fact that Father Avery has had his assessment
24 at The Anodos Center and that further recommendations are
25 being made as a result of that, and they attach with that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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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1 members of the evaluation team, Father Avery did not
2 always present the same facts to each one. The team did
3 not feel that this was done consciously but more a symptom
4 of illness he may have. It is still unclear as to whether
5 Father Avery is guilty of the sexual abuse which he is
6 alleged to have committed."

8 That's correct?

9 A. Yes.

10 Q. And they make a recommendation or Father Lynn makes
11 a recommendation to you that Father Avery have inpatient
12 hospitalization treatment because that was what was
13 recommended by the evaluation team; is that right?

14 A. Yes.

15 Q. Okay. And the next document, Cardinal, is just a
16 cover letter basically reporting back to Monsignor Lynn
17 that you had accepted the recommendations with regard to

18 that --

19 A. Yes.

20 Q. -- is that correct?

21 A. Yes.

22 Q. All right. The next document which is -- it should
23 be marked. It's The Anodos Center psychological report.
24 You see that?

25 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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1
2 Were you aware of that, Cardinal, that Father Avery
3 was the legal guardian of six children?

4 A. Of these adults?

5 Q. Yes. They were adults at the time that this was
6 written, but at the time that he became legal guardian of
7 them, they were children.

8 Were you aware of that?

9 A. It says, "During this time he became the legal
10 guardian," and their ages were eighteen to twenty-eight,
11 so it seems that they were adults.

12 Q. Were you aware of that?

13 A. I don't recall that.

14 Q. Okay. And their recommendations, given the
15 comprehensive diagnosis, were that Father Avery continue
16 to receive inpatient hospitalization, is that right, if
17 you look on the last page, which is page eight?

18 A. Yes.

19 Q. Okay. And the next document is dated August 5,
20 1993.

21 A. Yes.

22 Q. And that again is from the Villa Saint John, and it
23 says that Father Avery is to continue in his inpatient
24 treatment, correct?

25 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 ^{James} [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 ^{James} [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 ^{James} [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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1
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 Mr.
19 Fisher'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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1 August 24, 1993?

2 A. That's not my next document.

3 Q. That's not your next document?

4 A. Mine is October 19, 1993.

5
6 (The witness conferred with his
7 attorney.)

8 BY MS. MCCARTNEY:

9 Q. Do you have it?

10 A. What?

11 Q. Do you have the document that I was referring to or
12 no?

13 A. Which date?

14 Q. The August 24, 1993, document?

15 A. I don't.

16 Q. Okay. Let me read from the document that I have,
17 Cardinal, and then I'll give you a copy of it. Okay. So
18 you can check it.

19 This is a memo to Monsignor Lynn from Monsignor
20 Cullen regarding a petition from parishioners of Saint
21 Therese of the Child Jesus Parish. The date of it is
22 August 24, 1993, and it says: "Bill, I shared with
23 Cardinal Bevilacqua the fact that a petition was sent and
24 what it contained. Cardinal Bevilacqua responded by
25 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.

ANTHONY JOSEPH CARDINAL BEVILACQUA

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
2 Lynn recommends Father Avery's appointment as assistant
3 pastor; is that correct?

4 A. Yes.

5 Q. All right. I want to ask you something, Cardinal,
6 because on this you don't approve that recommendation.

7 You say: "Cannot accept recommendation as associate
8 pastor at this time. Any chaplaincies available?" And
9 then you write: "AJB, 10/26/93"; is that right?

10 A. Yes.

11 Q. Why did you not approve that recommendation?

12 A. I don't recall the exact reason. I presume that I
13 wanted to be extra careful.

14 Q. Okay.

15 A. That there was -- that there was -- I presume there
16 that there was a school there.

17 Q. So you've testified on numerous occasions in this

18 grand jury proceeding that you accepted the
19 recommendations of your Secretary of Clergy because they
20 were competent and he did a good job and he knew what he
21 was doing and he had the information available to him.

22 This document here suggests that you didn't rubber
23 stamp every decision that was put in front of you by
24 Monsignor Lynn, correct?

25 A. This -- as I said, as a general rule I did.

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1
2 Q. But you did not approve that recommendation because
3 you didn't think it was appropriate?

4 A. That is correct.

5 Q. Okay. The next document, Cardinal, should be that
6 it's a memo to Monsignor Molloy from Reverend Lynn. It's
7 dated November 22, 1993; is that right?

8 A. Yes.

9 MS. McCARTNEY: Okay. And I'm going to
10 mark that as grand jury exhibit eleven
11 seventy-three.

12 (GJ-1173 was marked for
13 identification.)

14 BY MS. McCARTNEY:

15 Q. Obviously, Monsignor Lynn took your declination of
16 Father Avery for Our Lady of Ransom and went and searched
17 out other possible assignments for him, and it talks about
18 what the treatment team recommendation is in the second
19 paragraph.

20 It says: "Father Avery's treatment team's
21 recommendations include continued outpatient treatment and
22 aftercare ministry supervision team, a ministry excluding
23 adolescents and with a population other than vulnerable
24 minorities, attendance at a twelve-step AA meeting for
25 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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1
2 disapproved the recommendation that he go to Our Lady of
3 Ransom, correct?

4 A. Yes.

5 Q. And you said you were concerned about that because
6 there was a school associated with it?

7 A. Just to be sure, but here the -- he was to have
8 nothing to do with the school when he was assigned as a
9 resident.

10 When you're assigned as a resident, you are to
11 have -- to restrict yourself to your primary assignment,
12 and that with the pastor there or any other assistants,
13 I'm presuming that it has to be always presumed, the whole
14 situation, and they were to ordinarily make sure that he
15 had nothing to do with the schoolchildren.

16 Q. Okay. Let me ask you then, Cardinal, just in light
17 of that answer, the next document in front of me is dated
18 December 7, 1993.

19 Do you see that?

20 A. Yes.

21 Q. That is a letter -- and I'm going to mark that
22 eleven seventy-five.

23 (GJ-1175 was marked for
24 identification.)

25

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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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2 A. Which date is it?

