

SEXUAL ABUSE OF MINORS  
BY CLERGY  
IN THE ARCHDIOCESE OF PHILADELPHIA  
*OR*  
*THE NIGHTMARE ON 17<sup>TH</sup> STREET*

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## Introductory Remarks

The Archdiocese of Philadelphia is one of the oldest ecclesiastical jurisdictions in the United States. It was erected as a diocese in 1808 and elevated to an archdiocese in 1875. It has long had the reputation of being one of the most staunchly “Catholic” and conservative dioceses in the country.

The Archdiocese also has the very dubious distinction of having been investigated by not one but *three* grand juries in the first decade of the new millennium. The first investigation (Grand Jury 1, 2001-2002) was prompted by the District Attorney’s desire to find factual information about sexual abuse by Catholic clergy in the Archdiocese. The second grand jury (Grand Jury 2, 2003-2005) continued the investigation that the first could not finish before its term expired. The third grand jury investigation (Grand Jury 3, 2010-2011) was triggered by reports to the District Attorney that sexual abuse by priests was still being reported in spite of assurances by the Cardinal Archbishop (Rigali) after the second Grand Jury Report was published that all children in the Archdiocese were safe because there were no priest sexual abusers still in ministry.

Most of what the three Grand Juries discovered about the attitude and practices of the archbishop and his collaborators could be found in nearly every archdiocese and diocese in the United States. Victims are encouraged to approach the Church’s victim assistance coordinators and assured of confidentiality and compassionate support yet their stories and other information are regularly shared with the Church’s attorneys in direct violation of the promise made by the Church. In spite of public apologies, promises of support and assurances that things have changed, victims who stepped forward were treated with suspicion, disdain and disbelief.

Many victims who had dealings with the victim assistance coordinators or the archdiocesan review board reported that they were not treated with compassion and understanding. Rather, they often felt their treatment to be callous, demeaning and dishonest. This was especially true of the attitude projected by the clergy who had direct contact with victims.

What is different about the Archdiocese of Philadelphia? In this archdiocese, unlike possibly all others, the dishonest and destructive response to the victims of sexual abuse perpetrated by clerics, was institutionalized. It was blatantly and arrogantly integrated into the official policy of the archdiocese and was obediently followed by the clergy. There was no attempt to camouflage the betrayal of confidence. It was standardized by order of the archbishop. The cold and unsympathetic attitude towards victims was a matter of policy, ordered by the Cardinal-Archbishop and passed down by his auxiliaries and top aides.

What the three Grand Juries exposed is not unique to Philadelphia. This disgraceful victimization of the men and women violated by the Church’s clerics can be found throughout the institutional Church. It is not determined by geographic location. Rather, it is a natural outgrowth of the destructive culture of clericalism that dominates the Archdiocese of Philadelphia and the institutional Church worldwide.

## 1. The Sexual abuse of minors by clerics in the Archdiocese of Philadelphia

### A. Historical Overview

In the summer of 1984, reports of sexual abuse of a large number of children by a single priest brought this problem to the attention of the general public and to Catholics in particular. The case arose in the Diocese of Lafayette in Louisiana. Not long after it had become publicly known a freelance writer named Jason Berry wrote a series of four articles about it that were published in a local newspaper, The Times of Acadiana. Mr. Berry described the extent of the sexual abuse with accuracy, but he concentrated not on the sexual violation by the priest but on the long-standing cover-up by the bishop and his closest collaborators.

The revelations in Lafayette led to local and national press coverage. Within weeks, bishops and the papal ambassador in Washington D.C. (Archbishop Pio Laghi) were receiving reports of sexual abuse by priests from several other dioceses in the U.S. Although it may have appeared that sexual violation of children and minors was a new problem for the Catholic Church, the reality was that the Louisiana case brought to public attention a very serious problem that had existed throughout the Church for centuries. In the past three decades, information obtained from the Church's own files in dioceses, archdioceses, and religious institutes across the United States revealed thousands of instances of sexual abuse by clergy throughout this country, many of them from decades ago. Contrary to the conclusions drawn as a result of the study done by the John Jay College of Criminal Justice in 2010, sexual abuse by clerics did not suddenly appear during the so-called "love generation" of the sixties and seventies. Unfortunately, this study did not take into account the vast amount of data obtained from the cases that found their way into the secular courts of the U.S. Information obtained from the discovery process in several hundred criminal cases and several thousand civil cases has revealed that sexual violation by Catholic clergy reached back to the 1930's. There can be no doubt of instances of sexual abuse prior to this decade however by the time victims began to feel safe in reporting, those who had been abused in the early decades of the 20<sup>th</sup> century were probably deceased.

The Archdiocese of Philadelphia is not an exception to what was happening in other Catholic jurisdictions throughout the U.S. and as it would be eventually revealed, throughout the world. Cardinal Krol claimed that during his tenure as archbishop he knew of only one priest who had been reported. The archdiocesan records tell a very different story.

In January 1985, in response to the revelation that Fr. Gilbert Gauthé of the Lafayette Louisiana diocese, had sexually abused dozens of male children and had been covered up by his bishop for 12 years, Rev. Michael Peterson, M.D., Mr. F. Ray Mouton, Esq. and I began to compose a report for the bishops of the U.S. I was working at the Vatican embassy at the time, and had been tasked with handling the file of the Lafayette case. Fr. Peterson was director of St. Luke Institute and a psychiatrist. Mr. Mouton was a civil attorney from Lafayette. In the course of the research and

preparation, I consulted with a number of bishops and archbishops about the issue of sexual abuse by clergy. The four prelates with whom I consulted most closely with were Archbishop Pio Laghi, Papal Nuncio to the United States, Bernard Cardinal Law, John Cardinal Krol, and then Bishop Anthony Bevilacqua, later to become the Cardinal-Archbishop of Philadelphia. I consulted with these four on a regular basis and shared with them the various sections of the report as each was composed by the three authors. I also shared with them the various professional articles on the nature of pedophilia, its effects on victims, and methods of treatment selected by Fr. Peterson. Accordingly, the Archdiocese of Philadelphia, and Cardinal Bevilacqua in particular, were aware of the existence of the problem of sexual abuse by priests, the nature of pedophilia, its impact upon its victims, and the types of interventions that were available at the time. Fr. Gauthe, the accused priest, was a true pedophile in the clinical sense. His victims were pre-pubescent boys with the exception of one pre-pubescent girl. In time it became known that Fr. Gauthe had molested at least 400 children.

The three men I worked so closely with in 1984 and 1985 seemed as disturbed by the problem as I was. I shared with them my suspicions that the leadership of the United States bishops conference was actually trying to stonewall any open discussion of the problem. All three were completely supportive of the report and the actions plans Fr. Peterson, Mr. Mouton and I drew up, plans which were later rejected by the Bishops Conference. Needless to say I was deeply disappointed, shocked and angry when I realized that all three men were deeply involved in the cover-up of actual cases in Boston and Philadelphia. It is apparent that they were able to confront the problem in a theoretical manner as long as it remained de-personalized and removed from their immediate reality. However as soon as the issue became real and victims were no longer names in reports but men and women who were no longer going to tolerate the enforced silence and guilt, things changed radically. I will never comprehend why these and other men like them turned the victims into the enemy and failed to do what they had promised to do at their ordination, namely, make the demands of the Gospel of Jesus Christ the center of their lives.

The number of victims reporting abuse rapidly increased from the first few in early 1985 to several hundred by 1990. At first (1985-1986) the reports came from dioceses in Louisiana and the Diocese of Providence R.I., by 1990 it was obvious there was no identifiable geographic clustering. Reports were coming from dioceses in every part of the United States.

On September 26, 2001, a grand jury was empaneled in the First Judicial District of Pennsylvania to investigate sexual abuse of minors by clergy in the Archdiocese of Philadelphia. The grand jury's report was issued on September 13, 2003. At the outset the report stated the initial expectations of the jurors:

*"At the outset of our investigation we expected to hear testimony that the extent of the problem of sexual abuse of minors by members of the clergy was limited to a small number of isolated incidents that occurred decades ago. This belief was based in part on public statements by Cardinal Anthony Bevilacqua and other*

*officials of the Archdiocese of Philadelphia. In March 2002 the Archdiocese issued a statement that in the prior fifty-two years [1950-2002] it had received credible allegations of child sexual abuse against a total of thirty-five priests. Three months later Cardinal Bevilacqua assured the public in a television interview that, as part of a “zero tolerance” policy, he had never transferred any priest who had abused a child to another assignment where he would have access to children.* (Grand Jury Report 1)

The jurors went on to admit that they believed the extensive publicity might be in large part a creation of the media and that the criticism of bishops and other religious leaders was unwarranted. They further admitted that at the beginning they took the Archbishop at his word. Then followed the investigation itself during which the grand jury heard from 73 witnesses, including Cardinal Bevilacqua, and studied 994 exhibits obtained from the archdiocese consisting of thousands of pages of documentation.

