

## APPENDIX H-7

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19-144

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

IN RE: : MISC. NO. 0300-239  
:  
COUNTY INVESTIGATING :  
GRAND JURY XIX : C-1

December 5, 2003

Room 18013, One Parkway  
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA  
(RE: NICHOLAS V. CUDEMO)

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE  
Deputy District Attorney

WILLIAM SPADE, ESQUIRE  
Assistant District Attorney

MAUREEN MCCARTNEY, ESQUIRE  
Assistant District Attorney

For the Commonwealth

PRESENT:

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

Reported by: Charles Holmberg  
Official Court Reporter

VOLUME I

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MS. MCCARTNEY: Okay. We're going to  
3 get started. Today's date is December 5. This is  
4 the matter of C-1.

5 We have?

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9 MS. MCCARTNEY: The time is now 11:03  
10 A.M. We've just called a witness to the stand.

11 ---

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

15 ---

16 BY MS. MCCARTNEY:

17 Q. Cardinal, could you state your name for the record,  
18 please.

19 A. Yes. Cardinal Anthony Bevilacqua.

20 Q. Now, Cardinal, prior to coming to testify in front  
21 of this grand jury, you were sworn in as a witness by the  
22 Honorable Judge Bright; is that correct?

23 A. Yesterday we met in the room here. Yes.

24 Q. Okay. And she swore you in as a witness in front  
25 of this grand jury.

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2 MR. HODGSON: We appeared in front of  
3 the judge.

4 THE WITNESS: Yes. We appeared there.

5 BY MS. McCARTNEY:

6 Q. And in addition, she explained to you your rights  
7 as a witness in front of this grand jury; is that correct?

8 A. Yes.

9 Q. And you also completed a form which explained those  
10 rights to you; is that right?

11 A. Yes.

12 Q. And one of the rights that was explained to you is  
13 the fact that you have a right to have an attorney present  
14 with you as you testify; is that correct?

15 A. Yes.

16 Q. And you do in fact have an attorney present with  
17 you?

18 A. Yes.

19 MS. McCARTNEY: Counsel, for the  
20 record, could you state your name.

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

25



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. MCCARTNEY:

3 Q. And, Cardinal, did you understand the rights that  
4 Judge Bright explained to you orally, and did you also  
5 understand the rights that were explained in the form that  
6 you completed?

7 A. Yes.

8 Q. Now, Cardinal, you were appointed Archbishop of  
9 Philadelphia in -- actually assumed that office in  
10 February of 1988; is that correct?

11 A. That is correct.

12 Q. And subsequent to your becoming archbishop, you put  
13 in place your own personnel staff; is that correct?

14 A. Yes.

15 Q. Over a period of time --

16 A. Gradually.

17 Q. Gradually, and you changed in some ways the  
~~18 structure of the Archdiocese; is that right?~~

19 A. The administration. Yes.

20 Q. And one of the changes that you made in the  
21 administration was the creation of the Secretary of  
22 Clergy's office; is that right?

23 A. Yes.

24 Q. Okay. And when you made that creation of that  
25 particular office, Monsignor Jagodzinski was your first

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2 Secretary of Clergy; is that correct?

3 A. I recall -- yes. Yes, I think it was.

4 Q. Okay. And Monsignor Jagodzinski, as head of the  
5 Secretary of Clergy's office, it was his -- one of his  
6 duties to deal with any cases that involve sexual abuse of  
7 minors; is that right?

8 A. Yes.

9 Q. Okay. And you also put in place as your Vicar for  
10 Administration a Monsignor Cullen; is that right?

11 A. Yes.

12 Q. Now, Cardinal, what were the factors that went into  
13 your giving those jobs to those individuals?

14 A. How I chose them?

15 Q. Yes. How did you choose them for those jobs?

16 A. Well, I sought advice from others on who would be  
17 the most competent people for those positions.

~~18 Q. And the others that you sought that advice from, do  
19 you recall who they were?~~

20 A. Well, I started mainly in choosing my Vicar for  
21 Administration.

22 Q. So Monsignor Cullen was the first person that you  
23 appointed?

24 A. He was the major one that I chose.

25 Q. Okay.

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2 A. And after consultation with some of the auxiliary  
3 bishops and several other people, and from there on,  
4 depending on the person, we would seek consultation, and  
5 Monsignor Cullen at the time would assist me in choosing  
6 people that, you know, would be competent for the  
7 position.

8 Q. Particularly with regard to the Secretary of  
9 Clergy's office and knowing that part of their duties  
10 would be to investigate misdeeds on the part of the  
11 priests in the Archdiocese and, in particular, sexual  
12 abuse of children by priests, how did you come to choose  
13 Monsignor Jagodzinski for that position?

14 A. That recommendation came, I recall, from Monsignor  
15 Cullen.

16 Q. And what were the discussions that you had with  
17 Monsignor Cullen as to what criteria you sought in an  
~~18 individual who would have that responsibility or as one of~~  
19 their responsibilities?

20 A. I don't recall. I do not recall, you know,  
21 discussing specific criteria other than the ones that are  
22 known, that he was supposed to be someone who was  
23 knowledgeable of the priests, because the main function of  
24 the Secretary of the Clergy was to deal with the priests  
25 and therefore it should be someone who had the acceptable

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2 qualifications, that he was knowledgeable of the priests,  
3 that he was a balanced person and a prudent person.

4 Q. With the exception of being knowledgeable of the  
5 priests, and again, I'm going to ask you specifically this  
6 question as it relates to the idea that he may be  
7 investigating sexual abuse of minors, allegations of  
8 sexual abuse of minors, was there any criteria set out  
9 that he had to have any background in psychology or  
10 dealing with victims of sexual abuse?

11 A. No, because that was not the only function of the  
12 Secretary for the Clergy.

13 Q. I understand it was not the only function,  
14 Cardinal, but you were aware at the time that you made the  
15 appointment of Monsignor Jagodzinski that it was going to  
16 be one of his functions; is that correct?

17 A. Yes. It would be one of them.

~~18 Q. Okay. And knowing that it was going to be one of~~  
19 his functions, what did you do to require that Monsignor  
20 Jagodzinski had any type of skill level with regard to  
21 dealing with victims of sexual abuse or any type of  
22 educational classes that dealt with psychology or dealing  
23 with these issues generally or specifically?

24 A. We did not, as I recall, focus on that aspect of  
25 it.

## ANTHONY JOSEPH CARDINAL BEVILACQUA

1  
2 Q. Now, you also said one of the other changes that  
3 you made in the Archdiocese was to set up the regional  
4 vicar situation; is that right?

5 A. Yes.

6 Q. Each particular vicariate, regional vicar was  
7 appointed; is that correct?

8 A. That is correct.

9 Q. Okay. And you also instituted the Priest Personnel  
10 Board; is that right?

11 A. Yes.

12 Q. And that consisted of all the regional vicars,  
13 yourself and Monsignor Cullen; is that right?

14 A. Yes.

15 Q. And the --

16 A. And others.

17 Q. And others.

~~18 And the purpose of the Priest Personnel Board was~~

19 to discuss appointments of priests throughout the  
20 Archdiocese of Philadelphia. That was one of their  
21 functions. Is that correct?

22 A. That's one of the major functions.

23 Q. And it was after consultation with the Priest  
24 Personnel Board that appointments were made to priests  
25 becoming pastors or assistant pastors within the parishes,

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2 correct?

3 A. Generally.

4 Q. Okay. When you say generally, there were some  
5 exceptions?

6 A. Yes.

7 Q. Some appointments were made without consultation to  
8 the Priest Personnel Board?

9 A. Yes. Because they could be emergency appointments.

10 Q. Okay. But in the normal course of things --

11 A. Right.

12 Q. -- that would be done?

13 A. Generally.

14 Q. And before a Priest Personnel Board meeting, when  
15 change was made in the Archdiocese, there was a list of  
16 candidates that was submitted for particular positions; is  
17 that correct?

~~18 A. There was a process of submitting candidates.~~

19 Q. Okay. And your Secretary of Clergy also sat on  
20 that board; is that right?

21 A. Yes.

22 Q. Now, do you recall when it was that these changes  
23 were completed within the Archdiocese, that the Priest  
24 Personnel Board was established and the Secretary for  
25 Clergy's office was established?

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2 A. I can't recall specifically. It had to be -- my  
3 only -- I think it was around '91, '92.

4 Q. Okay. Now, Cardinal, when you appointed someone or  
5 authorized the appointment of an individual priest as  
6 pastor, what were the criteria that you looked for in  
7 making that appointment?

8 A. The criteria are expressed in the Code of Canon Law  
9 in general, that he be -- first of all, to be a pastor,  
10 you must be a priest at least, and then you are to have  
11 the qualities of prudence and, you know, compassion and  
12 prayerfulness and piety. You know, those are some of  
13 them.

14 Q. And be --

15 A. We also looked for someone who not only had the  
16 spiritual qualities but also some of the human qualities  
17 of being a possible administrator, knew how to relate to  
18 other people.

19 They're all the human qualities that are not  
20 specifically expressed, that we over the period of years  
21 expect in a -- in someone who is a spiritual leader but  
22 also an administrator.

23 Q. And as with every priest, they're also a moral  
24 leader; is that correct?

25 A. That comes under the factor of spiritual.

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Q. Okay. And one of the qualifications that you obviously sought out when you appointed someone into the position of a pastor would be that they had a good moral background; is that correct?

A. We -- yes.

Q. And how was it that you assured yourself when you appointed someone to that position that the individual that you were authorizing had those qualifications?

A. I had to depend on my Secretary for the Clergy.

Q. And what did you -- I'm sorry.

A. And he in turn, probably discussed it with others on the committee that came up with candidates, because I obviously -- I do not know of the priests as well as they would.

Q. And when you relied upon your Secretary of Clergy, what did you give him in terms of guidelines as to what ~~individuals you were looking for and what particular~~ qualities that they needed to possess?

A. That they knew the guidelines as well as I did, the ones that I just related to you.

Q. Was there ever a situation where you did not authorize someone that had been put before you as a possible pastor?

A. I don't recall any. I can't think of anyone right



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2 now. I may have, but I don't recall any.

3 Q. Well, when someone's name came up for discussion at  
4 a Priest Personnel Board with regard to being appointed a  
5 pastor, would you ask: What is their background? What  
6 assignments have they had?

7 A. It's a large personnel board, and I listen to the  
8 others before I intervene.

9 Q. And did you?

10 A. Most of the time I did not intervene. They  
11 discussed it, and frequently there could be immediate  
12 consensus. I mean, occasionally, there might be  
13 disagreement among some of them.

14 Q. And what did you do to educate yourself with regard  
15 to the background of a particular priest that was going to  
16 be discussed at the Priest Personnel Board?

17 A. I listened to them as they discussed it.

18 Q. Did you ever direct your Secretary of Clergy to go  
19 through the secret archive files that existed to find out  
20 whether any of these people that were coming up for  
21 discussion had a background of misconduct in the  
22 Archdiocese of Philadelphia?

23 A. That was his responsibility in every candidate, to  
24 check if there was something in the secret archives.

25 Q. Well, Cardinal, you became aware throughout your

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2 fifteen years as Archbishop and subsequently as Cardinal  
3 in the Archdiocese that there were a number of priests  
4 that had been appointed to positions under your tenure  
5 that did in fact have information in their secret archive  
6 files; is that correct?

7 A. You said a number. Sounds like you mean a large  
8 number.

9 Q. I'm saying a number. We can quibble about the  
10 figures, and I don't have the accurate figures in front of  
11 me, but there was certainly more than ten that were  
12 appointed under your term to positions within the  
13 Archdiocese of Philadelphia that had information in their  
14 secret archive files prior to your making the appointment?

15 A. Well, if that was so, I don't recall that as --  
16 that they surfaced anything from the secret archives that  
17 would have militated against his being a candidate.

~~18 Q. Well, Cardinal, let me ask you this: So you~~  
19 expected that -- did you ever have a discussion with the  
20 Secretary of Clergy with regard to that being one of their  
21 specific requirements, that these secret archive files are  
22 to be gone through and I don't want to see anybody's name  
23 up before me for appointment if they have any background?

24 A. That was known.

25 Q. How was it known, Cardinal?

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2 A. It was known because I remember that they said they  
3 always checked the secret archives.

4 Q. Do you recall when that conversation was had?

5 A. No.

6 Q. Do you recall who had it?

7 A. No.

8 Q. Do you remember in what context that came up?

9 A. No.

10 Q. But you have a specific recollection of being told  
11 that?

12 A. Yes. It was a considered -- that's policy. Always  
13 check the secret archives.

14 Q. And that policy was made clear by you. You gave a  
15 specific direction?

16 A. It was understood.

17 Q. Well -- and I'm not trying to be difficult,  
18 Cardinal, but I'm trying to understand how it was  
19 understood.

20 A. I don't recall the context in which it was surfaced  
21 that I directed it. They just -- it was understood and it  
22 was articulated.

23 Q. And my question to you is: If it was understood,  
24 how was it understood, and if it was articulated, by whom  
25 was it articulated?

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2 A. Just in discussion between the two of us, but it  
3 was known that, you know, they are always to look at the  
4 secret archives.

5 Q. And again, not trying to be difficult, but when you  
6 say the two of us, who are the two that you're referring  
7 to? Obviously yourself, and who else?

8 A. I don't recall which of the secretaries for clergy  
9 it was.

10 Q. And, well, Monsignor Lynn was not appointed  
11 Secretary of Clergy until 1991; is that right?

12 To the best of your recollection; is that right?

13 A. It's about that time, yes.

14 Q. So from 1988 to 1991, do you think that that  
15 conversation happened during that period of time, or you  
16 don't know?

17 A. I don't recall.

---

18 Q. You were aware when you came into the Archdiocese  
19 of Philadelphia, not only given your background as a  
20 priest, and also with your experience as Bishop of  
21 Pittsburgh and your knowledge of canon law, you were aware  
22 of the existence of secret archive files, correct?

23 A. Yes. Every diocese to have one.

24 Q. And you were aware of what the contents of the  
25 secret archives files were; is that right?

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2 A. No. No.

3 Q. I'm not saying specifically what was inside the  
4 secret archive files in Philadelphia, but you were aware  
5 that the secret archive files contained information about  
6 allegations involving the priests; is that right?

7 A. (The witness nodded.)

8 Q. Yes?

9 A. Yes.

10 Q. If there had been some misdeed on the part of the  
11 priest?

12 A. Well, that would be one of the things in the secret  
13 archives. There could be other things that are secret.

14 Q. Correct. But with regard to if there had ever been  
15 an allegation that involved a priest acting out sexually,  
16 that would have been information that would have been in  
17 the secret archive file, correct?

~~18 A. Yes.~~

19 Q. And what did you do when you became Archbishop to  
20 familiarize yourself -- yourself, not delegated to anybody  
21 else, but what did you do to familiar yourself with the  
22 contents of the secret archive files in Philadelphia?

23 A. I did not -- I did not familiarize myself with  
24 them. I relied on my Secretary for the Clergy. I saw no  
25 reason for me to have to do that.

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2 Q. And when you say that you didn't familiarize  
3 yourself, so that means that you obviously didn't go into  
4 the room and look through the files personally.

5 Did you direct your Secretary of Clergy or anybody  
6 on your staff to summarize the contents of those documents  
7 and provide you with that information?

8 A. No, I did not.

9 Q. Now, Cardinal, are you familiar with the case of  
10 Father Nicholas Cudemo?

11 A. In general, yes.

12 Q. Okay. I'm going to show you a document that's been  
13 marked as grand jury four forty.

14 (Pause.)

15 Cardinal, let me just ask you.

16 Well, with regard to grand jury four forty, that is  
17 the Archdiocese of Philadelphia priest data profile as it  
18 relates to Father Cudemo; is that correct?

19 A. Yes.

20 Q. Okay. Now, I just want to go back very briefly and  
21 ask you a couple additional questions.

22 When you said that you relied on your Secretary of  
23 Clergy to have gone through these secret archive files,  
24 you also indicated earlier that when you came to  
25 Philadelphia, you didn't really know -- how did you get

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2 the confidence in the Secretary of Clergy if you didn't  
3 know really much about their background?

4 A. I said that I relied on those who did know, and  
5 Bishop Cullen, then Monsignor Cullen, was a man who had a  
6 great knowledge of the priests, and I left it up to him to  
7 make a recommendation.

8 Q. Okay. With regard to Father Cudemo, you see on the  
9 priest data profile, under previous positions, he had a  
10 number of them prior to your coming into Philadelphia; is  
11 that correct?

12 A. Correct.

13 Q. And in 1989, specifically in June of 1989, you made  
14 him pastor at King of Peace in Philadelphia; is that  
15 right?

16 A. Yes, I . . . I appointed him then.

17 Q. That decision to name him as pastor, that was  
18 authorized by you, correct?

19 A. I always have the ultimate --

20 Q. Authority?

21 A. -- authority.

22 Q. Okay. And you have the authority to appoint. You  
23 also have the authority to reject a candidate for any  
24 position; is that right?

25 A. Yes.

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Q. Okay. Now, when Father Cudemo was appointed by you as pastor of King of Peace, does King of Peace have a school?

A. I don't recall.

Q. Okay. Would the addition of a school attached to a parish, how would that factor into whether or not someone was a good candidate for becoming a pastor?

A. I'm not following the line of reasoning.

Q. My question to you is: When you sat down to authorize the appointment of someone to become a pastor, obviously that was a very big decision to make and that was a very important decision, correct?

A. It's always an important decision. Yes.

Q. Did the fact that a parish may or may not have a school attached to it, did that factor in at all to what you were looking for in terms of qualifications for someone to become a pastor?

A. I don't think it became, you know, a major factor, depending on his skills and, you know, his age, whether it was the first time he's at pastor and so on. It could be so many things. Whether or not he was someone who supported Catholic schools, a number of factors.

Q. What about the fact that someone had had problems in their background with regard to sexually acting out



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2 with children? Would that have factored in?

3 A. If that was brought up, it would have been a very  
4 important factor.

5 Q. You would agree with me, Cardinal, that if someone  
6 did have those kinds of problems in their background, that  
7 that's something that should have been brought up; is that  
8 right?

9 A. Yes.

10 Q. If the mechanisms that you had established and you  
11 believed were in place properly in Philadelphia, if they  
12 had worked properly, that would have been something that  
13 would have been addressed, correct?

14 A. Would you repeat that, please.

15 Q. Sure. If the policies that you had in place, if  
16 everything was working properly, that would have been  
17 something that would have been brought up, correct?

---

18 A. That there was a problem with children?

19 Q. Yes. That there was a problem in a priest's  
20 background with children?

21 A. If you're talking about a problem, not simply  
22 allegations.

23 Q. Well, I'm talking about allegations and/or a  
24 problem?

25 A. Well, they could be two -- two different things.

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2 Q. I understand that, but let me ask you this,  
3 Cardinal. If someone had allegations in their background,  
4 would that be something that you'd want to know about?

5 A. It would have been -- possibly it would have been  
6 brought up unless they were -- they were frivolous  
7 allegations.

8 Q. And how would you be able to make the determination  
9 that they were frivolous allegations if you weren't aware  
10 of them?

11 A. I left that up to the Secretary of the Clergy to  
12 research this before a candidate was proposed.

13 Q. And research whether or not an allegation was  
14 frivolous?

15 A. Whether there was an allegation in the first place  
16 and whether it was something substantive.

17 Q. And by something substantive, how do you define  
18 that?

19 A. It would have to be some credibility to it, so  
20 probability, the usual qualifications or criteria, a  
21 reasonable allegation.

22 Q. Okay. Well, let's talk specifically about --  
23 BY MR. SPADE:

24 Q. What are the usual criteria for whether an  
25 allegation is substantive or not or credible or not?

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2 A. (No response.)

3 Q. You referred to the usual criteria.

4 Did you have something in writing for the benefit  
5 of your Secretary of Clergy or the people that were making  
6 these credibility determinations?

7 A. We did not. At that time, it would not have been  
8 in writing. I think a lot was left up to his own prudence  
9 and his intelligence.

10 Q. Was there anything in the Code of Canon Law that  
11 you directed or your staff directed for the Secretary to  
12 use as something to enlighten him as to what was credible,  
13 what kind of allegation was credible or not credible?

14 A. I don't know if anyone brought it to his attention.

15 Q. Well, you state that it was important when you were  
16 trying to make a determination about whether to appoint  
17 somebody as a pastor to a parish that had a school, if

18 ~~that particular priest had allegations of sexual abuse of~~  
19 a minor in his file, to know whether they were credible?

20 A. Right.

21 Q. But --

22 A. But --

23 Q. I'm sorry. Go ahead. I don't mean to interrupt.

24 A. I say the unwritten policy even at that time was  
25 that if there was an allegation, it's supposed to be

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 investigated.

3 Q. And what was the procedure for investigation?

4 Was that written out anywhere? Did you have a  
5 written policy about that?

6 A. Not at that time. It came later, but the written  
7 policy that came later was substantially the same as the  
8 unwritten policy.

9 Q. But you had the Code of Canon Law, which had a very  
10 detailed --

11 A. Yes.

12 Q. -- policy and procedure for investigating these  
13 allegations, correct?

14 A. Yes, but the -- there's a preliminary investigation  
15 when there's an allegation, and if there was one, it was  
16 supposed to be followed.

17 Q. So is it fair to say then, in terms of your  
18 Secretary for Clergy and the other people making these  
19 credibility determinations, that they really had no  
20 guidance when you first took office as the Archbishop of  
21 Philadelphia, they really had no guidance as to how to  
22 determine whether an allegation was credible or not  
23 credible?

24 A. I can't say that, because the Secretary for the  
25 Clergy had a different -- there was a priest in charge of

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2 the clergy before. He may not have been called secretary.  
3 It wasn't that. This is a new office. It was just a  
4 change of title, and perhaps a new job description. But  
5 there always was someone in charge of the clergy.

6 And even before, you know, I came here, they  
7 were -- if there were allegations, they were investigated  
8 by whoever was in charge then.

9 My recollection is it was the Chancellor of the  
10 Diocese at the time that handled clergy matters.

11 Q. But you haven't been able to direct us to any sort  
12 of written guidelines that would guide these sort of  
13 investigations or determinations for credibility?

14 A. There's just a general one in the Code of Canon Law  
15 and that there's an unwritten policy that was in some way  
16 specified to them, and afterwards, about 19 -- I forgot  
17 the year.

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18 MS. McCARTNEY: '93.

19 THE WITNESS: '3, the beginning of '3,  
20 that they were written out. But they were  
21 basically the same as the unwritten.

22 BY MS. McCARTNEY:

23 Q. Let me ask you, Cardinal.

24 Well, one of the things that you talked about is  
25 whether or not it would be important to know whether or

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2 not there was credible allegations in someone's past, and  
3 you said the usual criteria for determining that, which is  
4 really -- we're not sure exactly what that was, and it's  
5 not written down anywhere. It's not clear what the  
6 criteria was for determining whether something was  
7 credible or not.

8 A. It is very difficult. It has to go from the  
9 investigation.

10 Q. Okay.

11 A. To see if there's probable cause here.

12 Q. Well, let me ask you this question.

13 In any particular case, whether it's written down  
14 or not, would the fact that there was more than one  
15 allegation in someone's background, that would be a  
16 factor, correct?

17 A. Possibly.

---

18 Q. Possibly?

19 A. There have been cases where there have been several  
20 and turned out to be they're all false.

21 Q. Whose case was that?

22 A. There wasn't -- it had nothing to do with this.

23 Q. Oh, okay.

24 A. It had nothing to -- but there had been other  
25 instances where it had nothing to do with the Church

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2 and -- but you had accusations from several, and found out  
3 it was all done for a very self-interested purpose, and it  
4 was rejected. But I say the fact that you have more than  
5 one is something to be considered.

6 Q. Okay.

7 A. But it's not absolute in itself.

8 Q. Well, let's consider, among the other things, the  
9 case of Father Cudemo; and when you made him pastor at  
10 King of Peace, his background was contained in the secret  
11 archive file.

12 Are you aware of what his background was at that  
13 particular time?

14 A. I don't recall it.

15 Q. Well, let me see whether I can refresh your  
16 recollection. I'm going to ask you to look at three  
17 documents.

18 ~~Cardinal, I've handed you, for the record, three~~  
19 documents that have previously been marked grand jury four  
20 four one, grand jury four four two and grand jury ten  
21 eighty-nine.

22 Are you familiar with those documents, Cardinal?

23 A. No.

24 Q. Have you ever seen those documents before?

25 A. Not that I recall, no.

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2 Q. And for the record, Cardinal, these are documents  
3 that came out of Father Cudemo's secret archive file,  
4 which was a file that was turned over to our office by the  
5 Archdiocese of Philadelphia.

6 You never saw those documents before?

7 A. Not that I recall. They all predate me.

8 Q. I understand that they predate your term in  
9 Philadelphia, but I'm asking --

10 A. I don't recall them.

11 Q. Okay.

12 A. You want me to read them?

13 Q. Well, I'm going to ask you a couple of questions  
14 about them. If you want to take a chance to review them,  
15 then please do so.

16 A. Okay.

17 (Pause.)

18 ~~(The witness conferred with his~~

19 attorney.)

20 BY MS. McCARTNEY:

21 Q. Cardinal, have you had the opportunity to review  
22 those documents?

23 A. I have.

24 Q. And just for the record, Cardinal, you were made  
25 aware or your counsel was made aware that on November 25,



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2 that the file of Father Cudemo was one of the ones that we  
3 were going to be discussing with you; is that correct?

4 (The witness conferred with his  
5 attorney.)

6 THE WITNESS: Yes.

7 BY MS. MCCARTNEY:

8 Q. Now, Cardinal, let me ask you.

9 Prior to your appointment of Father Cudemo as  
10 pastor at King of Peace -- I've shown you three documents  
11 which detail some of the information in Father Cudemo's  
12 secret archive file that existed at the time that you made  
13 that appointment; is that right?

14 A. (No response.)

15 Q. Is that correct?

16 A. I've seen these.

17 Q. And those things are documents from Father Cudemo's  
18 secret archive file; is that right?

19 A. I presume so.

20 Q. And they all predate your appointment of him as  
21 pastor; is that correct?

22 A. Yes.

23 Q. Okay. Let me ask you to look at Father Cudemo's  
24 priest data profile for a moment and tell me if I'm  
25 correct when I say that he was ordained a priest in the

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2 Archdiocese of Philadelphia in 1963.

3 That's accurate based upon that sheet; is that  
4 right?

5 A. Yes.

6 Q. Now, let's look at the first document, grand jury  
7 exhibit four four one. This is dated April 18, 1966. Is  
8 that correct?

9 A. Yes.

10 Q. And this is written by a parishioner of Saint  
11 Stanislaus to Archbishop Krol, correct?

12 A. I cannot verify that. That's unsigned. Anybody  
13 can write a letter and say I'm a parishioner.

14 Q. The document purports to be written by or the  
15 signature or the typed place where it is "Sincerely yours,  
16 Parishioner, Saint Stanislaus Church"; is that right?

17 A. That's what it says.

18 ~~Q. The that's what the document says; is that correct,~~  
19 Cardinal?

20 A. That's what it says.

21 Q. Okay. And it's written to -- it says: "Dear  
22 Archbishop Krol" at the heading, correct?

23 A. Yes.

24 Q. And it talks about the fact that Father Cudemo was  
25 involved in a love affair for the past three years; is

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2 that right?

3 A. That's what it says.

4 Q. I'm asking you whether that's what it says.

5 Correct?

6 A. That's what it says.

7 Q. And it also says that the person with whom he's

8 been having this love affair is a teenage girl and a

9 junior at Lansdale Catholic High School.

