

## APPENDIX H-6

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19-1-42

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

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

December 4, 2003

Room 18013, One Parkway  
Philadelphia, Pennsylvania

TESTIMONY OF ANTHONY JOSEPH CARDINAL BEVILACQUA  
(Re: Rev. Robert L. Brennan)

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE  
Deputy District Attorney

WILLIAM SPADE, ESQUIRE  
Assistant District Attorney

MAUREEN McCARTNEY, ESQUIRE  
Assistant District Attorney

For the Commonwealth

PRESENT:

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

Reported by: Charles Holmberg  
Official Court Reporter

VOLUME IV

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 MS. McCARTNEY: Okay. You want to get  
3 started.

4 Today's date is December 4. The time  
5 is 1:59 P.M. This is the matter of C-1.

6 The Commonwealth has just called a  
7 witness.

8 ---

9 ANTHONY JOSEPH CARDINAL BEVILACQUA,  
10 having been duly sworn, was examined and testified  
11 as follows:

12 ---

13 BY MS. McCARTNEY:

14 Q. Cardinal, for the record, could you please state  
15 your name?

16 A. My name is Cardinal Anthony Bevilacqua.

17 Q. And, Cardinal, prior to coming here to testify in  
18 front of this grand jury, were you sworn in as a witness

19 by the Honorable Judge Bright?

20 (The witness conferred with his  
21 attorney.)

22 THE WITNESS: We appeared before Judge  
23 Bright.

24 BY MS. McCARTNEY:

25 Q. Okay. And when you appeared before Judge Bright,

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2 did she explain your rights and responsibilities as a  
3 witness testifying in front of a grand jury?

4 A. Yes.

5 Q. And did you also complete a written form which  
6 explains to you those rights and responsibilities?

7 A. Yes.

8 Q. And one of the rights and responsibilities that was  
9 explained to you was the fact that you are entitled to  
10 have an attorney present with you; is that correct?

11 A. Yes.

12 Q. And you in fact do have an attorney?

13 A. Yes.

14 MS. McCARTNEY: Counsel, for the  
15 record, could you please state your name.

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

20 BY MS. McCARTNEY:

21 Q. Now, Cardinal, did you understand the rights that  
22 Judge Bright explained to you orally, and did you also  
23 understand the rights that were written on the form that  
24 you completed?

25 A. I did.

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2 Q. Okay. Cardinal, you testified previously in front  
3 of the grand jury that concluded a couple months ago; is  
4 that correct?

5 A. Yes.

6 Q. And I think that you testified approximately five  
7 times during the course of that grand jury proceeding; is  
8 that right?

9 A. I think so.

10 Q. And when you last testified, we were in the process  
11 of discussing with you the case of Reverend Robert L.  
12 Brennan. Do you recall that?

13 A. Yes.

14 Q. And just so you're clear on the record, Cardinal,  
15 this grand jury has been read the testimony that was  
16 offered during your last appearances in front of the  
17 previous grand jury. Okay?

18 A. Okay.

19 Q. Now -- I'm sorry.

20 MS. McCARTNEY: And for the record, we  
21 have how many jurors present?

22

23

24

25

MS. McCARTNEY: Okay. Which  
constitutes a quorum. Thank you.

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2 BY MS. McCARTNEY:

3 Q. Now, Cardinal, as I indicated previously when you  
4 last testified here, and I believe it was in September, we  
5 were discussing the case of Reverend Robert L. Brennan;  
6 and in the course of discussing Robert Brennan's case, we  
7 had given to you the Archdiocese of Philadelphia Priest  
8 Data Profile.

9 I'm going to give you a copy so that you can have  
10 it in front of you today.

11 MS. McCARTNEY: And for the record,  
12 that was marked previously as grand jury exhibit  
13 four eighty-five.

14 BY MS. McCARTNEY:

15 Q. And, Cardinal, just for the record additionally, in  
16 the discussions with your attorney in our office with  
17 regard to scheduling your appearance before this grand  
18 ~~jury, in an effort to expedite and give you some notice,~~  
19 we told you the cases that we would be primarily focused  
20 on discussing with you over the course of today and  
21 tomorrow; is that correct?

22 A. Yes.

23 Q. Okay.

24 MR. GALLAGHER: Cardinal, could you  
25 speak up a little louder. Some of the people in

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 the back can't hear you.

3 THE WITNESS: Okay.

4 MR. GALLAGHER: Thank you.

5 BY MS. MCCARTNEY:

6 Q. And, Cardinal, just so we're back on track where we  
7 ended last time in September, in discussing the case of  
8 Father Brennan, we had gone through the documents which  
9 had established the following: That Father Brennan, while  
10 he was assigned as a pastor at Saint Ignatius in Yardley,  
11 that complaints had come into the Chancellery office from  
12 both the assistant pastor at that location, as well as the  
13 cook and the cleaning lady, with regard to conduct that  
14 they saw Father Brennan engaging in that was concerning to  
15 them, and there was also a complaint brought by a teenage  
16 boy, I believe an eighth grader, by the name of [REDACTED] Lvk  
17 [REDACTED] that talked about activity that Father Brennan was  
18 engaging in with him that made him uncomfortable.

19 Based upon the reports that came in, there were  
20 interviews conducted of those individuals, and Father  
21 Brennan was sent to Saint John Vianney for an evaluation.

22 Do you recall testifying and the documents that  
23 established that?

24 A. Yes.

25 Q. Okay.

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1  
2 A. Yes.

3 Q. We then established that after his evaluation at  
4 Saint John Vianney and a second evaluation conducted by  
5 Dr. Fitzgibbons, Father Brennan was assigned first as a  
6 resident priest and then as the parochial -- he was a  
7 resident priest at Saint Eleanor's in Collegetown and  
8 then was given an assignment as a parochial administrator  
9 at Saint Mary's, and then became pastor at Saint Mary's;  
10 is that right?

11 A. Yes. It so states.

12 Q. And the document that I showed you, grand jury four  
13 eighty-five, establishes that Father Brennan was the  
14 pastor of Saint Mary's from June of 1990 to September of  
15 1992; is that correct?

16 A. So it states.

17 Q. And we established when you testified previously  
18 that while Father Brennan was at Saint Mary's there were a  
19 number of complaints that were brought to the attention of  
20 archdiocesan officials, specifically that Father Brennan  
21 had taken some high school students from Saint Pius out of  
22 class against the regulations of the school, that there  
23 were two individual priests at Saint Pius that were  
24 concerned about what they observed with regard to Father  
25 Brennan and in particular, that activity, there was also a



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2 group of five eighth grade students that had gone to the  
3 principal of the school there, Karen Coldwell, and made  
4 complaints about Father Brennan's behavior toward them  
5 that made them uncomfortable.

6 There was also a report that came into the  
7 Montgomery County Children and Youth with regard to one of  
8 those students, a boy by the name of [REDACTED] Geo.  
9 who alleged that Father Brennan had touched him in ways  
10 that made him uncomfortable.

11 There was an investigation conducted, and that  
12 report by the Montgomery County Children and Youth was  
13 deemed to be unfounded.

14 Do you recall that testimony?

15 A. I recall it.

16 Q. Okay. And we also established through the course  
17 of the documents that there was no action at that time  
18 taken, remedial action taken, on the part of the

19 Archdiocese of Philadelphia with regard to any of those  
20 complaints at Saint Mary's at that time; is that correct?

21 A. It depended on the reports. Yes.

22 Q. But based upon the information, information that  
23 the Archdiocese had, nothing was done with regard to  
24 Father Brennan as a result of either the complaint that  
25 came in at Saint Pius or the five eighth grade students

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2 that had come forward to the principal or the one student  
3 going to Children and Youth; is that correct?

4 A. (No response.)

5 Q. Father Brennan remained as pastor at Saint Mary's,  
6 and there was no evaluation ordered or requested on the  
7 part of the Archdiocese?

8 A. He remained there. Yes.

9 Q. Correct. Okay.

10 And then I believe that at the end of our last  
11 session, we were talking about the fact that subsequent to  
12 those events taking place, that there was another  
13 complaint that came to the Archdiocese' attention, brought  
14 by a boy by the name of [REDACTED] <sup>Hal</sup> who alleged  
15 that Father Brennan had touched him inappropriately on his  
16 butt and that he had hugged him in ways that made him feel  
17 uncomfortable, and I believe that that's where we  
18 concluded your last testimony.

---

19 Is that accurate with regard to your recollection  
20 what we talked about?

21 A. As far as my recollection. Yes.

22 Q. Okay. And there was some -- at that point in time,  
23 Monsignor Molloy and Monsignor Lynn were made aware of  
24 those incidents, and just again for the record, Monsignor  
25 Molloy was the Assistant Vicar at that time, correct?

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2 We're talking about 1992 at this time.

3 A. Correct.

4 Q. And Monsignor Lynn was Secretary of the Clergy at  
5 that time; is that correct?

6 A. Yes.

7 Q. And it was their responsibility to investigate  
8 allegations that involved priests' misconduct with minors;  
9 is that correct?

10 A. Correct.

11 Q. Okay. And they made you aware of the incidents  
12 that had occurred at Saint Mary's and the concerns that  
13 had been brought to their attention; is that correct?

14 A. I have a vague recollection of that, but I can't  
15 recall that.

16 Q. Okay.

17 A. I presume that they did.

~~18 Q. I'm going to show you a document, Cardinal, that~~  
19 has previously been marked as grand jury exhibit five  
20 thirteen.

21 Now, Cardinal, I've just shown you the document  
22 that's been marked as grand jury exhibit five thirteen,  
23 and this is from the Office of the Vicar for  
24 Administration to you, Anthony Cardinal Bevilacqua,  
25 authored by Monsignor James E. Molloy. The date of that

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2 document is July 17, 1992, and it regards Reverend Robert  
3 L. Brennan.

4 Is that correct?

5 A. So it states there.

6 Q. Okay. And have you had the opportunity to review  
7 that document, Cardinal?

8 A. I don't . . .

9 (The witness conferred with his  
10 attorney.)

11 THE WITNESS: Not recently I haven't.

12 BY MS. MCCARTNEY:

13 Q. Well, let me ask it to you two ways, if I may.

14 You would agree that this document was directed to  
15 your attention back in 1992, so based upon that we can  
16 assume that you read it at that time; correct?

17 A. Yes. That can be assumed.

18 ~~Q. Okay.~~

19 A. But I don't recall reading it.

20 Q. Okay.

21 A. You know, I'm . . .

22 Q. And again, Cardinal, since our office gave you the  
23 opportunity to have advance notices of the cases that we  
24 would be questioning you about, you -- obviously, these  
25 documents were provided by the Archdiocese of Philadelphia


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2 to our office; is that right?

