

Clergy Abuse Cases Wear Down Lawyer

By Tony Kennedy
Associated Press

MINNEAPOLIS — The more money attorney Jeffrey Anderson makes, the less he believes in organized religion.

Anderson is one of the nation's top specialists in sex-abuse lawsuits against clergy. He has handled more than 100 cases in the past seven years and settled about 30 of them, earning more than \$15 million for his clients and millions more for himself.

In August, he filed the first sex-abuse lawsuit ever against a Roman Catholic bishop in the United States. The prelate, Bishop Joseph A. Ferraro of Honolulu, has repeatedly denied the accusation.

While his practice has made him rich, Anderson says it also has taken a psychological toll.

"I would very much like to be able to practice my own faith," said Anderson, who was raised Lutheran. "But there's nothing I have learned that has been faith-affirming. I deal with shattered lives and serious distortions of the human personality because of the serious abuse clergy members of all faiths inflict."

There are no reliable statistics on how many sex-abuse lawsuits have been filed against clergy, largely because court documents often are sealed as a condition of settlement.

Settlements Estimated

Anderson, however, estimates that the Catholic Church and its insurers have paid more than \$300 million since 1985 to settle claims of sexual abuse by priests.

Mark E. Chopko, a lawyer for the U.S. Catholic Conference in Washington, said Anderson's estimate seems grossly inflated but that he knows of no estimate kept by the church.

Most of Anderson's lawsuits have been against Catholic priests. Observers within the church acknowledge that the Catholic hierarchy previously lacked understanding of priests with pedophilia, a disorder in which adults crave sex with children.

A decade or more ago, clergy who were known sex offenders received counseling and customarily were given second chances because "their good intentions and mere convictions made you believe they would change," said Rev. John Malone, a priest and lawyer in St. Paul.

"Now, you don't put them back in the same surroundings," Malone said. "Now they realize some people are addicted."

He said lawsuits brought by Anderson have helped all denominations focus on the problem. But while there undoubtedly have been cases of "real victimization," Malone said, some of the lawsuits contain allegations that are "way out of line."

While the merits of his lawsuits are debated, Anderson's own reputation in the field is clear.

"I think probably more than any attorney in North America, Jeff is associated with suits against churches and church organizations for sexual abuse and misconduct," said psychologist Gary Schoener, executive director of the Walk-In Counseling Center in Minneapolis.

David Clohessy, 34, a political consultant in St. Louis, contends that, as a boy, he was abused by a diocesan priest in Missouri. He has sued, and says he hired Anderson because he "combines that toughness with a real sensitivity."

"I feel very comfortable talking to Jeff," said Clohessy, a political consultant in St. Louis.

Schoener, an expert witness on behalf of victims and accused clergy members, said Anderson has remained "very sincere."

Hate Confronts Lawyer

"We get very few complaints about Jeff and it's very common for clients in these kinds of cases to start hating their attorneys," Schoener said. "It's not very cheap to employ him, but he'll also take the cases that aren't big-bucks cases."

Anderson, who works in a St. Paul law firm of about eight lawyers, takes cases on contingency and keeps up to 40 percent of any settlement.

A former public defender, his first sex-abuse case was a referral from a Catholic colleague who didn't have the stomach for attacking the church.

"I'm not intimidated by the power or the prestige of any institution," said Anderson, 44, a self-proclaimed former hippie who still wears his hair to the collar.

While investigating his first client's accusations against the Rev. Thomas Adamson, the priest admitted to a 20-year history of sexual abuse of boys in Minnesota. Anderson filed lawsuits on behalf of 10 others who contend Adamson abused them.

'Conspiracy of Silence'

"When I realized how widespread and firm it was, they wanted to settle for a huge amount of money, but I felt it couldn't be done because I would be part of their conspiracy of silence," Anderson said of the church.

After one of those cases went to trial, a jury last year returned a \$3.55 million jury verdict, including \$2.7 million in punitive damages. A judge, however, slashed the punitive damages to \$187,000, and Anderson has appealed.

