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

IN RE: : Misc. No. 01-00-8944
COUNTY INVESTIGATING :
GRAND JURY OF :
SEPTEMBER 26, 2001 : C-10

REPORT OF THE GRAND JURY

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SEP 21 2005

ACTIVE CRIMINAL RECORDS
CRIMINAL MOTION COURT

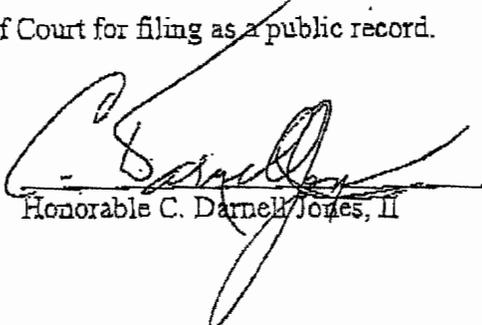
LYNNE ABRAHAM
District Attorney

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FINDINGS AND ORDER

AND NOW, this ^{13th} day of September, 2003, after having examined the Report and Records of the County Investigating Grand Jury of September 26, 2001, this Court finds that the Report is within the authority of the Investigating Grand Jury and is otherwise in accordance with the provisions of the Grand Jury Act. In view of this finding, the Court hereby accepts this Report and orders that it be sealed until the County Investigating Grand Jury of September 17, 2003 (Misc. No. 03-00-00239), which is investigating this matter as C-1, concludes its investigation. At that time this Report shall be unsealed and the Court will refer it to the Clerk of Court for filing as a public record.


Honorable C. Darnell Jones, II

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Report

TO THE HONORABLE C. DARNELL JONES, II, SUPERVISING JUDGE.

We, the County Investigating Grand Jury of September 26, 2001, were impaneled pursuant to the Investigating Grand Jury Act, 42 Pa.C.S.A. §4541 et seq., and were charged to investigate the sexual abuse of minors by individuals associated with religious organizations and denominations. Having obtained knowledge of such matters from physical evidence presented and witnesses sworn by the Court and testifying before us, upon our respective oaths, not fewer than twelve concurring, do hereby submit this Report to the Court.


Foreperson

I. Finding and Recommendations

We, the County Investigating Grand Jury of September 26, 2001, were impaneled pursuant to the Investigating Grand Jury Act, 42 Pa.C.S.A. §4551 et seq. On May 2, 2002 we were charged to investigate the sexual abuse of minors by individuals associated with religious organizations and denominations. We issue this report and request that it remain sealed until such time as the Grand Jury impaneled in September 2003 concludes its investigation of this matter.

At the outset of our investigation we expected to hear testimony that the extent of the problem of sexual abuse of minors by members of the clergy was limited to a small number of isolated incidents that occurred decades ago. This belief was based in part on public statements by Cardinal Anthony J. Bevilacqua and other officials of the Archdiocese of Philadelphia. In March 2002, approximately two months before the investigation began, the Archdiocese of Philadelphia issued a statement that in the prior fifty-two years it had received credible allegations of child sexual abuse against a total of thirty-five priests. Three months later, Cardinal Bevilacqua assured the public in a television interview that, as part of a "zero tolerance" policy, he had never transferred any priest who had abused a child to another assignment where he would have access to children. The clear import of these statements was to distinguish the Philadelphia Archdiocese from Boston and other dioceses across the country by conveying the impression that Philadelphia Archdiocesan officials had dealt swiftly and harshly with any priest found to have sexually abused a child and that these practices had been instrumental in keeping the number of priest child sexual assault victims lower than in other dioceses. We believed that the extensive national publicity about clergy sexual

abuse of minors might in large part be a creation of the press and that the criticism of religious leaders for their handling of the matter was unwarranted. We took the Archdiocese at its word, imagining that it shared our belief that there is no higher duty or interest in our society than protecting children from the physical and emotional ravages of sexual abuse by clergy or any other predator.

Our investigation uncovered evidence that over the past thirty-five years more than 120 priests serving in the Archdiocese of Philadelphia had been accused of sexually abusing hundreds of adolescents and younger children, and that, with rare exceptions, the Archdiocese did not report these accusations to public authorities.¹ The 120 priests were accused of conduct ranging from fondling to oral, vaginal and anal rape. Moreover, the evidence established that Cardinal Bevilacqua and his predecessor, knowingly transferred priests who had been credibly accused of molesting children to new assignments where they retained access to, and control over, children.

