

**Office of the Attorney General
Commonwealth of Massachusetts**

**The Sexual Abuse of Children in the
Roman Catholic Archdiocese of Boston**

***Executive Summary and
Scope of Investigation***

July 23, 2003

EXECUTIVE SUMMARY

Problem

In one of the greatest tragedies to befall children in the Commonwealth, priests and other workers of the Roman Catholic Archdiocese of Boston sexually abused hundreds of children over six decades. During this period, the Archdiocese has shown an institutional reluctance to adequately address the problem and, in fact, made choices that allowed the abuse to continue. Two hundred and fifty priests and other Archdiocese workers are alleged to have sexually abused at least 789 children since 1940.¹ The Archdiocese must reverse this institutionalized culture of acceptance of the sexual abuse of children and adopt a greater commitment to the protection of children rather than the protection of priests and the reputation of the Church.

Purpose

The Attorney General initiated an investigation with three main objectives: (1) to determine whether children still were being sexually abused, or were at risk of being sexually abused by priests and other church workers; (2) to determine whether the conduct of the Archdiocese and its managers in responding to allegations of sexual abuse, or failing to prevent sexual abuse, was criminal and, if so, whether prosecution was appropriate and not time-barred by the statute of limitations, and; (3) to use all available means to ensure that children would be protected in the future. *See Appendix 1.*

Background

As Archbishop, and therefore chief executive of the Archdiocese, Cardinal Bernard Law bears ultimate responsibility for the tragic treatment of children that occurred during his tenure. But by no means does he bear sole responsibility. With rare exception, none of his senior managers advised him to take any of the steps that might have ended the systemic abuse of children. Rather, they preserved the culture of acceptance of child sexual abuse within the Archdiocese

¹ The number of priests alleged to have sexually abused children since 1940 was determined by reviewing documents produced by the Archdiocese, documents filed in civil suits on behalf of alleged victims of clergy sexual abuse, media reports and documents created by organizations representing victims of clergy sexual abuse.

and adhered to the tragically misguided priorities of supporting the perceived needs of offending priests more than those of children who had been, or were at risk of being, abused.

The Attorney General's investigation revealed that the magnitude of the Archdiocese's history of clergy sexual abuse of children is staggering. Records produced by the Archdiocese reveal complaints regarding at least 789 victims. When information from other sources is considered, the number of alleged victims who have disclosed their abuse likely exceeds one thousand. The magnitude of the Archdiocese's history of clergy sexual abuse is equally shocking if evaluated in terms of the number of priests and other Archdiocese workers alleged to have sexually abused children since 1940. The investigation revealed allegations of sexual abuse of children made against at least 237 priests and thirteen other Archdiocese workers. Of these 250 priests and other Archdiocese workers, 202 allegedly abused children between 1940 and 1984, with the other forty-eight allegedly abusing children during Cardinal Law's tenure as Archbishop.

Findings and Conclusions

Finding No. 1: The Investigation Did Not Produce Evidence of Recent or Ongoing Sexual Abuse of Children in the Archdiocese of Boston, But it is Too Soon to Conclude that the Archdiocese Has Undertaken the Changes Necessary to Ensure that Abuse Has Stopped and Will Not Occur in the Future

The Attorney General's investigation did not produce evidence of recent or ongoing sexual abuse of children by priests or other Archdiocese workers. Significantly, the investigation also did not produce evidence that would readily explain the lack of recent complaints. Given the magnitude of mistreatment and the fact that the Archdiocese's response over the past eighteen months remains inadequate, it is far too soon to conclude that the abuse has, in fact, stopped or could not reoccur in the future.

Finding No. 2: The Investigation Did Not Produce Evidence Sufficient to Charge the Archdiocese or its Senior Managers With Crimes Under Applicable State Law

The evidence gathered during the course of the Attorney General's sixteen-month investigation does not provide a basis for bringing criminal charges against the

Archdiocese or its senior managers. Although evidence gathered during the investigation establishes that senior Archdiocese managers did not report suspected child sexual abuse to public authorities, the state's child abuse reporting law is not applicable because it was not expanded to include priests until 2002.

