

Rev. Kobutsu Malone

Post Office Box 213
Sedgwick, Maine 04676-0213 USA

kobutsu.malone@gmail.com

(207) 359-2555

February 21, 2012

The Honorable Robert D. Drain
United States Bankruptcy Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4140

AN OPEN LETTER

Dear Judge Drain,

I am an American Zen Buddhist priest, a prison/death row chaplain, and a social justice activist. I am also a survivor of sexual, physical, and psychological abuse by Christian Brothers at Bergen Catholic High School, Oradell, NJ in 1964-1965. Mitchell Garabedian, Esq. of Boston, Massachusetts represents me in a claim against the Christian Brothers.

Ten years ago, in 2002, I brought my experiences and allegations of sexual abuse in Bergen Catholic High School to the attention of the following people/institutions:

The Most Reverend John J. Myers, Fifth Archbishop of Newark, NJ
Brother Brian Walsh Irish Christian Brother's Provincial New Rochelle, NY
Bergen Catholic High School, Oradell Avenue, Oradell, NJ
Kevin B. Malone, (my father) Mahwah, NJ
The Oradell Police Department, Oradell, NJ

In response, a few days later I received phone call from Sargent Michael Oslacky of the Oradell Police Department. The sargent was empathetic and explained that there was nothing that could be done in terms of criminal prosecution as the statutes of limitation had expired.

On June 10, 2003, (over one year and four months after I sent my letter to Brother Brian Walsh) I received a second response via a telephone call from Anthony Dougherty, Esq. who identified himself as the Christian Brothers General Counsel. Mr. Dougherty asked me if I had heard from Brother Brian Walsh. I informed him that I had not heard from Brother Walsh, the Archbishop, Bergen Catholic, or my father. Mr. Dougherty told me that he would conduct an investigation and that nothing could take place until he had some corroborating information. He said he would track down alumni who had been in my homeroom to establish if indeed the abuse had taken place. He told me not to do anything and that he would call me back and we could proceed from there.

I never received a call back, and over eight months later on February 24, 2004, I made a follow up telephone call to Mr. Dougherty seeking information about his alleged investigation into my allegations. He reported that he had sent emails to the Bergen Catholic alumni list and had received no response; consequently he dropped the investigation.

Following the telephone conversation with Mr. Dougherty in 2004, I posted my letter in the form of an essay on one of my websites, it drew no response until 2009. On January 5, 2009 I received a letter from an alumnus that was shortly followed by letters from other alumni. To date I have received responses from around twenty men. I redacted, and with their permission, posted some of their letters on my website at: www.bergencatholicabuse.com (Incidentally, not a single man reported ever being contacted by Mr. Dougherty.)

This brings me to the purpose of this letter. On February 16, 2012, I received from an alumnus a copy of a letter (attached) sent out by Brother Brian Walsh (the former Christian Brothers Provincial) who is now the president of Bergen Catholic High School. I was stunned by what Brother Walsh stated in his letter to Bergen Catholic Students, Faculty, Administration and Staff. In his letter he states:

“I write to provide an update to the information I provided to you in the spring concerning the Chapter 11 bankruptcy proceedings of the Christian Brothers. Bergen Catholic alumni will soon be receiving a letter concerning the legal proceedings involving Christian Brothers Institute and Christian Brothers of Ireland, Inc. – two separate entities from Bergen Catholic – over allegations of sexual abuse. To our knowledge, those allegations do not involve Bergen Catholic.”

On January 23, 2012 I happened to do a search on line at the State of New Jersey Department of the Treasury, Division of Revenue, Copies Of Business Entity Documents web site. (<http://www.nj.gov/treasury/revenue/copiesentities.shtml>) for Bergen Catholic High School. The documents retrieved provided three dates of filing for corporations associated with Bergen Catholic:

Business ID	Business Name	Status	Filing Date
900010113	THE CHRISTIAN BROTHERS (NEW JERSEY) INSTITUTE	Active	4/25/56
100166268	BERGEN CATHOLIC ALUMNI ASSOCIATION, INC.	Active	4/23/1982
100998176	BERGEN CATHOLIC WRESTLING FOUNDATION, INC	Dissolved Before Commencing Business	1/8/2009

There does not appear to be a "separate entity" filing for Bergen Catholic High School registered with the State of New Jersey, Department of the Treasury. The Christian Brothers (New Jersey) Institute was still listed with an active status as of January 2012.

Your Honor, in light of the above information, I am deeply concerned that there seem to be irregularities in the statements issued by Brother Brian Walsh in his (enclosed) letter of February 16, 2012. I felt it my obligation in the interest of justice and truthfulness to bring these matters to your attention, as it appears to me that they might potentially impact on the Christian Brothers bankruptcy filings.

Sincerely,

Kobutsu Malone



Rev. Kobutsu Malone

ENCLOSURE: Br. Brian Walsh letter.

Office of the President



February 14, 2012

To Bergen Catholic Students, Faculty, Administration and Staff:

I write to provide an update to the information I provided to you in the spring concerning the Chapter 11 bankruptcy proceedings of the Christian Brothers. Bergen Catholic alumni will soon be receiving a letter concerning the legal proceedings involving Christian Brothers Institute and Christian Brothers of Ireland, Inc. – two separate entities from Bergen Catholic – over allegations of sexual abuse. To our knowledge, those allegations do not involve Bergen Catholic.

Recent articles in the local media on the issue of boundary violations by adults in schools have caused us to review our policies and procedures for the protection of children. We will publish any revisions on EDLINE in the very near future. These articles remind us that we can never be too vigilant. I want to emphasize the importance of Bergen Catholic's zero tolerance for sexual abuse and our commitment to ministering to the needs of any member of the Bergen Catholic Community who is affected by any type of abuse.

We want to assure you that we take aggressive steps to protect each student who is entrusted to us and ensure that incidents of this type do not take place at Bergen Catholic. All of our faculty and staff is finger printed, undergo criminal background checks and education training on sexual abuse. We have been and we remain committed to providing a safe and secure environment for our students to grow and develop academically, spiritually and personally.

While we cannot speak on behalf of the Christian Brothers, their legal representatives or the Court, please feel free to contact me at 201-261-1844 to answer any of your questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads 'Bro. M. Walsh c. r. c.'.

Brother Brian M. Walsh
President