

KC diocese faces first legal action in sex abuse cases

Joshua J. McElwee | Jun. 22, 2011

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Bishop Robert W. Finn speaks during a press conference in Kansas City Aug. 20, 2008, while announcing the \$10 million settlement with 47 victims of sexual abuse involving 12 clergy and former clergy. (CNS photo/Joe Cory, The Catholic Key)

KANSAS CITY, Mo. -- Writing that recent sex abuse scandals have "raised grave doubts" about the management of the Kansas City-St. Joseph diocese, a law firm representing abuse victims here alleged today the diocese broke binding legal commitments by not reporting cases of allegations of sexual misconduct by clergy to authorities.

The move, the first legal action against the diocese since three cases of allegations of sexual misconduct have come to light in recent weeks, means the diocese could be subject to third-party revision of its reporting procedures and to financial penalties.

The diocese denies it failed to uphold the legal commitments.

The action came hours before the diocese announced that diocesan vicar general Msgr. Robert Murphy, who himself has been accused of sexual misconduct, will no longer oversee sexual abuse allegations against priests.

Fr. Joseph Powers, rector of the Co-Cathedral of St. Joseph in St. Joseph, Mo., has been named the Vicar for Clergy, a new position, and "will assist the bishop with any allegations of clerical misconduct," the diocese said in a statement.

Meanwhile, Bishop Robert Finn directed the diocesan worship office today to remove its participation in a special Latin-language "Solemn High Mass" being celebrated June 26, said a knowledgeable source in the chancery office. Organizers say the Mass is to "promote unity" among the faithful amidst the "discord and disunity during this present darkness."

The formal allegations that the diocese broke its agreements came in a letter to Finn and a local mediator, dated June 22, requesting arbitration over possible breaches of a 2008 settlement between the diocese and 47 victims of sexual abuse.

NCR obtained a copy of the letter from the Randles, Mata, & Brown law firm, which represents the victims.

The settlement, which awarded \$10 million between the 47 victims, also put in place a series of commitments the diocese had agreed to follow in its sex abuse reporting policies.

Among those commitments are vows that the diocese would report sex abuse allegations to law enforcement "at the request of the victim" and that it would follow its own published policies regarding reports of sex abuse.

Recent revelations of allegations of sex abuse in the diocese have raised grave doubts about its fidelity to the letter and spirit of those commitments, wrote attorney Rebecca M. Randles.

The revelations Randles refers to include:

- A diocesan priest being arrested on charges of possession of child pornography May 19, after the diocese had waited five months before taking evidence to the police;
- A diocesan pastor being removed from ministry June 3 over allegations of sexual abuse of minors dating back to the 1970s and '80s;
- A June 9 report that a man had accused Murphy of sexual misconduct four years ago over an incident that had occurred in 1984, when the accuser was 23.

Taken together, wrote Randles, the three cases show that it appears the Diocese chose to step into the shoes of the Department of Family Services and law enforcement and internally handles suspicions with child sex crimes instead of turning the matter over to civil authorities.

The official request for arbitration over possible breaches of the 2008 agreement comes after a back and forth exchange of letters between the law firm and the diocese.

In reply to a June 8 letter from the firm raising questions about whether the diocese had lived up to its end of the bargain of the agreement, a lawyer representing the diocese wrote June 20 that the diocese has complied with and continues to comply with each of the terms of the agreement.

NCR obtained copies of both of the earlier letters from the Randles, Mata, & Brown law firm. While a spokesperson for the diocese said in an e-mail she could not provide a copy of the June 20 letter for verification, she did confirm that diocesan counsel had issued a response to the June 8 letter.

Answering whether the diocese could prove fidelity to the 2008 agreement, diocesan counsel Jonathan R. Haden writes in the June 20 letter that Bishop Finn has acknowledged on several occasions that certain matters were not handled in recent months as well as they should have been, and has apologized to everyone whose faith has been shaken thereby.

Haden also refers to a diocesan announcement June 9 that former U.S. attorney Todd Graves is conducting an investigation into diocesan sexual misconduct reporting procedures.

Despite diocesan promises that sex abuse reporting policies are being properly followed, Randles said in a phone interview this afternoon that, because of the recent revelations, it would be impossible for us, in good faith, to just accept the words in Haden's letter without more specific documentation of diocesan policies.

At the end of his letter, Hadden notes, as evidence of the Diocese's fidelity to the welfare and safety of children, that hundreds of diocesan priests and other religious men and women, principals, teachers, program administrators, staff, coaches and volunteers have devoted all or part of their lives to the spiritual growth and education of these children.

The full text of the three letters are available here:

[Demand for equitable accounting on non-monetary commitments](#) [1], from victims' lawyers, June 8
[Diocesan response to demand for equitable accounting](#) [2], from diocesan counsel, June 20
[Referral to arbitration](#) [3]

, from victims' lawyers, June 22

Fr. Shawn Ratigan, a local pastor whose computer was found to contain child pornography in December, was moved to a religious sisters' community in January. He lived there for five months before his May 19 arrest.

Another local pastor, Fr. Michael Tierney, was removed from active ministry June 2. Tierney had been accused of misconduct earlier, and a lawsuit alleging abuse was filed against him in 2010. The diocese review board had found the earlier allegation not credible. But in May the board met with one person whose allegations they did find credible and also received information from two other individuals making accusations against Tierney.

"Fr. Tierney continues to deny these allegations," the diocese said in a statement June 2.

Finn received a letter accusing Msgr. Robert Murphy, the vicar general, of sexual misconduct four years ago, The Kansas City Star reported June 9. As vicar general, Murphy received cases of allegations of sex abuse by church workers and made recommendations about how to handle the cases, including which cases to send to the review board.

Ratigan, 45, who is being held on \$200,000 bond, has pleaded not guilty. He made a brief court appearance June 16. The case was continued to July 21.

Ratigan's computer was first found to have images of child pornography in December.

The principal of the elementary school attached to the parish where Ratigan served also wrote a letter a year ago, addressed to Murphy, detailing concerns teachers and parents had about Ratigan's interactions with children.

In a press conference May 27, Finn told reporters that Murphy briefed him about principal Julie Hess' May 19, 2010, letter at the time but that Finn himself had not read it.

Brian Heydon, a local licensed professional counselor, wrote a letter to Finn in 2007 alleging that Murphy had propositioned him for sex in 1984 after the two had met to discuss a possible vocation the priesthood.

In a May 4, 2007 letter responding to Heydon, Finn wrote that while the accusation "has given rise to serious discussions and considerations," it "does not square with others' life-long knowledge of this priest."

"As troubling as these accusations are, I cannot conclude that they are compelling in their most serious claims," wrote Finn in his letter.

[Joshua J. McElwee is an *NCR* staff writer.]

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- [KC vicar general accused of sexual misconduct](#) [7], June 9
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