

SEX ABUSE AND SIGNS OF FRAUD

by: Gordon J. MacRae

Three years before the latest wave of clergy sex abuse claims rippled out of Boston across the country, Sean Murphy, age 37, and his mother, Sylvia, demanded \$850,000 from the Archdiocese of Boston. Sean claimed that three decades earlier, he and his brother were repeatedly molested by their parish priest. In support of the claim, Mrs. Murphy produced old school records placing her sons in a community where the priest was once assigned. No other corroboration was needed. Shortly thereafter, Byron Worth, age 41, recounted molestation by the same priest and demanded his own six-figure settlement. The men hoped to utilize the previously established practice of "blanket settlements," a precedent set in the early 1990's when a multitude of molestation claims from the 1960's and 1970's emerged against Father James Porter and a few other priests. In 1993, the Diocese of Fall River settled some 80 such claims in one fell swoop. Other Church institutions followed that lead on the advice of insurers and attorneys.

Before the Murphys' \$850,000 demand was paid, however, Sean, his mother, and Byron Worth were indicted by a Massachusetts grand jury for conspiracy, attempted larceny, and soliciting others to commit larceny. It turned out that Sean and Byron were once inmates together at the Massachusetts Correctional Institute at Shirley where they concocted their fraudulent plan to score a windfall from their beleaguered Church. On November 16, 2001, Sean Murphy and Byron Worth pleaded guilty to all charges and were sentenced to less than two years in prison for the scam. The younger Murphy brother was never charged, and Mrs. Murphy died before facing court proceedings.

Local newspapers relegated the Murphy scam to the far back pages while headlines screamed about the emerging multitude of decades-old claims of abuse by priests. When two other inmates at MCI-Shirley accused another priest in 2001, A Boston lawyer wrote that it is no coincidence these men shared the same prison. "They also shared the same contingency lawyer," he wrote. "I have some contacts in the prison system, having been an attorney for some time, and it has been made known to me that this is a current and popular scam."

It is not difficult to understand the roots of such fraud. Prison inmates, like others, read newspapers. Just months before the onslaught of claims against priests, the Archdiocese of Boston landed on the litigation radar screen with the notorious arrest of Mr. Christopher Reardon, a young, married, Catholic layman, model citizen, and youth counselor at a local YMCA who was also employed part-time at a small, remote parish outpost north of Boston. As Mr. Reardon's extensive serial child molestation case came to light - with substantial and graphic DNA, videotape, and photographic evidence of assaults that occurred over previous months - the YMCA quickly entered into settlements consistent with the State's charitable immunity laws. In a search for deeper pockets, however, a local contingency lawyer pondered for the news media about whether the rural part-time parish worker's activities were personally known - and covered up - by the Cardinal Archbishop of Boston. It was a ludicrous suggestion, but it was a springboard to announce in The Boston Globe (July 14, 2001) that "the hearsay and speculation" among lawyers and clients, is that "the Catholic Church settled their cases [of suspected abuse by priests] for an average of \$500,000 each since the 1990's."

It was a dangled lure that would soon have many takers, some of whom have been to the Church's ATM more than once. In January of 2003, at the height of the clergy scandal, a 68-year-old Massachusetts priest had the poor judgement to be drawn into a series of suggestive internet exchanges with a total stranger, a 32-year-old man named Dominic Martin. Using a threat of media exposure of the printed exchanges, Mr. Martin demanded that the priest leave an envelop containing \$3,000 in a local restaurant lobby. The frightened priest, who never had a prior accusation, compounded his poor judgment by paying the demand. Soon after, another cash demand was made, but the priest finally called the police who set up a sting of their own. On January 24, 2003, Dominic Martin and his wife, Brianna, were arrested at the drop point, and charged with extortion.

The police report revealed that Mr. Martin had changed his name. His birth name was identified as Tod Biltcliffe, a man who, a decade earlier, obtained a lucrative settlement when he accused a New Hampshire priest of molesting him in the 1980's. At the time, the priest protested that Mr. Biltcliffe was committing fraud and larceny. The Church settled

anyway. Biltcliffe's claim was that when he was 15 years old, the priest fondled his genitals while the two were in a hot tub at a local YMCA. Curiously, the investigation file contained a transcript of a 1988 "Geraldo Rivera" show entitled "The Church's Sexual Watergate." One of the cases profiled was that of a young man who claimed that a priest fondled his genitals while the two were in a hot tub at a local YMCA.

