

In the Trenches

David Clohessy

ABSTRACT. David Clohessy directs the SNAP organization which is a support group for those abused by clergy. This article is his keynote speech at the American Academy of Religion meeting in Atlanta in November 2003. He shares his personal story as a survivor and takes a critical look at the current efforts by the Roman Catholic Church to respond to the sex abuse crisis. *[Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <docdelivery@haworthpress.com> Website: <<http://www.HaworthPress.com>> © 2004 by The Haworth Press, Inc. All rights reserved.]*

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For 13 long and often rocky years, I've been in the trenches of the clergy sex abuse issue—for 13 long, rocky, often lonely years. For all but one of those 13 years, I've served as the volunteer head of the nation's largest and oldest support group for victims of sexually abusive clergy. I've spoken with and listened to literally hundreds of men and women who have been severely and often needlessly traumatized by abusive clergy, I've traveled the country setting up dozens of local support groups, I've led dozens, perhaps hundreds, of those emotionally draining but ultimately cathartic meetings, I've stood outside dozens of Catholic churches over the past decade, handing out simple leaflets to mass-goers, leaflets headlined "Been abused by clergy? There's help."

I've been interviewed by hundreds of journalists, and appeared on *Oprah*, *60 Minutes*, *MacNeil Lehrer*, and a host of others. I've participated in dozens of news conferences, exposing wrongdoers and calling church leaders to task for behaving more like corporate CEOs than like Christians, and begging, literally begging, the thousands who are suffering in secrecy, silence and shame, to come forward and get the healing they so desperately need and deserve.

I've spoken before the entire body of American Catholic bishops at their historic meeting in Dallas in 2002. I've testified before grand juries and legislatures; met with priests, therapists, bishops and journalists; and have, to use a Biblical phrase, "wherever two or more are gathered," repeatedly raised this ugly subject in an effort to shed light, to bring healing, and to prevent further harm.

As you might imagine, I come to this issue with deep and painful personal involvement. For four years I was repeatedly sexually abused by Father John Whiteley. For years, I repressed the memories. Then, I minimized them, until I got into therapy, and until I found others he had hurt. Determined to protect others from Father Whiteley, I contacted my bishop. Sadly, he responded coldly and defensively. I then shifted gears, and became determined to warn others about Father Whiteley. I filed a civil lawsuit. Eventually, he was removed and subsequently vanished. Unfortunately, no one knows where he is these days. I pray he's in treatment and not around youngsters.

My civil suit, like so many, was tossed out because of Missouri's archaic and dangerous statute of limitations. The majority opinion was written by our Chief Justice, who is Rush Limbaugh's cousin.

I have three brothers who were sexually violated by this priest. One of my brothers went on to become a priest himself, and went on to molest kids. I've spoken with two of his victims. One of those victims is now pursuing a civil lawsuit against my brother. You can imagine the havoc all this has brought to my parents and siblings. Please keep them in your prayers. So that gives you some idea of the perspective I bring here to this issue. I've been accused of being obsessed with this horror. I plead guilty to this accusation.

Now that my background is on the table, let me get right to the most crucial point: the so-called reforms adopted in the past few months by Catholic bishops are fundamentally not new. They are belated and begrudging. They are inconsistently followed. Bottom line: they're more symbolic than substantive.

About the bishops' efforts to 'fix' this horrific problem, let me quote *New York Times* reporter Frank Bruni:

Even so, the Pope's letter, coupled with the bishops' willingness to discuss priests who had molested children in public, created a sense that the church was finally taking its problems seriously, winning it a reprieve from the public outcry that had dogged it for more than a year. And signs of such new seriousness kept coming. The (bishops conference) published clear recommendations to guide dioceses in handling abuse cases, including promptly responding to allegations, relieving alleged offenders from ministerial duties during evaluation and treatment, complying with civil reporting law, dealing openly with the community, and showing compassion for victims and their families. The bishops' ad hoc committee on clergy sex abuse issued three volumes of reports called "Restoring Trust," which reviewed diocesan policies, described treatment facilities, and shared information about dealing with victims and insurance. And the Pope provided the bishops with some temporary wiggle room from canon law which made it slightly easier for them to dismiss or defrock abusive priests.¹

Hearing all that, how can we be skeptical of the alleged progress bishops are making with this tragedy? Because those words were written more than a decade ago.