3 A. But I looked at very few of them. We didn't have  
4 that much time to go through all the documents.

5 Q. Okay. Well, let's go through what's contained in  
6 this document.

7 Basically, for summary purposes, this is a document  
8 which lays out the history of Father Brennan, and it's  
9 authored again by Monsignor Molloy, and he writes out to  
10 you in some detail the allegations that had come to the  
11 Archdiocese' attention starting back in November of 1988  
12 when Father Brennan was assigned as pastor of Saint  
13 Ignatius.

14 It talks about the fact that he was evaluated. It  
15 talks about the fact that there were some incidents that  
16 had occurred at Saint Mary's Parish, and it talks about  
17 the fact that the recent allegation with regard to the  
18 ~~student that had come forward to talk about Father Brennan~~  
19 touching him inappropriately on his butt and that Father  
20 Brennan had pushed him on his lap, and it also indicates  
21 in this document that that boy,  had  
22 indicated that there are many similar incidents that had  
23 occurred with other boys.

24 Is that an accurate summary of this document,  
25 Cardinal?

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2 A. I don't know. I didn't -- you know, I presume I  
3 read the document. I haven't gotten to the end yet, but  
4 I'm presuming what you're saying is true.

5 Q. Okay. Do you want to take a moment to read it?

6 A. May I scan it, at least?

7 Q. Sure.

8 (Pause.)

9 (The witness conferred with his  
10 attorney.)

11 THE WITNESS: I've scanned this. These  
12 are all -- what I don't see, if I may ask a  
13 question --

14 MS. McCARTNEY: Sure.

15 THE WITNESS: -- is I don't see the  
16 names of the complainants in here.

17 Are they . . . did I miss that in  
18 scanning?

19 BY MS. McCARTNEY:

20 Q. I would agree with you, Cardinal, that the names of  
21 the complainants are not in there, but it does talk  
22 about --

23 A. It talks about opinions, yes.

24 Q. In summary fashion; is that correct?

25 A. Yes.

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Q. And it talks about the fact that -- and the reason that the names aren't in there, is that of significance to you?

A. No.

Q. I mean --

A. I thought you had mentioned some names.

Q. Well, I did mention names, and I think that we established the last time, and if I'm incorrect about that, please correct me, but this was a summary of the events that had occurred in Father Brennan's case up to this point; is that right?

A. Okay. Yes.

Q. And there were other documents that we showed you last time which established that you were kind of kept abreast of the events as they proceeded through; is that right?

~~A. Yes.~~

Q. Okay. So in July of 1992, this document summarizes the history of Father Brennan, and it is just a summary of that; is that right?

A. Yes.

Q. And I want you to draw your attention specifically to paragraph two of this document, and I just want you to tell me whether I'm reading this incorrectly, and this

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2 paragraph two deals with the five male students from Saint  
3 Mary's Parish, all seventh graders, who had told their  
4 principal about their concerns with regard to Father  
5 Brennan.

6 And it says: "One student reported an occasion on  
7 which Father Brennan allegedly had grasped the student's  
8 hands and pulled or pushed or pulled them down towards his  
9 genitals. Another student reported that he had fainted  
10 one day at church and that Father Brennan was helping to  
11 revive him by rubbing his leg," quote, "up high on the  
12 thigh."

13 That's contained in paragraph two of that document,  
14 correct?

15 A. Yes.

16 Q. And at the end of this document it talks about the  
17 fact that Father Lynn had contacted Dr. Karney and Dr.  
~~18 Miraglia and that they indicated that given the~~

19 accumulating series of incidents, that there was a  
20 recognized pattern of behavior which is cause for concern;  
21 is that correct?

22 A. Where are you?

23 Q. I'm talking subsection C?

24 A. Okay. Yes, I see that.

25 Q. "Consultations," and they make some recommendations



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2 to you in this document, and one of those recommendations  
3 is that appropriate reevaluation be initiated promptly, to  
4 be performed at The Anodos Center on an outpatient basis  
5 and that further recommendations be provided to your  
6 attention in light of the results of that.

7 (The witness conferred with his  
8 attorney.)

9 BY MS. McCARTNEY:

10 Q. The last page. I'm sorry. Are you with me?

11 A. Yes.

12 Q. And you comment, and you read this document, and  
13 you note after reading it that he -- and we're referring  
14 to Father Brennan there -- should be removed immediately  
15 from the parish even prior to psychiatric evaluation --

16 A. Yes.

17 Q. -- is that correct?

18 A. Yes.

19 Q. Okay. And then that document is given to you or  
20 authored on July 17 of 1992, and you respond back on July  
21 22. That's the date that you signed that.

22 Now, on July 30, Cardinal, there had been an  
23 evaluation that had been conducted on Father Brennan, and  
24 the results of that evaluation were shared with you, the  
25 diagnostic impressions were shared with you, as well as

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2 the need, based upon the evaluation for Father Brennan, to  
3 have inpatient hospitalization, and do you recall getting  
4 that information with regard to Father Brennan?

5 A. No.

6 Q. Okay. I'll show you what has been marked as grand  
7 jury five seventeen.

8 (Pause.)

9 (The witness conferred with his  
10 attorney.)

11 THE WITNESS: I have completed reading  
12 this.

13 BY MS. MCCARTNEY:

14 Q. Okay. And I also handed you another document,  
15 Cardinal. That's grand jury exhibit five nineteen, and  
16 that's the diagnostic impressions from The Anodos Center.  
17 Do you see that document?

18 A. I do.

19 Q. Okay. And in the document five seventeen, that you  
20 indicated that you completed reviewing, this is again  
21 directed to your attention from Reverend William J. Lynn,  
22 and the date of it is July 30, and it's regarding Father  
23 Brennan; and in that document, Father Lynn says that he's  
24 attached the diagnostic impressions and recommendations  
25 which resulted from the assessment of Father Brennan,

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2 correct?

3 A. Yes.

4 Q. And there is a section in there which deals with  
5 the fact that Father Brennan needs to be in inpatient  
6 treatment at Saint John Vianney Hospital as soon as  
7 possible and that until that hospitalization is possible,  
8 he is to reside at Immaculate Conception; is that correct?

9 A. That's what it says.

10 Q. And also that there be a request on the part of  
11 Father Brennan to resign his pastorship at Saint Mary's  
12 and that any consideration for future ministry from the  
13 Archdiocese be based on results of the inpatient treatment  
14 at Saint John Vianney; is that accurate?

15 A. So it states.

16 Q. And you approved all those recommendations, and  
17 that's indicated through your signature at the bottom of  
18 the document, dated 7/31/92; is that correct?

19 A. That is correct.

20 Q. Now, with regard to the diagnostic impressions from  
21 The Anodos Center, Cardinal, if you flip to page two of  
22 five nineteen under, axis one, there are three different  
23 diagnoses.

24 One is adjustment disorder.

25 A. Page two?

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

A. Oh.

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

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

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

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

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

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

Were you familiar with that?

A. No.

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

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2 A. I did not do that personally.

3 Q. Did you ask anybody on your staff to provide you  
4 with further information with regard to what that  
5 diagnosis meant?

6 A. No, not that I recall.

7 Q. And then subsequent to Father Brennan going into  
8 The Anodos Center, there is a letter that is received by  
9 one of the doctors that had initially conducted an  
10 evaluation of Father Brennan, Richard Fitzgibbons, and  
11 that letter was written to Monsignor Edward P. Cullen; and  
12 at some point in time, you were given information with  
13 regard to that.

14 Do you recall that letter?

15 A. I do not recall it.

16 Q. Okay. Let me give you a copy of five twenty-one,  
17 and just so we're clear on the record, Cardinal, when you  
18 testified previously, you had indicated to us in your  
19 testimony that Dr. Fitzgibbons was in your opinion a very  
20 competent therapist and psychiatrist; is that right?

21 A. I would so hold that, yes.

22 Q. Could you just take a moment -- are you familiar  
23 with that document which I've just handed you, grand jury  
24 five twenty-one?

25 A. I don't recall it.

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2 Q. Okay. Well, you can take a moment and review it.

3 BY MR. SPADE:

4 Q. Did you take the opportunity in the last week or  
5 two, after we told you which documents we'd be showing  
6 you, to review this document or any of these documents,  
7 Cardinal?

8 A. No.

9 Q. Okay.

10 MR. HODGSON: Could we have a recess.

11 (The conference transpired out of the  
12 presence of the grand jury.)

13 MS. McCARTNEY: And just for the  
14 record, counsel and the district attorneys stepped  
15 outside to have a consultation, and we are now  
16 back.

17 BY MS. McCARTNEY:

~~18 Q. Cardinal, have you had the opportunity when we were~~  
19 out of the room to review grand jury exhibit five  
20 twenty-one?

21 A. I have.

22 Q. And this, as I said, was a letter written on  
23 August 20, 1992, and it's to Monsignor Edward P. Cullen,  
24 your Vicar General; is that right?

25 A. Yes.

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2 Q. Okay. And it is a letter which is written by  
3 Richard P. Fitzgibbons, M.D., correct?

4 A. Yes.

5 Q. And it's a letter which deals with Father Robert  
6 Brennan, and in that letter it says that Dr. Fitzgibbons  
7 was recently contacted by the evaluation team at Villa  
8 Saint John's in regard to the evaluation that he had  
9 conducted of Father Brennan last year; is that right?

10 A. Yes.

11 Q. Okay. And I just want to read certain portions of  
12 this letter.

13 Paragraph two: "I wanted you to know that my  
14 evaluation of Father Brennan last year was seriously  
15 impaired by the refusal of the assistant associate pastor  
16 in Yardley to speak to me about Father Brennan's behavior  
17 with the youngsters. I only had scanty historical  
18 information provided for me by Monsignor Shoemaker and  
19 Monsignor Jagodzinski. At the same time Father Brennan  
20 totally denied these accusations which, as far as I knew,  
21 were limited solely to having children sit on his lap."

22 Is that accurate? Did I read that accurately?

23 A. Yes.

24 Q. And the last paragraph of this document indicates:  
25 "In view of the recent allegations, my clinical opinion is

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2 that Father Brennan has very serious problems which might  
3 predispose this Archdiocese to major scandal and,  
4 possibly, litigation in the future. I believe that had I  
5 had the opportunity to speak to the parents of the  
6 children from Yardley or with the associate pastor, that  
7 the conclusions that I reached in 1991 would have been  
8 very different."

