

## Newark archbishop shielded at least 4 priests accused of sexual abuse

Published: Sunday, December 05, 2010, 8:30 AM Updated: Sunday, December 05, 2010, 6:40 PM

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Ed Murray/The Star-LedgerJohn J.

Myers with the Cathedral Basilic of The Sacred Heart outside his office window in Newark.

Eight years ago, Newark Archbishop John J. Myers stood among the nation's bishops at a landmark gathering in Dallas and helped craft a policy intended to cleanse the priesthood of pedophiles and restore trust among shaken American Catholics.

In ratifying the Dallas Charter, Myers and his colleagues promised a new era of reform and transparency. Allegations of sexual abuse against priests would no longer be hidden from parishioners or police, and any priest believed to have molested a child would be permanently banned from ministry.

In the years since, Myers and his aides say the archdiocese has taken aggressive measures to identify abusive priests.

But a *Star-Ledger* review of the archbishop's record since 2002 shows Myers on at least four occasions has shielded priests accused of sexual abuse against minors and one adult. In the four instances, the priests have either admitted improper sexual contact, pleaded guilty to crimes

stemming from accusations of sexual misconduct or been permanently barred from ministry by the archdiocese after allegations of sexual misconduct.

The archdiocese also wrote a letter of recommendation for one of the priests, a week after it learned he was accused of breaking into a woman's home in Florida and possibly assaulting her.

From one perspective, the newspaper's findings suggest Myers continues to take a cautious hand in publicly naming priests. The findings, coupled with testimony from a 2009 deposition, show the issue weighs heavily on Myers.

From another view, the archbishop has failed to live up to the guidelines and spirit of what was set forth in Dallas. The most controversial example is the Rev. Michael Fugee, who confessed to police eight years ago that he molested a 13-year-old boy. Fugee was never ousted from the priesthood, and the archdiocese assigned him last year as chaplain to St. Michael's Hospital in Newark without telling hospital officials of his past.

In other cases:

- In 2004, the Newark Archdiocese wrote letters to six dioceses in Florida on behalf of the Rev. Wladyslaw Gorak, one week after learning Gorak's ministry had been terminated in the Orlando Diocese — after he was accused of breaking into a woman's home.

- Also in 2004, the archdiocese banned the Rev. Gerald Ruane from public ministry after investigating an allegation he molested a boy, but did not publicly notify lay people or other priests. Ruane continued to say Mass and wear his collar in public.

- In 2007, the archdiocese failed to inform lay people that it found a molestation claim credible against the Rev. Daniel Medina, who had worked in parishes in Elizabeth and Jersey City. The case wasn't made public until a victims group uncovered an alert sent by the archdiocese in September 2008 to other bishops saying Medina was on administrative leave and could not be located.

## **PROCEDURES FOLLOWED**

Neither Myers nor the priests identified above would agree to an interview for this story. But Myers' spokesman, James Goodness, said the archbishop has lived up to his promises of 2002 and that the archdiocese has carefully followed procedures meant to bar abusive priests from ministry. He said it has trained thousands of church employees to spot molestation, published procedures for filing sex accusations against priests and passed annual audits examining whether it keeps its promises. He noted, too, that the archdiocese has an agreement with the state Attorney General's Office to forward all allegations of sexual misconduct to county prosecutors.

"We do not have priests in ministry without proper supervision, and those who have had credible allegations have been removed from ministry," Goodness said. "We do notify the communities where people (priests) have served of the existence of allegations and the results of all our inquiries.



Tony Kurdzuk/The Star-Ledger  
Newark Archbishop John J. Myers delivers the Homily during the 18th Annual Blue Mass for Law Enforcement at the Cathedral Basilica of the Sacred Heart in Newark.

"We believe we are living both within the letter and the spirit of the charter," he said.

Asked to provide the number of priests accused of or disciplined for sexual misbehavior with a minor since 2002, Goodness declined. In 2004, Myers did announce the results of an internal review prompted by the scandal. From 1950 to 2002, Myers said there were 91 allegations made against the 3,310 clergy who served in the archdiocese, and that 51 were deemed credible.

