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Newark paper calls on prelate to resign

Brian Roewe | May. 3, 2013
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Calls have come for the resignation of Newark, N.J., Archbishop John J. Myers after a late-April investigative story revealed an archdiocesan priest had violated the terms of a court-ordered agreement to stay away from children.

In the past several years, Fr. Michael Fugee has attended youth group activities, including retreats and overnight trips, and heard confessions of young people, according to an April 28 story in the Newark *Star-Ledger*. Those actions appear in violation of a memorandum of understanding signed by Fugee and his lawyer, archdiocesan vicar general Msgr. John Doran and the Bergen County prosecutor -- restricting the priest from ?any unsupervised contact with or to supervise or minister to any child/minor under the age of 18 or work in any position in which children are involved.?

The prosecutor?s office has begun an active investigation into Fugee?s case and has contacted the archdiocese as part of it.

?Things are being looked into, and we?re working with the prosecutor?s office and that?s about all I can say at this point,? James Goodness, director of communications for the archdiocese, told *NCR* May 1. He also confirmed there has been no change in Fugee?s ministerial state as of press time.

Since February, Fugee, 52, has served as the co-director of the Office of Continuing Education and Ongoing Formation of Priests for the Newark archdiocese.

The memorandum restricting Fugee?s ministry was signed in July 2007, more than a year after an appeals court reversed a five-year probation sentence and jury?s conviction of Fugee for aggravated criminal sexual contact. Those charges relate to separate instances in 1999 and 2000 in which Fugee had inappropriate contact with a 14-year-old boy.

According to *The Star-Ledger*, the 2003 conviction was overturned on a technicality, in that part of Fugee?s 2001 confession of the abuse, where he described himself as struggling with being a bisexual or homosexual, should have been withheld from the jurors.

It is not believed the verdict questioned other aspects of the confession, in which Fugee admitted to intentionally grabbing the boy?s crotch while wrestling with him in two instances, one in a hotel room in August 2000, another a year earlier at the boy?s home. He also acknowledged in the deposition that he knew he had done something wrong.

The Star-Ledger?s editorial board accompanied the news report with a call for Myers to step down as archbishop immediately and apologize to the families he left exposed to potential abuse.

?After all the Catholic Church has been through, it is beyond infuriating that [Myers] can be so neglectful of his duty to protect children from sexual predators,? the editorial board wrote.

It continued: ?This is not the first time Myers has shown contempt for the safety of children in his flock. While many bishops are making sincere efforts to rehabilitate the church, Myers has shown a pattern of leniency toward pedophiles, indifference to potential victims, and a haughty disdain for those who dare to question his judgment.?

The newspaper follows other publications in calling for local bishops to resign amid sexual abuse scandals. The list includes *The Boston Globe* in 2002, *The Kansas City Star* in 2011, and the Los Angeles *Daily News* earlier this year.

The agreement with prosecutors, which also required that Fugee complete a two-year rehabilitation program for first-time offenders, states that he cannot accept a position in the Newark archdiocese or any other diocese or church agency that places him in contact with minors. That includes presiding over a parish, participating with a youth group or youth retreats, working in religious education or at a school, and hearing confessions. The restrictions extend throughout the remainder of his priesthood, and violation of them could result in additional charges.

But *The Star-Ledger* reported numerous instances where Fugee has associated with youth in the nearby Trenton and Paterson dioceses. That has included attending weekend retreats and accompanying a youth group on a trip to Canada. According to the report, Michael and Amy Lenehan, youth ministers at St. Mary?s Parish in Colts Neck, N.J., would occasionally invite their friend Fugee as a last-minute fill-in to say Mass and hear confessions.

The degree to which the restrictions on Fugee?s ministry extend is a critical point to understanding whether his actions were in breach of the agreement. When asked to clarify the language of the memorandum, Maureen Parenta, a spokeswoman for the prosecutor?s office, said, ?The understanding of the office was that in his position as a priest, he would not have official contact with minors.?