Anderson says he receives considerable hate mail from people who identify themselves as Christians. One such missive is framed in his office: "You are the scum maggot of this country."

"The ironic thing, if you ask me, is that the work I do is Christian," Anderson said. "For every suit we file, we help to bring change."

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SECTION

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Ritter

■ Out of the Spotlight: The Rev. Bruce Ritter, the priest who founded the New York-based Covenant House shelter and later was accused of having sex with youths placed in his care, will be

transferred to a remote diocese in India. Franciscan investigators said they found evidence that Ritter had sexual relations with young men at the home for troubled and runaway teens. "I think he is avoiding dealing with the problem," said a Franciscan spokesman. "Sadly, Father Ritter has resisted our help. We pray for him." Ritter has not been charged with a crime.

Sins of the Fathers

A Honolulu bishop is accused of sex abuse in a federal lawsuit as Catholic scandals keep spreading

By RICHARD N. OSTLING

Without doubt, it is the worst wave of moral scandals ever to beset Roman Catholicism in North America. Dozens upon dozens of priests have been accused of sexually abusing underage boys. Cases have erupted in most U.S. states and two Canadian provinces since the 1985 conviction in Louisiana of Father Gilbert Gauthe, who had molested 35 youths. So widespread are the cases that by one informed estimate, Catholic institutions have paid \$200 million in settlements—with no end in sight. "We could be wiped out of existence," says Notre Dame philosophy professor Ralph McInerney.

Worse than the loss of money are the feelings of betrayal and the erosion of esteem for priests among the faithful. The potential for such spiritual devastation escalated considerably last week, as a federal civil lawsuit was filed against Honolulu bishop Joseph A. Ferrario, 65, the first member of the U.S. hierarchy to face a sex-abuse suit. A spokesman for the bishop said in response, "These are identical allegations made in the same name. The bishop has denied the charges time and time again."



The accused bishop, Joseph Ferrario, after celebrating Mass at his cathedral in Honolulu; above, accuser David Figueroa at his home in Florida

The bishop's accuser is David Figueroa, 32, a clerk living in Florida who has accused Ferrario's five priests. He first made his charges against Ferrario's seminarians in 1987, a year after the death of Gerald Rivera, a priest who was shot last year. Now he has decided to finally make his charge stick, in defiance of the underfunding. "No amount of money can make up for what he's taken from me," says Figueroa. "He used me, he ruined my life."

Figueroa's sordid account runs as follows: Beginning in kindergarten at St. Anthony's church in Kailua, Hawaii, he was continually molested by the parish priest. When the boy was in his teens, the priest died, but Ferrario, his successor, continued the sex abuse for years, paying Figueroa for silence in return. Ferrario also aided Figueroa in quitting high school just before graduation and joining the gay community in San Francisco. Figueroa alleges that the sexual entanglement continued even after

Ferrario became a bishop, with trusts at church residences in Honolulu and Menlo Park, Calif. Figueroa's lawyers claim other witnesses will corroborate his version of the bishop's conduct.

Last week three Canadian scandals also made news: A judge in Newfoundland sentenced Edward English of the Christian Brothers to 12 years in prison, declaring, "You are a disgrace to the order and to humanity." A separate scandal involves six present and former diocesan priests in

Newfoundland. Also last week, a trial was ordered in the first of the abuse cases involving 19 Christian Brothers at a school in Alfred, Ont.

One attorney in the Hawaii suit, Jeffrey R. Anderson of St. Paul, has become a specialist in civil damage suits involving alleged priestly sex abuse and is pursuing more than 100 cases at present. Last December he won the biggest award to date, \$3.5 million (reduced to \$1.04 million on appeal) in the case of Father Thomas Adamson. Allegations against Adamson spanned 22 years, but two Catholic dioceses kept shutting him into new assignments.

