

San Diego diocese documents released

Tom Roberts | Nov. 11, 2010



Patrick Wall said the San Diego documents showed that in some instances bishops shared a priest's treatment reports with other bishops. (Newscom/KRT/Paul E. Rodriguez)

Nearly 10,000 documents relating to sex abuse by priests in the San Diego diocese, released recently as part of an earlier settlement agreement, provide a picture of how a diocese desperate for priests as the number of Catholics grew took in priests known to have problems with sex abuse.

According to an international expert on clergy sex abuse, the documents also seem to contradict a common legal defense advanced by the church -- that communication discussing a priest's treatment enjoys patient-doctor privilege and may not be discussed with a third party.

The documents, made public by attorneys representing 144 people who allege they were sexually abused by priests, are available at BishopAccountability.org [1], a Web site that contains a comprehensive listing of documentation of sex abuse cases from dioceses nationwide.

Patrick Wall, senior consultant specializing in sex abuse cases for the law firm of Manly & Stewart in Newport Beach, Calif., said the documents released show what has become a familiar pattern in such cases. The diocese knew about priests' histories of abuse long before the offenses became public but took the priests anyway and then transferred them not only from parish to parish, but also to other dioceses and back to their home countries when new offenses surfaced.

The documentation covers 48 priests who had been either credibly accused, named in civil suits or convicted of abuse in incidents dating back to the mid-1950s. The cases were settled in 2007 for nearly \$200 million. Part of the settlement was an agreement that an independent judge would review the files and determine which could be released. The ruling on making the files public was announced Oct. 22 following a three-year battle with the San Diego diocese over release of the internal records.

Terry McKiernan and Anne Barrett Doyle, who maintain the BishopAccountability.org [1], Web site, said they were "struck by the number of foreign priests -- Irish, Austrian, Mexican, Filipino" involved in the cases. Then-Bishop Charles Buddy, they said, "presents the diocese as a kind of mission diocese where he has an enormous amount of work because of the influx of Latino parishioners, and he needs all the help he can get." Buddy

served as bishop for 30 years, from 1936 until his death in 1966.

McKiernan and Barrett Doyle said the San Diego documents show more vividly than in many other dioceses the global nature of the church when it came to bishops moving abusers from one country to another and back to their home countries to escape prosecution in the United States.

In one instance, Fr. Luis Eugene de Francisco was arrested by police for child abuse, but the diocese negotiated with investigators, who agreed to drop the charges if the suspect returned to his home country, Colombia.

Buddy explained in a letter to his counterpart in Colombia that "arrangements were made between this chancery and the civil authorities of San Diego in which, if Father left the United States with the promise never to return, the charges against Father would be set aside by civil law."

Attorney Anthony DeMarco, who has handled hundreds of civil cases for victims of abuse, said lawyers had not been aware of the de Francisco case until the release of the documents.

Wall, who is a former Benedictine priest as well as a canon lawyer and who has consulted on cases internationally, said that bishops have long claimed a patient-doctor privilege in legal proceedings when it comes to files on priests who have gone to treatment facilities. The tactic is used, he said, in attempts to keep such files sealed. However, he said, the San Diego documents showed that in some instances bishops shared a priest's treatment reports with other bishops when transferring clerics from one diocese to another.

Wall said the just-released files will make it easier to place a request for such documents before a court.

In another case, Buddy in the late 1950s acknowledges in a letter to Fr. Robert Nikliborc that he had received complaints from laypeople "who gave absolute proof" of "your defects." Nikliborc had been sent to a psychiatric treatment facility after the diocese received complaints but was later named director of a church residential facility, Boystown of the Desert in Banning, Calif., a home for troubled youth.

According to an Associated Press report, DeMarco, at a news conference, urged "all Catholics, all members of the community" to read the documents. He said the files "demonstrate years and decades of concerted action that has allowed this community's children to be victimized, and it is not until the community looks at these documents that this cycle is ever going to be ended."

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[1] <http://bishopaccountability.org/>