



Honorable Lynne Abraham

District Attorney

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

IN RE: : **MISC. NO. 03-00-239**

**COUNTY INVESTIGATING GRAND
JURY** :

Of September 17, 2003 : **C-1**

REPORT OF THE GRAND JURY

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District Attorney

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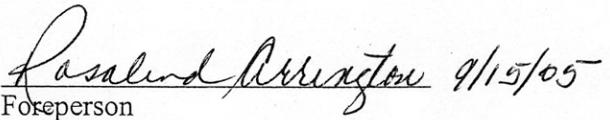
COUNTY INVESTIGATING GRAND :
JURY

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REPORT

TO THE HONORABLE GWENDOLYN N. BRIGHT, SUPERVISING JUDGE:

We, the County Investigating Grand Jury of September 17, 2003, were impaneled pursuant to the Investigating Grand Jury Act, 42 Pa.C.S.A. §4541 et seq., and were charged to investigate the sexual abuse of minors by clergy. Having obtained knowledge of such matters from physical evidence presented and witnesses sworn by the Court and testifying before us, upon our respective oaths, not fewer than twelve concurring, do hereby submit this Report to the Court.


Foreperson

IN THE COURT OF COMMON PLEAS
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TABLE OF CONTENTS

I.	Introduction to the Grand Jury Report	1
II.	Overview of the Sexual Abuse by Archdiocese Priests	11
III.	Overview of the Cover-Up by Archdiocese Officials	29
IV.	Legal Analysis and Recommendations	59
V.	Selected Case Studies	77
	Father Stanley Gana	79
	Father Raymond Leneweaver	101
	Father Joseph Gausch	117
	Father Nicholas Cudemo	125
	Father Peter Dunne	157
	Father James Brzyski	177
	Father David Sicoli	197
	Father John Connor	223
	Father Gerard Chambers	233
	Father Michael McCarthy	243
	Father Albert Kostelnick	255
	Father Edward DePaoli	261
	Monsignor David Walls	277
	Father Francis Rogers	289

Father Francis Trauger	303
Father John Schmeer	313
Monsignor Francis Giliberti	321
Father John Mulholland	327
Monsignor John Gillespie	339
Monsignor Leonard Furmanski	347
Father John Delli Carpini	359
Father Thomas Wisniewski	365
Father Thomas Smith	373
Father Francis Gallagher	381
Father Thomas Shea	387
Father John Cannon	393
Father Michael Bolesta	397
Father Robert Brennan	

405

VI. Appendix

- A. Catalogue of Sexually Abusive Priests
- B. List of Assignments of Sexually Abusive Priests
- C. Archdiocese Priest Biographical Profiles
- D. Selected documents
- E. Glossary of terms
- F. Articles from other jurisdictions

Section I

Introduction to the Grand Jury Report

This report contains the findings of the Grand Jury: how dozens of priests sexually abused hundreds of children; how Philadelphia Archdiocese officials – including Cardinal Bevilacqua and Cardinal Krol – excused and enabled the abuse; and how the law must be changed so that it doesn't happen again. Some may be tempted to describe these events as tragic. Tragedies such as tidal waves, however, are outside human control. What we found were not acts of God, but of men who acted in His name and defiled it.

But the biggest crime of all is this: it worked. The abuser priests, by choosing children as targets and trafficking on their trust, were able to prevent or delay reports of their sexual assaults, to the point where applicable statutes of limitations expired. And Archdiocese officials, by burying those reports they did receive and covering up the conduct, similarly managed to outlast any statutes of limitation. As a result, these priests and officials will necessarily escape criminal prosecution. We surely would have charged them if we could have done so.

But the consequences are even worse than the avoidance of criminal penalties. Sexually abusive priests were either left quietly in place or “recycled” to unsuspecting new parishes – vastly expanding the number of children who were abused. It didn't have to be this way. Prompt action and a climate of compassion for the child victims could have significantly limited the damage done. But the Archdiocese chose a different path.

Those choices went all the way up to the top – to Cardinal Bevilacqua and Cardinal Krol personally.

Despite the dimensions and depth of the sex abuse scandal, this Grand Jury was not conducting an investigation of the Catholic religion or the Catholic Church. Many of us are Catholic. We have the greatest respect for the faith, and for the good works of the Church. But the moral principles on which it is based, as well as the rules of civil law under which we operate, demanded that the truth be told.

Here is a short description of each of the sections that follow this introduction.

Section II – Overview of the Sexual Abuse by Archdiocese Priests

The Grand Jury was able to document child sexual abuse by at least *63 different priests* in the Archdiocese of Philadelphia. We have no doubt that there were many more. The evidence also revealed *hundreds of child victims* of these sexual offenders. Again, we have no doubt that there were many more. Because much of the abuse goes back several decades, however, and because many victims were unnamed, unavailable or unable to come forward, we could not present a comprehensive history of all sexual abuse that may have occurred in the Philadelphia Archdiocese. What we did learn was enough to convey the nature of the abuse that took place and was tolerated here.

We should begin by making one thing clear. When we say abuse, we don't just mean "inappropriate touching" (as the Archdiocese often chose to refer to it). We mean rape. Boys who were raped orally, boys who were raped anally, girls who were raped vaginally. But even those victims whose physical abuse did not include actual rape – those who were subjected to fondling, to masturbation, to pornography – suffered

psychological abuse that scarred their lives and sapped the faith in which they had been raised.

These are the kinds of things that Archdiocese priests did to children:

- ▶ A girl, **11 years old**, was **raped** by her priest and became **pregnant**. The Father took her in for an **abortion**.
- ▶ A 5th-grader was molested by her priest **inside the confessional booth**.
- ▶ A teenage girl was groped by her priest while she lay **immobilized in traction in a hospital bed**. The priest stopped only when the girl was able to ring for a nurse.
- ▶ A boy was repeatedly molested in his own **school auditorium**, where his priest/teacher **bent the boy over and rubbed** his genitals against the boy until the priest **ejaculated**.
- ▶ A priest, no longer satisfied with mere pederasty, regularly began forcing sex on **two boys at once** in his bed.
- ▶ A boy woke up intoxicated in a priest's bed to find the Father sucking on his penis **while three other priests watched** and masturbated themselves.
- ▶ A priest offered money to boys in exchange for **sadomasochism** – directing them to place him in **bondage**, to “break” him, to make him their “**slave**,” and to defecate so that he could lick excrement from them.
- ▶ A 12-year-old, who was raped and sodomized by his priest, **tried to commit suicide**, and remains **institutionalized in a mental hospital** as an adult.
- ▶ A priest told a 12-year-old boy that his **mother** knew of and **had agreed to** the priest's **repeated rape** of her son.
- ▶ A boy who told his father about the abuse his younger brother was suffering was **beaten** to the point of unconsciousness. “**Priests don't do that**,” said the father as he punished his son for what he thought was a vicious lie against the clergy.

Section III – Overview of the Cover-up by Archdiocese Officials

The behavior of Archdiocese officials was perhaps not so lurid as that of the individual priest sex abusers. But in its callous, calculating manner, the Archdiocese’s “handling” of the abuse scandal was at least as immoral as the abuse itself. The evidence before us established that Archdiocese officials at the highest levels received reports of abuse; that they chose not to conduct any meaningful investigation of those reports; that they left dangerous priests in place or transferred them to different parishes as a means of concealment; that they never alerted parents of the dangers posed by these offenders (who typically went out of their way to be friendly and helpful, especially with children); that they intimidated and retaliated against victims and witnesses who came forward about abuse; that they manipulated “treatment” efforts in order to create a false impression of action; and that they did many of these things in a conscious effort simply to avoid civil liability.

In short, as abuse reports grew, the Archdiocese chose to call in the lawyers rather than confront the abusers. Indeed Cardinal Bevilacqua himself was a lawyer, with degrees from both a canon law school and an American law school. Documents and testimony left us with no doubt that he and Cardinal Krol were personally informed of almost all of the allegations of sexual abuse by priests, and personally decided or approved of how to handle those allegations.

Here are some incidents that exemplify the manner in which the Archdiocese responded to the sexual abuse of its most vulnerable parishioners:

- ▶ The Archdiocese official in charge of abuse investigations described one abusive priest as **“one of the sickest people I ever knew.”** Yet Cardinal Bevilacqua allowed him to continue in ministry, with full access to children – until the priest scandal broke in 2002.

- ▶ One abusive priest was **transferred so many times** that, according to the Archdiocese’s own records, they were **running out of places to send him** where he would not already be known.
- ▶ On at least one occasion Cardinal Bevilacqua agreed to harbor a known abuser from another diocese, giving him a cover story and a neighborhood parish here because the priest’s arrest for child abuse had aroused too much controversy there. Officials referred to this sort of practice as **“bishops helping bishops.”**
- ▶ A **nun who complained** about a priest who was still ministering to children – even after he was convicted of receiving child pornography – **was fired** from her position as director of religious education.
- ▶ A **seminarian** studying for the priesthood **who revealed that he himself had been abused** as an altar boy was accused of homosexuality – and **was dismissed from the diocese**. He was able to become a priest only by relocating to another area.
- ▶ When the Archdiocese did purport to seek psychological evaluation of a priest, the **primary tool for diagnosis was “self reporting”** – in other words, whether the abuser was willing to admit that he was a pedophile. Absent such a “diagnosis,” the Archdiocese declined to treat any priest as a pedophile, no matter how compelling the evidence.
- ▶ Even when admitted, the abuse was excused: an Archdiocese official comforted one sexually abusive priest by **suggesting that the priest had been “seduced” by his 11-year-old victim**.
- ▶ An Archdiocese official explained that the church could not discipline one especially egregious abuser because, as the official put it, he was **not a “pure pedophile”** – that is, he not only abused little boys; he also slept with women.
- ▶ When one priest showed signs of seeking penance from his victims, the church-run “treatment” facility urged Archdiocese officials to move him to another assignment away from the victims – in other words, transfer him before he apologizes again.

Such cynicism toward priest sexual abuse may not have started in Philadelphia; indeed media reports have revealed strikingly similar tactics throughout the country.

Bishops in other dioceses also shuttled abusive priests from parish to parish, until there was no place left to go, ignored repeated reports of abuse, absent a direct confession or

“diagnosis” of pedophilia, and looked to legalisms, at the expense of decency. But these parallels, far from excusing Philadelphia church officials, serve only to underscore that their actions were no accident. They knew what they were doing.

Section IV – Legal Analysis and Recommendations

The notion of prosecuting a priest – let alone a high Church official or even the Archdiocese itself – may seem shocking to some. But our oath required us to explore any criminal statute whose terms might fit the conduct we discovered. By the same token, we were obligated not to recommend criminal charges against priests or church leaders merely because of our moral outrage at what they did, over and over again. What we found was that many offenses applied to the evidence before us, but were barred by statutes of limitation, while many others narrowly failed to apply because of what we believe are unintended or unwise limitations in the law.

With regard to the priest offenders, any number of sexual offenses were readily made out by the evidence: rape, involuntary deviate sexual intercourse, statutory sexual assault, indecent assault, endangering welfare of children, corruption of minors. In every case, however, our information was simply too old. As we learned from experts in the field, it takes many years – often decades – before most victims of child sexual abuse are able to come forward. By then it is simply too late to prosecute, at least under current Pennsylvania law. We are convinced that more recent victims exist, and perhaps in the future they will be able to give testimony. For now we were able to document many assaults, but none still prosecutable.

With regard to the leaders of the Archdiocese, we explored a variety of possible charges. These included endangering the welfare of children, corruption of minors, victim/witness intimidation, hindering apprehension, and obstruction of justice. All, however, are currently defined in ways that would allow church supervisors to escape criminal sanction, or have relatively short statutes of limitation that would bar prosecution in any event.

With regard to the Archdiocese itself, Pennsylvania law does establish the possibility of corporate criminal liability for the kind of ongoing, institutional misconduct that we discovered here. The Archdiocese, however, has chosen not to organize itself as a legal corporation, thus immunizing itself from such liability. Current Pennsylvania law concerning criminal conduct by unincorporated associations like the Archdiocese is much more limited, and cannot form the basis of a prosecution against the Archdiocese as an entity.

We are left, then, with what we consider a travesty of justice: a multitude of crimes for which no one can be held criminally accountable. We cannot issue the presentments we would otherwise have returned. If nothing else, however, it is our hope that this report can help ensure that nothing like this happens in the future. We therefore make the following recommendations concerning Pennsylvania law:

- ▶ **abolish the statute of limitations for sexual offenses against children**, as several other states have already done.
- ▶ **expand the offense of endangering welfare of children**, to ensure that it covers reckless conduct and the conduct of those who directly employ or supervise caretakers of children.
- ▶ **increase the penalty for indecent assault** where there is a pattern of abuse against a child.

- ▶ **tighten** the Pennsylvania Child Protective Services Law, to make clear that the **obligation to report child abuse to authorities** applies to those who learn of abuse even if not directly from the child, and even if the child is no longer in the abuser's control. Other children may be.
- ▶ amend the Child Protective Services Law to **require background checks** not just on school employees, but for employees of any organization that supervises children.
- ▶ **hold unincorporated associations to the same standards** as corporations for crimes concerning the sexual assault of children.
- ▶ **enlarge or eliminate statutes of limitation on civil suits** involving child sexual assault, in order to ensure not just a criminal penalty but a continuing financial disincentive to engage in abuse.

