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SNAP receives second subpoena request for documents

by Joshua J. McElwee



Members of Survivors Network of those Abused by Priests -- Therese Albrecht, Barbara Blaine and Barbara Dorris -- protest outside St. Mary's Catholic Cathedral in Edinburgh, Scotland Sept. 15, 2010. (CNS/Dylan Martinez, Reuters)

The Survivors Network of those Abused by Priests has been issued a second subpoena for one of its leaders to appear for testimony and to turn over internal records, correspondence and email dating back 23 years.

According to documents obtained by *NCR* this afternoon, Barbara Dorris, the group's outreach director, was requested to give testimony Feb. 15 in a city case involving allegations of sexual misconduct against St. Louis archdiocesan priest Fr. Joseph Ross. The subpoena was mailed to Dorris and dated Dec. 30.

David Clohessy, SNAP's director, submitted to a court ordered deposition and submission of documents Monday (Jan. 2) for a case involving a diocesan priest in Kansas City, Mo.

After his deposition, Clohessy said he refused to answer many of the lawyers' questions and did not submit many of the documents requested, citing constitutional protections of free speech and Missouri

state law protecting the confidentiality of rape crisis centers.

Victims' advocates have expressed concern that testimony from the leading advocacy group could have wide-ranging impact on the ability of victims of clergy sex abuse to identify their accusers and tell their stories without revealing their names in public.

The categories of documents requested from Dorris in the St. Louis case match, nearly word for word, those requested from Clohessy in the Kansas City case.

Like in the Kansas City case, Dorris' subpoena requests that she turn over all documents and correspondence, including emails, from SNAP's files referring to Ross or the St. Louis archdiocese.

Dorris is also requested to turn over documents containing references to either Ross or the archdiocese from correspondence with members of the press, the lawyers representing the alleged abuse victim, and members of the public.

The subpoena in the St. Louis case was requested on behalf of attorneys for the archdiocese and Archbishop Robert Carlson. The Kansas City subpoena was requested on behalf of the lawyers defending Fr. Michael Tierney, the accused priest in that case.

Both subpoenas also request all documents from SNAP regarding repressed memory.

Speaking to *NCR* this afternoon (Jan. 5), Dorris said she doesn't recall the St. Louis case involving issues of repressed memory.

Clohessy said Tuesday (Jan. 3) that five lawyers representing accused priests other than Tierney had been present for his deposition. It is unclear whether among them were the lawyers in the St. Louis case.

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It is also unclear what legal moves SNAP might take to object to the latest subpoena. The group's lawyer was unavailable for comment immediately.

Speaking to *NCR* by phone this afternoon (Jan.5), Clohessy said news of the newest subpoena raises worries that other lawyers defending accused priests may make similar requests for documents from the group.

Clohessy also said he is expecting a third subpoena of some sort in coming days. He said his wife had told him a process server had visited their house in St. Louis while he was away this week, holding up a series of papers and asking when David would return.

Meanwhile, in an editorial today, *The St. Louis Post-Dispatch* wrote that St. Louis Catholics should "think about" the "legal assault" against SNAP before giving money during the collection at their parish this Sunday.

"At times, SNAP's language and tactics may have been intemperate, though in some places, those are lesser offenses than abusing children," read the editorial. "If SNAP is crippled, fewer predatory priests will be exposed. However, the church could save a bundle on lawsuits. Perish the thought."

(See: **Editorial: Bishops target victims' advocacy group in St. Louis, Kansas City**)

The lawsuit in the St. Louis case, filed by an anonymous 19-year old woman, alleges that Ross began to molest the woman when she was five to six years old during times when she was in the priest's care as her mother attended choir practice.

The suit also alleges that while the St. Louis archdiocese removed Ross from ministry in 2002, it did not warn his parish congregation about the molestation.

The suit also contends that Ross had pleaded guilty in 1988 to sexually abusing an 11-year old boy. After a period at a Maryland priest treatment center, the archdiocese allegedly assigned Ross back into parish ministry at the parish where the anonymous girl was molested.

Clohessy said he wasn't sure what the group would do to deal with more subpoena requests.

"We have no choice but to fight them until we're broke or jailed, or both," he said.

Clohessy also said the St. Louis subpoena "speaks volumes" about the motivations of bishops.

"It's unimaginable to us that church officials would try to force us to turn over any identifying information about any victim, or witness, or whistleblower," he said.

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