

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

TRIAL DIVISION

IN RE : MISC. NO. 0009901-2008

COUNTY INVESTIGATING :

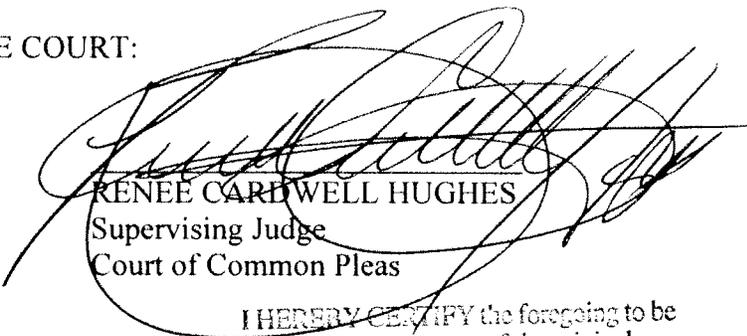
GRAND JURY XXIII : C-14

FIRST JUDICIAL DISTRICT OF PA
CRIMINAL MOTION COURT
JAN 21 2011

FINDINGS AND ORDER

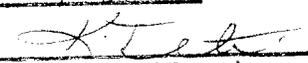
AND NOW, this 21st day of January, 2011, after having examined the Presentment of the County Investigating Grand Jury XXIII, this Court finds that the Presentment is within the authority of the Investigating Grand Jury and is otherwise in accordance with the provisions of the Investigating Grand Jury Act, 42 Pa.C.S. §4541, et. seq. In view of these findings, the Court hereby accepts the Presentment and orders it sealed until further order of the Court. At that time, the Presentment shall be unsealed and the Court will refer it to the Clerk of Court for filing as a public record.

BY THE COURT:


RENEE CARDWELL HUGHES
Supervising Judge
Court of Common Pleas

I HEREBY CERTIFY the foregoing to be
a true and correct copy of the original
as filed in this
office:

Date: 1-21-11


Active Criminal Records
Criminal Motion Court Clerk
First Judicial District of Pa.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

TRIAL DIVISION

IN RE : MISC. NO. 0009901-2008

COUNTY INVESTIGATING :

GRAND JURY XXIII : C-14

PRESENTMENT

TO THE HONORABLE RENEE CARDWELL HUGHES, SUPERVISING
JUDGE OF THE COUNTY INVESTIGATING GRAND JURY:

We, County Investigating Grand Jury XXIII, having been duly charged by the Court to investigate the sexual abuse of minors by clergy and employees of the Archdiocese of Philadelphia to determine whether or not criminal charges should be brought, having obtained knowledge of such matters from witnesses sworn by the Court and testifying before us, and finding thereon reasonable grounds to believe, and so believing, that various violations of the criminal laws have occurred, upon our respective oaths not fewer than twelve concurring, do hereby make this Presentment to the Court.

DATE

FOREPERSON
COUNTY INVESTIGATING
GRAND JURY

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

TRIAL DIVISION

IN RE : MISC. NO. 0009901-2008
COUNTY INVESTIGATING :
GRAND JURY XXIII : C-14

PRESENTMENT

TO THE HONORABLE RENEE CARDWELL HUGHES, SUPERVISING JUDGE OF THE COUNTY INVESTIGATING GRAND JURY:

We, County Investigating Grand Jury XXIII, were impaneled pursuant to the Investigating Grand Jury Act, 42 Pa.C.S.A. § 4541 et. seq., and have been charged by the Court to investigate the sexual abuse of minors by clergy and employees of the Archdiocese of Philadelphia.

The Sexual Abuse of Billy

This Grand Jury investigation began with the testimony of Billy. “Billy” is a pseudonym; he is still reluctant to name himself publicly, although he knows he will have to do so soon. He was a 10-year-old student in Barbara Mosakowski’s fifth-grade class at St. Jerome School when two priests molested and orally sodomized him during the 1998-99 school year. Billy testified that he had signed up to be an altar boy at St. Jerome Church because his brother, who was three years older, had been one. He also participated in the “maintenance department” of the school’s bell choir, meaning that he took the bells out of their cases before choir practice and put them away at the end.

Rev. Charles Engelhardt

Billy testified that his first uncomfortable encounter with a priest took place after he served an early morning weekday Mass with Rev. Charles Engelhardt. While Billy was cleaning up in the church sacristy, Father Engelhardt caught him drinking some of the leftover wine. The priest did not scold the 10-year-old altar boy. Instead, he poured him more of the sacramental wine and began asking him personal questions, such as whether he had a girlfriend.

Billy said that while discussing such matters, Father Engelhardt pulled pornographic magazines out of a bag and showed them to Billy. He asked Billy how it made him feel to look at pictures of naked men and women, and which he preferred. He also told Billy that it was time for him to become a man, and that “sessions” with the priest would soon begin. At the time, Billy said, he did not understand what the priest meant; he just put the episode in the back of his mind, and went about what he was doing.

Billy testified that about a week later, he served another early morning Mass with Father Engelhardt. When they were in the church sacristy afterwards, the priest instructed Billy to take off his clothes and sit on a chair next to him. As Billy nervously complied, Father Engelhardt undressed himself, and then began to caress the 10-year-old’s legs. He repeated to Billy that it was time for him “to become a man,” and proceeded, in Billy’s words, both “to jerk [Billy] off” and to perform oral sex on him.

According to his testimony, Billy was next told to fondle the priest’s genitals. Then, at Father Engelhardt’s direction, got on his knees and put the priest’s penis in his mouth. Father Engelhardt called Billy “son,” and told him he was doing a good job as he instructed the boy to move his head faster or slower. After ejaculating on Billy, Father

Engelhardt told the boy he was “dismissed.” About two weeks later, Father Engelhardt asked Billy if he was ready for another session. Billy emphatically refused.

Rev. Edward V. Avery

Billy testified that Father Engelhardt left him alone after his unsuccessful attempt to arrange a repeat “session.” A few months after the encounter with Father Engelhardt, Billy was putting bells away after choir practice when Father Edward Avery pulled him aside to say that he had heard about Father Engelhardt’s session with Billy, and that *his* sessions with the boy would soon begin. Billy pretended he did not know what Father Avery was talking about, but, inside, his stomach turned.

Soon after the warning, Billy served a Mass with Father Avery. Billy testified that when Mass was ended, Father Avery took him into the sacristy, turned on music, and ordered the boy to perform a “striptease” for him. Billy started to undress in a normal fashion, but Father Avery was not satisfied and directed him to dance while he removed his clothes.

According to Billy’s testimony, Father Avery sat and watched him with an “eerie smile” on his face, before getting up and undressing himself. When they were both naked, the priest had Billy sit on his lap and kissed his neck and back, while saying to him that God loved him and everything was okay. Father Avery fondled Billy’s penis and scrotum, and then had Billy stand so that he could perform oral sex on the boy. As the priest fellated the 10-year-old, he stuck his finger in Billy’s anus, causing him to react in great pain.

After sucking on the boy’s penis for a while, Father Avery announced that it was time for Billy to “do” him. According to Billy’s testimony, the priest directed the 10-

year-old to fondle his genitals and then put the priest's penis in his mouth and suck on his scrotum. The session ended when Father Avery ejaculated on Billy and told him to clean up. The priest told Billy that it had been a good session, and that they would have another again soon.

A few weeks later, following an afternoon weekend Mass, as Billy was cleaning a chalice, Father Avery again directed the 10-year-old to strip for him, according to Billy's testimony. When the boy did as he was told, the priest fondled and fellated him again and, this time, licked his anus. He made Billy "jerk him off" as he performed oral sex on the fifth-grader. After Father Avery ejaculated, he left Billy in the sacristy.