Section V – Selected Case Studies

Although we have attempted to give a general overview of the nature of the abuse and cover-up in Sections II and III of this report, we were not satisfied that these summaries convey the full sense of what happened in the Archdiocese of Philadelphia. Accordingly Section V examines the histories of 28 priests in complete detail, presenting the conduct of the sexually abusive priests together with the response of the Archdiocese as it occurred at each step. We understand that these case studies are lengthy, and that ultimately none of our words are adequate to communicate the true gravity of these offenses. But this is our best effort to express the relentless refusal of the Archdiocese to admit what its priests, and its leaders, were doing to children.

Section VI – Appendix

The appendix includes the following materials:

- A) a chart listing the names of the 63 priests whose acts of sexual abuse we were able to document, with a list of the complaints against them;

- B) a chart listing each of the parishes and schools in which those 63 priests were assigned during their careers (whether or not complaints were recorded from a particular parish);
- C) biographical profiles of most of the 63 sexually abusive priests, as prepared and published by the Archdiocese;
- D) selected documents concerning the abuse – from the victims, from priests, from Archdiocese officials – reproduced in their original form;
- E) a glossary of terms;
- F) newspaper articles documenting identical treatment of abused and abusers in dioceses around the United States.

Section II

Overview of the Sexual Abuse by Archdiocese Priests

It is hard to think of a crime more heinous, or more deserving of strict penalties and an unlimited statute of limitations, than the sexual abuse of children. This is especially so when the perpetrators are priests – men who exploit the clergy’s authority and access to minors, as well as the trust of faithful families, to prey on children in order to gratify perverted urges. After reviewing thousands of documents from Archdiocese files and hearing statements and testimony from over a hundred witnesses – including Archdiocese managers, priests, abuse victims, and experts on the Church and child abuse – we, the Grand Jurors, were taken aback by the extent of sexual exploitation within the Philadelphia Archdiocese. We were saddened to discover the magnitude of the calamity in terms of the abuse itself, the suffering it has caused, and the numbers of victims and priests involved.

The Jurors heard testimony that will stay with us for a very long time, probably forever. We heard of Philadelphia-area priests committing countless acts of sexual depravity against children entrusted to their care through the Archdiocese’s parishes and schools. The abuses ranged from glancing touches of genitals under the guise of innocent wrestling to sadomasochistic rituals and relentless anal, oral, and vaginal rapes. We found that no matter what physical form the abuse took, or how often it was repeated, the damage to these children’s psyches was devastating. Not only were the victims betrayed by a loved and revered father figure, but they also faced lifelong guilt and shame,

isolation from family and peers, and torments that typically included alcoholism, addictions, marital difficulties, and sometimes thoughts of suicide. In many cases, we discovered, the victims believed God had abandoned them.

For any who might want to believe that the abuse problem in the Philadelphia area was limited in scope, this Report will disabuse them of that impression. The Jurors heard from some victims who were sexually abused once or twice, and from many more who were abused week after week for years. Many of the priests whose cases we examined had more than 10 victims; some abused multiple victims simultaneously. Indeed, the evidence arising from the Philadelphia Archdiocese reveals criminality against minors on a widespread scale – sparing no geographic sector, no income level, no ethnic group. We heard testimony about priests molesting and raping children in rectory bedrooms, in church sacristies, in parked cars, in swimming pools, at Saint Charles Borromeo Seminary, at the priests’ vacation houses in the Poconos and the Jersey Shore, in the children’s schools and even in their own homes.

From all the documents and testimony put before us, we have received a tragic education – about the nature of child abuse, for example: how predators manipulate their prey, why the abuse so often goes unreported, how its impact on victims and their families remains lifelong. Even so, we find it hard to comprehend or absorb the full extent of the malevolence and suffering visited on this community, under cover of the clerical collar, by powerful, respected, and rapacious priests.

A. The evidence reveals that child sexual abuse follows regular patterns.

When we gathered, many of the Jurors did not understand the dynamics of clergy members' sexual abuse of minors. We could not understand how children who were so awfully abused could fail to tell anyone or, worse, would return to their abuser again and again. We learned from one of the leading American experts in the field, Kenneth Lanning, formerly of the Federal Bureau of Investigation, that the answer lies in the twisted relationship that acquaintance molesters initiate with their victims.

Those who prey on children first are careful in selecting their victims. They seek out vulnerable children who are needy for attention, often because of difficulties at home, because vulnerable children are easiest to mold to the abuser's desires. They then achieve power over their victims in a process that the experts call "grooming." Child molesters have enormous patience, identifying and pursuing victims sometimes for months before initiating the abuse. One might take a child to the beach, the cinema, or the local ice cream parlor, showering his prey with toys and treats. He will give his victim what the child believes is benign attention and "love." Abusers also often befriend the families of their victims, visiting their homes, becoming dinner guests, exploiting parishioners' reverence for the priesthood. The parents are pleased and flattered by a priest's attentions to their children.

What surprised the Jurors most in Lanning's lengthy testimony was that so many of these men come across as "nice guys," that they can be so outwardly likeable. Mothers and fathers like them. The children who are their targets often love them. These are not "Stranger Danger" predators who look shady or menacing; they are the pillars of the

Catholic community, respected and admired by all. Meanwhile, many of the targeted children do not understand sex in the first instance, so that when the priest reaches the point where he begins to act out sexually, the victims are utterly defenseless. As the abuse continues, their initial confusion turns to guilt and shame over what they believe they have allowed to happen. Many victims continue to think that priests can do no wrong or feel responsible for making a “good” priest go bad.

For the vulnerable child who craves love and security, and the devout child raised never to question the clergy’s authority, it becomes nearly impossible to break free from the abusive priest, even after the sexual abuse begins. Experts refer to this phenomenon as the “trauma bond.” Even though the abusive relationship is terribly damaging to the victim, he finds it difficult to remove himself from it because of the priest’s power over him and the psychological and emotional bond that has resulted.

1. Sexually abused children rarely report their abuse.

Related to the question of why victims seem unable to break free of their abusers is the question of why it takes some victims decades to report priest sexual abuse. We learned there are many reasons for delayed reporting. Most of the victims are devout and/or come from devout families. Therefore, many of them regard priests as God’s representatives on Earth. The well-educated priests, for their part, know very well the esteem in which trusting children and their parents hold them, and they manipulate that trust to ensure the victims’ silence. Some of the priests whose cases we examined told their victims that God had sanctioned the sexual relationship and would punish them if they revealed it. Others told children that they loved them, and that the sexual abuse

should be their little secret. Still others told their prey that they, the victims, were responsible for the abuse, and that no one would believe them if they told.

Psychological denial is not an unusual response to trauma, confusion, shame, and despair. And there are other, powerful disincentives to report a priest's abuse. Some victims fear damaging the Church's reputation. Others fear their parents' disbelief or anger – not toward the priest, but toward them. Some worry that such a horrific revelation could destroy their parents' sustaining faith in the Church. Many adolescent boys fear that revealing sexual contact with a man would call into question whether they are heterosexual.

2. The lifelong impact extends from isolation to “soul murder.”

The priests' manipulation of their victims, we found, can be as cunning as it is cruel. Often the offenders isolate their victims from others, dominating their time, criticizing their parents and friends, and discouraging activities outside of the church and the priests' presence. The victims come to believe that the abusive relationship is the only one they have. This strategy of isolating victims not only deprives them of someone in whom they might confide; it also serves the priest's purpose – to continue the abusive relationship. Subsequently, the isolation often becomes one of the cruelest consequences of abuse, destroying families and lasting decades.

We saw victims who had been told by their abuser that their parents had sanctioned the priest's actions. In two cases, the victims discovered only recently, as they prepared to testify before the Grand Jury, that what the priest had told them was not true. For 20 years they had been estranged from their parents, sometimes hating them, because

they believed that their parents had knowingly allowed their abuse. If a priest and God could betray them, how could they know that their parents had not as well? Parents, for their part, cannot understand their abused children, who for no apparent reason have turned their backs on school, church, friends, and family. Who suddenly are not fun-loving and happy, but sullen and withdrawn. Who are abusing alcohol and drugs and acting out in other ways. The parents blame their children.

Meanwhile, if other children suspect a boy is being abused, they often ridicule the victim, suggesting he is homosexual. And not just children do this. We heard testimony about a nun, the teacher of one victim, who – after the boy reported his abuse to police – began calling him by a girl’s name in class, eliciting giggles from his fellow students.

Most devastating of all, we saw firsthand what Father Thomas Doyle calls “soul murder.” As Father Doyle, a conscientious Dominican priest who has assisted clergy-abuse victims around the world, points out, these children suffer from the abuse not just physically and psychologically, but spiritually. The faith they need to cope with the tragedies of life is for them forever defiled. In order for a priest to satisfy his sexual impulses, these children lose their innocence, their virginity, their security, and their faith. It is hard to think of a crime more heinous.

3. Priests who abuse minors usually have many victims.

Another thing we learned about sexual abuse of minors is that the offenders typically have numerous victims. We heard from experts that the compulsion that drives some priests to molest or rape children is not curable, that treatment and supervision need to be intense and lifelong, and that the recidivism rate is extremely high. In the files of

Philadelphia Archdiocese priests that we obtained by subpoena, we saw what must have been crystal-clear as well to Cardinals Krol and Bevilacqua and their aides: that many, many priests each have had many, many victims, often spanning decades.

The experts told us that, given the nature of the crime, victims who report their abuse represent merely the tip of the iceberg, and that abusive priests likely have preyed on many more victims who have not come forward. We heard reports, most of which the Archdiocese had also received, about 16 victims of Fr. Nicholas Cudemo, 14 victims of Fr. Raymond Leneweaver, 17 victims of Fr. James Brzyski, and 18 victims of Fr. Albert Kostelnick. We believe there were many more.

B. The evidence provides many examples that help illustrate the patterns of abuse.

There are many more Philadelphia-area priests who have molested and sodomized parishioners' children than are named here. We cannot in this Report describe the cases of every priest against whom allegations have been raised. But we have tried to include histories that reflect the depraved patterns, if not the full magnitude, of sexual abuse perpetrated by Philadelphia Archdiocese priests. Consider, for example, the cases of Frs. Brzyski, Cudemo, Chambers, Gana, Kostelnick, Leneweaver, Martins, and Sicoli.

Father James Brzyski

It was Fr. Brzyski who told his victims that their parents knew and approved of his sexual abuse of their sons. The 6'5", 220-pound priest told this to a devout 12-year-old boy, "Sean," (the names of victims have been changed in this Report) whom he began anally raping in 1984. Sean, now a grown man, told the Jurors:

I've harbored this feeling towards my mom for going on twenty years and to come to find out the other night that it's not – you know, it was – it wasn't true. She had no idea. She had absolutely no idea.

So you know, I've been dealing with this. I've been hating her for twenty years for no reason whatsoever, and that's not right. That's my mom.

Father Bryzski had started the abuse when Sean was 10 or 11 years old – fondling the boy's genitals and rubbing his own against the child in the corner of the sacristy where the altar boys dressed. Sean estimated that Fr. Brzyski molested him “a couple of hundred times.” The abuse progressed from fondling to oral sex to anal rape.

Sean testified that he was scared, but he was devout. He believed that to say anything bad about a priest was a mortal sin, and that he would go to Hell if he told. So he said nothing, and continued to suffer the abuse even as its severity increased. His parents expressed pleasure that he was spending time with the priest. The abuse continued for seven or eight years.

Another of Fr. Brzyski's victims, “Billy,” told the Grand Jury that his deepest wish was to return to who he had been before the priest first thrust his hands down the 11-year-old's pants. He wanted God back, and his parents, and the joy of celebrating Easter and Christmas. He wanted to believe in Heaven and morality. He described how Fr. Brzyski's abuse had “turned this good kid into this monster.” He began to think of himself as two different people. He told the Jurors:

I had no God to turn to, no family, and it just went from having one person in me to having two people inside me.

This nice Billy . . . that used to live, and then this evil, this darkness Billy . . . that had to have no morals and no conscience in order to get by day by day and, you know, not to care about anything or have no feelings and to bury

them feelings so that you could live every day and not be laying on the couch with a depression problem so bad that, you know, four days later you'd be in the same spot.

The Archdiocese files had the names of 11 boys who had been reported as victims of Fr. Brzyski. Three of his victims who testified before the Grand Jury provided names of still others they knew of. Sean told Jurors that he saw as many as a hundred photographs of boys, ages 13 to 16, many of them nude, which Fr. Brzyski kept in a box in his bedroom. One of the pictures was of Sean.

Father Nicholas Cudemo

A top aide to Cardinal Bevilacqua described Father Nicholas Cudemo to the Grand Jury as “one of sickest people I ever knew.” This priest raped an 11-year-old girl. He molested a 5th grader in the confessional. He invoked God to seduce and shame his victims. He maintained sexually abusive relationships simultaneously with several girls from the Catholic school where he was a teacher. His own family accused him of molesting his younger cousins.

Complaints of Fr. Cudemo's sexual abuse of adolescent girls began in 1966, with a letter to Cardinal Krol describing a three-year “affair” between the priest, then in his first assignment, and a junior at Lansdale Catholic High School. More allegations followed in 1968 and 1977, the latter alerting the Archdiocese to another long-term sexual relationship with a schoolgirl, and her possible pregnancy.

Father Cudemo began abusing another girl, “Ruth,” in the late 1960s when she was 9 or 10 years old. When she was 11, he began to rape her. He would then hear her confession. He convinced the child that she could not survive without him, and that only through her confession was she worthy of God's love. When Ruth became pregnant at

age 11 or 12, he took her for an abortion. He abused her until she was 17. She has suffered severely ever since.