Such developments have thrown a harsh spotlight on the performance of Catholic leadership. Says Jason Berry, the freelance journalist who broke the Louisiana story and is completing a book on the outbreak of clerical scandals: "The real shock was not that a priest could be capable of molesting children but the mendac-

ity and duplicity among church officials who had harbored and recycled him so many times."

David Clohessy, a St. Louis political consultant who has a lawsuit pending against a priest, asserts, "The sexual abuse was terrible, but I think the response of the hierarchy is almost as bad." He says that when Bishop Michael McAuliffe of Jefferson City, Mo., learned of the case last year, the bishop turned the matter over to his lawyers without confronting the priest. Since then, the priest has been put on administrative leave, pending review.

Higher authorities played a role in the Hawaii case. As early as 1985, Figueroa's mother informed the then Vatican nuncio, Pio Lugini, of the allegations against Bishop Ferrario. Figueroa contends that Lugini sent an investigator, who did a cursory check while staying in the bishop's residence. Apparently on this basis, the U.S. hierarchy declared the 1989 accusations to "lack substance." Ferrario's spokesman said last week that the Vatican Congregation for Bishops had judged them to be "baseless."

Catholic administrators insist they have responded as well as can be expected to the legal and pastoral tangle confronting them. A common complaint is that the U.S. bishops' conference has not set up a detailed nationwide policy and action plan. But Mark Chopko, the chief lawyer on the bishops' staff, says treatment of priests' problems is the business of each diocese. As a result, some bishops have handled the cases well, while others have not.

Legal strategies aside, what should the church do? University of New Mexico psychiatry professor Jay R. Feierman, who has treated 500 abusive priests over 15 years, concludes that the priesthood inevitably attracts a certain number of potential molesters because of the celibacy rule. He thinks one preventive measure would be to require priests to live in religious communities where there are personal warmth and mutual support. Psychologist Eugene Kenney of Chicago's Loyola University says that the large number of priests suffering from sexual conflicts "constitutes a pastoral problem of the first magnitude" but that bishops big and large have refused to investigate the issue seriously. As the lawsuits and ruined lives keep piling up, such lethargy will not longer do.

—Reported by Barbara Dolan, Chicago with other bureaus

Ex-Priest Confesses to Molesting Children

■ Crime: Former Catholic priest admits to molesting numerous children, but one of his victims calls the public statement "too little, too late."

By ELIZABETH MEIREN
TIMES STAFF WRITER

BOSTON—James R. Porter, a former Roman Catholic priest in this area who has been accused by more than 60 men and women of sexual abuse, has acknowledged that he molested numerous children during his years in the church.

"I was a very sick man while I was a Roman Catholic priest in the 1960s," Porter said in a statement released through his attorney on Tuesday.

"As a result of my illness, I sexually abused a number of children. I sought help for my illness on several occasions, and when I finally realized that I could not control my behavior while remaining a priest, I left the priesthood. I have not had sexual contact with any child since I left the priesthood

where Porter served as a priest and basketball coach in the early 1970s, instigated separate civil lawsuits against Porter.

Authorities in Massachusetts expect charges to be filed here soon, and say that the case may grow to be the largest reported episode of sexual abuse involving a priest in U.S. history.

Porter's attorney, Bruce Jones of Minneapolis, did not return calls from The Times.

Calls to Frederick Torphy, the lawyer for the Archdiocese of Fall River, Mass., were also not returned. Porter's telephone in Oakdale, Minn., has been disconnected.

But Frank Fitzpatrick, who led an independent investigation that resulted in public disclosure of Porter's alleged activities, had a strongly worded response to Porter's comments. Fitzpatrick was an altar boy in the early 1960s at St. Mary's Church in North Attleboro, Mass., during Porter's tenure there and said Porter seduced him, and then raped him.

Dismissing Porter's statement as "damage control," Fitzpatrick characterized the ex-priest's apparent apology as "too little, too late."

