Chapter 21

# A FOOTBALL GAME WITHOUT REFEREES

ROBERT J. ROSENTHAL, EDITOR OF THE PHILADELPHIA INQUIRER, STOOD IN THE MARBLE lobby of The Beasley Building, looking pale and fidgety in his trench coat. At his side were two grim-faced lawyers.

The trio of visitors was looking up at the Victorian candle chandeliers when Jim Beasley came scampering down the carpeted steps in cowboy boots. As Beasley's client, I was by his side, and watched as he glad-handed his guests, flashing his gunslinger's smile.

Beasley was jubilant because his latest libel case against the Inquirer had attracted national publicity. "Philadelphia Inquirer Sued by Own Reporter" was the headline in The New York Times. "A move so unusual that nobody could think of a precedent," was how media critic Howard Kurtz described it in the Washington Post.

We didn't know how much of a novelty it was until Beasley associate David A. Yanoff did some research and discovered that I was the *only* reporter in the history of American journalism to sue his own newspaper for libel.

Sept. 30, 1999, was the opening day of depositions in the case of *Cipriano v. Philadelphia Newspapers Inc.* Both sides went into pregame huddles. I had never been to a deposition before so I asked Beasley what it was like compared to a trial. Well, he said, there's no judge around to set the rules.

"So," I said, "it's like a baseball game without an umpire?"

"No," Beasley said, flashing that smile again. "It's more like a football game without referees."

We filed into Beasley's conference room, past an ominous display in the lobby, a five-foot-long scale model of the Titanic. Beasley and Rosenthal took seats on

opposite sides of the table. The two combatants sized each other up while the court reporter set up shop.

It was an interesting matchup: Beasley vs. "Rosey," my old boss — two decades younger, and a newsroom legend for his ability to slip out of tight jams, whether in foreign combat zones or office politics.

Rosenthal raised his right hand and swore to tell the truth. And then my old boss said something I knew was a lie:

Beasley: "Whose idea was it to put Mr. Cipriano on the religion beat?"

Rosenthal: "I don't know."

Beasley: "That wasn't your idea?"

Rosenthal: "I don't know if it was my idea. I don't recall if I specifically thought that Ralph should be the religion writer."

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SHORTLY AFTER HE WAS APPOINTED INQUIRER CITY EDITOR IN 1991, ROBERT J. ROSENTHAL personally recruited me to become the paper's religion writer. Rosenthal said he was looking for an independent thinker to liven up a dull beat. My boss, a secular Jew, said he chose me, a fallen Catholic, because we both shared the same skeptical view of organized religion. Rosenthal spoke disparagingly about the paper's longtime religion writer, a former seminarian who wrote deferentially about local religious leaders. "Nobody remembers a fucking story he ever wrote," Rosenthal said.

I was trying to satisfy my boss's demand for lively copy when I sought an interview with the Catholic archbishop of Philadelphia. Cardinal Anthony J. Bevilacqua had become the target of weekly demonstrations outside his office by members of his own flock after he decided to close about 20 inner-city churches and schools located in predominantly black and Latino neighborhoods.

I discovered that at the same time he was closing poor churches and schools, supposedly to save money, His Eminence was secretly building a multimedia conference center on the 12th floor of archdiocese headquarters. The center featured a custom-built 25-foot-long black cherry conference table with a dozen computers built into it, two big screen TVs, and a future satellite hookup for videoconferencing. Nobody would let me in to see the place or tell me how much it cost, though the conference table without the computers listed in a manufacturer's catalog for $58,000.

Before I could interview the cardinal, however, his public relations guru, Brian Tierney, launched a preemptive strike to get me kicked off the beat. Tierney and an associate, Jay Devine, met with my editors in the newsroom. The cardinal's men had marked up all the stories I had written about the archdiocese's downsizing efforts in green and yellow magic markers, to highlight the negative and pos-

itive comments. Tierney and Devine argued that by reporting on public controversy over the church and school closings, I was guilty of writing overwhelmingly negative coverage that was unfair to the cardinal.

The demonstrations were hard to ignore. They were held every Wednesday outside archdiocese headquarters and the adjacent cathedral for a year and a half, and were attended by nuns, Catholic school kids in uniform, and grandmothers carrying rosary beads. The protests included a Martin Luther-like posting of a list of grievances on the cathedral door, and a 10-day hunger strike by Frank Maimone, leader of the local chapter of the Catholic Worker.

Tierney's preemptive strike failed, and I got my interview with His Eminence. I asked the cardinal if his boss would approve of the multimedia conference center. I was thinking about the Pope. The cardinal, however, talked about somebody higher up.

"If Jesus Christ was alive today, He would have used all of the electronic media of today," the cardinal declared, with a couple of tape-recorders rolling. "Absolutely, no doubt about it. He would have, you know, updated everything. He would have used an automobile. He would have used a plane. . . . He would use television. . . . That's what I'm trying to do."

(Some of the cardinal's fellow Catholics would be outraged by his contention that Jesus was no longer alive, as well as his claims that Jesus would have flown on a plane and appeared on TV.)

While my story about the cardinal was being edited, Rosenthal took me aside and said he had decided to make a change on the religion beat. He insisted he wasn't caving in to pressure, but then he asked me to take another assignment.

I agreed to leave the beat in 1993, as long as they published my story about the cardinal, which, under Rosenthal's direction, had evolved into a "profile" of His Eminence. To balance the hard news, my editors told me to include flattering quotes and references to the cardinal — for supposedly revitalizing the office of archbishop — that were readily supplied by admirers such as Tierney. I did what I was told.

My watered-down story ran on the Sunday front page, under a huge photo of the cardinal kissing an elderly woman lying in a hospital bed. But the story still contained some punch. It began with a description of the secret multimedia conference center, and went on to detail the cardinal's history of big spending and multimillion-dollar budget deficits when he was bishop of Pittsburgh. One of my Catholic sources told me that when His Eminence read the story, they had to peel him off the ceiling.

