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Priest Charged from Old File on Sex Abuse

By Daniel J. Wakin
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Investigators arrested the first Roman Catholic priest yesterday to be charged in New York based on the old case files that the church recently turned over to sex-abuse prosecutors. The priest, the Rev. Francis X. Nelson, 38, was handcuffed near his Harlem church and charged with molesting a 12-year-old girl at her home in Brooklyn three years ago.

The church officials supervising the priest had been aware of the allegations in 1999 and considered them credible, but he was allowed to transfer from Brooklyn to the Archdiocese of New York, where officials say they first learned of the accusation on Wednesday.

Father Nelson was charged with two counts of sexual abuse in the second degree and one count of endangering the welfare of a child, misdemeanor charges that each carry a penalty of up to one year in prison, the Brooklyn district attorney's office said.

Father Nelson, a native of India who was living and working part time at St. Charles Borromeo Church in Harlem, surrendered to investigators at 7 a.m.

During his arraignment at State Supreme Court in Brooklyn, he stood at the defense table with his head bowed, wearing a gray dress shirt and no priestly collar. His lawyer, Royce Russell, entered a plea of not guilty. Acting Justice Neil Jon Firetog ordered the priest to turn over his passport and to stay away from the girl. He released the priest on his own recognizance.

At a news conference, District Attorney Charles J. Hynes said the family reported the incident to the Brooklyn Diocese just after it happened, in May 1999, while Father Nelson was serving at St. Mary Star of the Sea in Carroll Gardens. Rhonnie Jaus, a deputy district attorney, said Father Nelson went to the girl's house "saying he wanted to see her sick grandmother." He put the girl on his lap, groped her breasts and touched her with his genitals, the prosecutor said.

But the case did not reach the authorities until last month, when the Brooklyn Diocese began handing over its old files under pressure from the district attorney.

Instead, diocese officials investigated the allegation on their own, as was the policy at the time. They did not believe Father Nelson's denial and ordered him out of the diocese, said a spokesman for the diocese, Frank DeRosa. On July 21, 1999, Bishop Thomas V. Daily of Brooklyn told Father Nelson's bishop in India, Leon A. Tharmaraj, of his decision, Mr. DeRosa said. Bishop Tharmaraj, of the Diocese of Kottar in the region of Tamil Nadu, happened to be in New York and agreed to Father Nelson's departure, the spokesman said.

Reached by telephone, Bishop Tharmaraj said yesterday that he knew of no such allegation. "I'm really shocked to hear that," Bishop Tharmaraj said. "He was a very good priest here. He did his pastoral work very well." Bishop Tharmaraj ordained Father Nelson in 1989.

Three days after meeting with Bishop Daily, Bishop Tharmaraj signed a document declaring his priest in good standing and free of allegations, said Joseph Zwilling, the spokesman for the Archdiocese of New York. The document is necessary for priests to work in a diocese not their own. Further, Mr. Zwilling said that St. Mary's pastor, Thomas Doyle, wrote a letter on Aug. 3 "attesting to his good character and his good work in the parish, with no indication of any difficulties."

So the New York Archdiocese posted Father Nelson to St. Charles, a church built in 1885 that is the seat of the vicar for Harlem. Mr. Zwilling said archdiocese officials learned of the allegation when Father Nelson was indicted on Wednesday, and barred him from working there.

According to Mr. Hynes, the Brooklyn Diocese said it was told that Father Nelson had returned to India. Mr. DeRosa said he could not explain why the diocese had said that, or why Father Doyle or Bishop Tharmaraj gave the priest a good rating. "All I can tell is what happened here," he said. "Our response was to make this known to the bishop from India. Then it's in the hands of that bishop to determine where that priest is going to serve."

He noted that under the diocese's new policy, the allegation would immediately have been passed on to the civil authorities.

Mr. Hynes said that as of Friday, the diocese had passed on to him 42 old abuse allegations involving 25 priests. Most were beyond the statute of limitations, he said.

Reporting has become a major issue in the four-month-old priest sex-abuse scandal, with victims, their advocates and law enforcement condemning bishops for handling charges in house. Asked if he was disappointed that the diocese did not go to the police in 1999, Mr. Hynes said, "I don't think it serves any purpose for me to go back over old history."

Father Nelson is enrolled in a doctoral program at the School of Social Service at Fordham University, said a university spokeswoman, Elizabeth Schmalz.

Parishioners at St. Mary's recalled him as a quiet, kindly man. "He seemed good to me," said David Diaz, 34. "I don't know what he did on the side."

At St. Charles Borromeo, one woman expressed anger. "How can they send him here, after he did that?" said the woman, who gave her name only as Elizabeth and said her 15-year-old son worked in the rectory. "I have to raise my voice and speak up, that they sent him, a molester, to our neighborhood."

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