9 Did I read that accurately?

10 A. Yes.

11 Q. Once that document becomes known to the  
12 Archdiocese, what do you do, Cardinal, to contact Dr.  
13 Fitzgibbons to find out how his evaluation would have been  
14 different, whether it was recommended that he conduct an  
15 additional evaluation, whether it was thought to be  
16 important to have the team at Saint John Vianney speak to  
17 the assistant pastor at Saint Ignatius or to the alleged  
18 ~~victims in the case?~~

19 What was done when this document was received by  
20 the Archdiocese?

21 A. It was directed to then Monsignor Cullen. I do not  
22 know what was done. I have no recollection.

23 Q. At some point in time, Cardinal, you were given  
24 that document, though, correct?

25 A. I have no recollection of it.



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2 Q. Do you know what Monsignor Cullen did when he  
3 received that document?

4 A. I do not recall.

5 Q. Well, I'm going to show you a document that's  
6 previously been marked as grand jury five thirty-two.

7 (Pause.)

8 Have you had the opportunity to review that  
9 document, Cardinal?

10 A. Yes.

11 Q. That's a document which is directed to your  
12 attention from Monsignor Molloy, dated November 29, 1993;  
13 is that correct?

14 A. Yes.

15 Q. And in that document, Monsignor Molloy gives you  
16 documents which relate to Father Brennan; is that right?

17 A. Yes. Correct.

~~18 Q. One of the documents which this memo indicates was~~  
19 given to you was the letter from Dr. Fitzgibbons; is that  
20 right?

21 A. Yes.

22 Q. And so let me ask you again.

23 Do you recall whether or not, when you received  
24 that letter, which shows that at some point in time you  
25 did in fact get a copy of the letter, if not, were

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2 verbally told about the contents of it -- what did you do  
3 when you saw that letter?

4 A. As I said, I don't recall receiving it. I presume  
5 from this memo that I did receive it, but I still don't  
6 recall it.

7 Q. Do you think there should have been some action  
8 taken with regard to having received that letter and the  
9 concerns that were raised by Dr. Fitzgibbons with regard  
10 to his inability to conduct a full evaluation of Father  
11 Brennan and given the reluctance of certain individuals to  
12 talk to him?

13 A. I think that would -- I would have relied on  
14 Monsignor Cullen to decide what to do.

15 May I talk to my attorney, please.

16 Q. Sure.

17 (The witness conferred with his  
18 attorney.)

19 THE WITNESS: May I relate something  
20 from the record.

21 MS. McCARTNEY: Sure.

22 THE WITNESS: That this letter is  
23 August 20, 1992. The memo that was given to me,  
24 the memo citing the documents that were given to  
25 me, among which is this letter, is November 29,

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2 1993.

3 According to the record here, he must  
4 have been in Saint John Vianney Hospital at the  
5 time, because this states that he was on health  
6 leave.

7 MS. McCARTNEY: Until December of 1993.

8 I understand that, Cardinal.

9 BY MS. McCARTNEY:

10 Q. My question to you, though, remains that that  
11 information came to the attention of the Archdiocese where  
12 there were serious concerns raised on the part of a doctor  
13 with regard to an evaluation that he had done on Father  
14 Brennan previously.

15 When that information, those concerns from that  
16 doctor were brought to the attention of the Archdiocese,  
17 was anything done to try to clear up that problem?

18 A. I don't know.

19 Q. Okay. If nothing was done, if there's no  
20 documentation in the file provided by the Archdiocese with  
21 regard to Father Brennan, if there's no indication, if  
22 there's no indication --

23 (The witness conferred with his  
24 attorney.)

25

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2 BY MS. McCARTNEY:

3 Q. If there's no indication that anything was done to  
4 speak with Dr. Fitzgibbons or to have Dr. Fitzgibbons  
5 speak with the victims from Yardley, or Father Marine, who  
6 was the assistant pastor that's referred to in that  
7 letter, ultimately that would be your responsibility,  
8 though; is that correct, Cardinal?

9 A. I think I have to say that ultimately everything is  
10 my responsibility.

11 Q. Okay.

12 A. But I do rely on my staff to carry out their  
13 responsibilities.

14 Q. Now, Cardinal, after Father Brennan is in Saint  
15 John Vianney, there comes a discussion about what will be  
16 his next assignment, if any, within the Archdiocese of  
17 Philadelphia; is that correct?

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

20 THE WITNESS: Excuse me.

21 MR. SPADE: We're going to show you the  
22 document, Cardinal.

23 MS. McCARTNEY: Cardinal, for the  
24 record, I just handed you two documents, one that's  
25 marked as grand jury five twenty-eight and one

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2 that's marked as grand jury five thirty-three.

3 THE WITNESS: I have no numbers on  
4 this.

5 MS. McCARTNEY: Five thirty-three.

6 MR. SPADE: Five thirty-three would be  
7 a memorandum from Monsignor James Molloy to the  
8 Reverend William J. Lynn, dated December 6, 1993.

9 MR. GALLAGHER: The other one is five  
10 twenty-eight.

11 MS. McCARTNEY: Yes.

12 MR. GALLAGHER: That's five  
13 twenty-eight.

14 (Pause.)

15 (The witness conferred with his  
16 attorney.)

17 (Pause.)

18 (The witness conferred with his  
19 attorney.)

20 THE WITNESS: Yes, I finished.

21 BY MS. McCARTNEY:

22 Q. Okay. Now, Cardinal, I've handed you two  
23 documents, grand jury five twenty-eight and grand jury  
24 five thirty-two, that was the one I handed you previously,  
25 and grand jury five thirty-three.

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2 Grand jury five twenty-eight, that is a memo to you  
3 authored by Father Lynn. Date of that is November 23,  
4 1993; is that right?

5 A. Yes.

6 Q. And it talks about the fact that Father Brennan was  
7 discharged from Saint John Vianney on June 14, 1993; is  
8 that right?

9 A. Yes.

10 Q. And it talks about what Father Lynn recommends for  
11 Father Brennan at this point in time; is that correct?

12 And his recommendation is that Father Brennan be  
13 assigned as associate pastor at the Resurrection of Our  
14 Lord Parish, correct?

15 A. Yes.

16 Q. And ultimately you approved that recommendation,  
17 but you were given a copy of this memo and you were also  
~~18 given the documents that were referred to in grand jury~~

19 five thirty-two, amongst them, the letter from Dr.

20 Fitzgibbons, and that's the documents that are listed out  
21 on grand jury five thirty-two, correct?

22 A. Is this the one, five thirty-two?

23 Q. Five thirty-two, yes. I'm sorry. That's five  
24 thirty-two.

25 A. I have the assessment and the letter to Dr.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Fitzgibbons. I don't see the other two, the first two.

3 Q. But this is a listing of documents that were  
4 provided to you --

5 A. Yes.

6 Q. -- based upon this memo; is that right?

7 A. Yes.

8 Q. And this memo was to you again from Monsignor  
9 Molloy. The date of that is November 23.

10 Is that right?

11 A. This memo here?

12 Q. November 29. I apologize.

13 Is that right?

14 A. Yes.

15 Q. And it says that these documents listed below are  
16 for your review in anticipation of discussion to be held  
17 at the issues meeting scheduled for 1st of December 1993;  
18 is that right?

---

19 A. Yes.

20 Q. Okay. Now, Cardinal, before Father Brennan was  
21 assigned to Resurrection, you not only got these  
22 documents, but you actually -- this was actually part of  
23 an issues meeting that you had; is that right?

24 A. Yes.

25 Q. And present at the issues meeting would have been

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2 yourself and who else?

3 A. At that time, probably just -- I don't recall, but  
4 only be Monsignor Cullen.

5 Q. Okay. And Monsignor Cullen was your Vicar General,  
6 Vicar for Administration; is that right?

7 A. Correct.

8 Q. And you and he would have sat down and discussed  
9 the case of Father Brennan from start to finish and any  
10 issues that either one of you would have had?

11 A. Well, I don't know start to finish, but whatever  
12 was relevant for that meeting. I don't recall the meeting  
13 obviously.

14 Q. Well, certainly relevant to that meeting would have  
15 been whether or not it was appropriate to put Father  
16 Brennan in a situation where he could possibly harm  
17 children, right?

~~18 A. It was to put him in an appropriate situation.~~

19 Q. Okay. And so part of the discussion that you would  
20 have had with Monsignor Cullen at that time would have  
21 been or he would -- was he Bishop Cullen at this point?

22 A. I don't know.

23 Q. I don't remember. Monsignor I believe still.

24 So it would have been what was Father Brennan's  
25 past, what was his future, what were the risks involved;



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2 is that right?

3 A. I don't recall what we discussed.

4 Q. Well, as a general practice, Cardinal, it would  
5 have been something that you would have discussed?

6 A. What is the appropriate place for him in view of  
7 the report from Saint John Vianney Hospital.

8 Q. Now, do you recall whether or not part of your  
9 discussion that you had with Monsignor Cullen at that time  
10 was the contents of this letter from --

11 A. I don't recall anything of the meeting.

12 Q. But you would agree with me, Cardinal, that  
13 Monsignor Cullen, being in the trusted position that he  
14 was, kept you informed of things that were going on with  
15 regard to the priests in the Archdiocese if they were  
16 significant things; is that right?

17 A. Well, they have to be very significant. As a  
18 general rule, yes.

---

19 Q. As a general rule, your policy for operating the  
20 Archdiocese -- and this was a policy that was passed on  
21 either verbally or inferentially through your  
22 subordinates -- was don't surprise me, correct?

23 A. Yes. Generally.

24 Q. Yes. And given the fact that this letter authored  
25 by Dr. Fitzgibbons indicated in the last paragraph that

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

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

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

13 (The witness conferred with his  
14 attorney.)

15 BY MS. MCCARTNEY:

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

20 A. Yes.

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

24 A. That's what it says.

25 Q. And those comments are contained on the first page

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1  
2 of that document; is that right?

3 A. I don't know. But these are my observations  
4 here. I see other recommendations here, and it could be,  
5 but . . .

6 Q. Cardinal, are you familiar with the fact that or  
7 can you answer the question as to whether or not this  
8 document contains the handwriting of Monsignor Molloy?

9 A. I am . . . I don't know what his handwriting is.  
10 I'll be honest with you.

11 Q. Right.

12 A. I mean, but it --

13 Q. I'm sorry.

14 A. It's authentic. I mean, someone in an official  
15 position wrote this.

16 Q. Okay. And this memorandum is to Reverend William  
17 J. Lynn, and it's from Reverend Monsignor James E. Molloy,  
18 correct?

19 A. Yes. So I presume he wrote this.

20 Q. And the date is December 6, 1993, and it's: "Item:  
21 Excerpt from minutes of issues meeting of December 1,  
22 1993"; is that right?

23 A. Yes.

24 Q. Okay. And it says: "Please proceed in accord with  
25 the attached excerpt"; and then handwritten on this

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2 document, it says: "On 12/2/93 I telephoned Father Lynn  
3 from Ventnor to explain the following on this case," and  
4 the case would be referring to Father Brennan, right?

