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Bishop's Council of the Laity
Diocese of Buffalo

Dear Council Members:

I write to you as a fellow layperson in the Diocese of Buffalo who has been asked to serve on the Bishop's Council of the Laity. I discern this invitation with all due seriousness given the troubled situation in which we find our diocese. Whether I accept the challenge or not, I feel that representatives of laity advising our bishop should at least be aware of the gravity of particular concerns the diocese may not have shared with you. I'm sure you agree that we cannot possibly "heal" without truth.

In my telephone conversation with Donna Collins yesterday morning, I said I would send to her the sexual abuse report concerning a seminarian at Christ the King Seminary. It is the report I sent to the interim rector at Christ the King Seminary back in December. I have decided to send this report to the entire BCL membership to help you in your important deliberations in advising Bishop Malone.

My report to Rev. John M. Staak, OMI, Interim President-Rector of Christ the King Seminary, followed the reception of his essay, "Understanding Seminary Life: Yesterday, Today, and Tomorrow" which was emailed to me from the seminary in early December, 2018. Some of you may have read this essay, but if you did not receive it, you can read it in the January, 2019 edition of the *Western New York Catholic*. This essay is designed to alleviate our concerns about seminary formation by offering "important information needed to clarify facts and answer questions for our community." Nowhere does the document reference the current sex abuse scandals by priests who came through CKS. Nowhere does it address the safety of our seminarians from sexual harassment or abuse from clergy. Nowhere does it address retaliation by the diocese which prevents the seminarian from reporting his abuse to legal authorities. It was in the context of giving feedback about this essay to Fr. Staak that I submitted a report of sexual abuse that I have been prevented from submitting for 13 years. I pray that this report, which still has not received the courtesy of a reply, will be taken into consideration in your prayers and deliberations.

I offer my edited report below in italics (including new / updated information). The enclosed document attests to the veracity of the crime in 2004. The victim never reported the threats of retaliation, just the crime. I report both.

*Fr. Staak's essay states that "feedback from the faithful in parish settings" plays a part in the integration of the various dimensions of a seminarian's life. My freedom/right to provide the seminary feedback, which it asked for at the time under our supervisor, Rev. Gregory Faulhaber, was blocked because of retaliatory threats [from diocesan officials] hanging over the head of a seminarian who was sexually assaulted by a diocesan priest/pastor. I presume that by now, with so much media spotlight, those threats are finally null and void. **Permit me to now take this occasion to finally give CKS some of the feedback that I have had to harbor for 13 years.***

I speak specifically of the case of a seminarian I personally worked with as a lay member of his parish formation team during his pastoral year at St. Mary of the Angels Church (now Basilica) in Olean between the years 2006 and 2007. During his time with us, he reported to me that he was sexually assaulted in 2004 by a priest/pastor who hosted him at his South Buffalo parish rectory as part of his assignment. This assault took place well after Vatican II, well after the Dallas Charter, and well after the CKS formation process was modified.

Every person in CKS administration (including three rectors) and diocesan officials from 15 years ago to present know this seminarian's name. The former and present bishops know. The auxiliary bishop certainly knows because he is the one who made threats to the seminarian to keep him from reporting the incident to law enforcement and gruesomely told the seminarian that he should have locked his bedroom door! All of the clerics who worked at 795 and daily walked by the bishop's office knew. And what did all these men in position to responsibly handle this sexual assault do to aid the victim and see that justice was served on their priest/perpetrator so that laity could be protected? Nothing — beyond paying the victim's counseling bills.

The ungodly (I don't know any other adjective to use) response from the seminary and the diocese to the sexual assault of this seminarian only heaped further abuse upon this innocent victim, an immigrant to our country for whom English was a second language. Add deportation to the list of threats against him because his status in this country depended upon his enrollment at the seminary. I did not know at the time if his mother knew about this abuse that occurred around the year her husband, his father, died. I personally helped this seminarian journey through his trauma that the diocese further exacerbated with its abominable negligence towards him on the one hand (I implore you to PLEASE try to find his report and how it was handled) and the coddling and advancement of his abuser on the other. The mental and spiritual health of seminarians, which CKS touts, leaves much to be desired when the institution responded in such such an unholy/sinful manner in this case. What has changed since then? To this day, none of its past rectors has even mustered the effort of a simple apology to this priest who was that abused seminarian in their charge.

