

Examination of the Philadelphia Archdiocese's Response to the Grand Jury Report

Sept. 21, 2005

Overview

The Supervising Judge of the Grand Jury permitted the Archdiocese and its lawyers to review and respond to the Report of the Grand Jury that investigated the sexual abuse of minors by clergy. The Grand Jurors were granted no opportunity to see the Archdiocese response or to review it for accuracy. Nor was the response subject to a review by the Supervising Judge, as was the Grand Jury's report, to determine whether it was supported by a preponderance of the evidence presented to the Grand Jury.

The result is an extremely depressing document. The Archdiocese statement demonstrates that Church leaders have not used the recent exposure of the magnitude of child sexual abuse by priests as an opportunity to change. Instead, their 70-page response to the Grand Jury's report displays all too familiar denials, minimizations, and evasions. It attacks the messenger rather than addressing the problem presented. And it exhibits the same reliance on falsehoods and gamesmanship that the Archdiocese has used for decades to avoid its responsibility to sexual abuse victims, Catholic families, and this community. It offers no basis for confidence that things will be different in the future.

Indeed, the Archdiocese response defends equally the practices of Cardinals Krol and Bevilacqua, conceding no wrongdoing despite the overwhelming evidence reported by the Grand Jury. While apologizing for the "abhorrent behavior of some of its priests," the Archdiocese takes no responsibility and makes no apology for its own policies and actions that have facilitated this abuse and protected the abusers. It asks the public to believe that such abuse "is not tolerated by the Church," in the face of decades of just such

overview, cont.

toleration. It tells the public that the problem lies with a “tiny fraction” of priests. It announces an impressive set of new policies which give the appearance that the Archdiocese is serious about dealing with the problem.

The Archdiocese then displays the same old mindset and strategies it has brought to this problem for generations. Rather than deal with the report’s substance, the Church leaders attack the grand jury process, the “inquisitors,” and the report itself. Their response is replete with errors, distortions, and contentions contradicted by the record. It completely mischaracterizes the report’s conclusions as a tissue of assertions by the District Attorney’s Office, when they actually represent findings of facts by the Grand Jury. Rather than face the hard truths revealed in the report, the Archdiocese chooses to dismiss the message as the product of anti-Catholicism “reminiscent of the days of rampant Know-Nothingism.” It asks people to trust its word, then tells them falsehoods.

Time and space do not permit an exhaustive list of the misrepresentations. What follows, with references by page number, are examples of the Archdiocese’s claims in its response to the Grand Jury Report, and our responses to those claims, based on facts and evidence established in the record. Even a partial accounting is sufficient to show how:

- Church leaders continue to minimize the problem of sexual abuse in the Philadelphia Archdiocese and their past concealment of that abuse.
- Rather than honestly face the findings revealed by the investigation, the Archdiocese indulges in gamesmanship, denial, and disparagement of the Grand Jury process and Grand Jury report.
- The Archdiocese continues to admit no wrong and refuses to accept responsibility for its actions, despite the terrible consequences that have flowed from them.

A. The Archdiocese response shows a continuing effort to belittle the magnitude of priests’ sexual abuse of children.

chart on last page. *Archdiocese claim:* The Church’s attorneys provide a chart on the cover page purporting to compare this investigation to those in other areas of the country. The chart claims to show, for example, that the Philadelphia Grand Jury spent a longer time and more pages investigating a smaller number of abusive priests than Boston did.

Facts: The Archdiocese’s comparison is not valid. The 250 “priests” in Boston recorded by the chart represent 237 priests and 13 other Archdiocese workers against whom **allegations** of sexual misconduct with minors have been made **since 1940**. The closest comparable figure in Philadelphia would be **171 “priests”** (121 Archdiocesan priests, 48 religious order priests working in the Archdiocese, and 2 permanent deacons) similarly accused in Philadelphia **since 1967**. (See p. 77 of the Grand Jury Report.)

In response to a subpoena seeking the files of all clergy accused of sexually abusing minors since 1967, the Archdiocese of Philadelphia turned over records of 169 priests and two others. Moreover, the Grand Jury was able to fully substantiate allegations against 63 priests through witness testimony and Archdiocese documents. The Massachusetts grand jury did not undertake the task of actually substantiating such allegations. And it named fewer than 20 of the priests who had been accused.

In Manchester, New Hampshire, the grand jury wrote that it conducted a “thorough investigation of the Diocese’s handling of eight priests.” The diocese voluntarily released documents relating to 33 other accused priests, which were not thoroughly investigated in the same manner. In addition, in claiming that 60 priests were investigated in Manchester, the Philadelphia Archdiocese is also counting 19 Massachusetts priests whose files were released without thorough investigation.

p. 35. *Archdiocese claim:* According to the Archdiocese, the Grand Jury Report “claims that 62 priests – not 35 – engaged in this conduct.” The Archdiocese still maintains that Cardinal Bevilacqua was correct in February 2002 when he told the public that only 35 priests had been credibly accused in Philadelphia in the past 50 years.

A. belittling the abuse, cont.

Facts: First, the report does not claim that only 62 priests “engaged in this conduct.” On the contrary, the Grand Jury stated that it had no doubt there were many more abusive priests. (See p. 2.) Second, even excluding 11 clergy whose abuses were first reported to the Archdiocese after February 2002, there were far more than 35 credibly accused priests known to the Archdiocese when the Cardinal made his public remarks.

If Cardinal Bevilacqua was excluding from his number some accused priests because Canon law obligates “submission to [their] lawful Religious Superior,” he should have explained that to the people of Philadelphia. The normal assumption of those who reported abusive priests to Church officials was that the Archdiocese is responsible for priests working in its schools and parishes — especially if they are discovered to be child molesters.

Also, if the lawyers’ response is implying that Cardinal Bevilacqua’s “35” did not include dead priests, that implication is false. The Archdiocese provided the Grand Jury with a list that Msgr. Lynn stated was the list of 35 (it inexplicably contained only 34 names). At least three of the priests on that list were dead in February 2002 (Frs. Gausch, McKenzie, and Broughan).

Finally, the Archdiocese response asserts that the Cardinal properly excluded “a number of additional priests” from the 35 he cited because the accusations were not determined to be credible until, in many cases, decades after they were registered. But the main reason these allegations were not substantiated earlier is that the Archdiocese refused to investigate them

p. 46. *Archdiocese claim:* In reference to Fr. Bryzski, the Archdiocese response states: “Before this priest’s removal 26 years ago, the Archdiocese had received a handful of complaints, and only a few complaints since his removal.”