5 A. Yes.

6 Q. Okay. It says: "One, okay to assign Brennan to  
7 Resurrection Parish provided: A, he is kept as much as  
8 possible away from the youth; B, another priest at the  
9 parish is to be assigned to all youth activities; C,  
10 pastor is to be completely informed of Father Brennan's  
11 background and Father Brennan is to be informed that the  
12 pastor has been told of his background, Father Lynn should  
13 first get Father Brennan's permission to share this  
14 information with pastor; D, at the first sign of a  
15 suspicious incident, the pastor is to report his  
16 suspicions immediately to the clergy office; E, pastor  
17 must give Father Brennan close supervision; two, Father  
~~18 Brennan is to be told to keep his hands off everyone," and~~  
19 that word is underlined. "He is not even to put his hand  
20 on someone's shoulder as a sign of congratulations or  
21 anything; and three, if dioceses has to react to a public  
22 relations crisis in this case, can we say that Father  
23 Brennan has been sent away and can we have a statement  
24 that he is not a pedophile? Father Lynn is to get a  
25 reading on this from legal counsel," and it's signed:

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2 "J.E. Molloy, 12/9/93."

3 Did I read that accurately?

4 A. Yes.

5 Q. And the comments and the things written down there  
6 in Father Molloy's handwriting, things that he indicated  
7 he conveyed to Father Lynn, they would have been points  
8 that he wanted to convey to Father Lynn based upon the  
9 issues meeting and what was discussed in the issues  
10 meeting; is that right?

11 A. I presume so.

12 Q. So those comments and those restrictions, for lack  
13 of a better word, would have been items that were  
14 discussed by yourself and Monsignor Cullen that you  
15 thought were appropriate as it related to Father Brennan,  
16 correct?

17 A. It could very well be. Yes.

~~18 Q. Okay. And so, Cardinal, if I'm correct about this,~~  
19 there was a concern on your part with regard to Father  
20 Brennan and the fact that he was not to put his hands on  
21 anybody; is that right?

22 A. Yes.

23 Q. Did you think that that was appropriate, if you had  
24 those kinds of concerns that you had, to in writing put  
25 down that he's not to put his hands on anybody?

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2 Did you think it was appropriate to assign him to a  
3 parish with a school?

4 A. The recommendation made by the clergy office was  
5 based on the psychological report.

6 Q. But again, Cardinal, based upon the psychological  
7 report that was handed to you along with the other  
8 documents that were handed to you, you had some concerns  
9 that you wanted to express to Monsignor Lynn, correct?

10 A. We expressed certain -- those do express certain  
11 concerns.

12 Q. So you didn't just take this recommendation, assign  
13 him -- just let me finish my question, and I'll give you  
14 every opportunity to answers

15 So you didn't just take the recommendation, assign  
16 him to Resurrection Parish and rubber stamp it. You had  
17 some concerns about Father Brennan, correct? And you  
18 ~~wanted those concerns addressed, correct?~~

19 A. They were cautions. Yes.

20 Q. And one of the cautions that you felt important  
21 enough to make and that you needed to actually verbalize  
22 and have it conveyed to somebody was that Father Brennan  
23 is to be told to keep his hands off everyone. He is not  
24 even to put his hand on someone's shoulder as a sign of  
25 congratulations?

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2 A. That's what it says there.

3 Q. And also there was a concern, obviously based upon  
4 this document, on your part that there could be a public  
5 relations crisis in this case.

6 Where were those concerns coming from, Cardinal?

7 Do you recall?

8 A. I don't recall.

9 Q. So based upon this, would it be fair to say -- and  
10 if it's not, please tell me.

11 Would it be fair to say that you thought that it  
12 was very possible, given Father Brennan's past and what  
13 you knew about him, that there could continue to be  
14 problems with regard to him and his relation to children?

15 A. I'm not going to come to that conclusion.

16 Q. Well, what conclusion do you want us to come to  
17 based upon the concerns that you've addressed and based  
~~18 upon the fact that you thought that it was possible that~~  
19 the Diocese could have to react to a public relations  
20 crisis, that if there was any kind of suspicious incident,  
21 it was to be reported immediately, and that you wanted to  
22 get a read, you wanted to have a statement that Father  
23 Brennan had been sent away and that he's not a pedophile,  
24 and you wanted to have legal counsel evaluate that?

25 What conclusion would you like us to draw based

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2 upon those concerns that you had?

3 A. The recommendations that were made came from the  
4 diagnosis that he was not a pedophile. The fact that  
5 there were cautions doesn't mean that I can predetermine  
6 what might happen.

7 BY MR. SPADE:

8 Q. When you're saying that the recommendations came  
9 that he was not a pedophile, you're speaking of the  
10 Vianney recommendations; is that correct?

11 A. That is correct.

12 Q. And it's also true that we've shown you the  
13 document from Dr. Fitzgibbons that had recommendations or  
14 at least observations that conflicted with the Vianney  
15 report; is that correct?

16 A. Yes. But I don't know whether Dr. Fitzgibbons was  
17 able to interview any of those people. I mean, his is  
~~18 conditioned. He said if he had this, but he doesn't come~~  
19 to a firm conclusion from any kind of interview.

20 Q. Right. And you've testified also that you don't  
21 know, in fact, you don't have any recollection of your  
22 taking any steps when that letter came to your attention  
23 to make sure that Dr. Fitzgibbons had the opportunity to  
24 conduct those interviews, correct?

25 A. That is correct. I don't recall any steps being



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1 taken.

2  
3 Q. So certainly at the time that you approved the  
4 recommendation that Father Brennan be assigned to  
5 Resurrection, which had a K through eight school, you  
6 certainly had at the very least incomplete and conflicting  
7 evidence as to whether Father Brennan was sexually  
8 attracted to minors; is that correct?

9 A. I can't say that.

10 Q. Based on the report from Dr. Fitzgibbons?

11 A. I cannot say that.

12 Q. And you've testified that Dr. Fitzgibbons in your  
13 opinion is a competent --

14 A. Yes.

15 Q. -- and good doctor; is that correct?

16 A. Yes.

17 Q. Okay.

18 ~~BY MS. McCARTNEY:~~

19 Q. So, Cardinal, and correct me if I'm wrong, that  
20 there were other assignments within the Archdiocese of  
21 Philadelphia that did not involve parish work, and there  
22 were also parish assignments within the Archdiocese of  
23 Philadelphia that weren't connected to schools, correct?

24 A. I don't know at the time.

25 Q. In nineteen ninety --

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1  
2 A. I can't say at that time that there were other  
3 assignments available.

4 Q. But nonetheless, given the information about Father  
5 Brennan that was known to the Archdiocese generally, you  
6 specifically, you approved the recommendation that he be  
7 assigned as a parochial assistant pastor, rather, a  
8 parochial vicar at Resurrection; is that right?

9 A. I approved it at the recommendation of the clergy  
10 office.

11 Q. And what did you do, Cardinal, to ensure that those  
12 concerns and those observations that you made were  
13 completed and followed through on?

14 A. I presume that they followed through on them.

15 Q. And what is that presumption based upon?

16 A. That my staff is a very competent staff.

17 Q. And what are you basing the fact that they're a  
18 competent staff?

19 A. From my knowledge of them and my experience with  
20 them.

21 Q. Given the history of Father Brennan up to this  
22 point, Cardinal, the fact that you were informed that  
23 there had been an incident that had occurred with regard  
24 to two priests in the Archdiocese of Philadelphia that  
25 were assigned to Saint Pius High School, that had come to

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2 the Archdiocese with concerns about behavior that they saw  
3 Father Brennan engaging in, you knew based upon your  
4 review of the situation that no action was taken on the  
5 part of the Archdiocese at that point in time, and that  
6 was very shortly after Father Brennan had already been  
7 removed as pastor of one parish, sent for treatment, is  
8 assigned to another parish and basically begins to engage  
9 in the exact same kind of conduct, do you think it's  
10 competency not to recommend that anything be done at that  
11 point and were you concerned when you realized a couple  
12 years later that that activity had happened and that  
13 nothing was done?

14 THE WITNESS: May I talk to my lawyer  
15 please.

16 MS. McCARTNEY: Sure.

17 (The witness conferred with his  
18 attorney.)

19 BY MS. McCARTNEY:

20 Q. If you don't understand my question, Cardinal,  
21 because I'll --

22 A. It was a very long question, and it has many, you  
23 know, factors in it, and if you could break it down,  
24 please.

25 Q. Sure. You said that you presumed that the concerns

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2 that you had, that were listed out in the memo, were going  
3 to be followed through on; is that right?

4 A. Yes.

5 Q. And you've made that presumption based upon the  
6 fact that you had confidence in your staff, correct?

7 A. Yes.

8 Q. And that they were competent, correct?

9 A. Yes.

10 Q. And I asked you to think back over the history of  
11 Father Brennan; is that right?

12 A. Yes.

13 Q. And I asked you whether or not you ever questioned  
14 the competency of your staff when you realized that there  
15 had been concern about behavior that Father Brennan had  
16 engaged in, specifically the Saint Pius X incident, where  
17 your staff had done nothing to address that.

18 ~~Did that make you question their competence?~~

19 A. No. I presume they knew more than I did about all  
20 of the circumstances.

21 My staff was very concerned also about the safety  
22 of children. I mean, I have to rely on them, that they  
23 would -- they were just as concerned and anxious to  
24 protect children.

25

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2 BY MR. SPADE:

3 Q. What policies and procedures did you put in place  
4 to make sure that your staff knew more about these cases  
5 than you did and followed up on situations where priests  
6 were potentially endangering the welfare of children?

7 A. I'm not sure -- you said what policies for my  
8 staff?

9 Q. Did you have any policies on procedures,  
10 safeguards, so to speak, to make certain that your staff  
11 was actually following up on these cases?

12 A. If there was supervisory policies? No, I didn't  
13 have that.

14 Q. In other words, you didn't assign anybody, any one  
15 of your subordinates, to check up on Monsignor Molloy or  
16 Father Lynn or even Monsignor Cullen at that point?

17 A. I didn't have anyone check up. The Vicar for  
~~18 Administration was in an administrative flow line,~~  
19 responsible for that, but there was no set policy on that,  
20 evaluating them at times or checking on them.

21 Q. And again, if one of your subordinates in this  
22 case, Monsignor Molloy or Father Lynn, did not follow up  
23 on this situation with Father Brennan and Father Brennan  
24 did endanger some children, the ultimate responsibility  
25 would have lain with you, correct?

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2 A. I always have the ultimate responsibility.

3 BY MS. McCARTNEY:

4 Q. Cardinal, not to belabor the point, but did you  
5 question the competence of your staff when you learned  
6 that not only had nothing been done when the Saint Pius X  
7 situation had come to their attention, but that nothing  
8 had been done when it was discovered that five students,  
9 five seventh grade students, had come to the principal of  
10 the school?