At the conclusion the jury found that instead of the 37 credibly accused priests there were actually 120 priests accused of a variety of acts of sexual abuse of minors. They also said: *“moreover the evidence established that Cardinal Bevilacqua and his predecessor [Cardinal Krol] knowingly transferred priests who had been credibly accused of molesting children to new assignments where they retained access to and control over children.”* (Report 1, p. 2)

This grand jury’s term expired before the investigation was concluded to its satisfaction. They recommended that the next grand jury should continue the investigation. Accordingly, the next grand jury (Grand Jury 2) was empaneled on September 13, 2003 with the charge to investigate the sexual abuse of minors by clergy.

In addition to interviewing witnesses the grand jury issued subpoenas for the archdiocese’s records. The records included files retained in the secret archives. The grand jury’s final report was made public on September 15, 2005. In the course of its investigation, the grand jury discovered that *“The Archdiocese’s own files reveal a steady stream of reports and allegations from the 1960’s through the 1980’s, accelerating in the 1990’s (with nearly 100 allegations in that decade), and exploding after 2001. In many cases, the same priests were reported again and again.”* (Grand Jury 2005 report, hereinafter referred to as *Grand Jury Report 2*, p. 29). This conclusion is consistent with the information made available in the Secret Archive Files that were introduced into evidence in connection with Msgr. Lynn’s criminal trial.

There was no mention in the Grand Jury Report of 2005 as to how sexual abuse was handled during the time of Cardinal Dougherty (1918 to 1951) or Cardinal O’Hara (1951-1960). However, the archdiocesan files revealed much about the practices under Cardinal John Krol (1961-1988), Cardinal Anthony Bevilacqua (1987-2003), Cardinal Justin Rigali (2003-2011) and the present archbishop, Charles Chaput. Krol was archbishop for twenty-five years. During his time all reports of sexual abuse were tightly controlled by the Cardinal and his closest associates. The Grand Jury found that *“For most of Cardinal Krol’s tenure, concealment mainly entailed persuading victims”*

*parents not to report the priests to police and transferring priests to other parishes is parents demanded it or if general scandal seemed imminent.”* (Grand Jury Report 2, p. 30)

The Grand Jury report specifically addressed a number of cases that had occurred during Krol’s tenure. One of those cases involved ex-Fr. Nicholas Cudemo. According to the material in his Secret Archives file, Cudemo began sexually abusing adolescent girls in 1966. The archdiocese received reports from victims in 1966, 1968 and 1977. Cudemo had numerous allegations made against him, many of which were corroborated and confirmed. Cudemo was described by Msgr. James Molloy, Cardinal Bevilacqua’s Vicar for Administration as “*one of the sickest people I ever knew.*” (Grand Jury Report 2, p. 125) In spite of clear evidence, Cardinal Krol took no action against Cudemo.

In 1988, Cardinal Bevilacqua inherited the archdiocese and the problem of victims reporting sexual abuse by clerics including the problem of Cudemo. He twice promoted Cudemo to serve as a pastor. In a 1991 memorandum by Msgr. Molloy (describing a meeting with Lynn and Cudemo), Molloy made clear that “there is no plan afoot” to have Cudemo removed. Bevilacqua did not institute the administrative process to remove Cudemo as Pastor of Saint Callistus Parish until 1996, and only after victims had named Cudemo and the archdiocese in a lawsuit, and a priest reported that Cudemo was sexually harassing a woman who had been performing volunteer work.

Despite Cudemo’s history, in 1997 Msgr. Lynn, then the Secretary for Clergy, gave Cudemo an official certificate which stated that he was a retired priest in good standing in the Archdiocese of Philadelphia. Cudemo moved to Florida where he continued to work in public ministry. Finally, in 2004 after a massive amount of evidence had been presented to the Grand Jury, the archdiocese moved to laicize him.

Another example from Cardinal Krol’s tenure is former Fr. Ray Leneweaver. Leneweaver was ordained in 1962. According to documents from Leneweaver’s file that were produced at Msgr. Lynn’s criminal trial, Leneweaver was an admitted pedophile (in 1968, he admitted that he had engaged in “homosexual activity” with one boy; a 1975 memorandum states that Leneweaver admitted “without any hesitancy” that he had engaged in homosexual activity with three boys). Krol transferred him four times after learning of his admitted sexual abuse.

In 1985 Cardinal Krol stated in the presence of Archbishop Pio Laghi, the Papal Nuncio to the U.S., that he had only had one priest accused of sexual abuse in the archdiocese of Philadelphia and that priest was a Brazilian who had been there temporarily. The Cardinal said he had the priest deported.

B. The policies and practices of Cardinal Bevilacqua

The cases studied by Grand Juries 1 and 2 revealed a consistent pattern of behavior by Cardinal Bevilacqua and those who administered his policies. The operative value that shaped all aspects of the archdiocese's response to reports of sexual abuse by clergy was that the first priority was to protect the Church. By "Church" is meant the archdiocesan governmental structure and the clergy (William Lynn deposition, 5-28-14, p. 391, 439). The action taken by the archdiocese towards the accused "*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, to legal liability.*" (Grand Jury 1, p. 34). A review of the materials referenced in this report confirms that conclusion.

The grand jury believed that the actions of some archdiocesan officials which seemed at first to be callous and reckless were actually part of a deliberate and all-encompassing strategy to avoid revealing knowledge of the crimes of abuse. "*Church officials understood that knowing about the abuse, while taking steps to perpetuate it, made them responsible for endangering children.*" (Grand Jury 1, p. 40).

The Unrealistic criteria used by Cardinal Bevilacqua.

An essential aspect of the archdiocese's policy and practice were the criteria applied when a priest was accused. These criteria explain why so many credibly accused priests remained in ministry. A priest would not be removed from ministry unless he (*i*) admitted his guilt or (*ii*) was actually diagnosed as a pedophile (transcript of Lynn deposition, 5-28-14, p. 213). Furthermore, if the priest denied the allegation, the secretary for the clergy did not engage in any fact finding or conduct any form of investigation to determine if he had lied or not (Msgr. James Beisel deposition, pp. 51-55). Msgr. Beisel, who had worked in the secretariat for the clergy, also confirmed that they believed that priests always told the truth (*Ibid*, p. 83). In his deposition, Msgr. Lynn testified that he relied almost entirely upon the healthcare providers at Villa St. John Vianney to conduct the equivalent of an investigation (transcript of Lynn deposition, 6-19-14, p. 464, 467). Yet, Ronald Karney, the representative of St. John Vianney, testified that the facility had no investigatory role (transcript of Karney deposition, 10-17-14, p. 79).

The archbishop and his officials believed that these criteria would protect the institutional Church, first and foremost, but would also protect the accused priests. It must be understood that when Cardinal Bevilacqua and other members of the clergy and hierarchy referred to the "Church" they were referring to not simply the institutional church which comprises both lay and clergy members, but primarily to the hierarchical structure, that is, the Cardinal and bishops, and the clerical establishment made up of the priests. A very small number of the accused priests admitted their guilt and in some cases, e.g. Leneweaver, the priest was allowed to continue in ministry. If the priest denied the allegation the matter usually ended there. In those instances where the

accused was sent to a medical facility or to a medical professional for examination, assessment and diagnosis, if there was no clear diagnosis of pedophilia, no action was taken. Referring to Msgr. Lynn, the Grand Jury found “*An archdiocese official explained that the Church could not discipline one especially egregious abuser because, as the official put it, he was not a pure pedophile, that is, he not only abused little boys; he also slept with women.*” (Grand Jury Report 2, p. 5, 45, 46)

#### Misuse of the mental health resources and the credibility St. John Vianney

Cardinal Bevilacqua and his aides used the mental health providers to *their* benefit and not with the protection of children in mind. Cardinal Bevilacqua was familiar with the precise, clinical definition of a pedophile as one who was sexually attracted to *pre-pubescent children*. True pedophiles of which the Cardinal referred, made up less than 22% of clergy offenders according to the John Jay College Study (2004, p. 66). His policy to remove any diagnosed pedophile from ministry sounded stringent but was in fact carefully designed to filter out most accused priests: “*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 he had a policy of not assigning pedophiles to the ministry.*” (Grand Jury Report 2, p. 46).

If there wasn’t an outright admission of sexual misconduct by the priest, or a finding that the priest was a pedophile or ephebophile, priests who were accused of sexual misconduct were permitted to engage in ministry (transcript of Lynn deposition, 9-22-2014, p. 634-635). This unreasonably restrictive criteria allowed priests to remain in ministry even when victims had asserted credible claims of abuse, or when dangerous, mentally ill priests did not meet the diagnostic criteria for pedophilia. For instance, a priest who had molested children, but who had also had sex with adult victims would not be considered a pedophile. A notable example is presented by the case of Stanley Gana, a priest who molested numerous boys, and who ultimately admitted that he had done so. He was evaluated at St. John Vianney, but was not diagnosed a pedophile (transcript of Lynn deposition, 6-19-2014, p. 476).