In the past, Myers has defended his policy of not naming accused priests, citing the need to protect their reputations and noting that accusers themselves often request anonymity.

"This has been difficult for me because of the special role I have as Bishop," he wrote in 2004. "I know full well my responsibilities to investigate any accusation, and to fulfill my promise that we will provide safe environments for all young people. Yet I also feel keenly the pain that my brother priests experience when anyone has been accused."

Longtime critics of the church say Myers' record shows a continued arrogance.

"Archbishop Myers is not indicating any serious intent to protect kids from the credibly accused sex offenders he knows about," said Anne Doyle, co-director of **bishopaccountability.org**, a watchdog group that compiles a database of news articles on priests accused of molesting minors. "It's clear by the pattern that this practice is still one of arrogant secrecy."

David Clohessy, national director of the Survivors Network of those Abused by Priests, said Myers "continues to act slowly, deceptively, callously and irresponsibly."

Though Myers rarely speaks publicly about the sex abuse issue, he did share his thoughts in a wide-ranging deposition for a lawsuit brought by Gorak's victim. In the Nov. 3, 2009, deposition, he defended his handling of several cases, including that of Fugee, while also expressing sympathy for victims.

"Having met with various victims, they often blame themselves," he said. "They often suffer loss of self-image and can move onto other more serious problems, trying to compensate for the feelings that they don't want to deal with."

"And what do you mean when you say 'move onto other serious problems'?" asked the plaintiff's attorney.

"Drugs," Myers said.

## **CHAPLAIN ASSIGNMENT**

On March 19, 2001, detectives arrived at St. Elizabeth's Church in Wyckoff and picked up the Rev. Michael Fugee, who was alleged to have molested a 13-year-old boy.

For the first 90 minutes of an interview at the police station, Fugee denied the allegations, Detective John Haviland of the Bergen County Prosecutor's Office later testified. Eventually though, Haviland said Fugee admitted to the charges and "then made some unusual comments about his sexuality, being a compulsive masturbator. He also stated he was bisexual, and that he was a virgin. He also said that he was infatuated with crotches or penis size."

Haviland testified that Fugee then admitted to two separate incidents with the boy, where the priest "intentionally touched his crotch over his clothes. He said both times they were during wrestling, and that there were other people present, but he did not believe that they would have actually seen what he did. He described it as an urge."



M. Kathleen Kelly/For The Star-Ledger  
The Rev. Michael Fugee was found guilty in Bergen County Superior Court in April 2003 of sexually fondling a teenage boy. Defense attorney Brian J. Neary pats Fugee, seated, on the shoulder as he proceeds to the judge's bench for a conference after the verdict had been read.

At trial in 2003, Fugee recanted the confession, saying he lied to police so he could go home earlier. The judge ruled the confession was "totally voluntary," and a jury convicted him of aggravated criminal sexual contact while acquitting him of child endangerment. An appeals court later overturned the conviction, ruling the judge improperly instructed jurors. The appellate ruling did not question the validity of the confession.

Prosecutors dismissed the case in 2009 after securing an agreement with Fugee and the archdiocese through pretrial intervention stating that Fugee never again will minister to minors.

"We brought the case against him ... believing that he did it, and believing that we could prove it," Bergen County Prosecutor John Molinelli said. "And notwithstanding the reversal, we still believe that he did it."

In October 2009, *The Star-Ledger* learned Fugee had been given a job as chaplain at St. Michael's Hospital in Newark. Approached in the chaplain's office, Fugee showed a reporter a card that identified him as a "Roman Catholic priest in good standing."

The hospital, upon learning of his past, had him removed.

Goodness said Myers does not view Fugee's confession as genuine and thus believes he can return to public ministry.

"That's one of the issues that got challenged in the courtroom," Goodness said. Myers, he said, "says that there may have been problems with it (the confession)."