Father Cudemo taught at three high schools – Bishop Neumann, Archbishop Kennedy, and Cardinal Dougherty – being transferred each time because of what were recorded in Archdiocese files as “particular friendships” with girls. He was then recycled through five parishes, and twice promoted by Cardinal Bevilacqua to serve as a parish pastor. The Grand Jury heard of at least 16 victims.

Father Gerard Chambers

Father Gerard Chambers was accused of molesting numerous altar boys, and of anally and orally raping at least one, during 40 years as a priest in the Archdiocese. Beginning in 1994, four of his victims came forward to the Archdiocese to talk about their abuse. (The victims were from his 14th and 15th assignments – Saint Gregory, in West Philadelphia; and Seven Dolors, in Wyndmoor.) One victim, “Benjamin,” told the Archdiocese that Fr. Chambers plied him with alcohol and cigarettes and then abused him, “hugging, kissing, masturbating” him and engaging in “mutual fondling of the genitals.” This happened in the church sacristy, at Fr. Chambers’ sister’s house, and in the priest’s car.

Another victim, “Owen,” has tried to commit suicide and has been institutionalized at a state mental hospital. Father Chambers anally and orally raped him when he was 12 years old. Owen was, and continues to be, especially devout. He suffers delusions because he cannot reconcile his faith in the Church with what happened to him. Two of his brothers, “George” and “Francis,” were also victims of Fr. Chambers and are still haunted by their abuse more than 40 years later. They described to the Grand Jury

how the abuse ruined their family – each boy withdrawing and suffering in silence, even though they knew, they said, on some level, that Fr. Chambers was abusing them all. They could not tell their parents, who taught them to be in “awe” of priests. Rather than confide in anyone, George said they just “stuffed it down.” But he began drinking at age 13, and still suffers from serious depression.

The victims named several other boys from Saint Gregory whom the priest had abused. One of the brothers testified that he believed Chambers “sexually abused every altar boy and quite frequently those who weren’t altar boys.”

Father Stanley Gana

Father Stanley Gana also sexually abused countless boys in a succession of parishes. One victim, “John,” who testified before the Grand Jury, had gone to Fr. Gana in 1977 because the then-14-year-old had been sexually abused by a family friend. Father Gana used his position as a counselor and the ruse of therapy to persuade the boy to have physical contact with him. This “therapy” slowly progressed to full-fledged sexual abuse, involving genital touching, masturbation, and oral and anal sodomy. It continued for more than five years. Father Gana abused John in the rectory, at a house at the New Jersey Shore, on trips, and at the priest’s weekend house in the Poconos. Often there were several boys involved in a weekend or on a trip, and Fr. Gana would have them take turns coming into his bed. Sometimes he would have sex with John and another boy, “Timmy,” at the same time.

Father Gana abused Timmy for nearly six years, beginning in 1980, when the boy was 13. The priest ingratiated himself with Timmy’s parents. He was a frequent dinner

guest and he often brought gifts to the family. He hired Timmy to work in the rectory, took him on trips with John and other boys to Niagara Falls and Disney World, and for weekends to the Poconos. Timmy's parents pressured their son to spend time with Fr. Gana and constantly told Timmy that he should be grateful for all the priest did for him. Timmy found it impossible to avoid or report his abuse. He knew that his parents' view of priests could not be reconciled with his reality – the obese priest pushing the boy's scrawny, undeveloped body across a rectory bed so that his face was pressed against the carpet, ignoring the boy's cries of pain, and forcibly penetrating him anally. Timmy was sure his parents would not believe him.

In 1992, training to become a priest himself and in his final year of seminary, Timmy told Cardinal Bevilacqua's Secretary for Clergy, William Lynn, and another aide about his years of abuse by Fr. Gana. But, after hearing from the seminary dean that he thought Timmy "might sue the diocese for pedophilia," Cardinal Bevilacqua ordered an investigation – of the seminarian. The probe failed to prove any wrongdoing on Timmy's part, but the Cardinal refused to allow the victim to complete his studies and forced him to seek ordination outside the diocese. Father Gana remained an active priest in the Archdiocese until 2002.

Father Albert Kostelnick

The Secret Archives file (where the Archdiocese, in accordance with Canon law, recorded complaints of sexual abuse by priests) for Father Kostelnick contained numerous reports that he sexually fondled young girls. The reported incidents spanned 32 years, beginning in 1968, when he fondled the genitals and breasts of three sisters, ages 6 to 13 years old, as he showed slides to their parents in the family's darkened living room.

The three sisters also reported, in 2002, that Fr. Kostelnick had fondled their other sister as she lay in traction in a hospital following an automobile accident in 1971. They said the injured girl had to ring for the nurse to stop her molestation.

In 1987, Fr. Kostelnick was reported to the police for fondling an 8-year-old girl in an offensive manner. Cardinal Bevilacqua learned of additional complaints in 1988 and 1992, yet he allowed the priest to continue as pastor of Saint Mark parish in Bristol. The priest admitted in 2004 to the Archdiocese Review Board that his “longstanding habit” of “fondling the breasts of young girls” continued after these victims’ complaints were ignored in 1992. In 1997, Cardinal Bevilacqua honored the serial molester at a luncheon at the Cardinal’s house and set him loose as a senior priest in a new parish, Assumption B.V.M. in Feasterville. By the time Fr. Kostelnick was finally removed from ministry in 2004 (after Cardinal Bevilacqua’s tenure had ended), the Archdiocese had heard reports about at least 18 victims.

Father Raymond Leneweaver

At Saint Monica parish in South Philadelphia, Fr. Leneweaver named a group of altar boys whom he abused the “Philadelphia Rovers” and had T-shirts made up for them. He took the 11- and 12-year-olds on outings and, when he was alone with them, he molested them. He anally raped at least one boy. He repeatedly pulled another out of class at the parish grade school, took him to the school auditorium, forced the boy to bend over a table, and rubbed against him until the priest ejaculated. Another time in his rectory bedroom, Fr. Leneweaver pulled the boy’s pants down, smeared lubricant on his buttocks, and thrust his penis against the boy’s backside. Each time the priest’s crimes

were reported to the Archdiocese, he admitted his offenses. By 1975, he had confessed to homosexual activity with at least seven named children with whom he was “seriously involved.” He told Archdiocese officials of others he was involved with “in an incidental fashion.”

Cardinal Krol transferred this chronic abuser four times after learning of his admitted abuses. Predictably, Fr. Leneweaver continued to abuse boys in his new parishes. When he finally requested a leave from ministry in 1980, Cardinal Krol wrote a notation on a memo to his Chancellor:

His problem is not occupational or geographical & will follow him wherever he goes. He should be convinced that his orientation is an acquired preference for a particular method of satisfying a normal human appetite. – An appetite which is totally incompatible with vow of chastity + commitment to celibacy.

While this note shows that the Cardinal understood the compulsive nature of pedophilia and knew the likelihood that Fr. Leneweaver would abuse boys wherever he was assigned, the parents of his victims could not imagine such abhorrent behavior from a priest. They could not have conceived of the truth – that Fr. Leneweaver had been transferred to Saint Monica after admitting to the abuse of another boy at a previous assignment. The father of one victim beat his son until he was unconscious when the boy tried to report Fr. Leneweaver’s actions. The devout father, trusting priests and the Church more than his son, repeated as he beat the boy, “priests don’t do that.”

Father Nilo Martins

Father Martins was a Brazilian pediatrician and religious-order priest who came to the Archdiocese in 1978. In May 1984, he was assigned as an assistant pastor at Incarnation of Our Lord in North Philadelphia. On a Saturday afternoon in early February 1985, he invited a 12-year-old altar boy, “Daniel,” up to his rectory bedroom to watch television, ordered the boy to undress, and anally raped him.

Daniel, now a Philadelphia police officer, testified that as he cried out in pain, the priest kept insisting: “Tell me that you like it.” Daniel told the Grand Jury that he saw blood and was terrified. When the priest was done, he gave Daniel a puzzle as a present and told the boy to get dressed and leave.

Daniel, who had an unhappy home life and an abusive stepfather, went down to the church and cried. A young priest he considered a friend, Fr. Peter Welsh, saw him and asked what happened. After Daniel finished telling him, Fr. Martins entered and approached the two. Father Welsh then left the boy, took Fr. Martins’ confession, and never returned to talk to the boy.

A few days later, Daniel confided in his lay math teacher at the parish grade school. The teacher was horrified and immediately informed the pastor, Fr. John Shelley. The teacher also encouraged Daniel to tell his parents. Frightened that he might be beaten if he told his mother and stepfather, Daniel asked Fr. Welsh to go with him to tell them. Father Welsh said he was busy. The pastor, who should have reported the boy’s rape to police, or at least to his parents, also refused to accompany the boy to his house. Daniel finally got up the nerve to tell his mother. At her urging, he called the police.

The next day, when Daniel went to the church – as he did everyday to be with his friends – Fr. Shelley told him that he was not welcome anymore. The 12-year-old victim of a brutal anal rape by a priest was no longer allowed to be an altar boy. As word circulated, children at school called him a “faggot” and laughed as they said, “Ah, you got fucked in the ass.” Even a teacher, Sister Maria Loyola, he said, started referring to him in class as “Daniella,” prompting the class to laugh. When he asked her to stop calling him that, she gave him a demerit.

Daniel said he just wanted to disappear. Unable to change schools, he dropped out emotionally – withdrawing socially and failing academically. Father Martins pleaded guilty to involuntary deviate sexual intercourse and corruption of the morals of a minor. Deported back to Brazil, he did not serve his prison sentence.

Father David Sicoli

Father Sicoli paid for tuition, computers, and trips to Africa and Disney World for parish boys he took a particular liking to. He invited several to live in his rectories with him, and he gave them high-paying jobs and leadership positions in the Church’s youth group, the CYO. Some of them in interviews insisted that nothing sexual took place with the priest. But others, now grown, told the Grand Jury that Fr. Sicoli sexually abused them and treated them as if they were his girlfriends. From the start of his priesthood, and continuing through 2001, priests who lived with Fr. Sicoli warned the Archdiocese about his unhealthy relationships with boys.

Four victims from Immaculate Conception in Levittown, where Fr. Sicoli was assigned from 1978 to 1983, testified that he had sexually abused them when they were

12 to 16 years old. All of them said that Fr. Sicoli had plied them with alcohol and then abused them. Three told of being taken to a bar, the Red Garter, in North Wildwood, New Jersey. After Fr. Sicoli got the boys drunk, he asked them to drive him home – even though they were only 14 years old. On separate occasions, with all three, the priest feigned sickness in the car and asked them to rub his stomach. He then requested that they go “lower” and rub his crotch. The abuse these victims reported included mutual masturbation and oral sex. They said that Fr. Sicoli acted jealous and immature and threatened to fire them from their rectory jobs if they did not do what he wanted. Despite reports in Fr. Sicoli’s Secret Archives file of inappropriate relationships with these four victims and five other boys, Cardinal Bevilacqua appointed the priest to four pastorates between 1990 and 1999. At each one he seized on a favorite boy, or a succession of favorites, on whom he showered attention, money, and trips. Three of these boys lived with Fr. Sicoli in the rectories with the knowledge of Msgr. Lynn.

In October 2004, the Archdiocese finally removed Fr. Sicoli from ministry following an investigation by the Archdiocesan Review Board, which was created in 2002 to help assess allegations of abuse. The Review Board found “multiple substantiated allegations involving a total of 11 minors over an extensive period of time beginning in 1977 and proceeding to 2002.”

Section III

Overview of the Cover-Up by Archdiocese Officials

For a more complete picture of the actions taken by the Archdiocese to hide priest sexual abuse – from parents, potential victims, and the public at large – it is necessary to read the Case Studies in Section V of this Report. This Section, however, will provide an outline of the careful methods by which the Archdiocese accomplished its concealment of these crimes, and thereby facilitated the abuse of even more Archdiocese children.

A. Archdiocese leaders were aware that priests were sexually abusing hundreds of children, and that their continued ministry presented great danger.

Grand Jurors heard evidence proving that Cardinals Bevilacqua and Krol, and their aides, were aware that priests in the diocese were perpetrating massive amounts of child molestations and sexual assaults. The Archdiocese's own files reveal a steady stream of reports and allegations from the 1960s through the 1980s, accelerating in the 1990s (with nearly 100 allegations in that decade), and exploding after 2001. In many cases, the same priests were reported again and again.

Notes in Archdiocese files prove that the Church leaders not only saw, but understood, that sexually offending priests typically have multiple victims, and are unlikely to stop abusing children unless the opportunity is removed. Cardinal Krol displayed his understanding of sexual compulsion when he wrote, in the case of Fr. Leneweaver, that the priest's problem would "follow him wherever he goes." Cardinal

Bevilacqua noted in the file of Fr. Connor, an admitted child molester, that the priest could present a “serious risk” if allowed to continue in ministry (which he was). Notes in the file of Fr. Peter Dunne show that Cardinal Bevilacqua also was aware that therapists recommend lifelong supervision and restricted access to children for pedophiles. (Fr. Dunne, a diagnosed pedophile, did not receive such supervision and was permitted to continue in parish ministry.)

Secretary for Clergy William Lynn displayed his understanding of child molestation when he told Fr. Thomas Shea that “the evidence of the medical profession” makes it “very unusual for such instances [of sexual abuse] to be with only one youngster.” Cardinal Bevilacqua and his staff also knew from experience that most victims do not report their abuse until many years later, if at all.