10 Is that what this document says, Cardinal?

11 A. That's what it says. Yes.

12 Q. Okay. And that's a document that was inside of

13 Father Cudemo's secret archive file, correct?

14 A. I presume so.

15 Q. You presume so.

16 Let's look at grand jury ten eighty-nine, and that

17 letter is written just three years after Father Cudemo

18 ~~became a priest in the Archdiocese?~~

19 A. Right. This first one you're talking about?

20 Q. The first document, correct, dated 1966, four

21 forty-one, April 18, 1966; is that right?

22 A. Well, since it's anonymous, I don't know what to

23 believe about it. Not even a date.

24 Q. Okay. Cardinal, I'm not asking you whether or not

25 the information in there is truthful. I'm asking you

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2 whether or not that's what the document says?

3 A. That's what it says.

4 Q. Okay. Well, let me ask you this.

5 One of the factors that you might look at to  
6 determine the truth of something would be whether or not  
7 there's anything to corroborate the information inside the  
8 letter; is that right?

9 A. That's a possibility. Yes.

10 Q. Okay. And if you look at the priest data profile  
11 of Father Cudemo, you'll see that during the period of  
12 time that this allegedly is occurring, Father Cudemo is in  
13 fact assigned as an assistant pastor in Saint Stanislaus,  
14 is that right, according to the priest data profile?

15 A. I . . . I'm --

16 Q. I'm not asking you whether or not it's true,  
17 because you might not be able to comment on that, but  
18 ~~based upon the information that's on that document, that's~~  
19 what it says, correct?

20 A. That's right.

21 Q. Okay. Let's look at grand jury ten eighty-nine for  
22 a moment.

23 You've familiarized yourself with this document; is  
24 that right?

25 A. I see it. Yes. I read it.

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Q. Okay. And this is a document that is dated September 2, 1969; is that right?

A. Yes.

Q. And it's signed by [redacted] is that correct?

A. Yes.

Q. And also there's a signature that appears above that typewritten [redacted], is that right?

A. Yes.

Q. This talks about the fact that Father DeSimone came to the Chancery office to describe a problem that occurred with his resident, Father Cudemo; is that right?

A. Yes.

Q. And it documents the fact that Father Cudemo was seen by Father DeSimone trying to calm down a hysterical girl; is that right?

A. Yes.

Q. And it says that Father Cudemo left the office and explained that the girl was from Lansdale where he had been previously stationed and she had a crush on him; is that correct?

A. That's what it says. Yes.

Q. Okay. And Father DeSimone then revealed the fact that when the girl left the office, she was shouting that

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she loved him and the neighbors could hear it; is that correct?

A. Yes.

Q. All right. And it says that he, Father Cudemo, promised Father DeSimone that he would be careful in his behavior with girls from then on; is that right?

A. (No response.)

Q. That's what the document says, correct? Paragraph two.

A. You're talking about the top half?

Q. Yes. I'm talking about the top half, the second paragraph.

A. Yes.

Q. It says: "Father Cudemo, after this incident" --

A. Yes.

Q. -- "promised Father DeSimone that he would be

~~extremely careful in his behavior with girls from then~~

on"; is that right?

A. Well, the word "behavior" there, maybe the way he interviews them, he may be referring to that.

Q. Pardon me?

A. I say the word "behavior," you got to be careful what that means.

Q. We don't need to talk about what it means right

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2 now. That's what it says, correct, "his behavior"?

3 A. That's the word used, yes.

4 Q. Well, what definition would you give it, Cardinal?

5 A. I'm talking about in the way he might be seeing  
6 people, that perhaps he should not see them in the context  
7 that is described here.

8 Q. You mean having a hysterical of girl in his office,  
9 shouting that she loved him and his acknowledging that she  
10 had a crush on him, that's the behavior that you're  
11 referring to?

12 A. No. No. I don't know what it's referring to, the  
13 behavior.

14 Q. Okay. Well, the next sentence says that, however,  
15 a month later, Father DeSimone was away on vacation and  
16 returned to learn from his housekeeper and Father Strumia,  
17 S-T-R-U-M-I-A, Pastor emeritus, in residence at Saint

18 ~~Cosmas and Damian, that one afternoon Father Cudemo had~~  
19 taken a young girl to his room for half an hour with the  
20 door closed.

21 That's what it says, correct?

22 A. Yes.

23 Q. And it goes on to detail that this was a different  
24 girl than the girl who had left screaming that she loved  
25 him, right?

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A. Yes.

Q. Okay. So this information was provided to Terrence Monihan from a priest in the Archdiocese of Philadelphia; is that right?

A. (No response.)

Q. According to what this document says?

A. Monihan. I don't know him.

Q. Okay. But I'm saying that the information that was related to Terrence Monihan, that was related to him by a Father Louis DeSimone, correct?

A. Yes.

Q. And presumably, Cardinal, he was a priest within the Archdiocese of Philadelphia; is that right?

A. I presume so.

Q. And presumably, and maybe I'm asking too much, but we can presume that he wasn't lying, correct?

A. I have to presume that.

Q. Okay. And in fact, this Father DeSimone, there's currently a bishop in the Archdiocese of Philadelphia, Bishop Louis DeSimone; is that right?

A. Yes.

Q. Okay. Now, it says that in the second paragraph that Father Cudemo was seen as a result of these incidents; is that correct?



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2 A. You're talking about the bottom now?

3 Q. I'm talking about the second half of the page.

4 Yes.

5 A. Yes.

6 Q. Okay. And he confirmed all of the above facts.

7 That's what it says; is that correct?

8 A. But above he also says that he was innocent.

9 Q. I understand he said he was not misbehaving, but he  
10 was a very outgoing person who girls felt at ease with and  
11 consequently came to him for counseling; is that right?

12 A. Yes, but also says he insisted that it was all  
13 innocent.

14 Q. And he was told at that point in time that he would  
15 have to change his residence; is that right?

16 A. I want to look down where it says that.

17 Q. "I informed him of the necessity of a change of  
18 residence, and he understood."

19 A. Yes.

20 Q. Okay. And he also said he understood that his  
21 behavior might cause scandal and promised that he would be  
22 extremely careful of the way he conducted himself with  
23 girls in the future.

24 That's what it says, correct?

25 A. That's what it says.

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2 Q. Okay. Now, at the time that this document was  
3 written, which is 1969, Father Cudemo, according to his  
4 priest data profile, was in fact assigned as a resident of  
5 Saint Cosmas and Damien; is that right?

6 A. (No response.)

7 Q. According to the priest profile sheet?

8 A. Yes. It would seem that. Yes.

9 Q. Okay. And he was a teacher at Archbishop Kennedy  
10 High School; is that right?

11 A. According to this, yes.

12 Q. Okay. And so at this point in time, to keep track  
13 of what we have, we have allegations that are coming to  
14 the attention of the Archdiocese from a priest within the  
15 Archdiocese of Philadelphia, a pastor within the  
16 Archdiocese of Philadelphia, a parishioner allegedly from  
17 one of the parishes that he's been accused of, and at this  
18 juncture in 1969, he's been a priest for six years; is

19 that right?

20 A. That's what it says.

21 Q. Okay. Now, Cardinal, look at, if you would, grand  
22 jury four forty-two, and you had the opportunity to review  
23 that, and this is dated July 26, 1977; is that right?

24 A. Yes.

25 Q. And at this point in time, based upon this memo and

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2 also the priest data profile, Father Cudemo is on the  
3 faculty of Cardinal Dougherty High School; is that right?

4 A. Yes.

5 Q. And he's a resident of Saint Titus in Norristown?

6 A. Yes.

7 Q. Okay. And this document is authored by Francis J.  
8 Statkus, who's the Chancellor at the time; is that right?

9 A. Yes.

10 Q. Okay. And there's actually a signature of Father  
11 Statkus contained as well as the typewritten signature; is  
12 that right?

13 A. Yes.

14 Q. And Father Statkus was Cardinal Krol's chancellor;  
15 is that correct?

16 A. I . . . yes.

17 Q. Okay. And you obviously had confidence -- I don't  
18 ~~want to say obviously. You had confidence in the people~~  
19 that in the judgment of Cardinal Krol as to who he  
20 surrounded himself with and in terms of his top personnel,  
21 correct?

22 A. Generally, yes.

23 Q. Okay. Now, let's look at the contents of that  
24 document, Cardinal.

25 This document says that there was a woman and her

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1 daughter that came in to speak with Father Statkus with  
2 regard to Father Cudemo; is that right?

3 A. Yes.

4 Q. Okay. And this document details the fact that this  
5 woman's daughter talked about the fact that her best  
6 friend was having sex with Father Cudemo while she was a  
7 high school student; is that right?

8 A. That's what it says.

9 Q. And it says that her friend -- her friend <sup>Emily</sup>  
10 the girl that was allegedly having sex with Father Cudemo,  
11 said that they'd been together since June of 1975; is that  
12 right?

13 A. That's what it says.

14 Q. Paragraph two.

15 A. Yes. I see it.

16 Q. "She stated that her best friend, <sup>Emily</sup> has

~~17 confided in her since as early as June of 1975, that she~~  
~~18 has been associating with Father Cudemo.~~ <sup>Dance</sup> noted  
19 that <sup>Emily</sup> revealed to her at that time that the two were  
20 having sex"?

21 A. That's what it says.

22 Q. Okay. And this would have been at a point in time,  
23 according to this document, when <sup>Emily</sup> was at Cardinal  
24 Dougherty High School, correct?

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2 A. That's what's indicated.

3 Q. So based upon her position within school, she was a  
4 teenager, right?

5 A. I presume so.

6 Q. Okay. And it also talks about the fact that Father  
7 Cudemo and <sup>Emily</sup> and two nieces had gone to Florida for  
8 about thirteen days; is that right?

9 A. That's what it states.

10 Q. Okay. And it also states that <sup>Denise</sup> states  
11 that <sup>Emily</sup> indicated in the past that Father Cudemo may  
12 have associated with other girls from the school,  
13 particularly a junior; is that right?

14 A. That's what it states.

15 Q. Okay. Well, let me ask you. Flip to page two, if  
16 you would, Cardinal, second paragraph.

17 "Both the mother and the daughter" -- and in that  
18 sense, we're referring there to <sup>Emilys mother</sup> and her  
19 daughter <sup>Emily</sup>.

20 "Both <sup>Emily</sup> the mother and the daughter impressed me as  
21 credible. .. noted that she has no reason to  
22 report this matter except that she feels this association  
23 is wrong and that tragedy might result."

24 So that's what it says, correct?

25 A. That's what it says.

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2 Q. And we can presume from that that Monsignor  
3 Statkus, the Chancellor of the Archdiocese of  
4 Philadelphia, who had the opportunity personally to sit  
5 down and speak with these women, he's found them to be  
6 credible, correct?

7 A. That's what it states.

8 Q. That's what it states. Okay.

9 Now, let me ask you, Cardinal. When do you think  
10 that, with this background, Father Cudemo should have been  
11 appointed pastor at King of Peace?

12 A. That's not for me to make a judgment.

13 Q. Well, it is for you to make a judgment, Cardinal,  
14 because you were the one that did it. So let me ask you  
15 this.

16 If this information had been brought to your  
17 attention, would you have made him pastor at King of  
18 Peace?

19 A. I . . . when I look at this, these three documents  
20 here, I see one is anonymous. It has no value at all to  
21 me. The second one, there's no admission. I don't see  
22 anything in the second document here of any kind of  
23 admission of guilt. We're talking civilly and legally  
24 now.

25 Q. Okay. Go ahead. Continue. We'll talk about them

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2 later.

3 A. The third document, we're looking at secondhand  
4 information. We have someone here who won't give the last  
5 name of the person, and I don't see that the original  
6 so-called alleged victim has brought any kind of  
7 allegation against him.

8 Q. So did you have access to this information and  
9 disregarded it as being incredible and not worthy of being  
10 considered when making somebody pastor? Is that what  
11 you're saying, Cardinal?

12 A. I don't recall ever seeing this. I rely on the  
13 recommendations of the Secretary of the Clergy, whoever  
14 was in charge then.

15 Q. Well, let me ask you then. Are they the criteria  
16 that you had conveyed to your Secretary of Clergy in  
17 determining whether or not something was credible in  
18 someone's background?

19 I mean, did you go through a file with them and  
20 say: Well, let's take an example and let's say no, this  
21 is anonymous, so we'll throw this out, or this has these  
22 factors?

23 A. I -- I did not.

24 Q. Is that what you did?

25 A. I trust my staff.

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2 Q. Well, let's talk about your criteria for a second,  
3 Cardinal.

4 Let's go back to the document from 1966. This is  
5 the one that you said has no value because it's anonymous,  
6 correct? Four forty-one.

7 A. It's not anonymous.

8 Q. It's anonymous.

9 A. Right.

10 Q. So you say it has absolutely no value in it; is  
11 that right?

12 A. I see no value in it unless you investigate it.  
13 Unless you investigate it, it's anonymous.

14 Q. Would it have been possible, Cardinal, at that  
15 point in time to go and get the school records for  
16 Lansdale Catholic?

17 A. (No response.)

18 Q. It would have been, correct?

19 It could have been investigated had it chosen to be  
20 investigated; is that fair to say?

21 A. I don't know. I can't judge at this stage, at this  
22 period at that time in 1966.

23 BY MR. SPADE:

24 Q. You don't know whether Lansdale Catholic had school  
25 records in 1966? Is that what you're saying?



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2 A. I'm not saying how the person received this letter.

3 Q. Well, the question was, Cardinal: If a member of  
4 the Chancery office wanted to go and investigate this, for  
5 instance, by getting the school records for Lansdale  
6 Catholic to try to identify who wrote the letter, could  
7 somebody from the Chancery office have obtained school  
8 records? That's the question.

9 A. I mean, a school keeps records.

10 Q. It just calls for a yes or no. Could they have  
11 obtained school records or could they not have?

12 (The witness conferred with his  
13 attorney.)

14 BY MR. SPADE:

15 Q. You've consulted with your counsel now, Cardinal?

16 A. I did, but I'm just going to repeat what I said  
17 before. I gave an answer to your question.

18 Q. I'm sorry. What?

19 A. I gave an answer to your question.

20 BY MS. McCARTNEY:

21 Q. And your answer is what, Cardinal?

22 If the information in this letter had come in and  
23 the allegations are that Father Cudemo is having sex with  
24 a high school student for the past three years and that  
25 the high school student is a junior at Lansdale Catholic,

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2 it would have been possible, would it not, to have gone to  
3 Lansdale Catholic and gotten the school records for the  
4 juniors to separate out from those school records the  
5 girls and to conduct an investigation to see whether or  
6 not the identity of the person could have been determined?

7 I'm asking you if it could have been done,  
8 Cardinal. I'm not asking you whether it was.

9 A. I need to ask a clarification.

10 Q. Okay.

11 A. You're taking this document about a second person  
12 saying she heard that a girl's having sex. You seem to be  
13 connecting with this anonymous one.

14 Q. I'm sorry?

15 A. Are you connecting this with the anonymous letter?

16 Q. No. Cardinal, we're dealing with the letter that  
17 was authored -- it's grand jury four forty-one, April 18,  
18 1966.

19 (The witness conferred with his  
20 attorney.)

21 BY MS. McCARTNEY:

22 Q. And in this letter, and I'll read it: "It is known  
23 among the parishioners of Saint Stanislaus Church,  
24 Lansdale, PA, that one of our young priests, ordained only  
25 a few years ago, has been involved in a love affair."

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2 A. Okay.

3 Q. In paren, "There is no better way to describe it  
4 than this, for the past three years that he has been in  
5 our parish. The name of this priest is Father Cudemo.  
6 The teenage girl is a junior at our Lansdale Catholic High  
7 School."

8 So when this came in, it was possible to at least  
9 attempt to determine the identity of the junior at  
10 Lansdale High School, correct?

11 (The witness conferred with his  
12 attorney.)

13 THE WITNESS: It is possible. Correct.

14 BY MS. MCCARTNEY:

15 Q. Okay. And in this letter it says it is well known  
16 among the parishioners of Saint Stanislaus Church in  
17 Lansdale, so it had been possible to question some of the  
18 parishioners to see whether or not they knew anything.

19 I'm not saying it was done, Cardinal. I'm saying it could  
20 have been. Correct?

21 A. That's always possible.

22 Q. It's always possible, correct?

23 If someone had had the intention to conduct an  
24 investigation, those two things could have been done  
25 relatively easily, correct?

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2 A. I don't know about easily, but it's possible.

3 Q. Okay. So let's talk about the second document that  
4 you would have potentially disregarded because you said  
5 that there was a denial in this, that Father Cudemo had  
6 apparently denied any misconduct on the part of those  
7 girls; is that right?

8 A. He said it was all innocent.

9 Q. But, Cardinal, let me ask you now.

10 You're looking at this case and you're determining  
11 this document, which is written in 1969. You also have  
12 the benefit of the letter from 1966, and all of a sudden,  
13 you have a priest within the Archdiocese of Philadelphia,  
14 who's apparently the pastor, and you have the pastor  
15 emeritus, who were talking about some information with  
16 regard to Father Cudemo. Is that right?

17 A. Yes.

18 ~~Q. And Father Cudemo comes in and he denies it; is~~  
19 ~~that right?~~

20 A. That's what it says there.

21 Q. Okay. But they tell him he's got to be  
22 transferred, correct?

23 A. Excuse me. Excuse me. I didn't hear you.

24 Q. He had to be transferred, right?

25 A. (No response.)

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Q. His residence would have to be transferred?

A. His residence.

Q. Okay. Because apparently his conduct was such that it could have caused scandal, right?

A. That's what it says, states.

Q. Presumably so, right?

A. Yes.

Q. So with regard to this, so you disregard the observations of Father DeSimone and the observations of the pastor emeritus. Father Cudemo says: I didn't do it. Right?

A. Well, that's what it says there.

Q. Okay. Now, let's talk about this third document from 1977.

Now, again, when you get this information that comes in, you already have two previous allegations.

~~Okay. What about this document do you find unworthy of belief?~~

A. I cannot make any judgment. It's secondhand information.

Q. So the fact that the girl herself didn't come in and say she was having an affair with Father Cudemo or she was having sex with Father Cudemo, that's something that would necessitate you to disbelieve it or to call it into

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2 question?

3 A. I cannot make a judgment on this, on this one.

4 Q. You could have if you had wanted to go and speak to  
5 this girl, her identity was known, correct? Not you  
6 personally. I'm saying it could have been done; is that  
7 right?

8 (The witness conferred with his  
9 attorney.)

10 THE WITNESS: There's not even a last  
11 name put here.

12 BY MS. McCARTNEY:

13 Q. I believe it's *Emily's last name*

14 I'm going to show you four forty-three. Have you  
15 seen that document before?

16 A. Not that I recall.

17 (Pause.)

~~18 (The witness conferred with his  
19 attorney.)~~

20 BY MS. McCARTNEY:

21 Q. Have you had the opportunity to review that  
22 document, Cardinal?

23 A. Yes. Yes.

24 Q. Now, with regard to this allegation that comes into  
25 the office of the Chancery in 1977, I just point out for

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 your attention again the fact that the Chancellor at the  
3 time, Francis J. Statkus, found the individuals that were  
4 conveying or the individual that was conveying this  
5 information to be credible. Is that right?

6 A. That's what he says.

7 Q. And Father Cudemo was called in for a meeting with  
8 regard to these allegations; is that right?

9 A. Yes.

10 Q. And in fact, the Chancellery was able to confirm or  
11 to get the name or the last name of the girl that was  
12 spoken about by speaking to another priest; is that right?

13 A. Yes.

14 Q. And the girl was identified as a <sup>Emily</sup>  
15 correct?

16 A. Yes.

17 Q. And Father Cudemo denied that there was any sexual  
~~18 overtones, but he does admit that he visited her at~~  
19 Bloomsburg, that he and she had in fact stayed overnight  
20 together, correct?

21 A. Separate places.

22 Q. Separate places; is that right?

23 A. Yes.

24 Q. Okay. That she would visit him at Saint Titus  
25 Rectory, correct?

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1  
2 A. Yes.

3 Q. All right. And he also tells again that -- I want  
4 to make sure I have it correct -- that the girl was  
5 attracted to him, but he would not encourage her, and yet  
6 he continue the friendship; is that right?

7 A. That's what it says.

8 Q. So this is just another girl that has a crush on  
9 him, according to this document, correct?

10 A. That's what it says.

11 Q. Okay. And he was told that this is the third time  
12 that he's been called down to the Chancery office with the  
13 same types of allegations; is that right?

14 A. That's what it says.

15 Q. Okay. And that he would have to be switched from  
16 school work at that point, is that right, and put into a  
17 parish?

~~18 A. That's what it states.~~

19 Q. Okay. So, Cardinal, if you had had the benefit of  
20 this information available to you, the denials on the part  
21 of Father Cudemo, the sources of information, the number  
22 of allegations that were part of his file at the time,  
23 would you have made him pastor at King of Peace?

24 Do you think that he fulfilled the requirements  
25 that you thought were appropriate for pastor -- prudent,



## ANTHONY JOSEPH CARDINAL BEVILACQUA

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piety, compassion, humanity?

Do you think that he filled those requirements, or would you have some questions?

A. I do have questions. I want -- I have a question to you.

Q. Okay.

A. Not about this.

Q. Not about Father Cudemo?

A. No. I have to say here that this goes back to 1977.

Q. Yes.

A. He is not appointed pastor until twelve years later. You know, a priest -- I'm talking in abstract. A priest can reform. A priest can -- even if there is -- I'm not stating anything about Father Cudemo here.

Q. Yes.

~~A. But even if you have certain suspicions, remember~~  
here he states that he would obey without any reservation the Chancery's directive. He will do anything he is told to do.

Taking this at this time, what follow up there was I don't know. I don't know whether he made an attempt, you know, to be more prudent, because he's not admitting any kind of sexual action.

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2 What he is admitting is indiscretions, perhaps  
3 imprudence. It's only twelve years later that he is  
4 considered to be a pastor.

5 It's very possible that the Secretary for the  
6 Clergy saw all of this. I don't know. He should go into  
7 the secret archives before a candidate is presented, and I  
8 can't be the one who judges what has happened in those  
9 twelve years, that they felt that this would not militate  
10 against him being a candidate for pastorate.

11 Q. Cardinal, you said you can't judge, but you are the  
12 one that makes the appointments within the Archdiocese,  
13 correct? It's absolutely within your authority?

14 A. That's right. It's my --

15 Q. Let me ask you.

16 A. Sorry.

17 Q. If in fact the Secretary of Clergy had looked at  
18 ~~Father Cudemo's file, saw those reports in there, thought~~  
19 about it and made the decision that he would still be an  
20 appropriate candidate, would you not have wanted the  
21 benefit of that information?

22 Do you not think that that was important for you to  
23 have before you signed your name on a piece of paper  
24 authorizing Father Cudemo to become a pastor?

25 A. I don't recall this information first of all being

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2 given to me. I rely on the Secretary for the Clergy and  
3 the Secretary -- and the Board, the Personnel Board. I  
4 don't recall when this was discussed, whether this even  
5 came up.

6 Q. Well, let me ask you if the Secretary of Clergy --

7 A. I say I don't know what happened -- forgive me. I  
8 just want to finish.

9 Q. Okay. That's fine.

10 A. What happened in those twelve years between the  
11 last of the memoranda and his being considered in 1989 as  
12 a pastor.

13 Q. But what we do know is that there are at least  
14 allegations that Father Cudemo had engaged in --  
15 allegations that Father Cudemo had engaged in sexual  
16 activity with minors on two occasions with two different  
17 minors, correct?

---

18 A. Well, wait a minute.

19 Q. Because the second --

20 A. First of all, we have this *Denise*, they mention  
21 having sex, but I don't see anything corroborated by the  
22 girl herself.

23 Q. Cardinal, no one spoke to the girl herself. No one  
24 in the Chancellor's office tried to speak with *Emily*

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I know, but she could have come forth, too.

3 Q. Cardinal, you are aware of the fact that it's  
4 extremely difficult for teenagers who have been the  
5 victims of sexual abuse to come forward and talk about  
6 that abuse themselves until decades later. You're aware  
7 of the research in regard to that issue, correct?

8 A. Yes. I know that.

9 Q. Okay. So --

10 A. But at the same time, at the same time, you know,  
11 legally, how much credibility do we give to secondhand  
12 information, secondhand allegations?

13 Q. Okay. I mean, that's your answer. That's fine.

14 So if an allegation comes in that's secondhand,  
15 that already gets a lower level of credibility?

16 I mean, I'm just asking you, Cardinal. If that's  
17 the way that it's viewed, then please say so. Correct?

18 A. I have to say yes.

19 Q. So if I come in -- I mean, as a hypothetical, if I  
20 come in and I say my friend -- and I'm seventeen, and I  
21 say my friend, who's also seventeen, has been having sex  
22 with an archdiocesan priest for the past three years and I  
23 just think you should know about it and then I walk away,  
24 that that's something that, based upon your criteria,  
25 should be given, you know, should be -- the level of

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2 credibility goes down at that point because it's me that  
3 makes the complaint and not the individual themselves?

4 That's what you're saying, correct?

5 A. I have to say that that has low credibility than  
6 the person who is the accuser comes in, the one who feels  
7 she is the victim.

8 Q. It has less credibility?

9 A. I say the secondhand information legally has less  
10 credibility than the person herself coming in.

11 Q. Okay.

12 A. But I'm not saying that the -- that if a secondhand  
13 comes in, I'm not saying that that should not be  
14 investigated.

15 Q. But a sufficient investigation based upon what  
16 we're talking about in this regard would be to call the  
17 particular priest in, say there's an accusation that  
18 ~~you've been having sex with a teenager for the past three~~  
19 years, the priest says no, that's not true, I didn't do  
20 it, and that would be sufficient under your standards for  
21 an investigation and a completion of that file; is that  
22 right?

23 A. I did not say that.

24 Q. Well, that's what happened in this particular case,  
25 Cardinal.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I don't see that.

3 Q. Well, tell me what you would do. I understand  
4 those circumstances.

5 What did you direct your Secretary of Clergy to do  
6 in conducting an investigation, assuming that that was the  
7 way that the complaint came to the Archdiocese' attention?

8 A. If an allegation comes in today, it is to be given  
9 a thorough investigation. I don't know whether or not  
10 Father Statkus investigated any further.

11 Q. Well, based upon what you indicated, and if I'm  
12 wrong, Cardinal, I want you to please correct me, but  
13 based upon what you indicated, this particular complaint  
14 where the allegation comes from a best friend of someone  
15 who allegedly says that her best friend is having sex with  
16 an archdiocesan priest for the past three years that began  
17 while she was a high school student, so automatically that  
18 gets a second level of credibility right there.

19 You then call in the priest, which Father Statkus  
20 apparently did. The priest says; I didn't do it. I know  
21 I've been called down here three times in the past. Yes,  
22 we are friends, and yes, she does have a crush on me.

23 I'm aware of the fact that I have to be switched  
24 out of working in high schools because of my past, and I'm  
25 okay with that, and I'll do whatever you tell me to do,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that at that point in time, based upon then that's what  
3 happened in this particular case, that that's sufficient  
4 to put you at ease that that case is now closed; is that  
5 right?

6 A. I did not say that.

7 Q. Well, what else should have been done?

8 A. I said this is what evidence is being presented to  
9 me today.

10 Q. I understand that.

11 A. I don't know what Father Statkus did or what he  
12 tried to do and possibly couldn't do. Maybe he did  
13 attempt to --

14 BY MR. SPADE:

15 Q. But you're confident that your Secretary of Clergy  
16 at the time in 1989 that you approved the recommendation  
17 to appoint Father Cudemo as pastor, you're confident that  
~~18 your Secretary of Clergy at that time would have gone back~~  
19 to research the file to make sure that Father Statkus had  
20 indeed investigated these allegations so that he, Father  
21 Jagodzinski, was confident that these allegations were in  
22 fact incredible, right?

23 A. I can't . . .

24 Q. You're confident that Father Jagodzinski would have  
25 done that, right?

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. I'm just saying that if he saw this information, if  
3 this is all that was available -- you know, I don't know  
4 what his judgment, his recommendation at the time, you  
5 know, was possibly based on this and perhaps other  
6 information that I'm not aware of.