The 1988 "Geraldo" transcript was a sensationalized account of clergy sex abuse cases from the 1970's and 1980's. In addition to the all-too-coincidental tales of YMCA hot tub fondlings, the transcript is notable because it contains many of the same claims of exposing secret Church documents, archives, and episcopal cover-ups in 1988 that lawyers and reporters claim to have exposed in 2003. Writer Jason Berry, and contingency lawyers Jeffrey Anderson and Roland Lewis all appeared live on "Geraldo" on November 14, 1988 to announce the existence of secret Church archives, cover-ups by bishops, and out-of-court settlements of Catholic clergy sex abuse claims across the country. Jason Berry, who excoriates the Church and priesthood at every opportunity, actually defended, in 1988, the existence of so-called "secret" Church archives: "Canon law says that you have to have a secret archive in every diocese....That's funny because I've been attacking the Church for three years on this....I want to express my own irony of [now] being in a position of defending the Church." [Some may fault the Church for not hearing, in the 1988 "Geraldo" revelations, a clarion call for sweeping reforms of the Church and priesthood. Other "Geraldo" titles from the preceding few weeks in 1988 included, "Housewife Hookers," "Digging Up Dirt on the Dead," "Unlocking the Doors of Great Sex," "Gang Rape: Macho Gone Mad," and "Chappaquiddick: What Really Happened?"]

I have been in prison for eleven years. As a priest, I cringed while the latest wave of abuse claims unfolded in the press in the last few years. Inmates often feel like victims, but some saw the proliferation of abuse claims as a lucrative scam and wondered why they were letting such an opportunity pass. I have been repeatedly asked whether I would give the name of a priest who might have been present in someone's childhood neighborhood, or if I thought the Church would quietly settle if a claim was made. When asked if the claim would be true, the answer is always the

same: "Of course not!" One inmate reported that he was visited by his lawyer who asked if he is Catholic. The lawyer is alleged to have said: "If you want to accuse a priest of something, I can have \$50-grand in your account by the end of the year."

Another inmate told of his narcotics arrest by a detective who was apparently fielding cases for contingency lawyers. The young man reported that he was asked whether he wanted to accuse a priest who had been accused by others. The young man insisted there was nothing he could accuse the priest of, but the detective reportedly suggested: "That's sort of beside the point, isn't it? We're talking a lot of money here." Yet another inmate claims that he indeed was molested by a priest and is awaiting settlement from a distant diocese. The man says little about the abuse beyond a vague and cursory suggestion that he somehow "repressed it." He drones on incessantly, however, about plans for his expected windfall, about investment opportunities, and about how non-invasive the settlement process has been. Another, rather insightful inmate remarked: "Let me get this straight. If I say that some priest touched me funny 20 years ago, I'll be paid for it, I'll be a victim, and my life will be HIS fault instead of mine! Do you have any idea how tempting this is?"

In a 2004 article in The Boston Phoenix, "Fleeing the Shepherds," noted legal expert and author Harvey Silverglate cautioned against capitulating to significant numbers of questionable claims brought after the Church entered into huge blanket settlements. In some cases, such claims were deemed "credible" - the standard established for permanent removal of accused priests - with no other basis than their having been settled.

As accusations swept over the U.S. Church, few in the media dared write anything contrary to the tidal wave gaining indiscriminate momentum against the Church. A notable exception was the left-leaning Catholic magazine, Commonweal ("The Whole Story," Apr.5, 2002) which editorialized: "Admittedly, perspective is hard to come by in the midst of a media barrage that is reminiscent of the day care sex abuse stories, now largely disproved, of the early nineties.... All analogies limp, but it is hard not to be reminded of the din of accusation and conspiracy-mongering that characterized the anti-Communist witch hunts of the early 1950's."

With media coverage of the unprecedented millions invested in blanket settlements, the trolling for claims and litigation continues unabated. Last year, a Boston area high school history teacher and coach of twenty years, a husband and father with no prior record or accusation, was caught up in an internet sting by a detective posing on-line as a teenage boy cruising internet chat rooms for sexual encounters. The practice has netted the detective some 400 arrests, including - by his own estimation - 1 priest, 6 police officers, and 18 public school teachers. The ex-teacher, now prison inmate, related that as the handcuffs were set upon him, before he was even led out of the YMCA to which he had been lured and arrested, the detective asked some curious questions: "Are you a Catholic?" "Yes." "Were you ever an altar boy?" Another "yes." "Were you ever molested by a priest?"

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Suggested Biographical information:

Father Gordon MacRae is in prison for claims alleged to have occurred in 1983, and for which he maintains innocence. His case was extensively analyzed in a two-part series in The Wall Street Journal (April 27/28, 2005) by Pulitzer Prize winning journalist, Dorothy Rabinowitz.