B. Archdiocese leaders employed deliberate strategies to conceal known abuse.

In the face of crimes they knew were being committed by their priests, Church leaders could have reported them to police. They could have removed the child molesters from ministry, and stopped the sexual abuse of minors by Archdiocesan clerics. Instead, they consistently chose to conceal the abuse rather than to end it. They chose to protect themselves from scandal and liability rather than protect children from the priests’ crimes.

For most of Cardinal Krol’s tenure, concealment mainly entailed persuading victims’ parents not to report the priests’ crimes to police, and transferring priests to other parishes if parents demanded it or if “general scandal” seemed imminent. When Cardinal

Bevilacqua took over as Archbishop in February 1988, concern over legal liability had joined fears of scandal. Dioceses across the country were grappling with the implications of a 1984 case in which a Louisiana diocese paid \$4.2 million to nine victims of a pedophile priest.

Cardinal Bevilacqua was trained as an attorney. (He holds degrees in Canon law from Pontifical Gregorian University in Rome, Italy, and in American law from St. Johns' University Law School in Queens, New York.) The Grand Jurors find that, in his handling of priests' sexual abuse, Cardinal Bevilacqua was motivated by an intent to keep the record clear of evidence that would implicate him or the Archdiocese. To this end, he continued many of the practices of his predecessor, Cardinal Krol, aimed at avoiding scandal, while also introducing policies that reflected a growing awareness that dioceses and bishops might be held legally responsible for their negligent and knowing actions that abetted known abusers.

To protect themselves from negative publicity or expensive lawsuits – while keeping abusive priests active – the Cardinals and their aides hid the priests' crimes from parishioners, police, and the general public. They employed a variety of tactics to accomplish this end.

1. Archdiocese leaders conducted non-investigations designed to avoid establishing priests' guilt.

At first, Grand Jurors wondered whether Archdiocese officials, including Cardinal Bevilacqua and his aides, were tragically incompetent at rooting out sexually abusive priests and removing them from ministry. Secretary for Clergy William Lynn suggested,

for example, that accusations made against Fr. Stanley Gana in 1992 – of anal rape, oral sodomy, and years of molestation of adolescent boys – “must have fallen through the cracks,” since Fr. Gana remained a pastor three more years until another allegation surfaced. Soon the Jurors came to realize that sexual abuse cases in the Philadelphia Archdiocese did not fall “through the cracks” by accident or mistake.

The Secretary for Clergy, whom Cardinal Bevilacqua assigned to investigate allegations of sexual abuse by priests, routinely failed to interview even named victims, not to mention rectory staff and colleagues in a position to observe the accused priests. The only “investigation” conducted after a victim reported being abused was to ask the priest if he did what was alleged. If the accused priest, whose very crime is characterized by deceit and secretiveness, denied the allegation, Archdiocese officials considered the allegation unproven. Monsignor Lynn professed to the Grand Jury that he could not determine the credibility of accusations – no matter how detailed the victims’ descriptions, or how many corroborating witnesses there might be, or how many similar accusations had been made against a priest by victims who did not know each other, or how incriminating a priest’s own explanation of the events.

The reason for Msgr. Lynn’s apparent lack of judgment, curiosity, or common sense in refusing to acknowledge the truth of abuse allegations became evident when Cardinal Bevilacqua testified. The Cardinal said that, when assigning and promoting priests, he disregarded anonymous or third-party reports of sexual crimes against children that were contained in many priests’ files. The Cardinal, like his Secretary for Clergy, claimed to be unable to determine whether the reports were true. He told the Grand Jury that he could not know without an investigation. And yet the staff, with his approval,

never truly investigated these reports – no matter how serious, how believable, or how easily verified. This was the case even when victims were named and other priests had witnessed and reported incidents. The Cardinal conceded under questioning that allegations against a priest were generally not labeled “credible” unless the priest happened to confess.

The Grand Jury is convinced that the Archdiocese could have identified scores of child molesters in the priesthood simply by encouraging other clergy to report what they witnessed – for example, incidents in which they saw fellow priests routinely take young boys, alone, into their bedrooms. We heard from many victims that their abuse had been witnessed by other priests. Fellow priests observed Frs. Nicholas Cudemo, Craig Brugger, Richard McLoughlin, Albert Kostelnick, Francis Rogers, James Brzyski, and John Schmeer as they were abusing young victims. None of these witnesses helped the children or reported what they saw. Father Donald Walker confirmed what we came to believe – that the Archdiocese had an unwritten rule discouraging “ratting on fellow priests.”

We were initially incredulous when Cardinal Bevilacqua insisted that Msgr. Lynn was very intelligent and competent. After all, the Secretary for Clergy’s “investigations” did not bother with witnesses, nor did they seek the truth or falsity of allegations, unless the priest happened to confess. But after reviewing files that all contained the same “incompetent” investigation techniques, it became apparent to the Grand Jurors that Msgr. Lynn was handling the cases precisely as his boss wished.

2. The Cardinals transferred known abusers to other parishes where their reputations were not known and parents could not, therefore, protect their children.

a. The decision whether to transfer a known abuser was determined by the threat of scandal or lawsuit, not by the priest's guilt or the danger he posed.

Father Donald Walker was one of three priests in Cardinal Krol's Chancery Office charged with investigating and handling sexual abuse allegations against priests. He explained to the Grand Jury how, during his tenure, the Archdiocese's primary goal in dealing with these cases was to reduce the risk of "scandal" to the Church. The Grand Jurors saw this pattern for ourselves as we reviewed the files of priests accused of molesting minors. Whether an accused molester stayed in his position, was transferred to another parish, or was removed from ministry, the Archdiocese response bore no consistent relationship to the seriousness of his offense or the risk he posed to the children of his parish. Rather, the decision was based entirely on an assessment of the risk of scandal or, under Cardinal Bevilacqua, legal liability.

We saw this vividly illustrated in the case of Fr. John Mulholland. In 1970, Archdiocese managers had reason to believe that Fr. Mulholland was taking parish boys at Saint Anastasia in Newtown Square on vacations and engaging in sadomasochistic behaviors with them. An adviser to the church's youth group, the CYO, had warned the managers and given the names of many of the boys involved. Believing at first that Fr. Mulholland's reputation for "play[ing] around with boys" was widespread, Archdiocese officials decided he would have to be reassigned because of "scandal." Many of the parents of these boys, however, never imagined what was going on and opposed Fr.

Mulholland's transfer. When the Archdiocese officials realized that there was no hue and cry, they decided to let Fr. Mulholland stay in the parish where they had been told he was committing his abuse. The reason for the change of heart was recorded in Church documents: "the amount of scandal given seemed to lie only with a very small minority."

While Archdiocese memos recording abuse allegations often omitted the names of victims or the nature of the priests' offenses, they almost never failed to note the degree of scandal or whether the victim had told anyone else. When scandal threatened, the Archdiocese would take action. During Cardinal Krol's administration, this almost always meant a transfer to another parish and the managers' memos unabashedly recorded the motive. In Fr. Joseph Gausch's file, for example, one of his many transfers was explained this way: "because of the scandal which already has taken place and because of the possible future scandal, we will transfer him in the near future."

Cardinal Bevilacqua's decisions, like his predecessor's, were similarly dictated by an assessment of risk to the Archdiocese. In the case of Fr. Cudemo, multiple victims came forward in 1991, reporting to the Archdiocese that the priest had abused them when they were minors. One he had raped when she was 11 years old, another he had had a sexual relationship with for 14 years, beginning when she was 15. The priest's Secret Archives file contained at least three allegations previously made against the priest. As more and more victims came forward, Cardinal Bevilacqua steadfastly refused to remove Fr. Cudemo as pastor of Saint Callistus parish. Only when some of the victims threatened to sue the Archdiocese and Cardinal Bevilacqua did he finally ask the priest to leave his parish. After the lawsuit was dismissed because the statute of limitations had run, the Cardinal permitted Fr. Cudemo to resume ministering.

b. Parishioners were not told, or were misled about, the reason for the abuser's transfer.

The Archdiocese's purpose in transferring its sexually abusive priests was clear – to remove them from parishes where parents knew of their behavior and to place them among unsuspecting families. The obvious premise of this pattern was the Church officials' understanding that parents would never knowingly allow their children to serve as altar boys, or work in rectories, or be taken to the New Jersey Shore by men they knew had molested other boys. The result of the Archdiocese's purposeful action was to multiply the number of children exposed to these priests while reducing the possibility that their parents could protect them.

Cardinal Bevilacqua had a strict policy, according to his aides, that forbid informing parishioners – either those whose children had recently been exposed to a sexual offender in his old parish or the parents of potential victims in a newly assigned parish – about any problems in a priest's background. The Cardinal, in fact, encouraged that parishioners be misinformed. When Fr. Brennan was removed from an assignment in 1992 because of allegations of improper behavior with several parish boys, one parishioner remembers being told to pray for the Father because he was “being treated for Lyme Disease.” Even the pastors of the new parishes, who might have supervised the abusers if aware of their history, were usually told nothing.

c. Sexual Offenders were transferred to distant parishes where their reputations would not be known.

If a priest was particularly notorious or a former victim was vigilant and vocal, the Archdiocese would transfer the priest to an especially distant parish, in hopes of escaping notice. Thus, after Fr. Leneweaver had abused boys in parishes in Philadelphia,

Delaware, and Chester Counties, Chancellor Francis Statkus lamented that “the latest incident eliminates his usefulness in his ministry in the area of Chester County,” and explained that he was to be transferred next to Bucks County “because it is one of the few remaining areas where his scandalous action may not be known.” A notation in Fr. Leneweaver’s file stated that his reassignment would not be announced, making it unlikely that anyone could forewarn the parents in his new parish.

Cardinal Bevilacqua used a similar strategy in 1992, when considering a reassignment for Fr. Michael McCarthy. The Cardinal just months earlier had received allegations that the priest had regularly taken students from Cardinal O’Hara High School to his beach house, plied them with liquor, slept nude in the same bed with them, and masturbated the boys and himself. The Cardinal had an aide tell the accused priest that, despite the allegations against him, he could be “appointed pastor at another parish after an interval of time has passed.” That new parish, according to the Cardinal’s instructions, “would be distant from St. Kevin Parish so that the profile can be as low as possible and not attract the attention of the complainant.”

If a priest was arrested or convicted and his crimes publicized in the news, more extreme measures were needed to return the abuser to ministry among uninformed parishioners. Thus, when Archbishop Bevilacqua was deciding where to assign Fr. Edward DePaoli after his conviction for possessing child pornography, he wrote: “for the present time it might be more advisable for [Fr. DePaoli] to return to the active ministry in another diocese.” The Archbishop explained that this move would “put a sufficient period between the publicity and reinstatement in the active ministry of the Archdiocese

of Philadelphia.” He arranged for Fr. DePaoli to be assigned to a parish in New Jersey for three years.

d. The Archdiocese harbored abusers transferred from other dioceses.

Cardinal Bevilacqua also reciprocated with other dioceses, as part of what an aide referred to as the “tradition of bishops helping bishops.” For five years, beginning in 1988, Cardinal Bevilacqua secretly harbored a New Jersey priest, Fr. John Connor, at Saint Matthew parish in Conshohocken so that the bishop in Camden could avoid scandal there. Cardinal Bevilacqua, despite an earlier acknowledgement that Fr. Connor could present a “serious risk,” did not inform Saint Matthew’s pastor of the danger. In fact, he told the pastor that Fr. Connor had come to the parish from another diocese because his mother was sick and he wanted to be near her. The pastor never knew, until he read it years later in a newspaper, that Fr. Connor had been arrested in his home diocese of Camden for sexually abusing a 14-year-old. As a result of his ignorance, the pastor did not worry, as he should have, when Fr. Connor showered attention and gifts on a boy in the parish grade school.

3. Archdiocese leaders made concerted efforts to prevent reports of priest abuse to law enforcement.

The hundreds of allegations of sexual abuse by priests that the Archdiocese has received since 1967 have included serious crimes – among them, the genital fondling and anal, oral, and vaginal rape of children. Sometimes the abuse was ongoing at the time it was reported. The obvious response would have been to report such crimes to law enforcement, to allow police to investigate and to stop the perpetrators. The Archdiocese managers, however, never reported a single instance of sexual abuse – *even when*

admitted by the priests – and did everything in their power to prevent others from reporting it.

Cardinal Bevilacqua was asked repeatedly when he testified before the Grand Jury why he and his aides never reported these crimes to law enforcement. His answer was simply that Pennsylvania law did not require them to. That answer is unacceptable (as well as the result of a strained and narrow interpretation of a law specifically intended to require reporting sexual abuse of children). It reflects a willingness to allow such crimes to continue, as well as an utter indifference to the suffering of the victims. Such thinking is the reason, for example, that Fr. Leneweaver, an admitted abuser of 11- and 12-year-old boys, was able to receive a clean criminal record check and teach Latin at Radnor Middle School last year.

Not only did Church officials not report the crimes; they went even further, by persuading parents not to involve law enforcement — promising that the Archdiocese would take appropriate action itself. When the father of a 14-year-old boy reported to Cardinal Krol's Chancellor in 1982 that Fr. Trauger had molested his son and that he had told someone in the Morals Division of the Police Department (the father was himself a detective), the Chancellor succeeded in fending off prosecution. Chancellor Statkus informed the Cardinal: "Convinced of our sincere resolve to take the necessary action regarding Fr. T., [the victim's father] does not plan to press any charges, police or otherwise." (What Cardinal Krol did upon receiving this information was what he had done a year before, when Fr. Trauger had attempted to anally rape a 12-year-old boy from his previous parish: the Cardinal merely transferred the priest to another parish, where his crimes would not be known.)