3 Q. It's November 30, 1994.

4 A. And what's the number?

5 Q. Two thirty-three. Thank you.

6 A. Thank you.

7 Q. This is basically a letter to Monsignor Lynn from
8 Michael Kerper, which is basically laying out the times
9 that Father Avery is working in his chaplain work at the
10 hospital. It talks about the fact that he's asking off
11 for days, and it talks about the fact that he's doing DJ
12 work.

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 ^{James} [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

9 A. I think he would have been concerned. I do not
10 know whether there's any follow up on this.

11 Q. Okay. If I were to tell you that there's nothing
12 in the file to indicate that, would you accept my --

13 A. Well, if you say there's nothing in the file, that
14 doesn't mean nothing was done, though.

15 Q. Okay. I understand that, but there's nothing in
16 the file to indicate that there was something done,
17 correct?

18 A. Nothing in the file.

19 Q. Okay. And then the next document, which had been
20 previously marked grand jury two thirty-four, it's a
21 November 30 memo to the file from Father Lynn; and again,
22 it's regarding a telephone call from Reverend Michael
23 Kerper, again raising concerns about Father Avery.

24 He talks about the fact that Father Avery keeps
25 accepting outside commitments, especially on weekends.

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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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1 with alcohol and does not fit in the AA meeting format.

2 There have been no known instances of abuse. Therefore,

3 at this time, this treatment goal was discontinued."

4 Did I read that correctly?

5 A. Yes.

6 Q. Okay. Do you think that given that information

7 that Father Avery himself is saying, "I'm not an

8 alcoholic. I don't have a problem with alcohol, so I

9 don't have to go to any more meetings," and that the

10 treatment team is saying, "Okay," do you think Father Lynn

11 should have followed up on that at all?

12 A. I can't answer for them.

13 Q. You can't answer for whom? Father Lynn?

14 A. I can't answer for anyone. This is presumably --

15 she's a psychologist.

16 Q. Okay. So you don't think there's anything

17 concerning about the fact that someone who had been

18 diagnosed as having a problem with alcohol is able to make

19 their own -- come up with their own terms and conditions

20 for treatment with regard to that issue?

21 A. I am presuming that as a psychologist, it was also,

22 you know, her scientific evaluation.

23 Q. Okay. The next document, Cardinal, which has been

24 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 ^{James} [REDACTED], who had made complaints about him before, has come forward again through the internet and sent me a message on electronic mail. ^{James} [REDACTED] said he hoped that Father Avery was not in a position to hurt young people.

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2 I responded to him that the Archdiocese had taken proper
3 steps in the matter, without stating where Father Avery
4 was stationed."

5 I read that correctly, right?

6 A. Yes.

7 Q. "I told Father Avery that Cardinal Bevilacqua must
8 be careful as to what kinds of endorsements he gives. In
9 spite of the fact that Father Avery has undergone
10 treatment, has performed well and has not had any more
11 difficulties, the Cardinal cannot be endorsing him for
12 everything. He should be more low keyed than he has been
13 recently. Father Avery, at first, did not seem to
14 understand what I was talking about, but after we had been
15 talking for a while, it finally dawned on him what I was
16 saying."

17 Did I read that correctly?

18 A. Yes.

19 Q. Okay. Now, Cardinal, you received a letter,
20 apparently from Father Avery asking that you complete a
21 questionnaire, and based upon that request, you had Father
22 Lynn call Father Avery in to speak with him, correct?

23 A. I don't even know if I actually saw the letter. I
24 have no recollection of it.

25 Q. Well, in this memo it indicates that you had

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1 indicated that you've got to be careful about what kind of
2 endorsements you need to give, that Father Avery should be
3 more low keyed?
4

5 A. It says there in the third paragraph: "I told
6 Father Avery Cardinal Bevilacqua must be careful as to
7 what kind of endorsements he gives."

8 He may have been speaking on my behalf. I very
9 rarely give endorsements.

10 Q. Okay. And that there was some concerns coming from
11 the office of the Secretary of Clergy about endorsing
12 Father Avery to attend a doctoral program because of his
13 past conduct; is that a fair read of this document?

14 A. I didn't conclude from that the same way you did.

15 Q. Okay.

16 A. I thought the main reference was that I should not
17 give endorsements, and for something like that, even if
18 there were no allegations of any kind, ordinarily I would
19 not give an endorsement like this.

20 Q. Okay. What do you think Father Lynn is referring
21 to when he talks --

22 A. I can't speak for him.

23 Q. I know, but I'm not asking you to tell me
24 conclusively, but given the history of this case, given
25 your knowledge of Father Lynn and his job as Secretary of

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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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Cardinal Rigali, which basically says that the preliminary
3 investigation into Father Avery was started in June and
4 concluded and that Cardinal Rigali deems the allegations
5 against Father Avery to be credible, is that right, based
6 upon the preliminary investigation?

7 A. I don't see it, but I accept your word.

8 Q. Okay. And that document, as I said, that's true as
9 of the date of that, which is 12/5/2003, correct?

10 (The witness conferred with his
11 attorney.)

12 THE WITNESS: Yes.

13 BY MS. McCARTNEY:

14 Q. Okay. Now, Cardinal, so you started the
15 investigation on June 2, 2003. It was all wrapped up and
16 concluded, to be conclusive as of 12/5/2003, and that as a
17 result of that conclusion and the preliminary

18 investigation, Father Avery was removed from all
19 assignments in the Archdiocese, correct?

20 A. Yes.

21 Q. He was told he couldn't continue to wear the
22 clothing of a priest, correct?

23 A. Yes.

24 Q. And he was told that he could perform no public
25 ministry at all; is that right?

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2 A. Publicly, yes.

3 Q. Okay. Now, Cardinal, is there a reason why it took
4 until June 2, 2003, to open up an investigation that was
5 concluded in six months and somebody was removed and had
6 credible allegations against them?

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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (A luncheon recess was held.)

3 ---

4 AFTERNOON SESSION

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6 MR. SPADE: All right. We're back on
7 the record. It's February 6, 2004, 2:06 P.M.

8 How many jurors are present?

9 GRAND JURY SECRETARY: We have eighteen
10 regulars and six alternates.

11 MR. SPADE: Okay. And the Commonwealth
12 has recalled Cardinal Bevilacqua.

13 BY MR. SPADE:

14 Q. Good afternoon, Cardinal?

15 A. Good afternoon. How are you?

16 Q. Good. Cardinal, at this time, Mr. Gallagher has
17 some questions for you about another topic.

18 BY MR. GALLAGHER:

19 Q. Cardinal, before the luncheon break I provided you
20 and your counsel some documents, and I'd like to go over
21 them, if you please.

