

3 decades later, no day in court

Abuse victim upset, feels legal system failed him

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In the end, after almost three decades of keeping quiet but finding no solace in his silence, Nick Jordan decided to tell.

Tell what happened to him at a church in Pacific Beach long ago. Tell church officials, finally, and his mother. Tell police, tell prosecutors – whomever he had to.

After all that, the least he thought he would get was a day in court.

But it wasn't to be.

One day in June the phone rang in Jordan's Los Angeles home. The caller was Deputy Attorney General Peter Quon, one of the handful of officials Jordan had patiently laid out his story to in the previous months.

There would be no day in court, Quon told him.

No day before the bar of justice for Franklyn Becker, the Roman Catholic priest who Jordan says molested him as a teenager at St. Brigid's Church in Pacific Beach in the 1970s.

The U.S. Supreme Court had struck down the state law under which Becker, and others, could face prosecution on allegations they had molested children years earlier.

While Jordan had been told such a ruling could occur, it still stung.

Jordan agreed to be identified for this story. *The San Diego Union-Tribune* usually does not identify victims of sexual abuse.

"Angry, cynical, very disappointed," Jordan said, recalling his reaction to the news. "I felt justice was really not being served."

Four months later, the impact of that court decision is still reverberating.

"I can't tell you how many phone calls we got from victims saying, 'Oh my God, is everything over?' " said Irwin Zalkin, a Del Mar attorney who represents dozens of clients with claims against the Roman Catholic Diocese of San Diego. "This had a real ripple effect in the survivor community, no question about it."

They feel let down, even betrayed, by the legal system. Some are bitter to see those who they say abused them – and left a deep and disturbing wound in their lives – walk free.

Becker, a resident of Wisconsin, was in the process of fighting extradition to California when the law was struck down.

Reached by telephone at his house in Mayville, Wis., recently he declined to answer questions.

He suggested investigating the death of a former pastor of St. Brigid's. "I have nothing further to say to you at this time," he said before ending the conversation.

With criminal prosecutions effectively closed off, Jordan and others are looking toward the civil justice system for some sort of reckoning.

In the next few months, attorneys say, scores of people who claim they were abused by clergy and other members of the Roman Catholic Church may be coming forward and filing lawsuits in San Diego County.

Zalkin and other lawyers said there could be as many as 80 suits filed between now and the end of the year, when a law extending the statute of limitations for bringing claims of abuse that occurred years ago expires.

The first of this latest round of suits was filed Oct. 9. Two more were filed on Oct. 14 in San Diego Superior Court.

This past week, three suits were filed against the Roman Catholic diocese contending that those alleging abuse were molested by Monsignor William Kraft at St. Therese of the Child church in San Diego in the mid-1950s and at Good Shepherd Church in the early 1970s.

And a suit brought by five women alleging they were sexually abused by Father Franz Robier at the Church of the Holy Spirit between 1955 and 1957 was filed against the diocese on Friday.

Jordan and several others said the money they may receive in the civil cases is not what drove them to come forward. But critics of the law allowing the suits are skeptical of such claims, contending that money is precisely what is motivating some people to come forward.

From his standpoint, Jordan said he came forward largely because he wanted to make sure Becker did not abuse other children. He and others also said that speaking up was an important part of putting to rest their inner turmoil.

Jordan is wary of what lies ahead.

"I want some action taken, but I don't know," he said. "I would be disappointed if the case were thrown out, or some other wrench thrown into it."

Rodrigo Valdivia, chancellor of the Roman Catholic Diocese of San Diego, said that the church takes all accusations against clergy seriously, and investigates the claims.

"We recognize that whenever there are victims, they have suffered much, and others have suffered," he said. "We always try to reach out with pastoral concern the best way we can."

Uncertainty cited

Uncertainty is common among those who have brought molestation allegations against clergy or others, according to lawyers and activists who have spent hours with them since the ruling.