A diagnosis of pedophilia requires that the priest meet the diagnostic criteria set forth in the Diagnostic and Statistical Manual of Mental Disorders. During the period of Cardinal Bevilacqua’s tenure, the 4<sup>th</sup> version of the manual was in use (DSM-IV and DSM-IV TR). The first criteria necessary to support a diagnosis of pedophilia is that the object of the person’s fantasies, desires or actions be a prepubescent child, often meaning 12 years or younger (DSM-IV-TR, n. 302.2). If the diagnostic criteria were followed in practice it would mean that only a small minority of the priests would be eligible for the diagnosis since the majority of sexual abuse victims of Catholic clergy were adolescent males. (John Jay College, *Nature and Scope of the Problem of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States*, 2004, “Executive Summary,” age of victims: 16% were 8-10 years old and 6% were under 7 years old. Thus 22% classify as pedophiles).

Priests were not always sent to medical professionals who used up-to-date methods in determining the existence of diagnostic criteria. Often the primary criteria relied on was the self-report of the priest: “*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’.*” (Grand Jury Report 2, p. 45)

Accused priests were routinely referred to St. John Vianney, a facility owned by the Archdiocese, and subject to the direct control of the archbishop. The facility’s board of directors served with the express consent of the archbishop. The By-laws of St. John Vianney explicitly provide that the hospital is subject to the direction of the archbishop (transcript of Karney deposition, p. 37-38). In other words, when accused priests were sent to St. John Vianney for an evaluation, truly independent mental health professionals did not evaluate them. Most child abusing priests were not diagnosed as pedophiles at St. John Vianney because they were not true pedophiles. The lack of such a diagnosis provided the archbishop with the excuse to allow them to remain in ministry, despite the clear danger they presented to children.

The grand jury found that Cardinal Bevilacqua’s policy regarding treatment allowed opportunities for archdiocesan officials to manipulate treatment and diagnosis in order to keep abusive priests in ministry (Grand Jury Report 2, p. 46). They found that St. John Vianney did not use up-to-date methodology and instead relied primarily on self-reports of the accused priests (Grand Jury 2, p. 45). In addition, they found that the officials, notably Msgr. Lynn, often failed to provide the treatment centers or psychologists with crucial information that would have assisted in their diagnoses. The therapists at St. John Vianney essentially worked for the Cardinal and understood that their role was to prevent the Archdiocese from legal liability according to many files reviewed by the Grand Jury (Grand Jury Report 2, p. 47).

Furthermore, the therapists at SJV never spoke to either victims or to other witnesses. If the priest sent was dissatisfied with the diagnosis or the substance of the report he was allowed by the Cardinal to find another therapist for a second opinion (Grand Jury Report 2, p. 46).

When Cardinal Bevilacqua was asked repeatedly by the Grand Jury why he placed dangerous priests in positions where they would have access to children, his excuse was that he had relied on the advice of the therapists, whose reports were often either deficient or inaccurate. In the course of its investigation the Grand Jury discovered how the archdiocese manipulated the therapeutic system and its practitioners for the Cardinal’s own benefit and to the serious detriment of children.

#### Investigations were conducted by clerics lacking competence to do so

In his deposition, Msgr. Lynn candidly admitted his lack of competence to investigate allegations of sexual abuse (transcript of Lynn deposition, 6-19-2014, p. 458, 9-22-2014 p. 961-962). Msgr. Lynn acknowledged that he had no training with respect

to how to conduct investigations, and no prior education or experience in the psychology of sex offenders or the nature of pedophilia (transcript of Lynn deposition, 6-19-2014, p. 455-456). He claimed that he had specifically asked Msgr. Cistone, Msgr. Cullen, and Msgr. Molloy to provide him with investigators, but they never responded to his requests (transcript of Lynn deposition, 6-19-2014, p. 548). The assignment of such an important task to someone with no experience in the subject matter underscores the archdiocese's unwillingness to seriously and meaningfully address the problem of clerical sexual abuse. It was a large-sale irritant and threat to clerical equilibrium and a source of spiritual destruction of members of the archdiocese whose spiritual well-being the archbishop was pledged to protect.

As recognized by Msgr. Lynn, the procedure implemented by the archdiocese implicated a number of inherent conflicts of interest. Lynn also admitted that he appreciated the conflict of interest inherent in a system in which the Secretary for Clergy (an official charged with serving the pastoral needs of the clergy) was also expected to serve the victims of sexual abuse (transcript of Lynn deposition, 6-19-2014, p. 548). As aptly noted by Msgr. Lynn, the conflict of interest presented by the use of a single person charged with counseling victims, investigating claims, and assuring the pastoral well-being of the accused priests is readily apparent. This conflict of interest resulted in numerous instances in which Archdiocese officials misled victims. For instance, even after he learned that Fr. Gana had admitted "in explicit detail" that he had molested numerous boys, Msgr. Lynn continued to tell one of those victims that there were still questions regarding the veracity of the allegations (transcript of Lynn deposition, 9-22-2014, p. 870-871, 908). Similarly, when Lynn learned that Fr. Gana had left the Southdown psychiatric facility against medical advice and was found cavorting with teenagers from Slovakia at a home in Orlando, he did not alert diocesan officials there about the priest's dangerous propensity to sexually abuse minors (transcript of Lynn deposition, 9-22-2014, p. 878).

#### Protecting the reputation of the accused priest.

Protecting the image and reputation of accused priests even when the accusations were confirmed was one of two top priorities of the Archbishop and the archdiocesan administration. The other was the protection of the Archdiocese itself. Even when a priest was removed because he had admitted that he had engaged in sexual misconduct, parishioners were never informed of the admission. Instead, they were usually told only that the priest was leaving the parish for unspecified "health reasons" (transcript of Lynn deposition, 6-19-2014, p. 485; transcript of Cistone deposition, p. 205; transcript of Cullen deposition, 5-21-2014, p. 109). Consistent with this standard practice, parishioners were not told of the reasons for the resignations of priests when the reasons were based on allegations of sexual abuse (transcript of Lynn deposition, 6-19-2014, p. 538). The reason for protecting the priests was twofold: first was the belief in the exalted stature of the priest and the imperative that this stature be maintained and the second was the awareness that if a priest was exposed as a sexual abuser it would bring disgrace to the entire clerical establishment of the archdiocese.

The purposeful failure to inform parishioners was designed to protect the reputation of the accused priest and to avoid the appearance of scandal (transcript of Cistone deposition, p. 206; transcript of Lynn deposition, 9-22-2014, p. 725). The practice was designed to avoid the identification of other possible victims, and to prevent other potential claimants from coming forward. In his deposition testimony, Lynn suggested that *parishioners were not informed so as to avoid unnecessarily disturbing other victims who may have somehow come to terms with their abuse*-- a nonsensical explanation (and an explanation that cannot be reconciled with the archdiocese's current practice). Thus, when parishioners wrote to Msgr. Lynn inquiring about Fr. Avery for example, he falsely responded that "there have never been anything but compliments heard in this office about Father Avery."

The goals of protecting the reputations of priests and protecting the image and reputation of the archdiocese were intertwined. Protecting the reputations of accused priests protected the clerical establishment of the archdiocese. In Philadelphia the clerical caste was more deeply entrenched and more powerful than in most other American archdioceses or dioceses. The concept of protecting the Archdiocese referred to the governing structure, made up almost exclusively of clerics. It also referred to the clergy. The concept of the Church as the "People of God" had little if any impact on the operations of the Archdiocese of Philadelphia. An attack on "the church" meant an attack on the hierarchy or clergy.

#### Lack of a formal policy.

The practices and protocols outlined above were never reduced to a formal written policy or procedure. Under subpoena, the Archdiocese produced a series of "draft" policies and procedures, none of which appear to have ever been implemented. The draft policies on sexual misconduct involving minors envisioned investigation conducted by delegates appointed by the archbishop, an Advisory Commission, and various "after-care" procedures for an accused cleric when he was returned to ministry. This policy appears to have been in constant development over the course of a decade.

In fact, while the archdiocese wrangled with the development of a formal policy and procedure, it also took a series of steps that were designed to keep the files of sexually abusive priests protected from discovery by victims. In October 1996, Msgr. Lynn proposed a policy of destroying a priest's personnel and personal files one year after the death of a priest. Msgr. Lynn offered no compelling need for such a practice, other than the supposed demands placed because of a presumed scarcity of filing cabinets (transcript of Lynn deposition, 9-22-2014, p. 807-808). This policy was proposed even though Lynn appreciated the likelihood that allegations of sexual misconduct might not surface for years after the death of a priest (transcript of Lynn deposition, 9-22-2014, p. 808-809). The proposal for the destruction of personnel and personal files served no purpose other than that of destroying potentially incriminating documents.

The destruction of such documentation was, by all accounts, a common practice in the archdiocese. In February 1994, Msgr. Lynn submitted to Cardinal Bevilacqua a list of thirty-five priests who had either been diagnosed as pedophiles, admitted to sexual misconduct with minors, or were accused of sexual misconduct. Cardinal Bevilacqua ordered the list shredded. One copy remained locked in a safe in the office of the Secretary for Clergy before it was discovered during Msgr. Lynn's criminal trial.

