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Missouri priest's lawyers want SNAP held in contempt of court

Joshua J. McElwee | Oct. 2, 2012
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Lawyers defending a Missouri Catholic priest accused of sexual abuse have requested that the Survivors Network of those Abused by Priests be held in contempt for allegedly not fulfilling a court order to turn over a range of internal documents and correspondence.

SNAP, the leading advocacy group for clergy sex abuse victims, replied to the request Monday afternoon, claiming it has "attempted in good faith" to comply with the order.

The back-and-forth, made in Jackson County, Mo., court filings, are the latest legal moves in a months-long saga regarding SNAP, which has been ordered to turn over about 23 years of files.

While SNAP has previously argued the document request violates the freedom of speech and the rights of association of SNAP's members and volunteers, the court filings state the group handed over a series of files to the priest's lawyers in late August and early September.

Those files, the priest's lawyers say in their Sept. 20 motion, were "heavily and inappropriately redacted and incomplete" and did not include files requested by the court regarding two other priests.

The lawyers ask Jackson County, Mo., Judge Ann Mesle to set a hearing date to consider the matter then issue "appropriate sanctions" on SNAP and its executive director, David Clohessy.

In a response to the priest's lawyers' motion filed Monday afternoon, SNAP replied that its redactions in the material were in compliance with a previous ruling by Mesle that specified that references in the documents to "names and personally identifiable information about all individuals ... are to be deleted."

SNAP also says it did not submit the materials regarding the two other priests.

In a letter addressed to Mesle and released to the media Monday morning, Clohessy asked the judge to postpone the request for files on those priests until pending civil suits against them are resolved.

As of Tuesday morning, no hearing date has been set for the issue.

The document requests stem from Mesle's order July 17 to SNAP in a case concerning Kansas City diocesan priest Fr. Michael Tierney, who has been accused of abuse. The case, in which SNAP is not a party, made headlines in January when it became the first in which one of the group's leaders, Clohessy, was ordered to provide testimony.

According to the transcript of Clohessy's January deposition, first made public in March, the SNAP leader refused to answer many of the lawyers' questions, saying SNAP is afforded protections under Missouri statutes that protect the confidentiality of rape crisis centers.

Whether or not SNAP should be considered such a center has been the focus of much attention in the case. In court filings, Tierney's lawyers have said SNAP could not be considered such a center because it frequently issues press releases identifying victims.

Among the files requested from SNAP: all correspondence with members of the press that mention Tierney or the diocese; all documents that refer to priests currently or formerly associated with the diocese; and all correspondence with members of the public "that discusses or relates to repressed memory in conjunction with cases involving" the Kansas City diocese.

Tierney's defense lawyers have argued SNAP could be inappropriately coaching victims it helps regarding issues of repressed memory.

While the alleged abuse in the Kansas City case occurred about 40 years ago, the victim has said his memory regarding the event only returned in recent years, within the timeframe of Missouri's statute of limitations for abuse lawsuits where repressed memory is an issue.

Mesle, the Kansas City judge who ordered SNAP to grant access to the documents, said in April that any documents from the group defense lawyers have access to will be marked confidential and kept in the possession of one of SNAP's lawyers, and a log of all access to the documents will need to be kept.

SNAP previously filed appeals to prevent the handover of documents to Missouri's Court of Appeals and its Supreme Court to stop the document request, which it lost.

When the group sought intervention from the state's high court, several groups filed amicus briefs with the court that supported SNAP's position, including 24 victims' advocacy and church reform groups and six former and current local, state and federal prosecutors.

The Kansas City order, the victims' advocacy groups said in their brief, could lead to further victimization and ultimately "intimidate, harass, and silence victims of sexual abuse."

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

- **SNAP asks Missouri court to stop order for documents** **[1]**, July 26
- **SNAP order could 'chill' abuse cases, advocates say** **[2]**, May 8
- **SNAP ordered to hand over wide range of abuse documents** **[3]**, April 20
- **SNAP fires back at lawyers requesting documents** **[4]**, April 17
- **SNAP leader's deposition made public** **[5]**, March 2
- **Lawyers press for more SNAP documents, testimony** **[6]**, Feb. 24
- **Court documents reveal motives for deposing SNAP** **[7]**, Jan. 23
- **SNAP receives second subpoena request for documents** [8], Jan. 5
- **SNAP leader: Testimony was 'fishing expedition'** [9], Jan. 3
- **SNAP director may be forced to testify in abuse case** **[10]**, Dec. 29

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