11 A. I don't know what reasons they had. I did not  
12 question them.

13 Q. But do you think that you should have questioned  
14 them and asked --

15 A. I don't recall the circumstances at the time. It's  
16 a long time ago.

17 Q. But it's clear from the memo that with the concerns  
18 ~~and the directives that you spell out, that you don't just~~  
19 rubber stamp what your clergy office tells you, that if  
20 you think something important needs to be done or  
21 addressed more fully than it is in the memos, that you  
22 make sure that that information is conveyed, correct?

23 A. I try.

24 Q. Now, Father Brennan gets assigned to Resurrection  
25 Parish in five thirty-five.

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2 MR. SPADE: Here you are, Cardinal.

3 (Pause.)

4 BY MS. McCARTNEY:

5 Q. You've been handed grand jury five thirty-five.

6 Have you reviewed that document, Cardinal, or do you need

7 a moment to do so?

8 A. I need a moment, please.

9 Q. Okay.

10 MS. McCARTNEY: It's two fifty-six at

11 this juncture. We said we were going to take a

12 break at three o'clock. Why don't we go ahead and

13 do that.

14 That will give you a chance to review

15 that document.

16 THE WITNESS: Thank you.

17 MS. McCARTNEY: We'll be back in ten

18 minutes.

---

19 MR. SPADE: Please be back at three

20 ten.

21 (A recess was held.)

22 MS. McCARTNEY: Okay. We're back on

23 record. The time is now three sixteen. Cardinal

24 Bevilacqua is back in the room.

25

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 BY MS. MCCARTNEY:

3 Q. Cardinal, when we left off, I had shown you a  
4 document which had previously been marked as grand jury  
5 five thirty-five, and you took the time during the break  
6 to review that document; is that correct?

7 A. Yes.

8 Q. And this is a memo which is written by Reverend  
9 Michael T. McCulken, and it's to the file, and it's dated  
10 June 11 of 1996, and it's a meeting with Reverend  
11 Monsignor Thomas J. Scanlon, and it's regarding Reverend  
12 Robert L. Brennan, Parochial Vicar, Resurrection of Our  
13 Lord Church, Philadelphia; is that right?

14 A. Yes.

15 Q. And Monsignor Scanlon was the pastor at  
16 Resurrection of Our Lord, is that correct, in 1996?

17 A. Yes.

18 ~~Q. And this memo deals with the fact that Monsignor~~  
19 Scanlon came to meet with Monsignor Reverend McCulken and  
20 Father Lynn with regard to some concerns that he had about  
21 Father Brennan; is that right?

22 A. Yes.

23 Q. And the first paragraph of the memo says:  
24 "Monsignor Scanlon began by saying that he was aware that  
25 Father Brennan had had some difficulties in the past but



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2 was not sure exactly what they were."

3 Did I read at that correctly?

4 A. Yes.

5 Q. And it says that Father Lynn explained that Father  
6 Brennan was hospitalized because of boundary issues and  
7 that he continues in therapy, and he also apparently,  
8 Father Lynn, shared with Monsignor Scanlon at that time  
9 that Father Brennan was not diagnosed as a pedophile but  
10 he had had difficulties with inappropriate boundary  
11 issues; is that correct?

12 A. Yes.

13 Q. And it says that Monsignor Scanlon noted that  
14 Father Brennan had given evidence of those same  
15 difficulties several times in the church sacristy, and it  
16 also said: "Monsignor Scanlon continued by saying that  
17 examples also occurred in the rectory office."

~~18 He tells Monsignor Lynn and Father McCulken that~~

19 Father Brennan had taken a teenage boy parishioner to the  
20 movies and taken two eighth grade boys to lunch at a fast  
21 food restaurant.

22 It says: "Monsignor Scanlon stated that the  
23 housekeeper, the social minister and a parishioner have  
24 come to him with reports. Monsignor Scanlon said that the  
25 rectory staff are aware of Father Brennan's background and

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2 that there are rumors about that background. These people  
3 have stated that Father Brennan's contacts with young  
4 people appear strange. One person described Father  
5 Brennan's conversation in the rectory office with one boy  
6 as seductive. And as far as Monsignor Scanlon knows,  
7 Father Brennan has not had any youngsters upstairs in his  
8 room."

9 And Monsignor Scanlon goes on to tell Father Lynn  
10 that a sacristan had reported the behavior with regard to  
11 Father Brennan as wrestling, i.e., Father Brennan grabbing  
12 the boy from behind and pulling him to himself; and it  
13 says: "Monsignor Scanlon does not believe there is any  
14 parish wide concern, just among the rectory staff," and he  
15 goes on to say: "Monsignor Scanlon described the one boy  
16 as being very vulnerable and that Father Brennan seems to  
17 be focused on two boys particularly."

~~18 Did I accurately read what was in that memo, parts~~  
19 of that memo?

20 A. Parts of it, yes.

21 Q. Okay. Now, were you made aware of that  
22 information, Cardinal?

23 A. I don't recall it.

24 Q. Well, here we have Father Brennan, who has twice  
25 been removed from parishes, and he's placed into another

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2 situation based upon your approval with certain conditions  
3 supposed to be met as a result of that assignment; and now  
4 he's at Resurrection, and the pastor there comes and tells  
5 your staff two things: One, that there's the same  
6 problems occurring at Resurrection and, two, that the  
7 pastor knew nothing about Father Brennan's past?

8 Is that accurate?

9 A. It's not that he knew nothing.

10 Q. Well --

11 A. It says that he's aware of difficulties that he had  
12 in the past, was not sure exactly what they were.

13 Q. Okay. That he had difficulties in the past but was  
14 not sure about what they were; is that right?

15 A. Yes.

16 Q. Now, based upon the information that you directed  
17 Monsignor Molloy to do with Father Lynn, which was to  
18 ~~fully inform the pastor, can we assume that was not done?~~

19 A. You have to ask Monsignor Lynn.

20 Q. Well, based upon your reading and interpretation of  
21 this memo, can we assume that Father Lynn did not convey  
22 to Monsignor Scanlon the extent of Father Brennan's  
23 problems?

24 A. I don't know if I can say that.

25 Q. Okay. Well, I'm going to show you a document, and

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2 maybe then we can . . . this is grand jury exhibit five  
3 thirty-seven.

4 (Pause.)

5 (The witness conferred with his  
6 attorney.)

7 BY MS. MCCARTNEY:

8 Q. Did you have the opportunity to review that?

9 A. Yes.

10 Q. Okay. This is a memo from the Office for Clergy,  
11 from the desk of Reverend Michael T. McCulken to the file,  
12 dated June 13, 1996, regarding a meeting, and it's  
13 regarding Reverend Robert L. Brennan, Parochial Vicar,  
14 Resurrection of Our Lord Parish, Philadelphia; and in this  
15 memo, it talks about a meeting that was held between  
16 Father Brennan, Monsignor Scanlon, Father Lynn and Father  
17 McCulken at the Office for Clergy; is that correct?

18 A. Yes.

---

19 Q. And in this memo, Cardinal, on page two of that  
20 memo, it says in the third paragraph: "Father Lynn shared  
21 that although his intention was to review with Monsignor  
22 Scanlon the issues that Father Brennan is dealing with,  
23 when Father Brennan was assigned, this was not  
24 accomplished. He also reported that Cardinal Bevilacqua  
25 wanted Father Brennan to know that he was never to touch

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2 another child again."

3 Is that what that third paragraph, that portion of  
4 it, reads?

5 A. Yes. Yes.

6 Q. And in this memo it talks -- again it goes through  
7 some of the things that had come up with regard to  
8 Monsignor Scanlon's concerns about Father Brennan; is that  
9 right?

10 A. Yes.

11 Q. And it says in this memo that Father Brennan had in  
12 fact taken two boys to a Catholic shop for a Sunday  
13 missal; is that right?

14 A. Yes.

15 Q. But he says he wasn't the one initiating those  
16 ventures; is that correct?

17 A. Yes.

18 Q. Okay. And it says also that Father Scanlon, I  
19 mean, that Father Brennan admitted that he had been out  
20 with young people; is that right?

21 A. Yes.

22 Q. And the last page of this document, it says: "At  
23 the conclusion of the meeting, Father Lynn noted that the  
24 reports shared today raised danger signals for Father  
25 Brennan which will help him to be more prudent in the

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1  
2 months ahead," correct?

3 A. Yes.

4 Q. So Father Lynn is indicating that based upon what  
5 he's just learned about the activities occurring at  
6 Resurrection, that there's danger signals with regard to  
7 Father Brennan; is that accurate?

8 A. Are you drawing a conclusion from that?

9 I'm just seeing what it says here, "Father Lynn  
10 noted that the reports shared today raised danger signals  
11 for Father Brennan," that he became aware of.

12 Q. Do you think that the -- well, let me ask it to you  
13 this way, Cardinal.

14 Do you think that the information which is shared  
15 now by Monsignor Scanlon to Monsignor Lynn and that the  
16 information of his own observations and the observations  
17 of the other people on the rectory staff, do you think  
~~18 that they raised danger signals with regard to Father~~

19 Brennan?

20 A. I'm just going to say there are things that Father  
21 Brennan has to look at, that they -- that they are  
22 cautions for him. In other words, I --

23 Q. You wouldn't --

24 A. -- I don't know if Father Brennan realized that  
25 they were dangers.

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2 Q. I'm asking you, though, I'm asking you based upon  
3 your knowledge of the case and based upon your knowledge  
4 of Father Brennan's past and his past behavior and his  
5 past treatment and his current behavior based upon this  
6 memo, would you say that there were danger signs raised  
7 with regard to Father Brennan?

8 A. I have to say that I . . . I have to abide by what  
9 Father Lynn said at the time from his hearing from  
10 Monsignor Scanlon.

11 Q. I don't really understand that answer, Cardinal,  
12 and I apologize, but --

13 A. In other words, to say that I would have  
14 interpreted it as danger, I think these were boundary  
15 issues. This is what's repeated constantly throughout the  
16 memo. They were dealing with boundary issues.

17 Q. Let me ask you, if you could, to refer back to  
18 grand jury exhibit five thirty-five. That's the one that  
19 you read just before this.

20 A. I have it here.

21 Q. And the last page of that document or the last two  
22 pages actually are handwritten notes that are attached.

23 A. Well --

24 Q. Do you see where I'm talking about?

25 A. (No response.)

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2 Q. And presumably they're handwritten notes that were  
3 taken and then were put into the actual typewritten form.