Goodness also said "a lot of people" in the court system felt Fugee's confession should not be taken at face value. When asked who those people were, he named only Fugee's attorney.

During the November 2009 deposition, Myers expressed disappointment that Fugee let detectives interview him without counsel.

"Is it your recollection," the plaintiff's attorney, Jessica Arbour, asked Myers, "that he (Fugee) admitted that he touched the boy?"

"Unfortunately, without his lawyer present, he did," Myers said.

For its part, the Survivors Network, or SNAP, called Fugee's assignment to St. Michael's "particularly egregious" and said it was the most reckless move by any American bishop in 2009.

Last spring, Fugee filed a motion to have his case expunged from public records. A judge ruled against the expungement in October. Fugee's current job, for the archdiocese's mission office, involves its overseas missionary efforts.

### **'A SEAL OF APPROVAL'**

In 2004, two days before Christmas, the Newark Archdiocese learned the Rev. Wladyslaw Gorak, who had been assigned to work in the Diocese of Orlando, Fla., had been accused of assaulting a female parishioner.

Orlando Bishop Thomas Wenski wrote to Myers and explained he had just terminated Gorak's ministry, citing the priest's erratic behavior in public and the complaint of a woman who said "that he broke into her house and may have had physical contact with her."

A week later — on Dec. 30, 2004 — Myers's number two, the Very Rev. Robert Emery, wrote six separate letters on Gorak's behalf to church officials in other Florida dioceses. The letters —

sent to officials in Miami, Palm Beach, St. Petersburg, St. Augustine, Venice and Pensacola-Tallahassee — noted that Gorak's faculties had been removed in the Orlando Diocese and that the Newark Archdiocese subsequently placed him on six months of medical leave. But they made no mention of the fresh accusation against Gorak in Orlando.



Amanda Brown/The Star-Ledger Adam Horowitz, an attorney from Florida, speaks in April about the resolution of a lawsuit against the Archdiocese of Newark and the Diocese of Orlando. His client, Jane Doe, was stalked and assaulted by Rev. Wladyslaw Gorak, a Roman Catholic Priest, in Florida.

"Father has expressed a desire to seek permanent ministry in Florida in the future and currently resides in Lakeland, Florida," each one of the letters reads. "Father continues to enjoy the faculties of the Archdiocese of Newark. Should you be contacted by Father Gorak, I would be happy to provide you with additional information about his status."

The Rev. Thomas Doyle, a Catholic priest who in the 1980s warned bishops about sex abuse among clergy, said the archdiocese should have mentioned the accusation "rather than try to pawn him off on someone else."

The Rev. Thomas Reese, research fellow at the Woodstock Theological Center, said the letter's omission of the accusation was disturbing.

"Does he have to describe it in gruesome detail in the letter? No. The letter has to be clear enough that the bishop receiving it knows there's a red flag here that needs to be investigated before he even considers taking this guy," Reese said. "Saying that he continues to enjoy the faculties of the Newark diocese, he is giving a seal of approval for the guy."

Goodness defended the letter and said "we put them on notice that they need to call us with anything if he does show an interest in working in another diocese."

Asked why the letter did not mention the accusation, Goodness said he did not know.

The archdiocese placed Gorak on leave in May 2005, after Orlando police charged him with assault, false imprisonment, aggravated stalking and battery. A woman told police he broke into her home, pulled a telephone from its jack, removed his clothes and tore some of the woman's clothes while trying to remove them, according to a police report.

Two months later, Myers wrote Gorak in jail, sending his prayers and best wishes, and promising that the church would follow the advice of the accused priest's attorney.

In 2006, Gorak pleaded guilty to assault, and the archdiocese earlier this year settled a lawsuit brought by the accuser, the woman in Florida, for an undisclosed amount.