7 BY MS. McCARTNEY:

8 Q. Well, let me ask you this, Cardinal. Let's assume  
9 that Father Jagodzinski went back to the secret archive  
10 file, saw these allegations, went through the same  
11 analysis that you did in front of this grand jury, that  
12 the first one is anonymous, so we can't say that, the  
13 second one, there's a denial on the part of the Father  
14 Cudemo, the third one the girl herself didn't come forward  
15 and there's also a denial on the part of Father Cudemo,  
16 and there's a passage of twelve years. Okay?

17 You're comfortable with him going through that  
~~18 analysis and coming to that decision; is that right?~~

19 A. I can't . . . I can't speak for Father Jagodzinski.

20 Q. I'm asking you if that's what he did, and he made  
21 the decision that Father Cudemo was a fine candidate to  
22 put up for a pastorship. You're fine with that analysis  
23 and that --

24 A. This is not the only thing he would limit himself  
25 to. He may have seen perhaps there was nothing in the



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 past twelve -- the last twelve years after these  
3 allegations.

4 Q. Well, let's say that there's no further  
5 allegations. You're okay with the analysis that if Father  
6 Jagodzinski went through that analysis with regard to  
7 these individuals, with regard to these three complaints  
8 in Father Cudemo's past -- let me just ask you this.

9 If that's what Father Jagodzinski did and he was  
10 fine like to put him up for a pastorship, even with this  
11 in his background, because of the analysis that I just  
12 went through with you, did you consider that to be  
13 appropriate work on the part of your Secretary of Clergy?

14 A. I'm just saying that I presume that Father  
15 Jagodzinski, you know, had good reasons for recommending  
16 Father Cudemo.

17 Q. And I appreciate that answer, Cardinal, but that  
18 does not answer my question.

19 (The witness conferred with his  
20 attorney.)

21 BY MS. McCARTNEY:

22 Q. My question to you is: With regard to the  
23 allegations, with regard to the contents of Father  
24 Cudemo's secret archive file, if Father Jagodzinski  
25 evaluated those three complaints the way that you did in

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 front of this grand jury, you would consider that  
3 appropriate, correct?

4 A. I'm going to repeat my answer.

5 Q. All right.

6 A. I believe Father Jagodzinski had good reasons for  
7 recommending him as pastor of King of Peace.

8 Q. And I'm not asking you anything about what other  
9 reasons Father Jagodzinski had. I'm asking you to focus  
10 because this is what this grand jury investigation is  
11 about.

12 If Father Jagodzinski went through and made the  
13 same evaluation that you did with regard to the  
14 credibility and the severity of the allegations in Father  
15 Cudemo's background and thought that it was okay for him  
16 to be put on the table as a pastor, you're okay with him  
17 going through that analysis and using that judgment; is  
18 that right?

19 A. You're asking again a contingent question on if.  
20 I'm not going to judge what Father Jagodzinski would have  
21 concluded.

22 Q. Well, did you have any discussions with Father  
23 Jagodzinski about that?

24 A. I don't recall any.

25 Q. Okay. So, Cardinal, you make Father Cudemo pastor,

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 is that right, of King of Peace in 1989?

3 A. I appointed him.

4 Q. You appointed him pastor, and then in 1991, Father  
5 Cudemo is made pastor of Saint Callistus; is that right?

6 A. That's what it states there.

7 Q. In June of 1991, and correct me if I'm wrong, but  
8 Saint Callistus in 1991 had a school associated with it;  
9 is that right?

10 A. If you say so. I am not acquainted with all the  
11 parishes now that have schools.

12 Q. Okay. And the effective date of his becoming a  
13 pastor -- an individual priest is told that they will have  
14 a change of assignment prior to their actually taking  
15 over; is that right?

16 A. Yes.

17 Q. Okay. And when are the assignments actually made?  
18 Do you know?

19 A. Well, it states there generally they're made in  
20 June.

21 Q. Okay. That's when they actually assume their role,  
22 or is that when they are told of it?

23 A. That's generally the date there, is generally when  
24 they assume their role.

25 Q. Okay. So they're told of it sometime previous to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 that; is that right?

3 A. Yes.

4 Q. Now, in 1991, specifically June 7 of 1991 or, I'm  
5 sorry, June 4 of 1991, some information comes to your  
6 Secretary of the Clergy, John Jagodzinski, with regard to  
7 Father Cudemo.

8 Were you familiar with those allegations brought by  
9 a <sup>Marion</sup> [REDACTED]?

10 A. I can't recall it right now.

11 Q. The allegations, Cardinal, in a nutshell were that  
12 she was having sex with Father Cudemo since she was a high  
13 school student and that that affair with him or that sex  
14 with him continued up until 1991, at which point in time  
15 she was involved with him to the extent that they co-owned  
16 a house together in Florida.

17 Were you aware of that?

18 A. I can't recall that.

19 Q. Would you agree with me, Cardinal, that information  
20 with regard to your priest, one of your priests, having  
21 sex with high school students and co-owning a house with a  
22 woman, that's fairly significant; that doesn't happen  
23 every day, right?

24 A. No.

25 Q. And that doesn't stick out in your mind at all?

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2 A. I can't recall it.

3 Q. Okay. Let me show a show you a document. Grand  
4 jury four forty-four.

5 (Pause.)

6 MS. McCARTNEY: You know, it's now  
7 twelve eighteen. We're going to break for lunch  
8 till quarter of two.

9 MR. GALLAGHER: Make it two.

10 MS. McCARTNEY: Till two o'clock  
11 Cardinal, I'm going to provide you  
12 with the next five documents that I expect to  
13 be asking you questions about so you can have  
14 the benefit of reading them at your leisure.  
15 Okay.

16 MR. GALLAGHER: Four forty-five, four  
17 forty-six, four forty-four, ten ninety, and four  
18 forty-seven.

19 Two o'clock. Okay.

20 (A luncheon recess was held.)

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ANTHONY JOSEPH CARDINAL BEVILACQUA

AFTERNOON SESSION

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MR. GALLAGHER: All right. May the record reflect it's now two o'clock. We're reconvening.

[Redacted text block covering lines 7 through 19]

(No response.)

[Redacted text block covering lines 21 through 25]

ANTHONY JOSEPH CARDINAL BEVILACQUA

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1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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(Pause.)

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MR. GALLAGHER: May the record reflect at 2:05 P.M. I informed the witness that we're ready to proceed and he and the attorney said they needed two more minutes to go over some of the documents that we gave them at twelve eighteen when we broke.

(Pause.)

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

MS. McCARTNEY: Okay. We're back on the record again. It's December 5. The time is now two twelve. We have sixteen regular -- I'm sorry. Go ahead.

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MS. McCARTNEY: Which constitutes a quorum.

BY MS. McCARTNEY:

Q. Good afternoon, Cardinal.

A. Good afternoon.

## ANTHONY JOSEPH CARDINAL BEVILACQUA

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Q. Before we broke for lunch, I had provided you with some documents that were going to be discussed next.

Did you have the opportunity to review them?

A. Forgive me. I'm not that -- the last document, I haven't read the last two and a half pages.

Q. Well, we'll just go with what we have then.

A. Okay.

Q. Let's talk first about when we ended. We were talking about the fact that <sup>Marion</sup> [REDACTED] had come to the Archdiocese, specifically to the Secretary of Clergy, and brought forth some allegations related to Father Cudemo.

Do you recall those allegations being brought to your attention, Cardinal?

A. I do not.

Q. Okay.

~~A. Just in general. As far as -- let me say this.~~

Not specifically, but I recall for a period of time that every once in a while Monsignor Cullen discussed the situation of Father Nick Cudemo, that there were allegations.

Q. Let me ask you this, Cardinal, and then we'll do it generally.

First, what is your recollection of the situation

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 involving Father Cudemo?

2 A. From that time it was that he was being accused by  
3 certain people, particularly relatives of his, of  
4 inappropriate behavior, and that when confronted, Father  
5 Nick Cudemo would generally deny them and -- but we were  
6 trying to investigate the allegations, I remember that,  
7 and then asked him to go for evaluation, which he did.

8 As far as we know, that he -- and then he took him  
9 out of -- we -- I know we were going to remove him from  
10 the parish. Then he had an accident, I remember that,  
11 with a bus, I think it was; and then eventually he  
12 resigned years later, though he did not function as pastor  
13 while he was officially a pastor until '96.

14 It was from -- I think it was '91 on he did not --  
15 he was on a leave of absence. Those are some of the  
16 general memories that I have about him.

---

17 Q. Do you have a memory of the case of Father Cudemo  
18 being serious in the Archdiocese of Philadelphia?

19 A. Of being?

20 Q. Serious. The allegations that were brought forth  
21 upon him and his reaction to those allegations and his  
22 responses to directives by you, do you recall there being  
23 discussions about that and the serious nature of them?

24 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Do you recall what happened with Father Cudemo  
3 subsequent to his resigning his pastorship at Saint  
4 Callistus?

5 A. I just recall he went to, I think, live with one of  
6 his relatives. I think his sister. I'm not positive.

7 Q. Do you recall what the diagnoses were for Father  
8 Cudemo when he was evaluated at Saint Luke's and Saint  
9 John's?

10 A. No.

11 Q. Do you recall that he was diagnosed as a pedophile?

12 A. No.

13 Q. Well, let's talk then in specifics if we may.

14 With regard to the allegations brought forth by  
15 [REDACTED], and if you could refer to grand jury  
16 four forty-four, this is the document which relates to --

17 A. If you give me a moment.

18 Q. Sure.

19 (Pause.)

20 This is a document that is to Monsignor or Reverend  
21 James Molloy from Father Jagodzinski regarding Nick  
22 Cudemo, and the date of it is June 7, 1991, and it relates  
23 a conversation that Father Jagodzinski had with [REDACTED]  
24 [REDACTED] when she came to see him.

25 And she initially said that she came out of concern

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 for Father Cudemo because he was about to assume  
3 responsibility of a parish that was much larger than the  
4 one he had previously been assigned to and that he was in  
5 the hospital being tested for heart disease.

6 And then <sup>Marion</sup> [REDACTED] goes on to describe for  
7 Father Jagodzinski what her relationship with Father  
8 Cudemo was, and specifically she talks about the fact that  
9 she's known him for fifteen years.

10 She's now thirty-one years old, and she's known him  
11 since she was a student at Cardinal Dougherty High School,  
12 and she talks about the fact that she's been in a  
13 relationship with him during that period of time, and the  
14 relationship, that they were so deeply involved with one  
15 another, that they were co-owners of a house in Florida  
16 since the Memorial Day weekend of 1989.

17 She told Father Jagodzinski that Father Cudemo had  
18 told her with regard to this relationship that, quote,  
19 everybody downtown, end quote, knows about his friendship  
20 with <sup>Marion</sup> [REDACTED] and that someone downtown even told him  
21 how important it is to have female friends and companions.

22 That's a summary of what it is that <sup>Marion</sup> [REDACTED]  
23 [REDACTED] told Father Jagodzinski; is that right?

24 A. Yes.

25 Q. And based upon the information that she gave to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Father Jagodzinski, he writes some personal reactions to  
3 this information; is that right?

4 A. Yes.

5 Q. And one of them, the first one that he writes, it  
6 says: <sup>Marion</sup> [REDACTED] did not appear to be motivated by  
7 anger or hostility or by any apparent determination to  
8 hurt Father Cudemo. My impression is that she was  
9 speaking out of concern for him because she is convinced  
10 that he is in a very poor emotional state."

11 Then he goes on to write: <sup>Marion's</sup> [REDACTED] s story is,  
12 in my estimation, largely believable. Her assessment of  
13 Father Cudemo's present emotional state, I believe, is  
14 fairly accurate."

15 He again then goes on to say that he believes that  
16 Father Cudemo should be evaluated in Villa Saint John  
17 Vianney Hospital and that it seems inadvisable that he  
18 assume his new pastorate.

19 Now, Cardinal, that's what the memo relates; is  
20 that right?

21 A. Well, he put a condition on that.

22 Q. What's the condition?

23 A. You know, he shouldn't be assigned if Father Cudemo  
24 admits to what has been told.

25 Q. I'll read it so that everything can be seen in



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2 context.

3 "I think that if Father Cudemo were confronted with  
4 <sup>Manon's</sup> [REDACTED]ry," in parentheses, "she gave full  
5 approval to her being identified as the source," end  
6 paren, "he would not dispute it. In that event it seems  
7 very inadvisable that he assume his new pastorate.  
8 Perhaps he could be referred to the Anodos Center for  
9 evaluation and be given time to reflect on his present and  
10 future ministry. Perhaps some time at Villa Saint John  
11 Vianney Hospital is in order if Father Cudemo admits to  
12 what has been told"; and then he goes on further to say  
13 that he can offer some personal insight into this  
14 situation because of his very long association with Nick,  
15 and he says that they were high school classmates.

16 Now, Cardinal, there's nothing in the file provided  
17 for -- well, let me ask you this question first.

18 ~~Basically, I read that correctly into the record,~~  
19 right, based upon this document, what it says?

20 A. What you read?

21 Q. Correct.

22 A. Yes.

23 Q. And Father Jagodzinski was somebody that -- at the  
24 time that this memo was written, he was your Secretary of  
25 Clergy, correct?

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1  
2 A. Yes.

3 Q. And Father Molloy was the your Assistant Vicar,  
4 correct?

5 A. Yes.

6 Q. Okay. Now, and you've told us previously on  
7 numerous occasions in this grand jury proceeding that you  
8 had full faith and confidence in the judgment of your  
9 Secretary of Clergy, correct?

10 A. Yes.

11 Q. And also of the people that you put in top  
12 administrative positions, and Father Molloy would be one  
13 of those individuals, correct?

14 A. Yes.

15 Q. Now, Cardinal, can you tell us in light of those  
16 questions why it is that Father Cudemo was, based upon the  
17 secret archive file, never questioned about the situation  
18 with <sup>Marion</sup> [REDACTED]?

19 A. You'd have to ask I think Father Molloy or Father  
20 Jagodzinski. I don't understand -- I mean, eventually  
21 they reacted -- I presume they were investigating. I  
22 presume that they were trying to get more concrete  
23 evidence of what happened.

24 Q. Well, what kind of concrete evidence was needed,  
25 Cardinal?

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2 some kind of psychological evaluation. That could have  
3 been part of their strategy, but I mean, it doesn't state  
4 that here, what they were going to do.

5 Q. And I'll tell you what they did, Cardinal, or I  
6 mean -- well, any decision that's made with regard to  
7 removing a priest or taking any punitive action against a  
8 priest, that has to come through you, correct?

9 A. Yes. It would have to, because there's a process.

10 Q. And any priest that is told or it's requested that  
11 they go for treatment at a facility, you would have to  
12 approve that as well, correct?

13 A. Yes. Because you cannot mandate it.

14 Q. Okay. And so if there was a request on the part of  
15 Father Molloy or Father Lynn to have Father Cudemo  
16 evaluated, a psychological evaluation conducted on him,  
17 that would have had to have been approved by you, correct?

~~18 A. Ordinarily, yes.~~

19 Q. And so in order for that to have happened, you  
20 would have had to have been fully aware of the situation  
21 because they would have want you to have all the facts  
22 before you made that decision, correct?

23 A. They wouldn't necessarily tell me everything. They  
24 would summarize the reasons for the recommendation.

25 Q. And what do you recall what the reasons for the

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1  
2 recommendation were in this particular case?

3 A. I can't recall them. I can just surmise them.

4 Q. What would that be?

5 A. You know, based on what I've read here, that the  
6 interview showed that their allegation -- there are  
7 allegations that were made that seemed to be probable and  
8 that also that seemed to be certainly admitting violation  
9 of boundaries, and some of those I think were serious  
10 violations, that it was -- that he was acting imprudently,  
11 that he was worthy -- I mean, that he deserved to have an  
12 evaluation, a psychological evaluation, and to see what  
13 came out of it, because I think they probably also in the  
14 previous memo felt the same as I did, that his responses  
15 of denial were evasive.

16 So I'm presuming that they were investigating at  
17 this time, but I -- I don't recall. But I'm sure that  
~~18 they were taking action.~~

19 Q. The action that was taken, Cardinal, was that they  
20 scheduled a psychological evaluation for Father Cudemo  
21 that was scheduled on December 1 and that he was going to  
22 report back then for evaluation. Okay. Will you accept  
23 my --

24 A. Yes.

25 Q. -- my telling you that that's what the file

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2 reflects?

3 A. Yes. I accept that.

4 Q. Okay. And let me ask you then.

5 With the severity of the allegations that are  
6 brought to the attention of the Archdiocese, with the  
7 absurdity of some of the denials on the part of Father  
8 Cudemo, with the prominence of his position as a pastor,  
9 do you think it was prudent to allow him to remain in  
10 residence as pastor of Saint Callistus from September 28  
11 to December 1?

12 A. It would be very hard from a canonical point of  
13 view to remove him. He would have -- he has his rights,  
14 and if we tried to remove him, he could bring action.

15 Q. And what would that action be? That would be some  
16 action against the Archdiocese of Philadelphia?

17 A. He could bring -- theoretically, he could bring  
~~18 action. If I made a decision to remove him, I would have~~  
19 to go through a process. If I issued a decree, he could  
20 appeal that.

21 Q. In the ordinary course of things, Cardinal, given  
22 the fact that you're the Cardinal and the priests work for  
23 you, and they obviously respect you, it has been your  
24 experience that when you tell a priest you should do this,  
25 that more often than not they actually comply with your

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2 request, correct?

3 A. Not always, but most do.

4 Q. And because priests are trained that with regard to  
5 obedience, and particularly obedience to a Cardinal; is  
6 that right?

7 A. Thank you.

8 Q. Is that right?

9 A. Well, they would ordinarily respect the directive  
10 of a bishop.

11 Q. So even if there was no formal process in place to  
12 remove Father Cudemo from residence and acting as pastor  
13 of Saint Callistus, did you ever consider the possibility  
14 of saying to him, calling him in and sitting him down and  
15 saying: We have an evaluation set up in December. It's  
16 best that you not continue at Saint Callistus until we can  
17 get that done?

~~18 A. I have to say that again I rely on my Secretary for~~  
19 the Clergy, that he would make that recommendation.

20 Q. But, Cardinal, again, this information was brought  
21 to your attention, and you certainly have the ability to  
22 override anything that your Secretary of Clergy says?

23 A. I do not recall that all this specific information  
24 was sent to me.

25 Q. But when you say you don't recall that the specific

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1  
2 information was sent to you, then can you explain to me  
3 how it is that you think that your Secretary of Clergy was  
4 competent, if he didn't give you the seriousness of this  
5 situation?

6 A. He still remained very competent. You don't have  
7 to send all the details up to the bishop. I mean, I --  
8 you know . . .

9 Q. We're not talking, Cardinal, about a roof leaking  
10 on a parish gym.

11 A. I know about that.

12 Q. We're talking about an allegation now that dates  
13 back to 1966, where you have a priest operating in the  
14 Archdiocese of Philadelphia that has been accused with at  
15 least eight people that come to my mind at this point,  
16 documented proof or documented allegations.

17 A. Documented allegations, please.

~~18 Q. Allegations of having sex with teenage girls that~~  
19 number -- there's eight of them. I mean, you don't think  
20 that that's something that is significant enough to give  
21 you the full story on, and if not, how can you say that  
22 your Secretary of Clergy was competent?

23 A. They were competent, and I -- you would have to ask  
24 them what reasons they had for not requesting that he be  
25 removed immediately from an administrative point of view

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1  
2 or requesting that at least. They must have had good  
3 reasons for that.

4 Q. Whatever their reasons were, you had the authority  
5 and the ability to take action on your own, correct?

6 A. That doesn't mean -- you're saying I'm aware of all  
7 of this. I -- I mean, I don't know. I don't recall any  
8 of this.

9 Q. You don't recall any information --

10 A. I just have the general information that Bishop --  
11 that Monsignor Cullen gave me about Father Cudemo, but I  
12 don't recall all these details. I don't even know if  
13 these memos were sent to me.

14 Q. Well, when you say details, I mean, are you talking  
15 about -- I mean, we're talking about sex with children. I  
16 mean, you don't --

17 A. But they -- I have to say that they made a judgment  
18 ~~and I don't know -- they were investigating, I'm~~  
19 presuming, in preparation for the evaluation and to  
20 make -- and to get him to be evaluated and perhaps in  
21 their minds was trying to get enough information in order  
22 to ask him to resign. That's all. That could have been  
23 part of their strategy.

24 BY MR. SPADE:

25 Q. Cardinal, you said that the reason that you didn't



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1  
2 take Father Cudemo or that your Secretary for Clergy  
3 didn't take Father Cudemo out of Saint Callistus on  
4 October 3, when this information came to light, and he was  
5 kept in there until the beginning of December, one of the  
6 reasons was that the Archdiocese had a canonical duty to  
7 Father Cudemo to respect his rights; is that correct?

8 A. We always have to respect the rights of everyone.

9 Q. Right. Would you agree that the Archdiocese, you  
10 and the people that work for you, also had a duty to the  
11 children and the teenagers at Saint Callistus to not put a  
12 priest into their midst that was going to harm them  
13 sexually, abuse them sexually?

14 A. I just mentioned before. We must respect the  
15 rights of everyone and particularly the safety of  
16 children.

17 Q. Right. Would you agree with that your Secretary of  
~~18 Clergy at that point in 1991 was aware of that duty to the~~  
19 children of Saint Callistus?

20 A. I'm sure he was.

21 Q. And do you know, as his superior, how if at all the  
22 Secretary for Clergy balanced the duty that he had and  
23 that the Archdiocese had towards Father Cudemo in terms of  
24 his canonical rights with the duty that the Archdiocese  
25 had towards the children of Saint Callistus?

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2 A. You would have to ask him how he balanced it.

3 Q. Okay. Looking back on it now, how would you  
4 balance it?

5 A. You're asking me to look back now?

6 Q. Yes.

7 A. That's different. That's different from --

8 Q. Well, but you have the information now. Would he  
9 have gone over the information with you?

10 Who did you have more of a duty to? What was the  
11 higher duty? To the children or to the priest?

12 A. It has always been in general that the highest  
13 priority goes to the children.

14 Q. Okay.

15 MR. SPADE: That's all.

16 MR. GALLAGHER: Let me ask him a couple  
17 questions, Maureen.

~~18 MS. MCCARTNEY: Go ahead.~~

19 BY MR. GALLAGHER:

20 Q. Cardinal, at the end of the October 2 grand jury  
21 four forty-six, Father Lynn and Malloy told Father Cudemo  
22 that he wasn't going to be -- there were no plans to  
23 remove him from the parish, but he did agree at that  
24 point, Father Cudemo, that he was willing to be evaluated  
25 at Saint Luke's.

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2 Is that a correct summary at the end of that memo?

3 A. I see that it says here, "I painted several," that  
4 no one was asking him to resign; is that the sentence?

5 Q. Right.

6 A. Yes. Where does it say about Saint Luke's? I'm  
7 not . . .

8 (Pause.)

9 I know someplace he said he was willing to be  
10 evaluated. I don't see where it speaks . . .

11 BY MS. MCCARTNEY:

12 Q. It reads on page twenty-eight, Cardinal, "I asked  
13 him" --

14 MR. GALLAGHER: The page before.

15 BY MS. MCCARTNEY:

16 Q. "I asked him if he were willing to be tested and  
17 have an evaluation. He said that he was willing and that  
~~18 I had offered that last year. I stated that in this case~~  
19 it would be good to have because the allegations were very  
20 specific. I then explained the nature of the evaluation  
21 at Saint Luke's Institute."

22 A. I see that.

23 BY MR. GALLAGHER:

24 Q. So at this point, your two point men on this, Lynn  
25 and Molloy, okay, they have serious allegations from eight

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1 people in the file. They've confronted Cudemo with that.  
2 Cudemo has agreed to be evaluated. Molloy and Lynn and  
3 now you agree that his denials were evasive. We have all  
4 those factors.  
5

6 The question is: Why wasn't he removed from being  
7 the pastor on October 2?

8 A. You would have to ask the Secretary for the Clergy  
9 for that, for that explanation.

10 Q. Okay. Now, what I want to know from you, Cardinal,  
11 is -- we're not going to ask them that because they're not  
12 here today.

13 What I'm asking you is: If you had known all that  
14 stuff at that point, all those facts, would you have  
15 directed him to be removed from the parish?

16 A. I cannot answer that question.

17 Q. Why can't you answer it?

~~18 A. It's contingent. I don't know -- because I don't~~  
19 know what they would -- I would have asked them.

20 Q. Well, you got a guy --

21 A. I do not know why they did not make that  
22 recommendation. They must have had good reasons for not  
23 saying -- for saying that he should not be resigning at  
24 that time.

25 Q. Well, do you think that anything they would have

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2 said would have been a good reason?

3 I mean, here's a guy that has eight allegations  
4 against him. They agree that they're credible. They  
5 asked him about it. He's evasive, and then he agrees to  
6 go for treatment. Okay. And then they recommend to you  
7 if that's what happened, that he stay there.

8 What would you have said to them?

9 A. I don't know if they tried immediately to get him  
10 to make an appointment for Saint Luke's.

11 Q. Well, forget about what they tried to do. He  
12 already said, "I'll go," didn't he? Didn't he?

13 Doesn't it say, "I'll go"? "I'll go and get the  
14 evaluation"? I'm talking about Cudemo. Cudemo agreed to  
15 go?

16 A. Yes.

17 Q. Okay. Why do you think it was competent on their  
18 ~~part to recommend to you that he stay in that parish?~~

19 A. I cannot explain their reasons. They -- I must  
20 presume that they had reasons for not asking for his  
21 resignation immediately or asking for removal.

22 Q. Okay. Accepting all those things, do you think  
23 that the fact that they didn't recommend to you at that  
24 point that he get out of the parish, do you think that's  
25 competence on their part?

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2 A. I'm going to repeat. I don't -- they must have had  
3 good reasons for not making the recommendation that he be  
4 removed immediately.

5 Q. Can you remember what the reasons were?

6 A. No.

7 Q. Okay.

8 BY MS. McCARTNEY:

9 Q. Well, let me ask you this, Cardinal.

10 If you look at the document that I marked as grand  
11 jury four forty-six, page twenty-nine -- this is after  
12 he's told Monsignor Lynn and -- or Father Molloy and  
13 Father Lynn that he may have lain on top of girls nude and  
14 all the other denials that he put forward.

15 It says: "As he was leaving, Father Cudemo asked  
16 if the Archbishop was moving to have him removed from the  
17 parish. I explained that there is no plan afoot for such  
18 a thing and that kind of talk is premature. I stated that  
19 the evaluation would be done and the evaluation and  
20 recommendations sent to the Archbishop. Only at that  
21 point would decisions about the future be made."

22 Now, do you see where I'm reading from?

23 A. Page twenty-nine?

24 Q. Page twenty-nine, the second to last paragraph.

25 (The witness conferred with his

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2 attorney.)

3 THE WITNESS: I see it. Forgive me.

4 BY MS. MCCARTNEY:

5 Q. So your subordinates specifically tell Father  
6 Cudemo that you have had no plan to have him removed from  
7 the parish at that point in time and that an evaluation  
8 would be done and then decisions would be made?

9 A. Well, it explains it. It's in the abstract.

10 Explained there is no plan afoot for such a thing.

11 Doesn't necessarily mean that --

12 Q. Well, that's not in the abstract. We're talking --

13 A. No, what I'm saying. It doesn't mean necessarily  
14 that it was brought to my attention and I said do not ask  
15 him to resign.

16 Q. But based upon that paragraph and that phrasing in  
17 there, Cardinal, would you agree we that they're basically  
18 ~~saying that we're not going to do anything with you until~~  
19 we get that evaluation done?