Billy testified that, from then on, he avoided serving Mass with Father Avery by trading assignments with other altar boys. But he said he was too frightened and filled with self-blame to report what had been done to him.

Bernard Shero

According to Billy, he had a slight break over the summer between fifth and sixth grades. He went to the New Jersey Shore with his family and, for that period, did not have to serve Mass with Father Engelhardt or Father Avery. However, when he returned to school in the fall, he was in the sixth-grade class of Bernard Shero, a teacher who, Billy said, was "kind of a creep." He touched students when he talked to them, and would put his arm around students and whisper in their ears. Billy recalled that Shero's conversations with students were inappropriate, and that he would try to talk to Billy about intimate things.

One day, according to the victim's testimony, Shero told the boy he would give him a ride home from school. But instead of taking Billy straight home, he stopped at a

park about a mile from the boy's house. When Billy asked why they were stopping, Shero answered, "We're going to have some fun." The teacher told Billy to get in the back seat of the car. He directed his student to take his clothes off, but then became impatient and started helping Billy to undress.

Shero, the victim testified, then fondled Billy's genitals and orally and anally raped the now 11-year-old boy. Shero was only able to get his penis part-way into Billy's anus because the boy screamed in pain. The teacher then had Billy perform sexual acts on him. As Billy did so, Shero kept saying, "It feels good." After raping his student, Shero told the boy to get dressed. He then made Billy walk the rest of the way home.

Billy suffered physical and emotional harm as a result of the abuse.

Although Billy was too frightened to directly report the abuse as a child, he experienced otherwise unexplained physical problems that corroborated his testimony before the Grand Jury. Billy's mother, Sheila Gallagher, testified that in the fifth grade (the same year that Fathers Engelhardt and Avery were having their "sessions" with him), Billy complained of pain in his testicles. In the sixth grade (the year when Shero raped and orally sodomized him), Billy went through an extended period when he would cough, gag, and vomit for no reason. Sheila Gallagher testified that she took Billy to doctors for both conditions, but there was never a diagnosis. Mrs. Gallagher turned over to the Grand Jurors her records of her visits to doctors with Billy.

Billy's mother also told us of a dramatic change in his personality that coincided with the abuse. His friends and their parents also noticed this personality change. Billy's mother watched as her friendly, happy, sociable son turned into a lonely, sullen boy. He no longer played sports or socialized with his friends. He separated himself, and began to

smoke marijuana at age 11. By the time Billy was in high school, he was abusing prescription painkillers. Eventually he graduated to heroin.

It was at an inpatient drug treatment facility that Billy first told someone about his abuse. Billy's mother testified that she probably should have suspected something before then, because she found two books about sexual abuse hidden under Billy's bed when he was in high school. She asked him about the books at the time, but he covered up for his abusers by telling her that he had obtained the books for a school assignment.

The Philadelphia Archdiocese had assigned Father Avery to St. Jerome even though Msgr. William Lynn and other high-ranking officials knew he had abused another boy and could not be trusted around adolescents.

Monsignor William Lynn,¹ who is now the pastor at St. Joseph Church in Downingtown, was, in 1993, the Archdiocese's Secretary for Clergy. Testimony he provided before a 2005 grand jury (which also investigated molestation of children in the Philadelphia Archdiocese) established that Msgr. Lynn was responsible for handling allegations of sexual abuse by priests. His job was to investigate the allegations and to recommend to the Cardinal how the priest should be treated and whether he should be reassigned.

Documents from Archdiocese files show that after Msgr. Lynn learned, in 1992, that Father Avery had abused another boy, the Secretary for Clergy had recommended Father Avery for assignment to a parish with a school. He then failed to supervise or restrict Father Avery's contact with adolescents in any way. Msgr. Lynn did this even

¹ At the time, Lynn's title was "Father" Lynn. Cardinal Bevilacqua granted him the title of "Monsignor" shortly after. Because Lynn held that title throughout most of the events referred to in this report, we refer to him exclusively as "Msgr. Lynn" to avoid confusion.

though Father Avery's therapists had told Msgr. Lynn that the priest could not be trusted around children.

Seven years before Father Avery abused Billy, Archdiocese officials learned he had abused someone else.

Seven years before Father Avery abused Billy, Msgr. Lynn, Cardinal Anthony Bevilacqua, and other Archdiocese officials learned that the priest had molested another altar boy. "James" (not his real name) was a 29-year-old medical student, with a wife and child, when he wrote to the Archdiocese in the spring of 1992 to report that Father Avery had abused him in the 1970s and 1980s. He enclosed a copy of a letter that he had just sent to Father Avery, in which he told the abusive priest:

I've been carrying a burden for all these years that is not justly mine to bear. . . . It all began when I was a young boy and you came to my church. I thought you were funny and you let me help you at dances and other functions. You made me feel valued, included, and special. I trusted, respected, and loved you, and you taught me many things about construction, driving, and gave me my first beer. I truly believed you had my best interest at heart, that you cared about me in a fatherly way.

Then one night after I had helped you at a dance and had quite a lot to drink I awoke to find your hand on my crotch. I was terrified. . . .

I've never told you until now because I've been afraid and I've always blamed myself for what happened. I always thought there was something I did or said or a way I acted that made you think it was alright to do what you did. I would think that you've been such a good friend to me that maybe these activities were alright.

I knew one thing, I didn't want you to touch me that way and I didn't want sex with you or any other man. I was determined after that night that I would never be hurt by you again. I would always be safe from that kind of intrusion. I became distant and depressed, my ability to trust men

shattered. I am only now undergoing the long recovery process from wounds I suffered at your hands. I have let too much of my life be controlled by this terrible wrong you committed.

YOU HAD NO RIGHT TO HURT ME THE WAY YOU DID.

YOU HAVE NO RIGHT TO HURT ANYONE ELSE THIS WAY.

I AM NOT RESPONSIBLE FOR WHAT YOU DID TO ME.

ALL THE RESPONSIBILITY IN THIS MATTER IS YOURS.

I WILL NO LONGER CARRY THIS BURDEN FOR YOU.

MY ONLY RESPONSIBILITY IS TO GOD, MYSELF, AND FAMILY.

James told Msgr. Lynn that he sought neither money nor scandal. He merely wanted to make sure that Father Avery was not still a threat to others.

Archdiocese documents record that, on September 28, 1992, Msgr. Lynn and his assistant, Father Joseph R. Cistone, who is now the Bishop of Saginaw, Michigan, interviewed James. James told them that he had met Father Avery in 1976, when he was an altar boy and the priest was assistant pastor at Saint Philip Neri Parish in East Greenville. Father Avery would take James and other altar boys to his beach house in North Wildwood and give them alcohol. Father Avery gave James his first drink at age 12.

James told Msgr. Lynn and Father Cistone that Father Avery first touched him on an overnight with a group of altar boys at the priest's house on the Jersey Shore. Father Avery had entered the loft where the boys were sleeping, and had "wrestled" with them

and “tickled” them. Several times, James said, Father Avery put his hand on James’s crotch.

In September 1978, Father Avery was transferred abruptly to Saint Agatha-Saint James Parish in Philadelphia. James’s mother, Mary, described how, “One Sunday Father Avery was saying Mass and that Wednesday he was gone, transferred for some unknown reason.”

After his transfer, Father Avery, who moonlighted as a disc jockey at bars, weddings, and parties, continued to invite James to assist him on disc jockey jobs. During James’s freshman year in high school, he took the boy to Smokey Joe’s, a bar on the University of Pennsylvania campus. There, the boy and the priest were served large amounts of alcohol. James told Msgr. Lynn that, afterwards, the priest took him back to his rectory for the night. When the then-15-year-old awoke, he was in Father Avery’s bed with the priest, and Father Avery had his hand on James’s genitals.

