

## **The Story Behind The Garden**

In 1992, ten years before the clergy abuse scandal rocked the Archdiocese of Boston and shocked the world, disturbing allegations of sexual abuse of a minor were brought against the Rev. Robert Van Handel, a charismatic Franciscan priest who had been a principal and choir director at St. Anthony's Seminary in Santa Barbara, California. The betrayal and outrage felt at every level in the community at that time prompted the Order of Friars Minor of the Province of St. Barbara, to create an Independent Board of Inquiry (IBOI) composed of lay professionals, clergy and the parent of one of the victims. The IBOI would be charged with the task of investigating other possible allegations of abuse in the Province.

In the summer of 1993, as the IBOI was conducting its investigation, Paul Fericano and John McCord, two former students of St. Anthony's, attended an alumni reunion at the seminary. Though the school had officially closed several years before, the annual gatherings were still being held on the campus. It was the first time the two men had met and the first time either one had spoken with another abuse victim from St. Anthony's. Paul was a student at the school in the sixties. John had attended the seminary in the seventies. The two became friends, shared their stories and supported one another. Both confided that they had come

forward and given testimony about their abuse to the IBOI. Both acknowledged that they were receiving therapy from the Franciscans. And both disclosed that they were pursuing a legal settlement with the Province.

In November of 1993 the IBOI concluded its investigation. The initial findings were devastating: during a 23-year period, from 1964 to 1987, 11 Franciscan friars had sexually abused at least 34 boys at St. Anthony's Seminary, the Franciscans' vocational boarding school that was founded in 1899 and closed in 1987. The victims ranged from choirboys as young as 7 to seminary students as old as 16. (By 2006 the known number of past offenders would grow to 20 and the number of victims would almost triple.) None of the victims and offenders were named in the report.

The IBOI findings sickened the local Santa Barbara community and made headline news around the world. There had been isolated incidents of sexual abuse by individual Catholic priests from various parts of the country in the past. But until now there was nothing as widespread as what the IBOI had uncovered. Its report confirmed for the first time the pervasiveness of institutional clergy abuse over an extended period of time. The Rev. Joseph Chinnici, the Provincial of the St. Barbara Province at that time and a graduate of St. Anthony's Seminary, immediately called a national press conference and publicly

apologized for the crimes of his brothers.

For many in the Santa Barbara community it was difficult to understand how such horrors could have happened. It was even harder to believe that the perpetrators had been Franciscans. In 1769 the followers of St. Francis had seeded the Catholic Church in California and its roots were deep. They were a visible presence in Santa Barbara and the spiritual center of an entire community for more than two centuries. Mission Santa Barbara was home to a thriving and devoted parish.

For those directly associated with St. Anthony's Seminary the news of the abuse was inconceivable. It was particularly painful for the laity that had supported the students and the friars for many years. A group of worshippers, known as the Greater Community, still attended Sunday services in the chapel and had been an integral part of seminary life since the mid-sixties. Many had been close to both victims and offenders. For former students with only positive memories of their time spent there the abuse was difficult to comprehend. St. Anthony's had been home to thousands of boys studying for the priesthood, including nearly two-thirds of the friars serving in the Province at the time of the investigation. For nearly a century it offered one of the finest college preparatory and liberal arts educations in the State. It was an empowering institution with a

stellar reputation. Some of the most dedicated missionaries, committed pastors, and brightest scholars in the Franciscan order were graduates of St. Anthony's. And because it was a Franciscan seminary it outwardly championed the ideals of St. Francis. It was all too common for returning students from different eras to relate the same stories of love, friendship and the principles of social justice that were learned there.

For most of the victims, the statute of limitations for filing criminal charges had expired. Civil litigation was severely limited by the courts. Privately, the Franciscans made financial settlements with individual survivors who were seeking compensation and justice. But the public mood was understandably angry and the environment was hostile. The Franciscans were criticized for their perceived unwillingness to act more quickly. They stumbled and mistepped as they wrestled with the crisis. They made mistakes in judgement and were less than forthcoming. There was frustration around the decision not to name the offenders in the IBOI report and the Franciscans were being pressured to publicly identify them. There were attacks and accusations of adopting a defensive position. Many wondered why there wasn't greater pastoral outreach and transparency. While the press did its job and kept the spotlight on the abuse, its focus was often unclear. The daily stories in the local press appeared to be more one-sided and sensational. Some survivors were feeling

re-victimized. A traumatized community was finding no relief.

