

## Settlement reached in civil trial of retired Mass. bishops

Bill Pomerleau | Aug. 3, 2012

**SPRINGFIELD, Mass.** -- A Massachusetts man who was abused in the 1980s by Alfred F. Graves, a former priest of the Springfield Diocese, agreed to a \$500,000 settlement with retired Springfield Bishops Joseph F. Maguire and Thomas L. Dupre July 27.

The agreement, worked out late July 26, ended a dramatic civil trial that featured emotional testimony by the abuse victim, Andrew Nicastro, now 41, his family members and two priests who testified to the harm caused by Graves from 1982 to 1985.

Nicastro, of Williamstown, alleged the bishops had been negligent during their respective tenures as head of the diocese by returning the former priest to ministry with insufficient supervision knowing he had a history of abusing boys. He filed suit in 2009.

Bishop Maguire, now 92, was named coadjutor for Springfield in 1976, was installed in 1977 and retired in 1991. His successor, Bishop John A. Marshall, died in 1994. Bishop Dupre, now 78, was appointed to succeed him and was installed in 1995. Citing health reasons, he resigned in 2004.

"The testimony was compelling," John Stobierski, Nicastro's principal attorney, said after the trial.

Speaking at a media briefing on the steps of the Hampden County Hall of Justice, Stobierski said that while he was confident that his client was winning his case in the trial, other factors persuaded him to settle out of court.

"We were warned that, even if we won, we would have faced two more barriers. First, they (the bishops) would have appealed. Second, even if we won on appeal, we would have had to sue their insurance companies to actually receive any money. That process might have taken another three to five years," Stobierski said.

Had the case continued, jurors would have seen portions of a videotaped 2010 deposition, during which Bishop Dupre repeatedly invoked his Fifth Amendment to remain silent lest he be incriminated in other matters.

In a July 26 procedural ruling in the absence of the jury, Judge Constance Sweeney said she intended to instruct jurors that they could make inferences about Bishop Dupre's involvement in the Graves matter after they heard the videotape.

John Egan, Bishop Maguire's principal attorney, said in his opening statement at the trial that his client would testify that Bishop Dupre had no knowledge of then-Father Graves' earlier misdeeds, since Bishop Maguire had handled the matter.

The out-of-court settlement means that the public will not hear those details about Bishop Maguire's early handling of clergy sexual abuse cases. Jurors also would have heard live testimony from Bishop Maguire, who was expected to explain what exactly he did when earlier victims reported abuse to him in the 1970s.

However, the Diocese of Springfield and its bishops have previously said that before the mid-1980s, bishops

commonly believed that abusive priests could safely be returned to ministry after spiritual counseling or therapy.

It wasn't until the late 1980s, many dioceses began to establish stronger personnel policies and training programs to prevent abuse. In 2002 in Dallas, the U.S. bishops adopted "Charter for the Protection of Children and Young People."

Throughout the trial, Jesuit Father Mark J. Burke was a key figure for the plaintiff. He was present throughout most of the proceedings, and testified about how he had helped Nicastro to understand how his childhood abuse had caused him psychological harm in adulthood.

Reading from a prepared statement at the news conference, the former administrator of Sts. Patrick and Raphael Parish in Williamstown, the priest said: "Tragically, the basics of Drew's story have become all too familiar to American Catholics. Many have left the church in disgust; many have become demoralized, and yet remain."

Father Burke added that some church officials "have seen this, and repented. Some, though, live in denial and continue to minimize." At the trial, he testified that when the diocese was slow to respond to Nicastro's psychological needs, he urged him to take further action.

Father Burke told iobserve.org, Springfield's diocesan news website, that when he disagreed with the details and pace of the diocesan therapy plan for his friend, he referred Nicastro to Stobierski.

In a prepared statement released after the trial, Bishop Maguire said he hoped the settlement "will bring some measure of healing" to Nicastro and his family, who "have suffered greatly by this terrible abuse."

"I am truly sorry for all that Mr. Nicastro suffered and the hardships it has brought in his life," Bishop Maguire said.

When he was a new bishop in 1976, he said, he wished he "could have foreseen the true nature of one who violated our trust with such devastating harm to his victims. I pray for these victims and their families, for their forgiveness and understanding."

"We have learned much in the intervening years. Our Catholic Church has made great efforts in addressing these issues promptly and with determination that we should never repeat our past failures," he continued.

"Since I was called to serve the people of the Diocese of Springfield, I have strived to be a faithful and caring bishop. That in this instance I was unable to protect young people from abuse is an enduring and deep regret," Bishop Maguire said in the statement.

"I ask the good people of western Massachusetts to join me in offering prayers for Mr. Nicastro and all victims of abuse. May they know God's love and compassion in their healing."

[Bill Pomerleau is a freelance reporter for Catholic Communications of the Diocese of Springfield and is a Catholic priest.]

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