Facts: This assertion is unfortunately typical of the Archdiocese response. In fact, Fr. Bryzski was not removed from ministry – he quit – in 1985, 20 years ago. (See p. 87.) And – not counting three victims who testified before the Grand Jury (who may now have made reports to the Archdiocese) – Church files identified 11 reported victims – more than “a handful” plus “a few” would imply.

B. The Archdiocese describes as “isolated occasions” or “slipping through the cracks” examples of repeated and deliberate behavior.

p. 40. *Archdiocese claim:* The Archdiocese response includes a personal statement by Msgr. William Lynn, Cardinal Bevilacqua’s Secretary for Clergy. In it, he asserts: “What the report fails to state is that, on the isolated occasion that the Archdiocese more closely scrutinized an individual who presented allegations of misconduct years ago, those allegations had been made against a priest with a previously spotless record.”

Facts: Monsignor Lynn is presumably explaining why the Archdiocese intrusively investigated a victim of Fr. Schmeer – the victim is referred to as “Kevin” in the report – collecting his school records, tax records, and confidential bank records. The former top aide does not explain why, two years later – in 2004 – he once again suggested to a colleague that he “gain better information on [another Fr. Schmeer victim’s] family.” (See p. 18 of the Grand Jury Report.) Nor was this an “isolated occasion.” According to Archdiocese records and Grand Jury testimony, Msgr. Lynn also investigated the family of a victim of Fr. Gausch, a priest with a long history of abuse allegations. (See p. 121.) Monsignors Lynn and James Molloy investigated a seminarian who had been abused for seven years by Fr. Gana. (See p. 84.) And an investigator hired by the Archdiocese’s law firm investigated and intimidated a victim of Fr. Furmanski. (See p. 355.)

p. 44. *Archdiocese claim:* “Monsignor Lynn candidly acknowledged that for many reasons [allegations against Fr. Gana] unintentionally ‘slipped through the cracks.’”

Facts: This “candid” admission of error is billed in the response as the Archdiocese’s “isolated mistake,” *the only error* made by the Church hierarchy in handling sexual abuse allegations over the years. Besides being absurd and disturbing, this assertion is ironic, because the Grand Jury found that Cardinal Bevilacqua’s failure to remove Fr. Gana from his pastorate, or even to order him to undergo an evaluation, was not a mistake at all.

B. “slipping through the cracks,” cont.

Before coming up with the explanation that Fr. Gana’s case must have slipped through the cracks, Msgr. Lynn tried to justify the failure to act on allegations that Fr. Gana had molested and anally raped a boy for seven years, by claiming that he (Msgr. Lynn) had doubts about the victim’s credibility. Monsignor Lynn testified that he believed the victim, who at the time of the allegation was a seminarian, might have made up the abuse charges in order to deflect unrelated accusations of homosexual activity that were being leveled against himself. The Grand Jury did not find this explanation credible. (Monsignor Lynn himself had been a witness to the abusive priest’s frequent visits to the seminarian’s dormitory.)

Documents provide further evidence that the failure to act on the seminarian’s allegations was deliberate. An Archdiocese memo records Cardinal Bevilacqua reviewing the seminarian’s case, months after he had been excardinated, and deciding that “no additional action is needed at this time.” (It is unclear exactly what the Cardinal reviewed – whether it was the trumped up case against the seminarian, or his accusations against Fr. Gana, or both. In any case, a review of any of these would surely have triggered someone’s memory that the victim’s abuser, Fr. Gana, was still a pastor.) (See p. 88.)

To admit error in this case was more advantageous to the Archdiocese than the Grand Jury’s alternative finding, but that does not give it credibility. Indeed, the Grand Jury Report establishes a decades-long pattern of leaving abusive priests in ministry which could only have been the result not of occasional lapses but of calculated policy.

C. The Archdiocese misrepresents its willingness to cooperate with law enforcement.

p. 20. *Archdiocese claim:* The Archdiocese asserts in its response that a Grand Jury was unnecessary because Church officials had offered to voluntarily turn their files over to the District Attorney’s Office.

C. alleged cooperation, cont.

Facts: In an attempt to fend off a Grand Jury investigation in 2002, the Archdiocese told the District Attorney's Office that it would voluntarily turn over its files on priests who had been accused of sexually abusing minors. But when representatives of the District Attorney met with lawyers for the Archdiocese, it quickly became apparent that the Church was not interested in being open and transparent. It offered to turn over the files on only 24 priests – and these files would be stripped of any documents that the Archdiocese lawyers determined were privileged or confidential. Also removed would be any documents relating to events that occurred outside of Philadelphia. Although the District Attorney's Office was willing to listen to the Archdiocese's proposal, it determined that the grand jury's powers were necessary not only to subpoena documents but also to compel testimony, as well as to offer a confidential setting in which victims and witnesses could testify.

p. 22. *Archdiocese claim:* The Archdiocese insists it cooperated fully with the Grand Jury investigation.

Facts: The Archdiocese and its lawyers obstructed the Grand Jury's investigation at every turn. That the Archdiocese turned over numerous documents is evidence not of cooperation, but of legal compulsion. (Even the personnel files that the Archdiocese claimed to deliver voluntarily, "in the spirit of transparency," were handed over only after the District Attorney's Office found several documents relating to allegations of sexual abuse in the personnel file of a priest. Before this discovery, the Archdiocese had certified that these files contained no relevant documents. The District Attorney's Office was preparing to go back to the Supervising Judge with this information when the Archdiocese "voluntarily" handed over the personnel files.) The Grand Jury's first subpoena was met with a motion to quash. The Archdiocese lawyers raised First and Fourth Amendment challenges. They challenged the Grand Jury's right to documents pertaining to abuse committed outside the city limits by Philadelphia priests and reported to the Philadelphia Archdiocese. When Msgr. Lynn was asked to produce 48 different categories of documents, he showed up with 2.

p. 24. *Archdiocese claim:* "Every witness testified for as long as was required."

C. alleged cooperation, cont.

Facts: It is astonishing that the Archdiocese would have the temerity to assert that all of its witnesses freely answered all questions. Monsignor Lynn should be asked whether, under the veil of secrecy of the grand jury, he in reality invoked his Fifth Amendment right to silence, putting a complete halt to all questioning. Cardinal Bevilacqua had his lawyer file a protective order seeking “to preclude any further testimony or appearance before the grand jury.” This was denied. (Motion for Protective Order, filed August 29, 2003.)

p. 25. *Archdiocese claim:* “While there was occasional carping by the Assistant District Attorneys assigned to this investigation about their perception of Archdiocesan cooperation, when repeatedly questioned by Archdiocesan counsel what more they wanted, they gave no meaningful response.”