According to Archdiocese documents, James related to Msgr. Lynn a similar incident that occurred on a ski trip to Vermont when James was 18 years old. Again, Father Avery slept in the same bed with James and fondled the boy’s genitals.

Msgr. Lynn and Father Cistone next interviewed Father Avery. According to Archdiocese records of the meeting, Father Avery told them that he was drunk the night of the Smokey Joe’s incident – as was the 15-year-old – and did not recall much. He acknowledged that it “could be” that he did what was alleged, but claimed that he could not remember. He told Msgr. Lynn that if he touched James in Vermont while sleeping in the same bed, it was “strictly accidental.” He would later admit to a District Attorney’s Office detective, however, that he did fondle James’s genitals on the Vermont trip.

Father Avery also informed Msgr. Lynn in 1992 that he had adopted six Hmong children – three girls and three boys. The Grand Jury found no evidence that Archdiocese officials did anything over the years to investigate the welfare or safety of these children entrusted to the accused child molester.

Msgr. Lynn summarized his interviews with James and Father Avery in a memo to Cardinal Bevilacqua, and recommended that Father Avery be sent for evaluation at Saint John Vianney Hospital, an Archdiocese hospital in Downingtown. The Cardinal approved the recommendation in the fall of 1992.

Father Avery was evaluated and treated at an Archdiocese hospital; even it recommended that any future ministry by the priest not include adolescents.

Archdiocese records reveal that after four days of evaluation, from November 30 through December 3, 1992, the Anodos Center, a part of Saint John Vianney Hospital in which sexual offenders in the clergy were evaluated and treated, recommended in-patient treatment for Father Avery. Msgr. Lynn reported to Cardinal Bevilacqua that the center had found Father Avery's account of his involvement with James vague and inconsistent, that he seemed to have a mood disorder, and that he likely abused alcohol.

On December 15, 1992, the Cardinal, who had allowed Father Avery to remain the active pastor of a parish for ten and a half months after James reported the sexual abuse to the Archdiocese, approved Msgr. Lynn's recommendation for in-patient treatment at the Anodos Center.

After Father Avery spent six months at Saint John Vianney, during which time James came to the hospital to confront the priest, it was determined that treatment should continue. Msgr. Lynn's memos to the Archdiocese file on Father Avery, which up to that

point had thoroughly documented the relevant facts and all the recommendations that he had provided to the Cardinal, became sparse.

The Archdiocese's so-called "secret archive file" for Father Avery, which should contain all information relevant to any allegations of sexual abuse, contained a few scrawled notes in Msgr. Lynn's handwriting from the time the priest was at St. John Vianney. The notes stated that treatment is to be continued; that Father Avery "got into shame" after meeting with James at the treatment center; that the priest was "in denial;" that Father Avery was "upset" and "angry;" and that there was a question of whether there were other victims.

The next memo in the secret archive file, dated August 24, 1993, was written by Msgr. Edward P. Cullen, the Cardinal's number two man and the vicar for administration, who went on to become the Bishop of the Allentown Archdiocese. In this memo, Msgr. Cullen explained that the Cardinal wanted his Secretary for Clergy to falsely explain Father Avery's resignation to his parish as a matter of health, rather than inform parishioners of the truth – that the priest had molested at least one altar boy for a prolonged period, and could not be trusted around adolescents.

The next day, August 25, 1993, the Cardinal received Father Avery's resignation as pastor at St. Therese of the Child Jesus in Philadelphia. In his letter, the priest noted that he had met with Msgr. Lynn, and he maintained the ruse that he was resigning "because my present state of health needs more attention."

In furtherance of this deception, Msgr. Lynn lied to a parishioner in a March 1993 letter – claiming that, while Father Avery was at Saint John Vianney, "there have never been anything but compliments heard in this office about Father Avery." Msgr. Lynn

wrote to another parishioner in July 1993 about the reason for Father Avery's absence: "Let me assure you that is what they are – rumors." The Secretary for Clergy told that parishioner that Father Avery had requested a health leave.

Records show that Father Avery was discharged from Saint John Vianney on October 22, 1993. In a memo to Msgr. James E. Molloy, then the assistant vicar for administration, Msgr. Lynn listed the treatment center's recommendations. These included "a ministry excluding adolescents and with a population other than vulnerable minorities; a 12-step Alcoholics Anonymous meeting for priests; and any further involvement with the Hmong be in an administrative or pastoral capacity." Saint John Vianney also advised that an aftercare team was necessary to keep watch over Father Avery.

Cardinal Bevilacqua approved Father Avery's assignment to live at St. Jerome and allowed the known abuser to perform Masses with altar boys.

Despite the treatment center's report, Msgr. Lynn concluded his memo by recommending that Father Avery be assigned as an associate pastor at Our Lady of Ransom, a parish in Philadelphia with an attached elementary school. Msgr. Molloy forwarded Msgr. Lynn's memo to Cardinal Bevilacqua.

Cardinal Bevilacqua followed Msgr. Lynn's inexplicable recommendation to assign Father Avery to reside at a Philadelphia parish with an attached elementary school, though the Cardinal chose Saint Jerome instead of Our Lady of Ransom. In a December 7, 1993, letter to Rev. Joseph B. Graham, the pastor at St. Jerome, Msgr. Lynn wrote that Father Avery had been asked to help in the parish as much as he was able. Msgr. Lynn

did not mention in his letter that Father Avery's interaction with children at St. Jerome should be restricted or supervised in any way.

Msgr. Lynn ignored repeated warnings that Father Avery was not complying with supposed restrictions on his activities.

The evidence before the Grand Jury makes clear that, after assigning Father Avery to live at St. Jerome, a parish with an elementary school, the Archdiocese hierarchy did virtually nothing to minimize the continued danger that the priest posed to children.

According to documents in Father Avery's file, Saint John Vianney personnel repeatedly told Msgr. Lynn that Father Avery's aftercare team was not in place and was not meeting as it should. In fact, the team that the Archdiocese supposedly relied on to supervise Father Avery (Father Joseph Sweeney, Father Graham, and Msgr. Lynn) did not meet for more than a year after the priest's release from the treatment center. Father Graham, the pastor at St. Jerome, testified before the Grand jury and denied even knowing he was on such a team.

A chaplain at the hospital, Father Michael Kerper, warned Msgr. Lynn frequently that Father Avery was neglecting his duties and was instead booking numerous disc jockey engagements. Msgr. Lynn's notes record that even Father Graham called to complain that Father Avery was doing too much disc jockeying.

Archdiocese record show that, in February 1995, Father Kerper took it upon himself to inform Msgr. Lynn that Father Avery had booked party engagements for 25 of the next 31 Saturdays. Msgr. Lynn brushed off the Saint John Vianney chaplain and disregarded the implications of Father Avery's access to young people – even though

these activities involved precisely the kind of situations the priest had exploited to sexually molest James.

Msgr. Lynn and his colleagues also appear to have ignored Father Avery's continued involvement with the Hmong, despite Saint John Vianney's explicit recommendation to limit his contacts with that community. According to Cardinal Bevilacqua's testimony before the previous grand Jury, restrictions on an abusive priest's ministry are normally documented in his file. There is nothing, however, in Father Avery's file to suggest that his access to the Hmong children whom he adopted, or his non-pastoral relationships with the Hmong, were ever restricted or even monitored.

Archdiocese documents indicate that, in 1996, Msgr. Lynn was aware that Father Avery was still deeply involved with the Hmong community – three years after therapists had urged that he be kept away from “vulnerable minorities.” There is no indication that church officials ever checked on the welfare of Father Avery's “adopted” children – even though Msgr. Lynn and the Cardinal were the only people in a position to protect those children, having concealed from the community that the man entrusted with their welfare was an accused child molester.