I left the religion beat, and my life was peaceful for three years. Then, in 1996, the editor of the Inquirer Sunday magazine asked me to write another profile of Cardinal Bevilacqua, this time for the magazine. When I went out to do research, Catholic

sources handed me folders of confidential archdiocese documents that told a fuller story about the cardinal's lavish spending in Philadelphia. The documents showed that at the same time he was closing poor churches and schools, His Eminence secretly spent $5 million to renovate and redecorate church offices, a mansion that was his private residence, and a seaside villa that served as his vacation home.

The records showed that the multimedia center I'd written about three years earlier had cost more than $500,000 and was so top secret it was constructed without building permits, in violation of city law. The records also showed that the cardinal had spent another $500,000 renovating and redecorating his seaside villa. I was also given interior photos of the 30-room mansion where the cardinal lived alone and had spent hundreds of thousands of dollars on fancy new furnishings that included Queen Ann chairs, brass chandeliers and pink brocade couches.

I also obtained records from a workers' compensation claim filed against the archdiocese by a veteran employee who was in close contact with the cardinal. In the claim, the employee, a devout Catholic, alleged that he had suffered "serious mental and physical distress" and was no longer able to work as a result of the cardinal's "rude and abusive treatment." The employee, who was fired after he suffered a heart attack, charged that much of his stress was caused by female companions who allegedly rode in the cardinal's limo and stayed overnight at the cardinal's mansion. The records showed the archdiocese had settled the claim by paying the employee $87,500.

My story was transferred from the magazine to the projects desk, where they edited long, investigative stories. My new editors were interested in the archdiocese's confidential financial records, but they told me to forget about the workers' compensation claim, saying I didn't have a prayer of getting it printed in the Inquirer. So I concentrated my efforts on getting the archdiocese's secret financial records published.

I went down to the Municipal Services Building one afternoon to pull some public records about recent construction at archdiocese headquarters. My request was denied. By the time I walked back to the newspaper, a 15-minute stroll, the phone at my desk was ringing.

It was Brian Tierney, to whom I had not spoken in three years. Tierney had just been tipped off about my snooping by a friendly city bureaucrat who was also a Catholic, and Tierney demanded to know what I was up to. He was angry that I was even thinking about writing about the cardinal again. Tierney told me I had no chance of getting the cardinal to sit for another tape-recorded interview, especially after the last disaster. This time around, Tierney said, nobody at the archdiocese would talk to me.

Tierney also told me flat-out that there had been a deal back in 1993 to get me off the religion beat, and that Rosenthal was the only editor left from the

"negotiations." I got rid of you once, Tierney said, and I'll get rid of you again.

Tierney was launching another preemptive strike. He called two of my editors, including Rosenthal, to threaten them with a news blackout and a nasty public relations campaign that would ruin me and the newspaper, if they decided to run any story I wrote about the cardinal. But my bosses' biggest fear, one editor confided, was that the cardinal might stand up in the pulpit some Sunday morning and call for a boycott of "our lousy Protestant rag."

It was a fear that Beasley sought to expose in court.

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BEASLEY: "WAS THE INQUIRER CIRCULATION OR READERSHIP DECLINING DURING THIS period?"

Rosenthal: "Yes."

Beasley: "Weren't you fearful that Tierney and Bevilacqua would ban the Inquirer from the pulpit?"

Rosenthal: "No."

Beasley: "Did Bevilacqua threaten to do that?"

Rosenthal: "I have no idea."

Beasley: "You have no idea?"

Rosenthal: "I have no memory of that. Since then I've been told that happened."

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THE ARCHDIOCESE WAS OUT TO STOP MY STORY. JAY DEVINE, ONE OF TIERNEY'S ASSOCIates, spelled it out over the phone to one of my editors, who was taking notes. Devine told the editor he represented 1.4 million Catholics, and "we have a responsibility to make sure the newspaper doesn't tell them things we don't want them to know."

The editor Devine spoke to was Jonathan Neumann, a projects editor who was my advocate at the paper. Neumann, however, was outranked by Rosenthal, then the paper's third-highest editor, and Rosenthal balked at printing my story. Rather than argue with the facts, Rosenthal (as well as Tierney) said my story was unfair and anti-Catholic, even though all my sources and all the cardinal's on-the-record critics were Catholics.

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BEASLEY: "DO YOU REMEMBER THE CARDINAL THREATENING TO TELL ALL THE PARISHioners not to buy the Inquirer?"

Rosenthal: "I know — I believe I remember the cardinal saying that, but I don't know the time frame."

Beasley: "And do you know how many Catholics live in the Delaware Valley area?"
Rosenthal: "I believe the number usually is around 1.4 million."
Beasley: "And the Inquirer can't afford to lose 1.4 million readers, can it?"
Rosenthal: "It doesn't have — no, it can't."

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Brian Tierney was on the attack when he met face to face with Inquirer editors in a series of three private meetings held at archdiocese headquarters. I was there for all the sessions, but was under orders from my bosses not to say anything, for fear of further antagonizing the archdiocese.

Tierney, according to a lengthy Editor & Publisher story on my case, was "a major player in Philadelphia." The ad division of his firm, Tierney Communications, claimed annual billings of $230 million, handling clients that included McDonald's and IBM. Tierney's firm, according to E&P, also "places a substantial amount of advertising in the Inquirer." So, the magazine said, "when Tierney talks, it's no wonder Inquirer executives listen."