Finding No. 3: The Investigation Did Produce Evidence that Widespread Sexual Abuse of Children Was Due to an Institutional Acceptance of Abuse and a Massive and Pervasive Failure of Leadership

This finding is based on the following:

1. Top Archdiocese Officials Knew of the Extent of the Clergy Sexual Abuse Problem for Many Years Before it Became Known to the Public

There is overwhelming evidence that for many years Cardinal Law and his senior managers had direct, actual knowledge that substantial numbers of children in the Archdiocese had been sexually abused by substantial numbers of its priests.

2. The Archdiocese's Response to Reports of the Sexual Abuse of Children, Including Maintaining Secrecy of Reports, Placed Children At Risk

The response by the Archdiocese reflected tragically misguided priorities. Top Archdiocese officials regularly addressed and supported the perceived needs of offending priests more than the needs of children who had been, or were at risk of being, abused. Top officials whose actions are detailed include: Cardinal Bernard Law, Bishop Thomas Daily, Bishop Robert Banks, Bishop Alfred Hughes, Bishop William Francis Murphy, and Bishop John McCormack.

3. The Archdiocese Did Not Notify Law Enforcement Authorities of Clergy Sexual Abuse Allegations

The Archdiocese steadfastly maintained a practice of not reporting allegations of sexual abuse of children to law enforcement or child protection authorities. This practice continued even after the Archdiocese created an office specifically designated to handle sexual abuse allegations, and even when the Archdiocese was dealing with priests who continued to abuse children after unsuccessful intervention by the Archdiocese.

4. Archdiocese Officials Did Not Provide All Relevant Information to Law Enforcement Authorities During Criminal Investigations

In the very few cases where allegations of sexual abuse of children were communicated to law enforcement, senior Archdiocese managers remained committed to their primary objectives – safeguarding the well-being of priests and the institution over the welfare of children and preventing scandal – and often failed to advise law enforcement authorities of all relevant information they possessed, including the full extent of the alleged abuser’s history of abusing children.

5. The Archdiocese Failed to Conduct Thorough Investigations of Clergy Sexual Abuse Allegations

The Archdiocese repeatedly failed to thoroughly investigate allegations of clergy sexual abuse of children, including the facts of the alleged abuse and the history of the alleged abuser. The Archdiocese did not investigate general, anonymous, vague and third-party complaints. Because secrecy remained a top priority, the Archdiocese did not explore potential sources of information concerning allegations of clergy sexual abuse or the prior conduct of accused priests.

6. The Archdiocese Placed Children at Risk by Transferring Abusive Priests to Other Parishes

During Cardinal Humberto Medeiros’ tenure as Archbishop and during the early years of Cardinal Law’s administration, the Archdiocese’s response to allegations of clergy sexual abuse of children included at times quietly transferring the alleged abuser to a different parish in the Archdiocese, sometimes without disclosing the abuse to the new parish or restricting the abusive priest’s ministry functions.

7. The Archdiocese Placed Children at Risk by Accepting Abusive Priests from Other Dioceses

Not only did the Archdiocese quietly transfer abusive priests to other parishes within the Archdiocese, but it also placed children at risk by accepting priests from other dioceses with full knowledge that they had a history of being accused of sexually abusing children.

8. The Archdiocese Placed Children at Risk by Transferring Abusive Priests to Other Dioceses in the United States and Abroad

The Archdiocese also arranged for or assented to the transfer of sexually abusive priests so that they could work or reside in other dioceses in the country or abroad. The motivation for these transfers appears to have been to prevent further scandal within the Archdiocese and to accommodate the wishes of the alleged abusers.

9. The Archdiocese Failed to Adequately Supervise Priests Known to Have Sexually Abused Children in the Past

During Cardinal Law's tenure, priests accused of sexually abusing children were transferred in almost all instances to new residential, ministerial, or administrative assignments, whether or not there was a period of psychiatric treatment resulting from an allegation. These transfers appeased victims by removing abusive priests from their parishes and promoted the well-being of accused priests by placing them in new environments where they could have a "clean start." These transfers to supposedly "restricted" ministerial positions, however, did not ensure the protection of children.

Conclusion

The widespread sexual abuse of children in the Archdiocese of Boston was due to an institutional acceptance of abuse and a massive and pervasive failure of leadership. For at least six decades, three successive Archbishops, Bishops and others in positions of authority within the Archdiocese operated with tragically misguided priorities. They chose to protect the image and reputation of their institution rather than the safety and well being of the children entrusted to their care. They acted with a misguided devotion to secrecy. And they failed to break their code of silence even when the magnitude of what had occurred would have alerted any reasonable, responsible manager that help was needed. Still, the failure of the Archdiocese leadership has been too massive and too prolonged, and the Archdiocese has yet to demonstrate a commitment to reform proportional to the tragedy it perpetrated.