Facts: For the past two years, at least, the DA’s office has repeatedly asked for interviews with priests and abuse victims conducted by the Archdiocesan Review Board and its investigator. The Archdiocese has never turned these over to the Grand Jury.

p. 26. *Archdiocese claim:* “By the fall of 2002, when the Archdiocese complied with the final subpoena for secret archive documentation, the grand jury had all of the information that it needed to determine that no prosecutable crime had been committed.”

Facts: The Archdiocese carefully words this assertion, stating that it had complied with the subpoena for “secret archive documentation.” It had not, however, turned over personnel files that contained many sexual abuse allegations. Indeed, had the Archdiocese been as cooperative as it now claims it was, we probably could have finished the investigation with one grand jury. The Archdiocese criticizes the District Attorney’s Office and the two grand juries it convened for conducting such a lengthy probe, yet months and months were wasted by Church leaders’ obstructionist litigation.

D. The Archdiocese repeats assertions that the Grand Jury did not find credible.

p. 10. *Archdiocese claim:* The Archdiocese describes what it claims were its procedures for handling sexual abuse allegations during Cardinal Bevilacqua's tenure.

Facts: The Archdiocese statement persists in proclaiming policies that, the Grand Jury concluded, do not reflect actual practices or obscure the actual results. While the procedures may sound good on paper, in practice they resulted in many sexual offenders remaining in ministry with access to children. The devil here is in the details – in the Archdiocese's definition of what constitutes an "allegation" (an admission by a priest, without an accuser coming forward, for example, does not seem to trigger the process); in what is defined as "sexual abuse" (an incident in which a priest directed a boy playing Jesus in a passion play to undress, pricked his penis while pinning a costume on him, and instructed other boys to whip him, did not apparently qualify as abuse); in how the Archdiocese determined whether "allegations were true and could be corroborated" (there was a policy against interviewing other known victims and a practice of interviewing no one but the accused priest); in the fact that many serial molesters were not technically diagnosed as pedophiles or ephebophiles by an Archdiocese hospital (and so were permitted to return to ministry).

The results of the Archdiocese "policies" – dozens of priests molesting hundreds of children over decades – speak for themselves.

p. 34. *Archdiocese claim:* The Archdiocese response asserts that "the report never acknowledges the importance to Cardinal Bevilacqua that children be protected." In support of this claim, an accompanying footnote reads: "For example, in a memorandum in the Appendix written by the Cardinal that discussed options for an accused priest, the Cardinal rejected the priest's request to return to his education ministry, emphasizing that the Cardinal was concerned first with the victims and then with the Church."

Facts: Protecting children was never mentioned in this memo. (See Appendix D-20.) The Cardinal does write: "I told him that I had to be concerned for the victims, for the Church, and for him." But this reference to "victims" is preceded by the Cardinal's explanation for not returning Msgr. Walls to his position as Vicar for Catholic Education: "Among

D. discredited assertions, cont.

the more immediate reasons was the fear that the parents of the recent victims were not likely to take any action of a legal nature as long as the Archdiocese had acted strongly.” It is telling that, to find a single instance in which the Cardinal expresses concern for victims, the Archdiocese response had to cite a document that first detailed worries about legal liability.

Elsewhere when listing his priorities, victims and children are not mentioned. For instance, Cardinal Bevilacqua told Fr. Dunne that, as Archbishop, he had to be concerned first with scandal, second with the good of the Church, and third with Fr. Dunne. (See p. 163.) The Grand Jurors, after listening to his testimony and reviewing documents, did not find Cardinal Bevilacqua’s professed concern for children convincing.

p. 41. *Archdiocese claim:* Monsignor Lynn underlines the following statement: “It is regrettable that the report never informs the public that priests were removed and their faculties limited while investigations were ongoing.”

Facts: The Grand Jurors did not inform the public of this because they did not find this to be the case. Father Cudemo, for example, was not removed from his parish until almost two months after several extremely credible allegations were reported to the Archdiocese. His faculties were not removed for another year and a half. And they were later returned to him even though the Archdiocese knew of many credible allegations against the priest. (See pp. 141-150.) Other priests who retained their faculties after allegations or reports were received include Frs. Gana (see p. 85), Gausch (p. 122), Dunne (pp. 161-174), McCarthy (p. 243), Kostelnick (p. 255), DePaoli (p. 261), Walls (p. 277), Schmeer (p. 313), Giliberti (p. 321), and Furmanski (p. 347).

E. The Archdiocese response distorts, mischaracterizes, and contradicts what the Grand Jury Report states.

p. 34. *Archdiocese claim:* The Archdiocese response quotes words from the Grand Jury Report that do not appear in the report. For example, the response criticizes the report for alleging that Cardinal Bevilacqua “lied” in his testimony, putting quote marks around the word when referring to “some of the claims in the report that Cardinal Bevilacqua ‘lied’ about what he knew and when he knew it.”

Facts: The Grand Jury’s report does not use the word “lied” with reference to Cardinal Bevilacqua (even though the Jurors concluded, in some instances, that they did not find his testimony credible).

p. 36. *Archdiocese claim:* Cardinal Bevilacqua’s “delegation of responsibility to a senior and experienced staff member is wrongly characterized as improper behavior.”

Facts: The report never criticizes the Cardinal for delegating responsibility to Msgr. Lynn, the Secretary for Clergy. In fact, the Grand Jury found that the Cardinal was intimately involved in decisions relating to child abuse allegations and the disposition of abusive priests.

The jurors heard testimony from Msgrs. Lynn and Molloy, as well as from Bishop Edward Cullen and Cardinal Bevilacqua himself, that the Cardinal promptly received reports of any significant sexual abuse allegation. He then decided what action should be taken – for example, whether to send a priest for an evaluation or remove him from his parish. The Cardinal read reports from the therapists and made decisions about whether priests would return to ministry.

It is not clear what the Archdiocese response means when it says that the Cardinal had “little or no first-hand knowledge.” No one but the priest and the victim did.

E. mischaracterizing the report, cont.

p. 46. *Archdiocese claim:* In support of its contentions that the Grand Jury presumptively believed victims’ testimony and magnified accusations against priests, the Archdiocese response states: “For example, in not one but in four places, the report accuses one priest of abusing 100 victims.”