The Inquirer, on the other hand, was losing readers at a rate faster than any major American newspaper of comparable size. The Inquirer's daily circulation had dropped from 511,000 in 1990 to 402,000 in early 1999, a 21 percent reduction; the Sunday paper over that same period had fallen from 996,000 to 802,000, a 19 percent decrease. In an effort to boost circulation, Maxwell E.P. King, the paper's editor, had proposed that Cardinal Bevilacqua write a weekly column for the Inquirer that could be hawked on Sundays, outside Catholic churches, but His Eminence declined the offer, saying he was too busy.

Tierney dominated the three meetings with Inquirer editors, making speeches for 20 minutes at a time. He attacked me as a biased reporter out to get the cardinal, and he accused the newspaper of being unfair and biased against the Catholic Church. My editors usually just sat there, like sinners enduring a fire-and-brimstone sermon. But at the last meeting, which was tape-recorded, Lois Wark, a feisty projects editor, decided to talk back.

It began when Tierney asserted that the church was just like any other business in town, such as the one run by Inquirer Publisher Bob Hall, so what was all the fuss over a little construction work? Wasn't it normal for a business to undertake a construction project?

"I don't think Bob Hall's mission is to help the poor and do good," Wark said. "Bob Hall's mission is to make money."

Tierney bristled. "I think we handle our mission pretty well, and I think we should get credit for it too," he said indignantly. "And since we do our mission so well, I don't think we should necessarily have to go through hour after hour of

meetings about $10,000 ceilings and about allegations made by irresponsible members of the carpenters' union as if we were a part of organized crime."

(The carpenter's union, composed predominantly of Catholics, had picketed the archdiocese, claiming that church leaders had reneged on a promise to use only union labor on city construction projects.)

"I think it would be useful if we put a little context into this discussion," Wark said, "because you seem to be concerned that we're worried about nickel-and-dime issues here."

Wark talked about how the cardinal's lavish spending took place at a time when the archdiocese was in financial straits and had to ask for more money from working families, at a time when the archdiocese was closing churches and schools in poor neighborhoods. The church could do whatever it wanted with its money, Wark said, but when concern rose to the level of public controversy, the newspaper had an obligation to cover it.

Across the conference table, the trio of archdiocese public relations officials erupted. Jay Devine said the controversy had been raised by a "handful of people." Rather than investigate the archdiocese, Devine said, the newspaper should look at "Who are these people? What is their agenda?" Tierney argued that the vast majority of Catholics was solidly behind the cardinal.

"Now, the fact that out of 1.5 million people, I gotta tell you, God strike me dead, I've never heard any of these issues ever brought up, any concerns at all in my parish, [or] in any of other parishes that I've visited," Tierney blustered. "Never. The only guy we get is [protest leader] Frank Maimone . . . and a band of about seven guys who've gotten more press than the Beatles because of the Inquirer."

Tierney asserted that based on the mail and phone calls that the archdiocese received, the "satisfaction level" among local Catholics was "basically 99.5" percent.

"And not to be inflammatory, but I've got to be honest with you," Tierney said: His fellow Catholics had told him "hundreds of times in the last few years" that the Inquirer "is perceived to be anti-Catholic." Tierney assured the editors that he wasn't engaged in arm-twisting. "I'm just telling you what I hear from Catholics." Conflict between the archdiocese and the newspaper was inevitable, Tierney said, but Catholics "feel that stuff like this is a little unfair."

Wark was unimpressed. "Just about every group in the city feels the same way about the paper," she said. But Tierney pressed on with his summation.

"Let's be honest, there's a sense of hostility around the table, but I've got to tell you this," he said. "You guys will survive great and the Philadelphia Inquirer will be around. The church has been around for 2,000 years, and I think it'll survive and we don't have to have any relationship, really," Tierney said ominously. He warned that the church had "other ways to get the message out."

"What's the point?" Wark demanded.

"We want to work with you if we think you're being fair," Tierney said. "And if you're not, my advice to the church would be to just to not work with you and find other ways."

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After Tierney's threats, my story about the cardinal's $5-million spending spree was gutted and reduced to a tale about a $500,000 multimedia conference center that had been built and then quietly mothballed by the archdiocese, kept under lock and key because it might have become a public embarrassment. There was no mention of the closed churches and schools, the context that would have made the story relevant.

The archdiocese should have been happy with how the battle turned out, but Jonathan Neumann told me they were enraged that anything I wrote was printed. So the archdiocese demanded that a critical three-page letter to the editor be printed in the Inquirer, in its entirety. In the letter, which was as long as the story I wrote, archdiocese officials tried to refute their own financial records, by falsely claiming that the multimedia center had not cost $500,000. They also made other accusations against me that Neumann concluded in a memo were "false and libelous."

"What the archdiocese is trying to do is once again bully the Inquirer," Neumann wrote Maxwell E.P. King, then editor of the Inquirer. Neumann warned King in the memo against "caving in" to Bevilacqua. The editors, however, came up with a compromise: they decided to print the archdiocese's letter in its entirety, along with an editor's note from King that defended me as an "objective and ethical" reporter.

The archdiocese responded by sending out a special mailing of the cardinal's monthly newsletter, "The Voice of Your Shepherd," to every church and every parishioner in the archdiocese. The newsletter ran a photo of the smiling cardinal in his ceremonial robes and bishop's cross, under the headline, "Where is the Inquirer's Judgment?"

In the bulletin, the cardinal railed against my story and attacked me by name, concluding: "Given the history of this reporter's attitude and posture towards the archdiocese, it is difficult to rule out intentional bias. . . . As your archbishop, I will not remain silent, allowing any reporter or news organization to unjustly malign the Catholic Church."

In a 2001 interview with Joe Nicholson of Editor & Publisher, Cardinal Bevilacqua praised Tierney as "a great help to us" in the church's campaign to censor the Inquirer.

"He stopped the story," the cardinal told E&P. "That was the important thing."