Over the course of this investigation, we heard testimony from 73 witnesses and examined 994 exhibits. The witnesses included victims of clergy sexual abuse, accused abusers, church officials, including Cardinal Bevilacqua and Secretary of Clergy Monsignor William Lynn, parishioners, members of religious orders, experts in Canon Law, psychologists, psychiatrists, and a forensic profiler. We scrutinized the testimony of each witness and reviewed thousands of pages of documents.

Based upon all of the evidence, we find that Archdiocesan officials, including Cardinal Bevilacqua and Monsignor William Lynn, as well as other church officials with supervisory authority over priests (collectively referred to hereafter as "managers"), were

¹ The materials we examined demonstrate that the number of abusers and victims would have been even higher had we requested documents covering a longer period of time.

aware that a significant number of priests presented a danger to children. We find that despite those identified risks, these Archdiocesan managers continued and/or established policies that made the protection of the Church from "scandal" more important than the protection of children from sexual predators. These policies were followed, even at the cost of giving priests who had not only been accused of, but in many cases admitted to, sexually assaulting children, access to untold thousands of additional innocent children. We find that Archdiocesan managers as a whole acted not to prevent the sexual abuse of children by priests but to prevent the discovery that such abuse had occurred.

In nearly all cases, the Archdiocese did not report to law enforcement officials the allegations it received that priests had sexually abused children. Monsignor Lynn testified that the Archdiocese chose not to notify law enforcement, based upon its view that it was only required to do so if the violated child him or herself reported the assault to them. He claimed that if the child's parent or some other interested adult notified them that a priest was abusing or had abused a child, they had no legal obligation to notify civil authorities. We are appalled that they put children at risk based upon such a hyper-technical interpretation of a statute that was intended to protect society's youngest members. As a result of the Archdiocese's failure to report these offenses, hundreds of allegations that priests sexually abused children were not investigated by law enforcement officials and scores of abusers escaped accountability for their crimes. We find that had the Archdiocese reported these allegations to law enforcement officials, countless children would have been spared the nightmare of priest sexual molestation: perpetrators, whether or not arrested and convicted of their crimes, would have known that they could not rely upon the Archdiocese to conceal their perversions, and parents would have been alerted

to the risks of allowing anyone, including supposedly celibate priests, from having unfettered access to their children.

The Archdiocese also failed to notify even the parishioners that a priest assigned to their parish had admitted to sexually molesting a parish child, thereby depriving the community of the opportunity to find additional child victims, and protect children from further abuse. In many cases perpetrators who were transferred to another assignment continued to abuse children from their prior assignments. Due to the failure to notify the community, many parents were at a loss to understand the personality changes and behavioral problems manifested by their children that resulted from the trauma of sexual abuse.

The Archdiocese failed to conduct even its own investigation to determine if the accused priest had abused or was abusing other children in the parish. We find that after being removed from his parish or assignment, an accused priest was generally sent for a mental health evaluation at an Archdiocese owned and operated mental health facility or other Catholic facility where the Archdiocese believed it could influence the evaluation. We reviewed Archdiocesan documents indicating that in many cases Archdiocesan managers sought mental health evaluations, not primarily to diagnose and treat priests who sexually abused children but to show that they had "acted responsibly" and to provide justification for returning the accused priests to ministry: the Archdiocesan managers could claim that they relied upon "experts" if their decisions to allow the accused cleric continued access to children were ever challenged. Based upon expert testimony we heard, we also find that in many cases the mental health facilities the Archdiocesan managers selected either lacked adequate diagnostic expertise or chose not

to employ available and necessary forensic testing. We find that these practices endangered the safety of children.

Moreover, we find that the Archdiocese frequently failed to provide the treatment facility with complete information about the allegations of abuse or the alleged abuser, in some cases omitting critical information about the priest's sexually inappropriate or abusive behavior. At least in part as a result of the Archdiocese's influence over the treatment facilities and its deliberate withholding of relevant information concerning the allegedly abusive priest, we find that in most cases predator priests – including those who admitted having sexual contact with multiple children – received psychological evaluations declaring that they were of little or no risk to children and could return to ministry. In many cases, Archdiocesan managers then reassigned the accused abuser to an unsuspecting parish or assignment. In these instances, they intentionally declined to tell the pastor of the new parish or any other person in authority in the new assignment (including those supervising the transferred priest) that the priest had been accused of sexually abusing minors. This was so, even when the priest had admitted, or was believed to have committed, the abuse, or had been accused by multiple victims. We find that these practices jeopardized the safety of children.

