

## APPENDIX H-1

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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  
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October 31, 2003

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Room 18013, One Parkway  
Philadelphia, Pennsylvania  
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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

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VOLUME III  
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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:)

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(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?

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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."

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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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1  
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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1 "Q. -- which you've indicated?

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

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."

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(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:   
12 

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

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

6 "Q. Excuse me.

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

9 "Q. Okay.

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

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

---

18 (BY MR. GALLAGHER:)

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

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

24 "A. Yes.

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

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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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

## 1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "A. That is correct.

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

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.

## 1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

12 "A. I -- I presume so."

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

15 (BY MR. GALLAGHER:)

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

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

21 (BY MR. GALLAGHER:)

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

(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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

8 "Are you aware of that book?

9 "A. No.

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

13 "A. No.

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

16 "A. No.

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

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

23 "A. No.

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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?"

## 1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## 1           TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

## 1           TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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,

## 1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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.

## 1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

2 "Q. Okay.

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

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]

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## 1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

---

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

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

"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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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."

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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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           "Q.       Okay.

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

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

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

12          "Q.       Every two weeks?

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

15          "Q.       Okay.

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

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

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

23          "Q.       No particular case?

24          "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

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[REDACTED]

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

(BY MR. GALLAGHER:)

"Q. Did you or your staff?

"A. Oh, or your staff.

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

"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?

"A. I don't recall that.

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

"A. No. You said full ministry.

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

"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.

## 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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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

9 "Q. Did you ever disagree with their decisions?

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

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

13 "A. If they recommended so, yes.

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

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

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

22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 (THE WITNESS:) "At -- yes. In this

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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 --

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

## TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

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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

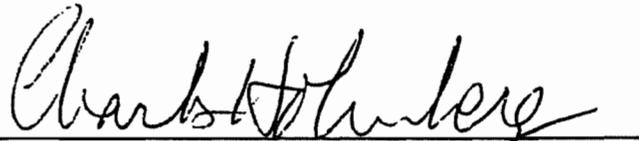
GJ-953, (Previously marked exhibit.)

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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

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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  
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October 31, 2003

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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

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VOLUME IV  
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- 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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MS. MCCARTNEY: [REDACTED]

[REDACTED]

MR. SPADE: [REDACTED]

[REDACTED]

- COLLOQUY -

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[REDACTED]

MS. MCCARTNEY: [REDACTED]

[REDACTED]

MR. GALLAGHER: [REDACTED]

[REDACTED]

MR. SPADE: [REDACTED]

[REDACTED]

MR. GALLAGHER: [REDACTED]

[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].

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 

## 1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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: 

25 

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,

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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.

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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.

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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 "This is only one report about a method  
22 of avoiding the crisis that occurred. Since then,  
23 there have been many, many articles that I have  
24 read that say what could have been done. I don't  
25 know why we're fixed on this one."

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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

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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?

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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?

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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

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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.

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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

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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 --

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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.

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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?

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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

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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.

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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.

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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 ---

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TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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EXHIBITSIDENTIFICATION

GJ-954, (Previously marked exhibit.)

4

GJ-42, (Previously marked exhibit.)

10

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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18107

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]

[REDACTED]

[REDACTED]

[REDACTED]

[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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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,"

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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."

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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."

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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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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2 Q. Are you saying that they never came to you and told  
3 you that the allegation involved a minor?

4 A. My memory of this has never linked him with abuse  
5 of a minor.

6 Q. Well, Cardinal, after these allegations became  
7 known, he was sent for an evaluation; is that right?

8 A. Yes.

9 Q. And the evaluation was done at Saint Luke's  
10 Institute?

11 A. I don't recall that, but . . .

12 Q. Okay. And obviously, because you were concerned  
13 about the allegations, you were concerned about the health  
14 and well-being of the priest and you were concerned about  
15 the potential for risk in the future, you were always  
16 clear that you wanted to see and read and know what was in  
17 the evaluations that had been conducted; is that right?

18 A. That's -- that is a . . .

19

20

21

MS. MCCARTNEY:

22

23

THE WITNESS:

24

25

MS. MCCARTNEY:

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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 tha

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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

7

8

9

10

11

12

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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; i  
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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

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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

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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 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?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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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ANTHONY JOSEPH CARDINAL BEVILACQUA

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 <sup>Colleen</sup> [REDACTED] and that <sup>Colleen</sup> [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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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 <sup>Colleen</sup> [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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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 <sup>Colleen</sup> ~~\_\_\_\_\_~~ 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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Okay. Now, after this comes forward, after ~~██████████~~ <sup>Colleen</sup>  
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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 THE WITNESS: This is the first time  
3 that Monsignor Lynn actually spoke to the victim,  
4 the alleged victim, <sup>Colleen</sup> [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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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 ~~\_\_\_\_\_~~ <sup>Colleen</sup> must have influenced Monsignor

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

- I N D E X -

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4	EXAMINATION BY MS. COX	2
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7	<u>EXHIBITS</u>	<u>IDENTIFICATION</u>
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10	GJ-956 (Previously marked exhibit.)	21
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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

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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

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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

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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

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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.

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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

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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.

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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?

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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

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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

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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

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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

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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.

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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.

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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

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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

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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?

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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

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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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

## ANTHONY JOSEPH CARDINAL BEVILACQUA

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A. No.