Once in a while priests engaged so publicly in abusive acts that their crimes could not be concealed – such as when police in Rockville, Maryland stopped Fr. Thomas Durkin – a Philadelphia priest who was visiting the area – in the middle of the night. At the time of the police encounter, the priest was chasing a half-dressed 16-year-old boy through the streets. The teenager had run from their shared bedroom to escape Fr. Durkin’s sexual advances. In that case, the Archdiocese had to rely on the local diocese to intervene to keep the police from taking action. Having successfully hidden its priest’s crime and prevented the prosecution of it, the Archdiocese then permitted Fr. Durkin to continue in ministry despite his admission that he had abused other boys as well.

4. Church leaders carefully avoided actions that would incriminate themselves or the priests.

Some of the Archdiocese leaders’ actions or inactions, which initially might have seemed merely callous or reckless, we soon came to realize were part of a deliberate and all-encompassing strategy to avoid revealing their knowledge of crimes. Church officials understood that knowing about the abuse, while taking steps that helped perpetuate it, made them responsible for endangering children.

Many victims, for example, told the Grand Jurors that they were treated badly by the Secretary for Clergy when they reported their abuse. After recounting their nightmarish experiences to the Archdiocese managers, the victims were surprised at the lack of outrage toward the priest or compassion toward the victim. They had wanted desperately to be believed and hoped for an apology. They expected that the Archdiocese, once informed, would make sure the offenders would never again hurt the children of their parishes. Instead, the Church official charged with assisting the victims often

questioned their credibility and motives. When victims needing reassurance that the abuse had not been their fault asked Msgr. Lynn whether their abuser had other victims, the Secretary for Clergy refused to tell them – or lied and said they were the only one. Cardinal Bevilacqua’s highest aide, Vicar for Administration Edward Cullen, instructed his assistant, James Molloy (who at times displayed glimpses of compassion for victims), never to tell victims that he believed them. Doing so would have made evident the Church officials’ knowledge of other criminal acts and made later denials difficult.

Archdiocese leaders even left children in dangerous situations with known abusers rather than reveal their culpable knowledge by intervening to protect a child. Thus, when Archdiocese managers learned, on two separate occasions, that parish boys were on camping trips with Frs. Francis Trauger and John Mulholland – priests they had just been told were abusers – they did nothing to interrupt the camping trips. Nor did they do anything afterwards to keep the priests away from the boys or to warn their parents.

Cardinal Krol’s Assistant Chancellor, Vincent Walsh, sat silently while parents from Saint Anastasia in Newtown Square voiced support for Fr. Mulholland, asking that the Archdiocese reconsider its decision to transfer the priest to another parish. These parents vouched for Fr. Mulholland’s interest in their sons: one was grateful that the priest had taken his child on vacation without asking for money from the parents, another that the priest had helped his son gain entry to a sought-after school. At the time of the meeting, Fr. Walsh knew what the parents did not: that these teens had been reported as possible victims of Fr. Mulholland’s sadomasochistic behavior. The Assistant Chancellor said nothing to warn the unsuspecting parents, and Cardinal Krol left Fr. Mulholland in their parish.

In another case, when a school psychologist learned from a third party that Fr. Brzyski had sexually abused a student, he informed the Archdiocese that it was important to the boy's mental health to talk to him about the abuse. Archdiocese officials, at that time, had already received numerous reports of Fr. Brzyski's assaults on altar boys, and the priest had admitted having sexual relations with this particular victim. Still, the Archdiocese managers refused to allow the psychologist to help the boy. Rather than acknowledge the abuse they were pretending not to know about, they chose to let the boy suffer.

When Msgr. Lynn learned that a priest and a teacher at Saint Matthew's parish were concerned in 1994 because Fr. Connor was still visiting a young boy in the parish after the priest was mysteriously transferred back to Camden, the Secretary for Clergy informed the Archdiocese's lawyer, but not the boy's mother. Similarly in 2002, Msgr. Lynn, knowing Fr. Sicoli's long history of inappropriate relations with adolescent boys, left two teenage brothers living with the child molester in his rectory rather taking action that might have alerted the boys' mother to the danger.

5. Archdiocese officials tried to keep their files devoid of incriminating evidence.

Even in their internal files, Archdiocese officials tried to limit evidence of priests' crimes and their own guilty knowledge of them. Under Canon law, the Archdiocese was required to maintain special files – in “Secret Archives,” kept in a locked room accessible only to the Archbishop, the Secretary for Clergy, and their aides — that recorded complaints against priests such as those involving sexual abuse of minors. Church officials could not, therefore, simply conceal priests' crimes by never recording them.

The managers did, however, record information in ways that often masked the nature of the reported abuse and the actions taken in response. Written records of allegations often left out the names of potential victims, while euphemisms obscured the actual nature of offenses. An attempted anal rape of a 12-year-old boy, for example, was recorded in Archdiocese files as “touches.” The Grand Jury often could not tell from memos reporting “boundary violations” and “unnatural involvements” exactly what the Church officials had been told.

In addition, many of the communications discussing priest sexual abuse were oral. Under Cardinal Bevilacqua’s policy, aides would inform him immediately when abuse allegations came into the Archdiocese, but not in writing. His initial response and instructions were not recorded.

6. Church leaders manipulated abusive priests’ psychological evaluations to keep them in ministry.

a. Officials used therapy and evaluation to give false reassurances.

When confronted with allegations that they could not easily ignore, Church officials sometimes sent priests for psychological evaluations. A true determination of a priest’s fitness to minister was not, however, their main purpose. Cardinal Krol’s use of these evaluations for public-relations purposes was blatant. He often transferred child molesters to new parishes *before* evaluations finding them mentally fit – usually with no convincing evidence – were completed or received by the Archdiocese. We saw this in the cases of Frs. Trauger and Leneweaver.

Father Leneweaver was transferred to his last assignment even when the evaluation did not declare him fit. Cardinal Krol found the evaluation useful nonetheless,

as his Chancellor explained in a memo, so that “the faithful of West Chester,” the priest’s old parish, would be reassured “that the case of Father Leneweaver is being carefully studied and that he was not being reassigned routinely.” On another occasion, when the mother of one of Fr. Leneweaver’s victims complained that her son’s molester had merely been recycled to a new parish, Chancellor Statkus wrote that he “assured her that truly Father Leneweaver was appointed in accord with medical advice, and that he [had] undergone therapy and medical attention.”

b. Cardinal Bevilacqua instituted a test that falsely purported to exclude pedophiles.

By the time Cardinal Bevilacqua became Archbishop in Philadelphia, it was no longer possible to tell victims’ parents that an abusive priest had been treated and was now fit for a parish assignment. The Cardinal was aware of the nature of pedophilia – that it cannot be cured, that sexual abusers of children often have hundreds of victims, that the abusers need lifelong treatment and supervision, and that they need to be kept away from children. In 1985, he had been given a copy of a report, the Doyle-Mouton-Peterson “Manual,” and had discussed it with one of the authors, Fr. Thomas Doyle, who testified before the Grand Jury. The report contained several medical articles on sexual disorders, as well as legal and pastoral analyses. The authors were hoping to alert the U.S. bishops to the problems presented by pedophilia among priests and to help bishops know how to handle cases as they arose.

Cardinal Bevilacqua, however, used this knowledge about pedophilia not to protect children, but to shield the Archdiocese from liability. Central to his scheme was a policy designed to sound tough: Based on what was known about sexual abusers, he would not give an assignment to any priest who was diagnosed as a pedophile (someone with an

enduring sexual attraction to prepubescent children) or an ephebophile (someone with an enduring sexual attraction to adolescents). But then he and his aides made a mockery of evaluation and therapy to avoid reaching these diagnoses. In the absence of a formal designation of pedophilia or ephebophilia, Archdiocese officials perverted logic to reach the converse of the Cardinal's "rule" – if a priest was not diagnosed a pedophile, he *would* be given an assignment. Never mind the Church leaders' full knowledge that the priest had abused children.

In fact, a failure to diagnose a priest as a pedophile is not the same thing as determining that he is *not* a pedophile. We repeatedly saw situations where treatment facilities found evidence to suggest pedophilia, but did not have sufficient information to make a conclusive diagnosis. This was especially problematic when the "treatment facility" did not use up-to-date tests and technology in making its diagnoses, and instead relied primarily on self-reports of the priests. The Archdiocese-owned Saint John Vianney Hospital was such a facility. In other words, to determine if a priest was a pedophile, the "treatment" facility often simply asked the priest. Not surprisingly, the priest often said no.

In addition, Church-affiliated centers would often fail to diagnose priests as pedophiles if they claimed to be acting under the influence of drugs or alcohol, or had sex with adults. According to one of Fr. Gana's victims, who had been forced to have oral and anal sex with the priest beginning when he was 13 years old, Secretary for Clergy Lynn asked him to understand that the Archdiocese would have taken steps to remove Fr. Gana from the priesthood had he been diagnosed as a pedophile. But Fr. Gana was not only having sex with children and teenage minors, Msgr. Lynn explained; he had also slept

with women, abused alcohol, and stolen money from parish churches. That is why he remained, with Cardinal Bevilacqua's blessing, a priest in active ministry. "You see . . ." said Msgr. Lynn, "he's not a pure pedophile."

As a result of these policies, as the Cardinal himself acknowledged, "it was very rare that a priest would diagnose as such [a pedophile]." And yet, the Philadelphia-area priesthood harbored numerous serial child molesters. The Cardinal's litmus test was, on its face, grossly inadequate to protect children. It did, however, serve the Cardinal's purpose. He was able to say that he had a policy of not assigning pedophiles to the ministry.

c. Church officials interfered with evaluations.

Cardinal Bevilacqua's policy afforded easy opportunities for Archdiocese managers to manipulate treatment and diagnoses to keep abusive priests in the ministry. Secretary for Clergy Lynn often failed to provide incriminating information to therapists about priests he sent for evaluation. No Church-affiliated therapists spoke to victims or witnesses. The Cardinal allowed priests to shop for diagnoses, granting requests for second opinions when the priest was dissatisfied with the first.

The Grand Jurors find it significant that, according to the records we reviewed, the Archdiocese stopped using Saint Luke Institute in Suitland, Maryland, a facility it had used often in the past that does use up-to-date evaluation tools. The relationship with Saint Luke ended in 1993 after it diagnosed Fr. McCarthy as an ephebophile. (The priest had admitted to therapists that he was sexually attracted to adolescent males.) Thereafter, Church officials began referring sexual offenders almost exclusively to the Archdiocese's

own Saint John Vianney Hospital for evaluation – a facility under Cardinal Bevilacqua’s purview and supervision and more attuned to his priorities.

d. The Cardinal attempted to evade personal liability for retaining abusers by claiming to rely on therapists’ recommendations.

When asked by the Grand Jury why he placed obviously dangerous men in positions where they could abuse children, Cardinal Bevilacqua repeatedly testified that he relied on the advice of therapists. Those therapists, however, more often than not worked for him. That they understood their role as protecting the Archdiocese from legal liability was evident in many of the files we reviewed.

The therapists at Saint John Vianney, for example, warned in their “psychological evaluation” that returning Fr. John Gillespie to his parish, where he had abused two current parishioners, could present a risk. The risk, however, was not that the priest might further harm the victims – it was that he might apologize to them. Archdiocesan therapists warned: “If he pursues making amends with others, he could bring forth . . . legal jeopardy.” In a similar vein, Msgr. Lynn asked the therapists “evaluating” Fr. Brennan at Saint John Vianney: “Should Father remain in his present assignment since there seems to be much gossip throughout the parish about his behavior?”

Even when therapists did recommend meaningful action, moreover, the Cardinal did not always follow their advice – especially when it conflicted with that of the Archdiocese’s lawyers. We saw this in the case of Fr. Dunne (one of the few diagnosed pedophiles), who remained in ministry for seven and a half years after the Archdiocese learned he had abused several boys. Cardinal Bevilacqua first had Chancellor Samuel Shoemaker pressure a Saint John Vianney therapist to make an “accommodation” in the

hospital's initial recommendations that Fr. Dunne be removed from parish ministry and that he be supervised 24 hours a day. The therapist "accommodated" by reversing himself on both recommendations.

The Cardinal also had the priest sent for a second opinion when the first therapist diagnosed him as a pedophile. When the threat of a lawsuit finally forced Cardinal Bevilacqua to remove Fr. Dunne from ministry, therapists once again advised the Cardinal that the priest should be carefully supervised. Instead, Cardinal Bevilacqua chose to follow the advice of the Archdiocese lawyer who counseled that "for civil law liability" reasons, the Archdiocese should not try to supervise the abuser, but should "take every step we can to distance self."

7. Church leaders invented "Limited Ministry," which they documented in Archdiocese files but did not enforce.

Another feature of the Bevilacqua administration's handling of priest sexual abuse was a practice known as "limited ministry." Like the "no pedophile" policy, limited ministry was designed to make it look as though the Archdiocese was trying to protect children. Once again, we find that the true purpose was to protect the Archdiocese – from criticism that it was simply transferring abusive priests from parish to parish as Cardinal Krol had done and, more importantly, from legal liability. We also find that the practical effect of knowingly creating a false safeguard was to endanger more Philadelphia-area children.