Facts: The report actually accuses this priest, Fr. Brzyski, of sexually abusing 17 boys – not 100. (See p. 17.) The report does cite one witness’s testimony that Fr. Brzyski was notorious as an abuser and the victim’s estimate that the priest probably had nearly 100 victims at one parish alone. (See p. 179.) Another victim testified that Fr. Brzyski kept a box of as many as 100 photos of boys, many nude, in his bedroom. (See p. 183.) This testimony by the victims was entirely proper. Despite the testimony, however, the report limited its count of victims to the 14 mentioned in the Archdiocese files and 3 who appeared before the Grand Jury.

p. 46. *Archdiocese claim:* The Grand Jury Report’s account, according to the Archdiocese response, “ignores Monsignor Lynn’s testimony” regarding two teenage brothers left living in a rectory with Fr. Sicoli, a priest with a long history of complaints against him. The response states that Monsignor Lynn’s “testimony” was that “when that situation was first brought to his attention, the boys – who were children of the rectory cook and had briefly lived at the rectory at the request of the cook – had already been relocated.”

Facts: Monsignor Lynn did not testify about Fr. Sicoli. The mother of the boys, who was not the rectory cook, did testify. The boys did not live at the rectory “briefly” but for almost a year. And not only were the boys living with Fr. Sicoli in the rectory in November 2001, when Msgr. Lynn was first informed of their situation – they were still living there in April 2002, when he was informed again. (See pp. 218-220.)

p. 48. *Archdiocese claim:* The response states: “Cardinal Bevilacqua correctly testified the Archdiocese at all times obeyed Pennsylvania Law. Yet the report criticizes and sneers that his interpretation of the law is ‘unacceptable’ and is the product of a ‘strained and narrow interpretation of the law.’”

E. mischaracterizing the report, cont.

Facts: It is not the Cardinal’s interpretation of the law that the Grand Jury Report labeled “unacceptable.” It was the Cardinal’s position that it was perfectly all right to know that children are being raped and sodomized and to not report those crimes to police – just so long as one was not breaking the law in failing to come to the defense of these children. The Grand Jury found it unacceptable for the head of a religious institution – or anyone for that matter – to choose not to report these crimes unless forced to by law.

In addition, the Grand Jury’s report noted that the Archdiocese relied on a strained and narrow interpretation of the existing reporting statute in order to circumvent the spirit of the law and avoid reporting criminal allegations. The Grand Jury did not find the Archdiocese’s interpretation of the law to be either correct or incorrect. Instead, it recommends tightening the language so that it could no longer be circumvented simply because a parent, or other person, reported a child’s abuse, rather than the child himself.

p. 59. Archdiocese claim: “The report portrays allegations as if they were reported to the Archdiocese at the time they occurred; whereas, in reality, the allegations were most often reported years and years after the actual instances of abuse, and often years and years beyond the victim’s reaching the age of majority. For example, the report’s construction of the Monsignor Furmanski ‘case study’ ...begins in 2002, when a victim told Archdiocesan officials that he had been abused by the priest 38 years earlier. This is the first anyone ever approached the Archdiocese with allegations of sexual abuse against Monsignor Furmanski.”

Facts: The Grand Jury Report always records both the date of the alleged abuse and the date on which it was reported to the Archdiocese. In the case of Msgr. Furmanski, he was accused by a mother of abusing her 11-year-old boy in 1999. As a result of that accusation, which was reported to Msgr. Lynn in 1999, Cardinal Bevilacqua transferred the priest from a pastorate to a hospital chaplaincy. The 2002 allegation – from another victim, who reported abuse that had occurred 38 years earlier – was the second made against Msgr. Furmanski. (See pp. 247, 251.) In making its argument in the response, the Archdiocese itself describes the 1999 report by the 11-year-old’s mother. The fact that Church officials still claim that the 2002 allegation was the first suggests that they continue to use the technique of dismissing a

E. mischaracterizing the report, cont.

report that they fail to substantiate and then, when other allegations surface, pretending the earlier allegation never occurred.

p. 60. *Archdiocese claim:* “The report falsely claims that Archdiocesan leaders initiated an investigation into a seminarian, branded him a homosexual, and expelled him from the seminary after he came forward with allegations of abuse against a certain priest and threatened to sue the Church. In reality, the Seminary administration was investigating the seminarian in question because he was rumored to be involved in homosexual activities. It was only at the end of the investigation that the seminarian first alleged that he was abused years earlier by a priest in the Archdiocese.”

Facts: The response mischaracterizes the report. The Grand Jury report does not say that the seminarian reported his abuse to the Archdiocese before the Archdiocese launched its investigation. The report says that, in late 1991, in the course of the Seminary’s internal probe into rumors (that proved unsubstantiated) about the victim, the Seminary rector learned from other students that the victim had been abused by Fr. Gana and was beginning to tell his story to fellow students and priests. The Rector then reported this information to the Archdiocese, along with his opinion that the seminarian might sue the Archdiocese for “pedophilia.” That is when Cardinal Bevilacqua and his top aides launched their investigation that resulted in the seminarian’s excommunication despite the fact that the charges against him were unsubstantiated. The victim did not, himself, tell Archdiocese officials about his abuse by Fr. Gana until April 1992. He never threatened to sue. (See pp. 83-85.)

F. The Archdiocese response minimizes or falsely dismisses evidence on which the Grand Jury reached findings.

p. 29. *Archdiocese claim:* “The report takes an incident where Cardinal Krol suggested that a certain priest seek voluntary laicization and impugns a motive to ‘absolve the Archdiocese of liability.’”

F. disregarding record evidence, cont.

Facts: The Grand Jury did not have to speculate very wildly to reasonably determine Cardinal Krol's motive. The Cardinal's direction to his aide – to try to persuade that “certain priest,” Fr. Brzyski, to seek laicization – was written on a memo. On that memo the aide had advised Cardinal Krol: “Father Peterson [the director of Saint Luke Institute] personally told me that in cases similar to Father Brzyski's it is important for the Bishop to consider the question of laicization in regard to each individual priest involved with sexual misconduct. Father Peterson further stated, and it is clearly stated in the Canonical section of his report, that unilateral withdrawal from the ministry or even suspension does not insure the Archdiocese that it is no longer responsible for the action of its priests.” This memo is quoted in the report, immediately preceding the phrase that, according to the Archdiocese response, “unjustly constructs an evil motive out of a myriad of possible explanations for Cardinal Krol's suggestion.” (See p. 188.)

p. 38. Archdiocese claim: “That [Cardinal Bevilacqua] was concerned about legal liability is inferred either from a memo addressed to him or a memo in a file of a priest where the term is mentioned.”

Facts: This suggestion – that a reference to “legal liability” in a single document is the only evidence supporting the Grand Jury's finding that Cardinal Bevilacqua was concerned about legal exposure – is disingenuous, at best. (See the report.)

p. 43. Archdiocese claim: The Archdiocese response states: “These conclusions of the District Attorney's Office are supported only by: (1) mere fragments of historic documents and pieces of unrelated testimony, scissored and pasted out of their original context, (2) negative inferences drawn without benefit of the entire story, and (3) false assumptions based on misguided preconceptions.”

