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## **The Legacy of Bishop's Letter**

Praise for priest in abuse case

By Rita Ciolli and Shirley E. Perlman  
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After finishing six months of psychiatric treatment in the wake of a complaint that he sexually abused a 10-year-old altar boy, the Rev. Andrew Millar returned to Long Island in 1999 and told the Diocese of Rockville Centre he wanted to retire.

Writing in response, then-Bishop John McGann thanked Millar for his 41 years of "priestly goodness" and said he was pleased Millar had agreed to reside in a parish in Manorville where he could assist a pastor who was going on a sabbatical. Eight months later, Millar was arrested at Tobay Beach for sodomizing a 15-year-old Great Neck boy who is learning disabled. He later pleaded guilty.

[Photo captions: Bishop John McGann, right, thanked the Rev. Andrew Millar for his "priestly goodness."]

McGann's Sept. 1, 1999 letter, which has come to light in a civil lawsuit against the diocese, does not mention any sexual abuse concerns about Millar. The bishop did note that he hoped the diocesan retirement benefits would allow Millar "to live the ongoing years of your priesthood in the dignity and respect to which you are entitled."

Meanwhile, the father of the boy assaulted at Tobay says he is infuriated by the tone of the bishop's letter to Millar, as well as McGann's failure to acknowledge Millar's aberrant behavior.

He's trying to put the incident behind him, he said, but he can't. "It eats me up alive," he said. The father, who went into the public bathroom after his son didn't return promptly, interrupted the sex act and chased Millar into the beach parking lot, where he was caught. The father has asked that his name, and his son's, not be published.

Lawyers for the diocese, however, have said the letter bolsters their argument that the boy's family has no legal grounds to sue the diocese for money damages because of Millar's crime. The diocese is asking State Supreme Court Justice Ira Warshawsky to dismiss the suit, suggesting that the letter is proof that Millar was "retired," and no longer its "employee."

The diocese said it provided Millar, who is now 72, with health coverage but that the priest paid \$300 a month for room and board to the parish of Sts. Peter and Paul in Manorville. Arguments will be held next month.

Even if the judge were to find that Millar still had enough of a connection with the diocese to be an "employee," the diocese argues it is still not legally responsible for his behavior. That's because his conduct "was not within the scope of employment of a Roman Catholic priest."

Millar was not wearing clerical garb when the crime occurred, nor did he tell his victim he was a priest, the diocese says in its court papers. George Repetti, the Williston Park attorney representing the diocese, refused to comment on the case, referring questions to the diocese.

Millar was sentenced to a prison term of 1 to 3 years by County Court Judge Richard LaPera on Nov. 15, 2000. He is scheduled to be released from the Arthur Kills correctional facility on Staten Island in November.

Millar is still a priest, although he has requested laicization, a lengthy process that may not be completed by the time of his release, Joanne Novarro, a spokeswoman for the diocese, said. If the Vatican doesn't act by his release date, Novarro said, the diocese would have to provide Millar with health insurance and some other living arrangements. "There is some financial responsibility we have towards him, as required by canon law," she said.

Millar's probation and pre-sentencing reports detailed the 1999 complaint that prompted Millar to be sent to a Baltimore institution for troubled priests. Early that year, a 17-year-old boy came forward and told the diocese he was sexually abused for almost a year in 1991, when he was a 10-year-old altar boy at Sacred Heart Church in North Merrick.

Those reports also said that while Millar worked briefly at Holy Name Church in Valley Stream, a school official complained that Millar behaved inappropriately with children on the playground. A year later, in 1996, there was a complaint that Millar followed a teenage boy into a Jones Beach bathroom and tried to peer at him from under the stall door. It is unclear whether the diocese was aware of the 1995 and 1996 complaints prior to his retirement in 1999.

Michael Grossman, who represents the boy and his family, said prior case law has held that a diocese can be held liable if it knew about Millar's predatory behavior and "was negligent in their supervision of him." Grossman said the diocese is trying to get the case dismissed before the discovery process that would allow him to find out what and when the diocese knew about the priest.

Grossman said that unlike many allegations and claims made in recent months about past abuse by priests that are decades old and cannot be prosecuted, Millar was caught in the act and pleaded guilty. However, the diocese is fighting any financial or legal responsibility for his assault based on traditional case law involving employers and employees. "They are a religious organization. Don't they have more of a duty or an obligation that a trucking company?," Grossman asked.

During his sentencing in 2000, Millar suggested that the diocese should be responsible. "I feel that the diocese must make, to the best of their ability, reparations to the boy because I am insured for eventualities such as this."

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