### C. The Archdiocesan Review Board and Victim Assistance Program

The ground shifted under the Catholic Church on Sunday, January 6, 2002. The revelations by the Boston Globe of extensive sexual abuse and cover-up in the Archdiocese of Boston did not cause temporary surprise, shock and anger, followed in time by a return to complacency. The Boston event had profound and lasting repercussions for the Catholic Church not only in the U.S. but worldwide. In response to the massive groundswell of anger, the American bishops, with the direction of a public relations firm, planned a meeting in Dallas for its entire membership. At this meeting the bishops passed the *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies with Allegations of Sexual Abuse of Minors by Priests and Deacons*. The bishops required that every diocese have a review board to assist the bishop as well as a victims' assistance program to extend care to the victims.

Though the Review Board and Victim Assistance program of the Archdiocese of Philadelphia was supposed to provide for a more independent assessment of allegations of sexual abuse, the review board suffered from many of the same inherent problems as the system that preceded it. Before being interviewed by victim assistance coordinators, victims were supposed to have been informed that their information was confidential. Yet the information they gave, which went into the coordinator's report, was often shared with the attorneys who represented the Archdiocese (transcript of Cruz-Ransom deposition, 4-9-2014, p. 112). The purported rationale given was that the communication of this information was necessary so that the general counsel could determine whether the case was within the statute of limitations and needed to be reported to law enforcement (*Report of the Commission on the Protection of Children and Clerical Misconduct*, Jan. 15, 2003, Section 1, A. 1 and transcript of James Bock deposition, p. 92). This was a blatant lie. The attorneys for the Archdiocese were only interested in obtaining as much information as possible about victims in the event that they filed civil law complaints

The general counsel was present at the regular meetings when the review board and the victim assistance coordinators discussed cases. Though Archdiocese officials claimed that counsel needed to be present in case legal issues came up (transcript of Bock deposition, p. 124), Mr. Bock could not, in his deposition, identify any legal issues that would arise in the course of an interview between a victim and a victim assistance coordinator (transcript of Bock deposition, p. 126).

In spite of the fact that victims were informed that their information would be confidential or told it might be shared with certain specific archdiocesan officials, they were never told that it would be shared with the archdiocese's law firm and in fact, the Victim Assistance Coordinators were never instructed to warn victims that anything they said could be reported to the attorneys (transcript of Bock deposition, p. 135). The archdiocese claimed the attorneys would determine if a case was within statute and then would report the case information to the law enforcement agencies. Yet Mr. Bock testified that this was not automatic and that information was sent on to law enforcement only if requested (transcript of Bock deposition, p. 155). As the Grand Jury reported, the archdiocese's lawyers provided law enforcement with only the most basic information while they kept the detailed information to themselves (Grand Jury Report 2, p. 84).

Victims were encouraged to report their abuse to the archdiocese and not to law enforcement officials or to rape crisis centers. The Grand Jury rightly pointed out that, if a report of a rape or other abuse is reported to someone who is not properly licensed, the victim's confidentiality cannot be protected. By steering the victims to the victim assistance coordinators (after 2003), to the review board, or to the Secretariat for the Clergy, the archdiocese was providing a source of confidential and critical information to its attorneys, whose primary duty was not the defense and protection of the victims, but the protection of the archdiocese and the victimizers.

The other main criticism of the victim assistance coordinators is that they acted as investigators and sought out detailed information from victims. This was not their mission. Mary Achilles, former victim advocate for the State of Pennsylvania, was hired by the Philadelphia Archdiocese to help it improve the way it handled victims' complaints. Among other things, she pointed out that the archdiocese lacked the expertise to engage in child sexual assault investigations and that the internal investigation processes it used were inherently biased. She concluded with the extremely important observation that "*victims may be revictimized by the very institution from which they seek support.*" (Grand Jury Report 2, p. 86). Ms. Achilles later went to work for the archdiocese. She was questioned by the Grand Jury as to why she failed to persuade it to abolish its practice of investigating reports. Her response: "*...when I got to the archdiocese what I found was there's this whole canon law thing that I knew nothing about...I mean there has to be a process.*" (Ibid)

In fact, canon law does not provide a justification for detailed interrogations of victims. Although it mandates a preliminary investigation into any report of possible sexual abuse of a minor, it does not demand "interrogation" of victims. Above all, it does not permit the substitution of pastoral care for the mandatory investigation into a report of sexual abuse.

The victim assistance coordinators knew they were neither investigators nor counselors (Hagner deposition, p. 39). They were coordinators who were supposed to provide assistance to victims in getting services they might need. They were not to obtain detailed accounts of what happened nor were they to evaluate or judge the victims

in any way. Yet that it what happened in many cases. Karen Becker, the director of the victim assistance program, assigned Louise Hagner to conduct an in-person interview with victim Billy Doe. When asked the purpose of this in a deposition she replied “*She wanted to make sure that the report that I had was correct and the best way to do this is with an in-person interview.*” (Hagner, p. 140). In her deposition Ms. Becker said that the questioning of victims was necessary so that they could verify information already received and gather all the information they needed (Becker deposition, p.165).

The sum total of the information about the practices of the victim assistance coordinators does not compare favorably with basic description of the office that appears on the website of the United States Conference of Catholic Bishops: “*These individuals are available to assist you in making a formal complaint of abuse to the diocese, in arranging a personal meeting with the bishop or his representative, and for obtaining support for your specific needs.*” ([www.usccb.org](http://www.usccb.org)) An article on victim assistance coordinators on the same website begins with “*It’s the rare job description that includes the word ‘compassionate’ yet a crucial part of a victim assistance coordinator is to respond compassionately to the victims of abuse whom they assist.*” (“Victim Assistance Coordinators – They Gotta Have Heart,” Mary Hart ).

Before 2003 the Vicar for Clergy handled all complaints and reports. Rather than act in a compassionate and pastoral manner, the basic strategy of the Vicar’s office was to “*take detailed statements from the victim, gather information about the victims and the victims’ families, share as little information as possible with victims, and conduct no actual investigation. If the priest did not confess, the allegation was deemed not credible and the priest returned to ministry.*” (Grand Jury Report 3, p. 77-78). The 2011 Grand Jury studied the activities of the Victim assistance coordinators and the review board, which replaced the Secretary for the Clergy and concluded, “*...the results are much the same.*” (Grand Jury Report 3, p. 77).

#### The Archdiocesan Review Board.

Cardinal Bevilacqua established an archdiocesan review board in 2003. The review board was criticized by the second grand jury in 2005 and again in 2011 by the third grand jury. On May 12, 2011 Ana Maria Catanzaro, Ph.D., wrote an explanatory article that was published on the website of Commonwealth magazine. This article explains in detail the problems the board encountered in dealing with archdiocesan officials in trying to accomplish their tasks. Among other things, the archdiocese’s canon lawyers often clashed with the board, insisting that only *canonical* standards could be used to determine whether sexual abuse had happened. This was erroneous information that only served as a roadblock to the board. Canon Law does not provide a detailed definition of sexual abuse of a minor. It refers to it in the broadest possible manner, as “*an offense against the sixth commandment of the decalogue*” (canon 1395). Furthermore, the investigative process found in the Code of Canon Law is very sparse, providing only broad guidelines and leaving much to the discretion of the bishop and the designated investigators. Most important, canon law is not and cannot be considered a substitute for civil law.

The board did not see two-thirds of the cases because the archdiocese had already decided that the priests' actions did not constitute sexual abuse, thus circumventing the board and seriously compromising its credibility and effectiveness. Dr. Catanzaro also criticized the archdiocesan policy of allowing its civil attorneys to receive confidential information shared by victims. One sentence accurately sums up the state of affairs under Bevilacqua's successor: "*Cardinal Rigali and his auxiliary bishops also failed miserably at being open and transparent...If Philadelphia's bishops had authentically followed their call to live the gospel, they would have acted differently. Instead they succumbed to the culture of clericalism.*"

Withholding information from the Review Board would explain its inaction on some cases but it does not explain its decisions in cases where there was compelling evidence. The Grand Jury found cases where the overwhelming evidence should have persuaded the board to support the allegation yet, as the report states, "*In the end, after investigators have gathered compelling corroborative evidence; after priests have admitted improper behavior, if not the precise act alleged; even after priests have failed lie detector tests, the Review Board inexplicably has found extremely credible allegations "unsubstantiated."*"

In 2003-2005 I served as a consultant and expert witness to the Second Grand Jury. During this process I had the opportunity to meet with approximately 30 victim/survivors of priests of the Archdiocese. All of these men and women had also met with the victim assistance coordinators for the Archdiocese, members of the Review Board, or with Msgr. Lynn. Every one of the victims emphasized that they found the lawyers from the District Attorney's office sympathetic, supportive, and compassionate. All said their experience with the Archdiocese was directly opposite. Some recalled that they were treated harshly. Others found the detailed questioning offensive because they felt like they were being cross-examined by men who did not believe them. None of the victims sensed even a minimal degree of compassion or understanding; all came away feeling re-victimized.