It is not enough for the Archdiocese of Boston simply to declare a commitment to the protection of children. The Archdiocese must live that commitment through its policies and demonstrated practices. Vigilant oversight from the public and its officials as well as from members of the Church, including priests and the laity, will be necessary to assure that the Archdiocese does indeed act to protect children. This vigilance must continue until the Archdiocese demonstrates the following indicators clearly and unmistakably:

- The Archdiocese Must Demonstrate Over Time Its Understanding That It Is Criminal to Sexually Abuse a Child
- The Archdiocese Must End the Culture of Secrecy that Has Protected the Institution at the Expense Of Children.
- The Archdiocese Must Adopt and Implement Comprehensive and Effective Measures to Prevent the Sexual Abuse of Children
- The Archdiocese Must Appropriately Respond to All Allegations of Child Sexual Abuse
- The Archdiocese Must Be Accountable at Every Level of the Institution for Ensuring the Protection of Children

APPENDIX 1: SCOPE OF THE ATTORNEY GENERAL'S INVESTIGATION

The Attorney General's investigation of the sexual abuse of children in the Archdiocese involved eleven Assistant Attorneys General, ten State Police officers, a civilian criminal investigator, five civil investigators, two paralegals, and support staff.¹ The investigative team reviewed personnel files of at least 102 priests alleged to have sexually abused children, including all priests alleged to have abused during Cardinal Bernard Law's tenure as Archbishop. In all, criminal and civil investigators indexed and reviewed more than 30,000 pages of documents obtained from the Archdiocese, and conducted numerous interviews of present and former Archdiocese priests and senior managers, various experts and academics, and victims of sexual abuse by priests.

Early Stages of the Investigation

The Attorney General first received documents from the Archdiocese pertaining to allegations of sexual abuse of children by living priests on March 19, 2002. These documents, produced as a result of a written agreement among the Archdiocese, the Attorney General, and the District Attorneys of the five counties in the Archdiocese,² contained allegations that sixty-nine different living priests sexually abused 214 different children. The Attorney General's investigative team reviewed these records, as well as

¹ The Attorney General is the Commonwealth's chief law enforcement officer, and has broad statutory authority to institute criminal and civil proceedings "for the public interest" and to investigate matters when he believes there may have been violations of law. M.G.L. c. 12, § 10. The Attorney General may also obtain civil injunctions against persons who deprive others of rights secured under the federal or state constitutions or statutes. M.G.L. c. 12, §§ 11H – 11I (Massachusetts Civil Rights Act). The Attorney General also "consult[s] with and advise[s] district attorneys in matters relating to their duties." M.G.L. c. 12, § 6.

² The Archdiocese of Boston is spread over five counties – Suffolk, Middlesex, Plymouth, Essex and Norfolk – each with its own elected District Attorney.

court records, media reports, and information provided by groups representing victims of clergy abuse, ultimately compiling evidence that priests in the Archdiocese had sexually abused at least 789 children in forty-five different cities and towns between 1940 and today. The majority of the alleged abuse took place between 1960 and 1992, although at least thirty-three allegations describe sexual abuse committed after 1992, and at least ninety-four allegations of abuse are undated.

Between April 7 and July 3, 2002, the Attorney General made twelve document requests to the Archdiocese, asking the Archdiocese to voluntarily produce records pertaining to the general issue of sexual abuse of children and all records detailing allegations of sexual abuse of any child since 1960.

The investigative team also reviewed the internal policies and procedures of the Archdiocese; conferred with the Archdiocese and the Cardinal's Commission for the Protection of Children to assist them as they discussed sexual abuse policies, procedures and training programs for the protection of children; analyzed the history of the Catholic Church's handling of sexual abuse allegations; interviewed numerous national experts on child sexual abuse and pedophilia; interviewed non-Archdiocese Canon Law experts, victims of clergy sexual abuse, and attorneys representing victims of clergy sexual abuse in civil suits; reviewed sexual abuse policies from other dioceses; followed the development of the "Essential Norms" by the United States Conference of Catholic Bishops and analyzed the impact of their adoption on canon law and the Archdiocese's policies; and reviewed possible legislative reforms.

