

March 20, 2007 - Mahony accounts of abuse case tape differ

Plaintiffs say he gave the Vatican a graver version of priest's role than he gave the public.

By John Spano, Los Angeles Times Staff Writer

At least six months after Cardinal Roger M. Mahony told his superiors at the Vatican that a videotape provided proof of a priest's criminal misconduct with high school boys, the head of the Los Angeles Archdiocese told the public that the tape showed no sexual activity between Father Lynn Caffoe and the boys, according to court records.

Documents newly filed in the Caffoe civil case provide the first glimpse into confidential priest files that Mahony sought for four years to keep sealed in the midst of a sexual abuse scandal that engulfed the archdiocese. He eventually took the secrecy fight to the U.S. Supreme Court.

In a letter to then-Cardinal Joseph Ratzinger before Ratzinger became pope in April 2005, Mahony said Caffoe had videotaped "partially naked" boys in a state of sexual arousal. The tape was "objective verification that criminal behavior did occur," Mahony wrote, according to papers filed last week in Los Angeles County Superior Court in a lawsuit by four plaintiffs who allege that Caffoe abused them.

In October 2005, in what Mahony told parishioners was the "fullest possible disclosure" about the scandal, he reported that a videotape had been discovered in 1992 in Caffoe's bedroom, depicting "improper behavior" with high school boys. But the cardinal said the boys were "fully clothed" and there was no sexual activity.

Since that report, an appellate court ordered Mahony to turn over confidential files to prosecutors, and a Superior Court judge ruled that the files must be given to plaintiffs suing the church for damages for allegedly failing to protect them from pedophile priests.

J. Michael Hennigan, Mahony's lawyer, said he sees no contradiction between Mahony's public statements and the file contents because at the time the cardinal spoke out, the archdiocese was under court order not to reveal the contents of the personnel files. Hennigan said two judges had reviewed the material and considered the summary to be adequate. The statements "were not intended to be a description of the contents of the files, which we were not allowed to do," Hennigan said. They merely served as "an index, a chronology."

He said he does not think Mahony ever saw the videotape, which is not in the church files and may never have been there, Hennigan said.

Mahony's letter to the Vatican, though still not fully public, was quoted in a court filing by four people who say they were victimized by Caffoe. Their lawyers argue that the letter and other documents, newly released to the plaintiffs, show that Mahony and other officials of the Roman Catholic Church in Los Angeles misrepresented the breadth and seriousness of the priest abuse reports that they received in the years before they moved to fully address the molestation problem.

"Let me be very clear on this: The cardinal did not turn over this information willingly," said Irvine attorney Katherine K. Freberg, who represents plaintiffs in the Caffoe case. "He was forced to by the courts. It is only because of this civil lawsuit filed by these brave victims that we uncovered all the salacious details about what the archdiocese knew about Father Caffoe molesting children."

Caffoe, 61, has been accused of molesting multiple minors between 1975 and 1994. He left the area in 1994 after his therapist reported an abuse allegation to child-protection authorities, and he has not been charged with a crime. Freberg said she has been unable to locate him, but his lawyer, Donald Steier, said he is alive and actively fought to keep his files confidential.

Sandi Gibbons, a spokeswoman for Los Angeles County Dist. Atty. Steve Cooley, said Mahony had not reported Caffoe's alleged crime to prosecutors.

"Not to the knowledge of the people in this office who have been involved in the clergy abuse cases for several years," she said.

Whether the videotape could serve as the basis for prosecution depends on when it was made, who is in it, and whether they would testify, Gibbons added.

The suit by the four Caffoe accusers, which is set for trial in August, is one of more than 500 claims filed against the archdiocese over the decades-long clergy abuse scandal. The archdiocese paid \$60 million to settle with 45 victims in December.

The church long has kept confidential files on sensitive issues involving priests, including sexual abuse accusations and reports of drinking or mental health problems, as well as records of referrals for treatment, reassignments and other personnel matters.

Caffoe's accusers cited portions of his file as support for a motion to seek punitive damages against the church, alleging that it engaged in "oppression, fraud and malice" in disregarding multiple allegations about the priest's misconduct with children.

Mahony called a 2004 report to parishioners "the best information we can glean at this time." In an addendum a year later, Mahony said three families had reported Caffoe to their parish in 1991 for being "overly familiar" with their teenage sons.

Mahony sent Caffoe to a residential treatment center for sexual offender priests, then placed him on "inactive leave" with no priestly assignment. The cardinal filed an amendment to the report in 2005, which he said summarized the contents of the church's confidential files. In the amendment, Mahony revealed that complaints had been lodged against Caffoe as far back as 1975, when parents of altar boys at St. Callistus Parish in Garden Grove reported a "boundary violation" to a pastor.

The church has defined "boundary violation" as an indiscretion "without any evidence of actual molestation."

In a sworn statement taken last month as part of the Caffoe civil suit, however, one of the altar boys' parents said she told the parish priest that Caffoe had molested her third-grader:

Q: "Did (your son) mention to you any fondling of his private parts?"

A: "Yes. He said, 'He stuck his tongue in my mouth and touched my private parts — tried to touch my private parts.' "

The chancellor of the diocese, identified in court papers as Msgr. John Rawden, who served under Archbishop Timothy Manning, Mahony's predecessor, left a note in Caffoe's personnel file stating the priest had been accused of being "overly affectionate" with altar boys.

Hennigan said that Rawden may have used "euphemisms" 30 years ago, but insisted that Mahony had accurately reported what was in the files he inherited when he became archbishop of Los Angeles in 1985.

"It sounds like an accurate description of what's in the file," Hennigan said. "It did not purport to be an accurate description of what happened."

According to the church report in 2005, a nun complained of another "boundary violation" in 1986. Caffoe's accusers, in their court filing, say the complaint they recently obtained actually stated: "Strictly confidential: don't like his association with boys. Think he should not have boys in his room."

A further note from a monsignor concluded that Caffoe had been engaging in "a few things that are clearly against policy, e.g. minors in his room," the court filing said.

In 1989, Caffoe was named associate pastor of St. James Parish in Redondo Beach. That same year, an anonymous woman complained that she had seen Caffoe on separate occasions engaged in what Mahony described in his 2005 public report as "inappropriate behavior" with two boys.

The church's files show the complaint accused Caffoe of hugging and fondling the boys, the plaintiffs argue in their court papers. Msgr. Thomas Curry, then vicar for clergy for Mahony, informed Caffoe of the complaint but asked for no explanation, made no accusations and took no further action, according to allegations contained in court papers.

Church spokesmen have said that was because the complainant insisted on being anonymous.

Mahony's 2005 report said the next complaint came in 1991, when "the pastor and the school principal (a nun) at St. James report to vicar for clergy various boundary violations by Fr. Caffoe."

According to the plaintiffs, newly filed court documents, the complaint was that Caffoe "seems to spend an inordinate amount of time with the boys hired to work in the rectory part-time.... The principal recalled that she once found Fr. Caffoe alone with an eighth-grader in a dark area of the parish hall, an event which the archbishop deemed 'strongly suggestive of improper behavior.' "

Less than a week later in 1991, parents of three boys also complained about Caffoe, according to the church report. A month after that, the church restricted Caffoe's ministry — after the priest's therapist reported the suspected abuse to law enforcement.