

EXHIBIT 8

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

IN RE: : MISC. NO. 0300-239
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:
COUNTY INVESTIGATING GRAND :
JURY XIX : NO. C-1

- - -
FRIDAY, February 27, 2004
- - -
ROOM 18013
One Parkway
1515 Arch Street
PHILADELPHIA, PENNSYLVANIA

- - -
TESTIMONY OF MONSIGNOR WILLIAM J. LYNN
- - -

APPEARANCES:

CHARLES F. GALLAGHER, ESQUIRE
Assistant District Attorney

MAUREEN McCARTNEY, ESQUIRE
Assistant District Attorney
Counsel for the Commonwealth

Also Present:

CLARK C. HODGSON, JR., ESQUIRE
Stradley, Ronon, Stevens & Young
For the Witness Monsignor William Lynn

Reported by: John J. Kurz, RPR,
Official Court Reporter

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2 Molloy ever doing any of those things?

3 A. No, I don't.

4 Q. Well, what skills did you have that you
5 believed you had to allow you to conduct an
6 investigation of sexual abuse?7 A. What skills? I mean, I could read people
8 pretty well, and I could tell -- I was pretty good
9 at telling if they were telling me the truth or
10 not. Not infallible of course, but I could go that
11 way. I didn't have any specific skills for that
12 kind of work.13 Q. Okay. Let's go to the time now where you're
14 Secretary of Clergy, did you do any coordination
15 with Monsignor Jagodzinski prior to taking over
16 that job with regard to what knowledge he had about
17 various priests in the Archdiocese that may or may
18 not have been accused of sexual abuse of minors?

19 A. I don't believe so.

20 Q. And you said that it was a couple years before
21 you personally went through any of the secret
22 archive files in terms of going through them as a
23 collection of documents; is that correct?

24 A. That's right.

25 Q. And do you know what it was that prompted you

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to do that?

A. You know, I do. It was the Father Dux case.

Q. The Father Dux case?

A. That's right.

Q. And what was it about that case that necessitated you going through all of the files?

A. Because he was accused of -- the pastor reported that he was being inappropriate with some of the altar servers and the eighth grade students. And when I looked back, I believe I found, you know, other inappropriate behavior on his part, so that's why I looked.

Q. I don't mean to -- I'm just having a little bit of trouble understanding, and I'm sure it's my fault.

There's an allegation that comes in about Father Dux, you went to the file cabinets where the secret archive files are located, you looked to see whether or not a file existed on Father Dux?

A. That's right.

Q. And you found that one in fact did?

A. Uh-huh.

Q. And I don't understand how that -- so what was

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it about that that prompted you to go through all the files?

A. Can I talk to my lawyer?

Q. Sure.

(Whereupon a discussion was held off the record by and between counsel and the witness.)

THE WITNESS: Okay. I'm sorry.

BY MS. McCARTNEY:

Q. Did you have the chance to consult with your attorney?

A. I did.

Q. And I believe that prior to doing so, I had asked you the question: What was it about that finding that there had been previous allegations about Father Dux that prompted you to go through all the files?

A. Well, because he was a priest in active ministry, and I was concerned that there could be other priests in active ministry that had previous complaints.

Q. Let me ask you this then, Monsignor, from 1991 when you first started in this job, you said that when an allegation would come in or when you

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2 started assisting, an allegation would come in, one
3 of the things that you did as a matter of course,
4 either you or Monsignor Molloy would go and you
5 would check the secret archive files on a need be
6 basis, correct?

7 A. I believe so.

8 Q. Okay. And then you would conduct whatever
9 investigation it was that was conducted; is that
10 right?

11 A. That's right.

12 Q. Are you saying, and if I'm wrong, please tell
13 me, are you saying that from 1991 until
14 approximately 1994 when the Dux file came about,
15 that there was never a situation that occurred
16 where a priest that had been accused of sexual
17 abuse, that you had gone and looked for a secret
18 archive file and one existed?

19 A. No, I'm not saying that.

20 Q. Well, then what about the Dux case was it that
21 prompted you to be concerned enough to go through
22 the files?

23 A. Can I talk to my lawyer again?

24 Q. Sure, absolutely.

25 (Whereupon a discussion was held off

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2 the record by and between the witness and his
3 counsel.)

4 THE WITNESS: Okay.

5 BY MS. McCARTNEY:

6 Q. I'm sorry, did you have the chance to talk to
7 your attorney?

8 A. (Witness nods head.)

9 Q. Do you recall the question?

10 A. No, I don't, sorry.

11 Q. Basically the question was, Monsignor, from
12 1991 to 1994, when allegations would come in, you
13 would go and look on a need be basis to see whether
14 a secret archive file existed on someone against
15 whom an allegation had been made; is that right?

16 A. I would -- yes.

17 Q. And are you saying that you would have
18 occasion from 1991 to 1994 when an allegation would
19 come in to find that that priest already had a
20 secret archive file; is that right?

21 A. That's right.

22 Q. What about the Dux case was so different that
23 prompted you to go through each and every secret
24 archive file at that point?

25 A. I believe because he was in active ministry

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2 and I wanted to make sure that there wasn't anybody
3 else in active ministry.

4 Q. But certainly, Monsignor, from 1991 to 1994
5 there had been allegations made against priests
6 that were in active ministry and who had a secret
7 archive file; is that right?

