

Letters Detail Alleged Church Sex Abuse


By CHARLES MICHAEL RAY • APR 7, 2013


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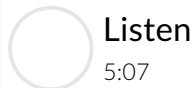
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A set of letters (<http://mediad.publicbroadcasting.net/p/sdpb/files/201304/EX%20A.pdf>) recently filed in a court case against the Catholic Church detail allegations of sexual abuse against Native American children at the Saint Francis Mission on the Rosebud Reservation in the late 1960s and early 1970s.

The plaintiffs in the case consider these documents a kind of smoking gun. They say the letters that are written by clergy at the mission prove that church officials knew of continual sexual abuse at the boarding school. The letters also show the alleged abusers were not removed or reported to proper authorities.

This Dakota Digest is part one of a two-part series on the allegations. It contains graphic language detailing allegations of sexual abuse of children.

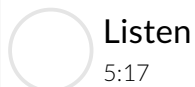


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Part two takes a broader look at the current statute of limitations for civil action against groups like the Catholic Church in sexual abuse cases.

Some victims say they've have no recourse due to the statute, but others say it's necessary to protect those accused but innocent years after an alleged crime.



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Attorneys are sometimes required to do tedious work, for instance, pouring over piles of mundane documents. In 2011 Michael Shubeck was doing just that. He was working a civil case, *Eagleman vs. Saint Francis Mission*. The case alleges sexual abuse in the mission boarding school on the Rosebud Reservation. During the discovery process, Shubeck uncovered a number of letters held in church records that he calls proof sexual abuse existed but was not properly addressed.

"To find that evidence, it goes straight to the heart," Shubeck says. "It was appalling, and it's really faith-shattering."

The letters (<http://mediad.publicbroadcasting.net/p/sdpb/files/201304/EX%20A.pdf>) span between 1969 and 1973; they mention a number of clergy at the mission, including a Brother Chapman. The letters detail how Chapman is found "fooling around with little girls".

"They found him in the basement with little girls, and there was torn panties on the floor, and there are subsequent writings said they knew what was happening because they talked about sending him to a psychologist thinking he was mentally sick," Shubeck says. "They knew what he was doing."

Shubeck claims church officials broke the law when they failed to report the alleged abuse to proper authorities. He's with the office of Gregory Yates, the law firm working a number of cases alleging abuse against the Catholic Church in South Dakota Indian Boarding Schools. Shubeck says the letters were recently added into the public record in a newly amended complaint.

"The defendants have fought this as if the allegations weren't real, and to discover that they had this in some dusty file is shocking as well," Shubeck says.

But Shubeck says these letters weren't the only evidence found. He also discovered a 1994 letter (<http://mediad.publicbroadcasting.net/p/sdpb/files/201304/940318%20Fagan%20to%20Woster.pdf>) addressed to Rapid City Diocese officials written by a Father Bernard Fagan. Here is an excerpt from that document:

"While I was Director of St. Francis Mission in the late 1970's, I began to experience sexual temptations in a way that had never occurred to me in more than thirty five previous years as a Jesuit. It began with viewing pornography, went on to masturbation, and even to sexual activity with Native American girls," writes Father Bernard Fagan in a 1994 letter to church superiors.

The three page letter goes into more detail. Shubeck says this document (<http://mediad.publicbroadcasting.net/p/sdpb/files/201304/940318%20Fagan%20to%20Woster.pdf>) shows that Fagan took part in sexual abuse at the St Francis Mission School while he was the director. The attorney alleges the church had an obligation to report this information to authorities.

"It explains something of the Jesuits reaction to those abuse allegations when they have someone in that position of authority receiving those allegations and was in fact an abuser," Shubeck says.

The Jesuits who run the Saint Francis Mission are listed as a defendant in the case. Officials with the order, based in Wisconsin, refused to comment on tape. They say a legal response is being prepared on the current complaint. But the Jesuits did comment in an e-mail (<http://mediad.publicbroadcasting.net/p/sdpb/files/201304/2013%2003%2028%20Wisconsin%20Province%20>

that they deeply regret any instance of proven sexual abuse by one of their members and remain deeply committed to justice and healing for all involved.

The Catholic Diocese of Rapid City was dropped from this particular case and is no longer a defendant. Bishop Robert Gruss says he can't comment on pending legal matters, but he agreed to speak about the Church's new efforts to stop sexual abuse.

"I think the Catholic Church is the leading institution today in finding ways to protect young people from sexual abuse of clergy or just sexual abuse in general," Gruss says.



<http://mediad.publicbroadcasting.net/p/sdpc/files/style>

The Rapid City Catholic Chancery Office.

Bishop Gruss outlines major changes and reforms undertaken by the Church including strict background checks, periodic audits by independent organizations, and new processes to properly respond to any allegations of abuse.

For some of those who say they were victims, it's too little too late. Barbara Dahlen and nine of her sisters allege they were sexually abused by clergy in a Native Boarding School; she is angry that the Catholic Church continues to fight in court against alleged victims.

"It's so corrupt; it's so corrupt that it's unbelievable, what is being done here," Dahlen says. "Like we're expendable. It's okay to abuse us all over again here, again."

Dahlen was not a student at the St Francis Mission; rather she attended a school run by the Blue Cloud Abbey in the eastern part of the state. She and others allege the letters uncovered in the case against the St. Francis Mission are just part of more widespread sexual abuses that were covered up by the Catholic Church.