#### D. Treatment of Victims.

One of the most deplorable aspects of the policy and practice of the archdiocese has been the way they have treated the victims who have approached them. The third Grand Jury report has an entire section (Section VI) devoted to "Inadequate Assistance to Victims." In spite of Cardinal Rigali's claims in his 2005 letter, the Archdiocese's version of bringing healing to victims was in fact the opposite: "*Often taking direction from its attorneys, Archdiocese officials historically engaged in a deliberate strategy to bully, mislead and stonewall victims, looking for harmful information.*" (Grand Jury Report 3, p. 74).

Both reports describe the culture of the Archdiocese and the pervading attitude towards victims of clergy sex abuse. The reports make no mention of any attempts by

the archdiocese to extend any pastoral care to victims. The general attitude on the part of the Cardinal and the administration was one of contempt for the victims. The third grand jury report describes how the archdiocese's version of victim assistance actually worked against the victims. Assistance coordinators and the priests in the Secretariat for Clergy were ordered not to express any remorse for the abuse. (Grand Jury Report 3, p. 75). Sometimes investigators were sent out to investigate victims in search of negative information that could be harmful to them (*Ibid*). Consider, for example, the case of Fr. Stanley Gana. When a seminarian, Robert Karpinski, reported that he had been sexually abused by Gana, the archdiocese conducted an exhaustive investigation into Karpinski. Similarly, when a parishioner alleged that he had been abused by Fr. Joseph Gausch, Lynn conducted an investigation of the victim. Victim assistance coordinators were following a longstanding practice in the archdiocese in which victims were investigated more thoroughly than the abusers.

The institutionalized attitude of the Philadelphia Archdiocese towards the victims is the attitude of the archbishops and the other officials of the archdiocese. When asked in his deposition to explain a reference in a memorandum that described his desire to "protect the church," Msgr. Lynn stated that "the church" includes the victims (transcript of Lynn deposition, 6-19-2014, p. 439). This self-serving claim is clearly not verified by the concerted actions of the Cardinal, Msgr. Lynn and other archdiocesan office-holders to ignore, minimize and deny the suffering of the victims in order to protect the image and reputation of the Philadelphia Archdiocese.

Msgr. Lynn and others who interviewed victims were ordered not to give the impression that the accused might be guilty. To this end, they were not to treat them with excessive sympathy or compassion (Interview with Msgr. James Molloy in "*A Deep Look into Philly's clerical culture*," National Catholic Reporter, by Melissa Nussbaum, March 16, 2012) Molloy also confirmed that, if the accused priest denied the allegation, no other witnesses were called and the matter was closed. This could not, in any sense, be characterized as protecting the victims.

Instead, the true attitude was marked by disdain for the victims. In practice, "the Church" meant the clergy and hierarchy. Their commitment to protect the archdiocese was the primary value. This justified a willingness to lie to victims' parents and a blatant and reckless disregard for the children of the Archdiocese whom they regularly placed at risk by knowingly assigning confirmed abusers to positions where they had access to children.

Cardinal Krol never met with victims of sexual abuse. Cardinal Bevilacqua, when asked how many victims he had met with, admitted to the Grand Jury that he had not met any victims from his archdiocese because that would not be an "*economic use of my time*." He admitted he met with one victim at the 2002 meeting of the bishops in Dallas, but this meeting was part of the program put in place for the bishops and the victim was not from Philadelphia.

The lack of sensitivity to victims was extended to their parents. Archdiocesan officials persuaded parents not to involve law enforcement by assuring them that the Archdiocese would take appropriate action itself. Thus, parents believed that priests who had violated their children would be removed from ministry and reported to law enforcement. The archdiocesan authorities under Cardinals Krol and Bevilacqua intentionally failed to do either (Grand Jury Report 2, pp. 37-39.) There is no evidence that a single allegation of sexual violence was ever reported to the police during the time periods studied by the grand juries (transcript of Lynn deposition, 5-28-2014, p. 46-47).

The obsessive concern for the image of the hierarchy and the clergy and the scandalous lack of concern for vulnerable children is also reflected in the assignment policy pertaining to credibly accused priests. Parishioners were never informed if a priest assigned to their parish had been confirmed as a child abuser or if a confirmed abuser had been quietly transferred into the parish. This policy of secrecy is cited numerous times in both grand jury reports, and in the deposition of Msgr. Lynn. This policy was insisted upon by Cardinals Krol and Bevilacqua and, in light of the findings of the third Grand Jury, by Cardinal Rigali as well.

The word “transparency” is very often used by the institutional Church in connection with its efforts to respond to sexual abuse by clerics. The Dallas Charter and the Essential Norms both call for openness and honesty by Church officials. However, in the Archdiocese of Philadelphia, there was no transparency, openness, or honesty at any level. Not only were victims and their parents lied to, but the accused perpetrators were sometimes lied to by Msgr. Lynn, who claimed in his deposition that he did this in order to get abusive priests to cooperate (transcript of Lynn deposition, p. 351-355). On one occasion, he tried to get the accused priest to believe that he, Lynn, thought the 10-year-old victim had seduced the priest. Thus, dishonesty was used in dealings with everyone: the public, the victims, their parents, the review board, and even the accused priests. This is hardly the type of conduct that would be expected of managerial level employees of any institution much less a Catholic archdiocese.

#### E. The Archdiocese's Response to the Report of the Grand Jury in 2005

The first Grand Jury published its report in September 2005. The Introduction contains a paragraph that aptly sums up their findings about the practices of the archdiocese:

*“The behavior of Archdiocese officials was perhaps not so lurid as that of the individual priest sex abusers. But in its callous, calculating manner, the Archdiocese’s handling of the abuse scandal was at least as immoral as the abuse itself. The evidence before us established that Archdiocese officials at the highest levels received reports of abuse; that they chose not to conduct any meaningful investigation of those reports; that they left dangerous priests in place or transferred them to different parishes as a means of concealment; that*

*they never alerted parents of the dangers posed by these offenders (who typically went out of their way to be friendly and helpful, especially with children); that they intimidated and retaliated against victims and witnesses who came forward about abuse; that they manipulated treatment efforts to create a false impression of action; and that they did many of these things in a conscious effort simply to avoid civil liability.”* (Grand Jury Report 2, p. 4).

After the Grand Jury report was made public Archbishop Rigali quickly responded with a letter to the people dated Sept. 21, 2005. He also issued a response to the Grand Jury report prepared by the archdiocese’s attorneys, Stradley, Ronan, Stevens and Young. Cardinal Rigali claimed the report was unjustifiably critical of Cardinals Bevilacqua and Krol. In his conclusion he said “*The Archdiocese of Philadelphia remains steadfastly committed to creating a safe environment for all children in our care. The important work of bringing healing to the victims of sexual abuse by clergy continues. I encourage anyone in need of such assistance to call the Victim Assistance Coordinator.*” He did not tell the people that the victim assistance coordinator routinely gave confidential information provided by victims to the archdiocesan attorneys.

The response prepared by the Archdiocese’s attorneys was highly critical of the Grand Jury’s report. It summarized the report and the process saying, “*The proceedings culminated in a vile, mean-spirited diatribe against the Church and the Archdiocese.*” (p. 7). The report claims on page 4 that “*Since the magnitude of the problem of clergy sexual abuse has come to light the Archdiocese has made enormous strides in addressing past wrongs.*”

The District Attorney examined the Archdiocesan response to the Grand Jury report in a statement dated September 21, 2005. In the Overview the statement says:

*“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.”* (p. 1).

This statement by the District Attorney is ominous in light of the findings of the third Grand Jury in 2010.

The District Attorney’s assessment of the Archdiocese’s response is accurate. It describes the reactions of the Archbishop and an archdiocesan bureaucracy who failed to comprehend the horrific nature of the sexual violation of minors in the archdiocese. The Archdiocese’s response is grounded in the arrogant, misleading and erroneous belief in

the superiority of the clerical establishment. This response completely ignored the profound impact of the Archbishops' actions on the lives of not only the victims but countless others in the Archdiocese. It is essentially a highly narcissistic, defensive reaction to the impact the Grand Jury Report had on the reputation and image of the institutional church and the clerical establishment of the archdiocese. If one combines the policies, practices and attitude of the archbishops and archdiocesan administration with their response to the Report of the second Grand jury, an accurate summary would be "its all about us!"

#### The Third Grand Jury - 2010-2011

Despite the Archdiocese's assurances that children were safe and that they were committed to bringing healing to the victims, a third Grand Jury was empaneled in 2010 and submitted its report on January 21, 2011. The overview of the report explains the reason for the third investigation:

*"The present grand jury however, is frustrated to report that not much has changed. The rapist priests we accuse were well known to the Secretary of Clergy [Msgr. William Lynn], but he cloaked their conduct and put them in place to do it again. The procedures implemented by the archdiocese to help victims are in fact designed to help the abusers and the Archdiocese itself. Worst of all, apparent abusers, dozens of them we believe, remain on duty in the Archdiocese today, with open access to new, young prey." (Grand Jury Report 3, p. 1).*

The third grand jury found that there were still priests with credible accusations against them who remained in ministry after the conclusion of the second grand jury and contrary to the assurances offered by Cardinal Rigali: "*That is 41 priests who have remained in active ministry in the past five years after the archdiocese learned of accusations or reports of their inappropriate behavior or sexual abuse of minors.*" (Grand Jury Report 3, p. 56). One of the reasons for this is the practice of the archdiocese of making its own predetermination whether or not a priest's actions constituted abuse and then neglecting to turn the file over to the Archdiocesan review board.