His history with women came into focus in the lawsuit. In 2004, when he asked to be transferred from Newark to Florida, the archdiocese informed the Diocese of Orlando that he was a priest in good standing even though a police report from 2001 and a confidential memo written by the Rev. Ron Marczewski, then of St. Adalbert's in Elizabeth where Gorak worked in 1998, indicated serious misbehavior with women, court documents show.

The archdiocese contended in the lawsuit that the priest's confidential memo never found its way to the chancery office. In depositions and court documents, church officials said they never talked to the priest about Gorak, even though on two occasions they formally reviewed Gorak's record.

Only earlier this year did Myers begin proceedings to have Gorak laicized, that is, formally removed from the clergy, according to Goodness.

In the deposition last year, Myers was asked by the victim's attorney what he would have done if told, before Gorak's May 2005 arrest, that he had tried to rape a woman in Orlando. Myers said he would have recalled Gorak to Newark and advised him to return to his native Poland.

## **NO ALERTS ISSUED**

On Holy Thursday in 2005, the Rev. Gerald Ruane concelebrated Mass at St. Joseph's Shrine in Stirling. Weeks later, he appeared in vestments in a TV interview from Rome after Pope John Paul II's death.

The problem was, Ruane wasn't supposed to appear in public as a priest. And few people seemed to know of that restriction.

In 2004, the archdiocese permanently barred Ruane from ministry after investigating accusations by at least two minors. One, Michael Iatesta, said Ruane molested him throughout his adolescence. Ruane denied the allegations.



Scott Lituchy/The Star-Ledger

Michael Iatesta at his home in Westfield in 2005. He said that Gerald Ruane, the priest who abused him, was able to do so because his name wasn't published after he was removed from ministry.

Upon learning of Ruane's subsequent public appearances, Iatesta complained to church officials, who privately reprimanded the priest, according to the archdiocese. But Iatesta and SNAP officials said the archdiocese should have informed the public of the restrictions.

In March 2006, Myers changed his policy on alerting parishioners about investigations, saying he would alert parishioners when a pastor was permanently barred from ministry over sex allegations. At the time, a *Star-Ledger* review of policies in New Jersey's four other dioceses showed Myers was the only one not already doing that.

SNAP praised the announcement of the change.

Four months later, the archbishop had to decide whether to alert a different parish about a different priest, the Rev. Daniel Medina.

Medina had pleaded guilty to child endangerment and was sentenced to three months' probation. He admitted in court that he "inappropriately placed a young boy on (his) lap."

The boy had alleged in 2004 that Medina had oral sex with him, when he was 8, in the sacristy of Blessed Sacrament Church in Elizabeth. The prosecutor, John Esmerado, said he told the archdiocese the plea bargain reflected his desire to avoid making the child testify, rather than from any weakness in the initial charge.

The archdiocese failed to alert parishioners in 2006 when Medina pleaded guilty, in 2007 when its review board deemed the accusation credible, or in 2008 when it alerted Catholic bishops nationwide that it had barred Medina from ministry and couldn't locate him. SNAP eventually obtained that alert in September 2008 and publicized it.

Asked at the time why Myers hadn't notified parishioners, Goodness said, "This is being done on our schedule."

## **NEW IDENTITIES**

In April 2005, Gorak changed his name to Walter Fisher, six months after he assaulted the Florida woman and one month before his arrest. At the deposition in November 2009, Myers said the archdiocese did not know about Gorak's name change until after the fact.

"It was inappropriate for him to do so without my permission," Myers said. "His bishop in Poland or whichever diocese he had been ordained (in) should have been notified so that the ordination register could be changed to reflect this legal change."

The attorney taking Myers' deposition then asked if Gorak, by changing his name, had violated his oath of obedience to Myers.

"I don't know if I would go that far," Myers said, "but it was inappropriate because it introduced a confusion into sacramental record-keeping."



Mia Song/The Star-LedgerThe Most Reverend John J. Myers, Archbishop of Newark, speaks during a press conference at Archdiocese of Newark in April 2005.

