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Archbishop Myers on Fugee: 'Our decision was appropriate at the time'

by Brian Roewe

NCR Today

The decision to return Fr. Michael Fugee to active but restricted ministry in the Newark, N.J., archdiocese "was appropriate at the time," says Archbishop John Myers, though he added he would seek to avoid future court agreements appointing the archdiocese into a supervisory role.

"We would not enter into a memorandum of understanding that places a burden on the Church. The state has more resources. Our advice would be to tell the priest, 'Go back for a second trial and clear your name,' " Myers said.

The response came in the Newark archbishop's first interview since his archdiocese became embroiled in the U.S. Catholic church's latest clergy sex abuse scandal, which centered on Fugee, who was arrested May 20 for violating a memorandum of understanding restricting him from ministry to children. The order came in lieu of a retrial on charges of sexual assault against a 14-year-old boy dating back to 1999, of which a jury found him guilty in 2003 but an appeals court overturned in 2006 on the basis of judicial error.

Myers spoke Thursday with the *National Catholic Register*, which published the interview Tuesday.

In the interview, he said the facts of the Fugee case "have not been fully reported" and the assignments he gave the priest, including his appointment to co-director of the Office of Continuing Education and Ongoing Formation of Priests, were meant to increase supervision and prevent contact with children.

Outside of Fugee, Myers said there are "about 16 or 17 priests under supervision" in the archdiocese, and identified such supervision as an area requiring greater attention from he and his fellow bishops.

"At the U.S. bishops' meeting in San Diego this June, we discussed the fact that supervision is a problem under the charter. What if a priest moves to Florida? How do we supervise [those who move]? My suggestion is that the bishops work to address these issues soon," he said.

In Fugee's case, Myers said he was first placed in a parish "with other priests who all knew his situation" before moving to another parish where the pastor would allow him to hear confessions at youth retreats when the others were unavailable.

"There were activities that he was not permitted to do; unfortunately, the pastor permitted this," the archbishop said.

Myers also discussed several aspects of Fugee's court case. He said the appellate court's decision to overturn the guilty verdict was made because "the judge's instructions to the jury lacked guidance on how to deal with whether Father Fugee was acting in a supervisory way with the young man, such as a coach or a teacher."

In regard to Fugee's 2001 deposition statement in which he confessed to groping the alleged victim, Myers said the statement, which was made public online by the Newark *Star-Ledger*, was "part of a larger period of questioning over some three hours that was not taken down," during which the priest denied wrongdoing multiple times. Fugee would later testify in court that the confession was a mistake and the result of tiredness, Myers said.

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"The average person is looking for a black-and-white answer, but there are cases where there are more grays than black and white. That is what the court and the review board were dealing with," he said.

The Archdiocesan Review Board "looked into the allegation as if they were cops," Myers said, with the board opening the case in late 2006 and ultimately completing the process in 2009.

"The review board did not give Father Fugee a clean bill of health: He engaged in activity that was ill advised but did not rise to the level of sexual abuse. They said the limitations stated in the memorandum were appropriate safeguards. There would be no unsupervised ministry with minors and youth," he said, adding that Fugee could celebrate Mass, as well as baptisms and funerals, with young people present.

"If he were to go outside the diocese to minister to young people, he still needed permission to do that, and he knew we would have told him, 'No,' " Myers said.

Though barred from active ministry, Fugee, out on bail, is currently residing in a rectory for a "charismatic-movement parish" where people come for Mass and then return to their hometowns, Myers said. Any further canonical action against him will wait until the Bergen County prosecutor concludes his investigation of the case.

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