8 A. I don't know. There may have been.

9 Q. Well, I mean, would you accept my
10 representation that there were?

11 A. Sure, yeah. I just don't remember sitting
12 here.

13 Q. So do you recall what it was that was so
14 significant about the Dux case?

15 A. Well, what I recall about -- the reason I
16 recall I connect this with Dux going through the
17 files is because actually there was a document that
18 you had asked for or the district attorney's office
19 asked for, and I looked for that document and I
20 can't find it. But obviously I went through the
21 files at that time so I connected it with Dux.

22 Q. And the document that you're referring to is
23 the document -- well, I guess I'll show it to you.

24 And this will be marked Grand Jury
25 Exhibit 1313.

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(Whereupon Grand Jury Exhibit 1313
was marked for identification.)

BY MS. McCARTNEY:

Q. Is that the document that you're referring to?

A. That's right.

Q. And the date of that document is February
1994; is that right?

A. That's right.

MR. HODGSON: Do you have another
copy?

MS. McCARTNEY: You want to share?

MR. HODGSON: No, that's all right.

MS. McCARTNEY: I can give you
another one, here.

MR. HODGSON: Okay. Thanks.

BY MS. McCARTNEY:

Q. Have you had the opportunity to review that?

A. I have.

Q. Okay. And this is a document that you were
referring to; is that right?

A. That's right.

Q. This is authored by you?

A. That's right.

Q. And it goes to Monsignor Molloy; is that

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right?

A. That's right.

Q. And the date of it is February 18, 1994?

A. Right.

Q. And it's regarding materials in the secret archives?

A. That's right.

Q. And the first paragraph of this document reads: "Father Beisel and I reviewed the 323 files that are presently stored in the secret archives. Attached is a list of priests who have been guilty of or accused of sexual misconduct with a minor according to the file material. We were very literal in our reading of the files in order to be as accurate as possible with this list." Is that correct?

A. That's right.

Q. And then the last paragraph of that document actually deals with the situation about Father Dux; is that correct?

A. That's right.

Q. All right. And basically the situation as regards to Father Dux was that you had received a telephone call where the caller had made

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allegations against Father Dux which dated back 20 years; is that right?

A. That's right.

Q. And the caller hadn't scheduled an appointment to meet with you, but yet you recommended to Cardinal Bevilacqua that Father Dux, given the fact he's 72, that he be offered retirement; is that right?

A. That's right.

Q. And the reason that you made that decision to offer him retirement, even though you hadn't spoken to the actual caller other than the initial phone call, was because you found that there existed a secret archive file on Father Dux?

A. That's right.

Q. And so you had an idea that the allegations against him may have been credible?

A. That's right.

Q. Well, again, what was it, do you recall -- now, do you recall preparing this memo?

A. I don't, but I did. I mean, I don't recall doing it, but I did do it, so.

Q. Well, do you remember what it was that made you -- was this something -- you directed this to

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Monsignor Molloy, so is it wrong for me to assume that this was something that was coordinated between yourself and Monsignor Molloy?

A. You know, it may have been. I don't remember.

Q. If you had just done this for your own benefit as Secretary of the Clergy so that you had a working knowledge of the existence of the secret archive files, you wouldn't have felt a necessity to put it in memo form to Monsignor Molloy, would you?

A. Yeah, I would have anyway.

Q. Why? He wasn't in charge of handling these cases any longer, correct?

A. No. But the people above me should know what was going on, you know, or who was in there.

Q. And the purpose of -- well, let me ask you this question then, Monsignor: After you prepared this document, what action did you take as a result of having gone through the secret archive files? Did you make changes to anybody's assignment? Did you say hey, we better take a look at this person because you know what, I realize that this person is in assignment and they have a history? Did you do anything like that after reviewing all of the

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secret archive files?

A. I -- we may have.

Q. You don't have any recollection of it?

A. I don't.

Q. And this document -- well, when you say we may have, who are you referring to?

A. Myself and Father Beisel at the time.

Q. What about Monsignor Molloy, did you have any feedback from him on this memo?

A. I don't recall.

Q. Do you think that this would be the type of memo that would have ultimately been passed on to Monsignor Cullen and then Cardinal Bevilacqua?

A. I would think because the Cardinal would -- well, the Cardinal approved it.

Q. Okay. So it did definitely. I apologize. So ultimately this memo went to Cardinal Bevilacqua?

A. Uh-huh.

Q. So he was aware of the fact that you had gone through each and every of the secret archive files?

A. Right.

Q. Explain to me, if you would, Monsignor, what you mean by we were very literal in our reading of the files.

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A. I presume we were rather stringent as we went through.

Q. Stringent, I don't understand what that means, you were --

A. Well, to err on the side -- if we weren't sure, we erred on the side of -- I would think -- you know, honestly, I don't remember what my mind set was at the time. But knowing myself, if I wrote something like that, we were very literal in our reading, that it meant we were very strict in how we interpreted what was in those files.

Q. Strict towards the benefit of the priest against whom --

A. No.

Q. -- against whom allegations had been made?

A. No, strict to the detriment of the priests.

Q. And you don't recall being that strict to the detriment of the priests and this resulting in any action or any termination or anybody being put on administrative leave?

A. It may have, I just don't know.

Q. And this memo, apparently attached to it was the list of the priests; is that correct?

A. That's right.

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2 Q. And you can't find that document?

3 A. I cannot.

4 Q. Did Monsignor Molloy, to your knowledge, ever
5 go through all of these secret archive files? Did
6 he have a working list of priests that had had
7 allegations made against them, do you recall that?