*How could he possibly develop at CKS "in freedom in response to God's call" under these unthinkable circumstances? By the grace of a merciful God, he is a priest today because of the care, support, encouragement, affirmation and abundant prayers and sacrifices from the parishioners and pastor at St. Mary's in Olean. Amidst this trauma, we taught him where holiness truly resides in the Church, and that holiness is fueled by love. Because so many (including formation team members left in the dark) recognized a troubled soul under the surface of his otherwise joyful service and ministry to us, I personally led two parish-wide novenas for him. He, in turn, discovered a lowly Carmelite friar's book, *Practice of the Presence of God*, to be*

an enormous help to his spiritual life so crushed under the weight of shock (imagine your priest mentor invading your bed with his naked body, fondling your genitals and then having to fight him off) and betrayal from the institutional Church he had only known as holy.

CKS should not take credit for his vocation which it so willingly subjected to the whims of Bishops Kmiec and Grosz with Msgrs. David LiPuma and Richard Siepka complicit in the cover-up. To their collective shame they have neither acknowledged nor made amends for this crime, this mortal sin which the seminary perpetuated by aiding the cover-up (not to mention the sinful threats of retaliation) all these years. To their shame, they made absolutely no effort to encourage the bishop to have the offending priest removed from the midst of an unsuspecting flock left ignorant of his immoral/criminal appetites. It ultimately took 14 long years to get that priest—discovered assigned in a parish setting—permanently (we hope!) removed from ministry this past April. For Grosz, LiPuma and Siepka [still at CKS as Spiritual Formation Director] to remain in active service in their capacities with no accountability for their coverup/threats is just plain unjust. [It is shocking that Msgr. LiPuma, who so effortlessly aided the coverup of this sexual crime and movement of the sexually abusive priest from parish to parish, leads the diocese's Presbyteral Council which oversees the upcoming Year of Healing!]

To my knowledge, I am the only lay person at the parish who knew of the sexual abuse and Grosz's retaliatory threats. Under Canon Law 212 it was not only my right but my duty to communicate my concerns to Bishop Kmiec, never mind the seminary rector. But that avenue was cut off by potential retaliation which diocesan officials placed upon this innocent victim—retaliation which could very well include canonical censure [a penalty which would permanently bar the seminarian from entering any seminary in the United States].

Unknown to CKS or the diocese, I consulted a highly respected Catholic attorney in 2006 to see if anything could be done to seek justice for the seminarian and get that offending priest removed and/or jailed. Without the cooperation of the diocese, the lawyer said, "it's basically a case of the young man's word against the pastor's." [Yes, the seminarian made an official report of his sexual assault to the diocese at that time.] So much for the effectiveness of the Diocesan Review Board in place. My understanding was that the seminarian's report neither got to that board nor diocesan lawyers. Did anyone at the seminary even bother to follow up on his behalf?

But the effect of the sexual assault perpetrated by Fr. Art Smith upon that seminarian didn't stop in 2004. Imagine being in the seminarian's (and later priest's) shoes and watching your abuser allowed to remain not only a priest but a pastor for seven long years [two different parishes] after the assault. Imagine what it felt like for the seminarian and eventual priest to watch his perpetrator honored as "Priest of the Month" by the Vocations arm of the diocese following the sexual assault. Smith was also invited to celebrate Mass to a wider audience on television and participate in radio and newspaper interviews with the pretext of speaking for the Church on important issues. Horrifically, this all contributed to a grossly false impression among innocent laity of Smith's priestly integrity, trustworthiness and holiness. This made him all the more dangerous.

It is entirely within the scope of the recent essay by Fr. Staak to inform us of any new policies and procedures the seminary has in place to responsibly follow up on reports of sexual abuse and to address human sexuality in general at the seminary. What changes are in place for seminarians to report unwanted sexual advances and sexual assaults? Do seminary officials now

report clerical abuse to law enforcement? We don't know. Does the seminary flat-out tell its seminarians to contact law enforcement, as it should in such cases? We don't know. Will the seminary support and defend its seminarians who report any assault upon their person? We don't know. One can only wonder how the topic of living a life committed to holy celibacy is discussed in a diocese/seminary so clearly protective of sexually active/abusive clerics. Shall we assume the same about sexually active seminarians at CKS? Sexual sins are at the heart of most of the horrific stories revealed today about clerics who came through CKS. I would think this topic is well within the scope of any essay helping laity to understand and have a modicum of reassurance in how our seminarians are formed today.

