

## Section I

# Introduction to the Grand Jury Report

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

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

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

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

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

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

## **Section II – Overview of the Sexual Abuse by Archdiocese Priests**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Section IV – Legal Analysis and Recommendations**

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

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

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

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

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

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

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

## **Section V – Selected Case Studies**

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

## **Section VI – Appendix**

The appendix includes the following materials:

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

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