8 A. You know, I think he may have had some kind of
9 coded list that he had or something.

10 Q. Well, let me just ask you this: If that coded
11 list existed or that he used, certainly you would
12 have been privy to it, given the fact that you were
13 assisting in the investigation of these cases,
14 correct?

15 A. I'm sure I -- you know what, he kept a lot on
16 his disk, and it was -- he would have all kinds of
17 passwords and everything, I'm not sure I would have
18 had complete access to it.

19 Q. So you don't recall ever him sharing that
20 information with you, like Bill, I went through
21 these files, let me give you what I was able to
22 gather from them?

23 A. I don't, no.

24 BY MR. GALLAGHER:

25 Q. Monsignor, this memo is dated February 18,

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2 1994; is that correct?

3 A. That's right.

4 Q. And it's from the desk of Reverend William J.
5 Lynn, and then there's initials there, you signed
6 that; is that correct?

7 A. That's right.

8 Q. And there's also a date stamp on this that it
9 was received by the Office of the Vicar for
10 Administration on that same date, February 18,
11 1994?

12 A. That's right.

13 Q. Now, do you recall when you gave this to --
14 and the memo went to Reverend Monsignor James E.
15 Molloy, Assistant Vicar for Administration; is that
16 correct?

17 A. That's right.

18 Q. Do you remember when you gave it to him back
19 on February the 18th of 1994, was the list that is
20 referred to in this memo as an attachment in fact
21 attached?

22 A. I'm sure it was, if it says that, yeah.

23 Q. And it indicates that you and Father Beisel --
24 who was your assistant at that time; is that
25 correct?

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2 A. Right, Beisel.

3 Q. Beisel, sorry -- went through 323 files that
4 were presently stored in the secret archives. And
5 that was as of February the 18th of 1994; is that
6 correct?

7 A. That's right.

8 Q. Do you today remember sitting down and going
9 through all those 323 files?

10 A. You know, I don't.

11 Q. Do you remember seeing Father Beisel sitting
12 there and going through the files?

13 A. No.

14 Q. Well, when you say --

15 A. I'm sure we did it. I just don't -- I can't
16 picture us doing it.17 Q. And then the next sentence says: "Attached is
18 a list of priests who have been guilty of or
19 accused of sexual misconduct with a minor according
20 to the file material."21 I guess you and Father Beisel were
22 the ones that made those determinations; is that
23 correct?

24 A. Yeah, I would believe we would have, yeah.

25 Q. And then you indicate that you were very

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literal or very strict in how you were reading those files?

A. That's right.

Q. To the detriment of the accused?

A. That would have been my mode of operation, yeah.

Q. And the next sentence says: "From our review, A, three priests have been diagnosed as pedophiles," is that correct?

A. Right.

Q. And this is as of February 18th of 1994, you went through 323 files and you found three that were diagnosed as pedophiles?

A. Right.

Q. Do you know who those three priests were?

A. I'm trying to think of those that have been diagnosed that way, I think it was Dunne would be one of them, D-U-N-N-E. You know, was McCarthy one of them? I forget. I can't remember who the third one is.

Q. Well, do you know if Dunne and McCarthy were still in ministry as of February 18th of '94?

A. Dunne was not, I don't believe. I don't remember -- I don't think McCarthy was either.

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Q. Okay. Then the next --

A. I'm not even sure if McCarthy was one of those diagnosed that way. But I think with him, I think it was ephebophilia.

Q. Let's say those three, do you remember doing anything additional on those three pedophiles at that time in February of '94?

A. I don't.

Q. The next subsection in that sentence is B, twelve priests have been either found guilty or admitted guilt of sexual misconduct with a minor.

Now, I know it's difficult, but do you remember any of those twelve?

A. Oh, geez. Yeah, I don't remember who's before '94 and who's after.

Q. Do you know if you have any records back in your office that would assist you in putting names to these categories?

A. Not -- not specifically to this. I would know who was -- I could look at who -- I have to go through the files to see who was diagnosed when and what I could see from there, you know, before '94.

Q. So without that attachment, it would be hard for you to reconstruct who you're referring to and

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with these particular numbers?

A. Yeah, it would, yes.

Q. And then the third category is C, 20 priests have had allegations of sexual misconduct with minors made against them with no conclusive evidence to prove guilt.

Now, these three categories, three, 12 and 20, were established in 1994. How you defined those three categories, that was between you and Beisel; is that correct?

A. Right.

Q. Were you given any direction by Monsignor Molloy or Monsignor Cullen as far as determining those three categories?

A. You know, I don't think for this memo. I do remember -- I'm trying to picture Monsignor Molloy talking about -- he would use a lot of terms that I always thought were real technical, almost as if he was a policeman sometimes or something like that, you know. So I can hear credible, noncredible, things like that from him, but I don't recall like sitting down and --

Q. But I mean, what I'm trying to find out is who determined to set up these three categories, A, B

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and C, you and Father Beisel, or was Monsignor Molloy involved in it or Monsignor Cullen?

A. You know, I'm not sure it was -- no, I don't think they were involved, I think we would have went through and sent it up.

Q. So this was you and Father Beisel that --

A. Right. I think I would have done it from just like what I had heard as we were looking at them before, you know, like when we were going through cases or something.

Q. Now --

A. By practice I guess that would be.

Q. Do you remember drafting this memo or did Father Beisel draft the memo?

A. Oh, I have no idea.

Q. Okay. Do you know if his recollection of this would be better than yours is now?

A. Probably be worse, but --

Q. Why do you say worse?

A. Well, because he's been -- he was only in the office a year and he hasn't been involved in any of this for a while, so.