Limited ministry was designed to allow priests who had sexually abused children, but were "not diagnosed as pedophiles," to continue in ministry. Most often such priests

were officially assigned to nursing homes, hospitals, or convents. In practice, however, their official assignments were rarely full-time, and the priests had freedom to help out in parishes all over the Archdiocese. The supposed limitations on their ministry – in many cases not enforced – were never publicized, so unwitting pastors eager for help welcomed the priests and let them have unrestricted access to parish children.

In Fr. Gana's case, for example, the Archdiocese made a point of documenting in its files that he was only permitted to minister at his official assignment – as chaplain of a monastery. In practice, Msgr. Lynn granted him permission to fill in and celebrate Mass anywhere in the Archdiocese. The only restriction was that he should not minister in his old parishes in Northeast Philadelphia where he had abused boys – and where his former victims might see him. Even this slight limit on his ministry was not enforced. Father Gana was soon seen celebrating Mass in his old parish.

Cardinal Bevilacqua took other actions that were designed to give the appearance of imposing limits on priests and acting responsibly to protect parishioners, but which he knew would leave children in danger. Thus, when his Vicar for Catholic Education, Msgr. David Walls, was accused of and admitted to sexually abusing minors in 1988, Cardinal Bevilacqua asked him to resign his high-profile job. The Cardinal explained his decision this way:

Among the more immediate reasons was the fear that the parents of recent victims were not likely to take action of a legal nature as long as the Archdiocese has acted strongly. Since he would not be away on an inpatient basis and if he is restored to his previous position as Vicar, it would appear that the Archdiocese had not considered this a serious matter and had taken no reasonable action. This perception of inaction could very well trigger the parents to resort to some kind of further procedure through court action.

After making this show of concern in order to fend off legal action, Cardinal Bevilacqua allowed Msgr. Walls to remain unmonitored in a parish residence in Bryn Mawr – with no formal assignment, few obligations, and limitless unsupervised time in which to procure new victims. For 14 years after learning of the priest’s admitted sexual offenses against minors, Cardinal Bevilacqua permitted him to live in the parish rectory, to celebrate Mass with altar boys, to hear confessions, and to counsel parishioners and others through Catholic Human Services.

8. Archdiocese officials used investigation and intimidation to fend off lawsuits and silence victims and witnesses.

The treatment of victims who reported abuse to the Archdiocese offered yet more evidence of the Cardinals’ preoccupations and priorities. Secretary for Clergy Lynn, often taking direction from the Archdiocese’s attorneys, treated victims as potential plaintiffs. Not only did they not receive apologies acknowledging their abuse, but many were bullied, intimidated, lied to, even investigated themselves.

The victim of Fr. Gana’s, who was barred from Saint Charles Borromeo Seminary and forced to seek ordination outside the diocese after accusing his abuser, is one example of a victim subjected to investigation and intimidation. Proving that their “investigations” of accused priests were purposefully incompetent, Archdiocese leaders conducted an extremely thorough probe of Fr. Gana’s victim. They aggressively scrutinized second- and third-hand reports (the kind Cardinal Bevilacqua found unworthy of further investigation when leveled against priests accused of serious sexual abuse of children) of homosexual contact (possibly hugging and kissing) between the victim and a

fellow seminarian. Monsignors Lynn and Molloy spent several weeks interviewing students, teachers, and administrators at the seminary. Despite this investigation, they could not substantiate the rumors. They succeeded, however, in humiliating and silencing the victim. Cardinal Bevilacqua, who had complete power over the seminarian's future in the priesthood, punished the victim by refusing to allow him to become a priest in the Archdiocese.

In another case, an investigator hired by the Archdiocese's law firm accused a victim of Fr. Furmanski's of being motivated by money. He suggested to the victim's wife that if her husband persisted with his allegation, the wife's employer would find out about a criminal conviction in the victim's past. The investigator told her it could affect her employment.

Monsignor Lynn's questioning of victims often seemed more like cross-examination than a compassionate, or even dispassionate, interview. With coaching from the Archdiocese's legal counsel (recorded in a memo of a conversation between Msgr. Lynn and the attorney), the Secretary for Clergy questioned and re-questioned one of Fr. Schmeer's victims in accordance with the lawyer's instructions to "get details – even unimportant." (The investigator hired by the Archdiocese's law firm also investigated this victim, collecting records of taxes, relatives, and two divorces.) Monsignor Lynn asked a victim of Fr. Gausch's whether it was possible he had "misinterpreted" the priest's actions of putting his hands on the then-12-year-old boy's penis. The Secretary for Clergy asked this, knowing that Fr. Gausch had a thick Secret Archives file of prior allegations of abuse dating back to 1948, which included letters he had written about boys whom he was sexually abusing or desired.

When Msgr. Lynn met with Fr. Gausch in 1994, he assured the priest that “the Archdiocese supported him and that he would investigate a little more the background of [the victim].” Probing victims and their families was a common practice. Records show Msgr. Lynn, as late as the summer of 2004, suggesting that some of Fr. Schmeer’s victims be investigated.

The Secretary for Clergy also suggested possible defenses – even to admitted child molesters – that might embarrass or discourage a victim from pressing an allegation. Interviewing Fr. Thomas Shea, who had previously confessed to sexually abusing at least two boys, Msgr. Lynn suggested that perhaps the priest “was seduced into it” by his 5th- or 6th-grade altar boy victim.

Victims were not the only ones bullied by Archdiocese leaders intent on suppressing the truth. Witnesses were, too. A nun in Saint Gabriel, Sister Joan Scary, expressed concerns about the safety of children in her parish who were exposed to a priest convicted of possessing child pornography. After she tried to pressure the Archdiocese officials to act and began talking to parents, she was fired as director of religious education.

9. The Cardinals shielded themselves from direct contact with victims.

We are aware of no case in which Cardinal Krol met with an abuse victim or his or her family. Cardinal Bevilacqua also shielded himself from contact with victims. He was the head of the Philadelphia Archdiocese 14 years before he would meet with a victim, and even then it was a non-Archdiocesan victim (who could not, therefore, sue

him), whom he met during a meeting of the United States Conference of Catholic Bishops in 2002.

One of Fr. Gana's victims asked to meet with Cardinal Bevilacqua in 1995. He requested the meeting because he found it inconceivable that the man who anally and orally sodomized him when he was 14 years old would still be a priest if the Cardinal had been informed. Monsignor Lynn's suggestion that such a meeting might be possible was flatly rejected by the Cardinal, who had another aide inform the Secretary for Clergy that it "would be setting a precedent, i.e. for the Cardinal to meet with such individuals. His Eminence [the Cardinal] cautioned about such a recommendation and noted that there must be other means of letting [the victim] know that his Eminence was informed, other than for his Eminence to meet with him personally."

10. Even in 2002, Cardinal Bevilacqua continued to mislead the public and give false assurances.

Cardinal Bevilacqua continued to try to hide all he knew about sexual abuse committed by his priests even in 2002, after the scandal in Boston drew attention to the problem nationally. He had his spokeswoman tell the Philadelphia media in February 2002 that there have been only 35 priests in the Archdiocese credibly accused of abuse over the last 50 years – when in fact the Archdiocese knew there were many more. (We were able to substantiate allegations against at least **63** abusers, and reviewed many more reports that on their face seemed credible, but could not be fully verified after so many years). The Cardinal misled the public when he announced in April 2002 that no Philadelphia priest with accusations against him was still active in ministry – when in fact

several still were. He certainly was not credible when he claimed before this Grand Jury that protecting children was his highest priority – when in fact his only priority was to cover up sexual abuse against children.

Before the Grand Jury, Cardinal Bevilacqua continued to mislead about his knowledge of and participation in the cover-up.

In his testimony before the Grand Jury, Cardinal Bevilacqua was still attempting to evade responsibility for placing known sexual offenders in parishes where they had easy access to hundreds of children brought up to honor, trust, and obey priests. He often suggested that he might not have known all the facts and that he delegated the handling of these matters to his Secretary for Clergy. He repeatedly claimed to have no memory of incidents and priests that we will never forget.

He repeatedly was not forthright with the Grand Jury. For example, in the cases of Fr. Connor and Msgr. Walls, documents clearly established that Cardinal Bevilacqua knew that the priests had admitted abusing minors. They also established that he alone was responsible for subsequently placing or leaving the priests in parishes where they would present a severe danger to children. In both cases, when there was no plausible deniability, Cardinal Bevilacqua took the unsatisfying position that he did not know that the victims of the priests were minors. He declined to reconsider this claim even when confronted with a memo he had written about his concern that the *parents* of Msgr. Walls' victims might sue the Archdiocese – thus obviously indicating knowledge that the victims themselves were not adults.

C. The Archdiocese's strategies for handling abuse cases multiplied the number of victims and increased the harm done to them.

In concealing the crimes of sexually abusive priests while keeping them in ministry, the Cardinal and his aides did not merely fail to protect children from terrible danger. They greatly increased the danger and the harm to Archdiocese children. When Cardinals Krol and Bevilacqua promoted and celebrated known abusers – rapists and molesters of children – and left them in positions as pastors, parish priests, and teachers, they in effect vouched for their holiness and trustworthiness and encouraged parents to entrust their children to them. When Church leaders hid allegations against priest child molesters and deliberately placed them in parishes where unsuspecting families were kept in the dark, they minimized parents' ability to protect their children. When they transferred the priests to new parishes to avoid scandal, they greatly increased the numbers of potential victims.

When they withheld from parents knowledge of their child's abuse, they sentenced that child to years of lonely suffering. By not reporting the crimes to law enforcement, they frustrated safeguards designed to protect children in society at large.

What makes these actions 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 – did not result from failures or lapses, except of the moral variety. They were made possible by purposeful decisions, carefully implemented policies, and calculated indifference.

D. Dioceses throughout the United States employed the same strategies to

conceal their priests' crimes and keep abusers in ministry.

As further evidence that Church leaders' practices reflected deliberate policies, the Grand Jury learned that the methods used to keep known child molesters in parishes, schools, and other assignments were not unique to the Archdiocese of Philadelphia. We reviewed newspaper articles from dioceses around the country describing procedures so identical to those employed in Philadelphia that the similarities could not be coincidental. The actions that endangered and harmed innumerable children in the Philadelphia Archdiocese were not solely the result of morally bankrupt local Church officials. They were part of a national phenomenon. Church leaders in many different dioceses somehow reached the same conclusion – that it was in their interest to leave priests in positions where they could continue to sexually assault the Church's young rather than take steps necessary to stop the abuses.

News articles from across the nation reproduced in Appendix F describe the same non-investigations of abuse reports coupled with claims that the allegations were not substantiated, the same refusal to report to police even admitted rapes and other molestations, the same misuse of Church-related treatment facilities to launder sexual offenders and place them back in parishes, the same practice of transferring abusive priests to new parishes where parents would be unaware of the danger, the same policy of not informing families about known child molesters in their parishes, the same false claims that the ministries of admitted abusers were "restricted," and the same lack of effort to enforce those supposed restrictions.

We read about Church leaders who transferred accused child molesters out of state, or even allowed them to leave the country, after victims reported their crimes to

police and arrests were imminent. We read about retaliation by the Church hierarchy against employees who reported priests' sexual crimes. We learned that it was common for dioceses to ignore treatment facilities' warnings and recommendations, even as bishops used psychological evaluations to justify returning abusers to parishes. We learned of other bishops who falsely assured their dioceses that priests were not ministering – when in fact they were. A 2002 survey by *The Dallas Morning News* found that 111 American bishops, including all eight cardinals who led U.S. dioceses, had kept “priests on the job after admissions of wrongdoing, diagnoses of sexual disorders, legal settlements, even criminal convictions.”

It surely was not a coincidence either that, in the first four months of 2002, when these common strategies were first exposed in Boston, more than 170 priests – implicated in sexual abuse and knowingly retained in active ministries – were finally removed from their assignments around the country.

Among the news reports included in Appendix F:

- ▶ In California, a bishop reprimanded a priest for writing a letter of apology to an 11-year-old girl he had molested. After a transfer to a rural parish and a promotion to pastor, the priest was accused of abusing three victims at his new assignment, including a 3-year-old girl. The diocese's lawyer sought to deflect responsibility from Church leaders, stating that a psychiatric evaluation of the priest, who admitted abusing 25 children, did not “render any diagnosis of pedophilia.”
- ▶ In Connecticut, Church officials and other priests ignored obvious signs of sexual involvement with children – such as a priest's habit of having boys spend the weekend with him in his bed in the rectory. A bishop testified that “allegations are allegations,” yet made no effort to substantiate them. Abuse reports were typically considered credible only if the priest confessed.
- ▶ In Massachusetts, the Boston Archdiocese accused a priest's young victims of being negligent for allowing their own abuse.

- ▶ A psychiatric hospital with a long history of treating sexually abusive priests from around the country accused the Church of deceiving therapists into providing reports that were then used to keep abusive priests in ministry. The hospital's chief of psychiatry charged that pertinent information relating to a priest's prior sexual misconduct was sometimes withheld and that therapists' warnings were disregarded.
- ▶ In New Hampshire, Church officials insisted that a priest continue ministering and working with children, even after he admitted sexual misconduct and asked for help. A teenage boy described a road trip with the priest and three other boys as a "rape fest." A grand jury found that decisions to reassign offending priests "were always made at the top," by the bishop.
- ▶ In a California diocese, Church officials shuffled abusers from parish to parish and diocese to diocese. They welcomed a convicted child abuser from out of state, knowing that he faced another allegation. When he was accused again, they sent him to a New Mexico rehabilitation center with a notation: "No one else will take you." The diocese dumped one of its own serial molesters in Tijuana.

