

Don't Neglect Secular Abuse

by Wayne Laugesen

DENVER — Sexual abuse led Patrick Chappell to flee his public school to find safety and compassion at a Catholic school some '50 miles away. But he was rebuffed when he tried to tell Colorado legislators about the ordeal. At age 17, three years after the former president of the Estes Park, Colorado, School Board molested him, Chappell is working against a bill in the Colorado Legislature that critics call a calculated plan to break the Archdiocese of Denver. The Archdiocese of Denver and the Colorado Catholic League argue the bill is unfair because it targets the Church, while leaving all public entities — including public schools — immune from lawsuits. In fact, several bills that would undo the statute of limitations for civil suits pertaining to the sexual abuse of children are making their way through the House and Senate, which both have Democratic majorities. A bill that passed through a Senate committee would allow anyone to sue a private entity, such as the Catholic Church, even if the perpetrator is dead. Historically, the statute of limitations has allowed a victim of sex abuse to sue for up to six years after the age of 18.

Critics, including Catholic League President William Donohue and leaders of the Colorado Catholic Conference, believe elimination of the statute of limitations in Colorado will lead to similar laws throughout the country to aid class action attorneys in suing the Church. Colorado Senate President Joan Fitz-Gerald, a Catholic, introduced the Senate bill and doesn't deny that it would mostly harm the Church. The Church is "the premier institution with outstanding cases subject to the statute of limitations," Fitz-Gerald said. "There have been 24 cases filed involving [former priests] Abercrombie and White, and this would allow those to move forward." Most of the cases involve Harold White, a laicized priest in his 70s accused of misconduct in the 1960s. Other old allegations involve Leonard Abercrombie, a former priest who is deceased. The Senate bill would establish "vicarious liability," which would facilitate any victim from any era in suing the Church for abuse. The House bills are slightly modified versions of the Senate bill.

Denver Archbishop Charles Chaput is critical of bills that target Church abuse cases while leaving public entities, including public schools, immune from lawsuits. Chappell, the high school student, tried to tell legislators that the Church leads the country today in protecting children from sexual abuse, while the public schools remain callous to the issue. "My family and I were basically forced out of Estes Park and out of the school" Chappell told the Register. "My abuser was the former school board president.... Even though he admitted his actions and was convicted, people blamed me that he went to jail." Chappell said teachers became rude to him after he reported Michael Richard Smith, the man who molested him. Friends of Smith organized a boycott of the airport shuttle business Chappell's parents owned and operated. His football coach, who was Smith's close friend, shunned Chappell and didn't invite him to the team's spring camp. "I had been a 4.0 student," Chappell said. "After the sexual abuse, my grades dropped dramatically and everything began to fall apart. People acted as if I had committed the crime."

At Holy Family Catholic School in the Denver suburb of Broomfield, Chappell found counseling and compassion. He is now a straight-A football star. When Chappell started to tell his story to a House committee, the panel's chairman walked away. After a series of confrontational interruptions from committee members, Chappell wasn't allowed to finish his statement. "Anyone who was there in opposition to the bill was shunned by the committee," Chappell said. The mistreatment of a teenager bearing his soul drew sharp criticism from Denver Archbishop Charles Chaput. "Officials effectively dismissed an abuse victim seeking to recount his experience and voice his opinion," he wrote in his weekly column in the archdiocesan newspaper the Denver Catholic Register.

At a Senate committee hearing, too, opponents, including an attorney for the Colorado Catholic Conference, were cut off and told they could only comment about material in the bill. When the first opponent began his testimony, Sen. Ron Tupa, D-Boulder, the committee chairman, left the room. Proponents of the bill, however, including all witnesses invited by the Survivors Network of Those Abused by Priests (SNAP), were given complete freedom to speak. Charol Shakeshaft, a Hofstra University researcher who prepared a federal report on public school sexual abuse, submitted written testimony to the Colorado Legislature that stated: "The physical sexual abuse of students in public schools is likely more than 100 times the abuse by priests." Her testimony said most of the accused are shifted from one school to another and seldom fired.

Martin Nussbaum, an attorney for the Colorado Catholic Conference, explained that the Church has taken unprecedented measures to eliminate sexual abuse from institutions. He submitted written documentation of 103

cases of sexual abuse in public schools in the past eight years that have resulted in teachers losing their licenses. Most license revocations came after criminal convictions. Tupa, a social studies teacher in Colorado's Boulder Valley School District, was absent for much of Nussbaum's testimony. Later, he told the Register he has seen no information to indicate a problem of sexual abuse in public schools.

Fitz-Gerald dismissed the federal study, Chappell's testimony, and other evidence of widespread abuse in public schools as Catholic spin to interfere with her bill. She said the sexual abuse crisis in public schools is "an allegation" contrived by Archbishop Chaput. But David Luksch, an investigator for the Sheriff's Department of Jefferson County, Colo., said policeman will say otherwise. "Not once in the last 18 years has my agency investigated a Catholic priest or Protestant minister," Luksch said. "We have, however, prosecuted a number of public school teachers. Any officer can tell you that the majority of sexual abuse against minors occurs in our public schools." Archbishop Chaput said that should concern Catholics because two-thirds of children from practicing Catholic homes in Colorado attend public schools. In his *Denver Catholic Register* column he wrote: "Catholics would be irresponsible both as parents and citizens, if they didn't raise the issue of public school educator misconduct."

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