We find that the human toll of the Archdiocesan policies is staggering. Children first suffered the horror of being sexually assaulted by priests. These children were then victimized a second time by an Archdiocesan administration that in many cases ignored, minimized or attempted to conceal their abuse. We find that the undeserved shame, guilt and psychological trauma visited upon the victims of priest sexual abuse in many cases damaged their lives, destroyed their faith and hindered them from achieving their full

potential in life. We also find that the Archdiocesan practice of concealing evidence of priest child sexual abuse was tremendously unjust to the vast majority of priests who do not abuse children and who have been sullied by these Archdiocesan policies and practices. Further, we find that the Archdiocese betrayed its nearly 1,500,000 parishioners who would never have authorized practices that concealed rather than exposed sexual abuse of children by priests.

In addition to the means already described, we find that Cardinal Bevilacqua, Monsignor Lynn and other Archdiocesan managers most directly put children at risk when they knowingly permitted priests whom they knew, or were substantially certain, had sexually abused children to have continuing access to children. In summary, we find that the Archdiocesan protocols for investigating abuse, for diagnosing and treating sexually abusive priests and for returning sexually abusive priests to ministry, policies Cardinal Bevilacqua either established or continued, jeopardized the safety of children.

We make the following specific findings concerning the environment in which the abuse of children by Philadelphia Archdiocesan priests occurred based upon the evidence we have reviewed to date.

1. Given the imbalance of power and experience between priests and children, child victims of priest sexual abuse are absolutely blameless. A child never freely chooses to enter into a sexual relationship with a priest.
2. Adolescents and younger children are very unlikely to report sexual abuse when it occurs; in many cases individuals abused as children report the abuse, if ever, decades later.

3. Many children sexually abused by Philadelphia Archdiocesan priests are from devout families that revere priests, and this impedes many victims from reporting the abuse. Some victims aspire to the religious life themselves, therefore further reducing the likelihood of their reporting that a priest sexually abused them.
4. Many child victims are even more vulnerable to priest sexual abuse because their parents are devout Catholics who innocently give the offender-priest extensive access to their children, including allowing the offender-priest to take the child on overnight trips.
5. Many offender-priests use their status as priests to seduce or "groom" their victims. The offender-priests lavish attention, praise and gifts on the victims. After earning the child's trust, they initiate and gradually increase the level of physical and then sexual contact with the child. This pattern reduces the likelihood that the child will report the abuse for several reasons: the child feels indebted to the priest for the attention he or she has received; the child feels that he or she has invited or caused the sexual contact through friendship with the priest; the child does not want to hurt the priest with whom he or she has developed a relationship; and the child feels that having allowed such behavior to begin without reporting it, he or she has consented to its continuance.
6. Many predator priests seek out and target for sexual abuse children particularly unlikely to resist or report the abuse: children from either large or single parent Catholic families or families where a parent is suffering from a serious illness or substance abuse problem, or children who are socially shy, isolated or awkward. Adolescent children are particularly vulnerable and are susceptible to abuser

seduction strategies involving alcohol, gifts, and attention. Predator priests take advantage of youngsters' natural curiosity about sex and sometimes alcohol, and often tell the youths that the sexual practices are part of religious rituals or part of normal development.

7. Many adolescent children feel that they have been "compliant" in their abuse: because they did not report it immediately, they frequently feel disabled from doing so, because they are ashamed of their "participation" in it.
8. Adolescents and even younger children are physically and emotionally immature and therefore incapable of removing themselves from what is often a years-long abusive relationship with a priest who is sometimes a father figure.
9. Many offender priests used the victim's "compliance" to maintain the abusive relationship and to ensure the victim's silence. Some abusers falsely tell their young victims that the victim's parents are aware of and condone the abuse, while other offenders threaten to harm the victim's family if he or she reports the abuse. Most victims fear that no one will believe that a revered and supposedly celibate priests sexually assaulted them. Several victims testified that when they finally mustered the courage to tell their parents, they were accused of lying.
10. Many non-offender priests have remained silent in the face of clear evidence that a brother priest is sexually molesting a minor, and in some cases have actually covered up the abuse. The Archbishop and his appointed administrative managers foster this silence in order to avoid scandal in the Church and do not encourage priests to report suspected abusers.