Msgr. Lynn protected Cardinal Bevilacqua while endangering parish children.

According to memos in Father Avery's file, in September 1997, Msgr. Lynn met with Father Avery to tell him that the Cardinal could not complete a questionnaire for his admittance to a doctoral program at Chestnut Hill College, explaining that “Cardinal Bevilacqua must be careful as to what kinds of endorsements he gives.” Msgr. Lynn

furnished the necessary character reference himself, citing honesty as one of Father Avery's strengths, and Father Avery enrolled in the college program.

During the same September 1997 meeting with Father Avery, Msgr. Lynn told the priest that he had received an email from James. In fact, he had received the email a year earlier. In September 1996, James wrote:

What in the end happened to [Father Avery]. I'm not asking for details. What I want to know is – is he rehabilitated or in a situation where he can't harm others? Will the diocese vouch for the safety of its children? For my peace of mind I have to know.

Msgr. Lynn wrote in his memo of the September 1997 meeting that he informed Father Avery that he had told James "that the Archdiocese had taken proper steps in the matter, without stating where Father Avery was stationed."

Msgr. Lynn continued that he told Father Avery "he should be more low-keyed than he has been recently." He then noted: "Father Avery, at first, did not seem to understand what I was talking about, but after we had been talking for a while it finally dawned on him what I was saying."

In 1998, Msgr. Lynn wrote another memo to the file explaining why Cardinal Bevilacqua could not recommend Father Avery as a chaplain to the Veteran's Hospital. The problem was that the Cardinal would have to write a letter stating there were no allegations against Father Avery, which obviously was not true. Msgr. Lynn also wrote that he still had "concern" about Father Avery because the priest "still seems to minimize his behavior." Again, Msgr. Lynn in the memo did not specify the "behavior" he was referring to.

Meanwhile, as Father Avery noted in testimony before the previous grand jury, the priest stayed at St. Jerome, serving Mass with children and hearing their confessions.

He also kept working as a disc jockey. Msgr. Lynn wrote the 1998 memo a few months before Father Avery molested Billy.

The 1992 allegation against Father Avery was not officially deemed credible until 2003 – after a grand jury had launched an investigation.

Archdiocese documents record that, in June 2002, 10 years after he first reported the abuse by Father Avery, James called Msgr. Lynn. James told the Secretary for Clergy that Father Avery was still engaging in the same activities that led to his abuse. He informed Msgr. Lynn that Father Avery was working parties as a disc jockey, and expressed concern that the priest was around minors drinking alcohol. James told Msgr. Lynn he felt he was not being “heard as credible.” The victim offered more details of the priest’s past behavior with him and other boys, and he gave names of those who could corroborate his story.

James told Msgr. Lynn that he wanted Father Avery to “own up” to what he had done, and he wanted the Archdiocese to protect other children.

Father Avery, however, continued to minister at St. Jerome. He testified before the previous grand jury that he continued to celebrate Mass, with altar servers, usually twice a weekend. He told the grand jury on April 25, 2003, that he was still permitted to hear confessions of the grade-school children. He said he was never told to restrict his activities with the children of the parish.

On June 2, 2003, a little over a month after Father Avery testified before the previous grand jury, Cardinal Bevilacqua finally launched an investigation into the 1992 allegations. Following a review of the investigation by an Archdiocesan review board, Cardinal Justin Rigali, who succeeded Cardinal Bevilacqua in 2003, found James’s

allegation “credible.” Cardinal Rigali removed Father Avery from all assignments and prohibited him from performing public ministry on December 5, 2003. That was five years too late to protect Billy.

The Sexual Abuse of Mark

While investigating the sexual abuse that Billy Gallagher suffered at St. Jerome, we uncovered evidence that another boy, 14-year-old Mark Bukowski, was raped in 1996 by Rev. James J. Brennan, Father Engelhardt’s immediate predecessor at that parish. Like Father Avery, Father Brennan was assigned to positions at St. Jerome and other parishes and schools where he was allowed to work with children even though Msgr. Lynn and other Archdiocesan officials were aware that he had a history of improper behavior with minors.

The Archdiocese hierarchy knew that Father Brennan was a troubled priest with a history of inappropriate relationships with minors.

Archdiocese records show that, in 1991, five years before Mark was raped, Cardinal Bevilacqua appointed Father Brennan to the faculty of Cardinal O’Hara High School in Springfield, Pennsylvania, and granted him a secondary assignment as the live-in chaplain at Divine Providence Village, a residential facility for young women with developmental disabilities. In both posts, Father Brennan was known to have inappropriate relationships with minors.

The Grand Jury reviewed several reports of interviews conducted by investigators for the Archdiocese. In one, Dr. Thomas O’Brien, the director of guidance at Cardinal

O'Hara, said that Father Brennan and other priests took students out of class to conduct closed-door meetings, a practice that Dr. O'Brien felt the need to ban.

Father Brennan focused particular attention on "David" (not his real name), a male student with whom he would frequently "hang out." One afternoon, Dr. O'Brien heard noises coming from inside Father Brennan's office, and then watched as the priest and David tumbled out of the office, wrestling with one another. In the words of other staff members at Cardinal O'Hara, including Dr. O'Brien's secretary, the relationship between Father Brennan and David was "not healthy."

Documents in Father Brennan's file show that, during the priest's off hours, he frequently hosted loud parties, which were attended by David and a half-dozen or so other students from Cardinal O'Hara. Sister Patricia McCafferty, who was among the religious sisters responsible for administering Divine Providence Village, suspected that Father Brennan served alcohol to David and other minors at those parties – a suspicion that Mark Bukowski would later confirm.

Witnesses testified that by the summer after David's high school graduation, when he would have been 17 or 18 years old, he moved in with Father Brennan at Divine Providence Village for a period of several months. Father Brennan told the sisters, falsely, that David was his nephew.

Documents in Father Brennan's file record that the sisters registered a complaint with Archdiocesan officials about Father Brennan's behavior. Those complaints were passed along to Msgr. Lynn. However, the Secretary for Clergy did not address the underlying problem of the priest's inappropriate relationships with young people. Instead,

he had someone tell Father Brennan that loud parties and permanent guests were not allowed at Divine Providence Village.

Memos from Msgr. Lynn to the file record that, in April 1995, about four months after being admonished about hosting permanent guests at Divine Providence Village, Father Brennan met with Msgr. Lynn to discuss a possible change of residence. At the meeting, Father Brennan told the Secretary for Clergy that he did not get along with the sisters at Divine Providence Village, and said that he did not know why this was the case. Msgr. Lynn, according to his own notes of the meeting, said nothing about the fact that Father Brennan was living with a boy under false pretenses and holding boisterous parties with students where underage drinking was suspected.

Records in Father Brennan's file show that, in June 1995, Cardinal Bevilacqua transferred the priest to St. Mary Magdalen, a parish in Media, Pennsylvania (with an attached elementary school), where Msgr. Lynn knew the pastor to be on friendly terms with Father Brennan. Although this assignment was apparently granted as a favor to Father Brennan, he grew unhappy during his time there, he told church officials.

In March 1996, Father Brennan met with Msgr. Lynn to request a leave of absence. The Secretary for Clergy wrote in his file that the priest was "afraid that [his unhappiness] is beginning to show in his work and in a sense giving scandal to others because he is not performing up to expectations." At the time, Father Brennan told Msgr. Lynn that he believed his unhappiness was a byproduct of sexual abuse he had suffered as a child (though, when questioned years later, he denied having experienced such abuse).