The cynics in our organization, and there are many, and their cynicism is understandable, maintain that under intense public pressure, the glare of the media's klieg lights, and the scrutiny of prosecutors and civil attorneys, bishops simply took what they've been doing for years, re-packaged it, and voila, declared the crisis has been solved.

Some cynics believe bishops took what has been tried, largely unsuccessfully, on the local level, and made it national—public apologies, written sex abuse policies, and lay review boards to investigate abuse allegations. Fortunately for the bishops, our society has a notoriously short attention span. We desperately want to see horror rectified quickly and painlessly. So, again, fortunately for the bishops, their approach has largely mollified some once outraged Catholic parishioners.

But some surely believe that bishops are doing better now. Therefore, we won't spend time re-hashing the past. Instead, let's talk about the "here and now," on what's been happening post-Dallas, this year, in 2003. Because regardless of what your view is of what took place in the 50s, 60s, 70s, 80s and 90s, we should be able to see, in 2003, something different. America's bishops want us to believe that they've learned their proverbial lesson, they will no longer put kids at risk, protect mo-

lesters, keep secrets, and shield their assets instead of safeguarding our children.

If in fact, this is true, the behavior of most bishops should be different now than it was a few years ago. Sadly, for the most part, that's not what we're seeing. There may be no more illustrative case than that of Father Bryan Kuchar. In May of 2003, Kuchar's fascinating criminal trial took place in a St. Louis courtroom. Kuchar, a 37-year-old former archdiocesan vocation director, walked free when a jury deadlocked on the question of whether or not Kuchar molested a young boy.

Hung juries are unusual, but even more unusual in a case like this in which the accused confessed, on tape, to five of the six felony counts against him. In a recorded interview with two police officers, Father Kuchar explicitly admitted repeatedly molesting young Shawn. He went further, voluntarily acknowledging other sexual behavior—with adults, with seminary students—that may not have been illegal but was, in many cases, obviously inappropriate, and in all cases, a clear violation of his vow of celibacy. Still, a year and a half after the clergy abuse crisis made national headlines, Father Kuchar walked out of court a free man.

The overwhelming majority of abusive clerics never face legal charges, either civil or criminal. But in the few trials that do take place, many lessons can be learned. This trial in particular, coming essentially one year after America's bishops promised sweeping changes in how they handle abuse allegations, showed in stunning relief, both tremendous progress and the utter lack of progress on this issue.

First, the positive side: Unlike thousands of victims over the past few decades, Shawn realized relatively early on that the abuse was wrong. He summoned up the courage and strength to break his silence, at a surprisingly young age. (The vast majority of those attending our support group meetings have been unable to acknowledge and deal with their victimization until well into their 30s, 40s, or 50s.) When Shawn disclosed the crime, his family both believed and supported him. Instead of immediately calling church officials, they contacted our group, SNAP (the Survivors Network of those Abused by Priests). Shawn and his parents met other survivors and no longer felt so isolated. A decade ago, these steps rarely happened. Then, police and the DA took Shawn seriously, investigated promptly, interviewed Kuchar, and brought formal charges. The archbishop removed him. Again, a decade ago, these steps rarely happened.

During the trial, four members of Voice of the Faithful showed up to support Shawn and his family. A retired priest, disgusted by the crisis,

did the same. And two dozen SNAP members, fellow victims, sat with Shawn and his loved ones throughout the ordeal. In fact, supporters of the victim outnumbered Kuchar's parishioners. Again, a decade ago, these numbers would have been reversed.

The jury took the charges seriously and debated intensely (for 15 hours). After the verdict, one juror, upset that some of his colleagues seemed incapable of believing ill of a priest, spoke out forcefully against the verdict to the gathered media. These must all be seen for what they are: signs that indeed, things are changing for the better.

A careful observer will note that these positive moves involve virtually everyone but church officials. Sadly, this is true across many cases involving many victims throughout the country: what progress we've witnessed has largely taken place in the secular realm. More and more, we see parents, police, prosecutors, judges and juries doing the right things, treating abuse by clerics just like abuse by plumbers or insurance agents.

These parties have the ability to make an impact because more and more victims have, thankfully, become strong and brave enough to break their silence and come forward.

