

Lawsuit alleging coverup is dropped

A priest and two other men had contended they were sexually abused as children by their pastor in Millville.

By Fawn Vrazo
INQUIRER STAFF WRITER

A Roman Catholic priest and two other men who accused the Camden Diocese and American Catholic hierarchy of a childhood sexual abuse coverup have dropped a federal lawsuit after reaching an apparent settlement in the case.

"The only thing I can say is that the case has been resolved," Msgr. Joseph Pokusa, the diocese chancellor, said yesterday.

Msgr. Pokusa said he had "no further comment" on a settlement, and the families of two of the plaintiffs, Terrence M. Smith and Steven M. Stolar of Millville, N.J., also refused to disclose details.

The case's best-known plaintiff, Kentucky priest Gary Hayes — said to be the first American priest to sue the Catholic Church over accusations of being abused by a priest as a youngster — could not be reached for comment.

The lawsuit, filed in June in U.S. District Court in Camden, contended that between 1965 and 1972, two priests conspired to create a "sex ring of children." It contended that the priests' bishops ignored complaints of sexual misconduct made against them and instead transferred the priests to other parishes.

The three plaintiffs accused the Rev. Joseph H. McGarvey of abusing them while he was pastor at St. Mary's Church in Millville, when the alleged victims were aged 12 to 16. Father McGarvey was their pastor at St. Mary Magdalene's, where the boys were active in parish life.

The lawsuit claimed that Father McGarvey and the Rev. William C. O'Connell, who was last assigned to St. Mary's parish in Bristol, R.I., traveled back and forth between the two states specifically to molest Hayes

See **LAWSUIT** on S4

Suit against diocese is dropped

LAWSUIT from S1 and another young boy, plying them with alcohol and gifts.

"I am seeking justice in the courts because I could find no justice in my church," Father Hayes said at the time the suit was filed.

Officials from a victims' support group called SNAP — Survivors Network of Those Sexually Abused by Priests — said the suit was the first to rely on federal anti-racketeering statutes and the first to be brought by a priest who allegedly had been abused.

The lawsuit also accused four bishops — including James T. McHugh, spiritual leader of the 374,000 Catholics in the Camden Diocese — of fraud and conspiracy for covering up the abuse.

Four other New Jersey priests employed by the Camden Diocese were named as defendants involved in the coverup.

U.S. District Judge Jerome B. Simandle signed the order dismissing the case last Thursday, one day short of a deadline for the diocese or its lawyer to be served with a copy of the suit.

The Camden Diocese said in June after the suit was filed that it had no official knowledge of child sexual abuse claims against Father McGarvey until 1992, despite internal memos filed in the mid-1980s documenting the charges:

The Rev. Joseph Perreault, former director of the Camden Diocese's vocations office, has said that he wrote a memo in October 1986 outlining sexual abuse complaints by Father Hayes against Father McGarvey. But Father Perreault said he did not report the accusations to anyone because he did not believe them.

O'Connell, ordained in 1950, resigned from the priesthood in 1985, according to the Providence Diocese. The following year he was convicted of earlier sexually assaulting three boys at his parish in Bristol, R.I. O'Connell served one year in a prison work-release program.

At the time the case was filed, Father McGarvey was on a leave of absence from his current parish in Runnemede.

Inquirer wire services contributed to this report.

The Inquirer

IT'S YOUR LIFE

For Home Delivery Call 665-1234 in Phila. • 1-800-523-9068 in NJ • 1-800-222-2765 in PA • 654-6033 in Del.