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## **Diocese Accused of Abuse in '60s**

Albany-- \$8 Million Lawsuit Tries New Strategy to Bypass New York's Statute of Limitations

By Andrew Tilghman  
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For the first time since the clergy abuse scandal erupted 19 months ago, the Albany Diocese is facing a lawsuit that tries to bypass the state's statute of limitations and hold current church leaders directly responsible for abuse alleged to have occurred decades ago.

The \$8 million lawsuit -- the largest known to date -- was filed by a man who said a priest molested him when he was an altar boy in the early 1960s.

The 52-year-old Capital Region man referred to in court papers only as John Doe accuses the late Rev. John Mea of raping him repeatedly in the rectory of St. Joseph's Church in Fort Edward. For three years the priest allegedly forced the altar boy to engage in oral and anal sex and told him "that he would go to hell if he were to tell anyone about the sexual misconduct," according to the lawsuit.

The diocese -- led at the time by Bishop Edwin Broderick -- also "used moral arguments to manipulate the plaintiff and his family to convince them not to press criminal charges or pursue any civil causes of action," the lawsuit alleges, without providing details.

The suit names Bishop Howard Hubbard and marks the first Albany case for Binghamton attorney Ronald Benjamin, who has more than 20 cases pending against church leaders in Syracuse and Rochester.

The lawsuit maps out a legal argument crafted to circumvent laws that require victims to come forward before age 21 -- a strategy that has so far proven difficult in New York state.

"It's an uphill battle," said Jeff Anderson, a Minnesota attorney who has sued the Catholic church hundreds of times throughout the country, including in New York.

"These are legal theories that have been recognized in other places, but for some reason the New York courts have seemed a little recalcitrant to acknowledge them," Anderson said.

The suit, filed earlier this year in Albany County state Supreme Court, suggests the diocese knew about Mea's problems before he arrived at the Fort Edward parish.

"Transferring John Mea to St. Joseph's Church was part and parcel of a conspiracy to intentionally, recklessly and negligently conceal the criminal conduct of its agency and employees," according to the lawsuit. The man and his family were delayed in filing the lawsuit because of the diocese's "breach of fiduciary duty" that church leaders owe to their parishioners, the lawsuit contends.

Judges are often reluctant to enforce a broad definition of "fiduciary duty" between a church and its followers, usually viewing it as an excessive entanglement of church and state that violates the First Amendment, legal experts said.

Diocesan attorney Michael Costello in May filed a 20-page motion to have the lawsuit dismissed, claiming the diocese was never notified about the abuse and the entire lawsuit is "barred by applicable statute of limitations" because the alleged victim did not come forward by age 21.

Acting State Supreme Court Justice Christian Hummel in Rensselaer County is expected to rule on the motion sometime this summer.

The diocese also noted that Mea was not assigned to St. Joseph's parish from 1961 to 1964, the time in which the lawsuit alleges the abuse occurred.

Church records show Mea was an assistant pastor in North Creek and did not transfer to St. Joseph's until 1967.

Benjamin said the man was troubled or embarrassed that the abuse took place later, when he was in his teens, and initially misstated the time frame.

"There is no question that it was this priest. If the dates are a little bit wrong, we will be amending the complaint," Benjamin said.

Last year, church officials offered the man a small financial settlement, which he refused as "too little, too late," Benjamin said.

Albany Diocese spokesman Ken Goldfarb said Tuesday that "the matter was reviewed by the Diocesan Sexual Misconduct Review Board," but he declined to say what the board concluded. "Father Mea died in 1984, and to the best of our knowledge, this is the only allegation against him," Goldfarb said in a statement.

Mea is the third priest from St. Joseph's in the past year to be publicly accused of sexual abuse. Last year, Hubbard removed former pastors Edward Leroux and Jim Rosch from active ministry due to credible allegations.

St. Joseph's church is also named as a defendant in the suit, but the church's pastor, the Rev. Joseph Dworak, said Tuesday that he had not been notified about the legal proceeding. The Albany Diocese also is facing four other lawsuits from alleged victims of sexual abuse. Those suits don't target the actual abuse, but focus on church leaders' actions in the past two years, accusing them of intimidating or manipulating victims to prevent them from coming forward.