Facts: First, the report's conclusions are not merely the District Attorney's. They are the conclusions of the Grand Jury. Second, the Archdiocese is in possession of the documents quoted in the report. If there was something in them to contradict the findings of the Grand Jury, the Archdiocese in its response would have said so.

F. disregarding record evidence, cont.

p. 45. *Archdiocese claim:* A heading in the Archdiocese response states: “Non-Archdiocesan testimony was presumptively correct; Archdiocesan testimony was presumptively disregarded.”

Facts: This unfounded accusation is an insult to the Grand Jurors who conscientiously sifted through thousands of pages of documents, considered with open minds the testimony of all witnesses, asked them thoughtful questions, and made careful findings of fact. The report accurately reflects the findings of the Jurors, not the District Attorney’s Office.

p. 46. *Archdiocese claim:* The Archdiocese response, in footnote 24, states: “As yet another example of its unfair treatment of Archdiocesan witnesses, the report makes the snide comment that Monsignor Lynn had lied to victims about whether other individuals had been abused by the priest. At the time that Monsignor Lynn met with the victim referenced, that victim was the first person ever to make a claim of abuse against the priest. So, Monsignor Lynn truthfully said that no one else had brought a claim.”

Facts: We are not sure which victim the Archdiocese lawyers are referring to. The Grand Jury did find that, “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.” (See p. 41.) In 2002, for example, Msgr. Lynn told a victim of Msgr. Furmanski that he knew of no other boys with whom Msgr. Furmanski had been involved – even though Msgr. Lynn, in 1999, had himself handled another allegation against the priest – this one from the mother of the 11-year-old boy. (See pp. 354-355.)

Again in 2002, Msgr. Lynn told a victim of Fr. DePaoli that she was the only one to ever accuse the priest of sexual abuse. He actually told her this twice. The first time, the Secretary of Clergy was unaware that another victim had

F. disregarding record evidence, cont.

accused the priest. Shortly thereafter, however, Fr. DePaoli himself informed Msgr. Lynn that there had been another accuser. Monsignor Lynn commented to Fr. DePaoli that this was problematic because he had informed the victim that there were no others. Yet when the victim asked Msgr. Lynn again, later, if he was sure there were no other accusers, Msgr. Lynn repeated that she was the first. This time he knew that his answer was false. (See p. 272-273.)

p. 47. *Archdiocese claim:* “The report makes the ridiculous suggestion that to avoid its obligation under [the State’s child abuse reporting statute] the Archdiocese interposed an intermediary who received the minor’s report so that it would not have to make the required report.”

Facts: The Archdiocese interprets the Pennsylvania statute to require that an abused minor appear in person in order to trigger a mandatory report to civil authorities. The Grand Jury’s finding that the Archdiocese used a go-between in order to avoid speaking directly with an abuse victim is based on the fact that the Archdiocese – before it handed over to the Grand Jury documents relating to accusations against Msgr. David Walls – whited-out a portion of a document to conceal its content. From another document in the file, the Grand Jury was able to determine that the concealed portion indicated approval of the use of a priest named Fr. John McFadden as a “go-between” with the victim’s family.

The Archdiocese labels the implied motive for this use of an intermediary – so that Church officials could avoid a legal duty to report the abuse – as “ridiculous.” But unless this portion of the document has some sort of legal significance and was redacted because it constituted the advice of legal counsel, its alteration would constitute tampering with a document. The Archdiocese has provided no other rationale for concealing this portion of the memo from the Grand Jurors.

G. The Archdiocese response plays games with the facts and, in some instances, resorts to outright falsity.

p. 11. *Archdiocese claim:* The response suggests that the Grand Jury Report unfairly maligns the therapists, psychologists, and social workers employed by Saint John Vianney Hospital.

Facts: The report does not focus its criticism on the therapists or staff of the hospital. Their evaluations have been hampered not by the quality of the staff but, often, by the information provided – or not provided – by the Archdiocese. (One therapist wrote to the Archdiocese, years after he evaluated Fr. Brennan, to complain that he had not been afforded sufficient access to information to make a proper diagnosis.)

Likewise, treatment, after-care, and monitoring of sexual abusers have often been rendered ineffective because of Archdiocese decisions not to follow recommendations, after-care plans, or even urgent warnings. In some cases, doctors have been asked questions unrelated to their expertise – such as whether a priest should be returned to ministry with so much gossip in a parish. (See pp. 414, 412.) The insult to the therapists’ professionalism comes far less from the Grand Jury’s report than from Church leaders’ decades-long abuse of therapeutic protocols to justify the retention of sex abusers in ministry.

p. 28. *Archdiocese claim:* “The Archdiocese did not deter victims and their families from going to the authorities.”

Facts: Documents in the files of several priests, reviewed by the Grand Jury and recorded in its report, clearly indicate Archdiocese efforts to dissuade or prevent parents from pursuing charges against sexual molesters. See the report’s findings re Frs. Cudemo (p. 143), Walls (Appendix D-20), Trauger (pp. 306-307), Mulholland (p. 329), and Bolesta (p. 398).

p. 40. *Archdiocese claim:* Monsignor Lynn states: “The only time at all that I was suspicious of a victim’s allegations were when all that was demanded was money, with no interest in counseling or healing.”

G. false statements, cont.

Facts: This is a significant and telling statement, for two reasons. First, Msgr. Lynn is as much as admitting that he was not telling the truth when he testified under oath that he did not believe the allegations of the seminarian who accused Fr. Gana of abusing him. (This victim has never sought money from the Archdiocese.) (See p. 86.) Second, it means that Msgr. Lynn found credible the vast majority of allegations that he received during his 12-year tenure as Secretary for Clergy.

p. 43. Archdiocese claim: Monsignor Lynn states: “The report covers many cases and makes assumptions as to what my motives and thinking were in handling these cases. It should be noted that in testifying before the grand jury, I was only questioned about three priests. The rest of the report speaks emphatically about my thoughts and actions when I was never asked about them.”

Facts: It is amazing that Monsignor Lynn would now complain that he was not afforded an opportunity to answer questions about more priests. He should be asked if he ever invoked his right to remain silent.

p. 47. Archdiocese claim: “One last example [of allegedly believing the victims, presumptively, while disbelieving Archdiocese witnesses] is where the report claims that a victim was told by Monsignor Lynn that what happened to her was ‘not that bad.’ This is plain wrong. Msgr. Lynn never said that, and would never have said such a thing to any victim.”