20 A. That's what it says, yes.

21 Q. And let me ask you again. Do you think that now,  
22 with that added fact, given the facts that we've had thus  
23 far in the Cudemo file, do you think that was competent on  
24 their part?

25 A. I have to say that I must accept that they had

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1 reasons for their . . .

2  
3 Q. Their reasons are right there in that paragraph,  
4 Cardinal, correct -- wait. Let me finish, and then I  
5 promise I'll give you the opportunity.

6 Their reasons are right there that they're going to  
7 get an evaluation done and then once the evaluation comes  
8 back, then recommendations will be made. That's what  
9 their offering as their explanation for the actions that  
10 they're taking.

11 Do you think that that's competent?

12 A. At that time I would have to say that they were  
13 acting with competency.'

14 BY MR. GALLAGHER:

15 Q. Well, what do you say at this time?

16 A. I don't want to answer that question.

17 Q. Why not?

18 ~~I mean, we want to know what you feel. Now that~~  
19 you've seen these documents, whether or not today you  
20 think what decisions they made, the recommendations that  
21 they made to keep this man at that parish, do you think  
22 now -- forget about what you thought about then. In  
23 retrospect, was that competence?

24 A. I'm going to repeat that at that time, that they  
25 were acting competently.



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1 Q. Okay. At this time what do you think?

2 A. I think that's an inappropriate question.

3 Q. Why do you think it's an inappropriate question?

4 A. Because I'm not -- it's a different time, a  
5 different element. I'm sorry. I'm -- I can't answer that  
6 question.

7 Q. Well, as the Cardinal you've had to make decisions  
8 and judgments on a lot of things. All we're asking for  
9 today, Cardinal, is to make a judgment.  
10

11 Knowing the facts that you've seen as of right now,  
12 do you think -- can you make a judgment right now today  
13 whether or not what they did and what they recommended to  
14 you was a competent thing to do?

15 A. I say at that time it was a competent thing to do.

16 Q. But you can't say today, or should I say you don't  
17 want to say today; is that correct?

18 ~~A. I don't think I should answer the question.~~

19 Q. Why don't you think you should answer it?

20 A. Do I have to repeat that I'm going back to this  
21 time and that's all we're discussing?

22 Q. No, and I'm asking you to come right now and what  
23 you just read there today, based on your experience and  
24 your authority, do you think that what they did was  
25 competent?

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1  
2 A. Yes.

3 Q. Why?

4 A. Because I think they were acting within the realm  
5 of prudence, rights of everyone, that they were concerned  
6 perhaps -- I have to conjecture on this because I don't  
7 know what all their reasons were, that they could see that  
8 perhaps he would -- might appeal, make a process. They  
9 felt that within a short time he would be sent away for  
10 evaluation.

11 It was within -- you mentioned a month later or two  
12 months later that he actually went for evaluation, that  
13 perhaps they knew that it would take that long because you  
14 can't get an appointment in Saint Luke's immediately.  
15 They figured that was sufficient rather than to have him  
16 resign or to take action to get him to resign.

17 Q. So back then you thought it was competent, and  
~~18 today you still think it's competent; is that correct?~~

19 A. Well, I -- I'm saying I have to judge by that time.

20 Q. Okay.

21 BY MS. McCARTNEY:

22 Q. Cardinal, what is different about that time in 1991  
23 and today? What's different?

24 A. Because I don't know all the circumstances of what  
25 they were -- what their plans were at that time.

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2 Q. And I informed you earlier --

3 A. And that could happen today, too, that it could be.  
4 Today it could be considered competent, too.

5 BY MR. GALLAGHER:

6 Q. So if all these facts -- let's just forget that.

7 I'm asking you a hypothetical, which is  
8 permissible, Cardinal, so you know. I'm asking you a  
9 hypothetical.

10 Forget about what time. If all that information  
11 was brought to you today, would you still allow Cudemo to  
12 stay in that parish for two more months even though he's  
13 agreed to go for evaluation?

14 A. Can I ask my lawyer, please --

15 Q. Sure.

16 A. -- to discuss something with him.

17 Q. Sure.

~~18 (The witness conferred with his~~

19 attorney.)

20 THE WITNESS: You're asking me what I  
21 would do today, and I'm going to repeat again, that  
22 I -- at that time, they did not recommend  
23 resignation immediately.

24 I don't know all the reasons that they  
25 had. I'm going to abide by that, that they were

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2 competent at that time.

3 BY MR. SPADE:

4 Q. And just to be clear, by competent, you mean that  
5 that decision to keep him in the parish for another two  
6 months was competent in terms of the Archdiocese' duty to  
7 protect the children and teenagers of Saint Callistus  
8 Parish; is that what you mean?

9 A. I'm saying that they had good reason for the  
10 decision that they made.

11 BY MS. MCCARTNEY:

12 Q. And, Cardinal, you're aware of the fact that  
13 subsequent to this information coming and Father Cudemo  
14 being called in and the evaluation being scheduled in  
15 December, that the victims Sister <sup>Irene</sup> <sup>Peggy</sup>

16 <sup>Donna</sup> <sup>Donna's Father</sup> <sup>Ruth</sup>  
~~\_\_\_\_\_~~

17 ~~\_\_\_\_\_~~ went back to the Archdiocese to talk about how  
18 ~~they were upset about the length of delay between when~~  
19 they came forward with their allegations and when the  
20 evaluation was actually scheduled; is that right?

21 A. Yes, I remember that.

22 Q. Okay. And they talked about how they were upset  
23 the evaluation was not scheduled until December 1, 1991,  
24 and they cannot understand how Father Cudemo can remain in  
25 the position of pastor that long a period of time. "The

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2 situation, she stated," and I'm referring to ~~\_\_\_\_\_~~ Donna

3 ~~\_\_\_\_\_~~ "seems ridiculous."

4 This is grand jury four forty-seven. You have a  
5 copy of that.

6 A. Yes.

7 (The witness conferred with his  
8 attorney.)

9 BY MS. MCCARTNEY:

10 Q. So this is a layperson who -- I mean, they're  
11 talking to the Archdiocese and saying what they think is  
12 an absurdly long period of time after bringing forth the  
13 allegations, the severity of which they did; is that  
14 right?

15 A. That's . . . could you point that out, please.

16 Q. Where I'm referring to? I'm referring to the  
17 second paragraph, first page, the last two sentences.

18 A. ~~Four four seven? First page?~~

19 Q. Four four seven. This is a memo from Father Lynn.

20 A. Excuse me. October 24?

21 Q. October 24.

22 A. This is the first page.

23 Q. The first page.

24 A. The last lines.

25 Q. The second paragraph.

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1 A. Oh, I'm sorry.

2 Q. That's okay. And I'm talking about the end of that  
3 paragraph.

4 A. I see it.

5 Q. And they're talking about how absurd they think it  
6 is that Father Cudemo is allowed to remain as pastor of  
7 Saint Callistus during the period of time until the  
8 evaluation is scheduled; is that right?

9 A. Yes.

10 Q. They again go through some of the abuse that they  
11 suffered as a result of their contacts with Father Cudemo;  
12 is that right?

13 A. Yes.

14 Q. And I'm going to ask you to flip what's designated  
15 as thirty-eight on the document in front of you and look  
16 at the third paragraph from the bottom.

17 ~~It says here: "Monsignor Molloy explained that the~~  
18 ~~situation is that~~ <sup>Marion</sup> ~~\_\_\_\_\_~~ says one thing and Father  
19 Cudemo denies it. Monsignor stated that Father Cudemo has  
20 been as cooperative as anyone could be. He has not  
21 admitted to the fullness of the story as it was given to  
22 us. Father Cudemo is going to a highly thorough,  
23 professional evaluation. In light of these denials, there  
24 is an insufficient basis to remove him from the parish  
25

ANTHONY JOSEPH CARDINAL BEVELLACQUA

1 pending the evaluation report."

2 You see that?

3 A. Yes.

4 Q. Is that the policy of the Archdiocese of  
5 Philadelphia at the time in 1991?

6 A. Well, I presume that at that time -- I mean, we'd  
7 have to respect again the rights of both parties, and it  
8 had to be his evaluation that he needed the evaluation  
9 report before a decision could be made.

10 Q. And let me read -- I'm sorry.

11 A. No, I'm saying that for the canonical process to  
12 remove him from the parish, he is stating that it's  
13 insufficient evidence, that if we had to start a process  
14 against him, we would need very strong evidence.

15 Q. You didn't ask him -- you didn't give him the  
16 opportunity to deny your request to remove himself from  
17 ~~the parish at that time, though, correct? No one asked~~  
18 ~~him to?~~

19 A. I don't know if they did.

20 Q. Well, there's nothing to reflect that they did  
21 then; is that right?

22 A. I say I don't know.

23 Q. Well, it says on the October 3 memo --

24 A. I understand.

## ANTHONY JOSEPH CARDINAL BEVILACQUA

1  
2 Q. It says that he wasn't being asked to remove  
3 himself from the parish?

4 A. Well, this is information that he was giving to the  
5 ones he was interviewing, stating that there's  
6 insufficient evidence to actually begin a process of  
7 removal. I mean, this is what I read.

8 Q. But let's not talk about a process of removal.

9 Let's talk about the fact that a priest owes a duty  
10 of obedience to his Cardinal. You could have called  
11 Father Cudemo in and said: Nick, there's some serious  
12 stuff going on here. There's some serious allegations  
13 against you. You've agreed to go to an evaluation. We  
14 can't get it scheduled till December, but you know what, I  
15 got to protect those people at Saint Callistus. So you go  
16 live with your sister until that happens.

17 You could have done that, Cardinal, couldn't you?

~~18 A. I would have done it if it was recommended to me,~~  
19 and if I had known -- you know, I don't know what their  
20 reasons were, why they did not recommend that. They must  
21 have had good reasons for not recommending it.

22 Q. Well, the reasons as they've stated in these memos,  
23 and these are people that work for you and follow the  
24 policies of the Archdiocese of Philadelphia, was basically  
25 that Nick had denied some of the -- Nicholas Cudemo had



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 denied some of the allegations, and therefore, it's a he  
3 said/she said situation, so there's an insufficient basis?

4 A. That's why they wanted him evaluated.

5 Q. And the victims --

6 A. They seem to be taking very immediate action to get  
7 him for an evaluation.

8 Q. Well, let's talk about, Cardinal, what it is that  
9 actually gets Father Cudemo removed from the parish  
10 pending the evaluation.

11 I'm going to show you a document -- well, I'll show  
12 you two documents.

13 MS. MCCARTNEY: Show him this. This is  
14 four forty-eight and ten ninety-one, too, please.

15 (Pause.)

16 MR. SPADE: Cardinal, we're handing ten  
17 ninety-two to you as well.

18 (Pause.)

19 (The witness conferred with his  
20 attorney.)

21 MR. GALLAGHER: Cardinal, it's now five  
22 after three. We're going to take a break. Some of  
23 the grand jurors need a break, and then you can  
24 take your time and read those things. We'll break  
25 for ten minutes till quarter after three.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (A recess was held.)

3 MR. GALLAGHER: May the record reflect  
4 it's three eighteen.

5 And we still have a quorum; is that  
6 correct?

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

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17 [REDACTED]

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19 [REDACTED]

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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Large blocks of text are completely redacted with heavy black bars across lines 2 through 24. Some faint characters are visible between the bars: "en --" on line 6, "at" on line 14, and "n," on line 17.

(A discussion was held off the record.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (Pause.)

3 MR. GALLAGHER: May I have the record  
4 reflect it's now three thirty-two. I informed the  
5 witness we're ready to proceed. He said he needed  
6 one more minute to finish the last page of the  
7 three documents that we gave him at three minutes  
8 after three.

9 (Whereupon the witness and his counsel  
10 returned to the grand jury room.)

11 MS. McCARTNEY: Okay. We're back on  
12 the record now. It's three thirty-four.

13 BY MS. McCARTNEY:

14 Q. Cardinal, did you have the opportunity over the  
15 course of the break to review the documents that I  
16 provided to you?

17 A. I did.

18 ~~Q. Okay. Now, let's talk specifically about grand~~  
19 ~~jury exhibit four forty-eight. That is a document that's~~  
20 ~~dated October 24. It involves an interview with~~ [REDACTED]  
21 ~~[REDACTED]~~ *Sister Margaret* ~~[REDACTED]~~. It's conducted by Father Lynn  
22 and Father Molloy, and it involves Father Cudemo.

23 And in this document, Cardinal, and I'll summarize  
24 it, if I may, there's basically further allegations that  
25 are brought to the attention of the Archdiocese by ~~Sister~~

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 [REDACTED], and she talks about how the fact that she was  
3 abused by or sexually abused by Father Cudemo from the  
4 time that she was a junior in high school through her  
5 senior year at Archbishop Prendergast. She talks about  
6 things that he did to her and that he had begun taking an  
7 interest in her and taking her places.

8 She said that he began to molest her and it  
9 continued through her senior year. It included hugging,  
10 kissing, fondling and laying on top of her.

11 She further related that while she was in the  
12 convent, he would come and hear confessions and this was  
13 torture for her.

14 She stated her position is that he should not be in  
15 a position to victimize anyone else and he should not be  
16 in a parish now.

17 Is that an accurate summary of that document,  
18 Cardinal?

19 A. Yes.

20 Q. And on October 24, again nothing is done to remove  
21 Father Cudemo on that date; is that correct?

22 A. Yes.

23 Q. Now, there's a letter that comes to your attention  
24 from the victims, the family members, and it's signed by  
25 all of them, *Ruth* *Donna* [REDACTED]



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

Sister Irene

Peggy

2

3

~~\_\_\_\_\_~~  
Ruth's Father  
~~\_\_\_\_\_~~, and that comes to your  
4 attention on November 5 of 1991; is that right?

5

A. It's dated November 5?

6

Q. Okay. And it's written directly to you, his  
7 Eminence, Anthony J. Bevilacqua; is that right?

8

A. It's directed to me.

9

Q. Okay. And it talks about the fact that they  
10 believe that Father Cudemo has sexually and  
11 psychologically abused girls and young women for the past  
12 twenty years; is that right?

13

A. That's a summary of what -- yes.

14

Q. And they talk about how his criminal and immoral  
15 conduct constitutes a pattern of abuse which makes him a  
16 present real danger to other girls and women; is that  
17 right?

18

~~A. Forgive me. Could you -- can you tell me what page~~

19

~~you're on.~~

20

Q. I'm page one, paragraph two.

21

A. All right.

22

Q. Is that right?

23

A. Yes.

24

Q. And it talks about how they believe that the

25

Archdiocese has a moral and a legal duty to remove that



ANTHONY JOSEPH CARDINAL BEVILACQUA

1 threat, that threat being Father Cudemo; is that right?

2 A. That's what it says.

3 Q. And that the failure on the Archdiocese' part to do  
4 that, to remove Father Cudemo from his position as pastor,  
5 could only be viewed as immoral and negligent; is that  
6 right?  
7

8 A. That's what they say.

9 Q. Do you disagree with that?

10 A. I just said -- I'm just quoting.

11 Q. I understand. Do you disagree with their  
12 characterization?

13 A. I'm not making a judgment.

14 Q. I'm asking do you disagree with it?

15 A. I can't answer the question.

16 Q. And they talk about how the Archdiocese seems  
17 unable or unwilling to understand the area of sex abuse;  
~~18 is that right?~~

19 A. That's what it says.

20 Q. They talk in this letter, Cardinal, if I'm correct,  
21 about how they believe that they were treated by Monsignor  
22 Molloy and Father Lynn when they met with him regarding  
23 this allegation; is that correct?

24 A. You're on page?

25 Q. I'm on page sixty.

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1  
2 A. I don't have that pagination. It's the second page  
3 or I don't have numbers.

4 Q. It's Bates stamped.

5 Okay. On the top left it would be page three.

6 A. Oh, I see. Sixty. There. All right.

7 What paragraph, please?

8 Q. I'm referring to the last paragraph where they talk  
9 about how, having gone to the Archdiocese and being told  
10 by them that the evaluation was scheduled for two months  
11 in the future, that they scheduled a second meeting and  
12 that the second meeting was held with Monsignor Molloy and  
13 Father Lynn on October 17, 1991; and the letter quotes:  
14 "We talked at great length about why Father Cudemo should  
15 be removed from the ministry before the evaluation.  
16 Monsignor Molloy told us that the evaluation would have to  
17 take place first and that Father Cudemo was complying with  
~~18 the conditions set out at the first meeting. Monsignor~~  
19 Molloy also said that Father Cudemo was not being removed  
20 because the misconduct had occurred fifteen to twenty  
21 years ago. He asked, 'How do we know that,'" quote, "'he  
22 is not grown up and is not doing it anymore?'" end quote.  
23 "He said that if it were current, it would be different.  
24 Monsignor Molloy said, 'We have to protect Father Cudemo's  
25 rights too.'"

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Now, Cardinal, if those comments had been made to  
3 these victims during that meeting, do you think that that  
4 was appropriate for Monsignor Molloy to be saying those  
5 things?

6 A. You're asking me to make a judgment about Monsignor  
7 Molloy's response. I don't know the context of the  
8 response here.

9 Q. Well --

10 A. They are summarizing an interview.

11 Q. In what context would it be appropriate to be told  
12 as a victim of sexual abuse that the misconduct occurred  
13 fifteen to twenty years ago and if it was current, it  
14 would be different, but how do we know he's not grown up  
15 now and not doing it anymore?

16 In what context would that be appropriate to tell a  
17 victim?

~~18 A. It's hard for me to judge why Monsignor Molloy said~~  
19 ~~this. I cannot speak for him.~~

20 Q. Do you think if those things were said, that that  
21 was appropriate?

22 A. I don't know.

23 Q. Do you understand -- do you have an understanding,  
24 Cardinal, as to how, if these people were victims of the  
25 abuse of Father Cudemo, how they might be upset and feel

ANTHONY JOSEPH CARDINAL BEVILACQUA

1  
2 revictimized by the Archdiocese if that was the response  
3 that they received?

4 A. I can understand their being upset.

5 Q. Do you understand how they may feel revictimized?

6 A. That's hard for me to answer.

7 Q. And what do you think about -- or was this the  
8 policy of the Archdiocese when they write in this letter:  
9 "Monsignor Molloy tried further to justify this position  
10 by explaining that every time a complaint is made against  
11 a priest, the Archdiocese cannot be expected to remove him  
12 from his position."

13 Was that the --

14 A. Where are you reading from?

15 Q. I'm reading the next paragraph down. Page four,  
16 second paragraph.

17 A. Well, that would be true. For every allegation,  
18 ~~you cannot immediately remove someone.~~

19 Q. Now, they talk on page five about how their  
20 immediate concern is why the Archdiocese made the decision  
21 to allow Father Cudemo to remain as pastor pending the  
22 evaluation?

23 A. Where are we?

24 Q. Page five, the third paragraph from the bottom?

25 A. I see that.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. You see where I'm talking about?

3 A. "Our immediate concern"?

4 Q. Yes. And they also write: "Our complaints are  
5 reason enough to suspend Father Cudemo. Reliance on the  
6 age of our complaints to avoid taking immediate action  
7 conveniently ignores the information provided by Ms.  
8 [REDACTED]. To ask us how we know whether Father Cudemo has  
9 not been grown up and is not doing it anymore reflects a  
10 mindset which is demeaning to us and pathetically  
11 self-deceptive. It shows a regrettable lack of  
12 sensitivity and a basic ignorance of the area of child  
13 abuse and sexual misconduct."

14 Do you understand how they might have those  
15 feelings based upon what you know about Father Cudemo's  
16 file thus far, Cardinal?

17 A. I'm just saying that is their judgment. I do not  
18 wish to comment on that.

19 Q. And in this letter they talk about how they talked  
20 to professionals in the area of psychiatry and that the  
21 information that they received is that individuals who  
22 engage in this kind of criminal aberrant behavior are  
23 rarely cured and therefore constitute a potential threat  
24 to others?

25 A. (No response.)

ANTHONY JOSEPH CARDINAL BEVILACQUA

1 Q. You see where I'm reading from, Cardinal?

2 A. Yes.

3 Q. Now, at the time that this letter was written,  
4 which is November 1991, that information was available  
5 through the psychiatric community that pedophiles and  
6 people that continually abuse minor children are a  
7 continued threat to other people, is that right, and  
8 they're rarely cured?  
9

10 A. I know that recently psychiatrists will say that,  
11 but may I ask a question of you?

12 Q. Sure.

13 A. You say -- well, you indicated before that Father  
14 Cudemo was a pedophile? I was not aware of that.

15 Q. I'm telling you what the evaluations of the  
16 hospitals that he was sent to revealed.

17 A. I said I was not aware of that.

---

18 Q. ~~Were you aware in 1991 that the psychiatric~~  
19 community concluded that people who engaged in the kind of  
20 behavior that Father Cudemo was accused of engaging in  
21 were rarely cured and constitute a potential threat to  
22 others?

23 A. I cannot make a judgment -- I'm not a psychiatrist,  
24 to say that at the time I felt he was a pedophile.

25 Q. Cardinal, in this letter, these victims threatened

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the possibility that given the inaction on the part of the  
3 Archdiocese, in their opinion, to act responsibly, that  
4 they may have to initiate a lawsuit; is that right?

5 A. That's what it says here.

6 Q. Okay. Now, this letter is dated November 5, 1991,  
7 and presumably you received it at some point thereafter;  
8 is that right?

9 A. I don't know.

10 Q. Okay. You don't know whether you received it?

11 A. That's right.

12 Q. Well, in the normal course of how the Archdiocese  
13 works, you would get your mail that was directed to you,  
14 right?

15 A. No.

16 Q. Would there --

17 A. Much of it, but a lot of it goes to -- to other  
18 offices.

19 Q. Well, this --

20 A. I cannot certify that I -- that this was sent to  
21 me.

22 Q. But something of the magnitude that is being  
23 discussed in this letter, that certainly would have come  
24 to your attention, wouldn't it?

25 A. We can't say certainly. That would depend on the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 judgment of my secretary, who would refer probably to the  
3 Clergy office, and they would make the judgment.

4 BY MR. SPADE:

5 Q. But, Cardinal, you've made it clear that you told  
6 your subordinates that you wanted to be informed of all  
7 important allegations regarding the sexual abuse of  
8 minors?

9 A. Yes.

10 Q. You would agree that this is --

11 A. But that doesn't mean that all the details are.

12 Q. You would agree looking at exhibit number ten  
13 ninety-two, that this contains -- I'm sorry -- ten  
14 ninety-one. You would agree that that contains important  
15 information regarding the sexual abuse of minors, correct?

16 A. It's . . . it contains information. It does not  
17 mean that this memo, this letter, as it was written, was  
~~18 sent to me directly. They could have summarized something~~  
19 to me or said it to me verbally, which I do not recall.

20 Q. Right. Okay. But however it was, whether it was  
21 verbally or through a letter, you agree that it's a  
22 reasonable inference to make that this information,  
23 whether it was verbally or in writing, came to your  
24 attention at that time?

25 A. It may have, but I don't recall it.



## ANTHONY JOSEPH CARDINAL BEVILACQUA

1  
2 Q. Well, if it didn't, then what you've already  
3 testified to, which is that you instructed, you made sure  
4 that your subordinates brought all important information  
5 of clergy sex abuse of -- let me finish the question.

6 A. Sorry.

7 Q. You would agree that that wouldn't be true in this  
8 case, then?

9 A. I would have to say I'd leave it to their judgment  
10 what information should be given to me.

11 BY MS. MCCARTNEY:

12 Q. What is left to your judgment, Cardinal?

13 A. Final decisions of their recommendations.

14 Q. All right. Well, let me ask you about grand jury  
15 exhibit ten ninety-two. This is a memo to the file from  
16 Reverend William J. Lynn. It's regarding an interview  
17 with Father Cudemo, and it's dated November 11, 1991. Is  
18 that right?

19 A. Yes.

20 Q. And you would agree with me that after that meeting  
21 is held, very shortly after, in the normal course of  
22 things, this letter would have reached you; is that right?

23 A. Yes.

24 Q. And in this memo it talks about Father Cudemo being  
25 called down and about the fact that he was being asked to

ANTHONY JOSEPH CARDINAL BEVILACQUA

1  
2 step aside from Saint Callistus pending the evaluation; is  
3 that right?

4 A. Yes.

5 Q. Okay. And Monsignor Molloy tells him why that is,  
6 that he's being asked to do that, is that correct, in this  
7 memo?

8 A. Yes.

9 Q. And it says that -- and I'll read it for the  
10 record, and you tell me if I'm reading it correctly:  
11 "Monsignor Molloy began the interview by bringing Father  
12 Cudemo up to date on recent developments. Monsignor told  
13 Father Cudemo that the group who brought allegations  
14 against him were not satisfied with the fact that he has  
15 consented to an evaluation. They wanted to know why he  
16 was permitted to remain as pastor when there was serious  
17 allegations that had been brought against him. Monsignor  
18 ~~told Father Cudemo that this group is now threatening a~~  
19 lawsuit and have written to the Archbishop of concerning  
20 such."

21 And then he goes on to tell him about the other  
22 allegation brought by Sister <sup>Margaret</sup> ~~████████████████████~~, and then  
23 Monsignor explains to Father Cudemo that the Archbishop,  
24 wants him to consider two things: One, what is good for  
25 Father Cudemo; and two, what is good for the Church.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Is that correct?

3 A. That's what it says.

4 Q. And is that correct? Is that correct? Is that  
5 what you directed Monsignor Molloy to explain to Father  
6 Cudemo?

7 A. I don't recall. I say the priorities I always  
8 give -- I mean, he's concentrating on this as the welfare  
9 always of the children, the victims, then the Church and  
10 then the priest.

11 Q. Well, you would agree with me, Cardinal, that based  
12 upon this memo and the way that it's written, that two  
13 things were explained to Father Cudemo for his  
14 consideration: One, what is good for him; and two, what  
15 is good for the Church?

16 A. That's what it says there.

17 Q. And there's no mention in that paragraph about  
~~18 what's good for the victims or what's good for the~~  
19 children, correct?

20 A. (No response.)

21 Q. It's not in that paragraph?

22 A. It's not in that paragraph.

23 Q. And it also goes on to say that Monsignor Molly  
24 told Father Cudemo that Cardinal Bevilacqua is asking him  
25 to withdraw from the parish between now and the time of

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1  
2 the evaluation and he's not to exercise his assigned  
3 ministries between now and the evaluation; is that right?

4 A. Yes.

5 Q. Now, Cardinal, explain, if you would, to us what it  
6 is; why on November 11 was it that Father Cudemo was  
7 finally asked to step away from Saint Callistus?

8 A. This memo explains that, I think explains the  
9 reasons for it.

10 Q. The threat of the lawsuit?

11 A. No. I don't know.

12 Q. Well, that's what the memo says.

13 A. It could be that, be one of them.

14 Q. Because you would agree with me that --

15 A. But it was -- I mean, there was the new memos of --  
16 regarding Sister *Margaret* [REDACTED]. It could be a series  
17 of factors that motivated the request for him to resign.

~~18 Q. Well, just so we're clear, Cardinal, he wasn't~~

19 asked to step aside when the first allegations came in  
20 from the family members; is that right?

21 A. No.

22 Q. He wasn't asked to step aside when the family  
23 members went back and expressed their displeasure orally  
24 to Father Molloy and Father Lynn about the length of time  
25 between their complaint and the evaluation, correct?

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A. That's correct.

Q. He wasn't asked to step aside after the allegation came in from -- the additional allegation came in from [REDACTED]; is that correct?

A. Correct.

Q. And only after the letter was written to you where there was a threat of a lawsuit was it that any action was taken asking Father Cudemo to step aside and not exercise his ministry pending the evaluation; is that a fair summary of the events with regard to Father Cudemo?

A. May I.

Q. If you can answer my question and then you can absolutely say whatever you want.

Is that a fair summary of the time line with regard to Father Cudemo?

