

## July 11, 2016: A Look at the Case Against Apuron

Fasten your seatbelts boys and girls! We are about to experience a roller coaster of a legal battle. You can expect many twists and turns, and ups and downs as the slander/libel case against Archbishop Anthony Apuron wends its way through the Superior Court. On July 1<sup>st</sup>, Attorney David Lujan, on behalf of four clients, filed a lawsuit against Apuron, the Archdiocese of Agana, and 50 other unnamed defendants.

Many readers may be scratching their heads, saying, "Wait a minute! I thought you recently wrote that the statute of limitations for filing civil actions against Apuron for alleged sexual abuse acts committed years ago has expired. Also, you said that the Guam statute only allows a complainant to file a lawsuit against the alleged perpetrator and not against the Archdiocese itself. What is happening here?"

This confusion is understandable. The answer can be found in the nature of the lawsuit itself. Attorney Lujan's clients aren't charging Apuron for past acts of sexual abuse. Rather, they are charging him, and others, with very recent incidents of libel and slander. Libel is defined as a false and unprivileged *written* publication that "exposes any person to hatred, contempt, ridicule . . . which causes him to be shunned or avoided, or which has a tendency to injure him or his occupation." Slander is similar to libel, but instead of being written, the statement is made *verbally*. Under Guam's statute of limitation, a person is required to file a complaint for either libel or slander within one year of when the statement was published or made.

Lujan's clients are upset because as they came forward and accused Apuron of past incidents of sexual-abuse, he, or others on his behalf, called them "liars" and accused them of "instilling hatred, ignorance and violence in the people." We all know what is meant when you call someone a "liar." You are saying that what they said or wrote is untrue and that they knew it was untrue. However, Lujan's clients are alleging that what they said *is* true - that Apuron did sexually abuse them. Further, they assert that because Apuron is the head of the Catholic Church on Guam, and because he has denied any wrongdoing and instead accused them of fabricating their accusations, they have been exposed to hatred, contempt, and ridicule by others. Further, they allege that Apuron's and his supporters' accusations damage their reputations, subjects them to public scorn, and could possibly impact their ability to make a living.

Undoubtedly, Lujan will argue that the Archdiocese can and should be held accountable for Apuron's, and/or his supporters' slanderous and libelous statements against his clients. Although, under current law this isn't permissible for an allegation of past sexual abuse, arguably, it is allowable for a lawsuit based on a recent incident of libel or slander. Employers can, under some circumstances, be held responsible for their employees' wrongs. If the judge agrees with this position, the Church could become the "deep-pocket" and ultimately be forced to pay damages to the accusers.

Most interestingly, by labeling Lujan's clients "liars," Apuron and his supporters have unwittingly opened the door to dredging up the alleged past incidents of sexual abuse. This is because, in order to win their libel/slander case against Apuron, the Archdiocese, and others, Lujan's clients must prove that when Apuron and/or his supporters called them "liars" they knew, or should have known, that Lujan's clients weren't lying. So, if Lujan proves that Apuron did indeed abuse his clients, this will completely undermine his assertion of innocence and prove him to be the liar, not them.

If the Archdiocese of Agana reacts like other American dioceses have reacted under similar circumstances, the Church will come out slugging and use aggressive defense tactics to avoid a finding of liability and/or damages. In other jurisdictions these have included denying knowledge of the abuse; arguing that Constitutional separation between church and state prevents the lawsuit; hiring private investigators to dig up dirt on the various accusers to use against them during the trial; countersuing the accusers for libel/slander; concealing evidence; intimidating witnesses; and arguing the Church shouldn't be held accountable for the wrongs committed by priests, bishops, or other church officials. If the Church is ultimately found accountable for Apuron's or his supporters' actions, the Church may try to play down the harm done to Lujan's clients for the purpose of reducing the amount of monetary damages the Church may have to pay.

If Lujan's clients are telling the truth, these tactics will serve to re-victimize them and undermine the stated mission of the Church -- that is, to look out for the good of its flock. And, if Lujan's clients' succeed with their lawsuit, they will not only prove Apuron to be a liar, but will prove him to be a truly evil man. Regardless of the outcome, the reputation of the Catholic Church, an entity that has done much good for Guam, will be badly tarnished. No matter the verdict, there will be no winners in this lawsuit.