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SNAP leader's deposition made public

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David Clohessy (NCR photo/Joshua J. McElwee)

KANSAS CITY, Mo. -- The transcript of the court ordered deposition of the director of the Survivors Network of those Abused by Priests reveals that attorneys defending clergy accused of abuse cast a wide net in their inquiries, seeking information about how the group handles phone calls with clergy sex abuse victims to how it files its tax returns.

The transcript, which is a record of the Jan. 2 deposition of SNAP?s director David Clohessy, was made public by the victims? advocacy group this morning (Friday).

Its release comes a week after news that attorneys defending an accused priest filed a motion requesting Clohessy be compelled to give more testimony and alleging that the group is not covered by confidentiality protections afforded to rape crisis centers.

While the transcript largely seems to confirm what Clohessy had said about the deposition in a Jan. 3 statement to *NCR*, it also sheds light on the lawyers? line of questioning in the six-hour ordeal, and displays to what extent the SNAP leader refused to answer lawyers? questions or submit requested documents.

Clohessy?s testimony relates to the case of Fr. Michael Tierney, a priest of the Kansas City-St. Joseph diocese who has been accused of sexual misconduct. The case made headlines in December when it became the first where lawyers sought the deposition of a SNAP leader and requested that the organization hand over 23 years of internal records, correspondence and email.

While Jackson County, Mo., Circuit Court Judge Ann Mesle issued an order Jan. 17 approving release of the deposition?s transcript, lawyers had been working since then to redact certain names from the testimony.

In an email to *NCR* this morning, Clohessy said the contents of the transcript show ?that Catholic officials want the names and emails of people who turn to SNAP for help.?

?Church officials claim they don?t want the names of victims, witnesses or whistleblowers. But they?re desperately trying to gut the law that most enables us to protect victims, witnesses or whistleblowers,? wrote

Clohessy, referring to a Missouri law that protects the confidentiality of rape crisis centers. ?So it?s clear they aren?t being honest.?

Common themes throughout lawyers? questioning in the some 215-page transcript are lawyers? desire to learn extensive information about the advocacy group, and Clohessy?s refusal to answer many of those questions, citing confidentiality protections for rape crisis centers and constitutional freedoms of speech and assembly.

Repeatedly over the span of some 800 questions, Clohessy defers to instructions from his lawyer at the time, Jeff Jensen, and refuses to answer questions, citing those protections.

Today?s release also comes as the financial future of the victims? advocacy group is unclear. In an *NCR* interview last week, Clohessy said the continuing legal battle over the case has left the group "basically broke" and had forced him to release his lawyer.

In today?s email, Clohessy said the financial strain has come to a point that ?our three professional staff didn?t get paychecks yesterday [Thursday].?

The transcript also reveals the extent to which the SNAP leader refused to hand over documents requested in his subpoena for his deposition, which asked that he hand over a wide-range of 23 years of internal documents, correspondence and email falling into eight separate categories.

Mesle had ordered Clohessy to submit documents and correspondence, including emails, from SNAP's files referring to Tierney or the Kansas City-St. Joseph diocese. Among other categories, Clohessy was also ordered to submit all documents containing references to either Tierney or the diocese from correspondence with the press and the public.

According to the transcript, Clohessy refused to submit documents in at least six of those categories, saying he believed they were privileged and protected by state or federal law. Of the eight categories, Clohessy said he was submitting some of the press releases requested, and some of SNAP?s files regarding repressed memory.

Clohessy was questioned during the deposition by five lawyers, including those representing Tierney, the Kansas City diocese, and four other Kansas City priests accused of abuse.

The transcript starts with Clohessy being questioned by Tierney?s defense lawyer, Brian Madden. After asking some preliminary questions regarding the location of SNAP?s offices and staff, Madden focused his attention on whether SNAP employees have formal training in counseling victims, and whether the organization would ever pay for therapist visits for victims who come to them for help.

Eventually, Madden also asks whether SNAP had ever offered ?counseling or instruction? to victims claiming to have experienced repressed memories.

To that, Clohessy responded that he was ?deeply offended? and that SNAP ?provide[s] no instructions to anybody about repressed memory.?

Madden continued to question Clohessy, asking specifically about emails between a reporter with *The Kansas City Star* and the spokesperson for the Kansas City-St. Joseph diocese. Madden said it seemed, according to the time stamps of the emails, that the *Star* reporter had had notice of a pending lawsuit before the lawsuit was officially filed in court.

Clohessy refused to answer how SNAP would have known of court filings before the official time of filing.

In a brief conversation with *NCR*, Madden said he could not comment on the deposition, citing a gag order in

the case.

According to the transcript, following an hour and a half of questioning from Madden, Clohessy was questioned by James Wyrsch, the lawyer representing accused Kansas City priests Frs. Francis McGlynn and Thomas Cronin.