A. Yes. But it doesn't mean that it was because of that reason alone.

Q. Okay. Cardinal, at this point in time because it's now ten till four, and the jurors have posted some questions which we took while you were reading the documents during the break, so we're going to pose them to you at this juncture. Okay.

A. Yes.

Q. The first question that the grand jurors wanted to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 know was: What is the Archdiocese doing now with regard  
3 to Father Brennan, who's still currently in assignment at  
4 Resurrection Parish?

5 A. I don't know. I'm not the Archbishop.

6 Q. Up until the point in time that you were the  
7 Archbishop, did you take any action with regard to Father  
8 Brennan's assignment at Resurrection Parish?

9 A. Not that I recall.

10 Q. Now, the second question was that you as Cardinal,  
11 and recognizing the fact that you are no longer in that  
12 position, you're still a cardinal, but you're no longer in  
13 charge of the Archdiocese of Philadelphia, but at the time  
14 that you were, you were the spiritual and moral leader of  
15 the Archdiocese, and the grand jurors were concerned about  
16 why it is with that being your duty, why you were so vague  
17 about the secret archive files and what was contained in  
~~18 them, and specifically they wanted to know why it is that~~  
19 you didn't demand that a summary of every priest that was  
20 up for the discussion at a personnel meeting be given to  
21 you prior to that meeting so you would have their  
22 background?

23 A. That was the usual practice, that if a priest had  
24 something in the secret archives -- could you read that  
25 question again. Do you mind?

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1  
2 Q. I'm not actually reading it. I was kind of, but  
3 basically, Cardinal, the grand jurors are correct when  
4 they say that when you were running the Archdiocese of  
5 Philadelphia, you were the spiritual and moral leader of  
6 the Archdiocese; is that right?

7 A. Yes.

8 Q. And you've told us that you didn't educate yourself  
9 personally as to the contents of the secret archive files  
10 that existed in the Archdiocese of Philadelphia; is that  
11 also correct?

12 A. I didn't go in specifically and read them all.  
13 That's correct.

14 Q. And we also had some testimony, we talked about the  
15 fact that there was Priest Personnel Board meetings where  
16 certain individuals were up for discussion about assuming  
17 different positions in the Archdiocese; is that right?

18 ~~A. That is correct.~~

19 Q. And the grand jurors wanted to know, those factors  
20 being true, why it is that you wouldn't have delegated to  
21 someone on your staff the job of going through summarizing  
22 the secret archive files and providing that to you so that  
23 you would have that information when you went to a Priest  
24 Personnel Board meeting?

25 A. I -- forgive me, but if there were a candidate that

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2 was being proposed for an assignment and the Secretary of  
3 the Clergy would look at the secret archives and find  
4 something in there, that would have been brought to my  
5 attention ordinarily.

6 Q. So if that was the ordinary way, I guess the  
7 question then --

8 A. It wouldn't have been -- ordinarily, it wouldn't  
9 have been raised at the Personnel Board meeting because it  
10 was confidential.

11 Q. So if that was the ordinary way that things  
12 happened, then can we assume from that answer, Cardinal,  
13 that you were made aware of the three incidents that were  
14 in Father Cudemo's file before he was discussed for being  
15 appointed as a pastor?

16 A. Forgive me. I say it would have been brought to my  
17 attention, you know, if they felt it was something  
~~18 significant for the appointment and they still want -- in~~  
19 other words, they would want to make a judgment on the  
20 appointment and ask my advice.

21 In this case, I don't recall that before the  
22 appointment of Father Cudemo, that matters from the --  
23 that these allegations were brought to my attention, but  
24 it would -- ordinarily, I have to leave it to the judgment  
25 of the Secretary for the Clergy to say is this something



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2 that has to be brought to me before the appointment to a  
3 particular office.

4 But I don't recall that was brought to my  
5 attention, because I don't know whether they felt what  
6 their judgment was about the allegations.

7 I also cannot -- I don't know whether or not they  
8 themselves looked at the secret archives. I just don't  
9 know. I have no recollection.

10 Q. Now, you've testified on numerous occasions  
11 throughout this last day or so that you relied  
12 tremendously on the discretion and abilities of your  
13 Secretary of the Clergy; is that right?

14 A. Yes.

15 Q. And that you basically relegated a lot of the  
16 responsibility to that individual?

17 A. Yes.

~~18 Q. And the grand jurors wanted to know that given the~~  
19 number of times that that was the answer, exactly what  
20 role did you have in this issue of clergy sexual abuse if  
21 everything, according to you, was relegated to the  
22 Secretary of Clergy?

23 A. They handled the specifics of interviewing, of  
24 listening to allegations, that when victims, alleged  
25 victims came in, it was my responsibility -- and whatever

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2 cases, they would be brought to my attention.

3 They would make recommendations on what actions  
4 should be taken. They would follow through on an  
5 investigative phase. They would keep me -- they wouldn't  
6 every day inform me, but they would inform me of  
7 significant steps in the investigation and then the final  
8 recommendation.

9 Also, it was naturally -- was my responsibility  
10 to -- when we had to set up the policy, to approve the  
11 policy on how to handle these cases.

12 Q. So then you were apprised on a continuing basis as  
13 to the nature of allegations, the specifics of the  
14 allegations and the severity of the allegations?

15 A. When you say specifics, it may not be all of them.  
16 Those that they felt were sufficient.

17 Q. And certainly the people on your staff would have  
~~18 known it to be sufficient, would have known it to be~~  
19 significant, the age of the victim that would have been in  
20 question, the nature of the allegations, the past history  
21 of the priest?

22 A. I have to presume that they would give me that  
23 which was significant.

24 Q. Well, you would agree that those factors that I  
25 just listed out would be significant, correct?

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1  
2 A. They sound reasonable.

3 Q. Okay. Now, you indicated, and if I'm wrong, please  
4 correct me, that you believe, even sitting here in 2003,  
5 that the situation, the information that you know at this  
6 juncture with regard to Father Cudemo, that it was handled  
7 properly; is that right?

8 A. It was handled competently, yes.

9 Q. Okay. And that you would be comfortable if it was  
10 handled in the exact same way today in 2003?

11 A. I said that what they did was done in a competent  
12 way.

13 Q. And you would be comfortable if that situation --

14 A. I don't know what information would be presented  
15 today.

16 Q. If the situation that we know about Father Cudemo  
17 were presented today, would you be comfortable with the  
~~18 way it was handled?~~

19 A. If my staff handled it in the same way, I repeat  
20 that what they did then was handled in a competent way.

21 Q. And you would agree that the way that it was  
22 handled would have been inconsistent with the norms that  
23 were passed in 2002; is that right?

24 A. What norms?

25 Q. The norms from Dallas, the Dallas charter?

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1  
2 A. I mean, that . . . you have to say which norms are  
3 you talking about?

4 Q. The way that an investigation is to be conducted  
5 when an allegation of sexual abuse comes in.

6 A. Well, the norms made it different, so it would be  
7 handled differently today, so we have already changed the  
8 process, procedure in handling investigations in  
9 accordance with the norms.

10 Q. And it was changed because it was determined that  
11 the way things were being handled was not as responsibly  
12 as it should have been handled; is that fair to say or no?

13 A. That's your judgment.

14 Q. Is that fair to say?

15 A. No.

16 Q. Okay. Now, the grand jurors had a question about  
17 how many sexual allegations, allegations of sexual abuse  
~~18 have to be made before some action is taken, before a~~

19 priest is asked to remove himself from assignment?

20 A. Could I please react to that first.

21 Q. Sure.

22 A. There are several questions involved in that. In  
23 other words, how many allegations must be made before  
24 action is taken, and then it's added on, you know, before  
25 a priest has to be removed. There's several questions in

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1 there.

2  
3 The policy is and has been that when an allegation  
4 comes in, that action is taken as quickly as possible.  
5 The policy is that a victim comes in, an accuser comes in  
6 or makes an appointment, they are to be seen as quickly as  
7 possible, and this is what we did do.

8 And it's done today with a different approach. Now  
9 it's a social worker, but then with the Secretary for the  
10 Clergy.

11 And secondly, that the priest -- the accused is  
12 called in as quickly as possible. If in that interview  
13 with the priest the allegation seems credible, then as  
14 quickly as possible he is sent for evaluation --  
15 psychological evaluation.

16 And also then there are other factors as far as  
17 offering to the victim, you know, psychological  
~~18 counseling, spiritual counseling and so on, and that we~~  
19 are to conform -- also part of the obligation to conform  
20 with all the requirements of civil law. That was done  
21 then.

22 That's what's required today, but with different  
23 approach as far as who handles the immediate  
24 investigation; but we do handle them as quickly as  
25 possible, and you don't have to wait for several

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1  
2 allegations.

3           One, it must be the first allegation sufficient to  
4 trigger the response. If there's an admission on the part  
5 of the priest of the sexual abuse, then he is removed  
6 immediately.

7 Q.       Cardinal, do you yourself keep any personal files  
8 with regard to priests that have sexual abuse of minors --

9 A.       I did not.

10 Q.       -- or did you?

11 A.       I did not.

12 Q.       When you would get information with regard to like  
13 the investigation of Father Cudemo, did you keep any  
14 personal diary as to that investigation or what was being  
15 done?

16 A.       I did not.

17 Q.       It seems to the grand jurors, Cardinal, that the  
~~18 rights and protection of the children of the Archdiocese~~  
19 of Philadelphia are considered less seriously than the  
20 rights and protections of the priests.

21           Would you agree with that?

22 A.       No.

23 Q.       Do you think that the rights and the protection of  
24 the children of the parish of Saint Callistus were given a  
25 higher priority than the rights and the protection of

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1 Father Cudemo?

2 A. When you say that, what -- I'm not following.

3 We -- you know, we certainly wouldn't -- didn't think we  
4 were creating a serious danger. I mean, the protection of  
5 children is always our highest priority.  
6

7 BY MR. SPADE:

8 Q. To keep a man that had about eight allegations in  
9 the file going back twenty years of having sex with  
10 teenage girls, to keep him after he's agreed to an  
11 evaluation, to not move him immediately to Villa Saint  
12 Joseph or to a his sister's house or to any other place  
13 where there aren't children available to him or teenagers  
14 available to him, but to keep him in Saint Callistus for  
15 approximately two months, that's the question.

16 Was the priority of the teenagers and the children  
17 of that parish taken into account adequately by that  
18 decision?

19 A. I have to say we did everything possible to protect  
20 the children.

21 Q. So it wasn't possible to take him out immediately  
22 and put him in Villa Saint Joseph, for instance?

23 A. It was very difficult to arrange an evaluation that  
24 quickly.

25 Q. No. No. I don't mean Villa Saint John Vianney. I

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2 mean the retirement home that the Archdiocese owns.

3 You couldn't have taken him out immediately on  
4 October 2, 1991, and put him in Villa Saint Joseph?

5 A. We had -- as I said before, we take someone out  
6 immediately if there is an admission on the part of the  
7 accused or certainly sufficient evidence that he's guilty.

8 As you have said, these were allegations. He was  
9 denying them.

10 BY MS. MCCARTNEY:

11 Q. Cardinal, you have in the --

12 MR. SPADE: Let me just ask one last  
13 question.

14 MS. MCCARTNEY: Go ahead.

15 BY MR. SPADE:

16 Q. You explained your criteria for taking him out, but  
17 that wasn't my question.

18 ~~My question was: Would it have been possible,~~  
19 would it have been possible, to take him out on October 2,  
20 1991, and put him in Villa Saint Joseph? Not what your  
21 criteria were for doing it, would it have been possible to  
22 do that?

23 A. You mean theoretically?

24 Q. Yes, theoretically. Would it have been possible?  
25 Could you have said to Father Cudemo: We're moving you



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1 immediately to Villa Saint Joseph?

2 A. (No response.)

3 Q. Did you have the power to do that as the  
4 Archbishop?

5 A. I -- it would have -- I would have had -- I don't  
6 know if I would have had the authority on -- at that time  
7 to do it without sufficient evidence.

8 I mean, I can say anything, but if I don't -- don't  
9 have the authority, that is, the sufficient evidence, then  
10 him acting improperly . . .

11 BY MS. MCCARTNEY:

12 Q. Cardinal, in the case of Father Cudemo, when he was  
13 asked on your behalf the Archbishop thinks it's best that  
14 you leave Saint Callistus and not exercise your faculties  
15 until you get the evaluation, he complied with that  
16 request; is that right?

17 A. (No response.)

18 Q. He complied with it based upon the memo that you  
19 read from November 11; is that right?

20 A. (No response.)

21 Q. You didn't have to initiate a canonical process to  
22 do that, correct?

23 A. Yes.

24 Q. At some point in time after you got that letter

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2 from the victims where they said we might have to  
3 institute a lawsuit, you then called up or had a  
4 conversation with Monsignor Molloy and Father Lynn.

5 You said: Talk to Father Cudemo. Tell him I want  
6 him out of the parish. Tell him I want him out of the  
7 parish because it's good for him and it's good for the  
8 Church and going to lessen the damage that the Archdiocese  
9 may face if he doesn't leave.

10 And you know what? They called him in. They had  
11 that conversation with him, and he left Saint Callistus  
12 pending the evaluation at Saint John's.

13 That's what happened in Father Cudemo's case,  
14 correct, Cardinal?

15 A. When my Secretary for the Clergy brought in a  
16 recommendation to me, they felt at that time it was one of  
17 the reasons for authorizing me to remove someone for the  
~~18 good of the Church, and they came to that conclusion, is~~  
19 what I feel very strongly, that at that point they said it  
20 reached a certain point where the Church could be  
21 jeopardized, the good of the Church, and they felt that  
22 sufficient reason now to remove him.

23 Q. My point is this, Cardinal: That you didn't have  
24 to remove him with any type of a canonical process --

25 A. No.

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2 Q. -- that you have to show just cause for it?

3 On November 11, when that meeting was finally had,  
4 after the pleas from the victims and all those other  
5 factors that I told you about, Father Cudemo was asked --  
6 he was asked to just remove himself and not exercise his  
7 faculties, and he agreed with that; is that right?

8 A. Yes.

9 Q. Okay. Having a yes to that question, Cardinal,  
10 that could have been done back in September when the  
11 allegations from the family members first came to the  
12 Archdiocese' attention. I'm not asking you to speculate  
13 as to whether he would do it. It could have been asked,  
14 correct?

15 A. May I.

16 Q. Just answer my question, Cardinal. It could have  
17 been asked of him; is that right?

~~18 A. I cannot answer yes or no. I have to explain, as I~~  
19 explained before to the previous question, that I would  
20 need evidence in order to ask someone to step down.

21 The Secretary for the Clergy at that time, as you  
22 recall, said there was insufficient evidence to ask him to  
23 resign.

24 At this point when he was asked, it was felt by the  
25 Secretary of the Clergy, and this is my -- I'm presuming

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2 this from their recommendation, that it had reached that  
3 point that the good of the Church, and that's a just  
4 cause, common good of the Church now was in danger, and  
5 therefore there was sufficient evidence authorizing me to  
6 ask him to remove himself.

7 BY MR. GALLAGHER:

8 Q. When you say the common good of the Church, does  
9 that also include the children at Saint Callistus?

10 A. That's part of it.

11 Q. What is the other part of it?

12 A. Oh, there's so much. There is the possible  
13 scandal. So many factors enter in.

14 Q. So it wasn't until there was possible scandal that  
15 you removed the guy?

16 A. I didn't say that. It was also the good of the  
17 children, the whole accumulation of all that had happened.

18 ~~Q. Okay.~~

19 BY MS. McCARTNEY:

20 Q. Now, Cardinal, are you aware of the fact that the  
21 information that's come before this grand jury is that  
22 there are many priests that have abused children in the  
23 Archdiocese of Philadelphia, that do so and in abusing  
24 them tell them that the abuse is okay because it's okay  
25 with God?

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1  
2 A. (No response.)

3 Q. Are you aware that many abusers have said that to  
4 their victims?

5 A. I am not, except what I have read in here, some of  
6 the -- you know, the statements made here on the part of  
7 Father Cudemo seems to be, if it's true, that he's using  
8 that in an indirect way.

9 Q. Do you have any idea what kind of an effect that  
10 would have on a child to hear that?

11 A. It would be horrible.

12 Q. Now, have you had any conversations with either the  
13 Pope or any Vatican official about the situation of clergy  
14 sexual abuse in Philadelphia, clergy sexual abuse of  
15 minors in Philadelphia?

16 A. In April of 2002, all the cardinals were called to  
17 Rome on the issue of sexual abuse of minors. You may  
~~18 recall it got a lot of publicity, and there was a frank~~  
19 discussion of the whole issue before the top authorities  
20 of the Courier of the Vatican.

21 I'm sure all of us had discussions with, you know,  
22 not in an official matter, but just in conversation on  
23 this issue. So they are very much aware of the complexity  
24 and the seriousness of it.

25 Q. Now, Cardinal, you -- and I guess we just want to

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1  
2 be clear about this. You had a policy in the Archdiocese  
3 that you wanted to know right away about an allegation of  
4 sexual abuse of children by a priest; is that right?

5 A. When you say right away, I say any kind of abuse  
6 that took place of a child, it is expected that they  
7 inform me as quickly as possible.

8 Q. Well, there would be -- I mean, pending your being,  
9 you know, out of the country, that would happen very  
10 expeditiously; is that right?

11 A. Yes. Ordinarily it would. Yes.

12 Q. Now, we talked a little bit before about the fact  
13 that there was a policy not written down but certainly  
14 known by your staff that you don't surprise me; is that  
15 right?

16 A. I don't know if I used that expression, and I may  
17 have.

---

18 Q. Okay.

19 A. In other words, I don't want to read something in  
20 the papers.

21 Q. Okay.

22 A. You know.

23 Q. Are you at all surprised by what you've read in the  
24 Cudemo file?

25 A. A lot of it I -- I did not recollect at all, and I

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2 think a lot of it surprised me, yes.

3 Q. Now, you are aware of the experts in the field of  
4 psychology that talk about the fact that pedophilia is not  
5 a curable disease?

6 A. Is not an incurable?

7 Q. Is not a curable diseases.

8 A. Is not a curable? I have read that.

9 Q. And having had that information available to you,  
10 can you explain to us why you thought it was significant  
11 in Father Cudemo's case that there was a twelve-year gap  
12 between the allegation that occurred in '77 and then the  
13 incidents that were related by ~~\_\_\_\_\_~~ <sup>Manson</sup> in 1991?

14 A. I never knew that Father Cudemo was a pedophile.

15 MS. McCARTNEY: Okay. You want to ask  
16 your question.

17 BY MR. SPADE:

18 Q. ~~Cardinal, the last question that the jurors had for~~  
19 you, one in particular, is: You're of course familiar  
20 with the gospels of Matthew, Mark, Luke and John?

21 A. (No response.)

22 Q. Yes, of course?

23 A. I'd say yes, I am familiar. Yes. I don't have  
24 them memorized.

25 Q. I'm sorry to ask such an obvious question, but it's

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 a question that we're posing on behalf of the jurors; and  
3 you of course believe the gospels of both Matthew, Mark,  
4 Luke and John, correct?

5 A. Yes.

6 Q. And you of course know much more about this than I  
7 do or any of the jurors, but it's the jurors'  
8 understanding that the gospels of Matthew, Mark, Luke and  
9 John were written many years after the actual events that  
10 occurred in those gospels, correct?

11 A. Yes.

12 Q. In some cases up to a hundred years after the  
13 events that were documented, is that correct, give or take  
14 a few years?

15 A. Close, it would take twenty, thirty years.

16 Q. So in some cases it was seventy years?

17 A. Yes.

~~18 Q. Okay. So of course, the information that's~~  
19 documented in those gospels is then of course based on  
20 secondhand information, correct? That's secondhand  
21 information?

22 A. Not all of them. Some were firsthand.

23 Q. Okay. But a lot of it, a lot of what is attributed  
24 to Jesus Christ in both words and actions was secondhand  
25 information as documented in those gospels, correct?



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2 A. . . I don't know what you mean. If we're getting into  
3 scripture, what do you mean by secondhand? It was the  
4 actual writers themselves or the apostles, you know, who  
5 gave that information.

6 Q. Right. But the people that wrote the gospels were  
7 not the actual ones themselves that observed it; they were  
8 told by people who observed it at the time, correct?

9 A. Some of them were observers.

10 Q. And some were not?

11 A.. Some were not.

12 Q. Okay. So some of it was based on secondhand  
13 information.

14 The question that the jurors have is: Going back  
15 to the Cudemo file and the allegation that was made in  
16 1977 by <sup>Denise</sup> [REDACTED] and her mother that Father Cudemo  
17 was having sex with <sup>Emily</sup> [REDACTED], who was a fifteen year  
18 old Cardinal Dougherty student at the time, when [REDACTED]

19 [REDACTED] presented that allegation to you and you looked  
20 at it, you indicated that you would not find it credible  
21 because it was based on secondhand information; and the  
22 question that the jurors have is: What's the difference  
23 between the credibility of that secondhand information and  
24 the credibility of the information that's contained in the  
25 gospels?

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2 A. May I make two statements.

3 Q. Why do you judge the credibility of those two  
4 accounts differently?

5 A. First of all, you said that because I said, because  
6 secondhand information was not credible. I didn't say --  
7 I didn't say that.

8 I said it doesn't have the same level of  
9 credibility as firsthand information, so it has value in  
10 itself, but not as much value as, and that's true in any  
11 trial, too, you know, that . . .

12 Now, if you want me to give a theological  
13 discussion --

14 Q. No. You can answer the question any way that you  
15 want. I'm not telling you how to answer it.

16 A. The difference between that and the gospel is very  
17 simple, that when you have secondhand information in the  
18 ~~gospel, that it's not the actual observer.~~

19 Remember you have to be a member of the faith, in  
20 other words, to understand what I'm about to say. All  
21 scripture is revealed by God himself. God doesn't reveal  
22 all human second information, secondhand information.

23 The gospels, and this is a matter of faith, that  
24 you must believe that all the scriptures are revealed by  
25 God through a human instrument.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 It does not mean that God dictates, you know,  
3 Matthew, Mark, Luke or John or any of the old testament,  
4 but that the writers are inspired by God that they cannot  
5 make a mistake when they write that what they -- that what  
6 they say is true. So it has truth. It has divine truth.  
7 We cannot take that and apply that to secondhand human  
8 witnesses.

9 Q. Okay.

10 BY MR. GALLAGHER:

11 Q. How many witnesses would it take for you to believe  
12 after 1991 that Cudemo was a pedophile?

13 A. I would need the decision of a psychiatrist.

14 MR. GALLAGHER: Thank you.

15 MR. SPADE: Could the foreperson advise  
16 the Cardinal of his continuing obligation please.

17 GRAND JURY FOREPERSON: Cardinal

~~18 Bevilacqua, you are hereby notified that your~~  
19 subpoena is a continuing one. That means should  
20 the jury desire further evidence and/or testimony  
21 from you, you will be notified to appear before  
22 this grand jury by mail, phone or through your  
23 attorney, if you have one.

24 Do you understand that?

25 THE WITNESS: Thank you.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 GRAND JURY FOREPERSON: Thank you.

3 THE WITNESS: Good night.

4 GRAND JURY FOREPERSON: Good afternoon.

5 MR. SPADE: Thank you, Cardinal.

6 THE WITNESS: Thank you very much.

7 MR. GALLAGHER: May the record reflect

8 it's four nineteen and today's proceedings are  
9 concluded.

10 (Witness excused.)

11 (Hearing concluded.)

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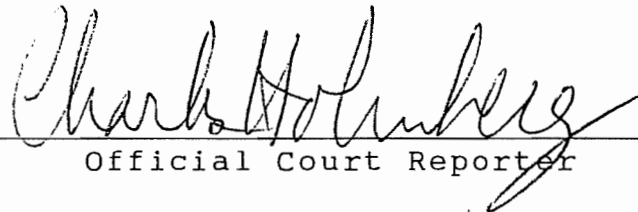
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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the trial of the above cause, and that this copy is a correct transcript of the same.

  
Official Court Reporter

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

\_\_\_\_\_

Judge

## APPENDIX H-8

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14-1-96

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

IN RE: : MISC. NO. 0300-239  
: COUNTY INVESTIGATING :  
GRAND JURY XIX : C-1

January 29, 2004

Room 18013, One Parkway  
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE  
Deputy District Attorney

WILLIAM SPADE, ESQUIRE  
Assistant District Attorney

MAUREEN MCCARTNEY, ESQUIRE  
Assistant District Attorney

~~For the Commonwealth~~

PRESENT:

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

Reported by: Charles Holmberg  
Official Court Reporter

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ANTHONY JOSEPH CARDINAL BEVILACQUA

MR. SPADE: Okay. We're back on the record. It's Thursday, January 29, 11:07 A.M.

And how many jurors do we have present?

GRAND JURY SECRETARY: [REDACTED]

MR. SPADE: [REDACTED].

The Commonwealth has recalled Anthony Cardinal Bevilacqua as a witness.

---

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

---

BY MR. SPADE:

Q. Good morning, Cardinal. How are you?

A. Good morning. How are you?

~~Q. Good. And you were sworn into this jury by the~~

Honorable Gwendolyn Bright on December 4; is that correct?

A. I appeared before her. Yes.

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

A. Yes.

Q. And you understood them at that time?

A. Yes.

Q. And you understand them now?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. And one of your rights is that you can have a  
4 lawyer present with you; is that correct?

5 A. Yes.

6 Q. Okay. And you do in fact have your lawyer present?

7 A. Yes.

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

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

14 MR. SPADE: Okay.

15 BY MR. SPADE:

16 Q. And, Cardinal, just for the record I'm sure that  
17 your counsel made you aware, but on January 12 of 2004 our

~~18 office sent you a letter or sent your counsel a letter~~

19 indicating which files we would be talking about today and

20 tomorrow, and indicated on there the numbers of the

21 documents that we would be looking at; is that correct?

22 A. Yes.

23 Q. Did you have a chance to review those documents?

24 A. I did.

25 Q. Okay. And we did that as a courtesy to you and

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 also in an effort to speed this process along.

3 A. Yes.

4 Q. Okay. Now, Cardinal, the first group of documents  
5 that we're going to be looking at, I put them in front of  
6 you, and I'm going to just go with a group of documents,  
7 GJ-1102, GJ-111, GJ-1099, GJ-1097; and again, Cardinal,  
8 these are marked -- I'm sorry. Flip over the first two,  
9 the first two exhibits.

10 Now, do you have GJ-1102 in front of you there?

11 In the upper right-hand corner.

12 MR. HODGSON: Yes.

13 THE WITNESS: Yes.

14 BY MR. SPADE:

15 Q. Okay. And I'm not going to refer you to these  
16 individual documents, Cardinal. I'm just stating for the  
17 record which ones we're going to be discussing first.

18 ~~Okay?~~

19 A. Yes.

20 Q. Ten ninety-seven, eleven hundred, ten ninety-eight,  
21 eleven-o-one, GJ-113, one fourteen, one fifteen, and  
22 eleven-o-three.

23 Now, Cardinal, there may be a couple documents in  
24 that first pile that I didn't refer to, but again, I'm not  
25 going to refer to the individual documents. I'm just

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 putting on record the ones that we're going to refer to;  
3 and if you need to look at any of the particular documents  
4 to refresh your memory or to follow up along something  
5 that I said, I can refer you to specific documents.

6 A. I can't say I remember everything I read.

7 Q. No, I understand. I understand.

8 Cardinal, this group of documents establishes  
9 that -- well, back in the fall of 1991, let me first ask  
10 you, do you have any memory of an investigation that was  
11 conducted by the Archdiocese into a seminarian by the name  
12 of <sup>Timmy</sup> [REDACTED]?

13 A. I had a vague memory of it, but then this refreshed  
14 it. The documents did.

15 Q. Okay. So looking at the documents refreshed your  
16 memory?

17 A. Yes.

18 ~~Q. Okay. Do you remember that the allegations against~~  
19 <sup>Timmy</sup> [REDACTED] were that he had engaged in homosexual  
20 activity at the seminary and had made certain statements  
21 at the seminary that were called into question?