Fitzpatrick also cited incidents

tencies between Porter's Tuesday statement and his own tape recorded conversations with the former priest. For example, Fitzpatrick says Porter told him he left the priesthood in 1969, not 1974.

In a subsequent conversation with a Boston television correspondent, Porter amended the date of his departure from the church to 1971.

"He specifically had said he stopped molesting children in 1967," said John Robitaille, another former altar boy from St. Mary's who says he was abused by Porter. "Now it's 1971. What's it going to be the next time we hear from him?"

Roderick MacLachlan Jr., the Boston attorney representing Robitaille and Fitzpatrick, among others, said Porter's statement this week was tantamount to a "public confession" that should be useful to Massachusetts state officials in pursuing criminal charges.

In Minnesota, each civil suit seeks \$50,000 in damages against Porter and three branches of the Catholic Church, including the New Mexico rehabilitation center where Porter sought treatment.

Porter, now 58, is married and the father of four children.



Associated Press

James R. Porter in 1960s photo.

in 1974. I am deeply sorry for all of the pain that I have caused, particularly to the children and their families."

The former parish priest has been accused of molestation in Massachusetts, Rhode Island and Minnesota. No charges have been filed in Massachusetts, but on Tuesday seven men in Minnesota,

COLUMN ONE

Sex Abuse Cases Rock the Clergy

■ Disclosures of misconduct—a problem hidden for years—are on the rise. And some denominations are developing guidelines for handling offenses.

By RUSSELL CHANDLER
TIMES RELIGION WRITER

Religious organizations increasingly are being rocked by sexual misconduct among clergy, leading to embarrassing public disclosures and costly lawsuits that have forced several churches into bankruptcy.

While the painful problem sometimes results in resignations or reassignments, churches are facing allegations that their leaders were

"Today the number of credible sexual abuse and misconduct cases is astounding," said John F. Cleary, general counsel for the Church Mutual Insurance Co. of Merrill, Wis., which insures 46,000 churches.

"It has been a hidden problem for generations," acknowledged Evangelical Lutheran Bishop Robert Keller of Spokane, Wash.

Sexual misconduct among clergy is less than within the population at large, experts say, but ministers are often held to a higher moral standard.

Some denominations are developing guidelines for reporting and handling sex offenses as well as helping the offenders in their ranks. Occasionally, guidelines call for the church to pay for professional help for the victims.

Ministerial sex offenders come in all ages and range from the un-

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ful.

The Milwaukee Synod of the Evangelical Lutheran Church in America made headlines last year when four of its clergy were charged with sexual misbehavior. And in an unusual clergy vs. clergy case in Minneapolis, a woman Lutheran minister has filed suit against the male senior pastor, alleging that he fired her after she complained about his sexual advances.

A civil court judge in Dallas has ruled that a well-known United Methodist minister "brutally attempted to strangle his wife" while he was having a secret affair with another woman. The Rev. Walker Railey later tried to commit suicide and the case remains under criminal investigation.

In Ventura, an Episcopal priest was recently sentenced to six years in state prison for molesting a 7-year-old boy in his church office in 1985, and a Hermosa Beach Greek Orthodox priest was sentenced last spring to nine years in prison for molesting two teen-age boys belonging to the church youth group.

There are no national statistics on sexual misconduct by clergy. But based on his 19 years as a confidential clergy counselor, one Presbyterian minister estimates that about 10% of the nation's clergy have been or are engaged in sexual misconduct ranging from harassment and "inappropriate touching" to fornication, adultery and pedophilia. Surveys by United Methodists and Southern Baptists have come to similar conclusions.

"Many clergy don't realize how vulnerable and close to disaster they are," said the Rev. G.

million.

All too often, Berry asserted, "the essential moral and pastoral positions of the church have been betrayed . . . by local bishops who have resorted to strategies of concealment, sheltering priests and bunkering in behind defense attorneys."

Sealed records and secret settlements only allow the offenders to continue their patterns of abuse, Berry said. But he added: "In many instances, attorneys bargain dollars for silence." However, Philip Harris, a staff attorney for the U.S. Catholic Conference, vigorously denied that the church has engaged in cover-ups.