That's where the real change has taken place—among victims themselves. We are smarter, more courageous, more outraged, more committed to preventing future harm, than we've ever been before. Through our organization, SNAP, we have real support—over the phone, on line, in monthly and bi-weekly confidential support groups in 56 cities. We are better able, many of us, to understand that the abuse was not our fault, we are not alone, and that though we were powerless as kids, we are not powerless now. All that is the good news. But remember, in spite of that progress, Father Bryan Kuchar walked out of the courtroom back in May a free man.

Now the negative side:

The most discouraging aspect of this case is obvious. Despite all we as a society have learned over the past few years about abuse, old habits die hard. We still want to believe that the child molester is the obvious creep, the social misfit, the guy at a party sitting by himself over in a corner because no one feels comfortable talking with him. In fact, the child molester is probably the guy throwing the party—the gregarious, warm and charismatic guy. Remember, kids won't want to be around you and parents won't trust you, unless you possess these traits and more.

Furthermore, we want to believe that the abuser is a stranger, not someone we know well and trusted implicitly. These still pervasive

myths about child molesters must surely have influenced the jurors. Still, after more than a year of horrific headlines and unending media exposes about predator priests, the jurors evidently gave Father Kuchar every benefit of every doubt, despite his own explicit confession.

But there are other troubling and telling aspects about this case that cast doubt on several widely-held assumptions about abuse within the church. Seasoned courthouse observers in St. Louis attribute Fr. Kuchar's victory to his extraordinarily adroit defense lawyer, widely reputed to be Missouri's finest and most expensive. For days, skeptical journalists peppered diocesan staff as to how a priest could afford such top notch legal talent. Despite initial denials, the archbishop's spokesman eventually acknowledged that the diocese was paying "a portion of" the defense lawyer's fees. This pattern—church leaders giving financial help to accused priests—is of course, nothing new. Nor is the pattern of church spokesmen being deceitful.

Next to consider: Father Kuchar's courtroom appearance. He insisted on wearing his Roman collar and consistently carrying a Bible. Well, that's just smart defense strategy, you might think. And of course, you're right. Again, this pattern—a perpetrator doing whatever he can to evade punishment—is nothing new. But this behavior—wearing the collar in public while facing criminal charges—clearly violates the much-touted Dallas charter. In June of 2002, bishops pledged that no priest credibly accused of molestation could present himself in public as a priest.

Our group raised a stink about this, imploring our archbishop to live up to his word. He refused. Again, this pattern, a church leader ignoring victims, violating his promise to victims and parishioners alike, is sadly nothing new. As is always the case, the trauma caused by one abusive priest spread far beyond an individual victim. It spreads far beyond what was publicly visible in the courtroom. Yet on the day the trial began, an announcement was made over the school's loudspeaker. "Let us keep in our prayers today Fr. Bryan, whose trial is now underway." Think about that. In Shawn's sister's school, kids were publicly being asked to pray for an accused molester.

Again, this pattern—one church leader acting insensitively toward an alleged victim, even in public—is nothing new. (But wouldn't you think, at this juncture, after the forced removal of more than 400 accused priests in one year, that church officials would have learned something about training their personnel about how to respond with some degree of compassion, or at least discretion, in these cases?)

Distraught over this one-sided and insensitive comment, and worried about Beth, a student complained to the nun. The principal pledged to

remedy the injustice. The next day, prayers were requested for not just Father Kuchar, but for "his accuser" as well. Inexplicably, the nun used Shawn's name! For the first time, the entire school knew who had been victimized.

Enough bad news? Here's the silver lining. Three months later, a re-trial was held. The prosecutor didn't give up. In fact, he worked harder this time. Again—years ago, this would not have happened. Our group again appealed to our archbishop—please don't let Kuchar wear the collar. Again, we were ignored.

Again, we appealed to other victims, other witnesses to do the right thing and come forward. And the prosecutor did, in fact, find other witnesses. First, a chancery employee, a woman who worked every day with Kuchar. She testified that the priest had asked her questions regarding the statute of limitations, long before he was criminally charged.

Next came a nun and a priest—both of whom testified that indeed Kuchar confessed to both of them too. Ten years ago, five years ago, even three years ago, it's hard to imagine a fellow cleric taking the witness stand against his brother priest.

Ultimately, a jury found the priest guilty. In the sentencing hearing, Kuchar again dressed like a priest. And facing a possible sentence of 42 years, he got just three. Not in the state pen, but in the county jail. Still, Shawn and his family were vindicated. They have some slight degree of closure. They feel good knowing they've taken a dangerous man off the streets and out of a pulpit, even if it's just for a while.