Soon after the meeting with Msgr. Lynn, according to Archdiocese documents, Father Brennan met with Cardinal Bevilacqua, and repeated to him the claim that he needed a leave of absence to deal with psychological ramifications from his own childhood sexual abuse. Cardinal Bevilacqua granted Father Brennan a temporary leave of absence. He noted in a memo to the priest's file, "My interview with Father Brennan has raised certain doubts in my mind about his honesty. I suspect, without any evidence, that he is not telling the full story of why he wishes this leave of absence. He seemed almost anxious to tell about his sexual abuse and did so without hesitation or embarrassment."

In June 1996, according to Msgr. Lynn's notes, Father Brennan called the Secretary for Clergy because he was upset that other priests had been talking about his living arrangement with David, and suggesting that it was one of the reasons he had left Divine Providence Village. Msgr. Lynn told Father Brennan that he knew "there was a rumor circulating to that effect. . . . [but] not to be concerned about these rumors; . . . we only take the facts as we find them. Rumors are not put into personal files."

(Msgr. Lynn did not record in the notes for this telephone call that he knew Father Brennan's living arrangement with David was more than a "rumor," that in fact it had been reported through channels by the religious sisters at Divine Providence Village, who had observed the situation firsthand.)

Father Brennan engaged in inappropriate behavior with the Bukowski family before preying on Mark Bukowski.

Father Brennan's first assignment upon joining the priesthood in 1989 had been as an assistant pastor at St. Andrew Church in Newtown, Pennsylvania, where he developed

a close relationship with the Bukowski family, who were parishioners. Mark told the Grand Jury that Father Brennan often visited the Bukowskis on weekends during his time at St. Andrew, and continued the practice for years after he left the parish in 1991, sometimes staying overnight with the family. Father Brennan's close relationship with the Bukowskis was well documented in an investigation performed by the Archdiocese's investigator. We reviewed that investigation in the Archdiocese documents turned over to the Grand Jury.

Father Brennan was particularly close to Mark, who was about 9 years old when the relationship started, and to Mark's mother, Patricia. During the visits, Father Brennan would drink heavily with Patricia, and then engage in classic grooming behavior with Mark. Mark told the Archdiocese investigator that Father Brennan would regularly bring up the topic of sex when talking with him. He also made a point of having close physical contact with Mark whenever they were together.

During one visit, Father Brennan became intoxicated and then conducted a physical examination of Mark's nipples, according to the victim. On other occasions, Father Brennan gave Mark shoulder and back massages. And on almost all his visits, he initiated wrestling matches with Mark and Mark's older brother John. No matter what the form of contact, Mark said he always felt that Father Brennan "went too far."

Father Brennan raped Mark Bukowski.

During Father Brennan's leave of absence in 1996, he and Patricia arranged for Mark to have an overnight visit with him at an apartment he was renting in Chester County. At the time, he was 14 years old.

According to Mark's statement to the Archdiocese investigator, on the night he arrived, he asked for a bowl of Captain Crunch, which he then played with, putting the cereal in the shape of a penis. On seeing what Mark had done, Father Brennan said, "We can end this now if you want to end this." Mark, not understanding what Father Brennan meant, answered, "No, it's fine."

As the night progressed, Father Brennan offered to let Mark use his computer – a laptop with internet access, which, at the time, was novel technology to the boy. When Father Brennan turned the computer on, he surfed through "sex chat rooms" and opened pornographic pictures. While doing so, he asked Mark how big his penis was, characterized his own penis size, and proceeded to unzip his own shorts.

According to Mark's statement, Father Brennan then said, "I'm ready to go now," indicating that he intended to masturbate in front of the computer and wanted Mark to join him. Mark said "no," and walked away, trying without success to think of a way to leave what had become a horrifying situation.

A short time later, Mark said that he was tired, and attempted to put a sheet on the couch in the living room, but Father Brennan insisted that he come upstairs to sleep with him in his bedroom. When they got to the bedroom, Father Brennan took his shirt and pants off, so that he was in only a tank top and underwear, and asked Mark if he was able to get an erection. Fearing for his safety, Mark turned to a corner of the bedroom, with his back to Father Brennan, and pretended to attempt to arouse himself. According to the Archdiocese documents, when Mark reported that he was unable to achieve an erection, Father Brennan said, "Well, here let me see if I can loosen those shorts." Again, though, Mark said no to him.

At that point, Mark said, he was the most frightened he had been in his life to date. The 14-year-old started to put his sheet on a loveseat in the bedroom, but Father Brennan said, “Oh, no, don’t be ridiculous, your back will be killing you tomorrow from that little couch. The bed is fine for the two of us.” Knowing what was coming next, Mark was so terrified that he slightly urinated himself.

Father Brennan, who was now shirtless, insisted that Mark remove his gym shorts and climb into bed with him in only his underwear, which Mark did. Mark attempted to sleep on his side, with his back to Father Brennan, because he was afraid to look at the priest. As Mark lay in that position, he told the Archdiocese investigator, Father Brennan hugged him from behind, resting his chin on Mark’s shoulder and pulling the boy closer to him.

When Father Brennan pulled Mark toward him, Mark felt Father Brennan’s erect penis enter his buttocks. Mark began to cry, and asked himself over and over again, “Why is this happening?” as Father Brennan anally raped him. Mark, according to his statement, fell asleep that night with Father Brennan’s penis still in his buttocks.

Mark’s parents told the Archdiocese investigator that the next day, Mark reported the sexual assault to them, and they confronted Father Brennan about the situation. Father Brennan admitted that Mark viewed pornography and slept in the same bed as him, but he denied that things went further than that. The priest told the investigator that it was Mark who had insisted on surfing the internet for pornography. At the time, Mark’s parents, who viewed Father Brennan as both a close friend and a pillar of the community, accepted the priest’s version of events.

As a result of the rape, Mark developed significant psychological and substance abuse problems, and attempted suicide.

Mark told the Archdiocese investigator and the Grand Jury that, before the rape, he was a happy, well-adjusted boy who played several sports and had no problems in school. But the sexual assault by Father Brennan triggered significant psychological problems, including depression, which in turn led to a dramatic weight loss and left him so emotionally damaged that he was at times unable to even to leave his house.

In addition, the rape led Mark to turn to drugs and alcohol, and contributed significantly to a substance abuse problem that affected his performance in school, damaged his relationship with his family, and caused a crisis of faith. At one point, Mark attempted to kill himself by overdosing on pills before undergoing counseling.

Archdiocese officials continued to assign Father Brennan to posts where he would have regular contact with children.

The Archdiocesan Review Board, a group of individuals chosen by the Cardinal to provide recommendations regarding the credibility of abuse allegations and the appropriate action to be taken, submitted a report to the Archdiocese on July 14, 2006. The report, signed by Cardinal Rigali on August 17, stated that “[A]dults in positions of management and leadership in Reverend Brennan’s other assignments have consistently raised concerns concerning his behavior with youth.”

Archdiocese officials chose, however, not to act on those concerns. Before Father Brennan’s leave of absence, having received reports of his inappropriate behavior around minors, they transferred the priest to a parish where he would be able to regularly interact

with minors. Similarly, after Father Brennan returned from his leave of absence in July 1997, Msgr. Lynn recommended that he be appointed to St. Jerome Parish.

While at St. Jerome, Father Brennan showed little interest in many of the core functions of a parish priest, according to a memo from Father Brennan's pastor to Msgr. Lynn. The priest missed communion calls, and openly admitted to his pastor that he did not like dealing with the elderly. However, he reportedly took a very active interest and role in the Catholic Youth Organization at St. Jerome.

In May 1998, Cardinal Bevilacqua reassigned Father Brennan again, this time to Assumption B.V.M. Parish in Feasterville, where, according to a clergy interview with Msgr. Lynn, he became "involved with altar servers" and taught at the elementary school. While at Assumption B.V.M., Father Brennan wrote to Msgr. Lynn, requesting permission to enter a monastery.

