

BishopAccountability.org

Monsignor in Rare Attack on Egan over Suspension

By Daniel J. Wakin
The New York Times [New York]
July 9, 2004

With his sexual abuse case languishing in Rome and his old pastorship now filled, a once-prominent monsignor in the Roman Catholic Archdiocese of New York has begun a harsh attack on his archbishop, Cardinal Edward M. Egan.

The cleric, Msgr. Charles M. Kavanagh, who is the leading New York priest caught up in the church's sex abuse scandal, said the cardinal threatened to use further damaging information to keep him from fighting his suspension. He said archdiocesan officials did not tell him of additional complaints before adding them to his file recently. The cardinal, the monsignor added, also refuses to permit his longtime canon lawyer to stay on the case.

Such broadsides by a priest against his bishop are highly unusual, but they give an idea of how bitter the dispute between Cardinal Egan and Monsignor Kavanagh, the archdiocese's onetime chief fundraiser, has become.

"I'm defenseless," Monsignor Kavanagh said in an interview Wednesday. "I don't have any forum. It becomes a scandalous attempt to make me look bad," he said of the additional charges. He said the archdiocese had turned over no formal evidence, had not formally told him the charges against him, and had refused to show him what it had sent to the Vatican for a final judgment on his case.

Monsignor Kavanagh was suspended as a priest in May 2002 and removed as pastor of St. Raymond's parish in the Bronx and as vicar for development for the archdiocese. A former high school student at Cathedral Preparatory Seminary in Manhattan accused the monsignor of sexually abusing him more than 20 years earlier.

In what the monsignor described as another setback, a permanent pastor was recently appointed to take over from an administrator at St. Raymond's, where Monsignor Kavanagh was widely known.

Cardinal Egan's spokesman, Joseph Zwilling, denied Monsignor Kavanagh's claims. He said that the cardinal followed the recommendation of the archdiocesan review board in taking action in the case, and that the priest and his advisers knew everything that the board had considered in reaching its decision.

"It is simply not true that the archdiocese has acted in any way improperly in this case," Mr. Zwilling said, and added that it was somewhat disingenuous for Monsignor Kavanagh to express surprise at new charges. "He and his advisers have been kept abreast throughout this entire process. They know exactly what is in his file and how it got there," Mr. Zwilling said.

Monsignor Kavanagh said the archdiocese asked him last month for a response to two complaints that he said were not in his file when he saw it in May, even though they dated back at least a year. Neither, he said, accused him of sexual abuse. "It's so unfair, so unjust," he said.

One, from December 2002, is not credible, he said, because it includes an angry rant from a former seminarian whom the monsignor said he had removed from Cathedral Prep for abusing another student.

The second complaint, from July 2003, is by a man who said Monsignor Kavanagh had interfered with his teenage son in a custody dispute. Monsignor Kavanagh said Cardinal Egan mentioned the complaint after the monsignor said during a meeting that he would fight his dismissal.

"I took that as a threat that if I defended myself publicly, there would be more to come," Monsignor Kavanagh wrote in a draft of a letter he planned to send today to 1,100 supporters, denouncing his treatment. "I found this outrageous and suspicious."

Mr. Zwilling said he was not at the meeting where Monsignor Kavanagh says the cardinal issued a threat, but added, "I can't imagine the cardinal saying anything of that sort."

Mr. Zwilling also said the monsignor's canon lawyer, Patricia M. Dugan of Philadelphia, had been granted full access to the case. He acknowledged that because she was a laywoman and did not have a doctorate in canon law, she would need special permission to represent the monsignor when the case is formally considered by a church tribunal. But such permission is not necessary until then, he said.

Monsignor Kavanagh is one of a number of priests around the country who have hired experts in church law to fight suspensions over allegations of sexually abusing minors.

About 730 such cases are pending at the Congregation for the Doctrine of the Faith, the Vatican department that makes decisions on the fate of priests who contest dismissals, Ms. Dugan said. The monsignor has publicly proclaimed his innocence before, and hundreds of supporters have rallied behind him at special Masses at St. Raymond's and at a December celebration marking his 40th year as a priest. Until now, though, he has refrained from singling out Cardinal Egan, a rare challenge to episcopal authority.

"I don't do anything out of fear of consequences," Monsignor Kavanagh said by telephone yesterday. "Unless I'm aggressively defending myself, I'm not going to be heard."

His original accuser, Daniel Donohue, has consistently stuck by his account that the priest touched him in a sexual manner. He has called for an open apology but not suspension.

The latest developments are yet another sign that the church should air abuse cases more openly, Mr. Donohue said yesterday. "If Charlie wants to stir things up and go after Egan, God bless him," he said. "Let's get the process out into the light."