22 A. Yes. Yes.

23 Q. Yes. And, Cardinal, do you remember that this  
24 behavior or this alleged behavior on the part of <sup>Timmy</sup> [REDACTED]  
25 [REDACTED] was brought to your attention by Monsignor

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Daniel Murray?

3 A. Yes.

4 Q. And he was the dean of the seminary at that time?

5 A. Yes.

6 Q. Okay. And, Cardinal, do you remember what your  
7 response was when this was brought to your attention by  
8 Monsignor Murray?

9 A. Well, an investigation was carried out.

10 Q. Okay. And who did you delegate to conduct this  
11 investigation?12 A. If I recall, it was Monsignor Molloy, who was the  
13 Vicar for Administration office.14 Q. Okay. And do you also remember giving at that time  
15 Monsignor Cullen any responsibility in the investigation?

16 A. Well, he would oversee it, you know.

17 Q. He was to oversee the investigation?

18 A. Yes.

19 Q. Okay. And Monsignor Molloy reported directly to  
20 Monsignor Cullen at that time, correct?

21 A. Correct.

22 Q. Do you remember in the course of the fall of 1991,  
23 during the course of the investigation into ~~Timmy~~24 ~~alleged activities at the seminary, that it~~  
25 came to light that ~~Timmy~~, from the time that he

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 was eleven years old until approximately his second year  
3 in the seminary at Saint Charles, had been sexually abused  
4 by a priest by the name of Stanley Gana?

5 A. It was brought out in these records.

6 Q. Okay.

7 A. That there was accusations made.

8 Q. Okay.

9 A. That Father Gana had abused him.

10 Q. Okay. Now, do you have a specific memory going  
11 back to the fall of '91 of learning that an allegation had  
12 been brought to your attention that Father Gana had abused

13 [REDACTED]

14 A. I can't recall that until I read this, you know.  
15 It's hard for me to recall that.

16 Q. Okay. But looking at the document refreshed your  
17 memory?

18 A. Yes.

19 Q. Okay. And, sir, do you remember that the  
20 allegations came to light, that it was brought to  
21 Monsignor Molloy's attention and Monsignor Cullen's  
22 attention that <sup>Timmy</sup> [REDACTED] had told some other  
23 seminarians by the name of [REDACTED] and [REDACTED]  
24 and [REDACTED]

25 A. [REDACTED]

## ANTHONY JOSEPH CARDINAL BEVILACQUA

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Q. [REDACTED] That Father Gana sexually abused him when he was eleven years old?

A. I saw that in here very clearly.

Q. Okay. And did you also see in the documents that a priest of the Archdiocese by the name of [REDACTED] [REDACTED] had also reported to Monsignor Murray that he knew that Stanley Gana had abused [REDACTED] <sup>Timmy</sup> [REDACTED]?

A. I recall reading that in the documents.

Q. Okay. As a result of looking at these documents, do you have a memory of learning that at that time in the fall of 1991?

A. From reading these documents, I -- you know, it brought back the memory, but some of this was not always given to me while it was going on.

Q. Okay.

A. So some of this was actually new to me.

~~Q. Okay. Do you also remember that Monsignor Murray reported to Monsignor Molloy that he found the seminarians to be credible, that is, [REDACTED] and [REDACTED], that Monsignor found them to be credible when they reported that [REDACTED] <sup>Timmy</sup> [REDACTED] had shared with them that Father Gana had abused him?~~

A. From reading this, I recall that.

Q. Okay. Sir, could you look at [REDACTED] just briefly,



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 could you look towards the back of that first set of  
3 documents, GJ-115, which is a December 19, 1991, memo to  
4 the file from Reverend William J. Lynn?

5 A. GJ-115?

6 Q. GJ-115. Correct. Grand jury one fifteen. The  
7 marking is in the top right-hand corner of the document.  
8 I think you're too far into it. It's about the tenth  
9 document from the top.

10 A. I have that.

11 Q. Okay. So just referring to the third full  
12 paragraph of that document -- and again, this is a memo  
13 from Father Lynn to the file regarding an interview that  
14 he had had with Monsignor Murray.

15 In the third paragraph, Father Lynn writes: "DAM,"  
16 referring to Monsignor Murray, "stated that he wanted to  
17 share something with us in the beginning. DAM helps on  
18 Sundays at Nativity Parish in Media. [REDACTED]

19 [REDACTED] told DAM that Father Stanley Gana  
20 is involved with <sup>Timmy</sup> [REDACTED] and <sup>Timmy</sup> [REDACTED] would refer to <sup>Timmy</sup> [REDACTED]  
21 [REDACTED]; is that right Cardinal?

22 A. Yes.

23 Q. Okay. "He also told DAM there is anywhere from  
24 four to nine priests involved with <sup>Timmy</sup> [REDACTED]  
25 said things such as who do you think helps him afford a

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BMW or pays for all his trips? [REDACTED] did not  
3 give DAM any other names. DAM has a concern that Father  
4 Gana has invited other seminarians to his rectory  
5 recently."

6 Cardinal, what I wanted to ask you is: When you  
7 reviewed this document in the last couple of weeks, did  
8 that refresh your memory as to these allegations that  
9 [REDACTED] made, specifically about the allegations  
10 of Father Gana being involved with -- I'm sorry -- <sup>Timmy</sup> [REDACTED]  
11 [REDACTED] being involved with anywhere from four to nine  
12 priests?

13 A. It doesn't refresh my memory in the sense that I  
14 may have had a memory of this, that this material was  
15 actually shown to me.

16 Q. Okay.

17 A. But I read this material.

18 Q. Okay. So you don't have a memory at the time --

19 A. No.

20 Q. -- of worrying about that? Okay.

21 Cardinal, is it true that in your relationship with  
22 Monsignor Cullen and then later Bishop Cullen, and I'm not  
23 saying that these were the exact words, but early on in  
24 your relationship, that you told him, "Don't surprise me,"  
25 and by that you meant bring to my attention all major

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 things that you know could cause problems for the  
3 Archdiocese?

4 A. I don't recall saying that, but if I did say it,  
5 probably that's what it refers to, being major things.

6 Q. Okay. So it's accurate then that you made  
7 Monsignor of Cullen aware from the beginning that you  
8 wanted him to keep you informed about major problems --

9 A. Yes.

10 Q. -- or issues within the Archdiocese? Okay.

11 And would an allegation that a seminarian at Saint  
12 Charles Seminary was involved with four to nine priests in  
13 sexual relationships, would that be something that would  
14 fit your criteria of something major, that you would want  
15 to be informed of?

16 A. Oh, I would think so.

17 Q. Okay. So is it likely then, sir, that at that time  
~~18 in the fall of 1991, this would have been brought to your~~  
19 attention?

20 A. I can't say that because I cannot say that this was  
21 brought to the attention of Monsignor Cullen.

22 Q. Okay.

23 A. This testimony.

24 Q. Okay. Do you know whether Monsignor Cullen gave  
25 the same directive to Monsignors Molloy and Lynn, that he

## ANTHONY JOSEPH CARDINAL BEVILACQUA

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wanted them to inform him of all major problems or issues in the Archdiocese?

A. I do not.

Q. Okay.

BY MS. MCCARTNEY:

Q. Cardinal, if the Secretary for Clergy, the person that was the author of this memo, if they were doing their job competently, would that be information that they would have shared with Monsignor Cullen, given the magnitude of the information that was given to them?

A. I can just say I hope they would have done that.

Q. So in your estimation, this information is of a serious nature and information that, if the Secretary of Clergy were doing their job properly, should have been brought to the attention of Monsignor Cullen, who then would have been vested with the responsibility of bringing it to you, if the organizational chain worked properly?

A. I don't know what his -- you know . . .

Q. I'm not asking you, Cardinal, if it happened. I'm asking you --

A. There were several phrases to your question.

Q. Okay. If your Secretary of Clergy were doing their job properly and they received the information which is contained in this memo, should they have brought that to

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the attention of Monsignor Cullen?

3 A. I can't speak for them, honestly.

4 Q. I'm not asking you, Cardinal, to say whether or not  
5 they did it, because you can't speak to that, but in your  
6 mind, in the way that the Archdiocese ran, if it was  
7 running effectively and this information came to your  
8 Secretary of Clergy, should they have passed that on to  
9 Monsignor Cullen?

10 A. All I can say, I would have hoped they did pass it  
11 on.

12 Q. Okay. And you would have hoped that because that  
13 would have been the type of information that should have  
14 been passed on, correct?

15 A. Ordinarily yes.

16 Q. Okay. And again, if that information had been  
17 passed on to Monsignor Cullen, you would have hoped that  
~~18 he would have passed that on to you, correct?~~

19 A. I don't know if he would have done it right away.  
20 He may want to say where are the names? There's nothing  
21 else given except that allegation, and it's really -- you  
22 know, it's hearsay, too.

23 Q. But at some point in time, Cardinal, that  
24 information, if the organizational structure was working  
25 the way that you had envisioned it working, it would have

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 made its way to you, given in the serious nature that  
3 we're talking about, correct?

4 A. Well, I would have hoped that it would have been  
5 brought to my attention.

6 Q. All right. Thank you.

7 BY MR. SPADE:

8 Q. Cardinal, do you still have one twelve before you?

9 A. GJ-112?

10 Q. Yes.

11 A. Yes.

12 Q. Okay. Sir, could you turn to page eleven of the  
13 document. There's just one thing in this document that I  
14 want to ask you about.

15 A. Page eleven?

16 Q. Yes.

17 A. Yes.

18 Q. Towards the bottom, the second to the last full  
19 paragraph. I'll just read you the first sentence in that  
20 paragraph, because it sheds light on what we've just been  
21 discussing in terms of the chain of command or reporting  
22 of information.

23 Quote: "JEM," and that would be Monsignor Molloy,  
24 correct?

25 A. Yes, correct.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. "JEM stated that we would collect the information  
3 and present it to Cardinal Bevilacqua with recommendations  
4 that flow logically from our findings."

5 Now, sir, this document, GJ-112, it's a memo to the  
6 file from Father Lynn regarding his interview with  
7 <sup>Timmy</sup> [REDACTED] dated December 10 of 1991; and I'm  
8 just showing it to you because we've been discussing what  
9 information would have come up to you and what information  
10 would not have.

11 I mean, you would agree with me that, you know,  
12 based on what Father Lynn wrote here, that there was  
13 information regarding the investigation into <sup>Timmy</sup> [REDACTED]  
14 [REDACTED] that was being shared with you, correct?

15 A. Yes.

16 Q. Okay. You just can't remember specifically whether  
17 the information about the four to nine, <sup>Timmy</sup> [REDACTED]  
18 allegedly being sexually involved with four to nine  
19 priests was shared with you?

20 A. No.

21 Q. Okay. Sir, did you have faith in the competence of  
22 Monsignor Murray, the rector of the seminary?

23 A. I did.

24 Q. Okay. So is it fair then to say that if Monsignor  
25 Murray had reported to Father Lynn and Father Molloy that

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 he found the reports of the three seminarians to be  
3 credible and if that information had been reported to you,  
4 that you would have credited that information? In other  
5 words, you would have yourself believed that the  
6 allegations were credible, correct?

7 A. Yes.

8 Q. Okay. And, sir, could you just turn briefly, flip  
9 back to another couple of exhibits forward to GJ-1149, and  
10 then it's marked in the upper right hand.

11 A. In back?

12 Q. Just one or --

13 A. One one four nine?

14 Q. Yes.

15 A. One one four?

16 Q. One one four nine.

17 A. Would that be towards the back?

18 Q. It should be in the next couple of documents, or

---

19 maybe if you go to the ones that you've turned over, it  
20 might be the last one of the last documents from the  
21 bottom there.

22 A. I have this.

23 Q. One one four nine?

24 A. Yes.

25 Q. Okay. Sir, who's your Vicar for Administration



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 or -- I'm sorry.

3 Before you stepped down as Archbishop of the  
4 Archdiocese of Philadelphia, who was your Vicar for  
5 Administration?

6 A. You mean Monsignor Cistone?

7 Q. Monsignor Joseph Cistone.

8 One one four nine is a memo to the file from  
9 William J. Lynn regarding an interview with Reverend  
10 Joseph Cistone, dated September 16 of 1991.

11 Sir, you would agree with me that given the fact  
12 that you appointed Monsignor Cistone to one of the highest  
13 positions in the Archdiocese, that you had faith in his  
14 abilities and his judgment?

15 A. Yes.

16 Q. Okay. If you could turn to page three of this  
17 document, the second paragraph from the top, I'm going to  
18 ~~read a couple of sentences there.~~

19 "JC," and that refers to Joseph Cistone, "also said  
20 he felt [REDACTED] is a credible witness. [REDACTED] had  
21 lived in the same rectory for a summer and JC found him  
22 very trustworthy. Also [REDACTED] testimony is somewhat  
23 self-incriminating and yet he still came forward. JC  
24 found [REDACTED] willing to put his own reputation on the line  
25 by admitting his naivete in this situation. JC felt [REDACTED]

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 is too honest an individual to conceive a false story. He  
3 impressed him that the story was not fabrication.

4 "JC also stated that [REDACTED] and [REDACTED]  
5 were clear and precise in their talking with the three  
6 administrators."

7 So, Cardinal, it's fair to say here that Monsignor  
8 Cistone, who was also interviewed regarding this  
9 investigation into <sup>Timmy</sup> [REDACTED]'s activities, himself  
10 weighed in and said that he found the seminarians who were  
11 reporting the abuse of Gana on <sup>Timmy</sup> [REDACTED] to be credible,  
12 correct?

13 A. Yes.

14 Q. Okay. Do you remember at that time being informed  
15 that Monsignor Cistone found the allegations of abuse to  
16 be credible?

17 A. No.

~~18 Q. Okay. And reading these documents didn't refresh  
19 your recollection?~~

20 A. No.

21 Q. Okay. Sir, could you turn to GJ 116.

22 A. I have that.

23 Q. Okay. This is a June 11, 1992, memo to the file  
24 from Father Lynn regarding a meeting with Dr. Christopher  
25 Dematatis, and I wanted to just read a short snippet of

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2 this memo, the second full paragraph. I'm going to read  
3 the entire paragraph.

4 "CD," which refers to Dematatis, "was aware of our  
5 interviews with <sup>Timmy</sup> [REDACTED] and was familiar with the situation  
6 surrounding <sup>Timmy</sup> [REDACTED] and his leaving Saint Charles Seminary.  
7 JEM," referring to Monsignor Molloy, "asked CD his  
8 estimate of a prognosis for <sup>Timmy</sup> [REDACTED] considering the fact that  
9 he had been sexually abused as an adolescent."

10 And then I'm going to jump down. I'm going to skip  
11 one paragraph and jump to the last paragraph on page one.

12 "CD stated that he has been impressed with the honesty  
13 with which <sup>Timmy</sup> [REDACTED] has dealt with issues in his life. CD  
14 stated that <sup>Timmy</sup> [REDACTED] mentioned the fact of the sexual abuse by  
15 a priest almost immediately upon entering therapy about  
16 six years ago."

17 Did I read that correctly, Cardinal?

18 A. Yes.

19 Q. Now, Cardinal, if you refer to the date at the top  
20 of the memo, it's June 11 of 1992, correct?

21 A. Yes.

22 Q. Okay. So you would agree with me if Dematatis  
23 reported on June 11 of 1992 to Monsignor Lynn that  
24 <sup>Timmy</sup> [REDACTED] had revealed to Dematatis the fact that he had  
25 been sexually abused by a priest six years earlier, that

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2 the time that <sup>Timmy</sup> [REDACTED] reported it to Dematatis would  
3 have been approximately 1986, correct?

4 A. Yes.

5 Q. Okay. And, sir, would you agree with me -- well,  
6 let me ask you first of all. Do you remember as a result  
7 of reviewing these documents, did it refresh your memory  
8 as to whether Monsignor Cullen or Monsignor Molloy or  
9 Monsignor Lynn reported to you in the fall of 1991 that  
10 <sup>Timmy</sup> [REDACTED] had reported his sexual abuse by Father  
11 Gana six years prior to that to his therapist?

12 A. I do not . . . that.

13 Q. Okay. Sir, would you agree with me that the fact  
14 that <sup>Timmy</sup> [REDACTED], that <sup>Timmy</sup> [REDACTED] reported his sexual  
15 abuse within the confines of a confidential  
16 therapist-patient relationship six years earlier, before  
17 this investigation came to light, would indicate that his  
18 ~~allegation against Father Gana was credible?~~

19 A. (No response.)

20 Q. In other words, he had no motive to lie to his  
21 therapist in a private relationship six years before he  
22 was investigated, correct?

23 A. Yes.

24 Q. Okay.

25 (Pause.)

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2 Sir, could you turn, flip back another couple of  
3 exhibits, to GJ-119, please.

4 Do you see that document?

5 A. Yes.

6 Q. Now, sir, this is a July 28, 1992, memo to you from  
7 Monsignor James E. Molloy regarding <sup>Timmy</sup> [REDACTED]  
8 [REDACTED], and is it fair to say -- you reviewed this  
9 document in the last couple of weeks, correct?

10 A. Yes.

11 Q. Is it fair to say, sir, that in summarizing this  
12 document, that this is a report of Monsignor Molloy and  
13 Father Lynn's findings regarding their investigation of  
14 whether <sup>Timmy</sup> [REDACTED] had acted out homosexually at the  
15 seminary?

16 A. Yes.

17 Q. Okay. And also included are their recommendations  
18 ~~as to what to do with their findings?~~

19 A. Yes.

20 Q. Okay. So they're recommending to you what you  
21 should do as a result of their investigation, correct?

22 A. Well, to authorize others to do things. Yes.

23 Q. Okay. Could you turn to the last page, please, the  
24 third page. I'm just going to read the ninth  
25 recommendation.

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1  
2 "The Secretary for Clergy is to continue a separate  
3 investigation concerning the alleged perpetrator of the  
4 reported victimization of <sup>Timmy</sup> [REDACTED] as an adolescent."

5 Did I read that correctly?

6 A. Yes.

7 Q. And then, Cardinal, below that, in handwritten  
8 script, it says: "Thanks. Pursue steps outlined in our  
9 meeting of 7/28/92."

10 Is that your handwriting?

11 A. Yes.

12 Q. Okay. Now, sir, let me just ask you. If you can  
13 remember, what did you mean when you wrote: "Thanks.  
14 Pursue steps outlined in our meeting of July 28 of 1992"?

15 A. I can't recall that, but it means at least to  
16 pursue these.

17 Q. It would mean to pursue these nine recommendations?

18 A. Yes.

---

19 Q. Okay. So one of the things that you decided as a  
20 result of this memo and as a result of being briefed by  
21 Monsignor Molloy and Father Lynn was that the Secretary  
22 for Clergy should investigate Father Gana to determine  
23 whether the allegation made by <sup>Timmy</sup> [REDACTED] was  
24 credible, correct?

25 A. Yes.

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Q. Okay. And, sir, when you referred to the meeting of July 28 of 1992, was that an issues meeting?

A. I can't recall that.

Q. Okay. Given your knowledge of how you ran the Archdiocese, is it likely that that July 28, 1992, meeting would have been an issues meeting?

A. It's very possible.

Q. Okay. And again, we've gone over this territory before, but very briefly, at the issues meetings, the people present were you yourself and Monsignor Cullen; is that correct?

A. Most of the time.

Q. And sometimes Monsignor Molloy?

A. Monsignor Molloy at that time, yes.

Q. Okay. And, sir, just to be clear, you have no independent recollection of that July 28, 1992, meeting?

A. I do not.

Q. Okay. If you can remember, or you can just tell us based on your knowledge of how you worked as the Archbishop of Philadelphia, when that GJ-119 was given to you and you reviewed it, can you tell us why you directed the Secretary for Clergy to conduct an investigation of Father Gana?

A. Well, because of the report that was given, that

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2 it -- there was involvement by some priest, you know,  
3 outside, that I wanted that investigated.

4 Q. I guess what I'm asking you, sir, is: If you could  
5 amplify, if you can amplify the words in the memo, what  
6 were your concerns at the time or what would have been  
7 your concerns at the time?

8 A. Well, that there was a priest that was performing  
9 sexual abuse and had performed them on this -- on [REDACTED]  
10 [REDACTED] even as a minor.

11 Q. Okay. So you were concerned, that it's fair to say  
12 that you were concerned that you had an allegation that  
13 Father Gana had sexually abused <sup>Timmy</sup> [REDACTED] starting  
14 when he was eleven years old and that he may, Father Gana,  
15 at that time in the fall of '91, have been abusing another  
16 minor?

17 A. That's right.

18 Q. Or minors?

19 A. Or could have been.

20 Q. Okay.

21 A. That's why I wanted it done.

22 Q. Okay. And, sir, could you refer to the very first  
23 exhibit that I gave you. It's GJ-25, and this is the  
24 Archdiocese of Philadelphia Priest Data Profile, correct,  
25 for Father Gana?



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2 A. Yes.

3 Q. And at the time that this investigation of [REDACTED]  
4 [REDACTED] brought to light the allegation of sexual abuse  
5 by Father Gana, Father Gana was assigned as pastor Our  
6 Mother of Sorrows Parish in Bridgeport, correct.

7 A. Where?

8 Q. It's the fourth entry up from the bottom on  
9 previous positions.

10 A. Yes. It would have been. Yes.

11 Q. And, sir, do you know from your knowledge of the  
12 Archdiocese whether Our Mother of Sorrows had a school  
13 involved, whether there was a school at that parish?

14 A. I don't recall.

15 Q. Okay.

16 A. It was a very small parish. I don't have a  
17 recollection.

---

18 ~~Q. Okay. Sir, could you turn to -- well, let me ask~~  
19 ~~you this first of all.~~

20 As a result of making that, of making that  
21 directive outlined in GJ-119 on July 28 of 1992, that the  
22 Secretary for Clergy investigate Father Gana, was there  
23 any -- and we've gone over this territory before, but I  
24 just want to touch on it briefly.

25 Was there any procedure that you had put into place

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2 to ensure that the person that you had delegated this task  
3 to, namely, at that time it would have been -- it would  
4 have been Father Lynn, correct, who was the Secretary of  
5 Clergy?

6 A. What year was that? Please forgive me.

7 Q. Well, it doesn't matter who the Secretary of Clergy  
8 was.

9 A. He came in in '92.

10 Q. So this was July of '92.

11 A. He would have just come in then.

12 Q. So the Secretary of Clergy was Father Lynn,  
13 correct?

14 A. Yes.

15 Q. Did you have any procedures in place to ensure that  
16 Father Lynn would follow through on that investigation?

17 A. Like I say, we had a procedure of how they should  
~~18 act. We had a policy of what should be done.~~

19 Q. Okay. A policy on what should be done in terms of  
20 investigating allegations of sexual abuse of minors?

21 A. Yes.

22 Q. Okay. So at that time in July of 1992, the  
23 Archdiocese of Philadelphia had a written procedure for  
24 allegations of child sex abuse, correct?

25 A. I don't know if it was written at that time, but it

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2 was about that time we did write it down, but aside from  
3 being whether it was written or not, there was that  
4 policy.

5 Q. Okay.

6 A. When we wrote it, it was really a written  
7 articulation of what was already a standard policy.

8 Q. Okay. And part of that policy or the substance of  
9 that policy was to outline for the people in the  
10 Archdiocese who were handling these matters, namely, the  
11 employees of the Secretary of Clergy's office, how they  
12 were to investigate allegations of a priest abusing a  
13 minor, correct?

14 A. Yes.

15 Q. Okay. Now, what I'm asking you -- I understand  
16 that you had a policy for how the investigation should be  
17 conducted, but I'm actually asking you a different  
18 question, which is: Did you have a checks and balances

19 type procedure to make sure that the investigation  
20 actually was conducted?

21 A. I did not.

22 Q. Okay.

23 BY MS. MCCARTNEY:

24 Q. Cardinal, when you say that there was a policy in  
25 place as to how to conduct this investigation, could you

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 tell us, to the best of your recollection, what that  
3 policy involved in terms of investigation?

4 A. Yes. I testified to this before, but I will repeat  
5 it.

6 Q. Okay.

7 A. That when an allegation comes in, the person making  
8 the accusation is immediately called in, and they are --  
9 at that time, it would have been the Secretary for the  
10 Clergy, and they would give their allegations; and as  
11 quickly as possible after that, the one accused would be  
12 called in and give, you know, his version; and depending  
13 on the allegations, if they were considered credible, he  
14 would be sent for evaluation, and the investigation would  
15 continue, depending on what the -- what the alleged  
16 perpetrator said, and also on what the accuser said,  
17 giving the names and so on. All of that would be  
18 investigated.

---

19 Q. So when you --

20 A. The immediate steps would have been speaking to the  
21 accused and then to send him for a psychological  
22 evaluation.

23 Q. So when you ordered that the allegations as they  
24 related to Father Gana be investigated, you had an  
25 expectation that Father Gana himself would be spoken to

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about these allegations?

A. Yes.

Q. You had an expectation that Monsignor Lynn would use whatever resources he had available to him to conduct a investigation that went beyond just speaking with Father Gana, correct?

A. Yes.

Q. And that would possibly have been speaking with people that had been in previous assignments with Father Gana? I mean, that would be something that --

A. Whatever he thought was appropriate for having a complete investigation.

Q. And because you've had the benefit of looking at these documents and when the allegations came about of <sup>Timmy</sup> ~~\_\_\_\_\_~~, would you consider the investigation that was done on him to be a complete, thorough investigation?

Were you satisfied with the number of people that were spoken to and the different sources that Monsignor Molloy and Father Lynn went to?

A. I'm not sure if we're referring to the same investigation. In other words, there's one investigation about his status in the seminary.

Q. Correct.

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1  
2 A. That was a very thorough one from reading this.

3 Q. Correct. That's the one I'm talking about.

4 A. Yes.

5 Q. When allegations came in that related to potential  
6 misconduct on the part of <sup>Timmy</sup> [REDACTED]  
7 you were satisfied with the investigation that took place.  
8 They went and spoke with some of his professors?

9 A. Yes.

10 Q. They spoke with other seminarians; they spoke  
11 with --

12 A. Yes.

13 Q. -- as many people as they could find. You were  
14 satisfied that that was a complete investigation, correct?

15 A. Yes.

16 Q. And so given the fact that your staff did that,  
17 then they were aware what type of level and completeness  
18 ~~investigation you were interested in having done, correct?~~

19 A. Yes.

20 Q. Okay. And then the allegations came about as a  
21 result of that investigation, that Father Gana had  
22 actually been abusing <sup>Timmy</sup> [REDACTED] from the time he  
23 was eleven years old --

24 A. Yes.

25 Q. -- onward?

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2 And then Monsignor Molloy and Father Lynn got that  
3 information not only from ~~Timmy~~ but from other  
4 sources --

5 A. Yes.

6 Q. -- is that right?

7 A. Yes.

8 Q. Okay. Thank you.

9 BY MR. SPADE:

10 Q. Cardinal, I'm going to mark a new exhibit, and the  
11 number -- I'm going to hand it to you right now. The  
12 number is GJ-1159.

13 (GJ-1159 was marked for  
14 identification.)

15 BY MR. SPADE:

16 Q. Cardinal, the document that I've handed to you is  
17 actually an article that I pulled from the three-volume  
18 set called Restoring Trust, a Pastoral Response to Sexual  
19 Abuse, that the Archdiocese of Philadelphia produced to  
20 this grand jury; and this Restoring Trust document, the  
21 three volumes you produced, actually, two volumes, to us,  
22 but the three-volume set was published by the Bishops'  
23 Ad-Hoc Committee on Sexual Abuse in November of 1996, and  
24 I'm correct, sir, that the Bishops' Ad-Hoc Committee on  
25 Sexual Abuse was an ad-hoc committee formed under the

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2 auspices of the National Conference of Catholic Bishops,  
3 correct?