In an effort to demonstrate why he believed he needed to leave parish life and isolate himself, Father Brennan attached to his letter a journal entry in which he had described a "primordial struggle being lived-out in a tormented state of unbridled passion." He wrote that he had sinned through "the superficial, habitual actions and attitudes of a body struggling to stay afloat – of a mind writhing in pain, struggling to see the light of another day carrying with it the hope of some measure of success. And so I scrub my face and hands to present a clean man for the world to see; the filth and stench of my wanton failures of yesterday are washed away, as if I can, merely by willing it, put yesterday's failures behind me to begin brand new today."

After receiving these materials, Msgr. Lynn and Cardinal Bevilacqua allowed the priest with a history of inappropriate relationships with minors to enter an abbey for

seven months in 2000 and 2001. Then they welcomed him back to parish ministry, where he remained until Mark Bukowski came forward in 2006 to officially report that Father Brennan had raped him.

Three years after the rape, Father Brennan exposed himself to Mark at a time when Mark's life was already spiraling out of control.

While at Assumption B.V.M., Father Brennan again attempted to engage in inappropriate and criminal sexual behavior with Mark. According to the victim, when he was a 17-year-old student at Archbishop Wood High School in 1999, he was required to perform community service as a consequence of a theft he committed to feed his addictions. To meet his community service requirement, Mark arranged to perform landscaping work on the church grounds at Assumption B.V.M., an assignment that he accepted, he said, because he anticipated that Father Brennan would be so ashamed of what he had done that he would look the other way if the teenager did no real work.

Mark later told an Archdiocesan investigator that, on his fifth or sixth visit to the parish, he found Father Brennan masturbating in a shed with his pants down. Upon seeing Mark, Father Brennan said, "Come here!," but Mark left the area and never returned to complete his community service. Mark told the investigator that he believed Father Brennan later signed the paperwork certifying that he had completed the required number of hours, even though he had not come close to fulfilling his obligation.

When Mark testified before the Grand Jury, he was reluctant to discuss the specific details of this encounter with Father Brennan, telling us:

I know something did happen at the shed, but the thing is, is that I was just raised to tell truth and if you don't know if it's completely the truth, meaning like if you can't recollect exactly what happened, you shouldn't – you shouldn't elaborate on it.

So in short, pretty much I can't remember exactly what happened. So I don't want to speculate and I've been told from medical professionals, it's because of the trauma that, you know, I just – it was – it's just my brain won't bring into context exactly what happened.

The investigator hired by the Archdiocese's lawyers concluded in his report, "if Mark's first allegation is deemed credible, there is no reason to believe he would fabricate the second allegation."

Father Brennan was removed from active ministry in 2006, after Mark came forward. His status as a priest remains in limbo pending the results of a canonical trial.

Msgr. Lynn's Endangerment of Children

As Secretary for Clergy under Cardinal Bevilacqua, Msgr. Lynn was responsible for protecting the welfare of children entrusted to the Archdiocese's care by ensuring that no priest with a history of sexual abuse of minors was put in a position to prey on them.

It was Msgr. Lynn's job to investigate any allegations of sexual abuse by priests, and to review the Archdiocese's "Secret Archives" files, where complaints of abuse were recorded. Msgr. Lynn was in a position to make sure that no priest with a history of sexual abuse of minors was recommended for assignments, and particularly for assignments with continued access to children.

Evidence presented to the Grand Jury substantiates that Msgr. Lynn repeatedly abdicated this responsibility – and not through negligence or incompetence, but deliberately, over decades. Instead of calling in law enforcement to investigate, or removing from ministry priests credibly accused of misconduct with minors, Msgr. Lynn, with Cardinal Bevilacqua's knowledge and under the Cardinal's direction, routinely and knowingly placed abusive priests in positions where they would have continued access to children.

Further, testimony and documentary evidence make clear that the Secretary for Clergy did more than passively allow these priests to remain in posts from which they should have been removed. When victims complained or scandal threatened, he recommended to the Cardinal that abusers be transferred to new parishes, where the unsuspecting faithful would not know to be wary and vigilant. In this way, Msgr. Lynn effectively shielded predator priests from accountability and ensured them a continuing supply of victims.

The evidence before the Grand Jury suggests that the Secretary for Clergy was acutely interested in shielding abusive clergy from criminal detection, the Cardinal from scandal, and the church from financial liability. It shows no interest on Msgr. Lynn's part in defending children entrusted by their parents to Archdiocese schools and churches. Instead of protecting the children, Msgr. Lynn endangered them.

Msgr. Lynn has a long history of transferring abusive priests to unsuspecting parishes.

In the case of Father Avery, Archdiocese documents show that Msgr. Lynn received reliable reports warning that the priest had sexually abused a boy and should not be permitted to engage in any ministry that involved working with adolescents. Nevertheless, Msgr. Lynn recommended the priest for assignment to a parish with an elementary school. Testimony and the Secretary for Clergy's own notes reveal that Msgr. Lynn then ignored repeated warnings that Father Avery was engaging in unsupervised activities in which he could victimize more children.

In the case of Father Brennan, Msgr. Lynn received multiple formal complaints. These indicated that he was suspected of hosting parties where he allowed students to drink, and was even living with one of those students, whom he claimed was a nephew. Nevertheless, the record shows that Msgr. Lynn conducted no investigation. (Such an investigation would have revealed the private "wrestling" sessions with minors.) He did not call law enforcement. He did not take action to keep Father Brennan away from adolescents. Instead, he recommended the priest for transfer to a new parish where he would be able to have unsupervised contact with children and teenage minors.

Evidence presented to the 2005 grand jury, which also investigated abuse of minors by Philadelphia-area clergy, substantiates that these were not isolated incidents. That grand jury documented numerous prior cases in which Msgr. Lynn knowingly allowed priests who had sexually abused minors to be assigned to positions where unsuspecting parents and teachers would entrust children to their care.

Those cases did not provide grounds for independent criminal charges because they were outside the statute of limitations. However, Pennsylvania law does allow them to be used to establish a common scheme, knowledge, and intent on Msgr. Lynn's part to endanger the welfare of children.

Below, we briefly summarize five representative cases in which Msgr. Lynn knowingly placed abusive priests in positions where they would have unsupervised contact with minors. Each of these cases was fully documented with records and testimony by the previous grand jury, whose 2005 report we have reviewed. Each of the cases exemplifies patterns in Msgr. Lynn's behavior that persisted in the cases before the current Grand Jury.

Rev. Stanley Gana

Rev. Stanley Gana, ordained in 1970, sexually abused countless boys in a succession of Philadelphia parishes. He was known to kiss, fondle, anally sodomize, and impose oral sex on his victims. He took advantage of altar boys, their trusting families, and vulnerable teenagers with emotional problems. He took groups of adolescent male parishioners on overnight trips, and would rotate them through his bed. He collected nude

pornographic photos of his victims. He molested boys on a farm, in vacation houses, in the church rectory. Some minors he abused for years.

During and even before Msgr. Lynn's tenure as Secretary of Clergy, he was aware of much of the sexual abuse committed by Father Gana. Nevertheless, Msgr. Lynn thwarted efforts to have him removed from active ministry. Two victims came forward in the 1990s to describe specifics of their abuse and provide the names of other victims. They asked Msgr. Lynn and his colleagues in the Archdiocese to take away Father Gana's cover as a priest in good standing, to stop facilitating his exploitation of minors.

Soon after the second victim came forward, Msgr. Lynn learned that Father Gana had admitted the sexual abuse during therapy sessions. In addition, both victims provided Msgr. Lynn with corroborating witnesses. At least one of them was deemed credible by Msgr. Lynn even before Father Gana's admission. Msgr. Lynn also knew that Father Gana was still living with students at the time the abuse reports were coming in.