But it's important to remember that the sentence they've been handed—one of incredible pain, sadness, mistrust, betrayal, guilt and lingering doubts—will of course last, to one degree or another, for their entire lives. Since the trial, we've heard from others in their early 20s who were molested by Kuchar.

So kids are safer in St. Louis now, thanks to the courage of Shawn and his family, the support of his fellow survivors, the professionalism of the police, the persistence of the prosecutor, and the wisdom of the jury. Again, notice who's missing—no thanks to anyone in the church's hierarchy.²

So if this case is truly illustrative, if bishops are *not* learning, improving, being more sensitive and pro-active, the obvious question is why? Why are so many church leaders acting in the same self-destructive and hurtful ways?

The most cynical Catholics and survivors believe that the hierarchy remains obsessed with retaining its power, frightening or intimidating

victims, outfoxing prosecutors and civil attorneys, and “riding out the storm,” while public attention and pressure gradually wane. Others are more charitable in their assessment, believing that church leaders want to do right, but are terrified of losing priests, parishioners, donations and public because of mounting accusations and litigation. Many bishops, according to this view, are petrified, and choose to shelve their pastoral training and instincts, and let defense lawyers call all the shots.

America’s bishops and religious superiors, however, are not monolithic, and in fairness, we should acknowledge that a few have taken some positive steps.

Dallas Bishop Joseph Gallante, in an interview with a Texas newspaper, expressed frustration with his colleague, Bishop Charles Grahmann, for failing to remove a pastor accused of sexual misconduct with an adult man in 1991.

Omaha Archbishop Elden Curtiss, on the floor of the annual bishops conference meeting in Washington last year, recommended that U.S. Conference of Bishops “censure bishops who had transferred priests accused of sexual abuse of minors from parish to parish.” His amendment failed, but it was encouraging nevertheless. His remarks came during a discussion of “episcopal oversight” or bishops’ accountability, just one day after SNAP had urged American bishops to “break their silence, not about sexual abuse, but about each other” and hold each other accountable.

A committee of bishops, headed by San Diego’s Robert Brom, in their meeting last June in Dallas, acknowledged that no penalties exist for their colleagues who transferred abusers or concealed their crimes. They pledged to consider such reforms this fall.

We are very gratified by the courage of these church leaders. We in the Survivors Network believe it will help reassure Catholics and help heal victims as more bishops denounce wrongdoing by their brother bishops. Many Catholics, we feel, want to see others in the church hierarchy follow Curtiss’ and Gallante’s lead.

A few other encouraging signs can be found:

- Bishop Frank Rodimer of Paterson, NJ, held the first open listening session with survivors.
- Archbishop Timothy Dolan of Milwaukee held two such sessions, and included survivors in the planning of them.
- Cardinal William Keeler of Baltimore, was the first to list dozens of abusive priests on his diocesan Web site.

- Bishop Robert Mulvee of Providence listened to several dozen survivors one-on-one, face-to-face during settlement talks.
- Bishop Wilton Gregory of Belleville provided one of the most detailed accounting of costs associated with the sexual abuse scandal in his diocese.
- Bishop William Lori of Bridgeport disciplined two priests who hid the whereabouts of an abuser who were being sought by the police.
- Bishop Stephen Blaire of Toledo and his predecessor, Bishop James Hoffman, both used their diocesan newspaper to publicize SNAP support group meetings.

But sadly, these men are the exceptions. Most bishops have dramatically changed their approach to public relations in the past few years, but little else has essentially changed. So we’re left with considerable unresolved pain among victims, nagging betrayal and sadness among Catholics, and a relatively paralyzed church hierarchy, slow to change and even slower to embrace substantive change.

The best short term hope for reform, then, rests on the continuing courage and persistence of victims, coupled with the increasing vigor of the criminal and civil justice systems, which may be able to externally force the changes that should have long ago originated within.

NOTES

1. Elinor Burkett & Frank Bruni. *Gospel of Shame* (New York: Viking Press, 1993).
2. Kuchar has hired a canon lawyer and is fighting to remain a priest. One strategy he’s using: writing to ex-parishioners and co-workers, trying to dredge up damaging information about Shawn and his family.

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