Bevilacqua subsequently petitioned the Pope to personally anoint Tierney a Knight of St. Gregory the Great — "the equivalent of saying he had jumped on a grenade for the Church," wrote Philadelphia magazine. The 1998 award that Tierney received from Pope John Paul II boosted his stock with Catholic leaders across the country. Tierney subsequently served in the 2000 presidential race as national head of Catholics for Bush.

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After the beating I took from the cardinal, Tierney and Rosenthal for supposedly being anti-Catholic, I rewrote and expanded my original story, and sold it to the National Catholic Reporter (NCR) of Kansas City, Mo. The independent news weekly, written and edited by lay Catholics, was famous for exposing the pedophilia epidemic among Catholic priests during the 1980s, decades before the mainstream media discovered the story.

In contrast to my bosses at the Inquirer, Tom Roberts, the editor of NCR, seemed eager to use all of the confidential archdiocese documents, including the workers' compensation claim filed by the veteran employee that contained the allegations about the cardinal's female companions. Roberts had a practical suggestion: Why not visit the woman identified as the cardinal's closest companion and see what she had to say? So I went to see her and she denied everything, said she was just a friend. The editors at NCR then decided to print the employee's allegations that he was personally abused by the cardinal, as well as the archdiocese's subsequent payment of $87,500, but they kept the allegations about female companions out of the story.

The headline on the NCR cover story of June 1998 was "Lavish spending in archdiocese skips inner city." The story fully detailed the cardinal's $5 million spending spree. It also made the connection the Inquirer had declined to make: that His Eminence was renovating and redecorating archdiocese offices, the cardinal's mansion and his seaside villa at the same time he was closing poor people's churches and schools.

(The story would subsequently win first prize for best investigative reporting from the Catholic Press Association of the United States and Canada, an organization of Catholic newspapers and magazines that included the Catholic Standard & Times, Cardinal Bevilacqua's own archdiocese newspaper.)

The week before the NCR story ran, Howard Kurtz of the Washington Post, who had obtained an advance copy of my story, called Rosenthal and left a message, asking for comment. Rosenthal was on a honeymoon of sorts. Just six months earlier, he had been promoted to editor of the newspaper, succeeding Max King.

Kurtz wanted to know why Rosenthal hadn't run my original story. His

curiosity was piqued by a lively Philadelphia City Paper cover story by reporter Frank Lewis that went into the history of the "uneasy relationship" between the archdiocese and the Inquirer and my personal battles with the cardinal and Tierney. In the City Paper story, I called the cardinal "a Pharisee," and Tierney described me as "a low-grade infection that keeps coming back."

In the City Paper, I also told Lewis how reading the Bible and getting baptized in the Jordan River while on assignment for the Inquirer had changed my life. That had to upset my boss, who had chosen me for the religion beat because I was a skeptic. "Is 'Holier than thou' in the Bible?" Rosenthal yelled at me in the middle of the newsroom.

Before he called back Kurtz, Rosenthal met with Neumann for advice on how to handle the Washington Post interview. Neumann told me after the meeting that he advised Rosenthal to take "the high road," so I breathed a sigh of relief.

But when Kurtz's story ran June 13, 1998, on the front page of the Post's Saturday Style section, it was obvious that Rosenthal had chosen another route:

*Crossed Agendas: Church vs. Reporter*
*By Howard Kurtz*
*Washington Post Staff Writer*

*Ralph Cipriano of the Philadelphia Inquirer has just produced a 10,000-word piece charging the local archdiocese with all manner of mismanagement and wasteful spending.*

*But it didn't run in the Inquirer.*

*"He came to us and said he couldn't get it printed in his own paper," said Tom Roberts, managing editor of the National Catholic Reporter, an independent weekly that is publishing the story next week.*

*This is the latest salvo in a battle between the city's biggest newspaper and a powerful religious institution, one that involves an unusually personal campaign against a single journalist. It is also the story of a strong-willed reporter whose passion has raised doubts among some of his own editors. Now the name-calling is bursting into public view, with a "Holy War" cover story in the Philadelphia City Paper and a growing buzz about why the Inquirer failed to publish Cipriano's findings.*

*At the center of the conflict is Cardinal Anthony Bevilacqua, who has been complaining to Inquirer editors for years about Cipriano's work. These complaints helped persuade the paper to remove Cipriano from the religion beat in 1993, and to spike much of an earlier version of the investigative report that he gave his editors.*

*"I wrote the story because I believed this guy was not above scrutiny," Cipriano said. "He was a sacred cow at my newspaper."*

*Inquirer Editor Robert Rosenthal is not standing by his man. "If you were an editor dealing with someone who has the kind of feelings Ralph admits to, how would you handle it?" he asked. Rosenthal said Cipriano "has a very strong personal view and an agenda.… There were things we didn't publish that Ralph wrote that we didn't think were truthful. He could never prove them."*

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LIBEL CASES, BEASLEY HAD WARNED, WERE ALWAYS DIFFICULT TO WIN, ESPECIALLY WHEN they involved a public figure. A public figure in a libel case was usually a government official or a celebrity. But Beasley said a judge might just decide that I was also a public figure, because I was a newspaper reporter speaking out on a public controversy that I was involved in.

To win a libel case involving a public figure, you not only had to prove what they wrote about you wasn't true, you also had to prove malice, meaning they knew it wasn't true, but they went ahead and printed it anyhow, with reckless disregard for the truth.

So when Beasley questioned Rosenthal about the truthfulness of his remarks to the Washington Post, my lawyer was looking for evidence of malice. Rosenthal countered with a sudden memory loss:

Beasley: "Did you discuss what you would say to Kurtz with Neumann prior to the interview?"

Rosenthal: "I have no memory of that."

Beasley: "Did Neumann urge you to take the high road and embrace the critical City Paper story?"

Rosenthal: "I have no memory of that."

Beasley: ". . . Did you tell Neumann, quote, 'I guess I fucked up' regarding the Kurtz interview?"

