NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://www.ncronline.org)

Braxton battles on against abuse suit

Robert McClory | Jul. 25, 2011

Bishop Edward K. Braxton (CNS/Nancy Wiechec)

UPDATE: *For the second time, the Illinois Supreme Court denied the request of the Belleville diocese to hear the appeal of a verdict awarding $5 million to former altar boys who were abused by a priest, the Belleville News-Democrat reported July 30. The final option for appeal is to take the case to the U.S. Supreme Court, but only if a constitutional issue is raised, according to the News-Democrat.*

Bishop Edward Braxton took a big chance when he decided to let his diocese of Belleville, Ill., go to trial on charges of fraud and deceit regarding its mishandling of a serial, sex-abuser priest. He could have opted for an out-of-court settlement but the trial option apparently seemed to him a relatively safe gamble at the time.

After all, the plaintiff was a 47-year-old man, James Wisniewski, whose abuse had occurred 35 years before. This wasn?t a case of repressed and recovered memory. Wisniewski admitted he was always aware of the abuse he endured at the hands of Fr. Raymond Kownacki, but had spoken to nobody about it until 2002, when he filed suit against the diocese.

Surely, the statute of limitations alone would doom the plaintiff?s case, Braxton may have reasoned.

But Braxton lost his bet big time in August 2008 when a jury found the diocese guilty of ?fraudulent concealment? and awarded Wisniewski $2.4 million in compensatory damages and an unexpected $2.6 million in punitive damages.

Braxton appealed the trial verdict, and the state appellate court upheld it in January 2011. Braxton appealed again, and in May the Supreme Court of Illinois refused to review the case.

The original $5 million award to Wisniewski has now risen to well over $6 million, due to accruing interest charges. This sum continues to rise at the rate of $1,250 per day.

And Braxton battles on. In June, he asked the high court to reconsider its May decision -- a long shot, legal experts say.

The high punitive damages reflected the jury?s contempt for the diocese?s deliberate deception for almost 30 years during the leadership of at least three bishops.

Court documents show that the jury found that it wasn?t just that the diocese had neglected to investigate charges or reach out to abused persons; it was that the diocese over and over had praised Kownacki and publicly recommended him to parishioners as someone worthy of trust when diocesan officials had every reason to think him unworthy.

For example, it was revealed during the trial that in his official appointment of Kownacki to St. Theresa Parish in Salem, Ill., in 1973, former Belleville Bishop Albert Zuroweste had praised Kownacki?s ?knowledge, piety, prudence, experience and general character? and urged everyone to give the new pastor ?all necessary assistance.?

This occurred just a few months after Zuroweste and his chancellor had personally listened to a teenager and her parents who presented a horrendous narration of sexual abuse and attempted abortion by the priest. The diocese did not undertake an investigation of the charges and placed no restrictions on Kownacki?s activities at his new parish.

This pattern of cover-up and silence would be repeated as Kownacki was moved to more than five other parishes over the years.

All this occurred before the U.S. bishops took strong steps to curtail clerical abuse in 2002. But the court noted that even during Kownacki?s career, canon law required the bishop or his delegate ?to investigate allegations of sexual abuse or misconduct that were brought against any priest within the diocese, and if the investigation showed the probability that something had happened, then a judicial trial was to be held.?

In its summary, the court concluded, ?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.?

Only in 1994 was Kownacki removed from ministry after Margie Mensen, administrator of a newly formed review board, studied Kownacki?s file (apparently the first woman to view it), began interviewing witnesses, and insisted Kownacki had to go. He was placed on administrative leave and remains so 17 years later -- still receiving diocesan benefits. He is reportedly in poor health.

As it turned out, the statute of limitations was no help to the diocese?s defense. The court ruled that the statute starts running when the wronged person fully realizes his injury. In Wisniewski?s case, this realization happened when the national sex abuse scandal made headlines in 2002. He had believed his abuse over a five-year period was an anomaly, that he was the priest?s only victim. When he learned he was part of an epidemic, he felt intense guilt that he had done nothing to protect other victims of the priest. His health declined, and several psychiatrists found that he was suffering from delayed post-traumatic stress syndrome.

He then filed the lawsuit, hoping to uncover the full extent of Kownacki?s abuses.

Braxton wrote about the continuing court case in a Pentecost letter to read in Belleville Catholic parishes June 11 and 12. Braxton acknowledged that by continuing to appeal, people may think he is ?only delaying the inevitable and they may be correct. However if these efforts fail, I will have the consolation of knowing I have done all I could do.?

But many in the Belleville diocese are not so sanguine. Since his arrival in 2005, Braxton?s handling of

financial matters and his reluctance to seek advice have been regularly criticized by laity and priests.

In a statement last May, James Friederich, a member of the diocesan finance council, called Braxton ?a financial disaster? as bishop. He ?did not ask the council for its advice or consent before allowing the Wisniewski suit to go to trial,? Friederich said, and ?he did not seek the advice or consent of the council before he decided to appeal the $5 million judgment rather than try to settle for less money.?

Nor was advice sought, he noted, before Braxton settled another clergy abuse case for $1.2 million.

Friederich also said Braxton had misused funds earmarked for the Propagation of the Faith several years ago and admitted he was wrong ?only when the people of the diocese rose up in anger? (*NCR*, May 2, 2008).

The annual diocesan appeal, he said, is now garnering $500,000 less per year than it was at the time Braxton became bishop. Friederich predicted the diocese ?will soon be bankrupt because of [Braxton?s] arrogance? in using money and his handling of sex abuse cases, three more of which are slated for trial this year or next.

Similar charges from priests have been stewing in the diocese for years.

In 2007, 46 priests (representing 60 percent of the active, incardinated clergy) issued a statement saying, ?Our repeated attempts to work cooperatively with Bishop Braxton through the Presbyteral Council, Diocesan Pastoral Council, Diocesan Finance Council, Priests Personnel Board and Annual Priests Convocation have proved futile.?

Recently, members of the Belleville Association of Priests released a list of 20 alleged instances of fiscal and authority abuses by Braxton. He has steadfastly refused press requests to reply to criticism.

[Robert McClory is a longtime *NCR* contributor based in Chicago.]

Court timeline

- James Wisniewski files suit in October 2002.
- Jury rules in Wisniewksi?s favor Aug. 28, 2008.
- Illinois Appellate Court up holds trial court decision Jan. 21, 2011.
- Illinois Supreme Court declines to hear the case May 25.
- Diocese asks Supreme Court to revisit the case June 15.

ON THE WEB
View a copy of court documents and more details on Fr. Raymond Kownacki?s record of abuse on the NCR Web site: **Background: Wisniewski v. Diocese of Belleville** [1].

Source URL (retrieved on *2016-05-31 13:34*): http://www.ncronline.org/news/accountability/braxton-battles-against-abuse-suit

Links:
[1] http://ncronline.org/node/25688