Although the investigative team had gathered evidence of abuse allegations dating back to 1940, the investigation focused primarily on the nineteen years – 1984 to 2002 – when Cardinal Law was Archbishop of the Boston Archdiocese, because:

- The applicable statute of limitations would likely bar prosecution of criminal conduct that occurred prior to 1984;
- The two Archbishops who preceded Cardinal Law (Cardinal Humberto Medeiros and Cardinal Richard Cushing) are deceased, and the senior Archdiocese managers who served in their administrations have moved to other dioceses, retired or died;
- Expanding the scope of the investigation to earlier years would have substantially lengthened the investigation; and
- The actions under Cardinal Law’s administration were most relevant to the consideration of necessary policies and procedures to prevent future abuse.³

Criminal Grand Jury Investigation

The Attorney General’s Criminal Bureau initiated a grand jury investigation during the early summer of 2002 because of the slow pace at which the Archdiocese was producing records; the Archdiocese’s refusal to voluntarily produce certain categories of important documents, including medical and psychological records of priests evaluated or treated for pedophilia and ephebophilia, correspondence with the Vatican and Papal Nuncio, and related matters; and the fact that important witnesses either had refused to

³ The focal points of the Attorney General’s investigation – the continuing risk to children, and the conduct of the Archdiocese and its managers – differed from the investigations being conducted by the District Attorneys who had the important, but narrower, responsibility of investigating and prosecuting individual priests and church workers who were accused of sexually abusing children. The Attorney General believed it was vital to supplement the criminal investigations being conducted by the District Attorneys by delving into the potential criminal responsibility of the Archdiocese as a corporation, and its senior managers, and the systemic issues that permitted the sexual abuse of children to continue for so many years.

submit to voluntary interviews or had placed unacceptable restrictions and conditions on voluntary interviews.

The investigative team issued fifty-three *subpoenas duces tecum*, and compelled the Archdiocese to produce documents relating to allegations of sexual abuse of children by priests and other Archdiocese workers; clergy sexual abuse investigations conducted by the Archdiocese; policies, procedures, memoranda and other documents dealing with the sexual abuse of children; and personnel records, including Review Board and disciplinary records, and records of psychiatric and psychological evaluations, counseling and treatment of priests and other Archdiocese workers alleged to have sexually abused children.

The grand jury heard testimony on sixteen different dates from thirty-one witnesses including Cardinal Law, top officials who served during Cardinal Law's tenure, social workers assigned to the Delegate's Office, present and former Regional Bishops, present and former Secretaries of Ministerial Affairs, and officials of Archdiocese's private Catholic schools and the two seminaries. In total, the grand jury marked more than 500 documents as exhibits and heard in excess of 100 hours of testimony.

Efforts to Encourage Improved Policies and Procedures

In April 2002, the Attorney General's Civil Rights Division initiated regular meetings with top officials in the Archdiocese to discuss immediate and long term changes to the Archdiocese's policies and procedures for handling sexual abuse allegations and its commitment to take all necessary steps to ensure the protection of

children.⁴ Beginning in June 2002, Assistant Attorneys General from the Civil Rights Division worked extensively with Cardinal Law's recently established Commission for the Protection of Children, a fifteen-member independent panel made up primarily of lay people with some expertise in the area of sexual abuse charged with proposing recommendations for a new sexual abuse policy.⁵ Assistant Attorneys General suggested measures designed to prevent child sexual abuse and provide victim assistance. As part of the work with the Commission, Assistant Attorneys General participated in policy discussions, attended meetings of the Commission's Policy Subcommittee, and provided detailed comments on draft recommendations.

⁴ As the Attorney General learned more about the history of clergy sexual abuse within the Archdiocese, it soon became clear that the Archdiocese indeed had failed to put in place the policies and procedures necessary to protect children. As a result, the Civil Rights Division obtained an agreement from the Archdiocese to review any revised policies or procedures before their adoption and publication.

⁵ The Archdiocese also had enlisted the help of VIRTUS, a risk management program established by the National Catholic Risk Retention Group, Inc., a Vermont-based insurance company in which the Archdiocese is a shareholder, for its victim assistance and sexual abuse training programs and to introduce extensive training components in the fall of 2002.