Gorak isn't the only former priest from the Newark Archdiocese to have a run-in with the law and then change his name. In 1982, the Rev. Carmine Sita of St. Aloysius Church in Jersey City admitted sexually assaulting a teenage boy. He pleaded guilty and was sentenced to five months' probation.

He then legally changed his name.

Within a year of his guilty plea, he was the Rev. Gerald Howard. At that time — still on the rolls as a Newark Archdiocese priest — he went to work at a parish in the Diocese of Jefferson City, Mo., and then as a counselor at a Missouri hospital.

The Newark Archbishop at the time, Peter Gerety, never informed the public about the name change. Neither did his successor, Theodore McCarrick. And neither did Myers — even after the archdiocese conducted a comprehensive review of its case files of abusive priests in 2002, in the wake of the scandal.

Mark McAllister, who says he was molested by Howard in Missouri in the 1980s, said the lack of notification allowed Howard "to continue in his deviant behaviors. ... If you looked him up, you'd have found nothing. But if you looked up Carmine Sita — same person — you'd find a conviction for sexual molestation of a minor."

Goodness said there was no need in 2002 to notify the public about Sita's name change.

"There was a legal filing of his name change in the paper," he said. "It was a matter of public record."

Last autumn, McAllister settled claims against the Newark Archdiocese, Jefferson City Diocese and the Servants of the Paraclete, a religious order, for \$600,000. The Newark Archdiocese gave \$225,000 toward the settlement.

In April, officials in Cooper County, Mo., charged Howard, who is now retired, with the forcible sodomy of McAllister. The prosecutor, Doug Abele, said Howard is also facing charges in two other cases.

### **'ONGOING SECRECY'**

Overall, it is difficult to assess Myers' performance or compare him with other bishops because much of the information on these cases is confidential. Clohessy, of SNAP, said he ranks Myers' handling of the crisis in the bottom third of the 195 diocesan bishops' in the country, "in large part because of his ongoing secrecy."

The Rev. Thomas Doyle, who frequently testifies as an expert witness in lawsuits involving abusive priests, criticized Myers' actions and said they are too common among bishops. He said American bishops, as a group, have behaved abysmally since 2002, and still seem to care more about protecting themselves from litigation than about helping victims heal.



John Munson/The Star-Ledger  
In the Lady Chapel before the Mass of Ordination of Priests at the Cathedral Basilica of the Sacred Heart in May, Newark Archbishop John J. Myers shows the new priests how they will hold their hands for the anointing of the hands during the mass.

"This brings great shame on the church," said Doyle, who co-wrote a report in the 1980s warning bishops about the impending crisis. "I look back on all this and say: Something is drastically, fundamentally wrong with the Catholic hierarchy, if this is their consistent response across the board."

According to the watchdog group [bishopaccountability.com](http://bishopaccountability.com), 25 dioceses — including Philadelphia's, but not Newark's — have posted a list on their websites naming every priest removed after an accusation deemed credible by the diocese. Victims groups praise these lists, saying they deny abusive priests the cover of confidentiality that could help them abuse again.

Myers also has failed to regularly alert parishioners to investigations. Those alerts are now more common nationwide, Reese said. Among the bishops who notify parishioners is Bishop Paul Bootkoski of Metuchen. In 2003, SNAP singled out Bootkoski for praise, calling him the best American bishop at handling abuse allegations and noting that he alone among bishops had named a SNAP member to the diocesan panel that investigates allegations.

Victims' advocates view those alerts as a basic tool to promote transparency and say it bolsters investigations by encouraging other victims to come forward. The bishops' promises of 2002 explicitly included restoring reputations of priests who, after being removed for an investigation, were exonerated. But Myers has short-circuited that process by not being open about investigations early on, Clohessy said.

Indeed, Myers has opposed publicizing allegations since the early days of the scandal — with no apologies to his critics. Writing to lay people in April 2002, he acknowledged that sometimes, while the archdiocese tried to keep investigations quiet, "there have been a few recent instances where privacy has been lost."

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