Rosenthal: "I have no memory of that."

Beasley: "If you had said to Neumann, 'I fucked up' regarding the Kurtz interview, you think you would have remembered that?"

Rosenthal: "No."

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BEASLEY ASKED ROSENTHAL WHAT I WROTE THAT WAS UNTRUE, AND ROSENTHAL CLAIMED that "the basic premise" of my unpublished story was unfair to the church. Beasley tried to get some specifics in a long-winded debate that ended with this exchange:

Beasley: "You cannot point to any sentence or paragraph in any unpublished article where you can say this is untruthful, this is a lie, can you?"

Rosenthal: "I cannot."

Rosenthal, however, had a fallback position. It was stated in a letter of clarification that Rosenthal wrote to the editor of the Post, with the help of an Inquirer lawyer.

"I should not, however, have described as untruthful some of the material Mr. Cipriano wrote that we did not publish," Rosenthal wrote in the letter that ran in the Post six weeks after the original Kurtz story. "I should have said he told us things as he was reporting that he had not substantiated, and that we would not, of course, publish them until they were substantiated."

Beasley tried again to get some specifics, asking what I wrote that was unsubstantiated:

Beasley: "You cannot point to any portion of any of the unpublished articles Ralph submitted that he could not prove?"

Rosenthal: "That's true."

Beasley: "As a matter of fact, what really happened here, Mr. Rosenthal, is that when you read the City Paper story, you got pissed at Ralph. And that's what caused you to make the comment that you did to Kurtz —"

Rosenthal: "That's not true. . . . I felt that we had been betrayed."

Rosenthal was jumpy, leaning forward in his seat, and frequently cutting off Beasley in mid-question. Arthur Newbold, the Inquirer's defense lawyer, repeatedly tried to get his client to slow the pace. "Let the question come to a conclusion before you try and answer," an exasperated Newbold told Rosenthal.

But Beasley would lean forward across the table, glare at Rosenthal, and fire off another question. And Rosenthal was so eager to go toe-to-toe that he almost bolted out of his chair. My old boss, a wiry, former hockey player at the University of Vermont, could not resist an invitation to brawl. When words failed to restrain Rosenthal, Newbold put his hand on his client's shoulder and forcibly shoved him back into his seat.

Next, Beasley tried to get into what was going on in Rosenthal's head during the Kurtz interview: "What were you referring to when you said what Ralph wrote was untruthful?"

"When I was speaking to Howard Kurtz, I was specifically thinking about one thing," Rosenthal said. "What I was thinking about were allegations that Ralph had said about the Cardinal's sex life that we could not substantiate. That's what I was thinking about when I spoke to Howard Kurtz."

I could not believe my old boss was desperate enough to try this, since in my memory, I had never spoken to him about the subject. But my lawyer was elated. During a break, Beasley looked at me and smiled. "He's dead now."

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BEASLEY: "MY QUESTION IS, DO YOU BELIEVE WHAT YOU SAID TO MR. KURTZ WAS DAMAGING to Mr. Cipriano's reputation as a reporter?"

Rosenthal: "I thought it might be, and I also thought part of it was true."

Beasley: "Whether it was true or not, did you consider it damaging to his reputation as a reporter?'

Rosenthal: "I thought it could be damaging, yes."

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BEASLEY GLARED OVER HIS READING GLASSES AT ROSENTHAL. HIS VOICE RISING, BEASLEY demanded to know who at the Inquirer had told Rosenthal the accusations about Cardinal Bevilacqua's sex life. Did he hear it from me? From some editor? From another reporter?

"I have no memory of that specific conversation," Rosenthal said.

Beasley rolled his eyes. "What had not been substantiated about the cardinal's sex life?" he barked.

Rosenthal: "Any of the details?"

Beasley: "What were they, sir?"

Rosenthal spilled some rumors: the cardinal supposedly had a girlfriend, there was some "back of the car stuff" going on, and also talk of the cardinal "sneaking" the girlfriend "into his residence."

When Beasley asked what he meant by 'back of the car stuff," Rosenthal stammered, "Sex." And who told him those rumors? "I can't tell you who exactly," Rosenthal said.

Beasley turned his withering gaze on the Inquirer's defense lawyer.

"Let me just say something, Arthur," Beasley said. "I'm trying to be delicate about this, but if I don't get clearer answers, I'm going to file a motion, and all this is going to become a matter of public record. I really don't care if that happens. I don't think it's something that should be a matter of public record. Now if you want to force my hand on that, you're going to give me no choice but to do it."

"I have no wish to have this be in the public record either," Newbold said. "I think it's highly desirable not to." But Newbold complained that all Beasley was doing was asking Rosenthal the same questions over and over again. "All I want are straight answers," Beasley griped. "And I'm not getting them."

It was 4 p.m. and tempers were flaring, so Newbold asked to adjourn for the day. When the deposition resumed the next morning, Beasley and Newbold resumed their sparring over Beasley's right to question Rosenthal about his previous answers.

"All I can tell you is that in 30 years of practicing law I've never let a witness be cross-examined about what he said on an earlier deposition, going over the same material, and I'm not going to start today," Newbold declared.

"Mr. Newbold," Beasley declared. "Let me say that for 30 years you've been damn lucky we haven't had any depositions together or you wouldn't be getting away with it."

Beasley renewed his threat to file a motion that would reveal the sex allegations involving the cardinal. "Even if the Inquirer doesn't pick it up, the Legal Intelligencer will," Beasley said, referring to the Philadelphia Bar Association newspaper. "Now, I'm trying to avoid all of that, and I'm trying to do it out of courtesy to the Inquirer and to the cardinal. I have no purpose in any way embarrassing anyone, but if you're going to force the issue, then you leave me no choice."

