

Scout's death casts a long shadow

By Paul Feldman
Staff Writer

On a cloudy spring evening last year, 13-year-old Christopher Schultz stepped into the bathroom of his Emerson home and reached for a bottle of liniment.

Hours later, the sandy-haired Boy Scout — who at the time needed just three more merit badges to reach the rank of Eagle Scout — was pronounced dead at Holy Name Hospital in Teaneck.

The death was listed as a suicide. Christopher

had ended his inner torment by painfully poisoning himself with oil of wintergreen.

But for Christopher's parents, Richard and Margaret, the agony remains.

And for parishioners of the Assumption R.C. Church in Emerson — where Christopher attended school and Scout functions — the anguish has just begun.

\$10.5-million suit

Now, some 13 months after the youth's death, a struggle is underway to determine who, if anyone,

should be held accountable. Triggering the dispute is a \$10.5-million negligence suit the Schultzes filed in August.

To the Schultz family, responsibility rests with two groups that are bedrock elements of the tightly knit parish community — the Franciscan Brothers of the Poor, who teach at Assumption's parochial school, and the Boy Scouts of America.

The Schultzes charge that Christopher swallowed poison as a result of being sexually molested in 1978 by a former Franciscan brother, Edmund

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Christopher Schultz

Family pressing \$10.5-million negligence suit

Emerson Boy Scout's death casts a long shadow

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Cookley, who taught history and science at Assumption and also served as scoutmaster of the school's troop. The Scouts and the friars should be held accountable, the Schultzes maintain, because they were more concerned with keeping matters quiet than with preventing such tragedies from occurring.

"My feeling basically is my son was destroyed by the people involved," says Schultz, with an unrelenting tinge of anger. "Suicide is a lousy label. That's like kicking someone already on the ground."

No charges filed
Officials of the church and the Boy Scouts, however, deny responsibility. In fact, they say little about the tragedy except to point out that no charges were ever filed against Cookley by the prosecutor's office.

But while no charges were ever filed, police in New York State say they were at one time prepared to prosecute Cookley for another sex-related incident. In addition, the first assistant prosecutor of Bergen County felt that the Schultzes family's charges were serious enough that national scouting officials should have been alerted.

Virtually the only thing that all parties agree on is that the blue-eyed boy is dead. Even the basic personalities of the child and Cookley are disputed.

Christopher, the Schultzes recall, was a loving, sensitive youth. Others remember him as a loner who didn't fit in with other children.

Brother Edmund, say parents of children who attend the parochial school, was a strict but fair teacher. Others remember him for his unkempt appearance and short temper.

"I don't know how you prevent it, but I don't want to see another kid wind up as Christopher did, another family the way we are."

— Richard Schultz

Perhaps the full truth will never be known. The key witness — the boy — is dead, a major reason why prosecutors say no charges could have been brought. Cookley reportedly moved to his mother's home in Phoenix, Ariz., after leaving the church and cannot be reached for comment. In a recent telephone interview, his mother said she does not know her son's address or how to reach him.

Incidents at camp alleged

Whatever occurred between Cookley and Christopher began in July 1978 at the Pine Creek Reservation in New York, according to the Schultz family's lawsuit.

That year, the Schultzes recall, Cookley invited Christopher to camp several days early to help prepare for the remaining troop members, who would be staying a couple of weeks.

Cookley had spent Pine Creek for Assumption's Troop 337 after he was dismissed in 1976 from his counselor's post at the Bergen Boy Scout Council's Camp No-Be-Bo-So, located in Blairtown. Pine Creek was located on wooded land about 25 miles north of Utica, N.Y.

When Christopher returned home from camp he seemed aloof, recalls his mother, who is a registered nurse. She says she asked him what was wrong, but he repeatedly refused to give an explanation.

Finally, during the fall, Christopher agreed to disclose his story to his mother, prefacing his remarks by saying, "You won't believe me."

Christopher, according to the suit, claimed that Cookley gave him porno-



Edmund Cookley

graphic magazines and materials, forced him to swim in the nude and to wear provocative underwear, and engaged in direct sexual contact with him. After the remaining Scouts arrived, Christopher was required to sleep in Cookley's trailer, where he was sexually molested, the court papers charge.

Other incidents allegedly occurred after the camp stay had concluded. According to the lawsuit, Cookley abused the boy in the basement of the Assumption Church friary and also forced Christopher to bind him and beat him with a rope.

Cookley threatened to kill Christopher if he reported the incidents to anyone, the suit charges.

Told diocesan official

The Schultzes say they quickly contacted a psychologist and the Rev. Thomas McDade, then a high-ranking official of the Newark Archdiocese's school system.

Within a week, Brother Edmund had been called back to the Franciscan order's Fayetteville, Ohio, headquarters, and the parents say they were assured they would receive funds from the friary to offset their medical bills.

Father McDade refuses comment on the case, explaining he is under orders from church superiors to remain silent. Brother Michael, then the head of the friary, won't talk either.

However, another brother at the Ohio headquarters, who identified himself as Brother James, said in a telephone interview that Brother Edmund was removed at the request of the Newark Archdiocese — even though "as a member of our community, we believe he's innocent."