What stings is that, after years of silence, the victims summoned enough gumption to tell their stories in the hopes of seeing someone prosecuted.

It took two decades for another man, who declined to be identified but lives in San Diego, to approach authorities with his tale of abuse by a priest who has since left the priesthood.

When authorities began investigating, the man said he became somewhat apprehensive about the prospects of a trial and possibly testifying before a jury.

Despite those reservations, when he was told his case would not go forward in June because of the Supreme Court decision, the news hit hard.

"I felt very let down," he said. "It had taken a lot for me to come to the point of being able to do this. There's no justice in this at all."

The man has been receiving counseling – paid for by the church – and hopes to work out a settlement soon, instead of going to court.

In Jordan's case, he said he was molested by Becker in the offices of St. Brigid's when he was 15 years old. He said he did not reveal what had happened because he believed that if word got out in the parish, his family would be disgraced.

But in early 2002, emboldened by news about victims coming forward in Boston, Jordan decided to report what happened.

He told a priest at St. Brigid's, who informed church authorities, who then told the District Attorney's Office.

That is what got the case started. It was eventually handed over to the state Attorney General's Office when District Attorney Bonnie Dumanis – for reasons not yet fully explained – asked the state agency to take over all clergy cases.

Jordan said that learning about other abuse victims coming forward was key.

"It affirmed to me there were other individuals who this had happened to, and I no longer had to worry about whether or not I would be believed," he said.

Jordan spoke at length to investigators and Quon, the prosecutor assigned to the case. On May 9, Quon charged Becker with four counts of sexually abusing Jordan.

Becker was arrested in Wisconsin and spent two nights in jail there before posting bail, Quon said. Quon began extradition proceedings to bring Becker back to California.

Then, six weeks later, the Supreme Court made its decision. And Quon picked up the phone to call Jordan.

"The only gratification is that he was put in jail for – what? – a couple of nights," Jordan said.

Now Jordan, like others, is preparing to move forward with his civil claims.

It took decades

A 52-year-old South Bay man, who wanted to be identified as "Joe," said it took decades to come to grips with abuse he says he suffered as a young boy in the late 1950s.

He filed suit on Oct. 9 against the San Diego diocese, alleging that he was abused by retired Monsignor Rudolph Galindo.

Bishop Robert Brom, in a letter read to church members in August 2002, said Galindo had been accused by three individuals and had admitted to the sexual misconduct when confronted by the bishop. Diocese spokesman Valdivia said he did not know Galindo's whereabouts.

"He's only communicating with me through an attorney," Valdivia said. Joe came forward too late for any criminal action to be taken and now is looking to the civil courts.

"For me, it means some kind of closure to this whole mess," he said in a recent interview in the offices of Zalkin, his lawyer. "Where someone would finally, you know, believes me and understands. That's what I want."

Joe said that when he was 12 years old he told his mother about the abuse. The priest denied the charge to his mother, who then turned around and severely punished Joe by locking him in a closet, he said.

After that, he told no one for more than 35 years, until he finally decided to come forward earlier this year.

Mary Grant, the Southwest regional director for the victims group Survivors Network of those Abused by Priests, said going forward is hard for many.

"A lot of them are turning to the civil process and wondering if they will get justice out of that," she said.

Many of the lawsuits are being brought under provisions of the unique state law that will expire Dec. 31.

The law lifted the statute of limitations on civil claims of child molestation against the church. During 2003, people over age 26 can file civil suits over events of long ago.

Plaintiff's lawyer Zalkin said some who claim abuse are concerned that this law could also be overturned, if church lawyers decide to challenge it.

Zalkin said he was confident the law could survive, but acknowledged that a successful challenge would be "devastating" to those who allege abuse.

Civil claims against San Diego and other Southern California dioceses have been coordinated under a single judge in Los Angeles. Attorneys have been meeting in court-ordered mediation sessions for months, Zalkin said, trying to work out settlements.