11. The Archdiocese willfully failed to implement practices and procedures to effectively investigate allegations of the sexual abuse of children by priests or to prevent the abuse from occurring.
12. The Archdiocese has never properly trained the managers it has assigned to respond to accusations of sexual abuse of children by priests. The managers the Archdiocese assigned to respond to such accusations have failed to properly investigate the allegations, monitor the ongoing activity of the abusers and prevent future abuse by the accused priests. The same managers also failed to provide proper support to the victims of priest sexual abuse.
13. Specifically, the managers Cardinal Bevilacqua selected to investigate allegations of priest sexual abuse of children invariably failed to contact other known victims and/or failed to contact and/or interview other potentially corroborative witnesses such as parishioners or parish employees. These actions were purposely not pursued because of the Archdiocese's intent to conceal the allegations and keep these priests in ministry. As a result, sexually abusive priests continued to have access to children.
14. In almost all of the cases we examined, the Archdiocesan managers assigned to investigate allegations of priest sexual abuse of children failed to make any effort to determine if the accused priest had sexually abused other children in addition to the child whose abuse they were reviewing.
15. The Archdiocese did not take any steps to investigate anonymous allegations of the sexual abuse of a minor by a priest other than telling the accused priests the details of the accusations. In one case, a mother anonymously reported that a

priest had molested her thirteen-year-old daughter, although the priest admitted the truth of the accusation, Archdiocesan managers failed to take any steps to find the victim or further investigate the abuser.

16. Archdiocesan managers assigned to handle reports involving the sexual abuse of children by priests failed to adequately investigate reports from fellow priests, parishioners and others that contained clear warning signs that a priest might be sexually abusing a child, including, for example, reports that: 1) priests, including those who had prior allegations involving minors lodged against them, kept adolescent children with them overnight in rectories; 2) priests took adolescent and younger children on overnight trips without other adult supervision, even where the priest was reported to have slept in the same bed as the children; 3) priests spent inordinate amounts of time with adolescent children; and 4) priests took minors out of parish school classes without permission, without the knowledge of the minor's parents, and in violation of school policy.
17. The Archdiocesan managers who were charged with handling allegations that members of its clergy sexually abused children gave little or no weight to the protection of children. They gave overriding weight to the avoidance of scandal, the shortage of available priests to staff the needs of the Archdiocese, the protection of fellow priests and the avoidance of civil liability.
18. Archdiocesan managers inappropriately asked mental health facilities to determine whether the priest had actually committed the alleged abuse. It is entirely unrealistic for the Archdiocese to expect a therapist to definitively assess the truth of accusations of sexual abuse; it is even more unrealistic to expect such

a credibility determination when the therapist has not interviewed the victim, or been given complete and accurate information about the alleged offender or the offense by the Archdiocese, or conducted forensic testing. Frequently, the Archdiocese told the mental health facility about the priest's most recent allegations of sexual misconduct but omitted information about earlier accusations, additional victims, or other inappropriate sexual behavior that would have aided in the diagnosis. Inaccurate or incomplete information was conveyed so frequently that these failures could not reasonably be said to have occurred accidentally.

19. The Archdiocese had an invariable practice of referring alleged abusers for evaluation and treatment at facilities it owned and operated or that it otherwise identified as favorable. This practice seriously compromised the validity and usefulness of the resulting evaluations.
20. We find that the Archdiocese, in fact, did not want to have a competent, unbiased assessment of the risk that an accused predator priest would sexually assault additional children, but rather wanted evaluations that allowed them to return those priests to ministry.
21. In multiple instances a predator priests admitted not only to the charged abuse but the abuse of additional children. The Archdiocese failed to contact these additional victims, take any steps to stop the abuse from continuing, or prevent additional children from being sexually abused.
22. The Archdiocese placed children at risk by knowingly accepting sexually abusive priests from other dioceses.

23. When the Archdiocese returned an accused predator priest to ministry, it invariably elected not to return him to his prior assignment. Instead, it transferred him to a new parish a significant distance from the old parish and often a parish with an associated elementary school. The parishioners at the new parish were not told about the prior accusations in the cases we examined. Moreover, even where the mental health evaluation recommended that the priest be supervised or precluded from association with children, the Archdiocese did not inform the supervising priest of these limitations, and the accused priest had continued unfettered access to children.