"Our thought at the time was, if he's guilty of a crime, we expect criminal proceedings," recalled Brother James. "To the best of our knowledge from the information that we have gathered, he is innocent," the brother added. "You see, we're not acting under legal terms. You know we were just acting under basically what we would consider to be a Christian viewpoint. We presumed he was innocent."

"As far as allegations that we refused to make medical payments, well, we did [refuse] because we felt that, you know, that would assume some belief on our part he was guilty."

Cookley left order

At first, the Schultzes say, they decided against going public because they did not want to further traumatize their child and because "we naively thought the

church people would do what was right for the public and the man."

Instead, they complain bitterly, Cookley was allowed to return to New Jersey to pick up his belongings and then to leave the order without punishment or treatment.

Cookley, Brother James said, left the church of his own accord, rather than in disgrace. "He asked to leave the community, we didn't ask him to leave," he said. Just before Thanksgiving of 1978, weeks after Brother Edmund had left Emerson, Christopher, who was undergoing psychiatric care, was injured in a pickup football game and hospitalized with a kidney problem.

Afterwards, the parents say, he had "very severe emotional trauma and he became very suicidal."

The incidents with Brother Edmund, they assert, were responsible for Christopher's emotional problems.

Finally, on the evening of Memorial Day 1979, Christopher was sitting in a bedroom at home, talking with his mother, when he excused himself to go to the bathroom. There he swallowed the poison. At 8:30 the next morning, he was pronounced dead.

It didn't take long for the Schultzes to act. Within days, they had revealed their late son's allegation to officials of the Boy Scouts, the church, and law-enforcement officials in Bergen County and in Onondaga County, N.Y.

Mark Trusey, then the head of Bergen County's sex crimes and child abuse unit, recalls the subsequent investigation:

"We decided there was nothing of a criminal nature to prosecute in Bergen County, New Jersey, because anything which might have happened according to Mr. and Mrs. Schultz happened in New York State... and the only actual witness to any of the alleged incidents was the boy, who was dead."

In Onondaga County, Edward Wolff, first assistant district attorney, says he was prepared to prosecute Cookley for separate offenses. The Schultzes claim occurred in the presence of their older son, Richard. In the lawsuit, Cookley is charged with masturbating in the presence of Richard, now 15, and dressing the youth in "nothing but a cloth" to pose for pictures "he was misled to believe would be used for a religious purpose."

Unfortunately, Wolff says, the strongest charges that could have been brought were misdemeanors, for which Cookley could not be extradited.

As for Christopher's allegations, Wolff adds, "Assuming it was a felony and you could show a felony charge, with the 12-year-old boy committing suicide there was no evidence, you have no one to testify."

While Cookley was never prosecuted, Bergen County's first assistant prosecutor, Raymond F. Flood, felt that the allegations were serious enough to notify national Boy Scout officials.

Flood, himself a Scout leader, says he twice spoke to Bergen County Scout Executive David Bauer, who agreed to file a report on Cookley with scouting's national headquarters in Dallas.

As it turns out, Bauer never did, and he now claims, "I forgot about it."

"When he [Flood] said they were not going to prosecute, I knew from a friend of his [Cookley's] that he wasn't involved in scouting in Arizona, so I set the file aside," adds Bauer. "It was just one of those things."

Bauer made the admission after initially denying to a reporter that he had been aware of the charges last year.

In their lawsuit, the Schultzes charge that the Boy Scouts of America "had actual and/or constructive notice of Brother Cookley's deviant behavior and that he had been previously dismissed from another Boy Scouts camp for improper conduct."

Not so, recalls Fred Dana, the former No-Be-Bo-So director, who dismissed Cookley.

"Sometimes a guy kind of outlives his usefulness. He had nothing new to offer, that's why he was not re-elected," Dana said last week. The former director added that he was never aware of any suspicions about deviant behavior on Cookley's part.

Talk of the community

From last fall until last month, things remained relatively quiet. Everything changed when the lawsuit was filed. Now, the case is the talk of the Assumption community, where, thus far, reaction appears mixed.

Brother Edmund "was an excellent teacher, a very, very fair man," says a mother who once served as his teacher's aide. "If the prosecutor didn't have any evidence, why has the whole can of worms been opened anyway?"

On the other hand, another parishioner asks, "Why would the parents ever say it unless it were true?" and adds, "They must be frustrated as hell."

Local church officials have repeatedly refused to discuss the case. Father Cesar G. Orrico, the strong-willed pastor of Assumption Church for 37 years, refuses to comment.

Furthermore, a spokesman for the Newark Archdiocese asserts, "This does really have nothing to do with us," since the Franciscan brothers are not directly supervised by the local archdiocese.

Claver Morris, the Franciscan brother who currently serves as principal of the Assumption School, puts it this way:

"The church never moves quickly on allegations. That's all I can tell you... Eventually, the truth comes out."

The Schultzes, meanwhile, are quite willing to talk.

"It's got to be brought out into the open," says Schultz, who works as an engineer and served as a parental adviser to Troop 337. "He [Cookley] could pose a threat to my family or to others... I don't like the spot I've been put in."

"I don't know how you prevent it, but I don't want to see another kid wind up as Christopher did, another family the way we are."