"To say there's a nationwide policy to pay for silence is not only unfair but is a simplistic approach," Harris said. In many cases settled privately, he added, a confidentiality order was imposed at the request of the victim or the victim's family.

"I think that's appropriate," Harris declared. "You're talking about a problem where it's very hard to get proof. In that kind of situation you don't want to ruin the lives or reputations of anyone . . ."

An attempt Thursday to reach officers of the National Conference of Catholic Bishops for comment was unsuccessful.

Canada Case Cited

The largest scandal of its kind in North American church history reverberated throughout Canada last month when a church commission sternly rebuked Archbishop Alphonsus Penney of Newfoundland for turning a blind eye toward

Gauthe was convicted a year later on 11 counts of sexually abusing children. But his was only the most publicized of the cases in the diocese that, in all, involved 21 church workers. Berry said the Lafayette Diocese paid close to \$20 million in compensation to victims and their families.

A 100-page report issued in 1985 by every American bishop warned that if other bishops and diocesan attorneys engaged in cover-ups similar to the one in Lafayette, the church could face \$1 billion in claims over the next decade. The report recommended immediate counseling with afflicted families and removing the priest to a competent medical facility. The paper was never formally endorsed, although parts of it have been incorporated into diocesan guidelines.

Although many of the major Protestant bodies have adopted accountability rules for clergy misconduct, the Catholic Church has yet to develop a national policy on the subject. However, in the last several years many individual Catholic dioceses—including the Archdiocese of Los Angeles—have adopted guidelines that mandate the reporting of sex abuse incidents to both church and law enforcement authorities.

Harris, the lawyer representing the U.S. Catholic bishops, said he thinks there is now a "greater willingness within the church and society in general" to talk about clergy sexual misconduct.

Part of that new openness is due to changes that make such conduct harder to conceal.

Child abuse cases dating back as far as the 1950s are only recently coming to light in litigation, ac-

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ognition of a problem "that's always been there." But he also points to the increased number of children in day care facilities operated by religious organizations, which he believes increases their exposure to potential molesters.

Some critics say the Catholic Church's insistence on celibacy for priests increases sexual tensions. And Berry charges that a "promiscuous, gay subculture rampant within clerical life is eroding the cornerstone of celibacy."

But there seems to be no proven link between celibacy and pedophilia. Berlin and other authorities say that sexual orientation directed toward children apparently develops during childhood.

The Catholic Church operates several treatment centers with special programs for pedophiles. Among the most prominent are St. Luke Institute outside Washington

and Villa Louis Martin in Jemez Springs, N.M.

Psychological screening of applicants is routinely done at Catholic seminaries. But Msgr. Thomas Curry, vicar for priests in the Archdiocese of Los Angeles, pointed out that no tests are able to screen out pedophiles.

New guidelines adopted last year by the Los Angeles Archdiocese call for accusations against a priest to be investigated as "quickly and thoroughly as possible." But no action will be taken "on the basis of anonymous, uncorroborated accusations." If there does appear to be a problem, the priest is to be moved away until a full investigation is completed. At present, no child molestation suits are pending against priests in the archdiocese, Curry said.

At least four mainline Protestant denominations have adopted or are developing national guidelines re-

garding clergy sexual misconduct. The Presbyterian Church, for example, requires that whenever a pastor relocates, background checks must be made on previous employment for at least the last five years. Regional Presbyterian courts also have the power to investigate allegations and, if necessary, discipline offenders.

Officials of most denominations agree that, at the very least, the offender's next congregation should be fully informed of his or her misdeeds.

"I'd like these things not to be public," said Michael Schwartz, a layman who heads the Washington-based Catholics for an Open Church. "But systematic suppression of information protects the guilty—not the innocent."

There's a balance that has to be struck between protecting the image of the church and protecting the integrity of the church.