

Jury finds that SF diocese should have known about sex abuse

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SAN FRANCISCO - The Archdiocese of San Francisco knew or should have known that one of its priests was sexually abusing young boys during the 1970s, a jury decided Friday in a landmark case.

By a 10-2 vote, jurors decided in favor of molestation victim Dennis Kavanaugh, who had filed a civil lawsuit against the diocese alleging that the late Rev. Joseph Pritchard had molested him during the early 1970s.

Kavanaugh's was the first of more than 750 civil lawsuits against Roman Catholic dioceses in California to go to trial since the state temporarily lifted the statute of limitations for filing sex-abuse claims in 2002.

The verdict and any subsequent award for damages in his case could have broader implications for the hundreds of pending sex-abuse lawsuits.

The archdiocese did not dispute that Kavanaugh was abused. The question before the jury was whether Pritchard's superiors knew or should have known about it.

"This victory is based and rests on the efforts, the courage, the guts and determination of so many incredibly brave survivors that came forward over the years," Kavanaugh's attorney, Larry Drivon, said afterward. "This is a vindication of their bravery."

Jurors will now decide what damages to award Kavanaugh, 47. Drivon said his client would not speak publicly until then.

An attorney and a spokesman for the archdiocese declined comment.

David Clohessy, executive director of the Survivors Network for those Abused by Priests, called Friday's decision a victory for all victims.

"It's the one thing so many survivors definitely want, which is to expose the truth in court," he said outside the courtroom, wiping away tears. "I was just so relieved that the church's hardball, hairsplitting legal maneuvers didn't fool this jury."

Diocesan officials have said they were unaware of any abuse. They said Pritchard, who died of cancer in 1988 before the allegations became known, was a highly respected and well-liked pastor at St. Martin of Tours in San Jose.

Two of Pritchard's victims, now in their 40s, testified that another priest who lived at St. Martin's caught Pritchard in the act of molesting them.

During testimony that was often emotional, the men, now 43 and 40, described how Pritchard sat them on his lap, put his hand under their clothing and masturbated them.

The other priest, the Rev. Lino Pelerzi, admitted seeing boys in Pritchard's lap but denied witnessing any abuse.

The diocese had argued that Pelerzi, who belongs to a religious order based in Italy, wasn't supervised by the diocese, so what he knew or didn't know was irrelevant.

But in a deposition, San Francisco Archbishop William Levada said the bishop was Pelerzi's supervisor at the time and that he should have reported the activity if he saw what the men say he did.

Expert witnesses also testified that because less was known about child molesters in the early 1970s, Pritchard's behavior wouldn't necessarily have aroused suspicion.

One victim who attended this week's proceedings to support fellow victims of priest abuse said such statements were ridiculous.

"The church is never going to admit any wrongdoing," said Wayne Presley, 47, who says he was molested by a now-defrocked monsignor for five years. "People would forgive the church. ... I don't think they've learned their lesson."

Damage awards in this case and in another sex-abuse case headed to trial against the Oakland diocese could affect eventual settlements in the hundreds of abuse cases against the Catholic Church statewide.

Testimony on the damages portion of the trial will begin Monday in San Francisco before the same jury of six men and six women. Kavanaugh's lawyer said he hasn't yet decided on a target damage amount.