Despite this evidence that Father Gana was a dangerous sexual predator, Msgr. Lynn took no steps to have him removed from active ministry, or to protect the students who were living with him at the time of the reports. Instead, as documented by the previous grand jury, Msgr. Lynn spent a decade improperly investigating Father Gana's victims rather than Father Gana; misleading the priest's treatment team so that its members would not know the full extent of his criminal misconduct; and explicitly supporting Father Gana's successful effort to remain in active ministry, where he continued to perform Mass with altar boys.

When asked by one of the victims to explain this breach of duty, which endangered countless minors while perpetuating Father Gana's criminal activities, Msgr.

Lynn replied that the priest's misconduct had not been limited to having sex with children and teenage minors. Father Gana had also slept with adults, abused alcohol, and stolen money from parish churches. "You see," said Msgr. Lynn, "he's not a pure pedophile."

Rev. Nicholas V. Cudemo

Rev. Nicholas V. Cudemo, ordained in 1963, was described as "one of the sickest people I ever knew" by Msgr. Molloy, Cardinal Bevilacqua's Vicar for Administration. Father Cudemo raped an 11-year-old girl, molested a fifth grader in the confessional, invoked God to seduce and shame his victims, and maintained sexually abusive relationships simultaneously with several girls from the Catholic school where he was a teacher. His family sued him for molesting a cousin.

According to the Archdiocese's files, it received formal complaints against Father Cudemo from 12 different victims over a period of nearly four decades. Church officials had good reason – including statements from Father Cudemo himself – to believe that even that figure significantly understated the true number of children he abused.

Msgr. Lynn personally interviewed Father Cudemo about the allegations of sexual abuse, and obtained from him a rambling mixture of admissions and denials. The priest told him that he "possibly" lay nude on top of an undressed girl; that he had been confronted by a girl about touching her and performing sexual acts on her, but didn't remember doing those things and "I remember everything"; that he had "known lots of women and that it always takes two to do these things;" that if sexual activities did occur, they must have happened 20 years ago; that all the girls were willing, and that "nothing close to sexual happened with these girls." When told that some of his accusers were

from his own family, he immediately said their names and acknowledged having “incidents” with them.

In 1996, a panel of pastors recommended Father Cudemo’s removal as pastor due to “several grave causes.” By that point, Msgr. Lynn was aware of at least 10 formal allegations against the priest involving sexual abuse of girls. One year later, in 1997, the Secretary for Clergy presented Father Cudemo with a certificate declaring him a retired priest “in good standing” in the Archdiocese of Philadelphia, and asking that he be permitted to function as a priest in any other diocese in the country. In March 2003, Father Cudemo told one of his former victims that the certificate was allowing him to minister in Orlando, Florida, where he now lives part-time.

Rev. David C. Sicoli

According to a 2004 report by the Archdiocesan Review Board, Rev. David C. Sicoli was the subject of “multiple substantiated allegations [of sexual abuse] involving a total of 11 minors over an extensive period of time beginning in 1977 and proceeding to 2002.” Father Sicoli paid for tuition, computers, and trips to Africa and Disney World for parish boys to whom he took a particular liking. He invited several to live in his rectories with him. He gave some high-paying jobs and leadership positions in the Church’s youth group, the CYO. In many instances, he sexually abused them.

Between 1993 and 2002, Msgr. Lynn received numerous, credible reports from both victims and priests stationed with Father Sicoli that he had engaged in a series of sexual and otherwise inappropriate relationships with boys, two of whom were living with him full-time at his rectory. Msgr. Lynn took no steps to investigate those

allegations. He did not prohibit Father Sicoli from having unsupervised contact with children. He did not warn the parents of the priest's current victims.

Instead, Msgr. Lynn, carrying out the Cardinal's wishes in such matters, prevented Father Sicoli's history from coming to light. He did so, in part, by conveying false information to the Archdiocese's mental health evaluators about the nature and extent of the allegations against the priest.

Msgr. Lynn's solution to the problem of other priests complaining about Father Sicoli's inappropriate relationships with children was to successfully recommend to Cardinal Bevilacqua that he be assigned to "one-man parishes," where he would be the only priest. This meant that Father Sicoli, whose extensive reported history of sexually abusing children at his parishes was well known to Msgr. Lynn, would have exclusive charge of all youth activities in those churches, with no one to report, and possibly prevent, future abuse.

Rev. John P. Connor

Rev. John P. Connor, who had been arrested and placed on probation for sexually abusing a 14-year-old student in his home diocese of Camden, New Jersey, served from 1988 until 1993 as assistant pastor of Saint Matthew parish in Conshohocken with Cardinal Bevilacqua's blessing. When Archbishop Bevilacqua knowingly assigned the admitted child molester to duties at Saint Matthew Church, it was with the directive to "educate youth."

A year after Father Connor returned to Camden, a priest and a teacher from Saint Matthew warned Msgr. Lynn that Father Connor was continuing a suspiciously close

“relationship” he had developed with an eighth-grade boy at the Conshohocken parish. Upon receiving these reports, Msgr. Lynn notified the Archdiocese’s attorney. He did not notify the boy’s mother who, unlike Msgr. Lynn, had no way of knowing the priest she trusted with her son was an admitted sex offender.

Msgr. John E. Gillespie

In 1994, two brothers confronted Msgr. John E. Gillespie, accusing him of repeatedly fondling their genitals nearly 40 years earlier at Immaculate Conception parish in Levittown. Msgr. Gillespie, who was now the pastor at Our Lady of Calvary Parish in Northeast Philadelphia, personally informed Msgr. Lynn of the accusations. He also showed Msgr. Lynn letters he had written to his victims, apologizing, explaining, and trying to persuade them that events had not happened precisely as the victims remembered.

Despite Msgr. Gillespie’s decision to hand Msgr. Lynn admissions of guilt, the Secretary for Clergy conducted no investigation of the abuse. He made no effort to contact the victims. His only actions were to inform the Archdiocese’s legal counsel of the situation, and to instruct Msgr. Gillespie not to write to the victims again.

In 1997, Msgr. Lynn received a fresh report of misconduct by Msgr. Gillespie, this time from the mother of a 12-year-old boy who came to Msgr. Lynn to complain about sexually charged questions that the priest had asked her son during confession. Msgr. Lynn again refused to conduct an investigation, this time citing the seal of confession.

In January 2000, another of Msgr. Gillespie's past victims came forward, a 29-year-old police officer who reported to Msgr. Lynn that the priest had repeatedly fondled him throughout his time in high school. In February 2000, after Msgr. Gillespie admitted inappropriately touching that victim and several other boys, a treatment team for the Archdiocese concluded that he "would be a risk to have in parish work." This was so, according to the report to church officials, not only because of the sexual abuse and its impact on the victims, but also because of the priest's "drivenness to make amends."

After receiving the hospital's report and a recommendation from Msgr. Lynn on March 3, 2000, Cardinal Bevilacqua decided that Msgr. Gillespie should be asked to resign as pastor of Our Lady of Calvary. In a note to Msgr. Lynn, the Cardinal suggested that Msgr. Gillespie be offered "Senior Priest status" or that he resign "for health reasons." Msgr. Gillespie acceded to Cardinal Bevilacqua's wishes and tendered his resignation, but he nevertheless was permitted to continue as pastor for three more months until a new pastor was named in June 2000. When asked by the previous grand jury why he allowed a priest deemed "dangerous" by his own therapists to continue serving as pastor for even three months, the Cardinal replied, "That was a judgment by Monsignor Lynn."