22 The first document is marked grand jury eleven
23 fifty-six. This was previously introduced, and the title
24 of this document is the -- it's an Office of
25 Communications United States Conference of Catholic

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1 Bishops document generated on their website on January 23,
2 2004, and the title of the document is "The Five
3 Principles to Follow in Dealing with Accusations of Sexual
4 Abuse, U.S. Conference of Catholic Bishops, June of 1992."

5 Have you had a chance to see that document, look at
6 that document, Cardinal?

7 A. Yes.

8 Q. Are you familiar with these five principles?

9 A. Yes.

10 Q. Okay. Were you involved when the bishops decided
11 to publish this, these five principles in June of 1992?

12 A. Yes. All the bishops were.

13 Q. Okay.

14 A. They were.

15 Q. And I'd like to direct your attention to the fifth
16 principle listed on this document, and it reads as

17 follows: "Within the confines of respect for privacy of
18 the individuals involved, deal as openly as possible with
19 the members of the community."
20

21 That's what it reads; is that correct, Cardinal?

22 A. Yes.

23 Q. Okay. What is your interpretation of that fifth
24 principle?

25 A. I think the principle is very clear. It says that

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1 we deal as openly as possible to the members of the
2 community, always within the confines of due respect for
3 the privacy of all the individuals involved, both the
4 victims, their families, and the perpetrators.

6 Q. And now, when you talk about members of the
7 community, does that deal with the members of the parishes
8 where these incidents have occurred?

9 A. Yes. Generally.

10 Q. And what was your policy in the 90s as far as
11 informing parishes when there were credible allegations of
12 sexual abuse of minors by clergy?

13 A. At that time we felt that we had to -- we did not
14 announce the alleged allegations because they were not
15 proven. Credible allegations were not proof.

16 We felt at that time that to announce them publicly
17 would be bad for the common good of the parish. It could
18 violate the privacy of accusers who at times would tell us
19 they did not want it to be known publicly.

20 It also could involve the violation of the privacy
21 of the perpetrators since there had been no proof that it
22 was -- that he was guilty of the crime, and for those
23 reasons particularly, we felt at that time it was the
24 practice not to reveal it to the community.

25 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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2 A. Yes.

3 Q. And in fact, she's making reference there to twelve
4 priests that you gave administrative leave in the spring
5 of 2002; is that correct?

6 A. I gave administrative leave. I didn't know it had
7 reached that number. I thought it was six myself,
8 but . . .

9 Q. Well, based on my review --

10 A. You say it was twelve.

11 Q. Based on my review of the priest profiles, and I
12 think I asked you about this the first day you testified,
13 it was twelve?

14 A. It could be.

15 Q. It was Father Delli Carpini, Father Francis
16 Gallagher, Father Stanley Gana, Father James Gillespie,
17 Father Joseph -- I mentioned Joseph Gallagher, Father

18 Richard McLoughlin, Father Sylwester Wiejata, Father
19 Thomas Wisniewski, Father Craig Brugger, Thomas Grumm,
20 Kostelnick, McGuire, based on my review of your records
21 Cardinal.

22 A. They're not the names that I have here.

23 Q. I understand that, but that's what the priest
24 profiles indicate. We don't have to get into that.

25 A. Okay.

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2 Q. And it indicates in the second --

3 MR. HODGSON: Excuse me. Excuse me.

4 THE WITNESS: One moment, please.

5 (The witness conferred with his
6 attorney.)

7 THE WITNESS: Those names, you say
8 twelve, are they as of that date?

9 MR. GALLAGHER: No, they weren't as of
10 that date.

11 MR. HODGSON: Okay.

12 THE WITNESS: Oh, all right.

13 BY MR. GALLAGHER:

14 Q. Some of them were in February, some in March. I
15 indicated the spring of 2002.

16 A. All right.

17 Q. The second paragraph indicates that about fifty
~~18 children were victims, per Catherine Rossi.~~

19 Do you know where she got these numbers,
20 thirty-five and fifty?

21 A. I presume from the Secretary for the Clergy office.

22 Q. Okay. Let me just get away from this document for
23 a minute.

24 The Saint John Vianney Hospital is owned and
25 operated by the Archdiocese; is that correct?

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1 A. Yes.

2 Q. And the function of that hospital is to care for
3 and treat priests and clergy and other religious that have
4 various problems, alcohol, possible drug involvement, and
5 sexual abuse problems; is that correct?
6

7 A. Or other psychiatric problems.

8 Q. Okay. Does the Archdiocese of Philadelphia, have
9 they ever set up a facility to care for the victims of
10 clergy abuse?

11 A. Not that I --

12 Q. Sexual abuse?

13 A. Not that I know of.

14 Q. Do you know if any archdioceses or dioceses in the
15 United States have ever set up a program for care for the
16 victims of sexual abuse by clergy?

17 A. Not that I know of.

18 Q. And I'm talking about not only as minors but people
19 who have come out as adults and indicate that it happened
20 to them as a child?

21 A. Not that I know of, but may I add that I think as
22 Philadelphia and most dioceses, they will pay for
23 counseling to the victims at the centers, for
24 psychologists, psychiatrists that the victims choose.

25 Q. Okay. But I mean, as far as the fact that you

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1
2 agree that in Philadelphia, as well as at other places,
3 the number of victims is a greater number of church
4 members than the number of priests; is that correct?

5 A. Well --

6 Q. The number of priests that have been accused of
7 this?

8 A. I'd have to say from reading from these statistics,
9 yes.

10 Q. Okay. So that the greater number of members of the
11 church that have been affected by this are the victims
12 vis-a-vis the perpetrators?

13 A. It would seem that, but I say but every opportunity
14 is offered to them for professional help at our expense.

15 Q. But this Archdiocese or any other archdiocese has
16 never set up a facility or a section of a facility, of a
17 medical facility, to care for victims; is that correct?

18 A. No, and nor have most of the dioceses set up one
19 for priests, so perpetrators -- I think we were the --
20 we're the only archdiocese in the whole country that owns
21 a facility, you know, for -- you know, that we own
22 ourselves.

