

Prosecutor grilled, Bevilacqua deflected, grand jury testimony from 2003 shows

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Posted on Sun, Jul. 24, 2011

Why, the prosecutor asked Cardinal Anthony J. Bevilacqua, had he permitted a priest with a long and sordid record of sexual abuse to remain in a parish ministry?

A priest "has rights," Bevilacqua replied. "If we tried to remove him, he could bring action."

Pressed a bit more, the cardinal said, "I don't recall all these details."

Assistant District Attorney Maureen McCartney kept pushing. The Rev. Nicholas Cudemo had been accused of raping and impregnating an 11-year-old girl and molesting another child in a confessional, assaulting eight victims in all.

"We're not talking about a roof leaking on a parish gym," she said.

"I know," Bevilacqua replied.

This exchange from the fall of 2003 is contained in more than 1,200 pages of secret grand jury testimony prosecutors filed in court late Friday as evidence in their pending criminal case against one of Bevilacqua's most trusted aides, Msgr. William Lynn.

The voluminous transcripts, documenting 10 grand jury appearances by the cardinal over eight months, provide a rare glimpse into a process that takes place behind closed doors and is almost never made public.

And never before in the worldwide church sex scandal has the curtain been drawn back on such a high-stakes clash between prosecutors - backed by angry grand jurors - and a cardinal determined in his defense of himself and the institution he led.

For hours on end, confronted with case after case, Bevilacqua faced tough questioning. Testifying under oath, the cardinal - a lawyer by training - parsed words, parried questions, and repeatedly pleaded a bad memory. He insisted that the church had done the best it could to protect children and safeguard the rights of priests.

After hearing his testimony and that of scores of other witnesses, the grand jury in a 2005 report all but called the cardinal a liar.

Bevilacqua, the grand jury concluded, was "not forthright" in his testimony. It said that he had been "untruthful" and that his credibility was questionable.

In fact, the grand jury wrote, he had "excused and enabled" years of abuse, but the statute of limitations barred him or other clerics from prosecution.

This year, a second grand jury castigated Bevilacqua once more. Widespread abuse was "known, tolerated, and hidden by high church officials, up to and including the cardinal himself," this report found.

Now 88 and suffering from cancer and dementia, Bevilacqua, who led the archdiocese from 1988 to 2003, did not testify before the second grand jury; his attorneys said he was too infirm to do so.

He has never been charged with a crime. And in the immediate aftermath of the 2005 report, the church's attorneys vigorously defended the cardinal and labeled prosecutors "anti-Catholic."

Bevilacqua had received "perhaps the report's cruelest treatment," his attorneys said. Prosecutors, they added, had tried to "bully and intimidate" him, "to trap His Eminence, and to humiliate, prosecute, and disrespect him."

In their filing Friday, prosecutors said they had put forth Bevilacqua's testimony, as well as that of other top church officials, as evidence to tie Lynn and other defendants into a conspiracy to conceal and enable abuse.

"The church officials' dissembling, inconsistent, blame-shifting, and evasive answers over numerous days of testimony," Assistant District Attorney Mariana Sorensen wrote in the filing, provide evidence of a conspiracy.

'Secret archives'

Dressed in a black suit, wearing a clerical collar and a cross on a gold chain, Bevilacqua had just turned 80 in June 2003 when he began the first of his visits to the nondescript grand jury room, on the 18th floor of the municipal office building at 1515 Arch St.

Under questioning by Deputy District Attorney Charles F. Gallagher, the cardinal acknowledged that when he arrived in Philadelphia in 1988 he did not delve into the so-called "secret archives," where reports of sexual-abuse allegations and the church's subsequent investigations are kept

under lock and key. He testified that he believed such matters were "adequately handled" by his aides.

When church officials investigated and determined that a priest had sexually abused a child, Gallagher asked, did they call police?

"Not that I recall," the cardinal said.

"Why weren't they called?" he was asked.

In each case, he said, his aides would consult church attorneys.

"The fact that the lawyers did not suggest that they report it to the police, then they were not," he said.

He added: "The victims always were free to report it."

Gallagher pushed him further.

Some, he noted, term child abuse "soul murder, murder of an innocent child's soul."

"Wouldn't you expect that you and the people that work for you would report this to law enforcement?" he asked.

"I think I'd like to discuss this at recess with my lawyer," Bevilacqua replied.

Gallagher never got an answer.

Throughout the day, Bevilacqua was questioned about the archdiocesan policy of transferring known abusers, with no notice to parishioners.

"I'd have to say generally they were not informed," the cardinal said at one point.

Why not?

If parishioners knew of his past, the priest "would not be able to function in that parish anymore," the cardinal said.

What about informing parishes where the priest had previously served to determine if others had been abused? Gallagher asked.

