

July 11, 2007 - Wisconsin Court Reinstates Suit Against Milwaukee Archdiocese Over Sex Abuse

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The Wisconsin Supreme Court revived a lawsuit against the Archdiocese of Milwaukee on Wednesday, ordering more proceedings into whether childhood victims of sexual abuse can sue the diocese for fraud.

The court said four victims of sexual abuse in the 1970s and 1980s cannot sue the diocese for negligence for failing to supervise the priests who molested them because the statute of limitations has expired. The three-year limit started ticking on the date of the last sexual assaults of each victim, the court said.

But the court reinstated the victims' claims of fraud against the diocese and ordered more proceedings to determine whether the six-year statute of limitations for such claims had expired.

Peter Isely, Midwest director of the Survivors Network of Those Abused by Priests, said the "historic decision" clears the way for new lawsuits against Wisconsin church officials who covered up abuse for decades. He said he believes it is the first time such a fraud claim has been allowed to proceed in the U.S.

"There was an intentional policy to misrepresent, deceive and lie to every citizen in this state as bishops systematically transferred known child rapists through virtually every community in Wisconsin," he said. "This decision permits victims to hold perpetrators and their leaders accountable for that."

In this case, victims say the diocese fraudulently claimed priests Siegfried Widera and Franklyn Becker were not a danger to children and had no history of molesting children when church officials knew otherwise.

Three victims say Widera abused them between 1973 and 1976. He had already been convicted for sexually molesting another child, and the diocese knew of the conviction and another instance in which he molested an altar boy, the victims said. The fourth victim claims that Becker abused him in 1982 when he was an altar boy.

Both priests were eventually transferred to California, where they abused numerous other boys.

The proceedings should answer the key question of when the victims discovered the fraud, Justice Patience Roggensack wrote in the court's 5-2 decision.

"We cannot determine when the plaintiffs knew or should have known of the Archdiocese's alleged knowledge of the priests' past histories of sexual molestation of children," she wrote. "Therefore, their claims may or may not be time-barred ... depending on when the claims for fraud accrued."

Attorney Jeff Anderson, who represents the victims, called the ruling "a real mixed bag." His four clients are looking forward to proving their fraud claims, but many other victims will not be able to sue for negligence, which is easier to prove, he said.

"We're obviously delighted for the clients that we represent that were so profoundly wounded here, but we're deeply concerned and saddened and worried for all the other children who have been wounded," he said.

The additional proceedings will "expose a long-standing pattern of deception, deceit and duplicity by the archdiocese officials in concealing crimes and protecting predators," he said.

Diocese spokeswoman Kathleen Hohl said church officials "respect the Supreme Court's decision and will abide by it."

"Our legal counsel will begin preparing for the next steps in the legal process," she said. "We apologize to all those who have been affected by clergy sexual abuse, especially victims/survivors and their families."

Lower courts had dismissed both the fraud and negligence claims, citing the statute of limitations.

In a partial dissent, two members of the court said the victims should be able to sue for the diocese's negligent supervision of the priests.

"Decades have elapsed since the alleged wrongful conduct of the Archdiocese occurred," Chief Justice Shirley Abrahamson wrote, joined by Justice Ann Walsh Bradley. "But that should not prevent the plaintiffs from having their day in court."

Isely said the ruling will also put pressure on state lawmakers to pass a law allowing a window of time for negligence claims stemming from the abuse scandal can be filed. Other states such as California and recently Delaware have done so, he said.