Over some two and half hours, Wyrsch focused on SNAP?s tax returns, leading Clohessy sometimes line by line through the group?s federal returns, and asking who funded the organization and whether it made any financial contributions to recognized charities.

Following Wyrsch, Clohessy was questioned by Mara Cohara, a lawyer representing the Kansas City-St. Joseph diocese.

During Cohara?s questioning, the discussion veered into a long conversation about Clohessy?s viewpoints on the U.S. bishops? 2002 Dallas Charter for the Protection of Children and Young People, and whether he thought its guidelines for the returning of an accused priest from ministry was the ?proper standard.?

During that line of questioning, Cohara asked Clohessy if he knew of ?any other major Christian denomination that has developed such a comprehensive policy to prevent child abuse.?

?Policies don't protect children,? Clohessy responded. ?Action protects children. Words on paper by Catholic officials sadly those promises have been violated time and time again and continue to be violated time and time again. Bishops are lord of their own kingdom they make their own decisions they ignore their own rules they put kids at risk and they continue to do so.?

Cohara also asked whether Clohessy, or anyone else at SNAP had ?established any electronic or social media profiles in the name of Bishop Robert Finn.?

Clohessy responded no and said, ?I resent the question. We don't incite people we don't encourage people to be deceitful or deceptive in any way, shape or form.?

The last questions in the transcript come from Clohessy?s own lawyer, Jensen, who asked whether Clohessy or anyone at SNAP has ?ever had contact with John Doe BP,? the plantiff in the Tierney case. Clohessy responded no.

According to court filings, Mesle?s Jan. 17 order authorizing the transcript?s publication came after a conference call conversation that day between attorneys for Clohessy, the plaintiff in the case, and Tierney.

According to the filings, the attorneys identified five separate issues with making the entire deposition public, and all agreed that certain names mentioned in Clohessy?s testimony -- including those of SNAP staff, volunteers, family members, donors mentioned -- would be redacted.

Requests to seal certain information regarding the groups? income tax status and ?the nature and extent of SNAP?s advocacy,? however, were denied.

Mesle also notes in her order that ?much of the information requested to be sealed? centers around questions during the deposition to which Clohessy objected on grounds of Missouri?s laws protecting rape crisis centers and was ?instructed not to answer.?

?It was, and remains, the expectation of the Court? to return to those objections ?at a later date,? reads the order.

The motion from Tierney?s lawyers requesting additional testimony from Clohessy, first reported Feb. 24,

devotes 16 pages to refuting SNAP's arguments that it has confidentiality protections afforded by Missouri law for rape crisis centers.

Among nine separately developed points in that regard, the motion alleges that Clohessy's answers to some of the questions in the deposition "demonstrate that SNAP is not an RCC [rape crisis center]," and proceeds to list 20 separate reasons from his testimony that the group such not be considered such an organization.

Included in those reasons is the fact that SNAP has "never advertised itself" as such a center, that Clohessy does not have any formal training or education in rape crisis counseling, that SNAP does not employ any licensed counselors in Missouri, and that the group's tax returns for 2006-10 did not make reference to it being a rape crisis center.

A hearing on the motion by Tierney?s lawyers is set for April 20.

In his email to *NCR* today, Clohessy said the transcript shows that Tierney?s lawyers are using the case to ?bully victims and victims? advocates in the hopes of shutting us down.?

Referring to the fact that ?just a handful of questions? in the testimony related specifically to the Tierney case, Clohessy said that ?reveals a lot about the intentions of church officials.?

?They?re not trying to defend Fr. Tierney here,? wrote Clohessy. ?They?re using this one civil case, in which SNAP and the victim have never been in touch, to bully victims and victims? advocates in the hopes of shutting us down or stopping others who are suffering from stepping forward and getting help from an experienced, independent self help group.?

Rebecca Randles, the attorney representing the plaintiff in the abuse case, told *NCR* she thought it was an ?odd case for the whole issue? of Clohessy?s deposition to arise, ?since our client never had any contact with SNAP.?

Regarding whether or not the victims? advocacy group should be considered a rape crisis center, Randles said she thought that ?without any doubt?SNAP truly is a rape crisis center. And I know that they?ve saved the lives of some of my clients.?

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For the full copy of the transcript of Clohessy?s deposition, **click here** **[2]**.

Editor's Note: For more *NCR* coverage of SNAP's depositions, see:

- **SNAP director may be forced to testify in abuse case** **[3]**, Dec. 29
- **SNAP leader: Testimony was 'fishing expedition'** [4], Jan. 3
- **SNAP receives second subpoena request for documents** [5], Jan. 5
- **SNAP, Catholic League leaders talk abuse scandal on radio show** **[6]**, Jan. 6
- **Court documents reveal motives for deposing SNAP** **[7]**, Jan. 23
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