"I saw no reason to do that," Bevilacqua said. "I did not think it was advisable. . . . Anyone who was - who happened to be abused by the priest in that parish, they knew they could come to us any time."

"So you left it all up to these innocent children to come forward and make these claims?" Gallagher asked.

"Their families," said the cardinal.

In some cases, he acknowledged that church officials had misled churchgoers about the reasons for a priest's transfer. In one case, the archdiocese told parishioners that an abusive priest had come down with Lyme disease and should be in their prayers.

Questioned further about this, the cardinal gave a familiar answer: He was following the advice of his top aides, notably Lynn.

As the church official in charge of handling complaints from victims, Lynn, according to prosecutors, was the cardinal's agent in shuttling abusive priests from parish to parish without informing police or parishioners.

Lynn is facing trial on felony charges of endangering children, making him the highest-ranking member of the Catholic hierarchy in the nation to be criminally charged with protecting abusers.

Lynn has denied any wrongdoing. On Saturday, his legal team, Thomas A. Bergstrom and Jeffrey M. Lindy, declined to comment, citing a gag order in the pending case. A spokeswoman for the archdiocese did not return calls Saturday.

No recollection

Throughout his testimony, the cardinal said he was unable to recall specifics about abuse cases, even when those cases involved priests whose transfers or resignations he had approved.

On his first day of testimony, for instance, he said nearly three dozen times that he did not remember. The pattern was much the same throughout his testimony.

Prosecutors repeatedly showed him internal memos and letters about cases that had been dealt with on his watch. They asked if the memos jogged the cardinal's memory - in some cases the letters bore his handwriting or initials. More often than not, the cardinal's answer was no.

At one point, McCartney asked Bevilacqua about the church's handling of the case of an alleged abuser, Msgr. John E. Gillespie. The church permitted Gillespie to stay in an assignment near children at Our Lady of Calvary in Northeast Philadelphia for two months before his June 2000 resignation would take effect. Parishioners were told he was resigning for "health reasons."

"Do you remember having any such discussion like saying to Msgr. Lynn: 'Well, wait a second. Here's a guy, I have his assessment. I know they said he was a danger to children. I know they said he admitted to having been sexually involved with at least four kids.

"Why are you telling - why are you asking me to approve a recommendation for him to be chaplain at a facility where there's a school?" "McCartney asked Bevilacqua. "Did you ever have that discussion?"

"I do not have a recollection of that discussion," the cardinal replied.

Pressed further, Bevilacqua again said he left those matters to Lynn.

"These are the details that I leave to my secretary for the clergy," he said.

At another point, McCartney asked Bevilacqua about the Rev. Francis Trauger, who archdiocesan officials knew had allegedly taken young boys away on overnight trips, shared a bed with them, and touched them inappropriately.

The prosecutor wanted to know if Bevilacqua's deputies had interviewed another boy whom the priest later appeared to have been stalking.

She noted that the church had no record of an interview with the victim. Did that mean there had been no such interview?

McCartney: "Would that be a fair assumption for us to make?"

Bevilacqua: "It's a conjecture, but I guess it could be an assumption."

At times, prosecutors questioned Bevilacqua's repeated deference to medical professionals, even when their assessments seemed to have downplayed a known abuser's risk of future assaults.

"Somebody who is vested with the responsibility that you had in the Archdiocese of Philadelphia," McCartney asked, "your educational background, your experience, your obvious intelligence, is it your testimony that you take a diagnosis from an expert that says that [an accused priest] has no or there's little, minimal risk of relapse, and that you just accept that blindly?"

"When it comes to medical professional people," the cardinal replied, "we generally do. I mean, how can I countermand that? How can I question that?"

As the days wore on, questions from prosecutors - and the grand jurors - seemed to grow more pointed.

One juror wondered, for instance, if cases were "simply mismanaged through negligence, or was it something that was intentional?"

Bevilacqua replied: "I don't even raise it to the level of strict negligence. I see that we did the best we could."

Jurors also seemed confounded by the cardinal's loss of recall.

"If the protection of children, as you've testified on many occasions, is the most important priority for the church and for the Archdiocese of Philadelphia, why don't you remember more of the details of these cases?" one asked.

"Because I have to remember tens of thousands of items," Bevilacqua replied.

As the cardinal took the stand for the 10th and final day, he was asked to explain why priests remained in ministry even as credible allegations piled up against them.

"In your opinion," one juror asked, "did that cover-up contribute to the devastation of families within the archdiocese by taking away the purity of the kids involved and by robbing them of their souls?"

Bevilacqua replied: "I saw no evidence at any time that we did any cover-up."

http://www.philly.com/philly/news/20110724_Prosecutor_grilled__Bevilacqua_deflected__grand_jury_testimony_from_2003_shows.html.