23 There are other religious facilities to care for
24 these, but even perpetrators are sent to -- well, could be
25 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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2 that comes before my time.

3 It's true in the next that priests facing credible
4 allegations were placed in limited ministry, that is, that
5 they were taken away from any kind of contact with
6 children.

7 MR. GALLAGHER: Okay. The next
8 document I'd like to have marked is a July 22,
9 2003, letter to me from Mr. Hodgson. I'd like that
10 marked as grand jury eleven eighty-one.

11 (GJ-1181 was marked for
12 identification.)

13 BY MR. GALLAGHER:

14 Q. Do you have that, Cardinal?

15 A. I do now, yes.

16 Q. Okay. And in earlier testimony, you indicated that
17 you did not know who these thirty-five priests were, so we

18 had asked that you find out and provide that information
19 to the grand jury, and that's what I believe this letter
20 is; is that correct?

21 (The witness conferred with his
22 attorney.)

23 THE WITNESS: Yes.

24 BY MR. GALLAGHER:

25 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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attorney.)

THE WITNESS: It's hard for me to say.

It could be that the statute of limitations expired and that most of the allegations involved one victim. I have no direct knowledge of that.

BY MR. GALLAGHER:

Q. Well, Cardinal, what I'm trying to find out is did the Archdiocese refused to indicate the names of these people because of the statute of limitations or because of you wanted to adhere to the policy enunciated by the bishops to be as openly as possible with members of the community?

A. I don't recall that being the major reason, the statute of limitations.

Q. Okay.

A. It was the reasons that I gave you before, that, you know, as far as the reputation of the victims, the privacy of the victims, public good of the church and the consternation it would have, would occur.

This is talking about that time. I say I don't recall that being the sole reason, the statute of limitations.

Q. Cardinal, I'd like to go on to a next set of 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:

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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1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Archdiocese and was on the website of the Archdiocese.

3 The second document, eleven eighty-three, is an
4 Inquirer report of a press conference held by you the day
5 before April 25, which was right after you returned from
6 Rome; is that correct?

7 A. (No response.)

8 Q. Didn't you go to Rome in April of 2002 and meet
9 with the Pope?

10 A. I did.

11 Q. Okay. And then the third document is eleven
12 eighty-four, is a homily that you gave in Saint Denis's
13 Parish in Havertown on June 16 of 2002; is that correct?

14 A. (No response.)

15 Q. That's what the title is?

16 A. Yes.

17 Q. Do you remember giving that homily, Cardinal?

18 A. Yes.

19 Q. And the fourth document is an appearance that you
20 had on the Lynn Doyle show. On June 25 it was broadcast.
21 You actually were in the studio, and it was taped on
22 June 24, 2002.

23 A. Yes.

24 Q. Do you remember that?

25 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
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
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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1 act of sexual abuse of a minor. He will be removed
2 completely."

3
4 Is that correct?

5 A. That's not the best English, but I know what it
6 says.

7 Q. Okay. Well, you were answering a question on the
8 air --

9 A. That was very hard.

10 Q. -- Cardinal?

11 So consistently through the spring of 2002, you've
12 indicated that as far as you know, there wasn't a priest
13 in ministry that had a credible allegation of sexual
14 abuse?

15 A. No. No. I corrected that.

16 Q. Okay.

17 A. If you look at it, I said the only time -- if you
18 look at all of them, except one, it always refers if he is
19 guilty of it.

20 One I -- one point it decrees credibly accused
21 because credibly accused does not mean he's guilty. It
22 means there's probable reason, good reason, but it needs
23 further investigation.

24 I've always maintained that if we are certain that
25 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
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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1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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."

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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ANTHONY JOSEPH CARDINAL BEVILLACQUA

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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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ANTHONY JOSEPH CARDINAL BEVLACQUA

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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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1 Cardinal, I know we discussed this I believe last
2 week, but what's the value and the purpose of that
3 procedure?
4

5 A. I think it's self-evident to try to screen out
6 those who are potentially a risk, you know, for children.

7 Q. Okay. And further down in that paragraph, another
8 highlighted sentence is: "The Archdiocese has not
9 transferred any priests who have had credible allegations
10 of abuse lodged against them for ministry or residence
11 since June 2002."

12 Isn't that what it reads?

13 A. Yes.

14 Q. The question I have is: Did you do this before
15 June 2002, that is, transfer people that had credible
16 allegations of abuse lodged against them?

17 A. I can't recall. I can't recall if . . . if we did
18 transfer anyone in which there was not proof of -- full
19 proof. It was always on the advice of medical
20 professionals.

21 Q. When you made these decisions to transfer them
22 based on proof from medical professionals, did you ever
23 consider the risks to the children and their parents in
24 the new ministry assignment?

25 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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How is the Archdiocese of Philadelphia doing that with these priests who are offenders?

A. Since I am not the Archbishop now, I don't know the specifics of it.

Q. But you were the Cardinal when this report was done and when this report was generated. It indicates that steps were taken. Were they taken at your direction, or did you leave that to Cardinal Rigali to take care of this section?

(The witness conferred with his attorney.)

THE WITNESS: Where?

BY MR. GALLAGHER:

Q. In other words, what I want to find out, Cardinal --

A. Yes --

Q. -- do you know --

A. -- it was.

Q. Excuse me.

Do you know what system has been implemented to periodically ensure that these offenders are conforming to the requirements of the charter?

A. It's really a recommendation there, as you can see. It's not a statement. It says it was recommended that the

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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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2 A. But there could be other ways, too, and I don't --
3 I can't go into specifics of it, but it's when there was
4 certain guilt that would make it proof then.

5 Q. And these individuals that you've put on there, the
6 document provided by your attorneys with the credible
7 allegations against thirty-five priests, they're the
8 ones -- are these in your estimations guilty, or are these
9 credible allegations?

10 A. Most of them were credible allegations but not yet
11 fully proven.

12 Q. Okay. So there's people on this list of
13 thirty-four that in your estimation would not yet have
14 been moved over to the guilty side; is that right?