4 A. Correct.

5 Q. Okay. And, sir, you testified previously that this  
6 three-volume set was one of the major sources of knowledge  
7 and guidance that you used in dealing with these matters  
8 of clergy sex abuse, correct?

9 A. Yes.

10 Q. Sir, could you -- and this excerpt that I handed to  
11 you and marked as GJ-1159 is entitled: "Will Priests  
12 Sexually Abuse After Treatment?" It's authored by James  
13 J. Gill, Society of Jesus and also M.D., and it's a  
14 ten-page document, and it comes from Restoring Trust,  
15 Volume two; and, sir, I just wanted to show you one  
16 excerpt from this, and it actually comes from page four of  
17 the document.

18 Let me ask you first of all: Were you familiar --  
19 are you now or at that time were you familiar with the  
20 work of Father Gill or Dr. Gill?

21 A. I know of him.

22 Q. Okay.

23 A. He had a good reputation.

24 Q. He had a good reputation?

25 A. Yes.



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1  
2 Q. Okay. And recognizing, Cardinal, just off the bat,  
3 so that there's no misunderstanding, recognizing that this  
4 document was not produced by the subcommittee until 1996,  
5 although the committee had been working on it since  
6 approximately 1993, but this was not produced until '96.

7 But I just want to read an excerpt from page four,  
8 and this paper in general is about the recidivism rate  
9 among sex offenders in general as well as sex offender  
10 priests; and by recidivism, I mean, whether or not a sex  
11 offender who has sexually abused a minor will do it again  
12 after treatment.

13 Do you understand that?

14 A. Yes.

15 Q. Okay. Now, on page four, Father Gill, Dr. Gill and  
16 Father Gill writes: "For the sake of comparison, it  
17 should be noted that another study, reported by Marshall  
~~18 and Barber, 1990, found recidivism to occur at a rate o~~  
19 17.9 percent and 13.3 percent at four-year follow up for  
20 treated heterosexual and homosexual pedophiles  
21 respectively."

22 And just for the sake of clarity and to make sure  
23 that there's no misunderstanding, Dr. Gill had also  
24 referred earlier on in that page to a study by Fred  
25 Berlin, M.D., and Dr. Berlin's study had indicated that

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2 the recidivism rate for treated sex offenders was 1.2  
3 percent. Okay. And then Father or Dr. Gill quotes the  
4 17.9 percent and 13.3 percent recidivism rates found by  
5 Marshall and Barber.

6 And then the next sentence is, quote: "These  
7 researchers also used 'official plus unofficial sources'  
8 to establish the relapse rate among untreated" -- and  
9 "untreated," its underlined, -- "sexual abusers of minors  
10 at a significantly higher 42.9 percent."

11 Did I read that correctly?

12 A. Yes.

13 Q. Okay. So that indicates, does it not, Cardinal,  
14 that the experts that were advising the National  
15 Conference of Catholic Bishops at that time were  
16 indicating that if a sex abuser, somebody who was sexually  
17 abusing minors, is not treated, that he has almost a fifty  
18 percent chance of abusing minors again, correct?

19 A. (No response.)

20 Q. A 42.9 percent chance of abusing minors again,  
21 correct?

22 A. Well, that's the claim of these researchers.

23 Q. Right. Right. Dr. Gill, who is advising the  
24 National Conference of Catholic Bishops, reports to them  
25 that there are some experts in the field that have

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 reported these findings, correct?

3 A. May I ask something.

4 Q. Absolutely. Sure.

5 A. Just looking at this -- and I don't recall reading  
6 this. If I did, it was many, many years ago.

7 Q. I understand.

8 A. The statistics above, the recidivism is only 1.2  
9 percent.

10 Q. Correct. Dr. Berlin found the recidivism for  
11 treated --

12 A. That's for sexual abusers.

13 Q. Right.

14 A. The one below by Marshall and Barber --

15 Q. Right.

16 A. -- is different from that. That's for pedophiles.  
17 You can be a sexual abuser without being a  
18 pedophile.

---

19 Q. Correct. I understand.

20 A. But this refers to pedophiles.

21 Q. Correct. That's right.

22 A. I do not know -- and the following sentence, it's  
23 in that category of pedophiles, talks about 42.9 percent,  
24 but it's not clear is he talking about sexual abusers or  
25 sexual abusers who are also pedophiles?

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2 Q. I agree with you, Cardinal. It's not clear.

3 A. Yes.

4 Q. Now, given the fact that it's not clear and, you  
5 know, now that you've made that observation and given the  
6 fact that you were given this document in approximately  
7 the fall of 1996, if you had read this document and those  
8 questions presented themselves to you as to what the  
9 distinctions were between recidivism rates for treated  
10 pedophiles, for untreated sexual abusers of minors, for  
11 homosexual pedophiles, heterosexual pedophiles, that would  
12 have been information -- given the importance of  
13 recidivism of sex offender priests, that would have been  
14 information that you would have wanted followed up on,  
15 correct?

16 In other words, you would have wanted to delegate  
17 to somebody to get answers to your questions, correct?

18 ~~A. Well, I don't know about this material presented~~  
19 right here.

20 Q. Yes. This material that was presented to you in  
21 the fall of 1996.

22 A. I would not have wanted that investigated. We just  
23 know. We always knew that they had to be treated. We  
24 treated all of them.

25 Q. Okay. But the information that was reported to you

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1  
2 and to the other Catholic bishops at this time by one of  
3 your own chosen experts was that there was, that at least  
4 some experts in the field of treating sex offenders were  
5 reporting, that if you didn't treat a sex offender, he had  
6 a significantly higher risk of reoffending, correct?

7 A. I would accept that.

8 Q. Okay. Now, turning back, if you could look at --  
9 it hasn't been marked, but it's an excerpt of the  
10 testimony before this grand jury of Monsignor William J.  
11 Lynn. It should be --

12 A. It's in here?

13 Q. Yes. It's in there.

14 It's the September 26, 2002, testimony of the  
15 Reverend Monsignor William J. Lynn.

16 Do you see it, Cardinal?

17 A. This one here?

18 Q. No. I don't think that's it. It would be a

---

19 transcript.

20 MR. SPADE: Is that a transcript, Mr.

21 Hodgson?

22 MS. MCCARTNEY: That's it.

23 MR. SPADE: I'm sorry. That's it.

24 BY MR. SPADE:

25 Q. Now, Cardinal, could you turn to the fourth page in

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2 on that excerpt from Father or Monsignor Lynn's testimony,  
3 and the page number at the top right hand of the page  
4 forty-four.

5 A. Yes.

6 Q. Do you see that?

7 Now, again, this is Monsignor Lynn testifying, and  
8 he was being questioned here about the investigation that  
9 you directed him to conduct of Father Gana, and I'm  
10 reading from again page forty-four, starting at line nine.

11 "QUESTION: And is it fair to say that one of the  
12 findings or one of the recommendations that was included  
13 in this memorandum was that you were to continue a  
14 separate investigation involving Stanley Gana?

15 "ANSWER: That's right.

16 "QUESTION: Now, Monsignor, once again, is it your  
17 testimony that despite the additional information you  
18 ~~received from Dematatis in June of 1992 as well as the~~  
19 directive contained in this memorandum, presumably that  
20 you agreed with, that once again the investigation simply  
21 fell through the cracks?

22 "ANSWER: Yes, it is."

23 Would you agree with me, Cardinal, that Monsignor  
24 Lynn had testified there that when you directed him on  
25 July 28 of 1992 to investigate whether Father Gana had in

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2 fact sexually abused <sup>Timmy</sup> [REDACTED], that Monsignor Lynn  
3 never actually conducted that investigation?

4 A. I have to accept that from what he says here.

5 Q. Okay. Sir, did it ever come to your attention  
6 before today that in fact Monsignor Lynn never conducted  
7 the investigation of whether Father Gana had sexually  
8 abused <sup>Timmy</sup> [REDACTED]?

9 A. I have to say that it did come to my attention that  
10 there was no report, and I did not know, perhaps the  
11 report was not included, why there was no report after  
12 that was -- that directive was given.

13 Q. Sir, do you remember when that came to your  
14 attention, that there was no report on the investigation  
15 that you had directed into Father Gana?

16 A. Only in reading this.

17 Q. Only in reading what?

18 A. All of this material.

---

19 Q. Only in reading the documents from the Gana file  
20 that we turned over to you three weeks ago?

21 A. Yes.

22 Q. Okay. So sometime in the last three weeks was the  
23 first time that you learned that Monsignor Lynn had  
24 disobeyed your directive to investigate Father Gana?

25 A. I don't know if you would call it a disobedience.

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2 Q. Okay. What would you call it, sir?

3 A. I would call it, you know, a negligence. I would  
4 call it a lapse.

5 Q. Okay. Sir, could you turn to the next couple of  
6 documents that are marked GJ-29 and GJ-27. Twenty-seven  
7 and twenty-nine. Again, they're marked in the upper  
8 right-hand corner of the page.

9 A. I have twenty-seven and twenty-nine.

10 Q. Okay.

11 A. Which one first?

12 Q. Well, sir, I'm just going to summarize them again.  
13 Again, we're trying to speed this process along for the  
14 benefit of everybody.

15 These documents, GJ-27 and twenty-nine, previously  
16 marked in this grand jury -- and again, you've had some  
17 time to review these documents.

18 These documents establish that in the late summer  
19 of 1995, specifically in September, early September of  
20 1995, it came to the attention of the Archdiocese of  
21 Philadelphia through Monsignor Lynn that a man by the name  
22 of <sup>Bamy</sup> [REDACTED] reported to Father Lynn that he had also  
23 been sexually abused by Stanley Gana.

24 A. Yes.

25 Q. Is that an accurate characterization of these



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1 documents?

2 A. Yes.

3 Q. Okay. Starting with twenty-seven, I just want to  
4 read a couple of excerpts from this, the second full  
5 paragraph:  
6

7 <sup>Bamy</sup> ~~\_\_\_\_\_~~ explained that as a child he was molested by  
8 a family friend over a period of years. His parents were  
9 advised to get counseling for him by Father Gana and he  
10 suggested" --

11 A. Forgive me. I'm just -- sorry.

12 Q. Oh, I'm sorry.

13 A. I didn't hear the paragraph. Which paragraph?

14 Q. Oh, I'm sorry. The second full paragraph on GJ-27.

15 A. Page one?

16 Q. Page one of GJ-27.

17 A. Sorry about that.

18 Q. That's all right.

---

19 "His parents were advised to get counseling for him  
20 by Father" -- I'm sorry. I skipped over the first line  
21 because I had already read it.

22 Starting with the second line: "His parents were  
23 advised to get counseling for him by Father Gana and he  
24 suggested himself as the counselor. <sup>Bamy</sup> ~~\_\_\_\_\_~~ was about eleven  
25 or twelve years old." And then it goes on to describe

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2 for the rest of that paragraph how Father Gana began to  
3 sexually abuse --

4 A. Yes.

5 Q. -- <sup>Barry</sup> [REDACTED] and then in the next full paragraph,  
6 mid-way through the paragraph: "Father Lynn" -- I'm  
7 sorry. This memo, I didn't identify the document, but  
8 it's a September 7, 1995, memo from Michael T. McCulken to  
9 the file --

10 A. Right.

11 Q. -- regarding his interview with <sup>Barry</sup> [REDACTED], and  
12 going down to the third full paragraph, midway through,  
13 Father McCulken writes: <sup>Barry</sup> [REDACTED] stated that he was invited  
14 to the shore house of a priest friend of Father Gana's,"  
15 in brackets, "Monsignor Michael Bransfield, and while  
16 there Father Gana ejaculated in front of him and told <sup>Barry</sup> [REDACTED]  
17 that he made love to him. <sup>Barry</sup> [REDACTED] was thirteen years old.  
18 <sup>Barry</sup> [REDACTED] stated that the above-described incidences occurred

19 in the rectory, the farmhouse and the shore. He stated  
20 that there was full anal intercourse and oral sex between  
21 them and that this activity continued until the summer  
22 before he left for college."

23 So, Cardinal, you would agree with me that in  
24 September, in early September of 1995, which would be a  
25 little over three years after you directed Monsignor Lynn

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2 to investigate whether Stanley Gana had sexually abused  
3 <sup>Timon</sup> [REDACTED] when he was eleven years old, that  
4 another man by the name of [REDACTED] came forward and  
5 said that in fact Father Gana had sexually abused him  
6 beginning when he was thirteen years old, correct?

7 A. Yes.

8 Q. And that the abuse consisted of anal intercourse  
9 and oral sex, correct?

10 A. Yes.

11 Q. Okay. Do you remember, after having reviewed these  
12 documents, this information coming to your attention in  
13 September of '95?

14 A. I do not recollect it.

15 Q. Okay. Is it likely, sir, that this information  
16 would have been brought to your attention in September of  
17 '95?

18 ~~A. It's a good possibility, unless they wanted to wait~~  
19 until after they completed it.

20 Q. Okay. You don't think that in September of 1995,  
21 when [REDACTED] walked into the Secretary for Clergy's  
22 office and made this allegation against Father Gana, that  
23 Father Lynn, knowing that he had not investigated Father  
24 Gana for three years, would have wanted to bring this to  
25 the attention of Bishop Cullen and yourself?

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2 A. There's a -- I mean, I presume he would have done  
3 that.

4 Q. Okay. You just don't remember?

5 A. I don't have an original memory of it.

6 Q. I understand.

7 And then turning to GJ-29, this is a September 6,  
8 1995, memo from Father Lynn to yourself regarding Father  
9 Gana. And again, I'll just characterize the document.

10 Essentially, Father Gana reports to you that [REDACTED]  
11 <sup>Bamy</sup> [REDACTED] -- I mean -- I'm sorry -- that <sup>Bamy</sup> [REDACTED] had  
12 come forward and alleged the sexual abuse.

13 A. Excuse me. You said Father Gana reports to me?

14 Q. Oh, I'm sorry. Father Lynn reported to you that  
15 <sup>Bamy</sup> [REDACTED] came forward and reported that Father Gana had  
16 sexually abused him, correct?

17 A. Yes.

18 Q. And, sir, again, looking at this document, given  
19 the fact that Father Lynn wrote this memo to you, you  
20 would again agree that it's likely that this information  
21 was given to you in September of 1995?

22 A. Yes.

23 Q. Okay. And then the last, the second to last  
24 paragraph from the bottom, I'm going to read it.

25 "Father Gana, while denying any guilt, said he did

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2 not want to disgrace the priesthood or the church. We  
3 believe he is not being honest regarding the allegations.  
4 I explained our usual procedures. Father Gana willingly  
5 volunteered to undergo a psychological evaluation at Saint  
6 John Vianney Hospital. This has been arranged for the  
7 week of September 25."

8 Did I read that correctly?

9 A. Correct.

10 Q. So Monsignor Lynn reported to you that he and  
11 Monsignor McCulken had some doubt as to whether Father  
12 Gana was being honest when he denied in these allegations?

13 A. Decree.

14 Q. Correct?

15 BY MS. MCCARTNEY:

16 Q. Cardinal, can I just ask you a question.

17 Back in 1992 when you approved the recommendation  
18 ~~that Father Gana be investigated based upon the~~

19 allegations that had been made against him, you had the  
20 expectation that that was going to be followed up on by  
21 your Secretary of Clergy, correct?

22 A. Yes.

23 Q. And you would agree with me that the allegations  
24 that were involved were of an extremely serious nature,  
25 specifically that Father Gana had sexually abused a boy

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starting at eleven years old?

A. Yes.

Q. Something that you took very seriously, correct?

A. Yes.

Q. And although I'm sure your base of knowledge has evolved all the years, even as early as 1992, you had some concerns about whether someone -- that if they did in fact engage in that kind of behavior, they could possibly still be doing it, correct?

A. Yes.

Q. And that was one of the reasons that you ordered that investigation be done; is that right?

A. Yes.

Q. And would you agree with me also, Cardinal, that given the fact that Father Gana was a pastor in an archdiocesan school, I mean, an archdiocesan parish, that he held a rather significant position within the

Archdiocese?

A. Yes.

Q. Okay. And would you agree with me also that there weren't a large number of pastors who had these allegations about them coming to your attention in 1992?

A. Correct.

Q. So Father Gana's situation, the allegations that he

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2 had, what he had engaged in, were kind of unique and stuck  
3 out? I mean, they were significant, correct?

4 A. Yes.

5 Q. Now, when you ordered the investigation into a  
6 pastor at an archdiocesan parish and you expected that  
7 investigation would be followed up on, we find out later,  
8 as you've been able to conclude from reviewing the  
9 documents, that it was in fact not followed up on?

10 A. Not that I know of, so . . .

11 Q. Okay. Did you, Cardinal, given the fact that this  
12 was such an important issue to you and given the fact that  
13 Father Gana had the position he did within the Archdiocese  
14 and given the fact that the allegations were so  
15 significant, did you do anything to follow up on whether  
16 or not the investigation had actually taken place?

17 A. I don't recall.

---

18 Q. Can you give us a reason, if you can, why you  
19 wouldn't have done that, given the fact that there  
20 weren't -- you know, there weren't a lot of pastors that  
21 were allegedly having anal sex with eleven year olds?

22 Did you ever say: Hey, Bill. Did you do the  
23 investigation I ordered? What's the status of Father  
24 Gana?

25 A. I don't recall.

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2 Q. You and Father Lynn, although you didn't work side  
3 by side, you had a lot of interaction with one another,  
4 correct?

5 A. Well, at that time, he would have just begun to be  
6 the Secretary for the Clergy.

7 Q. Even more question than that comes to my mind,  
8 Cardinal, is given the fact that he had just taken over  
9 that position, did you do anything to make sure that he  
10 was doing it properly?

11 I mean, you may have convinced yourself somewhere  
12 down the road that he knew what he was doing and he was  
13 doing it well, but he's new into the job.

14 Here's an extremely important task with an  
15 extremely important consequence attached to it. What did  
16 you do to ensure that he was doing his job properly?

17 A. I have no recollection.

---

18 Q. Okay. You don't have any --

19 A. I presume --

20 Q. Okay.

21 A. -- he was a very competent person, and I presumed  
22 he was carrying out his responsibility. Why that was not  
23 done, I do not know.

24 Q. And you don't have any recollection of ever  
25 yourself following up on what the conclusion of the



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1  
2 investigation that you expected was being done was or  
3 directing anybody else like Monsignor Cullen to follow up  
4 on that; is that right?

5 A. I have no recollection.

6 Q. Okay.

7 A. I trusted him and I trusted of Monsignor Cullen.

8 Q. Okay. Thank you.

9 BY MR. SPADE:

10 Q. And, sir, just a couple more questions on GJ-27.  
11 If you could turn to the second page of that memo, I'm  
12 going to read the second full paragraph, and again, this  
13 is a memo that was written by Father McCulken.

14 Father McCulken writes: "[REDACTED] reported that in his  
15 junior year of high school he found out that four other  
16 boys and one adult were having sex with Father Gana. He  
17 reported that Father Gana stated that [REDACTED] <sup>Barry</sup> was his number  
18 one and that he loved him and would never leave him. <sup>Barry</sup> [REDACTED]

19 stated that when he found out that Father Gana was  
20 sleeping with another boy, Father Gana denied it to him  
21 and then handled it by having himself, the other boy and  
22 Father Gana all in bed together. [REDACTED] <sup>Barry</sup> indicated that this  
23 other boy is now a student at Saint Charles Seminary and  
24 said his name was [REDACTED] <sup>Timmy</sup> [REDACTED]

25 Cardinal, would you agree with me that at this time

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2 in September of '95, when <sup>Bammy</sup> [REDACTED] reports that he had  
3 personal knowledge that <sup>Timmy</sup> [REDACTED] had been sexually  
4 abused by Father Gana, that that again would bolster the  
5 credibility of the allegations that [REDACTED] had  
6 made three years earlier?

7 A. Yes.

8 Q. Okay. And then the last page of the document,  
9 Cardinal, Father McCulken writes: "On Valentine's Day,  
10 1982, Father Gana began having sex with <sup>Timmy</sup> [REDACTED]  
11 in 1980, <sup>John</sup> [REDACTED] -- this would be now a third victim  
12 that's documented of Father Gana -- "stopped having sex  
13 with Father Gana; there were trips to Disney World, Notre  
14 Dame, Niagara Falls. <sup>Bammy</sup> [REDACTED] stated that there was a  
15 rotation process. He said that Father Gana stated that  
16 each boy should have personal time for friendship with him  
17 and this time was in the bedroom at night. Each boy would  
18 rotate sleeping with Father Gana."

19 Continuing into the next paragraph, Father McCulken  
20 writes: <sup>Bammy</sup> [REDACTED] stated that he realized that Father Gana  
21 was doing the same things to the other two boys when  
22 Father Gana joked about how hard it was to have sex with  
23 three boys in one week."

24 Sir, recognizing fully that you're not a  
25 psychiatrist or a psychologist and have never treated sex

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2 offenders, would you agree with me that this was fairly  
3 strong evidence here in the context of lay people that  
4 Father Gana, having sex with three preadolescent boys in  
5 one week, that this was pretty strong evidence, if he was  
6 not a pedophile, he certainly had pedophilic tendencies?

7 A. I can't testify to that.

8 Q. Okay. I'm just asking you, sir, as a layperson,  
9 when you were made aware of this -- you agree with me that  
10 this is something that was brought to your attention in  
11 September of 1995, correct?

12 A. To call it pedophilic tendencies, I'm not an  
13 authority on that.

14 Q. But you know that the definition of a pedophile is  
15 somebody that has sexual desires, recurrent sexual desires  
16 towards preadolescent boys or girls, correct?

17 A. Yes.

~~18 Q. You know that that's part of the definition, at~~

19 least, of it.

20 So you would agree when you read that information  
21 about Father Gana sleeping with three preadolescent boys  
22 in one week, that that would certainly be some  
23 indication -- and I'm not saying that he would be  
24 diagnosed, but that would certainly be some indication of  
25 pedophile behavior, correct?

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2 A. I can't testify to that.

3 Q. Okay. Well, sir, would it be -- it was certainly a  
4 warning sign to you and to the Archdiocese and the  
5 Secretary for Clergy that this man had a problem with  
6 sexual desire towards preadolescent boys, correct?

7 A. I'd have to say that.

8 Q. Okay. And then the next document is -- it's marked  
9 in the upper right-hand corner as GJ-1150.

10 Do you see that document? It's a November 16,  
11 1995, memo from Ronald J. Karney, Ph.D., to William Lynn.

12 A. This is before?

13 Q. I'm sorry. GJ-1150.

14 A. Is it before this or after?

15 Q. It would be after that, I believe. It's just a  
16 two-page document.

17 A. It's one one five zero?

~~18 Q. It might be in the other pile.~~

19 MR. SPADE: Maybe you could look  
20 through that, Mr. Hodgson.

21 (Pause.)

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

23 MR. SPADE: Let me help you out. I  
24 know it's there.

25 THE WITNESS: Hold it. I have it.

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2 MR. SPADE: Okay. They're all mixed  
3 up.

4 BY MR. SPADE:

5 Q. Now, again, Cardinal, this is a document that was  
6 previously marked GJ-1150. It's a November 16, 1995,  
7 letter from Ronald J. Karney, Ph.D., of the Anodos Center,  
8 to Reverend William J. Lynn.

9 And, sir, The Anodos Center is part of Saint John  
10 Vianney Hospital; is that correct?

11 A. Correct.

12 Q. And Saint John Vianney Hospital is wholly owned and  
13 operated by the Archdiocese of Philadelphia, correct?

14 A. Correct.

15 Q. Okay. On the second page -- well, the cover letter  
16 is covering a document that gives diagnostic impressions  
17 of Father Gana; is that correct?

18 A. Yes.

19 Q. And then under axis one of the diagnostic  
20 impressions, it says: "Sexual disorder, NOS"; is that  
21 correct?

22 A. Yes.

23 Q. Okay. And that means sexual disorder, not  
24 otherwise specified, correct?

25 A. Right.

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2 Q. And then going down to the paragraph under the  
3 heading "Recommendations," I'm going to read the third  
4 sentence in: "Father," referring to Father Gana,  
5 "demonstrates significantly impaired professional conduct  
6 such that he is at risk for further inappropriate and  
7 dangerous behavior. This should be considered in any  
8 further ministerial assignments."

9 Did I read that correctly?

10 A. Yes.

11 Q. And, sir, this diagnostic impression page that Dr.  
12 Karney sent to Father Lynn, this would have been shared  
13 with you, correct, in November of 1995?

14 A. Ordinarily, but I don't recall.

15 Q. I know. I understand you don't have a specific  
16 recollection, but this is something that would have been  
17 shared with you, correct?

18 A. Ordinarily.

19 Q. Okay. Sir, do you -- and understanding that you  
20 don't have a specific recommendation, but you obviously  
21 know how your own mind works and how you operated at that  
22 time.

23 When you read that Father Gana had been diagnosed  
24 as having a sexual disorder, NOS, and that he presented a  
25 danger of further inappropriate behavior towards minors,

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2 what would your reaction have been at that time?

3 A. I don't understand "my reaction."

4 Q. Well, in other words, you don't have a specific  
5 recollection of receiving this document in November of  
6 '95, correct?

7 A. No, I do not.

8 Q. Right. But you obviously know yourself. You know  
9 how your mind works and how you operate.

10 What I'm asking you is: Can you infer from your  
11 knowledge of yourself what your reaction to this document  
12 would have been in November of '95?

13 A. Well, I presume my -- in any -- if there's any  
14 consideration of further ministerial assignment, that this  
15 be taken into consideration.

16 Q. Okay.

17 A. What was said here.

18 Q. Okay. And would this have been of concern to you,

19 that you had now a priest that had been operating for  
20 three years at Our Mother of Sorrows Parish, who had now  
21 been diagnosed as having a sexual disorder and presenting  
22 a danger to minors?

23 Would that have concerned you, that he had been  
24 left in a parish for three years?

25 A. (No response.)

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2 Q. When he could have been evaluated earlier if Father  
3 Lynn had done his job?

4 A. But I -- I did not receive this information before,  
5 that I recall.

6 Q. Okay. But you've agreed with me that this  
7 diagnostic impression page would have been shared with you  
8 in November of '95, correct?

9 A. It's probable, but I can't recall whether it was or  
10 not.

11 Q. Okay. When this would have been shared with you --

12 A. I said I don't recall that it ever was.

13 Q. I know, but you've agreed that it's likely that it  
14 would have been, correct?

15 A. Probable.

16 Q. I'm not saying that it was or it wasn't. I'm just  
17 saying that you testified that it's likely that this would  
18 have been shared with you, and given that, when you read

---

19 this, would you not have thought to yourself, "Wait a  
20 minute, Father Lynn. I told you to investigate this guy  
21 three years ago. What did you find out about him?"

22 A. I did not make that connection. I don't recall  
23 making any connection.

24 Q. Okay. But knowing how you worked and knowing how  
25 your mind works, would you have made that connection at



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2 that time?

3 A. I'd have to take all this, the circumstances, into  
4 consideration. I don't know what I would have felt at  
5 that time.

6 Q. Okay. So you don't think it's likely that at that  
7 point you would have said to yourself, "Please tell me  
8 what the results of your investigation into Father Gana  
9 abusing <sup>Timmy</sup> [REDACTED] were," and if Father Lynn had  
10 shared with you: "Well, Cardinal, I didn't actually do  
11 that investigation," your response would not have been to  
12 take him out of his position as Secretary for Clergy?

13 A. No, because in other ways he was very competent.  
14 The fact that -- even granting there was a lapse there, a  
15 single lapse doesn't make someone necessarily incompetent.

16 Q. A single lapse doesn't make somebody incompetent?

17 A. Well, too, it depends on the circumstances.

18 Q. Okay. Do you agree with me, sir, that his lapse in  
19 the fall of 1992 resulted in minors in the Archdiocese of  
20 Philadelphia being endangered?

