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Background: Wisniewski v. Diocese of Belleville

Robert McClory | Jul. 25, 2011

*Robert McClory's news story about Belleville diocese's appeal of clergy sex abuse case is here,**Braxton battles on against abuse case**[1]. Following is more details about the case and Fr. Raymond Kownacki's tenure in the Belleville, Ill., diocese.*

Wisniewski v. Diocese of Belleville got virtually no press coverage when the trial was held in the circuit court of St. Clair County, Ill., in August 2008. Belleville is a largely rural diocese near St. Louis, and the public by then was tiring of clerical abuse stories.

But the trial still deserves notice, because of the huge award ($5 million) the jury gave the plaintiff, James Wisniewski, because it is only one among a handful of abuse claims against U.S. Catholic dioceses that have been allowed to go to trial, and because the Belleville bishop is still battling to overturn the verdict.

It's particularly important too because of the shocking admissions that emerged during the trial.

Wisniewski v. Belleville is "almost classic," said David Clohessy, director of the Survivors Network of those Abused by Priests, or SNAP, who attended the trial. "The issues were so clear and the documentation was all there."

The priest who abused Wisniewski is Fr. Raymond Kownacki, who was ordained for the Belleville diocese in 1960. In 1973, a 16-year-old girl, Gina Parks, contacted diocesan officials and claimed Kownacki, during a two-year period while he was pastor of a small parish in St. Francisville and later in a parish to which he was transferred in Washington Park, abused her sexually, had intercourse with her, even attempted to cause an abortion when she became pregnant.

Belleville Bishop Albert Zuroweste and Msgr. Bernard Sullivan, the chancellor, met with Parks and her parents. Sullivan took copious, detailed notes of her story, which he later typed up.

Parks said Kownacki gave her alcohol, promised to help her get into art school and assured her sex was OK because God "wanted people to love each other." Parks also said Kownacki spoke of having sex with a girl in Guatemala, where he had served for a time at a mission sponsored by the diocese. Sullivan's notes indicated the diocese may have already had reports of that relationship and other abusive acts by Kownacki. Parks said twin boys from Guatemala were living in the Washington Park rectory and also involved sexually with Kownacki.

She produced letters the priest had later written in which he told her to blot out her experiences with him and not look at him "as a monster." The letters were placed in Kownacki's file in the chancery office but the detailed notes went to an undisclosed location.

Zuroweste and Sullivan then met with Kownacki. Sullivan said, "We told him the whole story without the details," adding their belief that the priest needed help.

But no help was provided and no investigation of the various charges ever occurred, according to the court records. Nor was there any follow-up with Parks or her parents, even though Canon Law at the time required an investigation.

Several months later in 1973, Kownacki was transferred to St. Theresa parish in Salem. In his letter of appointment to Kownacki, Zuroweste said the diocese was confident that he would find the parish "responsive to [your] pastoral zeal." In the official appointment to be read at St. Theresa Masses, Zuroweste spoke of Kownacki's "knowledge, piety, prudence, experience and general character" and urged everyone to give the new pastor "all necessary assistance." No restrictions or oversight was placed on him.

It was at St. Theresa that Kownacki met James Wisniewski, a quiet, 12-year-old altar boy from an exceptionally devout and obedient family. Kownacki befriended the youth, had him care for the church grounds, and, learning of his interest in photography, bought cameras and set up a dark room in the church basement.

At the trial Wisniewski testified that the priest grew more and more affectionate and eventually introduced him to oral sex. That was the beginning of a long relationship over several years, with both going on out-of-town trips and engaging in sexual activity so frequently that, Wisniewski said, the abuse "became very routine." Kownacki told the court he felt guilty about what was occurring but never told anyone about it, even after he graduated from high school, went to college and saw little of Kownacki thereafter.

In 1982 a diocesan report (by an unidentified person in the chancery office) was produced with evidence that Kownacki, still at St. Theresa, was actively recruiting other victims, including a freshman boy from the parish. No action was taken, and the report, like Sullivan's notes, disappeared into an undisclosed location.

Msgr. Joseph Schwaegel, vice chancellor of the diocese, told the court that when the parents of the freshman complained about the pastor's activities, he began to suspect, as if for the first time, that Wisniewski might also be an abuse victim. But, Schwaegel said, the diocese didn't want to "go hanging the dirty laundry all over the line," so he recommended that the parents not let "this get out all over the parish."