Newbold decided to allow Beasley to continue his questioning. Beasley asked Rosenthal if it was proper for a reporter to follow a lead, such as the sex allegations about the cardinal. Yes, Rosenthal said. If there were two reliable sources, Beasley said, would the Inquirer print it? "It was something we definitely would have considered doing," Rosenthal said.

Beasley introduced a confidential report from Dr. Wolfram Rieger, who had conducted a comprehensive psychiatric examination of the veteran employee who had filed the workers' compensation claim against the archdiocese.

In the report, the psychiatrist, who had been hired by a lawyer for the claimant, described the employee as a "devout Catholic" respectful of the clergy and loyal to Bevilacqua's predecessor, the late Cardinal John Krol. Beasley began reading:

*[The employee] was also severely troubled by the cardinal's frequent habit of meeting women on airplanes and inviting these women to spend time at the cardinal's mansion. . . . [The employee] was troubled by the fact that Cardinal Bevilacqua would frequently ride with women in the back of the cardinal's vehicle. Cardinal Krol (Bevilacqua's predecessor) had never allowed women to ride in the back of a vehicle with him.*

*. . . [The employee] was severely troubled by one woman who would follow Cardinal Bevilacqua to every function no matter if it was a local event or something in Downingtown, or Brooklyn, N.Y.*

*The woman, Mrs. X, would have closed-door meetings with Cardinal Bevilacqua after every function. [The employee] was troubled to see Cardinal Bevilacqua frequently massaging the back of Mrs. X, hugging her and showing undue affection to Mrs. X. [A relative of the employee] was also troubled to see Cardinal Bevilacqua meeting with Mrs. X on the property at night and also meeting with Mrs. X on the St. Joseph's College campus early in the morning.*

"Is there any statement there that would deal with the cardinal's sex life?" Beasley asked.

"It would certainly raise questions about it," Rosenthal said.

"Next paragraph," Beasley said.

*[The employee's relative] would frequently walk on St. Joseph's track for exercise and one day saw Cardinal Bevilacqua and Mrs. X meeting behind a building near the St. Joseph's track. Cardinal Bevilacqua had his arm around Mrs. X. [The employee's relative] found this very strange and immediately told [the employee] regarding the covert meeting between Mrs. X and Cardinal Bevilacqua.*

Beasley asked Rosenthal if there were two sources for this information, the employee and his relative. Rosenthal agreed there were two sources. "Is there any intimation in there that there was sex between Mrs. X and the cardinal?" Beasley asked. "There's an intimation of fondness, certainly," Rosenthal said. Beasley resumed reading:

*[The employee] was so troubled by Cardinal Bevilacqua's frequent meetings with Mrs. X that he spoke to various bishops, monsignors and priests regarding this conduct. Various monsignors and priests would jokingly refer to Mrs. X as Fatal Attraction and would jokingly ask [the employee] whether Fatal Attraction had shown up at the cardinal's latest destination.*

*Mrs. X drove a vehicle that had the license plate, 1AB-FAN. After three years of Mrs. X showing up at every appearance of the cardinal, Cardinal Bevilacqua informed [the employee] that the residence phone number had been changed and that [the employee] was forbidden to give out the phone number to anyone.*

Beasley asked, "Again, is there any intimation in that paragraph of the cardinal having sex —"

"No," interrupted Rosenthal.

"With anyone?" said Beasley, finishing his question.

Beasley asked Rosenthal if it would be improper for a reporter under his supervision to check out this kind of a lead.

"No," Rosenthal said.

"As a matter of fact that would be part of his job?" Beasley asked.

"Yes, could be," Rosenthal replied.

"If the reporter following up on a lead interviewed Mrs. X, and she denied that there was any kind of intimate relationship between her and the cardinal, don't you believe that that reporter would have a right to say this is the end of the matter and

we're not going to go into this thing further?"

"Yes," Rosenthal said.

"And that would be the honorable thing to do?"

"Yes," Rosenthal said.

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"Fatal Attraction" was an attractive middle-aged woman who came to the door with a puzzled look. A recent widow, she dressed modestly, and wasn't wearing one of those low-cut blouses that I had been told had scandalized the nuns working at the cardinal's mansion.

I identified myself as a reporter for National Catholic Reporter, and told her I was writing a story about the cardinal. I said her name had come up in the veteran employee's claim against the archdiocese. I handed her the relevant portions of the psychiatrist's report. She seemed shocked.

"Oh, my God," she said. "We were just the best of friends." She said she visited the cardinal's residence, as well as traveled to Rome to see the archbishop elevated to cardinal. "But my children and my [late] husband were along at all times, and I have the pictures to prove it."

The cardinal was just a warm, friendly guy, she said, who hugged her the way he did everybody else. She said she was concerned that the veteran employee who filed the claim had gone off the deep end. I asked about her license plate, 1ABFAN. She laughed and said her favorite singer was Anita Baker.

Mrs. X said the real reason she became friends with Cardinal Bevilacqua was because he admired her so much for adopting three foster children. She said the cardinal also prayed over her sick niece.

"You know when they pray to God, it goes right to God," she told me with an ecstatic smile. "They're so much closer to God than we could ever be. They have an in."

Mrs. X had a male visitor waiting inside. I thanked her for her time and left wondering whether she was a mistress or just a spiritual groupie.

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Beasley was still grilling Rosenthal.

"Would you criticize a reporter . . . for going to a workers' compensation file if there was evidence in there that may help them decide whether there's a story to it?"

"No," Rosenthal said.

"… And you don't have any information that Ralph did anything other than follow a lead?" he asked.

"Correct," Rosenthal said.

When it was over, I sat in Beasley's office, relieved but disgusted. I told Beasley

I was amazed that the whole case had boiled down to Rosenthal's hazy recollections about whatever was going on between the cardinal and Fatal Attraction.