Q. Okay. So that three, 12, and 20, in those three categories, that adds up to 35; is that

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correct?

A. Yeah, it does.

Q. So 35 out of the 323 files that you looked at fell into these three categories?

A. Right.

Q. The next sentence is: "Only basic information is contained in this report so as not to have too much in writing on this matter." What did you mean by that?

A. Well, I think you don't want a bunch of names like that floating all over the place. And the Archdiocese were notorious for paper, so not to have somebody's name floating around, especially those where they may not have been guilty of it.

Q. The next sentence says: "Also attached is a listing of extern priests who fit these categories in whom the Archdiocese has some awareness. The list of externs is provided to complete the picture."

What picture were you trying to present in these lists?

A. It seems to me I was trying to give a full picture of sexual abuse here.

Q. As of February 18, 1994, correct?

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A. Right.

Q. Now, when you say extern priests who fit these categories, what do you mean by extern priests?

A. Extern priests would be priests who would be from another country, different from a religious community priest, religious order priest, different from a diocesan priest -- well, not different from a diocesan. They would be like a diocesan priest of another country or another state.

Q. Do you know how many extern priests were on this list?

A. I don't.

Q. Now, down the bottom there is also a recommendation concerning Father Dux; is that correct?

A. That's right.

Q. And this was located, so you know, Monsignor, in Father Dux's file, were you aware of that?

A. Right, yes.

Q. And in the lower right-hand corner of the one that's been marked, there's a Bates number that's been added in; is that correct?

A. Yes.

Q. And what's that Bates number?

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A. Bates AD 1342.

Q. And also down the bottom there, it's based on a recommendation on Father Dux, there is a signature -- or strike that, a recording there that says approved in handwriting AJB, 2/24/94; is that correct?

A. That's right.

Q. So that was a little over ten years ago, correct?

A. That's right.

Q. Now, that's Cardinal Bevilacqua's signature; is that right?

A. That's right.

Q. Now, have you checked with Cardinal Bevilacqua or Monsignor Molloy or Monsignor Cullen to find out if either of them have the list that was attached to this memo?

A. No, I haven't, no.

Q. Okay. Could you do that for us, please?

A. Sure.

BY MS. McCARTNEY:

Q. Let me just ask you a couple questions further about this memo, Monsignor.

You were given -- is it your memory

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2 that you were given the task of going through these
3 secret archive files by somebody higher than
4 yourself or that this was something that you
5 initiated on your own?

6 A. My -- I don't have a distinct recollection why
7 I did it then, but I know that we are always saying
8 some day we have to get through these things and
9 see what's in all these cabinets.

10 Q. And who would say that?

11 A. I would say it, I think Monsignor Molloy would
12 say it, I think -- well, at the time Father Beisel
13 would have said it.

14 Q. And at some point in time, you actually I
15 guess found the time to do that, right?

16 A. Yeah.

17 Q. Okay. And you and Father Beisel were the ones
18 that were designated to go through all of these
19 files?

20 A. I don't know whether we were designated, but
21 we did it.

22 Q. Okay. And you say there was three categories
23 that Mr. Gallagher already talked about; is that
24 right?

25 A. That's right.

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Q. And those three categories at some point in time in response to a question you said they would have had to go up, what did you mean by that?

A. Oh, I think anything of that magnitude or anything of this gravity would have had to be reported to my superiors.

Q. That would have been Monsignor Molloy and Bishop Cullen?

A. Uh-huh.

Q. And ultimately Cardinal Bevilacqua, correct?

A. That's right.

Q. And when you say that it would have had to have been reported, you mean -- do you have a recollection of having any type of meeting or any type of conversation wherein it was like we finally found the time, we're going to go through these files, how is it that we're supposed to analyze them, I need some direction about when I look through them what it is that I'm going to be looking for and how I'm supposed to analyze what's inside these documents?

A. No, no, I don't.

Q. Well, when you say that they went up, what was the direction that you got with regard to the

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2 proposals that you made in terms of the categories?

3 A. I do not remember getting any direction.

4 Q. Well, what was your -- okay. So you didn't
5 get any direction from anybody that you can recall.
6 You're going to go through all of these files and
7 you're going to break them down into categories,
8 what was the criteria that you gave to yourself and
9 that you passed on to Father Beisel with regard to
10 looking at these allegations?

11 A. Well, we would have looked -- I presume we
12 would have looked for the diagnosis, if they had
13 been evaluated; we would have looked to see if they
14 admitted it, you know, or somehow they were found
15 guilty of it; and then I guess the ones where it
16 wasn't clear, that's where we would have said it
17 was not conclusive.

18 Q. Well, you're looking through these files --
19 and let me just give you a hypothetical, if I
20 could.

21 You're looking through these files,
22 it's 1994, there's a file that exists on somebody
23 that's still in ministry and when you pick it up,
24 you see that there's allegations that had been made
25 against them in, say, '75, '76, '77, sometime

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2 around that time frame, how would you analyze
3 whether or not that allegation was credible? Would
4 you go back and try to speak to the victim?

5 A. Geez, probably we would have gone back to the
6 priest and spoken to him, if we did anything.

7 Q. And what if you didn't do anything, how would
8 you have dealt with that?

9 A. Well, that's -- I don't know what we did with
10 it.

11 Q. Well, did you ask for any direction with
12 regard to those types of situations? Because what
13 you said motivated you doing this was to make sure
14 that you didn't have any priests in active ministry
15 that had had a background in which a credible
16 allegation of sexual abuse had been made against
17 them.

