

## 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 5<sup>th</sup>- or 6<sup>th</sup>-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.