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Victim of Abuse Is Still Suffering

Molested As a Youth, Man Now Battles Church over Settlement Terms

By Michele Morgan Bolton
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ALBANY -- John Hesler never turned his back on God, although it might not be hard to blame him if he had.

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For three decades, he silently struggled with the aftereffects of being sexually abused in the late 1960s by the Rev. Edward Leroux, one of 20 priests removed from the ministry here since 1950.

Now, after rejecting a settlement offer from the diocesan-funded Independent Mediation Assistance Program -- which just marked its one-year anniversary -- Hesler says he has to speak out.

Hesler was an altar boy, lector and a member of the CYO at Guilderland's St. Madeleine Sophie, where Leroux was serving.

Like other abuse victims, he turned to the diocese for help and justice, a quest that began in 1992 after Leroux neglected to answer a 1989 letter.

"I have been dutifully working (for years) within the system to ensure that others would not be abused," he stressed. "But I am reluctantly coming forward to expose what I believe is a still-festering infection in my church. ... I believe the community needs to know what is going on with real victims of abuse, not just nameless statistics."

Rather than continuing with IMAP, Hesler now looks to the state Legislature to create a one-year window in the statute of limitations that would allow him to file a civil suit. Legislation sponsored by downstate Assemblywoman Margaret Markey is seen as a possible remedy for victims whose efforts to seek justice for decades-old wrongs have largely met dead ends.

"My experience in IMAP was, in many ways, as bad as the original abuse," Hesler said. "Their idea of healing and negotiation is to put you in a room with a financial professional who happens to be the chairman of the Albany County Airport Authority who oversees multimillion-dollar deals with the airlines."

He is referring to the Rev. Michael Farano, of the Diocesan Sexual Misconduct Review Board.

"There is no real negotiation," Hesler said. "They put a paltry and insulting offer on the table, in essence tell you to take it or leave it, and then add insult to injury by telling you to sign away all past and future rights."

Hesler rejected the offer, which he declined to specify. "To me, accepting it would feel like I sold my soul to the devil," he said.

Many victims are pleased with the program, which focuses largely on vocational and psychological assistance. The average payout is \$54,000.

They say they've been treated carefully and respectfully. But others, like Hesler, have characterized the program as a diocesan-backed charade.

IMAP administrators, however, believe their work benefits the vast majority of victims. Scott Fein assists retired Court of Appeals Judge Howard Levine with the program, which is staffed by mediators from the New York State Dispute Resolution Association.

IMAP is funded with \$5 million from the diocese's self-insurance fund and a \$200,000-plus contribution from former federal prosecutor Mary Jo White, whose investigation cleared Bishop Howard Hubbard of sexual misconduct allegations last year.

The program has paid out almost \$1 million this year to 18 other clergy sex abuse victims. Another 50 cases are pending and officials expect to have compensated at least 100 victims by the time the initiative is ended.

"Why so few?" Fein asked, anticipating the obvious question about settlements. "Each matter involves very difficult personal issues."

Staff members investigate, mediate and resolve in a way that is fair and sensitive to all, he said. "It is also not your typical tort suit where someone slips and falls and you ask, 'So, what is your pain and suffering?'"

Fein rejected claims that the program isn't independent.

"(Church officials) do not in any respect influence the mediators, who were selected because they are not related to any party. Mediation simply creates an environment that is ideal for participants to understand their respective positions."

What is not widely known, though, is that IMAP does not determine how much a victim is offered as a settlement.

Fein confirmed, in Hesler's case and others, that Farano had been designated to negotiate on behalf of the diocese. The close aide to Hubbard and former diocesan chancellor makes the final decisions about what to offer a victim, not IMAP, he said.

"Absolutely," Fein said. "The diocese is still regulating the money."

IMAP isn't supposed to be a civil claim alternative, Fein said. "It is intended to identify services that can help an individual be restored in some means so their life is fuller and happier."

An external auditor will ensure the program operates as it should. But by all indications, it is, Fein said. "People come in and tell their stories. It's just a remarkable process."

Hesler, a married 52-year-old environmental consultant now living in California, went to State Police and top officials in the Roman Catholic Diocese of Albany in 1992 and disclosed what had happened.

They promised to help.

The next year, in 1993, a June 14 letter from Hubbard said Leroux had completed in-patient medical treatment and his parish would be instructed to keep him away from children. He said he was also told he was Leroux's only victim.

But nine years later, in October 2002, after Leroux was removed from the ministry, Hesler said he learned parishioners in at least three churches were never notified of the abuse. He heard there were other victims as well.

Sexual abuse by a trusted adviser took a toll on Hesler. It strangled a marriage and led him to

question his God, although his beloved Catholicism would ultimately prevail.

Hesler says he wants the same fairness and respect the diocese afforded Hubbard when he was accused of sexual improprieties in 2003. "In that case, money was no object, and the diocese did not hesitate to spend in excess of \$2 million on an investigation. I find it ironic it now is impoverished and can only set aside \$5 million for hundreds of victims of clergy abuse."

Hesler says all he wants is to be reimbursed for the cost of therapy and other services he has had to provide for himself. The diocese's offer, he said, fell far below that amount.

"I want 'real world' reimbursement ... and for the bishop to open up diocesan files on the abusers, as other dioceses have done," he said. "These are commonplace remedies that all of us expect when there are missteps and scandals in the secular world. It is heartbreaking to see that my church cannot yet bring itself to do the same thing."

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