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State report on child sex abuse by priests paints sobering picture

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A report stemming from a 1 1/2-year state investigation is giving insight into the sobering extent of child sex abuse by dozens of clergy in North Dakota over a span of decades.

Mike McCleary

In the late 1960s or early '70s, the Rev. Armour Roberts drove three boys from Bismarck to New Leipzig to visit another priest, the Rev. John Owens.

The men mixed cocktails for the boys, and the boys -- high school freshmen -- drank until they were drunk. One passed out and later awoke with Owens standing over him, partially naked and inappropriately touching him. Owens had already molested

another boy. Roberts was in an upstairs room with the third boy.

The boys ran. They bought coffee at a gas station and thought about driving back to Bismarck. But they knew nobody would believe what had happened to them. They'd just get in trouble for stealing a car. They went back to the parish house and spent the rest of the night in the living room. The priests offered one of them a Playboy magazine and tried to convince him to go upstairs with them.

Owens the next day told the boys that “whatever came in this house stayed in this house.”

As they drove home, Roberts told the boys he would be taking a trip to Minot. He asked if any of them wanted to join him.

That incident is one of several detailed in a recent report by the North Dakota Bureau of Criminal Investigation that resulted from a 1 1/2-year investigation of sexual abuse by Catholic priests in North Dakota. The state's two dioceses in June 2019 released to Attorney General Wayne Stenehjem a list of 53 priests who had “substantiated allegations” of sexual abuse.



North Dakota Attorney General Wayne Stenehjem, shown in a file photo.

TOM STROMME, TRIBUNE

Investigators interviewed victims, church officials and accused men. The report is heavily redacted. It doesn't show the names of victims nor indicate how many there are, and Stenehjem's office wouldn't comment on whether it has an estimate.

But the report does give insight into the sobering extent of child sex abuse by dozens of clergy in the state over a span of decades. It also sparked several bills in the 2021 Legislature, though none of them prevailed.

The report

The North Dakota dioceses based in Bismarck and Fargo were the 148th and 149th in the country to release names of offending clergy, according to Terence McKiernan, co-founder of **BishopAccountability.org**. The North Dakota dioceses began compiling their lists of accused priests following revelations in Pennsylvania in 2018 that more than 300 priests had been credibly accused of molesting more than 1,000 children, The Associated Press reported.



The Roman Catholic Diocese of Bismarck, pictured, and the diocese in Fargo cooperated with a recent state investigation into child sex abuse allegations against dozens of priests dating back several decades.

Mike McCleary

The North Dakota dioceses **made their lists public** on Jan. 2, 2020. Stenehjem had met with bishops from the dioceses in June 2019 and asked for church records relating to clergy abuse.

Only two of the 53 priests named by the dioceses were still alive when the list was made public.

Owens, who hosted “Padre’s Platters,” a radio program popular in the 1970s, died last October. The church in 2010 had revoked authorization for him to say Mass in public, present himself as a priest, use the title father or reverend, or hold pastoral and teaching positions in the church, according to the Bismarck Diocese website.

Roberts died in 1989, according to the diocese website. It does not show any disciplinary action was taken against him.

Investigators found enough evidence to bring charges against two living priests -- Norman Dukart of Dickinson and Odo Muggli of Assumption Abbey in Richardton -- but the statute of limitations has expired. No criminal charges can be filed against them.



The twin spires of St. Mary's Church at Assumption Abbey in Richardton reflect the sunset against a clear prairie sky in 2017. The abbey has been a landmark in western North Dakota for nearly 120 years.

Tom Stromme

Dukart was the fifth child in his family, received a lot of attention, and grew up to desire affection, according to the state report. He told investigators that at each parish he served he got close to one, two or three boys. He'd take them camping, one survivor told investigators, and sleep with a different boy each night. One boy said he didn't want to do the things Dukart was doing. The priest held his hands and pounded on his face, the report states.

Dukart would kiss, hug and touch the boys to "show them affection," he told investigators. Then he'd go to confession. He "knew in his mind and heart what he was doing was wrong," he told the agents.

Dukart did not return a phone message seeking comment. The church in 2002 took the same action it took against Owens, essentially barring him from ministering.

A young boy, whose age was redacted in the state report, was doing yard work at St. Mary's Church in Richardton in the summer of 1972 when he went to see Muggli, Assumption Abbey's business manager, to get paid. Muggli instead directed him to the priest's room. There, he started touching the boy and forced the boy to touch him, according to the report. The boy started to cry. Nothing is wrong, the priest told him -- he had to be good and not tell anyone.

