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Priests Want Due Process

By Gary Stern
Journal News (Westchester County, NY)
July 9, 2004

The fall of Monsignor Charles Kavanagh at the height of the Catholic Church's sex-abuse crisis of 2002 was a stunner to New Yorkers who had attended church galas or given hefty sums of cash to Catholic causes.

Kavanagh had helped raise millions for the Archdiocese of New York as its vicar of development and was a trusted friend to New York's Catholic upper-crust. So when he was removed from ministry in May 2002, after being accused by a former seminarian of having an improper, sexually charged relationship two decades before, it was widely assumed that Kavanagh would be given every chance to defend himself.

More than two years later, priests and others are wondering if the man who took care of hundreds of VIPs at Cardinal John O'Connor's funeral in 2000 has gotten a fair hearing from his church. A growing chorus is pointing to Kavanagh's case as an example of a lack of due process that has been afforded accused priests since the scandal unfolded.

"Everywhere you go, people say 'What's the situation with Charlie,' " said the Rev. Edward Byrne, pastor of St. Ann's Church in Ossining, who helped organize a letter to Cardinal Edward Egan, signed by 75 priests, that protested the treatment of accused priests. "It's very puzzling that a man with such a wonderful ministry, who is so beloved, can be hung out to dry for so long. There's no due process, no information for Charlie or anyone else."

Kavanagh supporters seemed galvanized last month by an article in America magazine written by Cardinal Avery Dulles, the Fordham University theologian, in which he criticized the zero-tolerance approach to abuse that was adopted by American bishops in 2002.

"The church must protect the community from harm, but it must also protect the human rights of each individual who may face an accusation," he wrote.

It was in August of last year that Egan told Kavanagh that an archdiocesan review board of laypeople had determined that Kavanagh had, in fact, had an improper relationship with a student 20 years earlier. Kavanagh says he was denied the panel's written findings or any information about how the decision was reached.

Instead, he says, Egan asked him to resign.

"They wanted me to go away," Kavanagh said during an interview with The Journal News yesterday. "But I'm not going anywhere. I'm not going to hide."

Kavanagh, who also was pastor of St. Raymond's Church in the Bronx when he was put on leave, is appealing his removal to the Vatican's powerful Congregation for the Doctrine of the Faith. He went to Rome in March and has submitted extensive documentation that he believes supports his case. But there is no timetable for a decision, and the congregation is known to be overwhelmed by sex-abuse cases from America.

In an emotional four-page letter Kavanagh is about to send to supporters, he laments the secretive process he says has determined his fate. He also focuses on two new accusations against him that he

says were brought to the archdiocese more than a year ago, but have appeared in his archdiocesan file only during the past few weeks.

One accusation, he says, is from a divorced father who did not like Kavanagh's involvement in a custody dispute. The other, he says, is from a former student whom Kavanagh dismissed from a seminary 30 years ago.

"These things were floating around for a while, skewing everything, but I was told nothing," Kavanagh said yesterday. "These things are in my file now for a reason. Everything is stacked against me."

Joseph Zwilling, spokesman for the archdiocese, said Kavanagh has been apprised of all relevant accusations against him.

"Not only did Monsignor Kavanagh and his advisers know what's in the file," he said, "but if there was anything new that the advisory board would be considering, Monsignor Kavanagh and his advisers would be notified of that and given a chance to respond."

Zwilling said the archdiocese is waiting for the Vatican to rule on Kavanagh's case and others involving accused priests.

"We're in the same position as Monsignor Kavanagh and others, waiting to hear back from Rome," he said.

Critics of the church's review process have different areas of concern.

Some simply believe that Kavanagh has done nothing wrong. Others are unhappy that Kavanagh and other accused priests have been presumed guilty and removed from ministry before investigations have been completed. Still others are dissatisfied that the lengthy review process, absent any statements from the church, has left the impression that Kavanagh is guilty and simply gone.

Pamela Hayes, a Manhattan lawyer who serves on the church's national lay review board on sex abuse, said the investigation of Kavanagh appeared to be sadly lacking when compared to the recent investigation of Albany Bishop Howard Hubbard. Former federal prosecutor Mary Jo White, hired by the Albany diocese to investigate abuse allegations against Hubbard, announced on June 24 that she found no evidence of misconduct.

"Having justice for priests is not rendering injustice for victims," Hayes said. "But in some cases, we're not getting it. What happened in Charlie's case? Do we have a process that can stand up to scrutiny? Did we have a fair and unbiased investigation? Did you do an investigation like Mary Jo White did? We have to show that the victim and accused priest are both getting due process."

Kavanagh's accuser also believes he has not received due process.

Daniel Donohue, 40, who grew up in Peekskill and now lives on the West Coast, said yesterday he has heard little from the archdiocese since he appeared before its review board in February 2003.

"The secrecy, the closed-dooriness of it, continues to mar the whole process," he said. "People want due process for Charlie? What about due process for me?"

Donohue was a 14-year-old freshman at Cathedral Preparatory Seminary, a high school for prospective priests that was then in Manhattan when, he says, Kavanagh began an intense, six-year relationship with him with romantic and sexual overtones.

Donohue insists that Kavanagh, the head of the school, hugged him inappropriately, lay on top of him on a couch and finally got in bed with him during a trip. Donohue eventually dropped out of an undergraduate seminary and says he tried to put his experience with Kavanagh behind him.

He said he wrote to the archdiocese in 2002 after reading about the church's sex-abuse scandal on The Boston Globe's Web site, where he often read about the Red Sox.

"I would love to get a public hearing, where people of sound mind could hear all the info," Donohue said. "But the only real way for a resolution here is for Charlie to apologize for what he did, to get up in church and apologize to me, my family, my parents, his parish, his church, his cardinal and his God."

Voice of the Faithful, the lay Catholic group that rose up during the sex-abuse scandal, also is advocating due process for accused priests as one step toward healing the church.

"The case of Monsignor Kavanagh is a classic example of lack of fair due process coupled with misleading statements from the archdiocese," said Michael Hoynes of Briarcliff Manor, the group's coordinator north of New York City. "Voice of the Faithful believes it is time for the archdiocese to bring this case to a resolution and to stop introducing totally irrelevant issues into the original accusations."

Monsignor Harry Byrne, a retired priest in Manhattan who is known for his independent streak, said Kavanagh can't get justice when his case just drags on.

"There is a reason they say that justice delayed is justice denied," Byrne said. "Of course, had the bishops done their jobs in the beginning, and gotten rid of the guys who were really causing trouble, it wouldn't have snowballed into this mess."

Ossining's Byrne, no relation to Harry Byrne, said Egan has agreed to meet with New York's priests at a two-day event this fall, possibly in the Catskills.

"He wants to talk about other things, but we just want to focus on due process, this crisis," Byrne said. "Lives are in the balance."

During the past two weeks, a new pastor has been named for Kavanagh's former parish in the Bronx, and Kavanagh's successor as vicar of development, Gerald Walsh, has been named a bishop.

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