Facts: The Archdiocese’s attempt to present Msgr. Lynn’s “testimony” through this document, rather than in front of the Grand Jury, deprives the Grand Jury of its role in assessing credibility and frees the “witness” from any legal obligation to be truthful. The Grand Jurors made their findings based on the evidence before them. (See p. 272.) Further evidence that the Archdiocese belittled the seriousness of this victim’s abuse (by Fr. DePaoli) is reflected in a statement later made *publicly* by Cardinal Bevilacqua. After telling the victim privately that he believed her allegation, he told reporters that Fr. DePaoli was “not a danger to anyone.” (See p. 274.)

G. false statements, cont.

p. 51. *Archdiocese claim:* In reference to Fr. Kostelnick, the Church’s response states: “The report also claims that the Archdiocese should have rejected St. John Vianney Center’s evaluation because of past allegations. What the report fails to mention anywhere is that those past allegations had been made by third parties and had been investigated by Bucks County authorities. The authorities determined that the claims were unfounded and did not bring any charges.”

Facts: There is so much that is false in these three sentences, it is hard to know where to begin. Saint John Vianney based a 2002 evaluation of Fr. Kostelnick in part on an understanding that there was “no history from the Archdiocese since the late 1980s . . . that would suggest that he would be acting on these attractions [to young girls] now.” Allegations that the therapists apparently were unaware of included: a 1992 eyewitness report by a fellow priest, a 1992 report by a mother that her two daughters had been abused, and 1992 third party reports of two more victims. None of these allegations had been investigated by any law enforcement agency.

The only report investigated by law enforcement was one made in 1987, involving Fr. Kostelnick’s alleged fondling of an 8-year-old girl. In that case, Bucks County detectives investigated the report and referred it to the District Attorney, who did not pursue charges. The reason for the failure to prosecute is not recorded. Nowhere is there a finding that the allegation was “unfounded.” All of this information is in the Grand Jury Report. (See pp. 255-258.)

p. 53. *Archdiocese claim:* “As Monsignor Lynn would have testified if he had been asked, in the case of Father Cudemo the process to remove him from his pastorate had been underway well before the lawsuit referenced. Similarly, Father Dunne had been removed because of his past behavior, not because of a lawsuit.”

Facts: The Grand Jury would have liked the opportunity to ask Msgr. Lynn these questions. But had he testified under oath as his lawyer now testifies for him in the Archdiocese response, his testimony would have been untruthful. On November 5, 1991, victims of Fr. Cudemo informed Cardinal Bevilacqua that they were going to name the Cardinal and the Archdiocese in a lawsuit. The lawsuit was filed on October 13, 1992. Cardinal Bevilacqua did not initiate the process to remove Fr. Cudemo from his pastorate until January 15, 1996. (See pp.146-149.) If the Archdiocese response is referring to the simple act of asking Fr. Cudemo to leave his parish temporarily (as he was asked to do

G. false statements, cont.

on November 11, 1991), there is no “process” involved. (See p. 146.)

According to Archdiocese records, Cardinal Bevilacqua learned of the allegations against Fr. Dunne in 1988, almost immediately after he became Archbishop. He left the diagnosed pedophile in parish ministry for five more years, with no restrictions on his faculties. In late August 1993, Msgr. Lynn learned that one of Fr. Dunne’s victims had hired a lawyer and was threatening to sue the Archdiocese. In November 1993, Cardinal Bevilacqua placed Fr. Dunne on administrative leave. No new victims had come forward in the intervening years to explain this new course of action. (See pp. 161-162, 169-171.)

p. 60. *Archdiocese claim:* “The report fails to mention that the [1999 incident involving Msgr. Furmanski] was, in fact reported to the authorities.”

Facts: According to the record before the Grand Jury, an 11-year-old boy told a therapist, in response to her question about whether he had ever been sexually abused, that Fr. Furmanski had asked the boy to “massage his leg.” The therapist’s supervisor at Catholic Social Service subsequently told the boy’s mother that she had tried to report the allegation to “Child Line,” but that the agency would not accept the report – presumably because a “leg massage” does not qualify as sexual abuse. The mother, when she reported the incident – actually several incidents – to Msgr. Lynn, described many suspicious circumstances, as well as a vulgar suggestion by the priest. These added elements of the offense were not reported to Child Line or any other authorities. (See pp. 351-353.)

p. 61. *Archdiocese claim:* In alleging the Grand Jury Report’s use of misleading timelines, the response states: “Another appears in the case history of Fr. Kostelnick where the statement is made that had Cardinal Bevilacqua removed this priest from ministry in 1992, he could have ‘spared the priest’s post-1992 victims their lasting damage and humiliation.’ Archdiocesan records and the report indicate that the priest had no victims after 1992.”

G. false statements, cont.

Facts: This is not true. The Archdiocesan Review Board, in 2004, reported that “Father Kostelnick admitted that his habit of fondling the breasts of young girls is a longstanding habit that occurred frequently and over an extended period of time.” According to the Review Board’s report, the priest explicitly “indicated that his behavior continued” after 1992. (See p. 260.)

p. 66. Archdiocese claim: “The report criticizes the Archdiocese for its responses to certain priests, where prior claims of inappropriate behavior had been deemed ‘unfounded’ by law enforcement authorities.”

Facts: The Church’s response lists four priests whose inappropriate and sexual behavior was reported to law enforcement (though, needless to say, never by Archdiocese officials). One is Msgr. Furmanski, who is discussed above. The others are Frs. Smith, Bolesta, and Brennan. The Archdiocese response claims that “the report makes no mention that law enforcement had been involved in many of the cases. . . .” In fact, the report describes law enforcement’s involvement in all three of these cases.

There was no evidence provided to the Grand Jury, however, to support the Archdiocese’s claim that the Delaware County District Attorney’s office “reported that they found no abuse” in the case of Fr. Smith. (See p. 373.) This abuse allegation was made by a grown man, long after the statute of limitations had run. That was most likely the reason why no further action was taken by the District Attorney in Delaware County. Likewise in the case of Fr. Bolesta, there is no evidence that Chester County detectives made any finding that abuse did not occur. Rather, it appears that Archdiocese leaders heeded the advice of Fr. Bolesta’s pastor, who told them, “if the Church acts on this, the matter is likely to be dropped by the parents.” (See p. 398.)

One boy’s allegation against Fr. Brennan was deemed unfounded, but the Archdiocese did not help law enforcement in its investigation. Church officials could have provided information that this boy was one of many who had complained about Fr. Brennan’s behavior with them. (See p. 410.)

H. The Archdiocese response shows no effort to take responsibility for wrongdoing.

p. 27. *Archdiocese claim:* The Archdiocese claims that the Grand Jury Report unfairly judges decades-old policies and practices through the lens of today's advanced knowledge.