21 A. I don't know.

22 Q. Okay.

23 A. That's very hard for me to determine.

24 Q. Okay.

25

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2 BY MS. MCCARTNEY:

3 Q. But, Cardinal, you've already agreed with the fact  
4 that given the information that was available with regard  
5 to Father Gana, and that was made known to you, that that  
6 was one of the reasons that you ordered the investigation,  
7 that you did not want children jeopardized, correct?

8 A. Yes, I never --

9 Q. And you felt, though, that Father Gana, given what  
10 information had come out in the <sup>Timmy</sup> [REDACTED] investigation,  
11 you felt that he did in fact potentially pose a risk to  
12 children, correct?

13 A. I have to say that according to statistics, he may  
14 have posed a risk.

15 Q. He may have posed a risk, and one of the reasons  
16 that you wanted that investigation done and completed and  
17 you ordered that to be done in 1992 was for that reason,  
18 correct?

19 A. That would be what I wanted to --

20 (The witness conferred with his  
21 attorney.)

22 MS. MCCARTNEY: I'm sorry. Counsel,  
23 unless the client wants to speak with you, please  
24 don't be giving answers to him.

25 THE WITNESS: Please.

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2 (The witness conferred with his  
3 attorney.)

4 THE WITNESS: I say at that time the  
5 main investigation was to find out about the  
6 relationship of Father Gana and <sup>Timmy</sup> [REDACTED]  
7 Naturally, it's always to remove someone who  
8 presents a danger.

9 BY MS. MCCARTNEY:

10 Q. Correct. And one of the reasons -- and you  
11 believed that given the information that had come out in  
12 the <sup>Timmy</sup> [REDACTED] investigation, you believed that Stanley  
13 Gana potentially posed a risk to other children, correct?

14 A. I'd have to say that -- you know . . . you know,  
15 from the statistics that were shown to me, he could be a  
16 potential risk, but I cannot determine that myself.

17 Q. I understand that, Cardinal, but that's the reason  
18 ~~you wanted the investigation done, correct?~~

19 I'm not asking you to put a percentage on what the  
20 risk was, but the fact that there was a risk was known to  
21 you and that was one of the reasons that caused you to  
22 order that investigation to be conducted, correct?

23 A. Was to find out if -- if [REDACTED]  
24 allegations were true and to take action on that.

25 Q. So given the fact that that was known in 1992 and

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2 nothing was done between 1992 and 1995 and Father Gana was  
3 left at Our Mother of Sorrows in the role of pastor with  
4 no treatment and no evaluation being conducted, would you  
5 agree with me that there was a risk to the adolescent  
6 children of that parish during that period of time?

7 A. (No response.)

8 Q. Given the failing of Monsignor Lynn to conduct that  
9 investigation?

10 A. According as was read to me, statistically there's  
11 always a potential.

12 Q. But we're not talking about hypotheticals here,  
13 Cardinal, and we'll move off this in a moment, but we're  
14 talking about somebody that was known to have the  
15 allegations that he -- everybody poses that risk,  
16 Cardinal. I mean, I could pose a risk. You could pose a  
17 risk. We all could pose a risk. But this was more than  
~~18 just an unknown risk, correct?~~

19 A. Well, first of all, we only have -- we had the  
20 allegations from [REDACTED] and others.

21 Q. And others, correct?

22 A. But as yet, from the evidence that was presented to  
23 me, there was -- you know, we don't have proof yet whether  
24 Father Gana actually did these. I mean, there was a lot  
25 of allegations.

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Q. Exactly my point, though, Cardinal, that you ordered the investigation to be conducted so that maybe there could have been a conclusive answer to that that came about as a result of the investigation that you had ordered, correct?

A. That is right.

Q. And part of the investigation potentially could have revealed other victims, potentially, correct?

A. If it's true, I mean, but the investigation at that time, since it's not done . . .

Q. So the bottom line, then, my question --

A. It would seem to me we don't have the response of Father Gana yet.

Q. Because we never conducted the investigation, can we conclude that from the document?

A. No, but then you're asking me if he's a potential ~~risk if it hasn't been determined.~~

Q. I'm asking you, Cardinal -- and again, just so we're clear, what I'm actually asking you, you ordered the investigation not based upon whether or not Father Gana came in and acknowledged that he had abused children, but based upon the information that you had, you believed that there was the potential for risk to children, correct?

A. Because the allegations that were made seemed to be

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1 credible.

2 Q. Correct. So you ordered the investigation?

3 A. But they were not absolute, and therefore, with  
4 credibility, you would have to use the word "potential."  
5 If it's true that he did do these things, yes, then there  
6 is a risk.

7 Q. Okay. Right. And my question to you, back to the  
8 very first one that I asked you: So the potential for  
9 harm existed for an additional three years to the children  
10 of Our Mother of Sorrows. The potential for harm by a  
11 sexual offender existed because no investigation was done.  
12 Would you agree with that?

13 A. I can't answer that question.

14 Q. All right. Fine.

15 BY MR. SPADE:

16 Q. Okay. Cardinal, it's twelve twenty now. We've  
17 ~~been going for a little over an hour. We're going to take~~  
18 a ten-minute break, and then we'll come back. So we'll  
19 come back at twelve thirty and then we'll go for fifteen  
20 to thirty minutes before the luncheon.

21 MR. GALLAGHER: We're breaking at  
22 twelve thirty. We decided that earlier. We're  
23 breaking at twelve thirty.

24 MR. SPADE: All right.

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2 Are you okay, Cardinal, to go another  
3 ten minutes?

4 THE WITNESS: Yes.

5 MR. SPADE: Okay.

6 BY MR. SPADE:

7 Q. The next document, Cardinal, is GJ-1151. It's a  
8 November 21, 1995, memo from William J. Lynn to yourself.

9 Do you see that?

10 A. Yes.

11 Q. Okay. And, sir, this is the only point I want to  
12 make here, is that the summary report that we were just  
13 discussing, marked GJ-1150, according to this memo, was in  
14 fact passed on to you, correct?

15 In other words, Father Lynn writes at the bottom of  
16 the first paragraph: "Also, attached is the initial  
17 summary report from Saint John Vianney Hospital"?

18 A. Which one are you talking about?

---

19 Q. This is GJ-1151. At the bottom of the first  
20 paragraph, Father Lynn writes: "Also, attached is the  
21 initial summary report from Saint John Vianney Hospital"?

22 A. Yes.

23 Q. You would agree with me, sir, that he's referring  
24 to that document?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. -- that we just discussed, correct?

3 A. Yes.

4 Q. So you would agree with me, sir, that that was in  
5 fact -- even though you don't have a specific recollection  
6 of it, it was in fact given to you?

7 A. Yes.

8 Q. Okay. And then the other information that's  
9 contained in eleven fifty-one is the fact that Father Lynn  
10 writes: "Given the strong suspicions that are present  
11 concerning the two allegations that have been made against  
12 Father Gana," he recommends that Father Gana be asked to  
13 resign as pastor of Our Mother of Sorrows, correct?

14 A. Yes.

15 Q. So again, even though you've testified that you  
16 didn't have conclusive evidence that Father Gana had  
17 abused ~~Timmy~~ and ~~Barny~~ you had strong suspicions,  
18 and therefore, you asked him to resign as pastor?

19 A. Yes.

20 Q. And the conclusive evidence, Cardinal, would have  
21 been what? An admission by Father Gana?

22 A. Yes.

23 Q. Okay. And then the next document is GJ-34, which  
24 is a November 22, 1995, memo from Reverend Joseph Cistone  
25 to yourself.



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. Do you see that?

4 A. Yes.

5 Q. Okay. And again, I'm just trying to refresh your  
6 recollection and establish the fact that the Vianney  
7 diagnosis, as well as the recommendations of Father Lynn,  
8 namely, that Father Gana be asked to resign as pastor of  
9 Our Mother of Sorrows, were in fact passed on to you and  
10 discussed with you, correct?

11 A. Yes.

12 Q. Okay. Having looked at these documents, does it  
13 refresh your recollection, your independent recollection,  
14 about this transpiring?

15 A. No, they do not. No.

16 Q. Okay. And then in the first full paragraph of  
17 GJ-34, Father Cistone writes: "Bishop Cullen and I  
18 ~~discussed this matter. Bishop Cullen concurs with the~~  
19 recommendations but believes that, after Father Gana  
20 submits his resignation, Father Lynn should inform him  
21 that his faculties are limited to private Mass and that  
22 Father Gana can seek permission for exceptions. Bishop  
23 Cullen and I both feel that this has the potential of  
24 becoming a PR concern."

25 Cardinal, what I wanted to ask you is: Do you

## 1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 remember discussing with Bishop Cullen that he in fact  
3 thought that Father Lynn's recommendations needed to go a  
4 step further, namely that Father Gana be restricted to  
5 private Mass?

6 A. No, I don't recall that.

7 Q. Okay. Do you have any idea why Bishop Cullen would  
8 have been concerned that Father Gana be restricted to  
9 saying private Mass?

10 A. Why he would be concerned?

11 Q. Yes.

12 A. I suppose it's based on what was said, the  
13 suspicions and, you know, to make sure that on those  
14 suspicions, that he has -- that he's removed from public  
15 ceremonies.

16 Q. Okay. And would one of the concerns there be that  
17 he not have access to children, to minors?

~~18 A. That would be one of them.~~

19 Q. Okay. Can you think of any other concerns there?

20 A. Not at the present time.

21 Q. Okay. Can you turn to GJ-35. It should be the  
22 next document.

23 Do you see that?

24 A. Yes.

25 Q. And this is a November 27, 1995, memo from Cistone

1 ANTHONY JOSEPH CARDINAL BEVILACQUA  
2 to Father Lynn, and it's regarding the letter dated  
3 November 22, 1995, from Reverend Stanley M. Gana to  
4 Cardinal Bevilacqua, "Re: Resignation from pastorate,"  
5 and then the second page in this, in GJ-35, would be the  
6 November 22 resignation letter.

7 Do you see that?

8 A. Yes.

9 Q. Okay. And then at the bottom of first page of the  
10 cover memorandum, Father Cistone writes: "Please note  
11 that his Eminence has seen this letter but no response was  
12 given. If appropriate, please prepare a suitable letter  
13 of response for Cardinal Bevilacqua's signature."

14 So again, sir, these documents establish that you  
15 were involved in the discussions regarding what to do with  
16 Father Gana after the diagnosis came in from Vianney of  
17 sexual disorder, correct?

18 A. Well, by recommendations, I would have seen the  
19 recommendations made.

20 Q. Right.

21 A. Yes.

22 Q. Okay. And then the next document would be GJ-48.  
23 Do you see that one? It's a one page memorandum.

24 A. I have it.

25 Q. It's a February 23, 1996

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. -- memo from Father Lynn to the file regarding a  
4 telephone call from Dr. Donna Markham.

5 A. Yes.

6 Q. And Dr. Markham, do you recall now what her  
7 position was at that time?

8 A. Not independently.

9 Q. Okay.

10 A. Just from this.

11 Q. She's identified in the memo as being a  
12 psychologist who is treating Father Gana at Southdown --

13 A. Yes.

14 Q. -- is that correct?

15 A. Yes.

16 Q. And Southdown -- I think we've touched on this  
17 before, but Southdown is a Catholic treatment center in  
18 Toronto, Canada; is that correct?

19 A. Yes.

20 Q. Okay. And then the second full paragraph at the  
21 bottom, Father Lynn writes: "She," meaning Dr. Markham,  
22 "confronted him about it," and him would refer to Father  
23 Gana, "and he broke down and was completely honest with  
24 her.

25 "He described in explicit detail to her the

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 incidents in which he was involved. She said all the  
3 allegations against him are true. He admitted  
4 everything."

5 Did I read that correctly?

6 A. Yes.

7 Q. Cardinal, would this information have been reported  
8 to you in February of 1996, the fact that Father Gana had  
9 now finally admitted that he had sexually abused these  
10 boys?

11 A. I don't recall.

12 Q. I'm asking would it have been reported to you?

13 Is this something of enough importance that you  
14 would have wanted to have known about it?

15 A. I can't answer that. I don't know how they  
16 determined -- they can't be sending me all the files.

17 Q. No. But what I'm asking you, sir, is: Given your  
~~18 order of priority of issues that you were dealing with in~~

19 the Archdiocese of Philadelphia, is the fact that one of  
20 your priests had admitted to having anal intercourse with  
21 eleven, twelve and thirteen year old boys something of  
22 enough importance that you would have wanted it reported  
23 to you?

24 A. It's important, but I have a hesitation that they  
25 would have sent this to me. They may have been waiting

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 for a summary updating. I don't know how they would  
3 inform me.

4 Q. I understand. I understand, but you would have  
5 wanted to know about this; that's what I'm asking you?

6 A. I always would want to know, but . . .

7 Q. Okay. And in your communications with -- and we've  
8 gone over this before, and I'm sorry to belabor the point,  
9 but in your communications with your subordinates, you  
10 made that known to them that you would want to know  
11 information like this, correct?

12 A. Well, important information.

13 Q. Okay.

14 MR. SPADE: All right. It's twelve  
15 twenty-nine now, and as Mr. Gallagher indicated,  
16 we're going to break now how lunch.

17 MR. GALLAGHER: Two o'clock.

18 MR. SPADE: Cardinal, thank you. We're  
19 going to break until two o'clock, and then please  
20 be back at two o'clock. Thank you.

21 THE WITNESS: Okay. Thank you.

22

23

24

25

MR. GALLAGHER: Cardinal, you can leave

ANTHONY JOSEPH CARDINAL BEVILACQUA

the documents here. The stenographer will be here during the lunch hour for security.

(Whereupon the witness and his counsel were excused from the grand jury room.)

MS. MCCARTNEY: [REDACTED]

[REDACTED]

about ten more pages [REDACTED]

[REDACTED]

get [REDACTED] fifteen

pages [REDACTED]

So [REDACTED]

[REDACTED]

[REDACTED] ss

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MS. MCCARTNEY: [REDACTED]

[REDACTED] at.

[REDACTED]

---

(A luncheon recess was held.)

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APPENDIX H-9

9-1-04

E

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

IN RE: : MISC. NO. 0300-239  
: :  
COUNTY INVESTIGATING :  
GRAND JURY XIX : C-1

January 29, 2004

Room 18013, One Parkway  
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA  
(RE: REV. STANLEY M. GANA)

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE  
Deputy District Attorney

WILLIAM SPADE, ESQUIRE  
Assistant District Attorney

MAUREEN MCCARTNEY, ESQUIRE  
Assistant District Attorney

---

For the Commonwealth

PRESENT:

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

Reported by: Charles Holmberg  
Official Court Reporter

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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

How many jurors are present, please?

[REDACTED]

Cardinal Bevilacqua is back in the room with his counsel.

---

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

---

BY MR. SPADE:

Q. Good afternoon, Cardinal.

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

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

MR. HODGSON: What's the date again?

MR. SPADE: GJ-48.

THE WITNESS: I don't have it here.

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ANTHONY JOSEPH CARDINAL BEVILACQUA

(Pause.)

MR. HODGSON: It's the last one.

THE WITNESS: Okay. Thank you.

MR. SPADE: You're welcome.

BY MR. SPADE:

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

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

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

A. I do not.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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

13 Well, let me ask you this.

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

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

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

---

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

22 A. I always leave that to the doctors.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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

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

---

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

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

3 A. Yes.

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

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

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

10 A. Yes.

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


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

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

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

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

21 I have it.

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

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



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 briefly.

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

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

11 I'll just read it to you.

12 A. Yes.

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

16 A. Yes.

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

25 Did you see that?

## ANTHONY JOSEPH CARDINAL BEVILACQUA

1  
2 A. Yes.

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

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

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

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

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

---

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

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

6 (Pause.)

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

9 MR. SPADE: It's two.

10 (The witness conferred with his  
11 attorney.)

12 THE WITNESS: May I talk?

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

15 (The witness conferred with his  
16 attorney.)

17 BY MR. SPADE:

---

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

19 A. I did.

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

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

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

25 Q. Answer what again?

ANTHONY JOSEPH CARDINAL BEVILACQUA

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

5 Q. Okay.

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

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

16 A. That's what it says here.

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

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

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

24 A. Yes, for us.

25 Q. Okay.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (The witness conferred with his

3 attorney.)

4 BY MR. SPADE:

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

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

13 Q. Okay.

14 A. As far as I recall.

15 Q. And Dallas was in June of 2002?

16 A. Yes.

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

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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

---

18 A. I don't recall that.

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

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

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

25 A. (No response.)

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Do you have any insight into that?

3 A. Why this was made?

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

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

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

11 A. Yes.

12 Q. Okay.

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

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

---

18 correct?

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

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



ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

9 Q. Right.

10 A. If their allegations had not been determined.

11 Q. Let's make it more concrete.

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

16 A. Yes.

---

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

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

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

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

6 Q. Okay?

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

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

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

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

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

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

4 A. Yes.

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

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

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

10 A. Well, it suggested that.

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

19 children, correct?

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

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

24 A. Correct.

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

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

4 A. That was our intent.

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

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

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

---

18 (Pause.)

19 A. I have it here.

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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1 about."

2  
3 Q. Did I read that accurately?

4 A. Yes.

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

9 A. I have none at all.

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

12 A. (No response.)

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

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

16 Q. Okay.

17 BY MS. MCCARTNEY:

---

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

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

10 Q. Okay. Thank you.

11 BY MR. SPADE:

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

16 A. It's possible.

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

21 A. At some time, yes.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

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

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

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

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

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



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

4 A. Right.

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

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

15 A. Yes.

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

17 A. That she's concerned, yes.

---

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

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

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

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

4 Q. Okay.

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

6 Q. Right.

7 A. Go back to Southdown.

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

10 A. Yes.

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

12 A. Ordinarily, yes.

13 Q. Okay.

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

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

17 Have you found your copy of that, Cardinal?

---

18 A. Yes.

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

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

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

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

7 A. And also with adults.

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

10 A. No.

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

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

21 Did I read that accurately?

22 A. Yes.

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

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2 can take my representation for what it says.

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

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

9 Q. Okay. They were visiting him.

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

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

17 A. Yes.

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

21 A. Could have been.

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

25 A. To Orlando?

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2 Q. Yes.

3 A. I'm not aware of that.

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

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

10 Q. Okay.

11 A. And urging.

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

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

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

21 A. I would have to infer that.

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

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2 Diocese of Orlando?

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

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

12 A. That's true.

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

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

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

4 A. That's what it states.

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

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

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

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

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

20 A. That is correct.

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

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

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

4 Do you see that?

5 A. I have that.

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

10 A. Yes.

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

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

---

18 A. An original recollection, no.

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

22 A. Possibly.

23 Q. Possibly. Okay.

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



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

4 A. Right.

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

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

8 Q. You can't answer it?

9 A. No.

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

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

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

17 A. Oh, okay.

---

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

20 A. Yes.

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

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

5 A. She's the expert.

6 Q. Okay.

7 A. We relied so much on medical experts.

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

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

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

---

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

20 Q. Okay.

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

22 BY MS. MCCARTNEY:

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

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2 A. Yes.

3 Q. So you have that responsibility.

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

12 A. That's right.

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

18 A. (No response.)

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

21 A. (No response.)

22 Q. Correct?

23 A. I don't know about that.

24 Q. Within the Catholic Church, correct?

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

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

3 A. But anyhow.

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

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

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

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

19 BY MR. GALLAGHER:

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

22 A. Yes, but this is a rehabilitation.

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

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

6 THE WITNESS: If I may.

7 MR. SPADE: Yes, please.

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

12 MR. SPADE: Yes.

13 THE WITNESS: And those who are  
14 treated.

15 MR. SPADE: Right.

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

---

18 MR. SPADE: Right.

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

22 MR. SPADE: Okay.

23 BY MR. SPADE:

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

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

6 A. I do not know that.

7 Q. You do not know that.

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

10 A. I do not know that, either.

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

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

17 A. Yes.

---

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

24 Do you understand what that means?

25 A. Yes.

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1  
2 Q. Okay. What does that mean?

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

5 Q. Right.

6 A. This is one man's opinion.

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

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

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

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

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

---

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

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

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

24 A. No.

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

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

6 Do you have an understanding of what that means?

7 A. Yes.

8 Q. What do you think that means?

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

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

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

16 A. Just what it says.

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

21 A. That's what he says.

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

23 A. In some centers.

24 Q. Okay.

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



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 on the expertise of reputable centers.

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

5 A. I said I have to.

6 Q. Okay?

7 A. Southdown is a reputable center.

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

10 A. No.

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

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

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

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

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

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

16 A. No.

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

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

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

11 A. No.

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

14 Do you see that?

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

16 MR. HODGSON: What's the date?

17 MS. MCCARTNEY: August 19, 1997.

---

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

20 (Pause.)

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

22 MR. SPADE: Eleven fifty-four.

23 (Pause.)

24 THE WITNESS: I have it here.

25 MR. SPADE: You have it. Okay.

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2 BY MR. SPADE:

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

8 A. Yes.

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

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

16 A. Not independently of this.

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

19 A. Yes.

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

21 A. Chaplain.

22 Q. The chaplain assigned to the Carmelite Monastery?

23 A. Yes.

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

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

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

8 A. (No response.)

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

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

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

15 A. This is a monastery.

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

---

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

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

21 A. He --

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

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

25 Q. Okay.

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2 A. But the risk would be almost zero.

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

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

10 Q. Okay.

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

14 Q. Okay.

15 A. He had nothing to do with them.

16 Q. Okay.

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

19 Q. Okay.

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

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

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

4 A. Correct.

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

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

9 Q. I understand.

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

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

14 A. Yes.

15 Q. As far as you know?

16 A. As far as I know.

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

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

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

24 A. Yes.

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

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2 True is from Father Lynn, correct?

3 A. Correct.

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

12 Is that accurate?

13 A. Yes.

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

21 And you approved that, correct?

22 A. Yes. Yes.

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

25 A. I did.



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

3 A. Yes.

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

6 A. Yes.

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

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

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

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

15 Q. Okay.

16 A. -- that were explained.

17 Q. Would you expect that somebody supervising an

---

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

20 A. That would be almost impossible.

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

23 A. I don't know.

24 Q. You don't know. Okay.

25 Whose authority was it to make those decisions

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2 about how closely Father Gana should be supervised?

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

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

13 A. I can't answer --

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

15 A. I thought you were finished.

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

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

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

22 A. Yes.

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

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2 A. With every effort possible.

3 Q. Right. Okay.

4 A. We can just do our best.

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

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

12 Q. Okay.

13 A. Whether it be alcoholics or others.

14 Q. Okay.

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

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

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

6 Q. Okay.

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

9 Q. Okay.

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

11 Q. Okay.

12 BY MS. MCCARTNEY:

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

17 A. That's right.

18 Q. Okay.

19 A. But that's true about anybody.

20 Q. Understood.

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

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2 Father Gana involved?

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

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

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

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

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

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

25 A. I would be comfortable with the supervision that

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

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

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

11 A. I cannot answer that question.

12 Q. Well, why not?

13 A. Because I don't know.

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

15 A. I know.

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

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

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

23 A. I'm -- just supervision.

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

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

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

6 Q. Reasonable supervision. Okay.

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

10 (A recess was held.)

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

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

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

20 BY MR. SPADE:

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

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

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

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

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

14 A. That is correct.

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

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

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

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

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

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

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



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

4        A.            Yes.

5        Q.            Okay.

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

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

10      A.            I don't know.

11      Q.            You don't know.

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

13      A.            I just presume he tried something.

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

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

---

18      A.            No.

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

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

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

24                  Do you see that?

25      A.            Yes.

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

4 A. Yes.

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

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

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

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

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

23 Did I read that correctly?

24 A. Yes.

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

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

4 A. I do not have a recollection.

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

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

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

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

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

18 A. I am.

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

23 A. Yes.

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

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

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

13 A. No.

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

16 A. Probably.

17 Q. Okay.

---

18 A. But I don't recall it.

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

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

25 Q. At the time --

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1  
2 A. At that time.

3 Q. At that time you disagreed with it?

4 A. No. No.

5 Q. Okay.

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

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

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2 Did I read that accurately?

3 A. Yes.

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

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

7 Q. What do you remember about the meeting?

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

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

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

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

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

---

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

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

20 Q. Right.

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

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2 Monastery.

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

5 A. Yes. He says it there.

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

8 A. Right.

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

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

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

16 A. No.

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

---

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

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

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

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

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

---

18 A. No.

19 Q. -- in 1998?

20 A. No.

21 Q. Or 1999?

22 A. No.

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



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

4 A. Yes.

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

7 A. No.

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

---

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

23 Did I read that correctly?

24 A. Yes.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

4 A. His restrictions? Yes.

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

7 A. Yes. Yes. Placed on whom?

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

10 A. Yes.

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

14 A. I presume that it was true?

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

19 A. Yes.

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

25 A. I would still have confidence in him.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

---

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

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

24 A. That is right. I do not.

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

## ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

8 Q. Okay.

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

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

15 A. I just read what you have there.

16 Q. Right.

17 A. I don't see any age.

---

18 Q. Okay.

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

23 Q. Okay.

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 wanted to come to your attention at that time?

3 A. I would doubt it.

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

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

11 Q. Okay.

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

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

---

18 A. Yes.

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

22 Do you have a pen?

23 A. Eleven sixty.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 (GJ-1160 was marked for

3 identification.)

4 BY MR. SPADE:

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

15 Did I read that right?

16 A. Yes.

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

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

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

24 A. Yes.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Lynn to the file regarding a change of policy?

3 A. Yes.

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

17 Cardinal, do you have an independent recollection

---

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

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

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

23 A. Yes.

24 Q. Okay.

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

## ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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

15 A. That is correct.

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

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

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



1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Yes.

3 Q. Or Monsignor Lynn?

4 A. Yes.

5 BY MS. MCCARTNEY:

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

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

11 Q. Of 2002?

12 A. 2002.

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

---

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

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

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

4 Q. Years, Cardinal?

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

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

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

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

13 A. May I add.

14 Q. Sure.

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

---

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

20 BY MR. GALLAGHER:

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

24 A. Around that time, yes.

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

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Lynn independently coming to you; is that correct?

3 A. That is correct. I remember that.

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

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

7 Q. Okay.

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

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

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

---

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

20 A. Yes. Yes.

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

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

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

## 1 ANTHONY JOSEPH CARDINAL BEVELACQUA

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

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

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

10 A. Yes.

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

13 A. I do not recall that.

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

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

---

18 Q. How would you put it?

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

22 Q. What was not adequate enough?

23 A. The supervision that he could give.

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

## ANTHONY JOSEPH CARDINAL BEVILACQUA

1  
2 A. I don't recall that.

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

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

8 Q. And that policy affected Gana, correct?

9 A. Yes.

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

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

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

13 A. No.

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

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

---

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

19 Q. Late '95, early '96?

20 A. Right.

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

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

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

ANTHONY JOSEPH CARDINAL BEVELACQUA

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legal counsel concerning the Stanley Gana case?

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

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

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

[REDACTED]

ANTHONY JOSEPH CARDINAL BEVILACQUA

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ANTHONY JOSEPH CARDINAL BEVILACQUA

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

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

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



1 ANTHONY JOSEPH CARDINAL DEVILACQUA

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

5 Do you understand that?

6 THE WITNESS: Yes.

7 GRAND JURY FOREPERSON: Thank you.

8 MR. SPADE: Thank you, Cardinal.

9 ---

10 (END OF VOLUME IV)

11 ---

12 (Hearing concluded.)

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## - I N D E X -

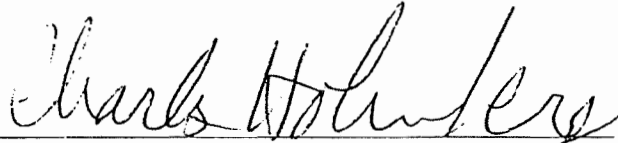
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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the trial of the above cause, and that this copy is a correct transcript of the same.

  
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