15 A. I'd have to look at them.

16 Q. Okay.

17 A. Yes.

18 Q. Okay.

19 BY MR. GALLAGHER:

20 Q. Cardinal, when you go through the appointment as a
21 cardinal and you appear before the Pope, have you ever
22 heard of an oath that you take that's been referred to as
23 the scarlet bond?

24 A. Never.

25 Q. When -- I'm quoting from a document that is an

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1 address given by A.W. Richard Sipe.

2 Have you ever heard of Richard Sipe?

3 A. I've heard the name.

4 Q. Okay. What have you heard about him?

5 A. Just that he deals, I think, with victims of sex
6 abuse, of minors.

7 Q. Okay. He's written a couple of books about it.
8 Are you aware of that?

9 A. I have heard it, but I haven't read any of them.

10 Q. Okay. Well, he writes in a document that was
11 published in May of 2003, and tell me if this is an
12 incorrect statement in his document, quote: "When a man
13 is created a Cardinal, he kneels before the Pope and takes
14 a vow in Latin. He promises fidelity to Christ and the
15 Gospel. He vows obedience to the Pope and unflinching
16 communion with the Roman Catholic Church. Then comes the
17 one practical directive at the heart of the commitment,"
18 and he's quoting, quote: "Never to reveal to anyone
19 whatever has been confided in me, to keep secret, and the
20 revelation of which could cause damage or dishonor to the
21 Holy Church."

22 Is that a correct summation of what's involved when
23 you kneel before the Pope to become a Cardinal?

24 A. I never remember taking that oath.

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ANTHONY JOSEPH CARDINAL BEVILACQUA

Q. Okay. Now, there is also a report from February of 2001, when Pope Paul inducted, John Paul II inducted forty-four cardinals into the college. That was in February of 2001.

Were you there for that, do you recall, Cardinal?

A. I possibly was there. It depends on who was made a cardinal.

Q. Okay. And this is a news report, and it indicates about the consecration of the cardinals, and I'm just citing from this: "They also pledged never to divulge information," quote, "that could cause harm to the church or dishonor it"; is that correct?

A. I never heard of it. It's not my recollection.

Q. When you became a cardinal, you didn't take such an oath?

A. I don't recall it. All I did when I became a cardinal that I -- you know, the Pope in front of a whole audience gives -- gives a talk and all, and all I do is -- there are two steps to it.

I go up. Then he gives me the birrettum. That's the ceremony of the birrettum, and he just puts it on my head, and that's it.

I mean, he says a prayer blessing, and then the next day is the Mass in which he gives you the ring.

ANTHONY JOSEPH CARDINAL DEVELACQUA

1 Q. Thank you, Cardinal.

2 A. You're welcome.

3 BY MR. SPADE:

4 Q. I just want to ask you a few questions about the
5 Furmanski file. It's going to be very brief.

6 A. Yes.

7 Q. After the priest data, I've handed you a group of
8 documents.

9 A. Yes.

10 Q. And these are among the documents that we informed
11 your counsel about three or four weeks ago.

12 After the priest data profile, there's a
13 handwritten document, if you turn that over. Turn that
14 one over. There's a handwritten document there.

15 Could you mark that as eleven eighty-seven, please.

16 (GJ-1187 was marked for

17 identification.)

18 BY MR. SPADE:

19 Q. Thank you, Cardinal.

20 Do you recognize the handwriting on this document?

21 A. No, I don't. It looks something like Monsignor
22 Lynn's.

23 Q. Okay. At the top of it, there's a date, 6/18/99,
24 correct?
25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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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2 Q. Okay. The next document, Cardinal, is eleven
3 nineteen, and I'm just going to very briefly summarize
4 what's in here.

5 This is a June 21, '99, memo from Father Welsh to
6 the file regarding a meeting with Mrs. ^{Louisa} [REDACTED].

7 Mrs. [REDACTED] identified herself as a member of Saint
8 Elizabeth Anne Seton Parish in Bensalem?

9 A. Yes.

10 Q. She said one day in May of that year, which would
11 have been '99, either the 21st or 28th, she arrived to
12 pick up her son ^{Ernie} [REDACTED].

13 A. Yes.

14 Q. Who is identified in the document as being an altar
15 boy at the church, and he's identified as being . . . he's
16 identified as being an altar boy and also is working at
17 the rectory, and she says she picked him up one day. She

18 observed -- I'm not going to ask you to follow along
19 because I'm --

20 A. I've read the document.

21 Q. Okay. She observed something not right in her
22 son's eyes, and she asked him what was wrong. He said
23 that Father Furmanski had asked him to massage his knee.
24 Later ^{Ernie} [REDACTED] told her that Furmanski had said to him
25 while he was massaging his knee, "This doesn't look too

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1 good. Let's go upstairs." Then they went up to an office
2 in the rectory, and the boy massaged the priest's knee.

3 She confronted Monsignor Furmanski about it. He
4 admitted that the boy had massaged his knee, and then on
5 the third to last page in the document, ^{Louise} [REDACTED]
6 reported that ^{Ernie} [REDACTED] told her that while he was massaging
7 Father Furmanski's knee, Father Furmanski said, mumbled
8 something like, quote, "One of these days I'm going to get
9 you down," close quote, but ^{Ernie} [REDACTED] said he didn't
10 understand what he was saying and he responded to the
11 priest, "Yes. Whatever."

12 And then later on, ^{Louise} [REDACTED] reported that she
13 received a call from the Saint Charles Borromeo School
14 where ^{Ernie} [REDACTED] attended and the teacher told him that
15 ^{Ernie} [REDACTED] had destroyed a textbook by scribbling sexual-type
16 doodles on it; and then later on, he, ^{Ernie} [REDACTED], told that
17 he felt guilty he told his father and his mother. He felt
18 guilty about telling on Monsignor and disobeying his
19 parents prohibition against entering the rectory, and he
20 had said that the Monsignor told him not to tell anybody
21 about the allegations.

22 Is that a fairly accurate recount of what ^{Ernie} [REDACTED]
23 told his mother and what ^{Louise} [REDACTED] told Father Lynn?

24 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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 ^{Louisa} [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
^{Louisa} [REDACTED] that Monsignor Furmanski was receiving ongoing
treatment for depression and that he was still undergoing

tests and treatment for his physical ailments. He
^{Louisa} 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.

