NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

Newark priest, Fr. Michael Fugee, arrested

Brian Roewe | May. 21, 2013

[Updated at 4:12 p.m., central]

Fr. Michael Fugee, the Newark, N.J., priest at the center of a child protection scandal in the state, was arrested Monday for violating a court agreement not to minister to children.

According to a statement released by the Bergen County Prosecutor?s office, Fugee, 52, was charged with seven counts of contempt of a judicial order, all fourth degree crimes, with a maximum prison sentence of 18 months. Bail was set for $25,000; Fugee remained in jail overnight.

His arraignment hearing was scheduled for Tuesday morning. He has retained his own legal counsel, according to the Newark archdiocese. Earlier this month, Fugee resigned from public ministry [1] as a priest, giving his letter May 2 to Archbishop John J. Myers, who accepted it the same day. He remains a priest, and no further evaluation of his clerical status is expected at this time.

The prosecutor?s office said that its investigation revealed seven instances where Fugee heard confessions from children in the past three years, as recently as December. Locations included the Claremont Retreat Center in Mt. Arlington* (part of the Paterson diocese), the Kateri Environmental Center in Wickatunk (part of the Trenton diocese), and several parishes in Rochelle Park (part of the Newark archdiocese).

The Newark archdiocese told *NCR* that it learned of the arrest late Monday.

Jim Goodness, Newark director of communications, said the prosecutor?s office had been in contact with the archdiocese and cooperating with the investigation, which re-opened in late April after news reports revealed Fugee had been seen ministering to children on youth retreats and trips and had heard their confessions.

The actions violated a memorandum of understanding Fugee signed in July 2007, along with his lawyer, the Bergen County prosecutor and the Newark vicar general, Msgr. John Doran, that restricted 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 memorandum emerged as an alternative to a second trial after an appeals court overturned in 2006 an earlier ruling that Fugee had sexually assaulted a 14-year-old boy on separate occasions in 1999 and 2000. As part of the original trial, held in 2003, Fugee?s deposition revealed he had confessed to groping the boy.

But who was responsible for supervising Fugee himself remains an unknown.

Though the archdiocese has stated in press releases Fugee was under continual supervision in his assignment, Goodness would not discuss how he was supervised or who was responsible for overseeing it. Instead, he referred to it as a personnel matter and part of ongoing conversations with the prosecutor?s office.

?His regular assignment was here in the chancery offices, so he was operating within the building. You can?t get more supervised than having a desk job in an office,? he said.

Fugee was co-director of the Office of Continuing Education and Ongoing Formation of Priests.

But it was Fugee?s activities outside that role that proved troublesome. Part of the problem stemmed from a lack of a letter of suitability, neither acquired by Fugee nor the parishes where he interacted with children. The Newark archdiocese has since clarified and re-emphasized the need for all its priests to attain a suitability letter before ministering outside the diocese or accepting visiting priests and deacons into parishes.

Fugee?s latest arrest has also drawn scrutiny on the Archdiocesan Review Board and its evaluation that found no evidence of sexual abuse and deemed him fit to return to ministry.

Goodness defended their recommendation that Fugee could return to ministry under the conditions outlined by the memorandum, saying that they ?looked at the matter completely,? including a review of court documents as well as its own interviews and other confidential information. He also referred multiple times to an apparent in-trial recantation by Fugee of his earlier confession, and suggested that ?in a retrial, it is very likely that that original statement would not have been upheld.?

?The diocese relied upon the recommendation of the prosecutor. The review board had that recommendation carry weight in the process, so it wasn?t a decision, as many people are trying to categorize, of lax investigation,? he said.

One reason for the skepticism is the secrecy shrouding not only the confidential investigation but also the investigators. The archdiocese does not disclose review board members? names to the public.

Goodness would only say that there are around 11 current members, and that their backgrounds include extensive experience in law enforcement. He said the board itself requested anonymity, and make themselves known to those bringing forward allegations.

Before Fugee?s arrest, a former chairman of the National Review Board told *NCR* the case, as presented through media reports, appears to be a violation of the Dallas Charter.

?The charter says any priest, any cleric who has admitted or been convicted or found to have committed the offense ? should have been removed from active ministry as soon as the charter was effective,? said Michael Merz, a federal judge in southern Ohio and chair of the national board from 2007-2009.

Unless it was discovered Fugee?s confession was involuntary or not true, he should have been removed immediately from ministry, said Merz.

?The problem should be corrected,? he said. ?The archbishop should have either removed Fr. Fugee from active ministry, or he should tell us why, in the face of an admission, that he?s not doing that.?

So far, Myers has remained mum on Fugee. Goodness said that the archbishop will break his public silence ?at some point fairly soon,? and will address critics? calls for his resignation at that time.

When asked if Myers held responsibility for Fugee, Goodness stated that the priest ?acted on his own, without permission. ? Fr. Fugee is responsible for his own actions, and he did not follow the instructions explicitly given to him.?

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***Correction:** An earlier version of this story incorrectly identified the Claremont Retreat Center as being in the Metuchen diocese.

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