18 A. Yeah, I'm presuming that's why I did it.

19 Q. Okay. Well, let's assume that your
20 presumption is correct. If that was why you did
21 it, how would you be able to take comfort with I
22 don't have to worry about this guy, it was 1977,
23 and I can say that it wasn't credible?

24 A. I -- my -- I don't know. My thing would be
25 I'm sure if I thought that the people before me had

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examined these things and had still left the person in ministry, that they must have had good reason to do that, and I would presume that their judgment was correct.

Q. In looking through these files, some of the allegations that occurred -- some of the allegations that occurred even if the person were asked to go to counseling or receive an evaluation, there was not always records for mental health facilities in the files, correct?

A. Probably.

Q. So there would be some files then that you looked at that you weren't able to plug into one of your criteria, which would be whether or not there was a diagnosis, because you wouldn't have that document in the file to do that, correct?

A. Right.

Q. Okay. So let me ask you this, you said that there's 323 files that are presently stored in the secret archives, according to this memo?

A. Right.

Q. We've already talked about the fact that there are secret archive files that exist for a variety of reasons, not all of them dealing with sexual

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abuse of minors, correct?

A. That's right.

Q. And you were specifically looking for those files that dealt with sexual abuse of minors; is that right?

A. I presume I was.

Q. Okay. So even if there was a situation where a priest was accused of having a affair with someone of consenting age, that wouldn't have been something that you would have spent time --

A. No.

Q. -- putting into any category, correct?

A. Right.

Q. Okay. And the numbers that we've talked about with regard to the breakdown of categories that you have are 35; is that right?

A. That's right.

Q. Is it your understanding that of the 323 files only 35 of those files dealt with the issue of clergy sexual abuse?

A. Right.

Q. Yes?

A. Yes.

Q. Can you explain then how it is, Monsignor, and

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2 I understand that there's going to be some
3 variation of numbers because it's ten years
4 subsequent to that, but our office in response to
5 our subpoena have received approximately 140 files,
6 is it your understanding that of that 140, minus
7 35, so 105 files have been generated from 1994
8 through the present day?

9 A. (Pause.)

10 Q. Do you understand my question?

11 A. Yeah. Can I talk to my lawyer?

12 Q. Sure.

13 (Whereupon a discussion was held off
14 the record by and between the witness and his
15 counsel.)

16 BY MS. McCARTNEY:

17 Q. I'm sorry, did you have the opportunity to
18 consult with your attorney?

19 A. Yeah, I did.

20 Q. Okay.

21 A. When I would have been doing this, I wasn't --
22 like deceased priests, even religious community
23 priests were included here and things like that,
24 anonymous allegations, you know, those kinds of
25 things, so I wouldn't have been -- I think this

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2 would have been people that were still somehow or
3 other connected to the priesthood, either I guess
4 in retirement or administrative leave or things
5 like that, or in ministry.

6 Q. When you say anonymous allegations, just let
7 me ask you about that. If you came upon a file
8 that inside was contained an allegation that had
9 been either called in anonymously or a letter
10 written anonymously with regard to sexual abuse of
11 minors, that would have been something that you
12 would have disregarded?

13 A. Most -- yes, yeah.

14 Q. And who gave you the direction that that was
15 something that was appropriate to do, to disregard
16 anonymous allegations? Did you get that direction
17 from Cardinal Bevilacqua?

18 A. You know, I remember not on sexual abuse, any
19 anonymous complaints that came in on priests,
20 whether it was sexual abuse or any other. It was
21 more just -- it was told to me in a general way,
22 not sex abuse.

23 Q. Not with regard to specifically this issue?

24 A. Right.

25 Q. But you have a recollection of the Cardinal

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2 basically giving you the thumbs up of ignoring any
3 allegation that came in about a priest if the
4 source of it was anonymous?

5 A. Right. I mean, I may remember -- like you
6 would have a meeting and he specifically talked
7 about it, but in the course of conversation, he
8 just said we can't give into anonymous allegations
9 or complaints.

10 Q. And what you believe to be that direction
11 applied not only in your going through the
12 preexisting secret archive files, but also if there
13 was an allegation that occurred that you became
14 aware of that had an anonymous source to it, when
15 you were Secretary of the Clergy, you also would
16 have applied that same direction; is that right?

17 A. Right.

18 Q. What about hearsay allegations, and by that I
19 mean I call up and say that my friend is being
20 sexually abused or my brother's friend is being
21 sexually abused by a priest, would that have been
22 something that you would have looked into?

23 A. I would have asked the person to have the
24 person contact me.

25 Q. And if I said the person really doesn't feel

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2 comfortable doing that, you would do nothing until
3 that person themselves called and contacted you?

4 A. Huh?

5 Q. I mean, you would make the invitation?

6 A. I would make the invitation, right.

7 Q. And if they did not, then that would be as far
8 as that investigation would go?

9 A. Yeah. Because at times you have people call
10 about all kinds of things, they make all kinds of
11 statements about people, and you know.

12 Q. Okay. Did you feel that you had the ability
13 or the direction to view those allegations in that
14 manner from a general conversation that you had
15 with the Cardinal as well?

16 A. I would think it was more of the practice that
17 I just learned, like the on-the-job thing.

18 Q. Okay.

19 MS. McCARTNEY: You know what,
20 Monsignor, it's now 12:35. We're going to
21 take a lunch break till 2:00, okay.

22 (Whereupon a lunch recess was
23 taken.)