The news articles sampled in Appendix F show that Church leaders have employed well-orchestrated strategies for decades and in all parts of the country to keep sexual offenders in ministry while minimizing the risk of scandal or legal liability. The laws of our states apparently have fostered a climate in which the Church has found it more advantageous to allow the perpetuation of priests' crimes than to end them. Only because some states have now permitted lawsuits to proceed in cases where crimes had been successfully concealed for years has the Church begun removing sexual abusers it had known about for years.

Section IV

Legal Analysis and Recommendations

A. Legal Analysis

1. *Prosecution of Individual Priests*

But for the windfall provided by Pennsylvania’s statutes of limitation for serious sexual offenses, the priests who sexually and psychologically abused Archdiocesan children could be prosecuted for the following serious crimes: **rape, statutory sexual assault, involuntary deviate sexual intercourse, indecent assault, endangering welfare of children, corruption of minors.**

Unfortunately, the law currently stands in the way of justice for the victims of childhood sexual abuse. Although we have a wealth of evidence against many of the abusers – including their own admissions (and, in many cases, the Archdiocesan Review Board’s own determination that the charges against the priest are “credible”) – we cannot indict any priest who abused a child for any of the crimes of which we are currently aware, because the relevant statutes of limitation have expired for every single act of abuse known to us.¹ Offending priests are, therefore, immune from prosecution for all the crimes detailed in this report – all the anal, oral and vaginal rapes, all the fondlings,

¹ The sole exception is Fr. James Behan, who, by leaving Philadelphia shortly after molesting his victim and residing elsewhere ever since, triggered a tolling provision of the statute of limitations that permitted his prosecution.

all the caressings, and all the unwanted and inappropriate touchings and undressings they perpetrated upon Archdiocesan children. Nothing changes this result – not the severity of the sexual assault, the degree of force or psychological coercion, or the age of the victim at the time of the abuse. Under present Pennsylvania law, the single, dispositive fact is the date of the final act of abuse, and we do not know of any act of priest child sexual abuse recent enough to permit prosecution in the Commonwealth under the current statutes of limitation.

Pennsylvania's statutes of limitation for sexual crimes have been revised numerous times since 1982. The most recent amendment, as of 2002, requires child sexual abuse cases to be initiated by the date of the child victim's 30th birthday. The experts have told us that this statute is still too short. We ourselves have seen that many victims do not come forward until deep into their thirties, forties and even later. Moreover, even the 2002 amendment cannot be applied to the cases we have seen, because changes that lengthen a limitations period cannot be used to revive criminal prosecutions that were already barred under the original deadline – as the United States Supreme Court has recently made clear. *See Stogner v. California*, 539 U.S. 607 (2003).

Thus, in order to determine whether prosecutable cases existed, it was necessary to begin by examining the law as it stood when particular incidents of abuse were occurring. This turned out to be a complicated process. Our review showed that, until July 11, 1982, the statute of limitations barred any prosecution not commenced within two years of the date of the crime for all sexual crimes other than involuntary deviate sexual intercourse, which had a five-year statute of limitations. Beginning on July 12, 1982, rape and incest became five-year statute of limitations crimes. Then, from

September 8, 1985, through February 17, 1991, an amendment to the statute provided the statute was tolled (did not run) prior to the child's eighteenth birthday for crimes involving injury to the child caused by a "person responsible for the child's welfare."

From February 18, 1991, through May 29, 1995, the statute of limitations barred any prosecution not commenced within five years of the child victim's eighteenth birthday for involuntary deviate sexual intercourse, incest, and rape, and within two years for statutory rape, aggravated indecent assault, indecent assault, indecent exposure, endangering welfare of children, corruption of minors, and sexual abuse of children. From May 30, 1995, through August 26, 2002, the statute of limitations became five years for the crimes of statutory rape, sexual assault, and aggravated indecent assault. From August 27, 2002, through the present, the statute of limitations bars any prosecution not commenced within twelve years after the child victim's eighteenth birthday for involuntary deviate sexual intercourse, rape, statutory sexual assault, sexual assault, aggravated indecent assault, incest, and sexual abuse of children. For all other sexual crimes, the limitations period is two years after the child victim's eighteenth birthday.

As mentioned, none of these numerous extensions of the statute of limitations can be applied retroactively to crimes that were already immunized from prosecution; we are stuck with the statutes of limitations that were in effect at the time of the abuse. As a result:

- 1) No priest can be prosecuted for sexually abusing a child prior to July 12, 1982. Assuming a July 11, 1982 act of involuntary deviate sexual intercourse (the offense with the longest statute of limitation at the time), prosecution would have had to commence by

July 10, 1987. Because no reports had been made to law enforcement by that date, the statute of limitation operates as an absolute bar to prosecution for any such offense.

2) No priest can be prosecuted for sexually abusing a child prior to September 7, 1985. As reflected elsewhere in this Report, we have heard evidence of numerous instances of abuse before that date. Assuming a September 6, 1985 crime with a five-year statute of limitations, prosecution would have had to be commenced by September 5, 1990. Because the abuse was still successfully hidden at that point, the statute of limitation operates as an absolute bar to prosecution.

3) No priest can currently be prosecuted for sexually abusing a child prior to February 17, 1991, based on the evidence now before us, although such a prosecution is not impossible. The amended version of the statute of limitations that became effective on September 8, 1985 tolls (stops the running of) the statute at all times prior to the child victim's eighteenth birthday where the abuse involves injury to the child and is inflicted by "a person responsible for the child's welfare." Therefore, if, for example, a seven-year-old had been the victim of rape by a priest before February 17, 1991, the statute of limitations would not bar that prosecution, provided that the court found that the priest was a "person responsible for the child's welfare" under the statute and that the crime "involved injury to the person of the child." The seven-year-old would not have turned 18 until 2002 and so the five-year statute of limitations would allow the commencement of prosecution until 2007.

By contrast, if a priest had subjected a thirteen-year-old victim to the same crime in 1991, prosecution would be barred by the statute of limitations. Even assuming the priest were found to be responsible for child's welfare and the crime were found to have

caused injury to the person of the child, the statute of limitations would have begun to run in 1996 when the child turned 18 and the five-year statute would have run fully in 2001.

4) Similarly, no priest can currently be prosecuted for sexually abusing a child prior to May 29, 1995, based on the evidence now before us, although such a prosecution is not impossible. The amended version of the statute of limitations that became effective on February 18, 1991 tolls the statute at all times prior to the child victim's eighteenth birthday regardless of the abuser. It is quite likely, in our view, that children were sexually abused during that time period. The tolling provision in effect at that point would have prevented the statute of limitations from running at any time prior to the child victim's eighteenth birthday, and could therefore permit a timely prosecution. For example, if someone who is twenty-three years old today was abused in May 1995, the perpetrator could be prosecuted. However, we currently know of no victim who fits those criteria. Ironically, the more recent the abuse, the less likely it is that the child victim would be ready to report the crime.

5) The same rules apply to the prosecution of priests who sexually abused children prior to August 26, 2002.

6) Finally, prosecution of a priest who abused a child after August 27, 2002 could also go forward. But we have no evidence from any such recent victim at this time.

Undoubtedly, this analysis must seem capricious and hypertechnical to the average citizen; that is exactly how it seemed to us. And that is why we have concluded that the prosecution of clergy sexual abuse is being stymied by arbitrary and mechanical procedural rules, not by any overriding principle of justice or fairness. Recent efforts by our legislature to extend the statute of limitations are commendable. But in the end, as

we formally recommend later in this section, there should be no statute of limitations for childhood sexual abuse. The law must be changed.

2. *Prosecution of Archdiocesan Officials*

Existing law in Pennsylvania is equally inadequate to permit us to charge the leaders of the Archdiocese. We have already reviewed the extensive evidence that Archdiocese officials behaved disgracefully in response to the crisis of priest sexual abuse of children. Cardinal Bevilacqua, Cardinal Krol, and their top aides all abdicated their duty to protect children. They concealed priests' sexual abuses instead of exposing them. We considered three categories of possible crimes arising from these actions. Unfortunately, none provide prosecutable offenses against the Archdiocese officials.

Conspiracy/Accomplice Liability for Sexual Abuse of Children

There is no doubt that the Cardinals and their top aides knew that Philadelphia priests were sexually abusing children. There is no doubt that these officials engaged in a continuous, concerted campaign of cover-up over the priests' sexual offenses. To establish conspiracy or accomplice liability for those crimes, however, the law requires more than knowledge or concealment. A conspirator or accomplice must have the specific intent required for the underlying offense. That is, a conspirator or accomplice to a crime like rape, for example, must share the goal that a rape occur, even if he does not participate in the physical act.

While the actions of the Archdiocese leaders clearly facilitated rapes and other sexual offenses, and ensured that more would occur, the evidence before us did not demonstrate that the leaders acted with the specific goal of causing additional sexual

violations. Instead their goal was to protect against “scandal” at any cost, without the slightest concern for the consequences to children. Let us caution: we do not mean to imply here that the motives of the Archdiocese officials were less blameworthy than those of abusive priests. Indeed, judged on a moral scale, the opposite conclusion might be reached; and we trust that someday there will be such judgment. Under Pennsylvania law, however, the actions of the Cardinals and their aides do not expose them to conspiracy or accomplice liability for the sexual assaults committed by individual priests.

Direct Liability for Endangering Welfare of Children

Even if the Archdiocese leaders did not display a specific intent to cause sexual assaults, they clearly knew that their actions were endangering children. That conduct in itself potentially gave rise to criminal liability for a number of offenses. Ultimately, however, we concluded that weaknesses in the law – especially the statute of limitations – preclude prosecution on this basis.

In the common sense of the term, the actions of the church hierarchy clearly constituted endangerment of the welfare of children. The Archdiocese officials permitted abusive priests to maintain their special access to young victims, and even arranged new venues for the abusers when the heat became too much in their old parishes. As defined under the law, however, the offense of endangering welfare of children is too narrow to support a successful prosecution of the decision-makers who were running the Archdiocese. The statute confines its coverage to parents, guardians, or other persons “supervising the welfare of a child.” High-level Archdiocese officials, however, were far removed from any direct contact with children. Perhaps that remove made it easier for the officials to remain so apathetic about the sexual assaults that resulted from their actions. But it should not insulate them from criminal liability. We make appropriate recommendations to close this legal ambiguity in Part B. of this section. We also looked at related charges. Recklessly endangering another person makes it a crime to engage in reckless conduct that places the victim in danger of death or “serious bodily injury.” Plainly, the Archdiocese officials recklessly placed children in danger of sexual abuse. As defined by statute, however, the “serious bodily injury” required for this offense is legally distinct from sexual abuse.

The crime of corruption of minors punishes those who by any act corrupt or tend to corrupt the morals of a minor. This offense, however, presents the same attenuation problem arising with endangering welfare of children. The Cardinals and high aides in their quiet corridors of power were quite distant from the boys and girls affected by the cover-up. The offense of corruption of minors does not readily reach such indirect conduct, however foreseeable its impact.

In any case, there is a more immediate impediment to charges based on crimes in this category: the statute of limitations. The available statute for these offenses is even shorter than that for the sex crimes addressed earlier. Because of the success of the cover-up, and because of the reluctance of more recent victims to come forward yet, the conduct we know about is too old to support a prosecution for endangering/corrupting offenses.

Crimes Against the Administration of Justice

The handling of priest sexual abuse by Archdiocese officials was designed to do more than hide the abuse from parishioners: the hope was to hide it from police as well. The sexual assaults clearly constituted crimes; at least one priest employed by the diocese had been prosecuted; and surely the Church did not want law enforcement officers carting dozens more away. Accordingly, we considered the class of offenses involving obstruction of justice. Unfortunately, we again found that legal definitions and statute of limitations problems would prevent prosecution.

The crime of obstructing administration of law requires that the obstruction constitute force, violence, physical interference, breach of official duty, or other unlawful act. Here we did not have evidence of actual force or violence or similar unlawful acts,

and the “breach of official duty” provision applies only to public officials, not private parties such as the church leaders.

We also considered the crime of hindering apprehension or prosecution. This offense, however, primarily applies to harboring or concealing a fugitive for whom the police are looking. Because sexual assaults by priests almost never came to the attention of law enforcement, there was no occasion for such hindering.

The story is similar for the crime of tampering with or fabricating physical evidence. Tampering requires the belief that an official proceeding or investigation is pending or about to be instituted. Archdiocese officials knew, however, that reports of priest sexual abuse had been contained, and that there were no official proceedings to tamper with.

Another related offense is intimidation of witnesses or victims. Certainly Archdiocese leaders did not want witnesses or victims to complain to law enforcement authorities. Generally, however, church officials were able to employ more indirect means of achieving this goal. Even without actual intimidation, abusive priests were almost never reported to police – because they were spirited away when suspicions arose, because they enjoyed a special status as emissaries of God, and because their victims in any case were young and scared.

Thus Archdiocese officials typically did not have to commit obstruction offenses in order to effect a cover-up – but even if they had, they would have been protected, as with other possible crimes, by the passage of time. The statute of limitations for these offenses during the 1990’s and before was only two years. By the time the true scope of the scandal came to light, the church leaders were already immune.

There is one final offense in this category that calls for special comment – the failure to make a mandatory child abuse report under the Child Protective Services Law. The law requires reporting from anyone who, in the course of employment, comes into contact with children who have been abused. Archdiocese officials took the position that they were not bound by this requirement, even when they heard about abuse, because they themselves were not “in contact” with the children. The law should not allow such a troubling evasion of the reporting requirement. Nor is the current statute of limitations adequate for this important provision. We propose fixes below.

