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DA Will Probe Diocese Sex Case

Albany -- Schenectady County Prosecutor Robert Carney, at the Request of Bishop Howard Hubbard, to Investigate Alleged Victim's Claims That He Was Stalked by the Rev. Alan Jupin

By Andrew Tilghman
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Schenectady County District Attorney Robert Carney said Thursday he will investigate allegations that four priests abused a teenager in the 1970s and that church officials tried to keep it quiet, marking the first time a local prosecutor has waded into the 17-month-old clergy abuse scandal.

The criminal investigation came at the request of Albany Bishop Howard Hubbard after a lawsuit was filed this week against the Albany Diocese. The suit accuses the priests of sexual misconduct in the late 1970s and claims there was a plot to discourage the man from coming forward this year as a way to "further the personal or business interests" of the diocese.

Hubbard's request only asked that Carney investigate whether one of the priests named in the suit, the Rev. Alan Jupin, tried to intimidate the alleged victim from coming forward at the direction of church leaders.

Carney said the underlying accusations of sexual abuse -- while probably not prosecutable because the statute of limitations has passed -- will likely be "intertwined" with the more recent allegations of stalking and harassment.

The prosecutor's office would "make our own independent determination if any of (the allegations) are prosecutable," Carney said.

In a written statement Thursday, Hubbard adamantly denied any effort to prevent the alleged victim from coming forward.

"We believe these claims are false. Nonetheless, any allegation of recent criminal conduct should be thoroughly investigated by the proper authorities. ... The Albany Diocese will cooperate fully in the investigation."

Carney said his first move would be to try to identify the man who filed the lawsuit -- a 43-year-old teacher from Schenectady referred to only as "John Doe No. 4" in court papers. The man could be compelled to identify himself publicly in a criminal complaint.

"It really hinges right now on our ability to identify who John Doe No. 4 is. If the attorney is not willing to share that information and have him sit down with us, it is very difficult for us to do anything at this time," the district attorney said.

Attorney John Aretakis, who filed the lawsuit, said he was not sure how his client would react. "He and I have some chatting to do about the implications. We are going to take this one step at a time," Aretakis said.

The lawsuit alleges that Jupin, currently the pastor at Our Lady of Fatima in Schenectady, "date-raped" the man after a night of drinking when the man was a teenager in the late 1970s.

It also named three other priests and accused them of making "improper sexual advances" on the claimant as a teen. The suit alleges Jupin brought the teenager to parties, introduced him to the other priests and plied him with gin. Allegedly, the abuse took place in the rectory at St. John the Baptist in Schenectady, where Jupin was pastor.

The other priests accused are the Rev. Louis Douglas, who retired from St. Catherine of Siena Church in Albany in the early 1990s; the Rev. Donald Ophals, pastor at St. Francis DeSales in Troy; and the

Rev. Neil Cawlings, a priest from England who visited the Albany priests.

Earlier this year, Jupin allegedly began stalking the man and threatened to kill himself if the man lodged a complaint. "I'm not like all those other priests who go after little boys," he said, according to the suit filed Wednesday in state Supreme Court in Schenectady.

Hubbard, the four priests and the Rev. Kenneth Doyle, a lawyer and chancellor of public information, were accused of encouraging Jupin to contact the man and talk him out of coming forward, according to the suit, which is seeking \$600,000.

The Diocese of Wilmington on Wednesday temporarily suspended Douglas, who moved to Delaware after his retirement and asked church leaders there for permission to perform public ministry in 1996. He had been filling in at several parishes in recent years.

Capital Region district attorneys last year asked Hubbard to report any complaints of sexual abuse that might fall within the five-year statute of limitations. So far, none have been received, district attorneys said.

Downstate prosecutors have assumed a more aggressive role in the sexual abuse scandal. In February, the Suffolk County district attorney, Thomas Spota, released a report documenting the extent that Long Island church officials went to cover up for pedophile priests.

The Albany Diocese did not take any immediate action against the priests named in the recent lawsuit, two of which remain in full-time ministry.

Also on Thursday, a Chicago-based victims' advocacy group sent a letter to Hubbard, urging him to temporarily suspend from ministry the priests named in the lawsuit.

"We are very troubled by your apparent decision to keep two priests in parish ministry despite facing civil molestation charges," wrote David Clohessy, the executive director of the Survivors Network of those Abused by Priests.

Both Hubbard and the victims' group pointed to the zero-tolerance rule for pedophile priests and the document adopted last year in Dallas by the U.S. Conference of Catholic Bishops as a reason for their actions.

Church attorney Michael Costello told Carney in his letter, "Because of the nature of the allegations made, and in the spirit of the Charter for the Protection of Young People, the Diocese believes that it has an affirmative duty to bring this matter to your attention."

Clohessy told Hubbard: "We urge you to honor the commitments made by you and your fellow bishops in the Charter for the Protection of Young People, and immediately remove these two men while allegations against them are investigated. This is the only way children will be kept safe and the only way Albany Catholics can begin to have their faith in your leadership restored." During the past year, at least 13 priests in the 14-county Albany Diocese have been removed because of 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.