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## **Few Priests Face Expulsion**

Dioceses Withhold Full Punishment for Sex Abuse

By Patricia Montemurri  
Detroit Free Press  
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Despite the strict promises made last year by U.S. Catholic leaders seeking to end a raging sex-abuse crisis, some Michigan bishops are opting not to take the next big step -- booting predatory priests out for good.

Among Michigan's seven dioceses, only Archdiocese of Detroit officials now say they will ask the Vatican to laicize the errant priests. The rare procedure formalizes a priest's return to the status of layperson and severs his ties to his diocese.

Bishops in Kalamazoo, Grand Rapids, Saginaw and Marquette say what they've already done -- banning the men from working, dressing or identifying themselves as priests -- satisfies rules adopted by U.S. Catholic bishops at two meetings last year.

Although church officials' early predictions suggested that only 1 or 2 percent of Michigan priests would be caught in the scandal, a tally by the Free Press shows that about 5 percent of active diocesan priests statewide were removed from their jobs since January 2002. The Free Press found that at least 38 Michigan priests were banned from publicly saying mass and wearing the Roman collar because of allegations of past sexual misconduct involving minors.

Only a minority of them are likely to be laicized, because the intricacies of church law, much of it similar to U.S. civil law, takes precedence over the public promises made by church leaders.

"If the goals . . . are to protect the children, we believe that we've taken sufficient steps to achieve that goal through their removal from public ministry," Brent King, a spokesman for the Kalamazoo Diocese, where two priests were barred from the altar, said last week.

At the two meetings of the U.S. Conference of Catholic Bishops last year, church leaders insisted they would push for laicization of guilty priests. The only exception, they stressed, was for priests who were elderly or in poor health. Those men, the bishops said, would be banned from public ministry to live a life of monitored, quiet reflection.

"The impression bishops left, intentionally or otherwise, was that known molesters were going to be kicked out," David Clohessy, cofounder of Survivors Network of those Abused by Priests (SNAP), said Sunday.

Clohessy said he was surprised to learn that some bishops were stopping short of that. He said their action negates their public pledge to strictly and uniformly apply the new standards.

"The bishops enacted a policy that sounds terrific on paper," Clohessy said. "And the minute the spotlight begins to shift elsewhere and the pressure begins to fade, bishops reassert their own power and discretion, and begin backtracking."

Interpreting the rules The new rules don't require bishops to press for laicization, canon law experts said. For example, bishops do not have to ask the Vatican to waive the church's 10-year statute of limitations on misconduct charges against priests faced with old allegations.

Also, if a bishop has disciplined a priest for past misconduct, punishing him again may be prohibited by church law because it constitutes double jeopardy.

Even a priest who served jail time might not be a candidate for laicization, said the Rev. Arthur Espelage, executive director of the Canon Law Society of America in Washington, D.C.

"Just as in civil law, ecclesiastical law says there should be no double jeopardy," said Espelage, a Franciscan priest who studied at the former Duns Scotus Seminary in Southfield.

Espelage said the controversy that enveloped bishops last year "made it extremely difficult to write good law when the atmosphere around you is so emotionally charged and you have the glare of media lights."

"This is new for everybody. It's not surprising to me that there's some variations. There are going to be," said Espelage.

The Vatican is to review the new rules in two years, and Espelage said further clarifications may be addressed by U.S. bishops at their June meeting in St. Louis.

Canon law gives accused priests rights of due process, to appeals and to a canonical trial, in which panels of three lawyer-priests sit in judgment.

"No priest should be laicized," said Joseph Maher, a Redford Township businessman who cofounded a priest support group -- Opus Bono Sacerdotii, which is Latin for "Work for the Good of the Priesthood."

"Bishops have the responsibility to the priests who've committed serious crimes to take care of them instead of setting them loose on society.

"The bishops are now changing their stance radically because they responded to public outcry and to victims groups . . . and told them whatever they wanted to hear.

"However, the Vatican and the Holy Father say you respond according to the gospel of Jesus Christ, that you respond in a most charitable, fair manner."

Exercising an option In the Grand Rapids Diocese, Bishop Robert Rose has met with four diocesan priests removed for past abuse "and permitted them to enter the state of prayer and penance," said spokeswoman Mary Haarman.

They are a retired priest in his early 70s, two who are in their 50s and the Rev. Michael Walsh, 65, who had been ordained for one month when he was ousted over an abuse allegation stemming from when he was a layman 40 years earlier.

Another Grand Rapids diocesan priest has voluntarily asked to be laicized, said Haarman, and a sixth priest, a Dominican, is being disciplined by his Illinois-based religious order.

Rose's decision means the men, including Walsh, will remain priests and continue to be supported financially by the diocese.

"Under canon law, the bishop is responsible for general sustenance of the clergy," Haarman said.

In the Saginaw Diocese, an elderly priest and a priest in his 50s were barred from ministry last year by Bishop Kenneth Untener.

"They are not able to present themselves as priests, act as priests, dress themselves as priests," spokeswoman Cathy Haven said. "And nothing else is required in their cases."

Bishop James Garland of the Marquette Diocese, which covers the Upper Peninsula, removed three priests last year, "and the diocese has no plans at the current time to seek their dismissal from the clerical state," spokeswoman Loreene Zeno Koskey said.

In the Gaylord Diocese, Bishop Patrick Cooney has not decided on further action concerning five removed priests, said spokeswoman Candy Neff. Bishop Carl Mengeling of the Lansing Diocese, where two priests were removed, would not discuss his plans.

Kalamazoo Diocese Bishop James Murray does not intend to ask the Vatican for laicization of two ousted priests. One is in his 50s, and one is retired.