Soon after, Kownacki was assigned as pastor of a parish in Cobden, Ill. Bishop John Wurm, who had succeeded Zuroweste by then, wrote to Kownacki that the appointment was due to his "dedicated priestly services," adding, "I heartily commend you to all the people of the parish."

Schwaegel said during the trial that the diocese was giving him "the benefit of the doubt and praying that he truly desires to make a fresh start," although, he admitted, "everyone at the chancery knew Kownacki was sick and liked to molest children."

Less than a year later, in 1983, Kownacki was again transferred, this time to the parish in Harrisburg, "in view of your dedicated priestly service," wrote Wurm. In 1984, Harrisburg parishioners complained that Kownacki was paying two boys $150 per week for doing "absolutely nothing" and as many as five boys were having all-nighters at the rectory.

Msgr. James Margason, who had been appointed diocesan administrator after Wurm died, went to Harrisburg, met with the parish trustees and Kownacki, and concluded that the priest did indeed need help. Kownacki resigned as pastor; the parish was told that his problems were alcohol, some misuse of parish funds and allowing unauthorized persons in the rectory. No further probe of the problems was made.

About six months later, in 1985, the new Belleville bishop, James Keleher, appointed Kownacki pastor of three small parishes. "I am confident," he told Kownacki, "you will carry out your mission well in building up the Body of Christ."

In 1986, complaints about teens living in the rectory at one parish surfaced. This time, Kownacki was removed from his assignment and sent temporarily to Hincke House, a residence for ailing and elderly priests.

Then in 1988, Keleher appointed Kownacki to take up residence at St. Henry parish in Belleville; the church has a grade school next door and nearby there is a Catholic high school. No restrictions were placed on his ministry or other activities.

In its summary the court concluded that the diocese "during the '60s, '70s and '80s did not investigate any allegations of sexual abuse by Kownacki, did not hold any trials regarding accusations and on no occasion ever disclosed to its parishioners any allegations concerning his molesting of minors."

In 1993, the Belleville diocese adopted a policy regarding clerical sexual misconduct and established a seven-member review board (four lay member and three priests). Margie Mensen served as review board administrator and continued in that post after Wilton Gregory was named Belleville bishop in 1994.

Although Kownacki's file did not contain the Gina Parks interview and several other incriminating reports, there was enough there for Mensen to suspect that Wisniewski and others had been the objects of gross abuse. She met with Parks' parents, eventually recommending to the board that Kownacki be removed from ministry immediately. The board complied and ever since Kownacki has been on administrative leave.

It was not until eight years after Kownacki's ouster that James Wisniewski appeared on the scene. After leaving Salem, he followed a virtually normal path for years. He finished college with a degree in health care, worked his way up to department head in a local hospital, got married and had two children. He assumed his experience was unique, that no one else had been abused by Kownacki, so he put it all behind him. Then in 2002 when the priest abuse scandal made national headlines, his calm life changed. He grew tense and moody, could not sleep, could not concentrate and felt intense guilt.

One day, almost without intending to, he told his wife Carol about Kownacki; no one had heard his story before. He said he felt he could have or should have done something about the abuse when it started and perhaps spared a lot of other young people from the abuse. Wisniewski consulted a psychiatrist who concluded he suffered from post-traumatic stress disorder.

In late 2002 he filed a civil lawsuit against the diocese for "negligence, willful and wanton conduct, fraud and deceit and civil conspiracy" in hopes of getting answers and clearing his mind. The diocese fought the suit for six years, believing it would be thrown out due, among other things, to the statute of limitations. After all, Wisniewski was 12 when the abuse began and now he was 47.

The court ruled otherwise, claiming the statute in this case started running when the wronged person fully realized his injury. In finding the diocese guilty of "fraudulent concealment," the jury awarded Wisniewski $2.4 million in compensatory damages and an unexpected $2.6 million in punitive damages. The high punitive damages reflected the jury's contempt for the diocese's deliberate deception for some 30 years under at least three bishops.

Despite refusal by the appellate court to overturn the decision and a refusal by the Illinois Supreme Court to get involved, current Belleville Bishop Edward Braxton battles on, urging the Supreme Court to change its mind, while interest fees on the original judgment have raised the award to some $6.2 million and growing by $1,250 each day.

A copy of court documents is here: **Wisniewski v. Diocese of Belleville** [2] (A large pdf file.)

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