4 A. I just skimmed through them. They looked like the  
5 notes for the memo.

6 Q. Exactly. If you look on page two of those  
7 handwritten notes, at the very top it says: ~~██████████~~, <sup>Walt</sup>  
8 one boy, "M" equals crossing guard, "F" equals policeman.  
9 Not totally masculine, vulnerable. Centering upon two  
10 kids. Going out with them."

11 Is that what that says?

12 A. I presume that's what it says there.

13 Is that what it says? "Going out with them"?

14 Q. If you interpret it differently, please --

15 A. No. No. Well, I . . . no, I'll take your word for  
16 it.

17 Q. Okay. And that's also indicated in the typewritten  
18 ~~memo, where it says: "Monsignor Scanlon described the one~~  
19 boy as being very vulnerable and that Father Brennan seems  
20 to be focused on two boys particularly," correct?

21 A. Yes.

22 Q. Okay. Now, so is this the answer to my question I  
23 asked you originally, Cardinal, that you don't view these  
24 as danger signals with regard to Father Brennan?

25 A. I said they're issues that he has to, you know,



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2 take up with, as he said, himself. They were boundary  
3 issues that he has to deal with.

4 Q. Let me ask it to you this way. Maybe we can  
5 quantify it.

6 How many children have to be put in the situations  
7 that the children that have come in contact with Father  
8 Brennan in the past, how many children have to be put in  
9 that situation before something is ultimately done with  
10 Father Brennan?

11 A. I don't think that's a proper question to ask.

12 Q. Okay. Let me ask you this question.

13 Go back to the document, and I don't know whether I  
14 have the number of it, the document where you have  
15 approved Father Brennan's assignment to Resurrection  
16 Parish and you have directed Monsignor Molloy to give some  
17 certain directions to Father Lynn.

~~18 Do you see the document that I'm referring to?~~

19 A. Yes, I do.

20 Q. Yes. Now, Cardinal, again this was a discussed.  
21 You authorized Father Brennan's assignment to  
22 Resurrection, correct?

23 A. Yes.

24 Q. In doing so, you knew that there was a school  
25 attached to that, correct?

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1 A. Well, I presume so.

2 Q. And in doing so, you were fully aware based upon  
3 the documents that we've shown you thus far, based upon  
4 your conversation at the issues meeting, of what Father  
5 Brennan's past had been, correct?  
6

7 A. Yes.

8 Q. And based upon all of those things that you were  
9 aware of with Father Brennan, you wanted certain things to  
10 be done with regard to his assignment at Resurrection; is  
11 that right? And we've already gone through what they  
12 were.

13 A. Yes.

14 Q. Okay. And I just want to go through a couple of  
15 them.

16 "He is to be kept as much as possible away from the  
17 youth." And there's nothing in the memo written in 1996  
18 to indicate that that was done, correct?

19 A. Well, it says: "As much as possible," every effort  
20 should be made.

21 Q. Okay. Well, and every effort would be made by  
22 informing the people at the parish as to what that  
23 restriction was, correct?

24 A. No, I don't -- I can't say that that was required.

25

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2 BY MR. SPADE:

3 Q. By people at the parish, Cardinal, we mean --

4 BY MS. MCCARTNEY:

5 Q. I'm talking about the pastor and any other people  
6 that may be in charge in a supervisory way?

7 A. No. His supervisory?

8 Q. Right.

9 A. That would be mainly the pastor.

10 Q. Right. And the pastor -- go to "C."

11 "Pastor is to be completely informed of Father  
12 Brennan's background and Father Brennan is to be informed  
13 that the pastor has been told of his background. Father  
14 Lynn should first get Father Brennan's permission to share  
15 this information."

16 That was something that you wanted specifically  
17 done, correct?

18 A. Yes.

19 Q. And you said that you presumed that your staff was  
20 competent, correct?

21 A. Yes.

22 Q. And then we look at the document from 1996 where  
23 Father Brennan is zeroing in on two vulnerable boys  
24 and --

25 A. Wait. Wait. Wait.

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2 Q. On one vulnerable boy, and zeroing in, based upon  
3 Monsignor Scanlon, on two boys in particular?

4 A. Right.

5 Q. And we know that Father Lynn never conveyed any of  
6 Father Brennan's background to him.

7 Is there something about that question that's  
8 difficult? I'll break it down for you.

9 We know that you indicated that you wanted the  
10 pastor to be completely informed of Father Brennan's  
11 background, correct?

12 A. Yes.

13 Q. Okay. We know this is 1993, December of 1993, that  
14 those instructions are given out, correct?

15 A. Yes.

16 Q. 1996 we have information from the pastor at  
17 Resurrection that Father Brennan is engaging in behavior  
18 that's concerning to him, correct?

19 A. Yes.

20 Q. And that behavior includes talking seductively to a  
21 boy, wrestling with boys, taking boys to the movies, is  
22 that right? And out to dinner, correct? That's all  
23 contained in the memo; is that right?

24 A. To a dinner? Excuse me.

25 Q. I don't want to misquote, so let me --

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2 BY MR. SPADE:

3 Q. To a fast food restaurant.

4 A. Oh, fast food.

5 BY MS. McCARTNEY:

6 Q. Maybe we can argue whether or not it's good food,  
7 but it's out for food, okay, and that we can also -- and  
8 I'm sorry. It does say to lunch at a fast food  
9 restaurant. I apologize.

10 And that also we know that Father Brennan,  
11 according to Monsignor Scanlon, seems to be focused on two  
12 boys particularly, correct?

13 A. That's what he said.

14 Q. Okay. Is there a reason for us to disbelieve  
15 Monsignor Scanlon?

16 A. I don't know how he's judging that.

17 Q. Okay. But we know from that memo and we know from  
18 the conversation with Monsignor Scanlon that Monsignor  
19 Lynn never did inform him about the background of Father  
20 Brennan, right?

21 (The witness conferred with his  
22 attorney.)

23 THE WITNESS: May I read that.

24 MS. McCARTNEY: Sure. Five  
25 thirty-seven, third paragraph, page two.

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2 MR. SPADE: Page two, Cardinal, third  
3 paragraph.

4 THE WITNESS: Okay. I don't understand  
5 that. "Father Lynn shared that although his  
6 intention was to review with Monsignor Scanlon the  
7 issues that Father Brennan is dealing with."

8 That is something I think that I'm not  
9 sure that I understand. What does it mean? The  
10 issues that he is dealing with at that time?

11 BY MS. MCCARTNEY:

12 Q. I mean, I don't think that that's a difficult  
13 question, but what do you think about this: "Father Lynn  
14 shared that although his intention was to review with  
15 Monsignor Scanlon the issues that Father Brennan is  
16 dealing with, when Father Brennan was assigned, this was  
17 not accomplished"?

---

18 A. Yes.

19 Q. And we know that the issues that Father Brennan was  
20 dealing with when he was assigned was having acted  
21 inappropriately towards young boys in his two previous  
22 assignments; is that a fair read of that?

23 A. I'd have to say I don't know what -- why Father  
24 Lynn stated that and why he did not.

25

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2 BY MR. SPADE:

3 Q. Cardinal, we'll represent to you that from  
4 testimony that this grand jury has heard, that it's  
5 established on the record that Monsignor Scanlon was never  
6 informed by Father Lynn about any of the allegations  
7 against Father Brennan from Saint Ignatius Parish, from  
8 Saint Mary's Parish, about any of the allegations made,  
9 any of the numerous allegations made of inappropriate  
10 conduct towards minors on the part of Father Brennan.

11 Will you accept that representation?

12 A. I -- I mean, that's what you have stated.

13 Q. Okay.

14 BY MS. MCCARTNEY:

15 Q. So based upon that, Cardinal, we know that your  
16 directive with regard to the pastor being fully informed  
17 and that the pastor must give Father Brennan close  
18 supervision, those things were not done, correct?

19 A. I have to say I don't know what -- why Father  
20 Lynn -- he made the statement that he did not, that was  
21 not accomplished. I don't know why it was not  
22 accomplished.

23 Q. Also, based upon the memo when the assignment  
24 was made that Father Brennan is to be told to keep his  
25 hands off everyone, he is not even to put his hands on

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2 someone's shoulder as a sign of congratulations or  
3 anything, based upon the information coming out of  
4 Resurrection, we know that that was not accomplished; is  
5 that fair?

6 A. Well, from believing what was alleged, he did  
7 wrestle and he did not keep his hands off.

8 Q. Well, let me ask you then. I'm going to go back to  
9 a question I asked you earlier.

10 Given that information, do you still have the same  
11 confidence in your staff?

12 A. Yes.

13 Q. You do?

14 A. Yes.

15 Q. You don't think that Father Lynn endangered  
16 children at Resurrection Parish by not accomplishing those  
17 directives that you had set out?

---

18 A. I cannot reach that conclusion.

19 Q. Do you think and, Cardinal, would it be fair to say  
20 that even though these were your instructions to your  
21 staff, to make sure that these things were done with  
22 regard to Father Brennan -- and ultimately you are  
23 responsible. You are the ultimate authority in the  
24 Philadelphia Archdiocese. You did nothing to make sure  
25 yourself that any of these things were actually carried



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2 out, correct?

3 A. I trusted my staff, and I had, you know, and enough  
4 experience with them that generally they carried out the  
5 directives they were supposed to carry out and fulfill  
6 their responsibilities.

7 Q. Well, but you did nothing to ensure that that  
8 occurred, correct?

9 A. My trust in them was the insurance. I trusted  
10 them.

11 Q. So the answer is no, you did nothing except for  
12 trust them; is that right?

13 A. Well, we have a system of accountability with my  
14 Vicar for Administration.

15 Q. What is that system of accountability?

16 A. That was up to him to set it up. I mean he -- I  
17 don't know how it works out, but they are accountable to  
18 him, who in turn was accountable to me.

19 Q. With regard to Father Brennan, even after these  
20 incidents occurred at Resurrection Parish, the same  
21 conduct that's been going on now since 1988 in Saint  
22 Ignatius, what did you do to address the situation at  
23 Resurrection?

24 A. I left it in the hands of my Vicar for  
25 Administration and my Secretary for the Clergy.

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2 BY MR. SPADE:

3 Q. And what did they do, Cardinal?

4 A. I can't remember.

5 Q. To your knowledge, was Father Brennan ever removed  
6 as parochial vicar from Resurrection after this incident?

7 Was he ever sent for treatment?

8 A. I'm not aware.

9 Q. Were any restrictions ever placed on him in terms  
10 of his conduct, his contact with children from this point  
11 forward?

12 A. I'm not aware of that.

13 Q. To this day is he still a parochial vicar at  
14 Resurrection Parish?

15 A. I think he is.

16 Q. And this is the same of person that has a rule out  
17 pedophilia diagnosis, which we've indicated means that

---

18 clinical diagnosticians indicated that he showed some  
19 tendency toward sexual attraction to minors; is that  
20 correct?