Muggli also expected him to come back in a week. He did, and Muggli exposed himself to the boy and tried to force him into a sex act. The boy ran away. He tried to work at the Abbey the following summer, at the urging of his mother. He quit when Muggli's

Muggli's name was not on the original list -- Assumption Abbey is not under the control of the Bismarck Diocese -- but state investigators looking into the diocese lists followed up on a lead.

The living priests

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abuse started again, the report said. The abuse was not reported at the time.

Seven years later, in 1979, Abbey officials in a letter to Muggli expressed concern about his ability to manage his sexual impulses and their concern about him “engaging in homosexual activity with members of the community including children,” the report states. There were no allegations against Muggli at that time -- the letter was written out of concern over appearances, according to current Abbot Daniel Maloney.



Assumption Abbey Abbot Daniel Maloney, shown in August 2017.

Patrick Bernadeau, Dickinson Press

Muggli was not under any sort of behavior control between 1979 and 1991. When accusations were leveled in 1991, Muggli was put under a safety plan that remains in place today and directed to undergo treatment for a period of several months. The treatment was successful, Maloney said, calling it a "one-time thing." Muggli today lives at Assumption Abbey. He can't leave the monastery without permission and is not involved in ministry. He works in the business office, helps with liturgy and is the main organist, Maloney said.

Maloney took over as Abbott in 2017.

The three abbots before him, who are mentioned in the state report, all have died. Maloney said that other than the counseling program Muggli went through, he's unsure what other steps were taken when allegations arose. No new claims of abuse have come forward since the report, Maloney said.

Muggli declined a Tribune request for an interview. When The Associated Press asked him for comment last month, he replied, “How would I respond? No, I don't want to respond.”

The state report references a September 2020 recorded interview between crime bureau agents and Muggli, but attorney general's spokeswoman Liz Brocker told the Tribune that investigation items such as recordings "were either returned to the originating entity or destroyed." She did not specify which was the case with the Muggli recording, despite several Tribune inquiries.

Not only can the two living priests not be charged criminally, but victims have also run out of time to sue for damages.

Several victims comment in the BCI report about growing up in strong Catholic families. Priests were welcomed into homes for meals and conversation. One victim said it was an honor to be chosen to drive Roberts around town in his big white car.

Some said they reported the abuse to church or school officials but nothing was done. One told his mother nothing more than something was wrong with one of the accused priests. His mother beat him "for talking bad about a priest."

One in five girls and one in 13 boys are victims of abuse, according to Kathryn Ross, executive director of **CHILDUSA**Advocacy, an organization that pushes for child protection education and legislation.

"This is really quite an unspeakable epidemic," said Ross, herself a survivor.

Bishop David Kagan of the Bismarck Diocese declined a Tribune request for an interview.

The allegations in the report held "no shock value to me at all," said Jay Ribardi, of Minot, who as a boy was abused by a priest in Louisiana.

Ribardi at age 9 was too young to be an altar server. The head priest allowed it, but the conditions included sex acts and secrecy. Ribardi would go to hell for disobeying, the priest told him, and his family would be kicked out of the church if anyone found out. He didn't question the arrangement until he was a teenager.

"You're taught things are just the way they are, and you suddenly realize one day it's not true," Ribardi said. "It's like the world caves in on you."

Ribardi won a civil lawsuit against the priest and the diocese in 2012, a process that took five years. The abuse experience left him with social anxiety and trust issues that have affected his relationships and career.

Church leaders were aware the priest was a predator, Ribardi said. They sent the priest on sabbaticals and moved him to another church because of complaints against him.

"It's not beyond them to believe they can do anything and suffer no consequence for it," Ribardi said.

Legislation

Since the investigation ended, North Dakota legislators have introduced at least three bills centered on sexual abuse.

Two would have given victims a better opportunity to file claims against their abusers, and another dealt with mandatory reporting of abuse by someone who learned of it while acting in the capacity of a spiritual adviser. All three failed.

House Bill 1382 would have given victims a two-year window for the revival of claims barred by the 10-year statute of limitations. It failed in a 44-49 vote.

Legislation opening a window for claims has been effective in several other states, said Jeff Anderson, a St. Paul attorney who has represented sexual abuse victims for 38 years. North Dakota has been "an awful state for survivors," he said, adding that the new legislation was "forward thinking and far-reaching" long-term public policy that would have given victims a voice and exposed perpetrators.

"Without that, kids aren't safe in any state," Anderson said.

Minnesota passed legislation that opened a three-year window from 2013-16.

Anderson's firm represented 800 survivors as a result. He handled 600 cases in New York after that state opened a one-year window. Four went to trial.