^{Louisa} 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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ANTHONY JOSEPH CARDINNE BEVILACQUA

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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 ^{Louise} [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 ^{Ernie} [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 reports that ^{Louise} [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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1
2 Q. And then the last page in the exhibit is a letter
3 from yourself to Monsignor Furmanski appointing him
4 chaplain of Nazareth Hospital, correct?

5 A. Yes.

6 Q. Okay. The next exhibit is eleven thirty-one, and
7 this is a handwritten letter to yourself from a man by the
8 name of ^{Alex} [REDACTED], dated March 10 of 2002, and in it
9 is -- is it accurate, Cardinal, that in it he reveals to
10 you that he was abused by Father Furmanski when Father
11 Furmanski taught at Cardinal O'Hara High School and ^{Alex} [REDACTED]
12 [REDACTED] was a student there?

13 A. Yes.

14 Q. Okay. And then the next document is eleven
15 thirty-four, and this is an October 24, 2002, letter from
16 Ronald J. Karney?

17 A. Excuse me.

18 Q. I'm sorry. Eleven thirty-four. You have to go
19 through a couple of documents. I think it's the one
20 that's showing -- that Mr. Hodgson has his hands on.

21 A. I have thirty-two, thirty-three. Thirty-five.

22 Q. Yes.

23 A. Thirty-five. I have it now.

24 Q. That's eleven thirty-four. It's an October 24,
25 2002, letter from Ronald J. Karney to William J. Lynn, and

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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 REVELLACQUA

1 Q. Okay. And I assume, Cardinal, that you don't have
2 an independent recollection of any of this information
3 being brought to your attention?
4

5 A. That is correct.

6 Q. Okay. And then the second to last document,
7 Cardinal, is eleven thirty-five.

8 A. I have it.

9 Q. Okay. And this is a September 9, 2003.
10 It looks like an email from Martin Frick to
11 Monsignor William J. Lynn, correct?

12 A. Yes.

13 Q. And I'll just read the first paragraph.

14 "I received a call from a therapist, Sherry Rex,
15 that one of her male clients in his thirties has revealed
16 to her that he was abused by Father Leonard Furmanski when
17 the client was an altar boy at Sacred Heart Parish in

18 Swedesburg about twenty years ago. She says the client
19 relates having been taken by Furmanski into the rectory,
20 shown pornography and eventually forced to perform oral
21 sex on Furmanski."

22 Did I read it correctly?

23 A. Yes.

24 Q. And at this point in time, September 9 of 2003,
25 Cardinal, you were still the Archbishop of Philadelphia,

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1 correct?

2 A. I was.

3 Q. Okay. And I assume that you don't have any
4 recollection of this information being brought to your
5 attention?
6

7 A. No. I don't recall it being sent to me at all.

8 Q. Okay. Cardinal, if this had been brought to your
9 attention, would you have wanted on that date Monsignor
10 Lynn to go back and conduct a further investigation of the
11 allegations that had been made against Father Furmanski
12 about four years earlier on the part of ^{Ernie} [REDACTED] and
13 his mother?

14 A. I would expect at first that he try to interview
15 the accuser here.

16 Q. Okay. In other words, try to find out the identity
17 of the accuser through the accuser's therapist?

18 A. Yes. If he could.

19 Q. Okay. In your mind, the fact that this was now the
20 second adult who is coming forward to say that Furmanski
21 had abused him when he was a minor, the fact that it was
22 an anonymous or -- I'm sorry -- that you would have still
23 wanted Father Lynn to go and talk to this person before
24 proceeding with an investigation into the [REDACTED]
25 allegations?

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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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1 Q. "To complete his investigation, the investigator
2 was going to interview Monsignor Furmanski about the above
3 incidents this past Thursday. The therapist who made the
4 anonymous report was contacted to see if she could provide
5 any further information."
6

7 A. Forgive me.

8 Q. I'm sorry. Am I going to going too fast?

9 A. Yes. I lost where you are.

10 Q. If you go down to the very bottom.

11 A. The third paragraph?

12 Q. Yes. The third full paragraph. It's at the
13 beginning of the paragraph. It reads: "To complete his."

14 A. Okay. I have it.

15 Q. Okay. And then it says: "She was released."

16 A. I have that.

17 Q. ~~Okay. "To provide a description of events and the~~
18 first name of her client. When asked about the above, he
19 denied the allegations dating to 1964 but admitted to
20 fondling boys in the 1980s. The investigator did not push
21 for more information at the time but immediately called
22 James Bock, associate to the Vicar for Administration,
23 because he was concerned for Monsignor Furmanski's
24 emotional welfare. Mr. Bock contacted Father Vincent
25 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

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1 evaluations of whether these priests are sexually
2 attracted to minors?
3

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.

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2 Q. Okay. Cardinal, I don't have any more questions
3 about that Furmanski file. It's now three thirteen.

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

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MR. CALICHA [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] being one

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] This is the

[REDACTED] we been

[REDACTED]

[REDACTED]

[REDACTED] so many things? I want to know

[REDACTED]

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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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1 A. Yes.

2 Q. He's currently still the pastor at Nativity B.V.M.,
3 correct?

4 A. No, I've heard differently.

5 Q. You've heard differently?

6 A. Yes. That he's resigned.

7 Q. As of what date?

8 A. I was not informed directly. I just heard of it.

9 Q. And who did you hear that from?

10 A. From counsel. I didn't even know it.

11 Q. Let me ask you this. Did you hear that he resigned
12 because of any allegations that came up as a result of
13 this investigation?

14 A. No, I just heard that he resigned.

15 Q. Okay. Did you hear as of what date he resigned?

~~16 A. I didn't get the date of it. It had to be~~

17 recently. I really don't know much about it. No one
18 informed me directly except my counsel told me.

19 Q. What is the normal date of retirement for an
20 individual, Cardinal?

21 A. That can be any time.

22 Q. That can be any time?

23 A. Yes.

24 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 ^{Jay} [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 ^{Jay} [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 Martin Frick from an individual by the name of ^{Patrick} [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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2 A. Yes.

3 Q. And I will just for purposes of summarizing, those
4 two allegations came in on 4/18/02. Monsignor Giliberti
5 was confronted with the allegations. He denied them. He
6 was again confronted in September with regard to the
7 allegations by ^{Patrick} [REDACTED], and he denied them as well.

