

2-29-08 - Suit Against Priest To Involve Church Officials

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A rare civil trial involving a priest and a former altar boy began playing out in a Hartford courtroom Thursday, with signs that the case could provide explosive details about how the Catholic church has dealt with sex-abuse allegations.

F. Glenn Sutherland claims that the Rev. Stephen C. Foley molested him in the 1970s while he was an altar boy at a Bloomfield church and that the Archdiocese of Hartford did nothing about it.

Foley, who also served as state police and fire chaplain, has been sued by 11 men who say he molested them when they were children. All but Sutherland and one other have settled, with the archdiocese paying hundreds of thousands of dollars.

But at a court hearing Thursday, attorney Robert I. Reardon, who represents Sutherland, made it clear he intends to call Archbishop Henry J. Mansell and former Archbishop Daniel J. Cronin as witnesses when the trial begins in early April. He also said he plans to call the former secretary to deceased Archbishop John F. Whealon and a bevy of current and former priests who worked with Foley.

One person who apparently won't be testifying is Foley.

His attorney, Julie Strzemienski, told Judge Lois Tanzer Thursday that Foley no longer lives in Connecticut and "would prefer not to have to appear" to testify at the trial. Strzemienski would not reveal Foley's current address, indicating only that he has moved recently to Virginia.

That led Reardon to file an emergency motion to force Foley to give a video deposition that can be shown to the jury as a substitute for live testimony.

When Strzemienski started to object to a taped deposition of Foley and asked for time to file written briefs on the motion, Reardon jumped up and yelled, "He's going to get away, your honor, he's going to escape." Tanzer issued the order authorizing a video deposition of Foley.

Foley had been living at St. Thomas Seminary in Bloomfield until last March, when he was ordered to leave after The Courant reported he was driving around in a fully loaded Ford Crown Victoria, similar to what state police troopers drive.

The men who have made allegations against Foley since 1993 contend that the priest lured them with his position as chaplain and his pseudo-police car. They were attracted by the lights and sirens, they said, and the access Foley had to fire and accident scenes, lawsuits allege. Most of the alleged incidents occurred during the 1970s, including those alleged by Sutherland.

Besides ordering Foley to leave the seminary, Mansell ordered him to sell the Crown Victoria. He turned in the license plates for the car last April, state records show.

Sutherland was an altar boy at Christ the King Church in Bloomfield in the early 1970s, when he claims Foley sexually molested him at a beach house in Niantic. Sutherland now lives in the Baltimore area and works in the insurance business.

The archdiocese removed Foley from his Glastonbury parish in 1993, following the first abuse complaint, and put him at the seminary, where he performed no duties but received free room and board, a monthly stipend of more than \$1,000, and health insurance. He was ordered not to wear the Roman collar in 2002, but he has not been stripped of his status as a priest, or laicized.

The archdiocese has continued to pay Foley that monthly stipend and provide him with health insurance since his removal from the seminary because it is obligated to do so for all of its priests after they are ordained.

Archdiocese attorney Jack Sitarz tried to convince Tanzer that there should be separate trials for the archdiocesan corporation and Foley, claiming that the sexual abuse allegations against Foley could prejudice the case against the archdiocese.

"This is a highly unusual case that has some highly inflammatory allegations against a co-defendant that could taint the jury and unfairly prejudice my client," Sitarz said. "I have never represented Father Foley. He has always had his own counsel in this case and we have always taken the position that his actions, if proven true, were far outside the parameters of a Catholic priest."

Reardon argued it was disingenuous for the archdiocese to now want to separate itself from Foley, after paying him and housing him for nearly 40 years.

"Throughout all of this litigation the archdiocese has vigorously defended Father Foley and now on the eve of the trial they are all of a sudden trying to run away from him and distance themselves," Reardon said.

Tanzer denied the motion. She also denied Reardon's attempt to exclude Catholics from the jury. Reardon argued there could be a conflict of interest for practicing Catholics who would have to decide whether to award the plaintiff money that they themselves would ultimately have to pay.

That ruling was one of several Tanzer made Thursday in preparation for the trial.

She has asked both parties to return to court today to clear up any other motions.