No trial date has yet been set in the Eagleman vs. St. Francis Mission case. By 2004 more than 80 cases had been filed against the church in South Dakota. Today around 16 remain in litigation.

A broader look at the current statute of limitations for civil action against groups like the Catholic Church in sexual abuse cases may indicate why so many were dismissed. Some victims say they've have no recourse due to the statute—but others say it's necessary to protect those accused but innocent years after an alleged crime.

Dahlen says she suffered repeated sexual abuse at the hands of priests and nuns at St Paul's School in Marty, SD. about 35 years ago. Dahlen says the abuse sometimes occurred in the basement where the church kept it's coffins.

"He would put me in that coffin and then close it and then open it and he would tell me if you tell anyone you'll be in here. You can't when you're six years old been know the depth of fear that that instilled in me," says Dahlen.

Today, Dahlen is coming to the end of a long career in medicine.

"I am now Dr. Barbara Dahlen, I hold a PhD in Nursing with an emphasis on education and research," says Dahlen.

For many years, Dahlen says she and her sisters, who attended the Catholic boarding school, didn't talk about the sexual abuse she says they allegedly suffered.

"I have nine sisters not one of us spoke to each other about anything sexual our entire adult lives because it was so vile what they made you do," says Dahlen.

But Dahlen says she did eventually come to process her memories. Around 2004, she and a number of her siblings joined a civil lawsuit—that eventually came to be known as Bernie versus Blue Cloud Abbey. It was part of a number of cases that ended up before the South Dakota Supreme Court. The cases alleged church officials at the time knew of ongoing sexual abuse but did not stop it. Attorney Gregory Yates represented Dahlen in the case.

"It became apparent to everybody that their stories had some legitimacy the most skeptical would have to admit that," says Yates.

In the middle of this case the South Dakota Legislature got involved. In 2010 lawmakers added on to the statute of limitations in sex abuse cases. (http://legis.sd.gov/Legislative_Session/Bills/Bill.aspx?Bill=1104&Session=2010) The law now limits civil cases to 3 years after someone remembers abuse, up to age 40. Steve Smith is an attorney in Chamberlain who argued in favor of the law before the legislature. Smith says there needs to be protection for 3rd party groups like the Catholic Church who may be sued years after alleged offenses took place.

"More or less protect people and entities that had no idea anything was going on. And have them be financially responsible to the point where they'd be bankrupt for something they'd have no ability to ever deal with, recognize, protect themselves against or act against, says Smith.

The case of Bernie versus Blue Cloud Abbey was dismissed by a lower court that retroactively cited the newly created 2010 statute of limitations. The final decision made in 2012 by the state Supreme Court is lengthy, a link can be found (<http://www.sdjudicial.com/Uploads/opinions/26000.pdf>) here. (<http://ujs.sd.gov/uploads/sc/opinions/26000.pdf>) In essence the court decided according to the original 1991 statute too much time had passed for the alleged victims to bring a civil suit against the church. This decision angered the plaintiffs. Gregory Yates represented Barbara Dahlen and her sisters.

"Many of these cases were dismissed on a technicality. Which in this case the technicality being the statute of limitations rather than on the merits," says Yates.

Yates calls the Church's use of the statute of limitations to defend this case as "shameless." But others don't see it that way.

"This is almost a poster child case for statute of limitations for why they exist," says Christopher Madsen represented one the defendants in the Blue Cloud Abbey case. He says the statute of limitations is needed in cases like this because those who are accused of sexual abuse are often long since dead. He says this means

few or no witnesses to defend against the allegations.

“So it would be almost impossible to have a fair trial of the case,” says Madsen.

But the decision by the state Supreme Court left some alleged victims like Barbara Dahlen and her sisters devastated. Dahlen says the civil case her family members brought against the Blue Cloud Abbey was seven days away from trial-when it was thrown out.

“You start remembering and you know what happened to you, it’s like you have to die all over again. That little girl in me has to be put to sleep. My head doesn’t rest. My sisters are all affected by it. And, then when we try and have a voice finally to articulate this problem the South Dakota court system took our voice away,” says Dahlen.

Church officials urge anyone who believes they were a victim of sexual abuse, regardless of the length of time that has passed, to contact law enforcement and report the incident. In South Dakota there is no statute of limitations in criminal rape cases against individual perpetrators. The civil litigation over alleged Native boarding school abuse has been going on for almost a decade now, with over a dozen cases still pending. Some of those who say they were victimized, may have to wait several more years before any resolution comes from the court – others like Barbara Dahlen, remain bitterly angry—that the alleged abuses they suffered won’t see a jury trial.

SDPB reiterates the content of the following documents may be disturbing to some audiences.

Find the series of letters beginning in 1968 here

(<http://mediad.publicbroadcasting.net/p/sdpb/files/201304/EX%20A.pdf>).

You can read a letter written by Father Fagan at this link

(<http://mediad.publicbroadcasting.net/p/sdpb/files/201304/940318%20Fagan%20to%20Woster.pdf>).

View a response from the Jesuits here

(<http://mediad.publicbroadcasting.net/p/sdpb/files/201304/2013%2003%2028%20Wisconsin%20Province%20>

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