8 The Archdiocese asked him to go for an evaluation,
9 which he agreed to do; and the October 2, 2002, is written
10 by Monsignor Lynn to Kelly Counseling and Consulting
11 Services, and it's basically laying out why it is that
12 Monsignor Giliberti is undergoing an examination.

13 Do you understand where we are at this point?

14 A. Yes. Yes.

15 Q. If you flip to the second page of eleven
16 ninety-four, after the cover letter from Monsignor Lynn,
17 It's a typewritten document which lays out the allegations
18 in more detail and easier to read than Monsignor Lynn's
19 handwritten notes, and I just want to put a couple things
20 on the record, and you tell me if I'm reading this
21 correctly.

22 It says: "In April 2002 a man alleged he was
23 sexually abused by Monsignor Giliberti from 1976 to 1977
24 while a fourteen to fifteen year old sophomore at Cardinal
25 O'Hara High School. Monsignor Giliberti taught religion

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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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1 his wife, went through a divorce and is now in therapy.

2 Did I read that correctly?

3 A. Yes.

4 Q. Okay. And it goes on. The second paragraph it
5 goes on to say that Monsignor Giliberti was confronted
6 with those allegations and he denied them; is that right?
7

8 A. Yes.

9 Q. It does say that Monsignor Giliberti would
10 sometimes ask the boys to come to the rectory to talk
11 privately or to stop by his Brigantine home, but he denied
12 that anything sexual ever occurred, correct?

13 A. Yes.

14 Q. And the document goes on to talk about the second
15 allegation with some detail. That would have been the one
16 brought by ^{Patrick} [REDACTED] on September 17, 2002, and I'm
17 looking at the last paragraph of that page that we're
18 reading from now.

19 It says: "In mid-September another man made an
20 allegation that he was sexually abused by Monsignor
21 Giliberti at the age of seventeen while a senior at
22 Cardinal O'Hara High School in the school year of '75-'76.
23 This man was also Monsignor Giliberti's student. This man
24 claims that he privately met with Monsignor Giliberti in
25 the classroom and at Nativity B.V.M. Rectory concerning a

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2 problem with masturbation and fears of being homosexual.
3 The man claims that on one occasion, while in the living
4 room of Monsignor Giliberti's private quarters at Nativity
5 B.V.M. Rectory, which was separated from the bedroom by a
6 partition, Monsignor Giliberti instructed the man to strip
7 naked, lie on the bed and bring himself to an erection,
8 which the man was unable to do. Monsignor Giliberti then
9 looked around the corner and said, "Come on. You're all
10 right. Get dressed," and it goes on to say that the man
11 claimed that the trauma led to heightened guilt, he had
12 been in therapy for several years, starting at age
13 twenty-one and then occasionally thereafter and that he
14 married at the age of forty.

15 Q. 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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2 Q. And there's no indication in the file that
3 Monsignor Giliberti was asked to go for an evaluation
4 after the April allegations, but that he was after this,
5 the September allegations came in, correct?

6 A. It's hard for me to see that, but I see after the
7 second one he was.

8 Q. Okay.

9 A. Yes.

10 BY MR. GALLAGHER:

11 Q. Cardinal, just so the record's clear, I checked
12 with the inventory in our office, our paralegal, and we
13 did receive from the Archdiocese a handwritten letter in
14 the last submission to our office on December 17 of 2003,
15 and in that transfer of document, Bates document AR4S0187,
16 is a handwritten letter from Reverend Francis Giliberti
17 indicating he was resigning as pastor of Nativity B.V.M.

18 as of December 3, 2003.

19 A. Thank you.

20 Q. And the only indication is the handwriting: "It
21 was for the good of the priesthood."

22 Now, I'm just paraphrasing what the paralegal read.

23 A. Thank you.

24 Q. Is that consistent with your knowledge?

25 A. I just heard that he resigned.

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1 Q. Okay. Thank you.

2 BY MS. MCCARTNEY:

3 Q. You don't have any idea though, Cardinal, what the
4 reasons for his resignation were, for the good of the
5 priesthood?
6

7 A. No. No one told me.

8 Q. All right. So let's go back then, Cardinal, and
9 then so Monsignor Giliberti gets this evaluation and
10 that's document eleven ninety-five.

11 A. Yes.

12 Q. Okay. And this is conducted on 10/18/02; is that
13 right?

14 A. Yes.

15 Q. I want you to go to the end of the document at page
16 eight, and I want to ask you to tell me what this means,
17 ~~and I'm going to read from the third paragraph.~~

18 It says: "In terms of sexual allegations that have
19 been made against Monsignor Giliberti, there is nothing in
20 the test data that can confirm or deny their veracity.
21 There is also nothing in the test data that would
22 explicitly suggest that Monsignor suffers from a
23 diagnosable sexual disorder. As a result, there is
24 nothing to conclude from the interview or the test data
25 that Monsignor Giliberti is a threat to the physical and

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1 emotional health of those to whom he ministers."

2 Do you have any idea what that means, Cardinal?

3 A. Just what's self-evident from the words themselves.

4 Q. Which is what?

5 A. Well, that there's no data that they can use to
6 verify or confirm the truth of the allegations and that
7 they don't have any evidence he's suffering from any
8 diagnosable sexual disorder.

9 Q. It says that there's nothing in the test data that
10 would explicitly suggest?

11 A. Right.

12 Q. But my question -- I'm sorry. Go ahead. I didn't
13 mean to interrupt you.

14 A. And they're saying from the interview and the test
15 data that there's no reason to conclude that he is a

16 ~~threat to physical or emotional health of those to whom he~~
17 ministers.

18 Q. Was this the evaluation that was relied upon to put
19 Monsignor Giliberti back as pastor or to keep him as
20 pastor at Nativity B.V.M.?

21 A. I'm not sure. I'm presuming they based it on this.
22 This is considered professional, you know, conclusions.

23 Q. But my question to you I guess is this, Cardinal:

24 You had asked that there be some evaluation done of
25

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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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Q. All right. Thank you. I just have one other document. I'm going to just bring one other document to your attention, Cardinal, and it's not related to the Gilberti file. I'm going to mark it as eleven ninety six.