Facts: It has always been a crime to rape and molest children. Parents have always wanted to protect their children from pedophiles. To establish policies and follow practices that placed sexual predators among minors, particularly in the guise of respected and trusted priests, cannot be justified through any lens.

The practice of concealing priests' crimes and transferring the offenders to parishes where their reputations were not known suggests that Archdiocese officials, whatever the state of medical knowledge at the time, well understood that parents would not knowingly accept a child molester as their children's priest even if he had been "treated." Church leaders' secretiveness constituted clear evidence that they knew then what they were doing was wrong.

p. 28. *Archdiocese claim:* "The reported incidents [decades ago] were few in number and were generally perceived not to be indicative of a pattern of conduct."

Facts: It is hard to believe that the supervisors of priests such as Frs. Leneweaver, Gausch, Cudemo, Brzyski, Sicoli, Chambers, Kostelnick, Rogers, Trauger, Cannon, and Brennan did not perceive a "pattern of conduct." (See the report.)

p. 30. *Archdiocese claim:* "In any event, not one word of the adverse commentary about Cardinal Krol – taken alone or cumulatively – equates to wrongdoing, let alone criminal behavior."

Facts: This is incredible. The Archdiocese still seems to think there is no "wrongdoing" in transferring an admitted serial child abuser like Fr. Leneweaver from parish to parish. (See p. 101.) Or in denying counseling and aid to known victims of Fr. Brzyski. (See p. 197.) Or in keeping priests like Frs. Rogers, Gausch, and Chambers in ministry. (See pp. 289, 117, 233.)

H. no responsibility, cont.

The Archdiocese denounces what it calls a “gratuitous attack designed to dishonor the memory of a man acknowledged as a leader in the Catholic Church locally and worldwide.” But if his memory, or that of Cardinal Bevilacqua and other leaders in the Philadelphia Archdiocese, is less honored than it once was, it will be the result not of personal “attacks,” but of what the Grand Jury’s investigation revealed about the Church leaders’ behavior in office.

The purpose of the Grand Jury’s report, it should be understood, is not to gratuitously defame revered clergy. Rather, it is to prevent the recurrence of a vicious crime wave against children. That purpose is not furthered when the Archdiocese – even now, with all the information that has come out – insists on defending the indefensible.

p. 43. *Archdiocese claim:* Monsignor Lynn says that the reason he did not interview known victims of sexual abuse was because he did not want to “revictimize the victim.” He goes on to say: “I was asked about this often in my grand jury examination, and yet it does not appear anywhere in the report.”

Facts: Monsignor Lynn’s explanation does appear in the report, although the Jurors expressed some skepticism about it. The report states: “Questioned by the Grand Jury, Msgr. Lynn abandoned the untenable excuse, given by Msgr. Molloy to Susan, that the Archdiocese feared civil consequences and, instead, asserted the dubious claim that they avoided contacting victims in order not to traumatize them.” (Monsignor Molloy had provided a different explanation of the Archdiocese policy to a woman who had reported her fiancée’s abuse. Monsignor Molloy told her that it might violate civil law to question a victim about his abuse.) (See pp. 366-367.)

Aside from the error of Msgr. Lynn’s assertion, it is astonishing that he would claim concern for the abused as the reason why the Archdiocese did not investigate sexual abuse allegations by interviewing named victims.

p. 43. *Archdiocese claim:* Msgr. Lynn admits that some things could have been handled “in a better way” – but only in hindsight. The report “judges by present day standards actions taken many years ago.”

H. no responsibility, cont.

Facts: This is evasion, not acceptance, of responsibility. Anyone, at any point in time, should have known that it was wrong not to report known rapists and child molesters to police, wrong to transfer them to parishes where families were kept in the dark about the priests' criminality, and wrong to leave them in positions where they had constant contact with and influence over children.

p. 48. *Archdiocese claim:* "The parents who reported abuse to the Archdiocese often requested that it make no report to law enforcement. . . ."

Facts: This is not reflected in the Archdiocese files turned over to the Grand Jury. An accompanying footnote in the lawyers' response claims that the Archdiocese did not report the sexual abuse of children to law enforcement because of concern for the victims' vulnerability. Could there be any argument more cynical – using professed concern for minors to justify policies and practices that have perpetuated the sexual abuse of countless children within the Archdiocese's schools and parishes?

This same excuse – a purported desire not to "revictimize" the abused – was proffered by Msgr. Lynn to explain why known victims who have not themselves made a report to the Archdiocese are not questioned in order to establish culpability and take action to protect children. It was cited, too, in a recent Philadelphia Inquirer article as the reason put forward by Archdiocese officials for refusing to name priests known to be child molesters.

p. 50. *Archdiocese claim:* The Archdiocese states that, had Msgr. Lynn been asked, he would have testified that a test performed by Saint Luke Institute on Fr. McCarthy was "a morally objectionable procedure."

Facts: The director of Saint Luke explained to Msgr. Lynn that this test – a penile plethysmography – is a valuable and commonly used tool in diagnosing pedophiles and epebophiles. In Msgr. Lynn's world view, apparently, the Archdiocese leadership has committed no sins with regard to sexual predators in the priesthood, but a test that might detect and deter them warrants moral outrage.

I. The Archdiocese continues to defend Cardinal Bevilacqua’s public misstatements and questionable Grand Jury testimony.

p. 36. *Archdiocese claim:* According to the Archdiocese response: “The report accuses Cardinal Bevilacqua of lying when he stated that no priest ‘credibly accused’ was still in ministry, at a time when an accused priest remained in his assignment.”

Facts: We are unsure what priest or part of the report this refers to. What the report does say is: “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.” This is a true statement. Fathers David Sicoli, John Schmeer, Edward DePaoli (convicted of possessing child pornography, and later accused of abuse), Edward Avery, Leonard Furmanski, Francis Trauger, John A. Cannon, and Francis Giliberti, for example, were all still in active ministry when the Grand Jury investigation began in May 2002 and were removed only after the investigation focused on them. Two accused priests – Frs. John Mulholland and Robert L. Brennan – remain in active ministry today.

p. 36. *Archdiocese claim:* “The report wrongly attributes lack of recollection [by Cardinal Bevilacqua] to lack of concern.”

Facts: Actually, the report attributes lack of recollection by Cardinal Bevilacqua to lack of truthfulness. The Grand Jurors did not believe the Cardinal’s testimony, for example, that he never knew or forgot that Fr. Connor, whom he appointed to a parish in Conshohocken, had been arrested for molesting a minor. (See p. 230.) The Jurors state in their report that Cardinal Bevilacqua “repeatedly claimed to have no memory of incidents and priests that we will never forget.” (See p. 54.)