That interpretation differs with that of the archdiocese, which holds that Fugee?s restrictions extended only to unsupervised situations. A second point of contention comes in Fugee?s legal status: The archdiocese says the priest was acquitted of the charges against him, but the prosecutor?s office says that?s not the case.

?He wasn?t acquitted. ... The decision had been appealed, and it was reversed,? Parenta told *NCR*. ?They called for a retrial, so rather than going through another trial, our office had proposed the memo of understanding and that?s how this was resolved.?

Goodness reiterated the acquittal stance in an April 29 email response to Fr. Jim Connell of the Milwaukee archdiocese, a canon lawyer and abuse victims? advocate. A day after reading *The Star-Ledger* report, Connell wrote to Archbishop Gerhard Müller, prefect for the Vatican?s Congregation for the Doctrine of the Faith, seeking clarity in the matter.

The email, also sent to Myers, Milwaukee Archbishop Jerome Listecki, the U.S. bishops? conference, and several media outlets, posed three questions: Did the memorandum and Fugee?s confession warrant enough evidence for the congregation to review the case? Did Myers report the case to them, as well as all pertinent documents, including the memorandum and Fugee?s 2001 deposition that included his confession to the abuse? And, if not, will Myers face a church penal process?

Responding on behalf of Myers, Goodness said the archbishop, after an investigation by the Archdiocesan

Review Board, sent all information to the congregation, including all court documents and interviews and other materials gathered by the review board.

?The Congregation subsequently, after a complete review of the materials, concurred that there was no sexual abuse and that Fr. Fugee could return to ministry,? Goodness said in his reply to Connell.

But the spokesman?s email raised more questions, Connell told *NCR*, specifically with the description of Fugee as acquitted.

?If he had been acquitted and the charges vacated, then why in heaven?s name would there be a movement for a new trial and a memorandum? That would seem to me to be double jeopardy,? said Connell, who sent Müller a second email asking for confirmation of Goodness? account.

Transparency in the process is critical, Connell said, and something he has sought for years.

?We need to have the revelation of the whole and complete truth,? he said. ?Without that, I don?t know how we can tell the world we?re doing justice, and how can we possibly expect that there will be healing for the victims and other people who suffer because of this crisis.?

The way in which the Newark archdiocese has handled the Fugee case to date has led to multiple votes of no confidence in its leadership. Writing as a guest columnist in *The Star-Ledger* May 1, state Assemblywoman Valerie Vainieri Huttle, a Catholic, added her voice to those demanding Myers resign.

?Myers may have confused turning the other cheek with turning a blind eye, but lay Catholics have not,? she said, mentioning that the archbishop asked her to no longer serve as a lector given her support of marriage equality.

Elsewhere in New Jersey, Catholics responded with dismay to the latest developments. It was the topic of discussion at a rededication of a monument to sex abuse victims at St. Joseph Church in Mendham, N.J., held the same day *The Star-Ledger* article was published.

The revelations in the story ?show a terrible disregard for children,? said Theresa Padovano, co-director of the New Jersey affiliate of Voice of the Faithful, who was among the nearly 70 advocates of childhood sexual abuse at the rededication.

Mark Crawford, state director of the Survivors Network for those Abused by Priests, told *NCR* that both Fugee and Myers ?have shown a real contempt for civil authority and have openly acted above the law,? adding that both must be held accountable.

Grace Collins, a parishioner at St. Mary?s, found it ?totally unacceptable? that the parish?s youth ministers, deacon, or pastor, Fr. Thomas Triggs, did not inform parents of Fugee?s history. She pointed to Triggs? background as a diocesan director of youth ministry as reason he ?ought to have learned to be very careful. ... It?s his responsibility to check these people out.?

She also pointed blame at Myers, saying the archbishop should publicize information about accused or convicted priests.

?There has to be a place where a pastor can go to access this,? she said.

[Patricia Lefevere contributed to this report.]

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