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Victims of abuse by clergy fight opening of cases

Protest as judge orders the release of records in Ky.

By Peter Slevin
WASHINGTON POST

WASHINGTON — Promised anonymity in an $84 million settlement with a Kentucky Roman Catholic diocese, men and women sexually abused by its priests are opposing a state judge's order to reveal their identities and details of the alleged crimes to prosecutors.

The dispute, prompted by the judge's view that egregious cases of abuse may warrant criminal charges, raises privacy questions and highlights the delicate balance between victims' rights and the responsibility of legal authorities to punish lawbreakers.

Stanley Chesley, a Cincinnati lawyer for more than 300 men and women allegedly abused by priests in Kentucky as long ago as the 1950s, said the order from Special Judge John Potter came "out of the clear blue," several months after Potter approved the settlement. Chesley called the ruling "very callous, very broad, and very frightening."

One of Chesley's clients said he thought hard before reporting the sexual abuse he experienced as a Catholic school student nearly 30 years ago. Until he filed, he had told no one.

"It took me forever to do it because I can't afford to have my name or my identity exposed," said the man, who spoke in return for a promise of anonymity. "As a victim, I would be mortified if this were to happen. Put yourself in my shoes. I would be abused all over again."

Even now, his wife does not know the details of his experiences with a disgraced priest.

"It's something I basically buried for 25 to 30 years," he said.

In a hearing last month, Potter noted that the Diocese of Covington, which settled the lawsuit in January, is sending information to prosecutors, who can then decide whether to seek further details, including the identities of the victims.

His order — on hold for 60 days to allow time for an appeal — requires the settlement supervisor to report "every act of suspected abuse" committed against a minor. The document must describe the circumstances and name the suspect and the victim, as well as provide the victim's address and telephone number.

The information is to remain private, the judge ruled, "except as necessary to investigate or prosecute a crime."

Prosecutors assured the judge that any investigative information delivered to them will be kept confidential.

"The judge's concern for innocent, vulnerable kids today is praiseworthy," said David Clohessy, national director of the Survivors Network of Those Abused by Priests. "But there's a critical difference between prodding and compelling. I worry tremendously about the potentially chilling effect."

The Covington settlement was designed to end several years of litigation amid deepening recriminations about the behavior of priests in dozens of Kentucky counties. About 350 men and women have presented evidence that they were abused between the 1950s and 1990s.

Victims, many of them now in their 60s and 70s, have come forward. They are expected to receive $5,000 to $1 million each, with amounts above $450,000 reserved for individuals seriously and repeatedly abused.

Cases are reviewed by two special masters: former E.W. Scripps Co. chairman William Burleigh and a former judge of the Cleveland US District Court, Thomas Lambros.

Before the diocese pledged $84 million to settle the class action, it had paid $10.8 million to settle 58 previous cases.

An August 2003 report ordered by Bishop Roger Foys found "reasonable cause to believe" that in the previous half-century, 30 of 372 priests in the Covington diocese had sexually abused at least one minor. The diocese tracked 158 allegations, including 67 against a single priest.

In the intervening years, nine of the priests died, four were removed from the priesthood, and 17 were shifted from active duty, according to the report, which was sent to the 89,000 Roman Catholics in the diocese. Foys apologized, asked for forgiveness, and announced that priests and others who work with children would undergo background checks.

Lawyers for the victims contend in court documents that Potter has no authority to make demands that go beyond the settlement agreement. They also maintain that he signed off on a critical confidentiality pledge that was delivered to class-action members and was published and broadcast widely.

If prosecutors file a case against an abuser, the lawyers believe, the victim's identity will become public.

William McMurry, who negotiated a settlement with Louisville's Roman Catholic archdiocese on behalf of 243 victims, said Potter has considerable discretion. He said the lawyers made a confidentiality promise that was beyond their ability to deliver.

"Judge Potter is no stranger to doing things his own way," McMurry said. "Every lawyer should know when they make promises to their client, they've got to preface that comment with a statement that the court has the supreme authority to make the decision."

PHOTOS BY JOE RAYMOND/ASSOCIATED PRESS

n Michigan City, Ind.

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The Hanraths live across the street. "I could feel the heat coming in through my window. It was really intense," Frank Hanrath said.

Neighbor Tawny Anderson rushed out of her house with her three children when the fire broke out.

She said firefighters hosed down her house and the one next to it to prevent the flames from spreading.

Anderson said she moved into the neighborhood only six weeks ago and did not know the people in the burned house. "They were quiet. They kept to themselves," she said.

Michigan City is in northwestern Indiana, about 35 miles east of Chicago.

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Lawyer Stanley Chesley called the judge's order "very callous."

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