

B. The Diocesan Office of Legal Affairs

In the mid 1980's, the Diocese of Rockville Centre established an Office of Legal Affairs. Ostensibly, this was necessary to handle a variety of legal issues relative to the functioning of the Diocese, similar to any large corporation. In practice, its primary purpose was to investigate and attend to allegations of child sexual abuse committed by priests. The creation of this Office was initiated, by the written proposal, of a priest who was also an attorney. He envisioned an office that would protect the interests of the diocese, as well as offer advice and counsel to priest perpetrators of child sexual abuse.

The proposal delineated the types of services the Office of Legal Affairs hoped to provide. One of these was "Confidential Legal Services". In that regard, the proposed responsibilities were to give "preliminary, confidential, legal advice to the Bishop, to Diocesan entities and/or to the individual employee, so that the interests of each of these parties may be protected". (Grand Jury Exhibit 14F,p.7) To the various Diocesan entities, such as the Office of Priest Personnel, the proposal contemplated that the Office of Legal Affairs would provide, "some general advice on legal questions which may effect individual priests" (Grand Jury Exhibit 14F,p.10) and would,"quickly, confidentially, and conveniently" inform them of the legal implications of personal problems faced by individual priests..." (Grand Jury Exhibit, 14F,pp.10-11)

The initial staffing budget contemplated for the Office of Legal Affairs was \$34,000 excluding the rental of space, telephone, postage etc. The budget included certain unspecified fringe benefits, expenses such as mileage, a car allowance and lunch along with expenses for dues and meetings for the attorney assigned as general counsel. It was recommended that this attorney be a priest. (Grand Jury Exhibit 14F,p.17, 21) The proposal contemplated that funding

for the Office of Legal Affairs would come from the Bishop's Annual Appeal. (Grand Jury Exhibit 14F,p.19)

The priest who submitted the proposal sought advice from outside the Diocese. He wrote to another Bishop who had established a similar office that was a success. (Grand Jury Exhibit 140) Without any fanfare, the Diocese adopted the proposal in its entirety.<sup>76</sup>

From its inception in 1985, until 1992, the Office of Legal Affairs provided the exclusive method for dealing with the criminal sexual abuse of children by priests in the Diocese. No written protocols existed to guide the priests who implemented this critical Diocesan policy. What was presented to the outside world, including parishioners, priests and pastors in the Diocese, was a triumvirate of high-ranking Diocesan priests, who assumed the role of handling these cases under the mantle of the Diocesan Office of Legal Affairs. In fact, the triumvirate existed only on paper. The Grand Jury finds that in reality one of the priests was a member in name only; he was frequently excluded from important decisions and purposely omitted from the flow of information about sexually abusive priests. Indeed, one of the members of the "team" testified that it would not be a surprise to him if the cases with the potential for publicity or litigation were handled by certain members of the team, to the exclusion of others. Another high-ranking member of the Diocese admitted that two high-ranking priests, who had extraordinary influence at the highest levels of the Diocese, made all of the real decisions about priests involved in this criminal conduct.

<sup>76</sup> One of the high-ranking priests who would later become involved with the Office for Legal Affairs testified in the Grand Jury that he had no recollection about the formation of the office. He persisted in this posture even after he was shown letters referring to him as being "helpful and supportive" of the proposal for the creation of the Office. (Grand Jury Exhibits 14D, 14E)

Initially, the triumvirate of priests was unofficially known as the “intervention team”. Later this name was the official written designation given to the team of priests working on these cases (Even though the original purpose for the Office of Legal Affairs was to protect the interests of the Bishop, the Diocese and individual employees, intervention team members who were attorneys, always met with both the priest abuser and his victims. They reviewed treatment options for the priest and his victims, made decisions regarding treatment facilities and recommended reintegration into the ministry for priests under their “supervision”).