“The wrongdoers and institutions can fight the survivors, but when push comes to shove they know how serious a crime it is,” Anderson said. “They are loathe to take these to trial.”

The bill would have set a troubling precedent, said Cary Silverman, who filed written testimony on behalf of the American Tort Reform Association. With the statute of limitations set aside, plaintiffs could revive decades-old claims against an organization even if the alleged perpetrator was dead. The organization might have changed hands, workers from the time of an incident might have moved on and records might have been destroyed, he said.

"With no ability to defend itself, an organization will have only one choice regardless of its responsibility -- settle," Silverman said.

Extending time for claims

House Bill 1384 -- which was voted down earlier this month by a 62-31 margin - - would have amended an existing law that states a lawsuit must be filed within 10 years of when the plaintiff “knew or reasonably should have known” a claim existed. Instead, plaintiffs would have had 10 years after being advised by an attorney that a potential claim exists.

Most adults who were abused as children don’t disclose the acts until they’re in their 50s, said bill co-sponsor Sen. Kathy Hogan, D-Fargo. They’re often in therapy to deal with the trauma of acts committed years earlier.

“The question is, when does the clock start ticking?” Hogan said.

Hogan, who worked in Cass County human services for 40 years, said the bill would have allowed victims to come forward about the abuse of their childhood. It might also have helped stop the cycle of abuse, she said.

“It often runs in families,” Hogan said. “The abused become abusers.”



Hogan
PROVIDED

Any claim of sexual abuse needs a body of evidence, which is hard to produce if several years have passed since the incident, the senator said. When one victim steps forward, even years later, others sometimes follow with similar stories.

“You can see there really was a pattern,” she said.

The difficulty in reporting abuse moves to another level when a member of the clergy is involved, said Ross, with CHILDUSAdvocacy. Priests are “one step down from God,” she said, and victims feel guilt and concern for not saying anything about the abuse

because they worry the perpetrator will act again -- but to speak out is to indict their family or God.

Allowing retroactive reporting would identify hidden predators, shift the cost of abuse away from the victim, and educate the public about predators and the prevalence of abuse, Ross said.

The bill was unfair to nonpublic schools because North Dakota law treats state entities and political subdivisions under shorter statutes of limitations, opponents argued. For nonpublic schools it "effectively ends the statute of limitations for sexual abuse claims," State Association of Nonpublic Schools lobbyist Shane Goettle said in written testimony to the House Judiciary Committee.

Public schools would still be under a three-year statute of limitations that has been upheld by the North Dakota Supreme Court even if another statute provides a longer period of time, Goettle argued. The bill "unfairly and unjustly discriminates between

private and public institutions," he said.

Privilege of confessional

Senate Bill 2180 sought to remove an exception for reporting sexual abuse if a member of the clergy learns of abuse while acting in the capacity of a spiritual adviser. The bill was dropped shortly after its introduction, with one sponsor saying it had become "a distraction." The Catholic community rallied against the bill, saying it attacked the seal of the confessional.

"Whatever the sponsors intended, the bill did only one thing," said Christopher Dodson, executive director of the North Dakota Catholic Conference. "It removed one narrow exception and that's the priest and penitent privilege."

Members of the clergy are mandated reporters of abuse if it's seen, for example, during services or at a wedding. If a priest learned of abuse during confession he most likely would encourage the confessor to report it, and the bill requiring a priest to report abuse from the confessional would be counter-productive, according to Dodson.

"The purpose (of confession) is to allow them to speak freely in confidence," he said. "If they find out whatever they tell is going to be reported, they're not going to talk."

The conference supported the goal of the legislation but not the way it was outlined. Had the bill passed it would have been "unprecedented in American law," Dodson said.

"There are certain things we just should not do in the United States, in a country that protects the rights of people to practice religion," he said. "Doing something about child abuse is of primary importance, but how do you do it and respect First Amendment rights?"

Ross disagrees, saying the privilege of the confessional should not be absolute. A sexual predator might have 100 victims, and if one is "confessing to raping little boys, you can pretty much guarantee it's going to continue to happen," she said.

"The secret in the confessional is really allowing more children to be raped," she said. "I don't see how that's good public policy."

The bill said nothing about the confessional and the debate about it became distorted, Hogan said.

“It makes me sad because we lost the moment of honest discussion,” she said.

Hogan, herself a Catholic, said she got “some pretty hateful letters” about the bill. Even so, it wasn’t a tough stance to take.

“My advocacy is always about children,” she said. “We can’t even talk about how to protect children from abuse? We all have an obligation.”

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