

2-4-07 - Diocese continues its evasions

The Orange County Register (CA), STEVEN GREENHUT, Sr. editorial writer and columnist

Some readers can't understand why I have remained so frustrated with the Roman Catholic Diocese of Orange and the Orange County District Attorney's Office with regard to the child-rape scandal that for years has festered within the church. To many observers, the church has come clean by announcing new zero-tolerance and other policies in 2004 and has paid 90 victims a record-setting \$100 million in compensation in 2005. The D.A.'s office claims to be tough on the issue.

What more do people such as me want?

Yet I'm left with the sinking feeling one gets whenever there is a miscarriage of justice. Most of those priests and teachers who committed abuse have paid no penalty for it. Many of the same church leaders who protected the abusers and stonewalled the public are still in influential positions within the diocese. The D.A.'s office has far more excuses than convictions. And the diocese is still fighting to keep matters quiet, apparently having kept secret several alleged abuse cases even as it was championing its new policies and financial settlement.

That sinking feeling is confirmed by a recent lawsuit brought by attorney John Manly against the diocese, Mater Dei High School and former teacher and assistant basketball coach Jeffrey Andrade. The depositions in the case, taken last month, offer a window into the thinking of church officials and into the actions – actually, inactions – of the D.A. The case, which involves the alleged repeated sexual abuse by Andrade of a then-15-year-old Mater Dei student, serves as a microcosm of the scandal and a reminder that all is not well, even now, despite all the claims of a newfound spirit of openness and compassion.

From the depositions with Andrade, the current president of Mater Dei, Patrick Murphy, and the victim, known only as Jane C.R. Doe, we learn that secrecy is still the order of the day. The diocese used its legal muscle to prevent Manly from taking depositions about other perpetrators at Mater Dei, and the interviews depicted in the legal documents show diocese attorneys being as evasive as possible.

Murphy admitted under oath that there were "less than 10" other faculty members who were terminated from the school for suspected sexual abuse since 1990. Who are they? Do they still have teaching jobs or jobs within the diocese? We'll never know because the diocese zealously protects that information, more interested as it is in avoiding more costly legal trouble than in assuring that other children are not violated by these potential predators.

We learn that nothing of substance seems to have changed from the bad old days, when church leaders shuttled suspected rapists off to other schools and parishes, with no one in authority caring about any likely future victims. For instance, Andrade was allowed to resign even though Mater Dei's Murphy admits that he strongly believed that Andrade was sexually abusing the student. In fact, that was school policy: allowing those suspected of child rape to resign their positions and go work somewhere else without anyone learning about the real reasons for the resignation.

From Murphy's deposition:

Attorney Manly asks Murphy, who was then the school principal, whether he thought Andrade had sex with the girl.

Murphy: "I thought he had an inappropriate relationship."

Manly: "You thought he had sexual activity with her, yes?"

Murphy: "Yes."

Murphy then explained how he followed school policy and allowed Andrade to resign or face termination.

Manly: "Did you ever call the police after that interview and say, 'This guy did it. Get him away from kids. Get him in jail. Put him in jail'? Did you do that?"

Murphy: "No."

Manly: "Why?"

Murphy: "That's not my responsibility. ..."

Unfortunately, the overall safety of kids was no one's particular responsibility. Everyone in authority did the bare minimum, when they did anything at all.

We learn that even the most obvious clues about the abuse did not immediately spark any serious action by school authorities. For instance, Murphy saw the student with Andrade during a Mater Dei basketball tournament in Las Vegas, and thought it unusual for a schoolgirl to be there with the assistant coach. Several students saw Andrade get in a loud spat with the girl in the school parking lot. A teacher intercepted a note from two other students during class talking about Andrade's sexual relationship with the girl. No one at the school contacted the girl's parents.

We learn that school officials were in regular contact with the D.A.'s office and law enforcement about the status of the Andrade case once it reached the point of a police investigation. Manly believes that the diocese was trying to tamper with the investigation.

Despite a detailed police report that alleges an illegal sexual relationship between an adult teacher and a child, including incidents where the teacher allegedly pressured the girl to perform certain sex acts on him, the D.A. found no reason to file charges. Yet the girl's testimony was credible. For instance, she could describe Andrade's house in detail, even though he claimed she had never been inside it.

When I asked D.A. spokesperson Susan Schroeder why the office didn't file charges, she said it was because the statute of limitations had run out. The statute has run out now, which explains why the D.A. didn't file charges after Andrade recently admitted under oath that he had sex with the girl. But that doesn't explain the lack of interest by the office nearly a decade ago.

The school got serious about the matter after an informant asked the assistant principal how this incident could go undetected for so long. But even after that point, some school officials sided with Andrade. In a situation described ably by Gustavo Arellano, who first reported the story in the O.C. Weekly, the school's legendary basketball coach Gary McKnight stormed into the room where school officials were interviewing Andrade and told him not to talk to them until he had a lawyer.

Ultimately, Andrade was allowed to resign. He later was hired for another teaching job in a local public school district and then was involved with a high school fund-raising company. Despite his behavior, Mater Dei has worked with Andrade's company as late as 2002, and Andrade was allowed back onto the campus to attend events.

The diocese seems to have treated Andrade as the victim. It awarded him \$100,000 after he filed a lawsuit because the diocese included him on a list of alleged sexual perpetrators. But he later admitted he was a perpetrator, and the church believed him to be one at the time.

"The diocese has promised openness and transparency," Manly said. "Their position in this is neither open nor transparent. It is consistent with an organization that's trying to hide something, which is what got it into trouble in the first place. When faith-based organizations hide behind legal arguments to prevent the disclosure of child abusers, those organizations are corrupt."

Church officials have depicted Manly as some sort of ambulance-chaser. But had it not been for such civil lawsuits we would know nothing about the Andrade situation, or many of the other incidents involving predators within the diocese. It's not as if the D.A. had zealously pursued these matters or deposed many diocese officials.

Is it that hard to understand why I'm skeptical that kids are any better protected now than they were in the past?