3. *Prosecution of the Archdiocese – an “Unincorporated Association”*

Even though individual officials escape prosecution, we also considered whether the Archdiocese itself could be prosecuted. After all, the policy of protecting abusive priests over abused children transcended the tenure of any particular official. While a committed leader could certainly have changed that culture, we felt that the Archdiocese as a whole should be held responsible for the decades of sexual abuse.

Unfortunately, that too proved impossible under the law. The Philadelphia Archdiocese has organized itself as a legal entity in a way that leaves Pennsylvania law incapable of holding the Archdiocese criminally accountable. Although the Archdiocese of Philadelphia functions in a corporate fashion, it is technically an “unincorporated association,” and therefore is treated more favorably under Pennsylvania criminal law than a corporation.

Corporations can be prosecuted if a crime was authorized, requested, commanded, performed or recklessly tolerated by the board of directors or by a high manager.

Unincorporated associations, on the other hand, can be prosecuted only in very limited circumstances not applicable here – for instance, where a specific criminal offense expressly provides for the association’s liability. The Archdiocese would be subject to prosecution under the corporate standard, because it clearly tolerated sexual assaults and consciously disregarded a substantial, unjustifiable and unreasonable risk that additional abuse would occur. But it avoids prosecution under the unincorporated standard, because none of the relevant offenses expressly addresses liability for mere associations.

Under the vagaries of current Pennsylvania law, therefore, this final theory of prosecution is also unavailable.

B. Recommendations of the Grand Jury

1. *Abolish the Statute of Limitations for Sexual Offenses Against Children.*

We recommend that the statute of limitations be eliminated for the following crimes committed against children: 1) Rape, 18 Pa. C.S.A. § 3121; 2) Statutory Sexual Assault, 18 Pa. C.S.A. § 3122; 3) Involuntary Deviate Sexual Intercourse, 18 Pa. C.S.A. § 3123; 4) Sexual Assault, 18 Pa. C.S.A. § 3124.1; 5) Aggravated Indecent Assault, 18 Pa. C.S.A. § 3125; 6) Indecent Assault, 18 Pa. C.S.A. § 3126 (where the offense constitutes a course of conduct); 7) Sexual Exploitation of Children, 18 Pa. C.S.A. § 6320; 8) Endangering Welfare of Children, 18 Pa. C.S.A. § 4304; and 9) Corruption of Minors, 18 Pa. C.S.A. § 6301. Endangering Welfare of Children and Corruption of Minors also punish non-sexual conduct. We would eliminate the statute of limitations for these

crimes only as they relate to the sexual abuse of children or exposure of children to potential sexual abuse.

Powerful psychological forces often prevent child sexual abuse victims from reporting the abuse until well into adulthood, if at all. Many victims feel that their abuse is their fault; many feel that they should not get their abusers into trouble; many are ashamed of their abuse; and many simply repress for decades any memories of the abuse. The harm that sexual abusers inflict on their child victims distinguishes crimes of sexual abuse of children from other crimes for which it is fair to impose a statute of limitations.

To maintain a statute of limitations for crimes involving the sexual abuse of children would be to reward abusers who choose children, the most defenseless victims. Because the harm inflicted by child sexual abuse is so deep and child victims are so vulnerable, the existence of any statute of limitations, however long, virtually ensures that some crimes will not be timely reported and too many abusers will never have to pay for their crimes. It is time to stop giving a pass to child abusers who count on the statute of limitations and the fears and immaturity of their victims to avoid criminal liability.

No constitutional provision or other law would prevent Pennsylvania from eliminating the statute of limitations for sexual crimes committed against children. Pennsylvania has no statute of limitations for other serious crimes: murder, voluntary manslaughter, conspiracy to commit murder or solicitation to commit murder if a murder results from the conspiracy or solicitation, any felony perpetrated in connection with a murder of the first or second degree, and fatal vehicular accidents where the accused is the driver. There is no reason the Legislature could not determine that any or all crimes

of child sexual abuse are serious enough to merit the elimination of the statute of limitations.

Moreover, several other states have statutes of limitations that allow child sexual abuse prosecutions regardless of when the abuse occurred. Some states, such as South Carolina and Wyoming, do not have criminal statutes of limitations at all. Some states, such as Kentucky and West Virginia, have no statute of limitations for felony offenses. Some states have specifically enacted legislation abolishing statutes of limitations for some or all sexual crimes committed against children. Thus, Alabama has no statute of limitation for any sex offense involving a victim younger than sixteen; Maine has no statute of limitations for incest, unlawful sexual contact, sexual abuse of a minor, rape or gross sexual assault committed against children younger than sixteen; Alaska has no statute of limitations for felony sexual abuse of a minor; and Rhode Island has no statute of limitations for rape, first degree sexual assault, or first or second degree child molestation sexual assault.

Even a former official of the Archdiocese has recognized the need for this proposal. Edward Cullen, who was Cardinal Bevilacqua's Vicar of Administration, and who has since himself been elevated to bishop, was asked about the issue during his grand jury testimony. "I think it would be good for society if they had no statute of limitations," acknowledged Bishop Cullen. "I really do. Yes, I do."

It is distressing that a technical, procedural, and somewhat arbitrary rule, a statute of limitations, is the primary barrier precluding the prosecution of priests who sexually abused minors and those who covered up the crimes and allowed them to occur. Whatever justifications exist for statutes of limitation, those justifications are clearly

outweighed where the sexual abuse of children is concerned. Society's interest and responsibility in protecting its children is paramount.

2. *Expand the offense of endangering welfare of children.*

In 1996, the Legislature amended the crime of endangering welfare of children to provide that those who commit endangering as a course of conduct are guilty of a felony of the third degree. We recommend, if the statute is unclear, that a clause be added providing that a person commits endangering as a course of conduct where he endangers at least two children once or one child twice. We further recommend that a person "supervising the welfare of a child" be defined to include: 1) a person who has direct contact with a child or children, *and* 2) a person who employs or otherwise supervises a person who has direct contact with a child or children.

The proposed amendments are designed to address two potential problems with the existing statute. First, we believe that, where a supervisor places a child in continuing contact with a person known to represent a risk to children, that placement constitutes multiple acts and, therefore, endangerment as a course of conduct. Second, we believe it will be helpful to clarify that even a person who does not directly come into contact with a child may nevertheless be supervising the welfare of the child in a very real sense. An Archdiocesan leader, daycare supervisor or Boy Scout official can endanger the welfare of a child without having direct day-to-day contact with children.

We also recommend one further expansion of the offense of endangering welfare of children. Currently, the statute limits liability to those who "knowingly" place a child in danger. As our investigation demonstrates, however, it isn't hard for the people at the

top – the people with real power, who should have real responsibility – to close their eyes to danger, enabling them to claim that they lacked “knowledge.” We believe that, given the vulnerability of children, reckless disregard should be sufficient to create exposure to criminal liability.

3. *Increase the penalty for indecent assault.*

We recommend amendment of the indecent assault statute, 18 Pa. C.S.A. § 3126, to provide that, if the indecent contact with the victim is a course of conduct, it will be graded as a felony of the second degree where the victim is less than 13 years of age, and a felony of the third degree where the victim is older than 13. A spur-of-the-moment grab is obviously a very different crime than a long-term effort to exploit a relationship for unwelcome physical contact. The grading of the offense should reflect this significant difference.

4. *Tighten the Child Protective Services Law reporting requirement.*

We found that Archdiocesan officials used loopholes in the law to avoid reporting abuse to law enforcement authorities, and we want those loopholes closed.

The Pennsylvania Child Protective Services Law currently requires professionals, including clergy, to report abuse when, in the course of their employment, occupation or practice of their profession, they come into contact with children whom they have reasonable cause to suspect are abused. The law arguably applies, however, only where the child personally comes before the reporter. The statute should be amended to clarify that a mandatory reporter must report an allegation of abuse to authorities regardless of whether the source of the report is the child himself or herself or anyone else.

As we have learned from this investigation, although the Archdiocese and its employees have been mandatory reporters since at least 1996, Archdiocese officials read the law as narrowly as they could, so that if they did not have personal contact with an

abused child, they felt no obligation to report the abuse – no matter how accurate the source of the information. Our proposed revision would answer this effort to enfeeble the statute: the employer must report the abuse whether he learns about it from the child or someone else having knowledge.

We also recommend another change affecting the reporting requirement: extend the applicable statute of limitation. Currently, only a two-year window applies, whether the failure to report is a one-time oversight or, as it was here, an ongoing policy. The reporting statute already appropriately raises the grading of the offense where there is a pattern of failing to report. We believe that, where such a pattern exists, the statute of limitations should be increased from two years to five years. An institution that steadfastly fails to report child abuse should not be immune from prosecution if it successfully manages to hide its conduct for 24 months.

5. *Amend the Child Protective Services Law to require background checks in non-school organizations.*

A separate provision of the Child Protective Services law currently requires background checks for applicants for employment in schools. 23 Pa. C.S.A. § 6355. Non-school employers are not obligated to perform such checks, even if their employees and volunteers have extensive contact with children. We would amend the statute to require all employers and organizations to perform background checks on all of their employees or volunteers who have regular contact with children.

This proposed amendment derives from our discovery that no law requires the Archdiocese to conduct background checks of church employees who have contact with children outside of an official school setting. Clergy are entrusted with children in many

roles – for example, as supervisors of altar servers, as employers of children in rectory jobs, as confessors, as CYO supervisors, and as children’s coaches. We believe that an employer who places a person in substantial contact with children, whether as a teacher or in any other activity, should have to perform a background check of that employee or volunteer.

6. *Hold Unincorporated Associations to the Same Standard as Corporations for Crimes Concerning the Sexual Abuse of Children.*

Currently, legal corporations can be criminally culpable if a statute so provides or if “the commission of the offense was authorized, requested, commanded, performed or recklessly tolerated by the board of directors or by a high managerial agent acting in behalf of the corporation within the scope of his office or employment.” 18 Pa. C.S.A. § 307. Certainly the decades-long cover-up of priest sexual abuse was authorized and performed by high managerial agents acting on behalf of the Philadelphia Archdiocese within the scope of their employment. But the Archdiocese is not technically a corporation; it is instead considered to be an “unincorporated association.” Unincorporated associations like the Archdiocese can be held criminally culpable only if a statute expressly provides for the association’s culpability.

We do not believe that an entity’s decision to select one corporate form instead of another should determine whether it can be criminally prosecuted for its actions or inactions resulting in the sexual abuse of children. Other jurisdictions do not maintain such a distinction based on corporate status. We would amend 18 Pa. C.S.A. § 307 to provide that, where a corporation would be guilty of an offense relating to the sexual abuse of children, an unincorporated association committing the same act would also be criminally culpable.

7. *Enlarge or eliminate statutes of limitation on civil suits.*

As a grand jury, our function is of course limited to examination and application of criminal offenses. We recognize the reality, however, that civil liability may also provide a disincentive to the kind of systemic sexual abuse that occurred here. Indeed, Archdiocese officials never seemed to believe that clergymen could ever go to jail for abusing, or allowing the abuse of, children; but they did display an obvious fear that they would be sued for such conduct. For many victims of sexual abuse by priests, civil liability may be the only available means to seek recognition of their injuries and a measure of repose. Moreover, unlike statutes of limitation for criminal offenses, the time for bringing a civil suit can be lawfully extended or revived even after the original limitations period has expired.

Accordingly, we ask the legislature to consider lengthening or suspending civil statutes of limitation in cases of child sex abuse.

Section V

Selected Case Studies

The Grand Jury reviewed hundreds of allegations of sexual abuse committed by priests in the Philadelphia Archdiocese. The Jurors examined “Secret Archives” files for 169 priests (121 Archdiocesan and 48 religious-order priests working in the Archdiocese) and 2 permanent deacons. These files were supplied by the Archdiocese in response to a subpoena asking for all records relating to allegations of sexual abuse of minors by priests that had come to the attention of Church officials since 1967. In addition to these Secret Archives files, the Grand Jury also subpoenaed and reviewed the personnel files of many of these priests.

We have not, in this Report, attempted to summarize all of the evidence we received or to describe the allegations against all 171 clerics. We have chosen instead to focus and report in depth on a representative sampling of these priests. These are not necessarily the worst offenders with the most victims. They were chosen because the evidence from their files and the witnesses who testified about their cases provide the most complete picture of clergy sexual abuse of children in the Archdiocese, the impact on the victims and their families, and the Church leaders’ strategies to conceal the priests’ crimes.

The nature of sexual abuse of minors, including the reluctance of victims to come forward, is such that the official record typically represents only the tip of the iceberg. In this case, we also do not have the full story because of the Archdiocese’s longstanding efforts to suppress the truth about its priests. There are many victims whose names were

never recorded. Church records obscured crimes with euphemisms – an attempted rape, for example, was recorded as “touches.” The Archdiocese’s success in keeping these crimes hidden for so many years has made a full investigation of them at this time nearly impossible. Still, the evidence summarized in this report makes clear the patterns of sexual abuse and the cover-up by Church officials that have haunted and outraged the members of this Grand Jury.

The following case studies of selected priests reflect our findings based on documents from the priests’ Secret Archives and personnel files, and on the testimony of victims, witnesses, and Archdiocesan priests and managers. We found these cases to be representative of the priests whose files we reviewed. We also found that the Archdiocese’s response to the allegations against these priests accurately illustrates how, unfortunately, such cases were routinely handled.

The names of the victims, their families, and parishioners who reported priests’ offenses have been changed.