24. Monsignor William Lynn has held the title "Secretary of the Clergy" since 1993. Cardinal Bevilacqua selected him for this position in which he is essentially a personnel director for the clergy. Lynn is also charged with investigating reports of child sexual abuse by members of the clergy, and this function involves: interviewing victims of sexual abuse by priests, interviewing the accused priests, monitoring the priests' progress through psychological evaluation and therapy and recommending to the Cardinal subsequent assignments for the priest. Lynn has received little or no training in dealing with child victims of sexual abuse or in the latest medical developments in the diagnosis and treatment of child sex offenders. Lynn's lack of training makes him incapable of acting in the victim's best interest or competently assessing the risks involved in returning to ministry an accused offender who has received psychological intervention. Moreover, his dual role as the manager priests consult for assignments and educational opportunities and the manager charged with investigating sexual misconduct by priests creates a clear

conflict of interest that severely prejudices his recommendations and decisions. Finally, Monsignor Lynn's long-standing relationships with many of the accused priests also render him incapable of conducting an impartial and effective investigation of their alleged abuses.

25. Cardinal Anthony J. Bevilacqua has appeared before us on several occasions. We find unworthy of belief Cardinal Bevilacqua's repeated claims that he never knowingly transferred a priest who had been credibly accused of sexually abusing a minor. Based upon clear evidence to the contrary and our determination of credibility, we find that Cardinal Bevilacqua was aware that at the time that he allowed certain priests to have continued access to children that those priests had been accused of and admitted to sexually molesting a child. Moreover, we find Cardinal Bevilacqua's purported inability to recall so many things related to allegations of child sexual abuse by priests to be incredible, especially in light of his testimony that the prevention of child sexual abuse was a high priority for him.

26. During his testimony, Cardinal Bevilacqua admitted that he has ultimate decision-making authority over the assignment of priests, the removal of priests from ministry, the evaluation and treatment of removed priests, and their reassignment after treatment. However, when questioned about particular decisions, he sought to avoid accountability by claiming that each challenged decision was based upon the recommendation of others. The Archdiocese's own documents prove that Cardinal Bevilacqua requested, and was provided with, extensive information about the sexual crimes of the predator priests. We find

that at the time he made the decisions about priests' future assignments, he either knew the risk posed by the accused priest or had reason to know that not all the relevant information had been brought to his attention.

27. Despite his professed assertion that the protection of children was of paramount concern, Cardinal Bevilacqua's true priority was the avoidance of scandal. The policies he initiated or continued encouraged the concealment of allegations of abuse and supported the return of abusive priests to ministry.
28. Cardinal Bevilacqua placed children at risk in the following ways: a) he took little or no action to inform himself about existing allegations of priest sexual abuse of children against priests at the time of his installation in February 1988; b) though documentary evidence shows that he later remained fully informed about the allegations of sexual abuse of children by priests, he took few, if any, actions to protect children; c) he ignored medical evidence available during the course of his tenure that pedophilia and ephebophilia are not susceptible to treatment and that such offenders abuse numerous children; and d) he abandoned his responsibility to protect the children of the Archdiocese by declining to adequately supervise the managers he assigned to monitor and evaluate allegations of sexual abuse of children by priests.

II. Conclusions and Recommendations

We are unable to complete our investigation before the expiration of the term of the Grand Jury due to the magnitude of the abuse, the complexity of issues presented, the large number of clerics accused of molesting children, the

enormous number of victims, the thousand of documents detailing the abuse, and litigation delays in obtaining evidence.

We are appalled at what we learned during this investigation. We are extremely concerned that the statute of limitations currently in effect may preclude the prosecution of many priests who sexually abused minors as well as those individuals who covered up the crimes and/or allowed them to occur. Whatever justifications exist for rules governing commencement of prosecutions, they are clearly outweighed by society's interest and responsibility in protecting its children. We have learned that a priest who molests a child inflicts severe psychological trauma and shame on him or her. We wonder now not why it took some victims so long to come forward but how they mustered the courage to come forward at all.