24 MS. McCARTNEY: All right. We're
25 back on the record.

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It is 2:04. Today's date is
February 27th, we have?

GRAND JURY SECRETARY: Twenty
regulars and eight alternates.

MS. McCARTNEY: Which constitutes a
quorum. We have recalled to the stand
Monsignor Lynn.

BY MS. McCARTNEY:

Q. Monsignor, again, just for the record, could
you just state and spell your last name?

A. Sure. Monsignor William Lynn, L-Y-N-N.

Q. And, again, Monsignor you're represented by an
attorney; is that correct?

A. That's correct.

MS. McCARTNEY: And, Counsel, again
just for the record, could you state your name
for the record?

MR. HODGSON: Yes. My name is Clark
Hodgson. I practice with the law firm of
Stradley, Ronon, Stevens & Young here in
Philadelphia, and I represent Monsignor Lynn.

BY MS. McCARTNEY:

Q. Monsignor, when we broke before lunch, we were
discussing the memo that you prepared back in 1994

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with regard to having gone through the secret archive files; is that right?

A. That's right.

Q. Okay. And that memo was prepared by you, and you had gone through the files with yourself and Father Beisel; is that right?

A. That's right.

Q. And Father Beisel at that point in time worked for you; is that correct?

A. That's right, he was my associate.

Q. Well, let me ask you this, Monsignor, what direction did you give Father Beisel in terms of breaking down these files and making determinations as to what category to put the different allegations that may be contained in the files into?

A. I probably -- I don't know.

Q. Do you think that you did it and you just don't recall, or you didn't do it?

A. Well, I would think we probably would have got out everything that would have involved, you know, this kind of nature, and discussed together what to do with it.

Q. Okay. So you believe that what probably

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2 happened was you went through all the secret
3 archive files, you put to the side or put back in
4 the cabinets those issues that dealt with
5 alcoholism only or other misdeeds or allegations of
6 misdeeds against priests, you're left then with a
7 pile of files that deal specifically with the issue
8 of clergy sexual abuse of minors, correct?

9 A. Well, I don't know exactly how we did it, but
10 I'm presuming that we must have put our heads
11 together to --

12 Q. So you believe that the categories that
13 ultimately you came up with -- I mean, you've
14 already testified that you believe that these
15 different categories had to go up, meaning they had
16 to get the approval that this is an appropriate way
17 to break these things down, correct?

18 A. No, no, I didn't say that. That I had sent
19 them up in order just that my superiors would know
20 what was in the files.

21 Q. You mean the ultimate synthesis of the files
22 themselves?

23 A. Right.

24 Q. Okay. But in terms of yourself and Father
25 Beisel sitting down, you went through -- you

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2 believe you went through each file together or you
3 took some files and he took some files and you sort
4 of came up with a list based upon that?

5 A. You know, I really don't remember how exactly
6 we did it.

7 Q. Let me ask you this, Monsignor, this is 1994,
8 now in 1992 you had already assumed the position of
9 Secretary of Clergy, and even prior to that you had
10 been working as an assistant on these types of
11 cases, correct?

12 A. That's right.

13 Q. And so you would have been aware, not only
14 based upon the national nature of it, but also
15 because it directly impacted potentially your work
16 that you were doing, you were aware of the Porter
17 case in Boston; is that correct?

18 A. I was -- I heard the name, sure.

19 Q. Well, you were aware of the fact that the
20 Porter case when it came out that he had abused a
21 number of children; and that it was determined that
22 he had been transferred to a number of different
23 locations even after those allegations came back;
24 that made national news coverage at the time, do
25 you recall that?

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A. I recall it being in the news, yes.

Q. Do you recall having any discussions with your superiors or your superiors having any discussions with you with regard to we have to make sure that we don't have any Porter situation in Philadelphia?

A. No, I don't.

Q. Do you have any recollection of anything changing with regard to the way that these cases were handled as a result of the Porter case?

A. No.

Q. Was the Porter case breaking on a national basis part of the reason that motivated the Archdiocese to put down in writing their policy with regard to sexual abuse of minors?

A. I don't -- I don't know whether that had a direct impact on it or not.

Q. So you don't recall the Porter case impacting your work in any way at all after it happened in 1992?

A. No.

Q. Now, what about -- you never had a conversation with Cardinal Bevilacqua with regard to that?

A. I don't believe so.

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Q. Now, when you sat down with Father Beisel to go through these files, I just want to make sure that we're clear because I'm a little bit unclear, and I'm sure it's my fault, when you looked at a file, how was it that you came to the conclusion that an allegation that predated your time in the Secretary for Clergy's office, how was it that you came to a conclusion that the allegation would have been credible or noncredible so as to determine what category to put that priest into?

A. Well, I don't exactly -- I do not remember what I did ten years ago with these going through them, but I think if I would have had a diagnosis that said that, that would have fit the first category, and the rest I would have just done it from what I found in the file.

Q. Well, when you say what you found in the file, we've already talked about the fact that if it was an anonymous allegation, you basically gave that no weight, correct?

A. Normally that's the way I would have operated.

Q. And that was something that you believed was appropriate to operate with based upon whatever own experiences you had and also on some direction that

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2 you believe you got from the Cardinal; is that
3 correct?

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4 A. Right.

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5 Q. And you also told us that if there was an
6 allegation that came about as a result of hearsay
7 information, that again you would have given little
8 or no credibility to; is that right?

