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Three Priests Accused of Abuse

Albany Lawsuit is first in a Capital Region court to allege misconduct by active diocesan clergy

By Andrew Tilghman
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Three Albany Diocese priests still in active ministry were accused in a lawsuit Wednesday of sexual misconduct, marking the first time during the clergy abuse scandal that working priests have been named in local court papers.

The suit alleges a pattern of intimidation to prevent a 43-year-old teacher in Schenectady from coming forward with complaints that he was "passed around" in the 1970s by the priests, who knew he was a teenager from a broken home and "in need of a father figure," according to the suit.

The three priests named in the lawsuit were the Rev. Louis Douglas, who is officially retired; the Rev. Alan Jupin, pastor at Our Lady of Fatima in Schenectady; and the Rev. Donald Ophals, pastor at St. Francis DeSales in Troy.

Douglas, who left Albany's St. Catherine of Siena in 1992, was immediately barred from public ministry by the Diocese of Wilmington, Del., where he had been working part time in parishes for seven years, a spokesman for the Delaware church said.

Albany church officials declined to take immediate action. "No determination has been made," said spokesman Ken Goldfarb. The Albany Diocese investigates every complaint it receives, he said.

The lawsuit filed in state Supreme Court in Schenectady also alleges that Jupin "date-raped" the man after a night of drinking when he was a teenager.

"I wouldn't have done that if I didn't love you," Jupin allegedly said as he sat naked on a bed next to the teenager, according to the lawsuit. At the time, Jupin was a priest at St. John the Baptist in Schenectady.

Several months ago, Jupin allegedly began stalking the man and threatened to kill himself after learning that the man was filing a formal complaint for the first time with the Albany Diocese.

"I'm not like all of those other priests who go after little children," Jupin pleaded earlier this year, according to the suit.

The man said he construed Jupin's talk about suicide as a veiled threat to harm him, too.

In the 1970s, the suit alleges, Jupin brought the teenager to parties, introduced him to other priests and plied him with gin.

The allegations targeting Douglas and Ophals say the priests made "inappropriate sexual advances" toward the teen in the late 1970s.

The allegations raise questions about how local church officials have implemented the national zero-tolerance policy for priests believed to have sexually abused children. The rule applies retroactively to all priests, no matter when the abuse occurred.

Albany Bishop Howard Hubbard was one of the nation's most-outspoken opponents of the policy before it was adopted last year in Dallas by the U.S. Conference of Catholic Bishops. Hubbard

advocated instead a case-by-case review.

On Wednesday, the Albany Diocese acknowledged it has received at least one previous complaint about Douglas. It was lodged in 1992 and involved an allegation from the 1960s. Church officials said they agreed to a financial settlement several years ago with Douglas' accuser to cover the cost of his counseling even though the investigation determined that "whatever happened was something other than sexual abuse," Goldfarb said.

Douglas left his post at St. Catherine of Siena Church shortly after that investigation. The Rev. Kenneth Doyle replaced him at the prominent Albany parish. Doyle is also a lawyer and the diocese's chancellor for public information.

In addition to naming the three priests, the lawsuit -- which seeks \$600,000 in damages -- names Doyle, the diocese and Hubbard as defendants, accusing them of negligence, infliction of emotional harm and harassment for allegedly encouraging Jupin to contact his accuser to convince him to drop his complaint.

The lawsuit faults the diocese for not having a policy in place to prevent priests from contacting their accusers.

The Rev. Neil Cawlings, who is from England and occasionally visited the Albany Diocese, is the other defendant. Cawlings allegedly made "improper sexual contact and/or inappropriate sexual advances," the court papers state.

The lawsuit filed by attorney John Aretakis targets the alleged conduct in recent months of Jupin and others rather than the sexual abuse itself, which occurred beyond the three-year statute of limitations.

The latest lawsuit is similar in strategy to three others Aretakis has filed in state Supreme Court in Albany. Those lawsuits accuse church leaders of intimidating and manipulating alleged victims of sexual abuse to prevent them from filing complaints or hiring an attorney.

Douglas, who was ordained in 1958, has been listed as retired since 1994, but he was a part-time pastor at several churches near his home in Delaware since 1996, said Robert Krebs, spokesman for the Diocese of Wilmington.

After learning about the suit on Wednesday, Wilmington church officials revoked pastoral privileges for Douglas in their diocese until the Schenectady court case is resolved, Krebs said.

At the time of Douglas' transfer seven years ago, Hubbard sent church officials in Wilmington a letter stating that Douglas was a priest in good standing, Krebs said.

Hubbard notified Wilmington church leaders about the 1992 investigation, Krebs said, but he was unsure whether the Albany bishop had told them about the financial settlement with Douglas' accuser.

Douglas, who lives in Wilmington, could not be reached for comment. Jupin and Ophals did not return calls for comment.

During the past year, the more than 400,000 Catholics in the 14-county Albany Diocese learned that at least 13 priests have been removed due to credible allegations of sexual misconduct. Another former priest was convicted last year of sexually abusing a boy. One priest is facing criminal charges of soliciting a boy for sex in Troy in 2001.

At least two priests from other dioceses who had been accused of sexual abuse were permitted to work in the Albany Diocese, church officials have said.