The effect of sexual assault upon anyone is devastating. It may cause even greater damage to a child who, through lack of life experience, may feel partially responsible for the abuse. We have learned that powerful psychological forces prevent clergy sex abuse victims from reporting it well into adulthood. The harm that sexual assault wreaks upon children and the impediment it provides to their reporting the crime makes sexual assault of children unlike other crimes for which it is fair to impose a statute of limitations. Child molesters purposefully select the most defenseless children. They should not be rewarded for their deliberate selection of vulnerable victims by a statute of limitations that, given the severity of the harm they inflict and the sensitivity of the victims they target, makes it very unlikely their crimes will be timely reported. No statute of limitations exists for

the crime of murder because of the seriousness of the offense and the harm caused to society. The evidence presented to us during this investigation has demonstrated that the grievous harm caused to children and society by sexual predators is of comparable magnitude. We make the following recommendations:²

- A. The newly impaneled Grand Jury should continue this investigation.
- B. The new Grand Jury should call to testify Cardinal Anthony J. Bevilacqua and Monsignor William Lynn as often as they find necessary so that they may assess the demeanor and credibility of these and other current and former members of the Archdiocesan management and continue the inquiry into why abusive priests were allowed continued access to children. Due to Cardinal Bevilacqua's schedule, his failure to appear due to illness, as well as his repeated conferences with his attorney during his testimony, we were only able to pose questions to him about four of the accused abusive priests.
- C. Given the impediments to child sexual assault victims reporting their abuse, as well as the harm caused to society by sexual molestation of children, the Legislature should eliminate the statute of limitations for all crimes involving the sexual abuse of children and the concealment of those crimes. In the alternative, the Legislature should considerably lengthen the time in which a prosecution must be commenced for the sexual assault of a child to reflect the reality that many

² All of the following recommendations concerning "priests" are intended to include all individuals working in the Archdiocese of Philadelphia regardless of gender and whether religious or lay.

victims of child sexual assault are not psychologically able to report the crimes against them for decades after the abuse occurred.

- D. The Crimes Code should be amended so that the Legislature can clarify that it intends the Child Protective Services Law to protect children such as those whose abuse was the subject of this investigation. Specifically, the Archdiocese and other mandated reporters should be required to report to civil authorities all allegations of sexual abuse of a child, regardless of the source of the allegation or the time period in which it was made.
- E. We believe that a person who recklessly engages in conduct that creates a substantial risk of harm to a child, or recklessly fails to take reasonable steps to alleviate such risk where there is a duty to act, should be held criminally responsible. We urge our Legislature to enact such a statute.
- F. Pennsylvania law should be amended to prohibit, as a matter of public policy, confidentiality agreements in any action for damages resulting from the sexual abuse of a child.
- G. The Archdiocese of Philadelphia should maintain an Office of Victims Assistance dedicated to the receipt of allegations of sexual abuse of minors by priests. Those who work for the Office of Victims Assistance should receive annual education on the current state of scientific knowledge concerning pedophilia and ephhebophilia. The Archdiocese of Philadelphia should develop a protocol for training children about appropriate and inappropriate touching.
- H. Given the number of victims that pedophiles abuse and the risks created by child molesters, we recommend that the Archdiocese implement a written policy

requiring any accusation of child sexual abuse, regardless of the source, be reported immediately to the police and the district attorney for the county in which the suspected abuse occurred. This reporting responsibility must be triggered whenever the alleged victim was less than 18 years old at the time of the abuse, regardless of the current age of the alleged victim, and regardless of whether the alleged victim's identity is known. Upon receipt of an allegation of priest sexual abuse, the Archdiocese will ensure that, pending the resolution of the allegations, the alleged abuser will be removed from any position in which there is the possibility for contact with minors, whether or not the parish has a school. All Diocesan personnel who have any contact with minors should sign an acknowledgment that they understand this reporting requirement.

- I. We recommend that the Archdiocese of Philadelphia implement a policy requiring that any priest or employee who is accused of sexually abusing a minor be evaluated by a psychiatrist or psychologist trained and experienced in the forensic evaluation of sex offenders; and that the evaluating psychiatrist or psychologist possess the ability to administer the most effective battery of tests designed to detect whether an accused offender is sexually attracted to minors.
- J. We recommend that Bishop Justin Francis Rigali, who will be the next Archbishop of the Archdiocese of Philadelphia, personally review the Secret Archives files of all Archdiocesan priests as well as Order priests assigned to the Philadelphia Archdiocese.