After Msgr. Gillespie's resignation as pastor, he was allowed to continue in active ministry, including hearing confessions of schoolchildren. It was not until Msgr. Lynn received a report, in November 2001, of yet another victim that the Secretary for Clergy wrote: "I told Monsignor Gillespie that because of these rumors, and in order to preserve his reputation and the reputation of the Church, I thought it might be best if he retire."

Msgr. Gillespie's victims were denied the apology they pleaded with church officials to provide. In an e-mail forwarded to Msgr. Lynn in March 2002, the future police officer whom Msgr. Gillespie had molested revealed an unredeemed sense of betrayal. After finding out that Msgr. Gillespie continued to give Communion to children after he had told Msgr. Lynn of the priest's offenses, the victim wrote: "Basically I was lied to by [Msgr.] Lynn who said that the pastor would never be around children anymore."

A common element in the cases cited here, as well as in the cases investigated by this Grand Jury, is that abusive priests were able to secure victims and molest, sodomize, or rape them because of actions taken deliberately by Msgr. Lynn.

The priests were able to abuse children because the Secretary for Clergy and other church officials chose not to respond to multiple reports of misconduct by initiating even half-serious investigations, by contacting law enforcement, or by moving to separate predators from children. The perpetrators were able to continue their criminal activities, in many cases for decades, because Msgr. Lynn knowingly recommended, and Cardinal Bevilacqua routinely approved, successive transfers to positions that maintained the priests' good standing, their revered authority, and their access to minors.

The danger to which Msgr. Lynn exposed children in the Philadelphia Archdiocese was not limited to the sexual transgressions themselves. Abuse victims have subsequently suffered lifetimes of anguish, often debilitated by depression, crises of faith, alienation from family, and alcohol or drug addictions.

Based on these facts, we recommend that the Philadelphia District Attorney's Office:

- **Prosecute Rev. Charles Engelhardt, Rev. Edward V. Avery, and Bernard Shero for the sexual offenses they committed against Billy Gallagher.**

We recommend that Father Engelhardt, Father Avery, and Bernard Shero each be prosecuted for rape, involuntary deviate sexual intercourse, endangering the welfare of a minor, aggravated indecent assault, indecent assault, and corrupting a minor. Even on its own, Billy's testimony regarding the abuse by those men, which we have found highly credible, is sufficient to establish each of those offenses under Pennsylvania law. Moreover, we note that Billy's testimony is strongly corroborated both by his contemporaneous medical complaints and by Father Avery's established history of sexual abuse.

- **Prosecute Rev. James J. Brennan for the sexual offenses he committed against Mark Bukowski.**

We recommend that Father Brennan be prosecuted for the same crimes: rape, involuntary deviate sexual intercourse, endangering the welfare of a minor, aggravated indecent assault, indecent assault, and corrupting a minor. As in Billy's case, Mark's testimony, which we (and Archdiocese officials themselves) have found highly credible, is sufficient to establish all of those offenses. We also note that Mark's testimony is strongly corroborated by Father Brennan's own partial admissions of guilt, and by Father Brennan's history of inappropriate contact with Mark and other adolescents.

Because the charges against Father Brennan, like the charges against Father Avery, are logically and temporally related to Msgr. Lynn's conduct in allowing them to enjoy unsupervised access to children despite their histories of inappropriate contact with adolescents, it would be appropriate under Pennsylvania law to bring those charges in a single, consolidated case in Philadelphia. However, if for some reason charges are not

brought against all of the offenders in a single case, Chester authorities should be provided with a record of the Grand Jury proceedings so that charges may be brought against Father Brennan there.

- **Prosecute Msgr. William Lynn for endangering the welfare of children.**

Our final recommendation for criminal charges is that Msgr. Lynn be prosecuted on two counts of endangering the welfare of a minor. Under Pennsylvania law at the time of the conduct in these cases, a “person supervising the welfare of a child under 18 years of age” was guilty of this crime “if he knowingly endanger[ed] the welfare of the child by violating a duty of care, protection or support.”

We do not hesitate to conclude, as did the parents of the children involved, that the Archdiocese understood itself to be responsible for “supervising the welfare” of the students and altar servers entrusted to its care. As part of that responsibility, moreover, the Archdiocese, through Cardinal Bevilacqua, assigned Msgr. Lynn to investigate allegations of sexual abuse.

In that capacity, Msgr. Lynn was responsible for assuring that known abusers were not recommended for assignment to positions where they would have unsupervised contact with children. Thus, while Msgr. Lynn was not in direct contact with Billy and Mark, he was responsible for supervising their welfare with respect to abusive priests when they were in school or acting as altar servers.

Msgr. Lynn egregiously violated that duty of protection. He placed Billy, Mark, and countless other minors in great danger, by failing to conduct a reasonable investigation of the reports against Father Avery and Father Brennan, and by recommending that both priests be assigned to positions where they would have

unsupervised contact with children despite both priests' histories of inappropriate relations with minors.

Given Msgr. Lynn's lengthy history of failing to investigate allegations of sexual abuse, allowing known abusers unsupervised access to children, and recommending transfers of credibly accused priests to unsuspecting parishes, we have no doubt that he acted in Billy's and Mark's case, as in others, *knowing* the danger in which he was placing innocent children. We believe that legal accountability for Msgr. Lynn's unconscionable behavior is long overdue, and that he should be prosecuted for endangering the welfare of the victims in these cases.

CONCLUSIONS

We the Grand Jury believe that the following criminal acts arise out of our investigation of the sexual abuse of children by clergy and employees of the Archdiocese of Philadelphia:

**Edward Avery
402 Berkley Rd.
Haverford, PA**

- Rape, 18 Pa.C.S. § 3121 (F-1)
- Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. § 3123 (F-1)
- Aggravated Indecent Assault, 18 Pa.C.S. § 3125 (F-2)
- Indecent Assault on a Minor, 18 Pa.C.S. § 3126 (M-1)
- Endangering the Welfare of a Child (2 counts) 18 Pa.C.S. § 4304 (F-3)
- Corruption of a Minor, 18 Pa.C.S. § 6301 (M-1)

**Charles Engelhardt
1200 E. Willow Grove Ave.
Wyndmoor, PA**

- Rape, 18 Pa.C.S. § 3121 (F-1)
- Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. § 3123 (F-1)
- Aggravated Indecent Assault, 18 Pa.C.S. § 3125 (F-2)
- Indecent Assault on a Minor, 18 Pa.C.S. § 3126 (M-1)
- Endangering the Welfare of a Child (2 counts) 18 Pa.C.S. § 4304 (F-3)
- Corruption of a Minor, 18 Pa.C.S. § 6301 (M-1)

**Bernard Shero
320 Monroe Ave.
Bristol, PA**

- Rape, 18 Pa.C.S. § 3121 (F-1)
- Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. § 3123 (F-1)
- Aggravated Indecent Assault, 18 Pa.C.S. § 3125 (F-2)
- Indecent Assault on a Minor, 18 Pa.C.S. § 3126 (M-1)
- Endangering the Welfare of a Child (2 counts) 18 Pa.C.S. § 4304 (M-1)
- Corruption of a Minor, 18 Pa.C.S. § 6301 (M-1)

**James Brennan
1310 Main St.
Linfield, PA**

- Rape, 18 Pa.C.S. § 3121 (F-1)

- Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. § 3123 (F-1)
- Aggravated Indecent Assault, 18 Pa.C.S. § 3125 (F-2)
- Indecent Assault on a Minor, 18 Pa.C.S. § 3126 (M-2)
- Endangering the Welfare of a Child (2 counts) 18 Pa.C.S. § 4304 (F-3)
- Corruption of a Minor, 18 Pa.C.S. § 6301 (M-1)

**William Lynn
338 Manor Ave.
Downingtown, PA**

- Endangering the Welfare of a Child (2 counts) 18 Pa.C.S. § 4304 (F-3)