21 A. No, I do not accept that. That's not my  
22 interpretation of that diagnosis, because in the memo here  
23 it says it was ruled out that he was a pedophile.

24 Q. But, Cardinal, you testified yourself that you  
25 never took any steps and you never directed your staff to

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2 take any steps to explain what that diagnosis meant,  
3 correct?

4 A. Well, it seemed obvious that it meant that he was  
5 not a pedophile. That's my interpretation from reading  
6 it.

7 BY MS. McCARTNEY:

8 Q. But you've indicated several times, Cardinal, that  
9 you're not a psychiatrist and that you certainly left  
10 certain things to the professionals; is that right?

11 A. That is correct.

12 Q. And if someone had a question as to what a  
13 diagnosis meant or the interpretation of a diagnosis,  
14 certainly the way to get that information would not be to  
15 rely upon it yourself but rather to go to the  
16 professionals that you had access to, correct?

17 A. Right. But --

---

18 Q. And you indicated that you didn't do any of those  
19 things with regard to the rule out pedophilia diagnosis,  
20 correct?

21 A. I did not because I just accepted his face meaning,  
22 ruled out pedophilia.

23 BY MR. SPADE:

24 Q. Okay. You say that you accepted the face meaning,  
25 and we've shown you grand jury exhibit five twenty-one,

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1  
2 which is again a letter from Dr. Fitzgibbons to your Vicar  
3 for Administration, Monsignor Cullen; is that correct?

4 A. I've seen this.

5 Q. And you've testified that you believed that Dr.  
6 Fitzgibbons is a competent and good psychiatrist; is that  
7 correct?

8 A. Yes, as far as I know.

9 Q. And you testified that, according to your words,  
10 you took the face value of the rule out pedophilia  
11 diagnosis to mean that it meant that Father Brennan was  
12 not a pedophile and exhibited no tendencies towards  
13 pedophilia, correct?

14 A. I just accepted what it is, and based on my staff  
15 with him, which said they ruled out pedophilia at Saint  
16 John Vianney.

17 Q. Okay. I want to direct your attention to the last  
18 paragraph of five twenty-one where Dr. Fitzgibbons writes  
19 to Monsignor Cullen: "In view of the recent allegations,  
20 my clinical opinion is that Father Brennan has very  
21 serious problems which might predispose this Archdiocese  
22 to major scandal and, possibly, litigation in the future."

23 Did you accept Dr. Fitzgibbons words at their face  
24 value, Cardinal?

25 A. I'm just reading this. I can't make any judgment

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2 on that.

3 BY MS. McCARTNEY:

4 Q. So based upon the documents provided in Father  
5 Brennan's case, he was not sent for an evaluation, no  
6 action was taken on the part of the Archdiocese based upon  
7 the information that they received and ultimately you  
8 received from Monsignor Scanlon; is that correct?

9 A. I don't recall what further action was taken.

10 Q. Okay. And the record reflects the fact based upon  
11 the priest data profile that Father Brennan is still the  
12 parochial vicar at Resurrection; is that right?

13 MR. HODGSON: We don't have that.

14 MS. McCARTNEY: That was the first  
15 document I showed you. It's four eighty-five.

16 THE WITNESS: It's not listed here.

17 MR. HODGSON: It's two pages?

18 ~~THE WITNESS: This goes up to~~

19 ninety-three.

20 BY MS. McCARTNEY:

21 Q. It says: "Primary Position." That's under  
22 "Current Assignments." Is that right?

23 A. Oh, excuse me. Excuse me.

24 Q. That's okay.

25 A. Yes.

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2 Q. Now, Cardinal, I'm going to show you one further  
3 document with regard to Father Brennan.

4 MS. McCARTNEY: Grand jury exhibit  
5 1112.

6 (GJ-1112 was marked for  
7 identification.)

8 (Pause.)

9 (The witness conferred with his  
10 attorney.)

11 (Pause.)

12 BY MS. McCARTNEY:

13 Q. Have you reviewed that document, Cardinal?

14 A. Yes.

15 Q. All right. Before we get to that, I do want to go  
16 back and just ask you a few follow-up questions with  
17 regard to the 1996 incidents at Resurrection Parish.

---

18 You were made aware of those issues at Resurrection  
19 with regard to Father Brennan; is that right?

20 A. I don't recall them. I really don't.

21 Q. Well, let me ask you this.

22 Based upon the way you had set up the Archdiocese'  
23 hierarchy and the chain of command and given the  
24 seriousness of the situation that was being addressed by  
25 Monsignor Scanlon, would that have been something that

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2 would have been brought to your attention, do you think?

3 A. Not necessarily if it was an ongoing thing. I -- I  
4 can't say that. As a general rule, serious matters are  
5 brought to my attention.

6 Q. Okay. As a general rule.

7 And would you -- and if I'm wrong, please, I want  
8 you to correct me. Would you agree that the incidents  
9 occurring with Father Brennan at Resurrection Parish were  
10 serious matters?

11 A. They -- they raise boundary issues, as stated in  
12 the memo.

13 Q. So with regard to -- and they raise boundary  
14 issues, according to you, boundary issues with regard to  
15 children; is that right?

16 A. Yes. According to the memo.

17 Q. And you would agree that that's a serious issue,  
18 right?

19 A. I'm saying they're boundary issues. The level of  
20 severity I cannot make a judgment. They're just  
21 recalling -- I'm just seeing what's in the memo.

22 Q. And based upon the way that you had set up the  
23 Archdiocese and what information was brought to your  
24 attention, you said serious things were brought to your  
25 attention.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Would you think that this would be something that  
3 would have been brought to your attention?

4 A. It might have been.

5 Q. And also given the fact that you were specifically  
6 directed in the memo back in 1993, when Father Brennan was  
7 assigned there, that if the Diocese has to react to a  
8 public relations crisis in this case, can we say that  
9 Father Brennan had been sent away, can we have a statement  
10 that he's not a pedophile, clearly with regard to Father  
11 Brennan's behavior, there was a concern on your part of a  
12 possible public relations crisis, correct?

13 A. Yes.

14 Q. Okay. So based upon that directive that you handed  
15 out, based upon the information coming to Monsignor Lynn,  
16 is it fair to assume that you were given that information?

17 A. I don't think I can assume that on the basis of  
18 ~~what you said.~~

19 Q. Okay. Well, let me ask you this, then. I'll ask  
20 it two ways, Cardinal.

21 Based upon the information that you know about  
22 Father Brennan, do you think that this was information  
23 that you should have known about in 1996?

24 Let's assume that you didn't. Let's go with that  
25 assumption first.



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2 A. I left that up to the discretion of the Vicar for  
3 the Clergy or my Vicar for Administration.

4 Q. You left it to the discretion of those people who  
5 we clearly established in this particular case did nothing  
6 that you had directed them to do, correct?

7 A. I can't say that.

8 BY MR. SPADE:

9 Q. Well, Cardinal, if you weren't made aware of this  
10 information in 1996, what does it say about the adequacy  
11 of the system that you put into place to protect the  
12 welfare of children?

13 If this information was not brought to your  
14 attention, what does it say about the adequacy of the  
15 system that you were responsible for?

16 A. I think the system we had was adequate.

17 BY MS. MCCARTNEY:

---

18 Q. Well, what did you do, if anything, to make sure  
19 that when you gave out specific commands with regard to  
20 supervising a priest that had twice been in Saint John  
21 Vianney for treatment with regard to incidents involving  
22 children, that when you gave out specific directives, that  
23 those directives were followed through on?

24 A. I think I answered that, that I did not have any  
25 specific administrative process for checking on people.

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2 Q. Well, when you found --

3 A. But I trusted them.

4 Q. I'm sorry. When you found out in this case that  
5 those directives that you handed down were not followed  
6 through on, what did you do to change that laissez faire  
7 attitude, for lack of a better word?

8 A. I thought I said I did not know what I was told.

9 Q. Well, let's assume that you were told, Cardinal.  
10 Do you recall doing anything?

11 A. You put an "if" there. If I were told, did I do  
12 anything?

13 Q. Right. If you were told, did you do anything?

14 A. Would I?

15 Q. Would you?

16 A. I don't know. I'd have to listen to the whole  
17 story. I can't say, you know, what action I would have  
18 taken, if any. That's a contingent question.

19 Q. Okay. Cardinal, let's talk about grand jury  
20 exhibit 1112. This is a letter that was written to you on  
21 April 4, 2002.

22 Did you have a chance to review that document?

23 A. I did.

24 Q. And do you recall receiving that letter? }

25 A. Not at all.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Are you saying you didn't get it, or are you saying  
3 you just don't recall?

4 A. I said I don't recall it.

5 BY MR. SPADE:

6 Q. And the date of this letter is April 4 of 2002,  
7 about a year and a half ago?

8 A. Yes.

9 BY MS. McCARTNEY:

10 Q. And you would agree, Cardinal, that the contents of  
11 this letter -- and I'm going to summarize them for you.  
12 This letter was written by a parishioner of Saint Mary's  
13 Parish; is that right?

14 A. I didn't catch that, if you don't mind, but I'll  
15 take your word for it. It's in there. I scanned through  
16 this.

17 Q. It talks about the fact that this parishioner is a  
18 single mother with four children. It talks about the fact  
19 that she had become aware back at the time that Father  
20 Brennan was at Saint Mary's that he had done some things,  
21 that a boy in particular had told this parishioner that  
22 Father Brennan was touching him and making him  
23 uncomfortable, that he played inappropriate games with all  
24 the altar boys and that he offered them food and rewards  
25 for participating, and she indicates that the boy that she

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 spoke with was new to the neighborhood and he was an altar  
3 boy; is that right?

4 A. That's what you're reading, yes.

5 Q. And she talks about the difficulty that she  
6 witnessed with regard to this child telling his parents  
7 about this incident; is that right? These incidents,  
8 correct?

9 A. Yes.

10 Q. And she also talks about the fact that after the  
11 mother of that child informed the vicar and that there was  
12 a threat made that the local papers would be called unless  
13 Father Brennan was removed from the parish, that he was in  
14 fact removed, according to the information she provides to  
15 you; is that right?

16 (The witness conferred with his

17 attorney.)

---

18 BY MS. MCCARTNEY:

19 Q. That's what she says, correct?

20 (The witness conferred with his

21 attorney.)

22 THE WITNESS: Yes. This says up here

23 that he was treated for Lyme disease.

24 BY MS. MCCARTNEY:

25 Q. "The mother was on the phone to the vicar and

## ANTHONY JOSEPH CARDINAL BEVILACQUA

1 informed him of the situation. She told him that either  
2 this priest will be removed from our parish the following  
3 day or all the local papers and The Philadelphia Inquirer  
4 would get the whole story. The following Sunday at Mass  
5 we were encouraged to pray for poor Father Brennan because  
6 he was being treated for Lyme disease and was very sick  
7 and would be gone indefinitely."