"We're sending the cases to the Vatican for review, but we're not asking that they be laicized. We're not going to ask for canonical trials," said Kalamazoo spokesman King. "It doesn't have to go through the canonical process. We have that option."

**Fighting laicization** The clergy sex-abuse scandal in Michigan touched about one of every 20 diocesan priests, yanking them from pastorships, hospital chaplaincies and other diocesan jobs in a vocation already shrunken by a decades-long decline.

There were about 710 active diocesan priests in Michigan in 2002, down nearly 15 percent from a decade ago, according to the National Catholic Directory. Of the 38 Michigan priests ousted for abuse involving minors, 37 were diocesan priests and one was a Dominican religious order priest in the Grand Rapids Diocese.

Nearly 6 percent of diocesan priests serving the Archdiocese of Detroit during 2002-03 were removed because of allegations of sexual abuse involving minors. That represents 18 out of 311 active archdiocesan priests.

Those figures don't reflect several archdiocese priests who were previously banned from ministry during the 1990s because of abuse allegations. Their cases also could be submitted to the Vatican for possible laicization.

Among them is the Rev. Lawrence Nawrocki, who was released from prison in 1994 after a 1989 conviction for molesting three Macomb Township boys. Nawrocki is banned from public ministry, but he has never been laicized.

Msgr. Walter Hurley, a church lawyer who handles sex-abuse cases for Cardinal Adam Maida, said several accused priests who are of retirement age likely will not be candidates for laicization.

One of those priests may be the Rev. Robert Burkholder, branded by Wayne County Prosecutor Michael Duggan as one of Michigan's worst priest pedophiles. Burkholder, who is in his mid- to late 80s, spent November in a Wayne County jail after being convicted of past abuse. He has been banned from public ministry for nearly a decade and is believed to suffer from dementia.

Hurley declined to discuss individual cases, but he said many of the priests with documented cases of abuse will be presented with limited options.

"Do they wish to seek laicization voluntarily, or do they wish that the cardinal seek laicization for them?" Hurley said. "The cardinal has indicated to them where they stand, and now it's up to them."

Hurley said he expects some priests to fight.

The archdiocese has hired a private investigator, a former Dearborn police officer, to investigate and prepare evidence to bolster cases submitted for review by the Vatican's Congregation for the Doctrine of the Faith.

The Rev. Dennis Laesch, who was removed as pastor of St. Alfred Church in Taylor a year ago, is fighting his dismissal on allegations that he molested a 17-year-old boy at a Sanilac County cottage in 1997.

A prosecutor decided in 1997, and again last year, that he would not file charges against Laesch. Laesch has denied the allegation. Investigators' records show the boy took a lie detector test that was inconclusive. Laesch declined to take one. The archdiocese paid the accuser a \$125,000 settlement in 1997, and Maida made Laesch a pastor in 2000.

"This case has already been decided. It was investigated by Cardinal Maida and his church, and I was cleared and put back to work, after which he made me a pastor," Laesch said last week. "The matter has been decided, and the cardinal can't come back five years after the fact."

Laesch's case may be one that results in a canonical trial. The last trial held in the Detroit Archdiocese was more than 20 years ago. A priest was found not guilty of charges that did not involve sexual misconduct, Hurley said.

Treatment less common in the past, priests accused of sexual misconduct often were dispatched to centers for psychiatric treatment. But what was routine before the scandal, now is rare. Most of the archdiocese's accused priests have declined treatment on the advice of lawyers because to do so would indicate guilt, Hurley said.

Nearly every one of the accused Detroit-area priests is eligible for a pension of about \$12,000 a year, provided they have worked as priests for 15 years.

Hurley also is considering whether job training and some financial support may be needed for some priests.

"While we don't have that kind of obligation under justice, we have that kind of obligation under charity," Hurley said. "There are those who are older, who would have a great deal of difficulty under any circumstances finding employment."

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### **38 WERE REMOVED**

These 38 Michigan priests were removed from public ministry since January 2002 because of allegations of sexual abuse involving minors.

#### **ARCHDIOCESE OF DETROIT:**

The Rev. Edmund Borczyk  
The Rev. William Brennan  
The Rev. Gary Bueche  
The Rev. Tony Conti  
The Rev. Michael Daly  
The Rev. Dennis Duggan  
The Rev. Jude Ellinghausen  
The Rev. Robert Haener  
The Rev. Dennis Laesch  
The Rev. Walter Lezuchowski  
The Rev. Alfred Miller  
The Rev. Ralph Quane  
The Rev. Joseph Sito  
The Rev. Gerald Shirilla  
The Rev. Timothy Szott  
The Rev. Ron Williams

The Rev. James Wysocki  
The Rev. Robert Wyzgoski

**DIOCESE OF GAYLORD:**

The Rev. Patrick Barrett  
The Rev. Ron Gronowski  
The Rev. James Holtz  
The Rev. John Tupper  
An unnamed priest

**DIOCESE OF GRAND RAPIDS:**

The Rev. Daniel Aerts  
The Rev. Louis Baudone  
The Rev. Vincent Bryce  
The Rev. Donald Heydens  
The Rev. Dennis Wagner  
The Rev. Michael Walsh

**DIOCESE OF KALAMAZOO:**

The Rev. Thomas DeVita  
The Rev. Leroy White

**DIOCESE OF LANSING:**

The Rev. Tim Crowley  
The Rev. Vincent DeLorenzo

**DIOCESE OF MARQUETTE:**

The Rev. Joseph Carne  
The Rev. Raymond Hoefgen  
The Rev. Guy Thoren

**DIOCESE OF SAGINAW:**

The Rev. John Hammer  
The Rev. Leonard Wilkuski

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