8

9 A. Right.

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10 Q. Okay. Did you at any point in time try to
11 verify or dig into a case that was anonymous or a
12 case that dealt with hearsay information?

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13 A. I don't believe I did.

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14 Q. And so basically if I'm correct about this,
15 and if I'm not, please correct me, you looked at a
16 file, if there was a diagnosis from some
17 psychological report, if one was in the file that
18 said the person is a pedophile, that was one of the
19 criteria; if you had an admission on the part of
20 the priest themselves when confronted with an
21 allegation, that was another one, correct?

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22 A. That's the way I would have operated, right.

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23 Q. What about a situation wherein there was
24 allegations that were made and brought to the

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25 attention of the administration prior to Cardinal

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2 Bevilacqua's time where there were notations by the
3 person interviewing either the victim or the priest
4 that deemed the allegations to be credible, what
5 would you do with them?

6 A. Could you ask me that again?

7 Q. Sure.

8 What if you had a situation when you
9 were looking through a file and you were reading
10 back, say, a complaint that occurred in 1964 and
11 you were looking back over the paperwork and you
12 saw that when the allegations had come to the
13 attention of the Archdiocese and either the victims
14 had been interviewed or the priest had been
15 interviewed and the interviewer had determined that
16 they were credible allegations, what would you do
17 with that situation?

18 A. I presume I would have put it in the category
19 of guilty.

20 Q. Okay. And if you had put it in the category
21 of guilty, what would you have done once that
22 person was in that column, if you found out that
23 they were still in ministry?

24 A. Well, as I said, I don't remember what I did
25 ten years ago, but I think my mode of operation

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2 would have been to do something about him, if he
3 was in ministry.

4 Q. Well, let me ask you this question
5 specifically, and if you don't have the
6 recollection, that's fine, what about Father
7 Cannon? Father Cannon had allegations that were
8 brought about against him in 1964 by a number of
9 different individuals, I think it was eight at the
10 time, and those individuals were interviewed, and
11 the allegations were determined by the interviewer
12 to be credible allegations.

13 There was another allegation that
14 came forward -- well, I shouldn't say another
15 allegation, I'm sorry, one of the same victims
16 notified the Archdiocese in 1992 as a result of the
17 Porter case, wrote another letter to the
18 Archdiocese, that's 1992, and in 1994 when you went
19 through these files, Father Cannon remained in his
20 ministry, do you recall that?

21 A. I do not recall him in connection with going
22 through these files. I do recall somebody coming
23 in to me in '92 about him.

24 Q. And when somebody came in to you in '92, your
25 mode of operation would have been to go and check

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and see whether or not a secret archive file existed, correct?

A. Right.

Q. And if you had done that or when you did that, you would have determined that Father Cannon did in fact have a secret archive file, correct?

A. Right.

Q. And it was determined after an outpatient evaluation that Father Cannon needed inpatient treatment; is that right?

A. That's right.

Q. And at some point in time it came to be known that he never received that inpatient treatment; is that correct?

A. That's right.

Q. And you didn't have an explanation in the memo that you prepared as to why that was the case, correct?

A. That's right.

Q. And all the while, Father Cannon remained in ministry; is that right?

A. Right.

Q. Up until December of 2003; is that right?

A. That's right.

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2 Q. Do you have an explanation as to how that
3 happened if when you went through the files in 1994
4 your purpose in doing so was to make sure that no
5 one with credible allegations against them were in
6 ministry?

7 A. Well, my view on Father Cannon was I never had
8 conclusive evidence that he had been guilty of
9 misconduct.

10 Q. Then I'm going to ask you again, Monsignor,
11 what type of conclusive evidence were you looking
12 for, aside from an admission on the part of the
13 priest?

14 A. Can I talk to my attorney?

15 Q. Sure.

16 (Whereupon a discussion was held off
17 the record by and between the witness and his
18 counsel.)

19 BY MS. MCCARTNEY:

20 Q. Did you have the opportunity to consult with
21 your attorney?

22 A. I did, yeah.

23 Q. And do you have an answer to the question?

24 A. Can you read it back?

25 (Whereupon the court reporter read

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2 back the following testimony as follows:

3 "Question: Then I'm going to ask
4 you again, Monsignor, what type of conclusive
5 evidence were you looking for, aside from an
6 admission on the part of the priest?")

7 THE WITNESS: Well, if I had an
8 admission on the part of the priest, that
9 would have been conclusive enough.

10 BY MS. McCARTNEY:

11 Q. I understand that. But you determined -- you
12 determined based upon some criteria that you were
13 using, which is I guess really what I want to know,
14 that Father Cannon's allegations were not credible
15 at that juncture.

16 I'm asking you aside from an
17 admission on the part of a priest, what was it that
18 would have made you believe that something was
19 credible?

20 Because as I've already stated, and
21 you've already agreed with, in the case of Father
22 Cannon, the person who interviewed the victims when
23 the complaint first came in had found them to be
24 credible.

25 A. No, I didn't agree with you on that.

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2 Q. You didn't, I'm sorry. Well, you take
3 whatever -- you say whatever you want to say about
4 that statement then.

5 A. Well, I never agreed -- I don't even remember
6 seeing that someone said they were credible.

7 Q. Okay. So you, using your criteria, determined
8 the allegations against Father Cannon to be
9 noncredible, correct -- or I'm sorry,
10 nonconclusive, I don't want to put words into your
11 mouth; is that right?