Beasley smiled. Libel suits, he said, never make sense. When it comes to libel, logic goes out the window. Beasley had a gleam in his eye, as if he was about to let me in on one of the secrets of the legal universe.

"A libel suit," Beasley said, "always boils down to the groin."

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WHEN BEASLEY DEPOSED JONATHAN NEUMANN ON JAN. 13, 2000, HE BEGAN BY ASKING whether Neumann had won any awards. Beasley wanted to establish that the credentials of Neumann, my direct supervisor, and the editor who read everything I wrote first, were superior to Rosenthal's.

So Neumann, a big, soft-spoken teddy bear of a guy, described some three dozen national awards he had won as a reporter and editor, including five Pulitzer Prizes and three Silver Gavel Awards, for best coverage of legal affairs in America.

"Do you have all these plaques in your home somewhere?" Beasley enthused. "Do you have a room large enough to hold them?"

"They will fit in a box in the attic," Neumann dead-panned.

With Neumann established as our star witness, Beasley read out loud Rosenthal's words in the Washington Post: Cipriano "has a very strong personal view and an agenda.... There were things we didn't publish that Ralph wrote that we didn't think were truthful. He could never prove them."

Beasley: "Is this a true statement?"

Neumann: "No, sir, it is not."

Beasley smiled, then asked his next question: "Did you ever find anything Ralph submitted for publication that was not truthful?"

Neumann: "No, I never did."

Beasley: "Was there anything that he ever submitted to you for your review as an editor that he could not prove, that he did not have adequate sources for?"

Neumann: "Ralph never showed me an article or a draft of an article that he could not prove."

Beasley asked Neumann if he had given any prior advice to Rosenthal about how to handle the interview with Kurtz. "Did you ever say anything to him about taking the high road?"

"Yes," Neumann said. "This is what I said to Bob, that you're the editor of a major national newspaper, and what is important is to maintain the dignity of the newspaper, to take the high road. That whatever personal battles you may have had with Ralph, or Ralph may have with you, however substantial or insubstantial they may be, they definitely do not belong in a national forum.

"If he's angry," Neumann continued, "he [Rosenthal] should deal with the person … behind closed doors. But taking the high road means if you've got a problem with somebody, you deal with the problem privately. When you're the editor of a major national newspaper, you don't air your dirty laundry in public like that."

And what was Rosenthal's response, Beasley wanted to know.

"He *agreed*," Neumann said.

Beasley asked Neumann about what happened after the Post story ran, and Neumann's repeated attempts to get Rosenthal to apologize. "Did you ever tell Rosey that he trashed Ralph's reputation?" Beasley asked.

"I never used those words," cautioned Neumann. "When I talked to Rosey on more than one occasion after he talked to Howie Kurtz, I said that what he said about Ralph wasn't true and Rosey acknowledged that. He acknowledged that he made a mistake, and I think you have to correct that. It's — we are talking about Ralph's reputation. It's very important. And Rosey said that he would."

Neumann, at Rosenthal's request, had even drafted a letter to the Post that said I was a "fine and honest reporter" and that Rosenthal had "full faith and trust" in me. But Rosenthal never sent the letter. More evidence of malice.

Beasley was so pleased with the witness that he had only one more question, namely whether Rosenthal had ever made any confession of sorts after the Washington Post interview:

Beasley: "Did he ever say to you, 'I guess I fucked up?'"

Neumann flashed a pained but knowing smile. "I think he did," he said.

Beasley grinned broadly. "That's all."

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LAWYERS ON BOTH SIDES OF THE CASE WERE GETTING READY FOR TRIAL BY DRAWING UP lists of potential witnesses. It was a game of legal chicken, with plenty of posturing. The Inquirer put Cardinal Bevilacqua at the top of its witness list, along with several archdiocese public relations consultants and a bunch of Inquirer editors. I had always suspected those guys were on the same team. Not to be outdone, Beasley's witness list included the former employee who filed the workers' compensation claim against the cardinal, and Fatal Attraction.

Beasley wrote Arthur Newbold a letter on Dec. 18, 2000, saying he was about to make a big mistake. "Turning, for the moment, to your insistence on calling the cardinal as a witness," Beasley wrote. "As I have told you repeatedly in the past, the cardinal's testimony has absolutely no relevancy to any issue in this case.… Because you, through some legerdemain of reasoning, feel that the cardinal's testimony is somehow more helpful to The Inquirer than harmful to the cardinal's reputation, I am enclosing a rough draft of our counter-statement of the facts, so

you can read what you have forced me to put on paper for the world to read."

Beasley said an Inquirer reporter might pick up the court filing, and if that reporter did his job as well as I used to, "the story would be greeted by banner headlines, capable of translation into Italian," so that they could read it at the Vatican.

"If your threat to call the Cardinal as a witness is meant to frighten me — don't let that threat rest comfortably in your head, for it does not," Beasley wrote. "The time to get this case settled is like the sand in an hourglass, and it's running out fast. Be kind to yourself. Very truly yours, James E. Beasley. P.S. And the cardinal."

I had been warned that Beasley was a gambler. David A. Yanoff had prepared a summary of the case, a 57-page Memorandum of Law that detailed all of the veteran archdiocese employee's allegations about the cardinal's female companions, and Yanoff was ready to file. It was Beasley's idea to ship a copy of that memorandum over to the Inquirer's editorial offices at 400 North Broad St. the day before the filing deadline, to give the editors a preview of what he was going to bomb them with in court.

Yanoff's memorandum went into the history of the case, describing how when I was on the religion beat, the archdiocese had tried to get rid of me. "Of course, for a seasoned reporter doing his job properly, this may not have been all that remarkable, as it is certainly not unusual that powerful institutions or figures in society attempt to influence and dictate favorable press coverage," Yanoff wrote.