Within Diocesan circles the Office and its handling of cases involving the criminal sexual abuse of children, was applauded. In 1988 a high- ranking priest involved in issues of priest personnel praised the work of the Office, and reaffirmed its true purpose. In reflecting on the handling of cases of priests with, “various difficulties”, he wrote,

I have found Father’s (name omitted) procedure to be very thorough and his genuine care and concern for all parties is always very evident. In each case, he tries to maintain the dignity of the individual while always being very conscious to be responsible to you and the Church and making every effort to avoid scandal. In addressing any problems, he has been thorough in interviewing each individual and being sure to receive a comprehensive story before making his professional judgments and recommendations.

I would recommend that, when you have an opportunity, you speak to him and express your gratitude and appreciation to him for the tremendous job he has been doing for our brother priests, the Diocese and the Church. (Grand Jury Exhibit 14H)

Certainly, one would not want to believe that the author of this letter would have been in touch with the many victims of clergy sexual abuse and their families who bitterly complained about their treatment by the Diocese, and especially those priests who worked together as the intervention team, but, in fact, he was.

The Grand Jury finds that many of the priests involved in issues relating to priest personnel remembered little of the individual cases involving the sexual abuse of children that

arose during their tenure. Even when presented with documents that should have refreshed their memories of these important issues they could not recall many of the cases they handled. The Grand Jury finds that often they appeared surprised at the findings of treatment providers, especially where their recommendations cautioned against the reassignment of priests. Some of these priests candidly admitted that they were simply not informed of the process that was followed by the other members of the intervention team and testified that they may have made decisions to return priests to ministry in ignorance of important information. Nevertheless, priests, pastors and parishioners relied on them for the proper assignment and administration of personnel matters in the Diocese.

For example, one of the priests involved in personnel was asked about his dealings with *Priest B* whose activities with children were heretofore outlined. *Priest B* was accused both of molesting underage boys and adult homosexual activity while serving overseas in a military chaplaincy. *Priest B's* military superiors had written to the Diocese indicating that the trauma (relating to the accusations and investigation) would have “killed a less healthy man...” Despite this language and after having been shown the correspondence, the witness remembered nothing about *Priest B's* problems. These lapses were not isolated. The Grand Jury finds that they demonstrate a lack of concern on the part of these priests for the issues; they were simply not memorable. This is especially disturbing since at least two of these priests were directed in the spring of 2002 to collectively review every confidential and secret archive file maintained by the Diocese.

Priests involved in Diocesan personnel issues never had access to priests seminary records. In fact, they relied on the formation process to act as a screening tool for candidates who might be inappropriate for the priesthood. The Grand Jury finds that this reliance was

dangerously misplaced. In fact, this policy and practice, resulted in a personnel office and intervention team that lacked vital information about the priests they were responsible for. Thus, the personnel office and intervention team never knew that a psychiatrist had labeled one seminarian, who later molested children, as “schizoid” and still another as “heterosocially retarded”, someone who, “denies any interest in the opposite sex” and where,” immaturity in this area could be a source of a conflict at a later date”, The personnel office was also ignorant of a candidate who, the Diocesan Director of Vocations,<sup>77</sup> voted against accepting into the Seminary with the post script to his vote being ...”not a rejection as much as perhaps a warning”. (Grand Jury Exhibit 11M) This priest, heretofore identified as *Priest K*, would later sexually abuse a number of young boys. Another priest was categorically rejected by the Rector of the seminary for ordination because of his inappropriate interaction with young boys. Writing in 1985 to another high-ranking Diocesan official, the Rector warned,

After a most thorough discussion, corroborated by Father (name omitted) with questionable scenes he observed and unsolicited testimony he had received from rectory staff and others in the parish, it is clear to Father (name omitted) and me that it would be a most serious error to ordain (name omitted) to priesthood- at least at this time and perhaps, ever... the pattern in the parish is of three years standing. (Grand Jury Exhibit)

Nevertheless, this priest was ordained and the concerns of the Rector remained buried in the seminary archives, until now.

None of the priests involved in handling cases involving the criminal sexual abuse of children by their colleagues ever considered calling law enforcement. While they admitted that they would have called the police if it had been reported to them that a neighbor was sexually

<sup>77</sup> The Director of Vocations is the priest who makes connections between seminary colleges and the Diocesan seminary.

abusing their child, it would not occur to them if they were told that a priest was sexually abusing a child.