There is no need to repeat here the many specific findings of the three grand juries that confirm the above assessment. The description of the archdiocesan attitude and policy spanned the period examined by the jurors that included the entire terms in office of Cardinals Krol, Bevilacqua and Rigali.

The policy of the Archdiocese of Philadelphia is accurately described by Rev. Michael Kerper, now a pastor in New Hampshire. Fr. Kerper served as a hospital chaplain at Nazareth Hospital and lived at St. Jerome parish between 1988 and 1996. In an article he wrote, published on "Philly.com" he said:

*This tragedy is rooted in a bureaucratic mentality that has replaced Christian moral norms with amoral operating principles drawn from the political and corporate world. Rather than attempt healing, which would have required drastic interventions against abusive priests, the archdiocese seems to have repeatedly chosen case management. This of course is not surprising: it's so much easier to sleep at night when one handles cases rather than the mystery of human suffering.* (October 2, 2005)

## 2. Clericalism in the Archdiocese of Philadelphia

The dissonance between the handling of sexual abuse by clerics in the Archdiocese of Philadelphia and the stated purpose and nature of the Roman Catholic Church is beyond the grasp of most people. For them, it is simply incomprehensible that priests, the anointed leaders of the Church to whom they are taught to look to for moral and spiritual guidance, could sexually violate children. Even more incomprehensible is that those in positions of supervision and authority over those priests, i.e., the secretaries, vicars, auxiliary bishops and cardinals, could allow and enable such abuse, and turn their backs on the very victims from whom they demanded trust, obedience, and respect.

Many of the abusing priests can trace their practice of sexually violating children or young adolescents to a psychosexual mental disorder. The hierarchy and clergy of the Philadelphia Archdiocese have no such excuse to fall back on; to allow abusive priests to continue in ministry, unsupervised, while transferring them from Parish to Parish is nothing sort of an abomination. Under any objective standard, these “leaders” of the Philadelphia Archdiocese acted in violation of commonly accepted standards of behavior for the leaders of any type of organization. Their behavior is an especially heinous violation of the norms of priestly conduct and of the stated mission of the Catholic Church. Rather than curb the terrible scourge of sexual abuse by clergy it perpetuated the abuse that was so rampant in the Philadelphia Archdiocese for decades.

Underlying the archdiocesan policies and practices towards victims of clergy sexual abuse is an attitude that devalues the victims while at the same time protecting the sexually abusive priest as much as possible, and, above all, protecting the image and power of the archdiocesan institution. This attitude in turn is grounded in the exceptionally powerful and influential culture of clericalism that permeates both the clergy and laity of the archdiocese of Philadelphia.

This culture is grounded in the erroneous belief that priests are ontologically different from other persons and that the Church, by divine will, *must* be a stratified society with hierarchy and clergy in the top layer and laypersons on the bottom. The bizarre theory that priests are ontologically changed at the moment of their ordination, though unexplainable in a rational manner, is nevertheless used as justification for their

exalted position and for the deference they believe is owed them. The notion of a stratified society is deeply embedded in Catholic Church culture everywhere because it is considered justified by the divine will. In 1906 Pope Pius X wrote an encyclical letter in which he described the stratified nature of the institutional Church:

*This church is in essence an unequal society, that is to say a society comprising two categories of persons, the shepherds and the flock.... These categories are so distinct that the right and authority necessary for promoting and guiding all the members toward the goal of the society resides only in the pastoral body [the bishops]; as to the multitude, its sole duty is that of allowing itself to be led and of following its pastors as a docile flock. (Vehementer Nos, February 11, 1906)*

This teaching is true today and is enshrined in the Church's Code of Canon Law which states in canon 207, 1, that the clerical elite, the deacons, priests and bishops, *exist by divine law.*

Leaders and other officials in organized religious denominations are commonly referred to as clerics. A body of clerics is known as the clergy. The word itself comes from a Greek word *kleros*, which means a portion or a heritage. St. Jerome (4<sup>th</sup> century) is reported to have said the word applies to those who "belong to that body of men who are the portion of God." Clerics belong to what has traditionally been referred to as the "clerical state." They are traditionally identified with persons who are ordained as priests or ministers in a specific religious denomination. From the 8<sup>th</sup> century until 1972, a man became a Catholic cleric when he went through a liturgical ceremony called "tonsure," during which a small portion of his hair was cut off. Ordination to the various holy orders came after tonsure.

In 1972 the Catholic Church abandoned the practice of tonsure. Men became clerics when they were ordained to the office of deacon. Today, all clerics in the Catholic Church are ordained deacon, priest, or bishop. What is most important about the concept of the clerical state in Catholicism is the official teaching that it exists by divine institution. Thus, the distinction between lay persons and clerics is willed by God and cannot be questioned. Only clerics can be ordained, and only ordained men can hold the key offices of power in the Catholic Church. In spite of attempts initiated by Vatican Council II (1962-1965) to integrate lay persons into the institutional and liturgical life of the Church, there was strong resistance to any change of the status quo especially by certain members of the Vatican curia. This resistance was given what certainly appeared to be official approval under the papacies of Pope John Paul II and Benedict XVI.

*Clericalism* is a social phenomenon based on the radical misunderstanding of the place of religious leaders in an institutional Church and in secular society. In Roman Catholicism, clericalism is grounded in the erroneous belief that clerics form a special elite based on their ordination as deacons, priests, or bishops, and on the powers given at ordination (Frawley-O'Dea, and Goldner, 2007, Predatory Priests, Silenced Victims, The Analytic Press, p. 147.) Clericalism is marked by the domination of religious elites

over the members and structures of the Church. Catholic teaching holds that a priest takes the place of Jesus Christ when the priest consecrates the bread and wine at Mass. A very common belief, born out of Catholic cultural expressions and encouraged by the clergy themselves, is that a priest takes the place of Jesus or God at all times, is ontologically and spiritually superior and more powerful than lay people, and is owed special deference, unquestioned obedience, and complete trust.

Throughout its history, the Catholic Church has been governed by clerics. Bishops hold all of the important positions of power (today [2017] the 1.2 billion Catholics in the world are governed by approximately 2400 bishops, all of whom are celibate males). The deference accorded to clerics, especially bishops, has enabled Church authorities to obtain special privileges in secular society. Two of the more prominent historical privileges were equally problematic: (*i*) the *privilege of the canon* whereby all believers owe reverence to clerics, and (*ii*) the *privilege of the forum* whereby all lawsuits whether criminal or civil against clerics must be heard before ecclesiastical courts. The privilege of the forum was the basis for the dispute between King Henry II of England and St. Thomas Becket, Archbishop of Canterbury, which led to Thomas' murder in Canterbury Cathedral in 1170. The remnants of this privilege exist today in the form of provisions in concordats or treaties entered into between the Holy See and certain secular governments. The provisions differ according to the treaty, but in general they allow special exceptions for clerics in civil and criminal law matters.

The clericalist attitude and belief in various expressions of entitlement and privilege is enabled and sustained by lay people who submit to clerical authority without question or discernment. The refusal of parents to believe their children when they report being sexually abused by clerics (because “priests don’t do that”) is a function of the magical thinking that is required for clericalism to be influential. A tragic example: the father of one of Fr. Leneweaver’s victims beat his son until he was unconscious when the boy tried to report Fr. Leneweaver’s actions. The father repeated as he beat the boy, ‘Priests don’t do that’ (Grand Jury Report 2, p. 24). Law enforcement and judicial officials who refuse to act accordingly on credible reports of sexual abuse by clerics “for the good of the Church” act under the powerful influence of clericalism. The “good of the Church” means the “good” of the bishops.

Clericalism enables priests who sexually abuse either minors or adults because it serves as the basis for their claim to be unique and without blame. Priest abusers have been reported who threatened victims with dire retribution from God if they reported the abuse (Grand Jury 2, p. 14). Others have used the victims’ toxic belief in the vast superiority of the priest to convince them that the abusive acts are not wrong, but willed by God.

The belief in the exalted position of the institutional Church and especially of clergy and hierarchy has been deeply entrenched and has been extraordinarily powerful and influential in the Archdiocese of Philadelphia for decades. In 1978, as part of my program of doctoral studies, I visited the Archdiocese of Philadelphia twice for several days on each visit. The purpose was to observe and learn from the priests who worked

in the tribunal. Even then, I recall noticing that the institutional Catholic Church was especially powerful and that the superior position of the priests was much more pronounced than in any other diocese or archdiocese wherein I had either lived or had experience. Priests enjoyed “perks” that had vanished in most other places. Meals were paid for in restaurants or provided gratis by the ownership. Priests routinely received “clergy discounts” in stores, and people on the street regularly tipped their hats or nodded respectfully when passing a priest.