8  
9 A. I see that.

10 Q. "I was outraged. How could this priest, a  
11 representative of the Church, stoop so low to cover for  
12 this evil act? I remember looking at my children and just  
13 didn't have an explanation. I was shocked, disappointed,  
14 but most importantly, I felt the foundation of my belief  
15 shatter. I went through a period where I doubted my  
16 faith, considered changing religions, and visited other  
17 churches."

18 ~~And she goes on to say that she "loves my Catholic~~  
19 ~~faith and I'm very devoted to its teachings. However, I~~  
20 ~~have huge concerns over priests and bishops who have~~  
21 ~~authority over my children, for my respect for them is in~~  
22 ~~question."~~

23 She talks about those things in her letter; is that  
24 right?

25 A. Yes.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Have you no recollection of receiving this letter,  
3 Cardinal?

4 A. No, I do not.

5 BY MR. SPADE:

6 Q. Cardinal, you see in the second paragraph of this  
7 document where the writer, Mrs. ██████████, says: "About  
8 eight years ago I was aware of a legal issue"?

9 Do you see that?

10 A. The second paragraph, first page?

11 Q. First page, second paragraph. It starts out:  
12 "About eight years about ago, I was aware of a legal  
13 issue."

14 A. Yes.

15 Q. And then if you drop down further in that  
16 paragraph, maybe about ten sentences up from the bottom,  
17 it says: "About a year later, I was driving home from  
18 church with a carload of kids in the back."

19 Do you see that?

20 A. Yes.

21 Q. "And I heard snickering and talk that made me  
22 curious," and then she goes on to relate that one of her  
23 daughters' friends, a boy, told her that Father Brennan  
24 was touching him and making him uncomfortable and playing  
25 inappropriate games with all the altar boys.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Do you see that?

3 A. Yes.

4 Q. Now, so that would have been, if we're reading  
5 this, if my math is correct, Cardinal, she's talking there  
6 about seven years from 2002. So that would have been  
7 about 1995; is that correct?

8 A. (No response.)

9 Q. Seven years before 2002 was about 1995?

10 A. Well, yes.

11 Q. Okay. And that's just two or three years after  
12 Father Brennan had the trouble in Saint Mary's with  
13 inappropriate touching of boys and inappropriate contact  
14 with boys; is that correct?

15 A. Excuse me. What are you saying? Two or three  
16 years?

17 Q. 1995 would have been about two or three years after  
18 Father Brennan was accused of inappropriate conduct with  
19 several of the boys in Saint Mary's Parish; is that  
20 correct?

21 A. I guess it would be around that time.

22 Q. In other words, he accused of that behavior in  
23 1992, correct?

24 A. It would seem he was in Saint Mary's Parish at the  
25 time.

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 Q. Right. Now, would you agree with me, Cardinal,  
3 that this boy that was talking to Mrs. ██████████, that  
4 it's a fair inference that this boy that was talking to  
5 Mrs. ██████████ may have been one of those boys from Saint  
6 Mary's Parish that Father Brennan was touching  
7 inappropriately?

8 In fact, it says it in the letter, that he was one  
9 of the boys in Saint Mary's Parish, correct?

10 A. That's what the letter says.

11 Q. Right.

12 A. I'm trying to place this in a time range, if you  
13 don't mind.

14 Q. Sure. Take your time.

15 (Pause.)

16 (The witness conferred with his  
17 attorney.)

---

18 BY MR. SPADE:

19 Q. Cardinal, you're referring to GJ-485, right? The  
20 priest data profile sheet; is that correct?

21 A. I'm looking to find the time here.

22 Q. Okay. If you look back at four eighty-five, that's  
23 the last assignment that Father Brennan had before his  
24 health leave, listed on there was Saint Mary's Parish,  
25 Schwenksville, correct?



## ANTHONY JOSEPH CARDINAL BEVILACQUA

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A. Correct.

Q. And it's listed as June of 1990 to September of '92, correct?

A. Right.

Q. And from the other documents that we've shown you, the allegations that came forward on the part of these boys at Saint Mary's against Father Brennan were in 1992, correct, and that's why in fact he was removed from Saint Mary's?

A. (No response.)

Q. Correct?

A. Well, it would seem that from the second page when he was removed then.

So you're placing this -- this is all in between '90 and '2, then.

Q. Right. Right. All I'm asking you, Cardinal, is:

---

This boy that Mrs. [REDACTED] refers to here, is it a fair inference that this was one of the boys making the allegations against Father Brennan at that time, or this was one of the boys at Saint Mary's Parish that he was engaging in inappropriate contact with?

A. I don't assume anything. I mean, this is what she says.

Q. Okay. Is it fair to assume, Cardinal, that this

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 boy again was somewhere in the age range of maybe ten to  
3 fifteen years old at the time that he was telling Mrs.

4  this?

5 A. Well, she's talking about a boy.

6 Q. Right.

7 A. That's the most I can . . .

8 Q. Right. Boy generally refers to -- she didn't say  
9 teenager. She said a boy, correct?

10 A. That's the term she's using.

11 Q. Right.

12 A. I can't make any judgment from what she says.

13 Q. Okay. Well, my ultimate question to you, Cardinal:  
14 Is it fair to assume that in 2002, seven years later, say  
15 the boy was twelve or thirteen at this time, that he would  
16 have been about twenty, twenty-one in 2002 when you got  
17 this information?

---

18 A. This --

19 Q. He would have been in his late teens or early  
20 twenties at the time that you got this information seven  
21 years later?

22 MR. HODGSON: I don't think you mean  
23 that.

24 THE WITNESS: Excuse me.

25 MR. SPADE: Counsel, if the witness

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 wants to confer --

3 MR. GALLAGHER: Let him answer. Let  
4 him answer.

5 Go ahead, Cardinal.

6 THE WITNESS: I'm -- I'm not following  
7 what you're saying, if you don't mind.

8 BY MR. SPADE:

9 Q. If the boy --

10 A. She's talking about an incident.

11 Q. That happened around 1994 or 1995 with a boy,  
12 correct?

13 A. I got all confused in this one. If you don't mind.

14 Q. Well, she's talking about --

15 MR. GALLAGHER: No. Wait. Let him  
16 read it.

17 MR. SPADE: Oh, I'm sorry.

---

18 I didn't know that you wanted to read  
19 it.

20 (Pause.)

21 (The witness conferred with his  
22 attorney.)

23 (Pause.)

24 THE WITNESS: This letter here that  
25 this woman is describing is talking about when he

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 was in Saint Mary's?

3 BY MR. SPADE:

4 Q. She's talking about -- we've established that she's  
5 talking about the time period of 1995, correct?

6 A. Well, I don't know.

7 Q. She says seven years ago, and the letter is dated  
8 2002?

9 A. But seven years ago he was -- seven years before he  
10 was not in Saint Mary's.

11 Q. No, I'm not saying that he was in Saint Mary's  
12 then, Cardinal. I'm just saying that she's talking about  
13 a timeframe of 1995, correct?

14 A. If she says -- if she says it was seven years ago?

15 Q. Yes.

16 A. Eight years ago.

17 Q. And then later on, she says about a year later,  
18 which would be seven years ago, correct?

19 A. Eight years would be '94.

20 (The witness conferred with his  
21 attorney.)

22 BY MR. SPADE:

23 Q. I'm not asking whether he was pastor at Saint  
24 Mary's at that time, Cardinal. I'm just asking you she's  
25 talking about a boy?

1 ANTHONY JOSEPH CARDINAL BEVILACQUA

2 A. Well, she says here: "I was aware of a legal issue  
3 involving the pastor of my church."

4 What pastor is she referring to there?

5 Q. I don't know, Cardinal. I'm just asking you.

6 She brought to your attention some allegations that  
7 a boy was making against Father Brennan in the 1995 time  
8 period, correct?

9 A. Go ahead.

10 Q. Is that correct?

11 A. It seems to be.

12 Q. Okay. And I'm just asking you is it likely -- she  
13 refers to a boy, correct?

14 A. Yes.

15 Q. So it's likely that this boy was somewhere in the  
16 ten, twelve, ten, eleven, twelve age?

17 A. I don't know.

---

18 Q. Okay. All right.

19 MR. SPADE: No further questions.

20 MS. McCARTNEY: It's 4:05 P.M. We will  
21 break for the day.

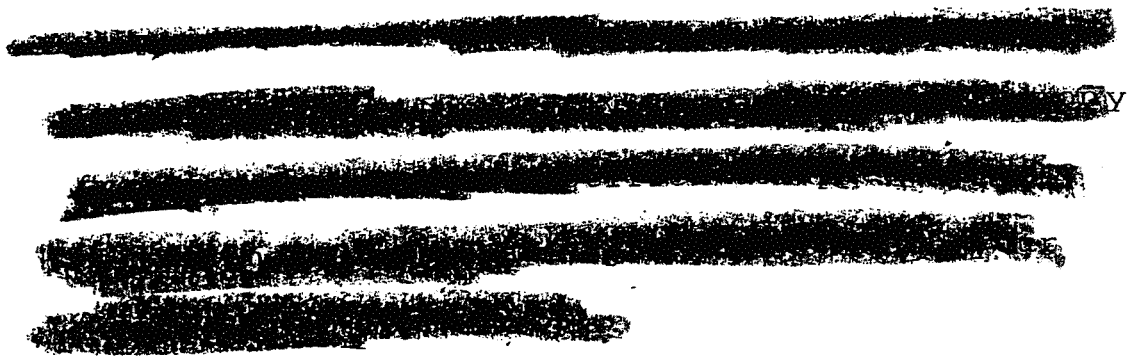
22 Could the foreperson advise the witness  
23 of his continuing subpoena.

24

25

ANTHONY JOSEPH CARDINAL BEVILACQUA

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Do you understand that?

THE WITNESS: Yes.

GRAND JURY FOREPERSON: Thank you.

MS. MCCARTNEY: Cardinal, just so  
you're aware, tomorrow morning we intend to begin  
our questioning with regard to Father Cudemo.  
Okay.

THE WITNESS: Okay.

(Witness excused.)

(Hearing concluded.)

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EXHIBITS

IDENTIFICATION

GJ-485, (Previously marked exhibit.)  
GJ-513, (Previously marked exhibit.)  
GJ-517, (Previously marked exhibit.)  
GJ-519, (Previously marked exhibit.)  
GJ-521, (Previously marked exhibit.)  
GJ-532, (Previously marked exhibit.)  
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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the trial of the above cause, and that this copy is a correct transcript of the same.

*Charles W. Herg*  
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