"What is unusual, however — or should be, at least in the eyes of most ethical and hard-working journalists — is for a newspaper to in any way allow such attempts to be (or even to be perceived to be) the least bit successful," Yanoff wrote. "That is what happened at the Inquirer."

So when Howard Kurtz, the Washington Post media critic, called the Inquirer to ask Rosenthal why the Inquirer didn't run my archdiocese story, "there really was no defensible answer," Yanoff wrote. "To tell the truth would have been to admit to the very same sort of journalistic cowardice that has become such a hot topic of criticism directed at the mainstream press in this day of corporate domination of the media, as to give rise to beats like Mr. Kurtz's in the first place."

Beasley's gamble paid off. After more than two years of foot-dragging, alarm bells went off at the Inquirer. Newspaper lawyers tried frantically to get Beasley on the phone, but he had sent his memorandum just before flying off to Florida on vacation in his P-51 Mustang. An Inquirer lawyer called Yanoff and asked him to join in on a conference call, to jointly request that the judge in our case, the Honorable Mark I. Bernstein, extend the filing deadline.

The judge's law clerk took the conference call from the two lawyers. She heard the newspaper lawyer explain that both sides in the case urgently needed to speak to the judge, to request an extension of the filing deadline. The clerk put the phone

down and went to look for the judge. When the clerk came back, she reported that Judge Bernstein had said he was too busy to come to the phone. The clerk, however, also said that the judge had told her to pass along some unsolicited advice to Mr. Beasley: Go ahead and file your papers.

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THE PAPERS WERE NEVER FILED. ON JAN. 3, 2001, THE INQUIRER RAN A NEWS STORY about the decision to settle my case. The financial part of the settlement remains confidential. The story included a public apology from Rosenthal: "I regret having made my comments to the Post," he was quoted as saying. "They were intemperate, and I apologize for them. . . . I regret my remarks and that we weren't able to resolve this in a way other than litigation, but I am happy we've been able to put this matter behind us."

The Inquirer's lawyers sought to seal the files in my case, but Beasley flatly refused. "We ain't sealing shit," he said.

Rosenthal didn't last the year. On Nov. 7, 2001, Howard Kurtz wrote a story in the Washington Post about a change of editors at the Inquirer. Publisher Bob Hall had fired Rosenthal, ostensibly because of disagreements over how to cover local news. The Post, however, quoting sources, attributed Rosenthal's firing to declining circulation, and one other problem.

"In an embarrassment earlier this year, the Inquirer paid several million dollars to settle a lawsuit against Rosenthal by former reporter Ralph Cipriano," Kurtz wrote. "Rosenthal apologized for having told The Washington Post in 1998 that Ralph Cipriano had written things 'that we didn't think were truthful.' "

Rosenthal made his only public comments on the case as he was leaving town in October 2002, to take a job as managing editor of the San Francisco Chronicle.

"If I had it to do all over again, I probably wouldn't have spoken to Howie Kurtz until I calmed down," Rosenthal told Jonathan Valania of Philadelphia Weekly. "I wish it hadn't happened, but it did. All I can say is you learn from your mistakes."

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JIM BEASLEY NEVER GOT A CHANCE TO CROSS-EXAMINE CARDINAL BEVILACQUA IN MY libel case, but the cardinal did have to answer some tough questions a few years later when he was repeatedly summoned to appear before a grand jury investigating sex abuse.

The subject matter that the grand jury was investigating was far more serious than any of the questions Beasley or I had ever raised about the Philadelphia archdiocese, but some issues remained the same — namely institutional secrecy and the arrogance of power.

On Sept. 21, 2005, the grand jury released a 418-page report that accused the retired 80-year-old archbishop and his predecessor, the late Cardinal Krol, of orchestrating a systematic cover-up that managed to shield from prosecution 63 Catholic priests who had sexually abused hundreds of children.

The two archbishops had "excused and enabled the abuse," the grand jury charged, by "burying the reports they did receive and covering up the conduct ... to outlast any statutes of limitation."

"What makes these allegations all the worse, the grand jurors believe, is that the abuses that Cardinal Bevilacqua and his aides allowed children to suffer — the molestations, the rapes, the lifelong shame and despair… were made possible by purposeful decisions, carefully implemented policies, and calculated indifference," the report said.

The sex abuse and subsequent cover-up was documented in 45,000 pages of secret documents once kept at archdiocese headquarters under lock and key. In response to the grand jury report, lawyers for the archdiocese resorted to a familiar playbook, attacking the messenger, and crying persecution. Archdiocese lawyers accused prosecutors and grand jurors of anti-Catholic bias, even though many of those prosecutors and grand jurors were themselves Catholics.

Archdiocese lawyers also labeled the grand jury report "a vile, mean-spirited diatribe" that seeks "to convict the Catholic Church and its leadership in the court of public opinion… based upon an unfair and inaccurate portrayal of facts."

Archdiocese lawyers further charged that the grand jury had attempted to "bully and intimidate" Bevilacqua, who was called to testify on 10 separate days, and faced "hostile and unnecessarily combative" interrogation from two and three prosecutors at a time.

Responded District Attorney Lynne Abraham: "Any persistence in the questioning of Cardinal Bevilacqua may have resulted in part from his evasiveness and claimed forgetfulness on the witness stand."

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Brian Tierney wasn't content with merely influencing the Inquirer's news coverage. He put together a group of local investors in 2006 to buy both the Inquirer and its sister paper, the Philadelphia Daily News, for $562 million. Tierney took over as CEO of the new ownership group, Philadelphia Media Holdings Co.; he subsequently also named himself publisher of the Inquirer.

Tierney recruited an old friend, Jay Devine, to help him with public relations. Devine, the man who once told Jonathan Neumann, "We have a responsibility to make sure the newspaper doesn't tell them things we don't want them to know," was now the official spokesman for both Philadelphia dailies.