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## Newark priest agrees to laicization as punishment for court order violation

by Brian Roewe

In an agreement with county prosecutors, the priest at the center of a clergy sex abuse scandal in the Newark, N.J., archdiocese has agreed to leave the priesthood to avoid criminal prosecution related to his violation of a court order forbidding contact with children.

In a press release, first reported by the *New Jersey Star Ledger*, Bergen County Prosecutor John L. Molinelli announced Friday that Fr. Michael Fugee had admitted to violating restrictions placed upon him in 2007 that barred him from contact with minors. From April 2010 through December 2012, Fugee attended several youth retreats and heard, on at least seven different occasions, confessions from children.

Rather than pursue the five, fourth-degree criminal contempt charges it brought against the priest, the prosecutor's office and Fugee agreed that he would "seek and obtain" laicization from the priesthood. The fourth-degree charges carried a punishment of a fine and maximum 18 months in prison. Molinelli indicated that had his office sought Fugee's conviction, the soon-to-be former priest likely would have received a probation sentence, since he had no prior convictions.

Molinelli said the agreement prohibits Fugee from presenting himself as a spiritual advisor or "working with children in any capacity."

"This is a requirement that will eliminate the threat of Michael Fugee, ever again, obtaining the trust of people through his clerical position nor using his ordained position as a Priest to exert improper contact with children," he said in the release.

In late May, several weeks after resigning from public ministry, Fugee was arrested for violating a memorandum of understanding he signed in July 2007. The court order represented an alternative to a

second trial after a 2006 appeals court ruling overturned a 2003 conviction of sexual assault of a 14-year-old boy.

As part of the memorandum -- signed by Fugee, his attorney, Molinelli and former Newark Vicar General Msgr. John Doran, who himself resigned in May in the wake of the Fugee scandal -- the archdiocese agreed to restrict Fugee 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."

In a four-page statement, Newark spokesman James Goodness reiterated Friday that throughout Fugee's investigation -- ignited in late April when the *Star Ledger* first reported that Fugee been seen attending youth retreats -- the archdiocese's position has held steady that it "did not violate the terms of the Fugee Memorandum of Understanding ? and never authorized or condoned Fugee's unauthorized actions that led to the Prosecutor's investigation."

Goodness said that the archdiocese has cooperated with the investigation and provided "hundreds of documents," as well as answered questions posed to Archbishop John Myers and his staff by the prosecutor's staff and a Grand Jury.

But the Bergen County prosecutor reserved sharp, critical remarks for the Newark archdiocese, characterizing Fugee's removal from the priesthood as a requirement it "did not nor would ever obtain."

"By way of this agreement, the State of New Jersey need no longer rely upon cooperation by the [the archdiocese] in supervising Michael Fugee. It has appeared, based on many public comments by Archbishop Myers, that the Church had no intention of monitoring Fugee any further," Molinelli said.

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After a review of the archdiocese's compliance with the terms of the memorandum of understanding, the prosecutor's office came to the conclusion that it did not appear "that the Archdiocese made any significant effort to adhere to the terms of the [memorandum of understanding]."

"At this juncture, we no longer have confidence in its ability as a signatory to honor the clear intent of the 2007 Memorandum of Understanding, which had placed direct oversight responsibility of Michael Fugee upon the RCAN," Molinelli said.

Goodness labeled the criticism as "unfairly excessive," saying the archdiocese "has publicly acknowledged operational failures in the Fugee matter.

"However, it is hypocritical to single out the Archdiocese as being solely responsible," he said, including the prosecutor's office among other culpable parties.

He went on to say the archdiocese was "frankly stunned" at Molinelli's suggestion it would not seek Fugee's removal from the priesthood. He pointed to evidence and Grand Jury testimony that Myers had begun the process in 2003 at the conclusion of Fugee's first trial.

Goodness added that when the prosecutor's office presented the archdiocese with the 2007 court order that Myers requested clarification regarding Fugee's supervision but never received it. It was only after a state-appointed psychologist and the Archdiocesan Review Board both concluded Fugee could return to a limited ministerial role, Goodness said, that Myers reassigned him.

"The Archdiocese never assigned Fugee to any type of ministry upon which the Prosecutor's investigation centered. ? Had Fugee followed the required protocols and sought permission to engage in a ministry that could even potentially violate the [memorandum], the request would have been summarily denied," he said.

While appreciative of the prosecutor's criticisms, the Survivors Network of those Abused by Priests raised skepticism that Fugee would obey "an unprecedented agreement," and called for further investigation into the archdiocese.

"The crisis in Newark's Catholic archdiocese is not a Fugee or even a Myers crisis," said SNAP director David Clohessy in a statement. "It's a deeply-rooted crisis that involves dozens of current and former Catholic clerics who have committed and are concealing heinous child sex crimes. Only a grand jury will uncover the full truth and truly protect kids and deter future cover ups and recklessness."

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