J. The Archdiocese response tries to shift blame to the messenger.

pp. 5-6. *Archdiocese claim:* The Archdiocese response describes the Grand Jury process as a sinister proceeding akin to a kangaroo court. It hints there is something wrong because the Jurors meet “in a small room of a high floor of a municipal

J. blaming the messenger, cont.

building.” It paints a dark picture of an unfair process, lacking in judicial oversight, with findings manufactured by the prosecutor. The Archdiocese response complains that witnesses’ attorneys are not permitted to speak.

Facts: The proceedings of the Grand Jury are supervised by a judge. Any complaints about questioning, evidence, subpoenas, or other matters may be taken to the judge for resolution. Witnesses are allowed to have attorneys present and to consult with them whenever they wish.

The Grand Jury does not accept any statement that is made as a “finding.” In accordance with the judge’s instructions, the jurors listen carefully and with an open mind to the evidence presented. They assess the demeanor of witnesses, weigh their testimony, and make credibility findings. The report that is issued is written by the District Attorney’s Office but reviewed by the Grand Jury. It is free to make or request any changes it wants to the report. No report can be issued unless the Jury approves every page of it.

In conducting this Grand Jury investigation, the prosecutors always permitted Archdiocese witnesses to give explanations or make comments about anything they wished.

p. 21. *Archdiocese claim:* The Archdiocese complains that the District Attorney’s office should not have subpoenaed documents relating to misconduct that occurred outside the city limits.

Facts: This misconduct, including rapes of children at the Jersey Shore and in the Poconos, was committed by priests assigned to Philadelphia parishes, known to Archdiocese leaders, and shielded from law enforcement by the concealment of their files in Church headquarters in Philadelphia. The District Attorney’s Office was investigating,

J. blaming the messenger, cont.

among other things, whether the Archdiocese was endangering minors by assigning known sexual predators to work with children in schools and parishes.

The Archdiocese cannot seriously think that, if a priest takes children from his Philadelphia parish school to his house at the Shore in order to molest them, and the Archdiocese knows about these crimes, covers them up, and lets the priest continue to be priest or teacher to the children, then such incidents are not relevant to the Archdiocese's potential criminal responsibility.

p. 22. *Archdiocese claim:* The Archdiocese argues that the Grand Jury investigation was, in fact, an “investigation of the Catholic Church.” It cites the fact that no clerics from other denominations were included in the report. It also claims that the Supervising Judge expressed concern about the “potential for a proverbial witch-hunt.”

Facts: The investigation was not limited to the Catholic Church. Individuals with accusations against clerics of other denominations were interviewed and invited to testify before the Grand Jury. These were, however, isolated incidents, beyond the statute of limitations, and with no hint of institutional involvement or cover-up.

As for the “witch-hunt,” this was a term first used by counsel for the Archdiocese in seeking to quash Grand Jury subpoenas for Archdiocese documents. The Supervising Judge, in responding to the lawyers' argument, also used the phrase witch-hunt. But he found that the subpoenas did not constitute one, and assured counsel that the Court would be vigilant and available to oversee any disputes about the propriety of a subpoena.

p. 25. *Archdiocese claim:* “In December 2003, the Archdiocese reported to the District Attorney's Office a series of events that had apparently occurred approximately ten years before at one of its high schools involving alleged sexual abuse by a priest member of a religious order, of which the Archdiocese had recently become aware. It was months before any action was taken by the District Attorney's Office on this report.”

J. blaming the messenger, cont.

Facts: The case brought by the Archdiocese to the DA's office had primarily to do with embezzlement, but also involved a priest at an area high school who had sexually abused a student. The District Attorney's Office interviewed the victim and called him before the Grand Jury to testify. The embezzlement portion of the case was handed over to another unit in the office.

p. 31. *Archdiocese claim:* Cardinal Bevilacqua's "inquisitors sought to bully and intimidate him."

Facts: Another Archdiocese witness wrote a letter to one of his "inquisitors," thanking the Assistant District Attorney for the "courteous professionalism" and sensitivity he showed in his questioning. Any persistence in the questioning of Cardinal Bevilacqua may have resulted in part from his evasiveness and claimed forgetfulness on the witness stand.

p. 31. *Archdiocese claim:* "In fact, rather than seeking evidence of alleged misconduct constituting a crime, a substantial number of questions left little doubt that the focus of the inquiry was the internal workings of the Catholic Church."

Facts: The Archdiocese does not suggest what possible reason the Assistant DA could have for wasting everyone's time simply to find out about "the internal workings of the Catholic Church." The prosecutors, in fact, were focused on investigating whether the Archdiocese had committed any crimes – nothing else. All of the questions were relevant to that inquiry or followed from answers that Cardinal Bevilacqua provided. (For example, when the Cardinal suggested that he knew very little about the nature of pedophilia and sexual abuse in the mid-1980s and forward, questions about books he might have read or articles about other dioceses with sexual abuse problems became relevant.)

p. 38. *Archdiocese claim:* The Archdiocese response states that the District Attorney's Office denied a request from attorneys for the Church to review notes of testimony from witnesses before the Grand Jury.

J. blaming the messenger, cont.

Facts: The laws governing Grand Jury procedure preclude the District Attorney from handing over the notes of testimony.

p. 44. *Archdiocese claim:* In its response, the Archdiocese equates its handling of Fr. Gana's case with an oversight on the part of the DA's office in the handling of an allegation against Fr. Dowling.

Facts: The District Attorney's Office has acknowledged that it mishandled a victim's allegations against Fr. Dowling. Without excusing this mistake, our explanation will, we hope, demonstrate that there was no ill motive or intention to our actions. Very early in the investigation two sisters who were sexually abused by Fr. Dowling in the early 1960s reported their abuse to a detective in the District Attorney's Office. At the time, we had not yet received files from the Archdiocese on priests who had been accused of sexual abuse of minors and did not know if the Archdiocese had previously received accusations against Fr. Dowling.

When the office received the files, we concentrated on priests whose crimes had been reported to and ignored by the Archdiocese. Since Fr. Dowling did not have a file, we mistakenly did not get back to him. Clearly, we should have checked to see if he was still in ministry and should have passed the allegation on to the Archdiocese or advised the victim to do so. Again, we apologize.

p. 55. *Archdiocese claim:* "The District Attorney's Office confuses Sister Patricia Kelley, M.S.B.T., and Ms. Patricia Kelley."

Facts: It is true that an earlier draft of the report reviewed by counsel for the Archdiocese mistakenly identified these two people as being the same. The error was caught and the mistake corrected before the final version of the report was approved by the Grand Jury.