Actually, I'm going to change that because apparently it had been marked previously as ten forty four. Sorry.

Cardinal, I just want to put on the record the fact -- this is has been marked, as I've already indicated, previously as ten forty-four.

This is a document which actually came from the Reverend Joseph P. Gausch file, and it is a memo. The cover sheet indicates it's a memo from Monsignor James Molloy to Reverend William Lynn, and it is an excerpt from ~~minutes of an issues meeting held on March 8 of 1994, and~~ the date that this was received by Monsignor Lynn would have been May 11, 1994; and in this, if you flip to the second page where it actually has the excerpt from the issues meeting, and this is from -- apparently at the meeting were yourself and Bishop-elect Edward Cullen, and I'm just going to read to you the last sentence of this document.

"His Eminence noted also that it would be helpful

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2 for such memorandum to contain information concerning the
3 date of which knowledge of cases such as this is brought
4 to the attention of staff in the Office of the Vicar for
5 Administration. It was confirmed that every sensitive
6 allegation, including those involving incidents reported
7 to have occurred in excess of five years ago, are to be
8 brought to the attention of the Archbishop on the same day
9 that they are received in the Office of the Vicar for
10 Administration."

11 Q. Did I read 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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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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2 A. We always complied with the civil law on
3 allegations. Always.

4 Q. Okay. And as a follow-up, the juror wanted to
5 know: In many of these cases you've testified and the
6 documents have shown that the only person making these
7 credibility determinations with regard to whether these
8 priests were actually guilty of the crimes or not were
9 your Secretary of Clergy and various other members of the
10 Secretary for Clergy's office, and the juror wanted to
11 know: Do you now or did you ever think that it was
12 inadequate to not have civil juries making these
13 credibility determinations rather than just a supervisor
14 of clergy?

15 A. When you say civil juries, I don't know what that
16 means.

~~17 Q. Well, if they~~

18 A. I mean, actually, the person's not on trial yet.
19 It's still an investigative phase, and I relied on -- up
20 until 2002, it was the Secretary of the Clergy.

21 After the charter, you know, then we used the
22 coordinator and social services to do the interview, and
23 you know, the Secretary for the Clergy, was his
24 responsibility, was a very intelligent person.

25 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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1 occasion and eighteen on another?

2 A. You know why I drew that distinction? Because here
3 we are dealing with abuse of minors.
4

5 Q. Right. Okay. What the juror's question is: What
6 difference does it make whether the victim is fifteen or
7 eighteen if abuse is, by its definition, against the
8 victim's will? In other words, if you're eighteen and you
9 don't agree to the sexual contact, it's still abuse, is it
10 not?

11 A. I made -- I made it very clear at the time that
12 while I made the distinction, it did not mean that if done
13 at the age of eighteen was any less horrendous. I made
14 that very clear.

15 Q. Okay.

16 A. It was an abuse. But you know, it's -- the law
17 distinguishes between the two.

18 Q. Okay. Cardinal, and then the next one I'm going to
19 read almost verbatim.

20 The next question that a juror wanted to put to you
21 was: In your opinion, was the covering up of these sex
22 abuse allegations on the part of Archdiocesan priests in
23 your opinion, did that cover up contribute to the
24 devastation of families within the Archdiocese by taking
25 away the purity of the kids involved and by robbing them

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1 of their souls and by abandoning them to a society that
2 dared not want to know or ask whether they had been abused
3 or not?
4

5 A. I saw no evidence at any time that we did any cover
6 up.

7 Q. Okay. The next question is: There's been a lot of
8 evidence and testimony regarding the fact that these
9 priests that had allegations of sexual abuse of minors
10 against them were treated by therapists and that you
11 relied on the recommendations of therapists, correct?

12 A. That is correct.

13 Q. Okay. One of the jurors wanted me to ask you: Did
14 you ever meet with any of these therapists whose opinion
15 you were relying on face to face to question them about
16 their recommendations and about the evaluations that they
17 had performed?

18 A. I did not personally, but my Secretary for the
19 Clergy and assistant frequently met with them.

20 Q. Okay. Do you have a reason why you never met with
21 any of these therapists?

22 A. Because it was not -- it was the responsibility of
23 the Secretary for the Clergy and his office assistant to
24 do that. I could not handle all of the functions of an
25 archdiocese of such a large size.

ANTHONY JOSEPH CARDINAL BEVILACQUA

1
2 Q. Okay. The next question is - and we just have a
3 few more. I apologize. We're going a few minutes over.

4 The next question that a juror wanted posed is: If
5 the protection of children, as you've testified on many
6 occasions, is the most important priority for the church
7 and for the Archdiocese of Philadelphia, why don't you
8 remember more of the details of these cases?

9 A. Because I have to remember tens of thousands of
10 items. If I had to -- I mean, my work at the time was --
11 consisted -- well, this was the highest priority, and I
12 relied on Monsignor Lynn and the other secretaries of the
13 clergy to keep me apprised of this.

14 I had tens of thousands of other letters and
15 memorandums. I couldn't possibly remember . . . you know,
16 it would be almost impossible.

17 Q. Okay. The next question is: Does the Archdiocese
18 currently, to your knowledge, check the family backgrounds
19 of seminarian candidates to determine if there's been a
20 history of sexual abuse in the family or if any of the
21 relatives of the seminarian candidates have been convicted
22 of sex abuse or, you know, child sex crimes?

23 A. Yes. I understand that. All I can say is that we
24 always have a thorough examination of all seminarians,
25 psychological testing, interviews, multiple interviews.

ANTHONY JOSEPH CARDINAL DEVLACQUA

1 Whether or not it reaches to that point of checking the
2 sexual abuse possibilities of their families, I cannot
3 state that. I just don't know.

4 Q. Okay.

5 BY MR. GALLAGHER:

6 Q. Would Monsignor Lynn know that answer?

7 A. I don't know.

8 BY MR. SPADE:

9 Q. The last question, Cardinal, is -- the last
10 question that a juror wanted to be posed is: Do you
11 respect this grand jury process?
12

13 A. I do.

14 Q. Okay.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED] you are hereby notified that

20 [REDACTED] continuing one. that

21 [REDACTED] testimony

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

ANTHONY JOSEPH CARDINAL BEVILACQUA

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(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