Q. Have you ever misrepresented anything to another bishop?

A. No.

Q. Would you agree that if Bishop Guilfoyle didn't in fact share with you the details which were true with regard to Father Connor when he asked you to take him to the Diocese in Pittsburgh, would that have been a misrepresentation?

A. Would you repeat it again, please.

Q. Sure. If in fact Bishop Guilfoyle did not share with you the information about Father Connor and he asked you to take him because he was a good priest who had one incident involving alcohol, would you consider that to be a misrepresentation of facts?

~~A. I believed at the time, my recollection. I have no~~  
recollection of him describing all the details, that my recollection is he gave me sufficient information that indicated that he wanted help in accepting him, and I felt that that information, my recollection, was sufficient. I cannot remember any of the details.

Q. So he could have told you that the incident involved a freshman in high school or fourteen year old boy?

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

## ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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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

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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?

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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

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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?

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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

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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.

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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.)

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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.

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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?

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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]

20 [REDACTED]

21 [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.

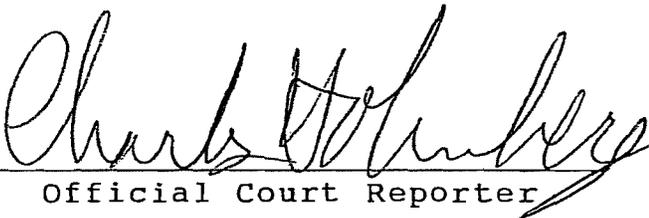
25 (The witness conferred with his

## - I N D E X -

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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

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14-1-21

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

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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?

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

## 1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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,

1 TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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\_\_\_\_\_  
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.

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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.

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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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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.

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1  
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

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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

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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  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?

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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

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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

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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?

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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.

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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

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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

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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,

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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?

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1  
2 Q. Page two, the second -- no, the second page of the  
3 actual packet of information.

4 A. Oh.

5 Q. The first is an adjustment disorder with mixed  
6 emotional features secondary to stress of the allegations  
7 and current investigations. The second is rule out  
8 pedophilia, same sex.

9 Do you know what that is, Cardinal? Are you  
10 familiar with what rule out pedophilia means?

11 A. Yes. It means where children below the age of  
12 puberty of the same sex.

13 Q. Do you know what it means that that was one of the  
14 diagnostic impressions that were listed down by The Anodos  
15 Center, what that means with regard to information?

16 A. Not fully. I'm not conversant with that. I  
17 presume it meant that he's not a pedophile.

~~18 Q. The accurate definition of rule out pedophilia~~  
19 diagnosis, same sex, would be that there are indications  
20 that that would indicate pedophilia but that there was  
21 insufficient information to come to that conclusion.

22 Were you familiar with that?

23 A. No.

24 Q. Did you do anything to understand these diagnoses  
25 that were provided by The Anodos Center?

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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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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,

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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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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;

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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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2 Father Brennan has very serious problems which might  
3 predispose this Archdiocese to major scandal and possibly  
4 litigation in the future, that would have been something  
5 that we can be confident about was brought to your  
6 attention by Monsignor Cullen, correct?

7 A. The memo was sent to me. Whether it was discussed  
8 I cannot recall.

9 Q. And after the discussions that you had, there was  
10 actually an issues meeting that was held on December 1,  
11 and there's an excerpt of it, and it's on the second page  
12 of grand jury exhibit five thirty-three.

13 (The witness conferred with his  
14 attorney.)

15 BY MS. MCCARTNEY:

16 Q. And in that document, it's issues discussed on  
17 December 1, 1993, and it says: "His Eminence approved the  
18 ~~recommendation as submitted by Father Lynn"; is that~~  
19 right?

20 A. Yes.

21 Q. And it also indicates that you provided related  
22 comments which were conveyed from Monsignor Molloy to  
23 Father Lynn for implementation; is that right?

24 A. That's what it says.

25 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

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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

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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

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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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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: ~~██████████~~, <sup>Walt</sup>  
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.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

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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

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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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

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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.

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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.

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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.

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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

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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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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.

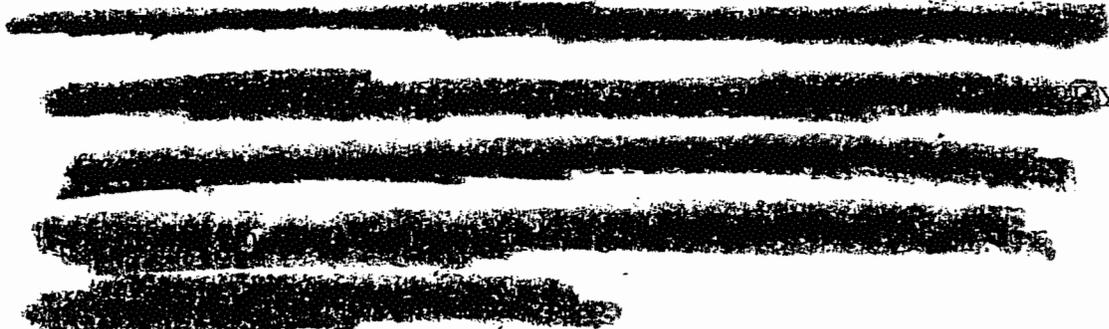
22 Could the foreperson advise the witness  
23 of his continuing subpoena.

24

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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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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