Shortly after it was officially established, the Office of Legal Affairs and the triumvirate of priests associated with it, became the focus of self-congratulatory letters. When one of the priests involved in the intervention team was reassigned to a new position in the Diocese he was commended by one of his colleagues,

...more than anyone else (name omitted) has been responsible for the successful working of my present assignment...His first concern was always the welfare of our priests and the security of our diocese.

Often under very difficult circumstances, (name omitted) and I worked together with many priests in these past four years...

Thanks to your generosity I am able to give some of my time to helping other bishops and religious congregations with delicate legal problems involving the misconduct of priests and religious. In the past ten years, I have been involved in more than two hundred such cases in various parts of the country.

I keep a very careful watch over developments in this area so that I can be useful to our own diocese and to others who may need my help. The Diocese of Rockville Centre is unique among American Dioceses and religious congregations in my experience. We have suffered no major loss or scandal due to allegations of sexual misconduct by religious personnel. I am called on regularly to settle claims made against dioceses and provinces and I settle multi-million dollar claims for sums ranging from \$20,000 to \$100,000. (since I charge no fees and the Church entities are spared negative publicity, they are more than happy with these settlements.) Since I have been involved in this work, the Diocese of Rockville Centre has paid out a total of \$4,000 because of claims of sexual misconduct. In very large measure, this is due to (name omitted) vigilance, swiftness to act and willingness to involve me and (name omitted) in these cases. It is not melodramatic to say that, in these difficult cases, hours often make a difference and (name omitted) moves quickly to put our team to work. (Grand Jury Exhibit 154F)<sup>78</sup>

<sup>78</sup> This priest author of this letter was also counsel to at least one clergy related treatment center, The House of Affirmation in Massachusetts. This fact was not well known to other high-ranking priests in the Diocese. (Grand Jury Ex.181)

This letter was acknowledged by its recipient, “No one knows better than I that the willingness of (names omitted) to function as a team when sensitive matters are involved is a reality which has made for constructive ideas and action. As individuals, your selflessness is admirable, and, as priests, your deeds prove your commitment to follow Christ” (Grand Jury Exhibit 154F)

The Grand Jury finds that it was no accident that by 1990, the Diocese of Rockville Centre, had only paid out \$4,000 in legal claims for the sexual abuse of children by priests. This low number was the result of a carefully orchestrated plan. Conceived in the original proposal for the Office of Legal Affairs, and executed by the Diocesan hierarchy, the plan was frequently modified and updated on paper to appear responsive to the needs of priests, victims and to protect unsuspecting children. In reality the Office and the intervention team had one purpose, protecting the Diocese. This is not to say that the members of the team did not recognize the inherent conflict in their positions- counseling and pretending to protect the interests of both abuser and victim. They did. To deal with the conflict, and most importantly, to make certain that the true purpose of the scheme was not discovered, the members of the team proposed that any public affiliation with the Office of Legal Affairs be eliminated. In a proposal to a high-ranking Diocesan official, one of the team members admitted that the affiliation and legal connections were useful in some respects but,

... in other areas of my work this designation and relationship creates difficulty...[I]n the “delicate cases” that are referred to me...my value depends on my ability to propose pastoral, rather than legal solutions to problems...[W]hen the families and individuals with whom I am dealing learn that my title is legal ... or when they call my office and are greeted with the formula (name omitted)...they get the wrong impression: they sometimes feel that the Diocese is taking advantage of them by protecting its legal interests while asking them not to seek legal resolutions to their problems.

Because of this I feel it is important that my organizational relationships within the Diocese be clarified. I believe that I should have a “church-related” title...and a separate telephone line in the office, which would be answered, simply, “Father (name omitted) office. (Grand Jury Exhibit 14I)

Not surprisingly, this team member’s title was changed to conceal his true purpose; maintaining the security of the Diocese and protecting its criminal priests.