I distinctly recall that the auxiliary bishops were held in especially high esteem while the archbishop, John Cardinal Krol, was viewed by the lay people with what seemed to be an exaggerated mixture of awe and fear. This fear was even more pronounced in the attitude of priests towards the cardinal. The archdiocesan administration was considered the seat of absolute power in the archdiocese. Priests feared being called to “222” as the chancery was commonly known as, referring to its address, 222 17<sup>th</sup> Street.

The fundamental strain of clericalism still shapes the response of the archdiocesan administration to dealings with lay persons. One example that surfaced in a recent civil case: it is the policy at the administrative center not to take phone calls from lay persons but rather to have them instruct their parish priest to call on their behalf.

To achieve maximum effect, clericalism requires not only the existence of a stratified ecclesial society with the bishops at the top, the priests on the next strata and the lay persons on the bottom, but the firm belief by clerics and laity that this type of social and ecclesiastical structure is willed by God. Such a society with the clergy holding the privileged and superior position over the lay majority was more pronounced in Philadelphia than in any archdiocese or diocese I have ever experienced in the U.S. The pervasive belief that the only important value in the response to victims of clergy sexual abuse was the protection of the archdiocese is a highly toxic symptom of clericalism and clericalist operating philosophy.

Cardinal Bevilacqua’s attitude toward sexual abuse of minors directed the policy and practice of the archdiocese. This attitude was the attitude not only of the Cardinal but of the clerics in the governmental structure of the archdiocese. The victims were clearly devalued. The top priority was the Church, meaning the hierarchical structure and those who participated in it (Cardinal and auxiliary bishops). The accused priests were protected and shielded until they became a risk to the archdiocese. They were then removed from ministry and in many cases, encouraged to petition for laicization. Clericalism dictated that compassion for victims and the welfare of children be subordinated to the more compelling though certainly not higher value of obedience to the archbishop and protection of the Church’s image.

Clericalism in the archdiocese has been marked by the practice of hiding crimes to protect the archdiocese (Grand Jury Report 3, p. 31). It is the basis for the disregard or ignorance of the devastating spiritual and emotional damage done to victims of clergy

abuse (Grand Jury Report 3, p. 11). It is also the basis for the failure to take into account contemporary scholarship and research on the nature and etiology of psychosexual disorders. This is exemplified by Cardinal Krol's statement regarding Fr. Leneweaver, a sexual abuser: "*His problem is not occupational or geographical and will follow him wherever he goes. He should be convinced that his orientation is an acquired preference for a particular method of satisfying a normal human appetite.* (Grand Jury Report 2, p. 24)

Clericalism is also at the root cause of the clergy's belief that they are justified in either accepting or rejecting the opinions or findings of medical experts. The frame of reference in such a clericalist approach is the belief by the Church authorities that any psychiatric or psychological findings or opinions about aspects of human behavior especially human sexuality must be in conformity to traditional expressions of Church teaching for their validity. Two experts relied upon by the archbishop and to whom both priest-abusers and victims were often sent, were Dr. Richard Fitzgibbons and Fr. John Harvey, both of whom believed that homosexuality was the cause of sexual abuse and furthermore, believed that homosexuality was a disorder that could be cured (Lynn, depo. p. 366). Their understanding of the nature of homosexuality, shared by the archbishops and bishops, is that it is not a state one is born with but an orientation one chooses.

Catholic clericalism is the foundation for the erroneous belief that if there is a conflict between civil law and canon law, canon law prevails. The deeply entrenched policy of never reporting sexual abuse allegations to law enforcement is a toxic remnant of the *Privilege of the Forum* which is explained in a previous paragraph. This entered into the workings of the Archdiocesan Review Board according to a former chair, Ana Maria Catanzaro. She reported that the archbishop insisted the review board's role was canonical: "*Often our deliberations involved heated discussions between board members and the canon lawyers who insisted that only canonical statutes could be used to determine whether a minor had been sexually abused and whether to recommend removing a priest from ministry.*" The cardinal had appointed three canon lawyers to help the members of the review board interpret the Dallas Charter and the Essential Norms. After the 2005 Grand Jury report a civil attorney also attended the meetings. In her article Ms. Catanzaro asked and answered a key question: "*Why haven't they gotten it? In a word, clericalism.*" In her concluding paragraph she said, "*If Philadelphia's bishops had authentically followed their call to live the gospel, they would have acted differently. Instead, they succumbed to a culture of clericalism.*

The toxic and destructive effects of the exaggerated clericalism in Philadelphia are found in the priests as well as in the lay people. Just as they were taught to have unquestioning respect and trust in the priest so also the priests were taught they must always defer to the bishop and never question his decisions or his opinions, at least never publicly. The hold on the priests is far stronger because it is fortified with a canon that obliges priests to always show reverence and obedience to their bishop (canon 273). This obligation is assumed when the priest makes the promise of obedience to the bishop

during the ordination ceremony. Furthermore, the bishop ultimately controls the priest's salary and benefits, residence and retirement funding.

The exaggerated clericalism found in Philadelphia and in other archdioceses and dioceses as well would not be as destructive as it is were it not for the fact that the Church's governmental system, described in its law and theology as "hierarchical," is in fact monarchical in practice. There are no deliberative bodies in the Church. All power rests and emanates from two offices: the papacy, which invests the pope with complete power over the entire Church, and the episcopacy or office of the bishop. The bishop or archbishop of a diocese or archdiocese is the sole authority figure. He is the lawgiver, the executive and the judge for the archdiocese. His authority is subject to that of the pope and its exercise is described in the canons of the Code. There is no separation of powers in the government of the Catholic Church and hence no checks and balances.

There are approximately 815 priests in the Archdiocese of Philadelphia. In 2003 there were 1083 priests (717 diocesan priests and 366 priests who were members of religious institutes). In 2015 the number was down to 812 (519 diocesan and 293 religious). It is difficult to believe that among this large group of well-educated men, many with advanced degrees in a variety of disciplines, there were not some who were aware of the archdiocese's policy and practice on clergy abuse and saw the very serious flaws in it. Yet it is also possible to believe that any number of priests might well have had serious criticisms of the Cardinal's policies yet never raised a question to anyone in authority. This is one of the more odious characteristics of clericalism among the clergy themselves and it was rampant in Philadelphia. Reverence, obedience and fear of the archbishops trumped any instincts the priests had to reach out to victims.

Those chosen for archdiocesan office were selected not only for their abilities but because of confidence in their unquestioning obedience. Those who dealt with victims such as Msgr. Lynn, Msgr. Molloy and Msgr. Beisel, were instructed to avoid showing sympathy for the victims or giving any impression that the accused priest might be guilty. Cardinal Bevilacqua's highest aide, the Vicar for Administration, Bishop Edward Cullen, instructed Msgr. James Molloy never to tell victims that he believed them (Grand Jury Report 2, p. 41). Msgr. Beisel testified in a deposition that he may have personally questioned something but he never took any of his concerns to his immediate superior, Msgr. Lynn (Beisel deposition, p. 85). He never believed he had a moral or legal obligation to report to the police (*Ibid*, p. 95). These mandated responses to victims are fundamentally opposed to the essential role of the priest as pastoral minister.

One priest, Msgr. James Molloy, admitted to a reporter that he questioned the practice of shuffling abusive priests from one assignment to another, yet he said to the reporter "*I was in no position to question the authority of my bishop. As a canon lawyer he was much more knowledgeable than I...As a civil attorney he was much more knowledgeable than I when it came to the requirements of civil law. And as the archbishop he was entitled to a presumption on my part that he was doing the right things as best he knew how. He was, by his office, entitled to a commitment of*

*reverential trust on my part.... Even if I disagreed, I did not see it as my role to make a big deal of it.*” (Michael Newall, “Shining Light on a Cover-up.” National Catholic Reporter April 28, 2006.) Msgr. Molloy admitted, “*the Cudemo case was when I truly realized that I couldn’t be sure that I could trust my superiors to do the right thing.*” Yet he never contemplated calling the press, alerting parishioners or contacting law enforcement. “*The archbishop was still the archbishop...He deserved the benefit of the doubt.*” Clericalism! Clericalism dictated that compassion for victims and the welfare of children be subsumed to the more compelling though certainly not higher value of obedience to the archbishop and protection of the Church’s image.

The Grand Jury expressed their response to all they had seen and heard: “*Indeed, the evidence arising from the Philadelphia Archdiocese reveals criminality against minors on a widespread scale – sparing no geographic sector, no income level, no ethnic group. From all the documents and testimony before us, we have received a tragic education – about the nature of child abuse...Even so, we find it hard to comprehend or absorb the full extent of the malevolence and suffering visited on this community, under cover of the clerical collar, by powerful, respected and rapacious priests.*” (Grand Jury Report 2, p. 12).