12 A. I don't know what I did -- I said before, I
13 don't know what I did in '94.

14 Q. Well, you've told us earlier, and if I'm wrong
15 please correct me, you told us earlier that your
16 purpose in going through these files two years
17 after assuming the job as Secretary of Clergy was
18 to make sure that nobody in active ministry had a
19 file or had credible allegations against them; did
20 I misinterpret that?

21 A. No, I told you I presume that's why I went
22 through them.

23 Q. Okay. Well, what can we do besides work on
24 your presumption? Do you have another reason for
25 having done that?

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2 A. No.

3 Q. Okay. So is it a fair assumption for us to
4 make that the reason in 1994 that you went through
5 those documents was to determine whether or not any
6 of the people that had secret archive files were in
7 ministry and if they were in ministry, whether the
8 allegations in the secret archive files were
9 credible?

10 A. Yes.

11 Q. Okay. So I'm going to ask you then, when you
12 did that, when you wanted to make sure of that, and
13 I'm sure that you wanted to make sure so that you
14 could pass it on to the Cardinal, correct, what
15 were your criteria? And applying the criteria
16 you've already told us about, how did Father Cannon
17 remain in ministry until 2003?

18 A. Well, if my recollection is right, with Father
19 Cannon, I never found that there was conclusive
20 evidence that he was guilty or not.

21 Q. Okay. And so I'm not trying to belabor a
22 point, but what in your mind would give you
23 conclusive evidence?

24 A. Well, a admission on his part.

25 Q. Okay.

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2 A. Or a, like I said, if a report said he was
3 diagnosed that way, had a sexual disorder, or
4 something like that.

5 Q. Okay. Again, aside from a priest saying I did
6 it, I molested these kids, or a psychiatric
7 institution determining that someone fit within a
8 specific criteria of pedophile or ephobophile, what
9 else? Or if there's nothing else, then that's your
10 answer.

11 A. There's nothing else.

12 Q. There's nothing else, just those two things?

13 A. As far as I can see.

14 Q. I'm sorry, I don't mean to cut you off.

15 A. I mean, as far as I can answer right now,
16 that's what the criteria was.

17 Q. Okay. So unless when you were going through
18 those files you saw one of those two things, then
19 you would put the person in the category of not
20 having conclusive evidence to prove guilt, correct?

21 A. I would presume so, that's what I did.

22 Q. And so if you came to that conclusion and you
23 went through that analysis and you couldn't come up
24 with the conclusive proof, so then I assume nothing
25 would be done in terms of removing or limiting any

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of those people's ministry, correct?

A. It may have been that way. I really don't remember.

Q. Okay. When you sent this memo to Cardinal Bevilacqua and you broke down these categories, do you recall whether he had any questions for you with regard to how did you come up with these three categories, what's the number, where did you get these numbers from, do you remember any of those kind of questions being asked?

A. I do not.

Q. Do you remember Monsignor Cullen asking you any of those kind of questions?

A. I do not.

Q. Monsignor Molloy?

A. No.

Q. Okay. Did anybody express any, you know, relief that of the 323 files there was only apparently 35 that fit into any of these three categories?

A. You know, I don't remember.

Q. And when you wrote in this memo under separate cover, I will be making recommendations about the other files presently stored in the secret

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archives, what were you referring to there? You were referring to the ones that dealt with alcohol or priests that had left the priesthood?

A. I imagine, yeah.

Q. And I think I already asked you this, but I'll ask it again just for clarification, when you wrote that memo and you came up with the numbers that you did, do you recall any changes taking place in the Archdiocese of Philadelphia with regard to anybody being either removed or limited in their ministry, based upon your review of the secret archive files in 1994?

A. I don't recall right at this point.

Q. You don't recall or you don't think -- I mean, you don't recall?

A. I don't recall.

Q. Now, Monsignor, when you took over as Secretary of Clergy, you've already indicated that one of your jobs was to put forth names of priests for different assignments; is that right?

A. That's right.

Q. What about a priest that had a secret archive file, how would that person be handled at a priest personnel board meeting?

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A. Sometimes the assignment wouldn't take place; wouldn't be discussed at a priest personnel board meeting.

Q. And let me just make sure I'm correct on this, part of the purpose of having a priest personnel board meeting was to get the input of the other people throughout the Archdiocese; is that right?

A. That's right.

Q. And part of the input that would be gotten by the other people on the board would be what they might know personally about a priest, what they maybe had heard about a priest; is that right?

A. That's right.

Q. And given that they could be very valuable criteria in discussing the placement of a particular priest, why was it that somebody that might have had a past not be discussed in that board meeting?

A. I believe part of it was that they all had a right to their reputation.

Q. Was there ever a point in time when there was a thought that a person who abused a child no longer had that right to their reputation?

A. Pardon me?

MONSIGNOR WILLIAM J. LYNN

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Q. Was there ever a discussion about that?

A. No, not that I recall.

Q. So people that were coming back for reassignment after having been removed or taken out of an assignment and sent for treatment, they wouldn't have been discussed at the priest personnel board meetings; is that right?

A. Not normally, right.

Q. Okay. That discussion -- or that would be held by -- that would be discussed only by yourself, someone within your office, maybe Monsignor Cullen and the Cardinal himself?

A. At times, or maybe just through memos.

Q. Was there ever an occasion that you can recall where you had a disagreement with -- or someone had a disagreement with a recommendation that you had made?

A. I'm sure there were times, you know, that the recommendation would have been questioned or disagreed with.

Q. How often was it that you recall, and I'm only going to ask you up until the point of time that Cardinal Bevilacqua left the Archdiocese, when you would send a memo to him about a particular priest