It seems to me it is also in the scope of that essay to address lay formation team guidelines. Have these guidelines changed so that lay team members can pass on reports by seminarians of unsafe or immoral circumstances in connection with CKS with guarantees there would be no threat of retaliation (including canonical censure) against the seminarian? We certainly would expect lay involvement in processing these reports to prevent wolves protecting wolves as was done in the past and may still be the case today. What is the new clinical/psychological/spiritual follow-up for the care of seminarians sexually abused by priests or others in authority over them? These are all important questions the essay fails to answer.

Instead, we read that "great strides have been made in the formation of seminarians for the priesthood during the past fifty years." Tell that to the seminarians who voluntarily withdrew from CKS in the wake of the horrendous treatment from the diocese/seminary towards one of their classmates. If these young men are not physically safe and know that any reports they attempt to make could lead to retaliation (including expulsion and canonical censure), what's the point in addressing all the other arenas of a seminarian's life?

"Accompaniment" [described in the essay] should include providing a safe environment, believing the victim and giving proper aid and treatment to the victim along with providing a check on the diocese to make sure it properly handles the report and the abusing priest and his congregation. It also involves teaching seminarians how to properly address sexual abuse reports. What seminarians learned in 2004-2007 was a travesty which affects us to this day.

After all that has been revealed and after all the suffering victims of clergy abuse have endured in this diocese, we laity deserve nothing less than full, open and honest transparency about what is really going on in seminary life. Instead, we are treated with more obfuscation of reality which attempts to relegate poor practices as something that occurred before Vatican II [as implied in the essay]. With all due respect, "intentional discipleship" [described in the essay] begins with the diocese/seminary and a commitment to operate under Gospel values.

That former seminarian has, with magnanimous mercy and humility, forgiven everyone involved in his abuse, as he has heroically demonstrated since the time of his ordination to the priesthood and his new life configured to Jesus Christ. This is a mark of holiness that the entire St. Mary's parish community recognized in him so long ago. He never encouraged me to speak out. He knows nothing of this report. So that the diocese and CKS may begin to earn back the trust of the laity which it and the diocese has lost with revelations of crimes and cover-ups and to bring our seminary back to the integrity it needs to properly develop men for priesthood in service to God's People, I respectfully request the following:

(1) a transparent and honest document which addresses specific areas of overhauling seminary life in light of the devastating spiritual and human loss in our diocese due to crimes and sins against the sixth and ninth Commandments. Are our seminarians safe at CKS? Can they report abuse to seminary officials without jeopardizing their future? Are we safe with the priests CKS approves for ordination?

(2) a corrected personnel file for this former seminarian, now priest who was in the diocese's care. His file should include this report which acts as my official seminarian evaluation "feedback" from 2006-2007 that I was unjustly prevented from submitting. In justice to this priest, this letter should be one document among many the diocese should collect to place in his chancery file to accurately record the crime perpetuated against him along with the diocese's shameful response for civil authorities to examine.

That ends the bulk of my report to CKS. I would hope that laity would take the additional appropriate step to advise the bishop to hold accountable all clerics who actively engaged in coverup of criminal behavior. These clerics should not get a free pass for their crimes of commission or omission which so brutally harmed innocent souls and brought this diocese to its knees. The obvious consequence of banning them from ecclesial advancement and/or diocesan awards/honors is a no-brainer. Diocesan officials will counter with a defense that policies and protocols for victims over 18 were not in place. My fellow lay Catholics, we do not need paperwork in place to raise our children and teach them the difference between right and wrong. We have the Gospel of Jesus Christ and Ten Commandments. Who could argue against the plain fact that the diocese is held to the same standard? All Children of God are worth protecting. Waiting for paperwork to give cover to clergy complicit in criminal/immoral behavior while at the same time letting them remain in positions of authority to instruct us how to "heal," is institutionally suicidal, I'm sure you agree.

I thank you for giving considered thought and prayer to this report and its requests made with respect for you and your committee during these challenging times. As Pope Francis reminded the U.S. bishops at their recent retreat, justice requires that they properly address complicit clergy whose crimes were equal in gravity to the sins of the offending priests. In 2004, Bishop Grosz threatened the seminarian, "You don't know who you're dealing with" (a direct quote reported to me by the victim). Let us send a message to Bishop Grosz and other complicit clergy that they don't know who they're dealing with.

I pray that Mary, Queen of the Clergy, will continue to guide you in your important work for our dear bishop and our beloved Diocese of Buffalo. God bless you. Let us keep praying our rosaries!

Respectfully,

Jennifer L. Kane, OCDS