The response of the Archdiocese to the third Grand Jury Report was not as defensive and arrogant as in 2005. In his first statement (Feb. 10, 2011) Cardinal Rigali said “*It is my intention to consider carefully and take very seriously any observations and recommendations of this Grand Jury.*” In his second response he said “*The Grand Jury Report makes clear that for as much as the Archdiocese has done to address child sexual abuse, there is still much to do.*” In the same response he announced the re-examination of 37 cases mentioned by the Grand Jury.

Most people with a basic core of decency would, as did the grand jurors, find the policy and practice of the Archdiocese of Philadelphia very difficult, if not impossible, to comprehend. There are no possible excuses for the way victims and perpetrators were handled. There are however, some explanations that help one to emerge from complete incredulity. The realistic explanations are all rooted in clericalism. The stories told by victims and their parents become real and at the same time even more tragic when we realize that their cases were not exceptions. They were examples of the ordinary operating procedure, and this operating procedure becomes believable when viewed as a product of a culture formed and dominated by the highly narcissistic and self-serving power of clericalism.

In the course of thirty years of direct involvement with clergy sexual abuse I have served as an expert witness and consultant in cases involving every archdiocese in the United States and in all but three of the dioceses. I have served as an expert witness in three archdioceses and three dioceses in Canada. I have served as an expert witness and consultant in Ireland and as such have become familiar with the policies and practices of two of the four archdioceses in the Irish Republic and five of the dioceses. I have served as a consultant to the Belgian parliament which necessitated studying the policies and practice of the one archdiocese and seven dioceses. Most recently I have

served as an expert witness to the Royal Commission into Institutional Responses to Child Sexual Abuse in Australia. I have attempted to put the Archdiocese of Philadelphia within the context of the other ecclesiastical jurisdictions I have studied and become familiar with and find that I cannot. The Philadelphia Archdiocese is in a class by itself. It is, by far, the worst I have ever had contact with.

The Archdiocese of Philadelphia is corporation in civil law. It is a collegiate moral person, the rough equivalent of a corporation, in canon law. But most important, it is a Christian community. The first and most important mission of the archbishops, the bishops and the priests is the pastoral care of all those who are part of this community. The most important people in the Christian Community of Philadelphia are those most in need of care and these are the victims of sexual violation perpetrated by members of the clergy. This also includes their families and especially their parents. Yet there has been no true pastoral care extended, or even offered, by the administration and especially by the present and former archbishops. Rather, there is not only an aura of disdain and mistrust for victims, but this is institutionalized and was made part of the standard manner with which victims were treated.

The Catholic Church refers often in its many pronouncements of its responsibility for the welfare of children. There was not even a pretense of concern for the welfare of children on the part of the archbishop and those who administered the archdiocesan policies. Credibly accused abusers were regularly re-cycled from parish to parish. There seemed to be no awareness whatsoever of the severe damage these predators did to their victims. Worse still, there was no interest by the clergy in educating themselves about this damage, especially the spiritual damage, done to the victims.

There was not only a disdain for civil and canon law but a counter-productive abuse of canon law to the detriment of the victims and benefit of the archdiocese and the accused priests. This is evident from the institutionalized and deeply embedded commitment to do all possible to protect the image of the Archdiocese which really meant the image of the Cardinal and the clergy. The most glaring example is the unrealistic standards and criteria mandated by the Cardinal for the evaluation of reports of sexual abuse. The Archdiocese had its own law firm, Stradley Ronan, which served as the vanguard of the Church, to protect the clerics and the hierarchy with every legal machination imaginable. The firm's attorneys sat on the Board of Directors of St. John Vianney Institute, attended meetings where confidential victim information was discussed, and directed many of the legal efforts to keep the scandal of clergy child abuse from ever seeing the light of day.

The entire process that was followed in response to reports of sexual abuse was anything but pastoral or compassionate. Victims were regularly lied to, and their confidences broken by the policy of sharing their confidential information with the attorneys for the archdiocese. Overall, the response was callous, demeaning, and dishonest. What distinguished the Philadelphia Archdiocese from other dioceses and archdioceses, all of which had processes and policies that left a great deal to be desired,

was the fact that, in Philadelphia the arrogant clericalism so evident at every turn and in every step of the process of response to reports took the general toxicity of clericalism to entirely new depths. It was blatantly institutionalized in obvious defiance of what one expected from the Roman Catholic Church.

The ecclesiastical culture of the Archdiocese was shaped by a strain of clericalism that is, by comparison to other archdioceses, both exaggerated and extreme. It is deeply rooted and all pervasive to the point that many among the clergy and laity are unable to see it. In spite of the hammering the archbishops and the clergy took in the first two Grand Jury reports, it is mind-boggling that they continued to place vulnerable children at risk by allowing approximately thirty credibly accused clerics to remain in ministry. The archbishop had publicly assured the people that no child was at risk, an assertion proven dead wrong by the next grand jury investigation.

### 3. The Archdiocese of Philadelphia since 2011

Cardinal Rigali retired in July 2011 and was replaced by Archbishop Charles Chaput who had previously been archbishop of Denver. The key question is whether or not the Grand Jury Report of 2011 has had a significant impact on the practices and attitude of the leadership and clergy of the Archdiocese.

The Grand Jury indicted Fathers Edward Avery, Charles Engelhardt and Robert Brennan. It also indicted Msgr. William Lynn and Mr. Bernard Shero.

In the case of Msgr. Bill Lynn, it is important to note that the reversal of his conviction was not based on inadequate evidence to support the claim that he put children in danger by his active participation in the Archdiocese's twisted policies. Rather, the argument is whether or not the statute used to convict him applies to institutional leaders.

The convictions of Engelhardt and Shero were upheld by the appeal court in March 2015. The conviction of Msgr. Lynn was reinstated by the appeal court in April 2015. Later in the month his bail was revoked and he was remanded back to prison.

The main issue however is whether or not the attitude and response to victims has changed. The rhetoric coming forth from the present archbishop is essentially unchanged from that which the archdiocese's public relations experts have conjured up over the past two decades. In light of the past behavior of the Archdiocese and Chaput's behavior since he took office it appears clear that no lessons have been learned from the Grand Jury investigations except perhaps finding ways to try to get around accountability.

Archbishop Chaput continues to selectively withhold information about credibly accused predator priests. He has made statements about victims that eliminate the need to guess at whether he holds them in disdain. Last year in a public statement he asked the rhetorical question: “What more do they [the victims] want?”

In 2015 victims of sexual abuse complained that Archbishop Chaput had invited retired archbishop, Justin Rigali, to participate in the papal mass during Pope Francis’ visit. The victims were justifiably critical in light of the results of the third grand jury. Yet Chaput’s sole concern was the comfort zone of the hierarchy: *“In some ways we should get over this wanting to go back and blame, blame, blame.”* Obviously to him, the devastation enabled by Cardinal Rigali and his predecessors has faded into the mist. The criticism that Chaput is not only insensitive but ignorant of the effects of sexual violation by a cleric is justified.

Archbishop Chaput’s campaign to stop a bill in the Pennsylvania Legislature that would have changed the statute of limitation for child sex abuse was convincing evidence that nothing has changed or will change in the Archdiocese of Philadelphia. He sent a letter to the members of the archdiocese in which he declared that the proposed bill unfairly targeted the Catholic church, referring to it as a “clear attack.” He further claimed that if passed the bill would cause closure of parishes, schools and the curtailing of the church’s charity programs. His performance was similar to when he used the same tactics to oppose legislative changes in Colorado when he was archbishop of Denver.

He resorted to using erroneous information and empty predictions. His claim that the Bill unfairly targeted Catholics was baseless and he knew it. In spite of support for the bill from the state Attorney General, the District Attorney of Philadelphia and numerous lawmakers, Chaput persisted with his campaign. Like his antics in Colorado, he stooped to using personal attacks against legislators he knew to favor the bill. This time, he sent emails to Catholic legislators, accusing them of betraying the Church and threatening “consequences” for their support of the bill. In parishes where Catholic lawmakers lived, the parish bulletin was used to name them and accuse them of support. Several who were interviewed by the media expressed “dismay, shock and anger” at the treatment they had received.

Joan Fitz-Gerald, the former president of the Colorado State senate, recalled it was the “the most vicious and difficult experience of her life with Chaput telling one of his lobbyists that he did not believe Fitz-Gerald would be going to heaven. She described him thus: *“He is the most vehement supporter of the secrecy of the Catholic church over pedophiles. He fights any authority over his own, even when it is a matter of criminal law.”*

Little if anything has changed in the Archdiocese of Philadelphia. There is no hope that Archbishop Chaput will change his own attitude of manifest disdain for victims. He blatant dishonesty and use of under-handed and manipulative tactics to fight

legislative reform speaks more clearly than anything else about the direction he has chosen for himself and for the Archdiocese.

*Instead of leading children to God, abusive priests devour them in a diabolical sacrifice that destroys the victim and the life of the Church.*

Pope Francis, February 13, 2017