In hindsight, the Franciscans were actually doing more than even they probably knew they were doing. In 1994 they formed the Independent Response Team (IRT) to continue the work begun by the IBOI. The five-member board consisted of four lay professionals and one clergy member. For the survivors and their families, the IRT received complaints of sexual misconduct, investigated the allegations and offered assistance and therapy to anyone who needed it. For the offenders in the Province, an after care program was created to provide psychological testing, therapy, monitored treatment, and supervised placement in safe environments. An ombudsperson was also hired. At the time, there were no other models in place anywhere in the country that offered this type of assistance to and compassion for survivors and offenders alike. By comparison, the protocol for handling diocesan sexual abuse complaints during this period was often well-intentioned but unclear. In some areas it was practically non-existent.

Understanding what had happened was a real challenge. While many survivors had come forward, many more had chosen to remain silent. Shame, guilt and denial kept them isolated. Anger sprung from feelings of abandonment and betrayal, loss and hopelessness. Some slid into addiction and depression. Others took their own lives. The abuse was sad and sordid, but also complicated.

Two of the victims abused by one offender were the young nephews of another friar. One offender was friends with another offender and both were abusing the same victim. Another offender was the former prefect of discipline at the seminary in the 1960's and adamantly denied any wrongdoing. Eventually, he would be named by more victims than any other perpetrator in the Province.

In January of 1995 Paul Fericano returned again to St. Anthony's Seminary, this time to address the friars at their General Chapter meeting. In his talk he urged the Franciscans to be more open and transparent, and to reconnect with survivors and the wounded community. He called for the creation of an institute for healing and reconciliation on the grounds of St. Anthony's Seminary that would dedicate itself to research and education.

Over the next several years the Franciscans kept good on their promise to provide therapy for all survivors and their families and settled fairly with the few who presented legal claims. The Rev. Finian McGinn, a graduate of St. Anthony's Seminary who had succeeded Joseph Chinnici as Provincial, would meet with several victims during this time and offer an apology. But while the IRT continued to assist survivors who came forward and monitor offenders who were still in the Order, its outreach was limited and its presence was basically invisible. There was very little communication that was ongoing between

survivors, Franciscans, and community and hardly any overtures that sought productive ways to heal and reconcile.

For many the silence only confirmed suspicions that the Franciscans were not being forthright. The pain and grief of a community had not been adequately addressed. Survivors and others felt that the status-quo had created a greater feeling of neglect and distrust. In addition, any fresh story in the press about clergy abuse carried with it both a reminder and a threat. Accurately or not, the feeling among some was that the Franciscans were simply waiting for it all to go away.

In 2002, when the clergy abuse scandal exploded in Boston, there was a sense of *deja-vu* in Santa Barbara. Soon afterwards the United States Conference of Catholic Bishops approved the “Charter for the Protection of Children and Young People,” pledging to assure the safety of all children in the Catholic dioceses. They established a general lay board that created national criteria for compliance to the Charter and mandated each diocese to set up its own review board with an office of outreach staffed by a victim assistance coordinator. Many saw this decision by the Church as long overdue, but it enabled some critics of the Franciscans to take notice of just how proactive the friars had been back in 1992.

That same year the Conference of Major Superiors of Men (CMSM), an organization that served the leadership of member religious orders like the Franciscans, issued a parallel document, “Improving Pastoral Care and Accountability In Response to the Tragedy of Sexual Abuse.” CMSM created its own national standards of compliance. This included the receipt of complaints and response to victims, the education of members, and the supervision of its offenders. It also issued guidelines to all its members for establishing a lay review board and an office of pastoral outreach. Under contract with Praesidium, a risk management firm, CMSM required all of its members to undergo an accreditation process to achieve full compliance.

Also in 2002 the IRT hired a new ombudsperson, Angelica Jochim, a psychotherapist interning in Santa Barbara. With the financial support of the Province and sponsorship of the IRT, Angelica began to organize a series of spiritual healing retreats for survivors and family members. These retreats were facilitated by licensed professionals in safe and neutral environments and free of any religious and church teachings. Their sole intent was to support those who had been hurt and to begin a dialogue. It was an ambitious endeavor that had never been tried before and the effort was praised by many survivors and family members who attended.



In January of 2003 a new California law was enacted. The measure, which lifted the statute of limitations for child abuse lawsuits against institutions for one year, paved the way for hundreds of civil lawsuits against the Roman Catholic Church regardless of when the alleged abuse took place. It was the first legislation of its kind in the nation. By the end of the 2003 when the window of eligibility had closed the Franciscans found themselves faced with more than two dozen lawsuits that would not be settled for nearly three years.

At the IRT's first spiritual healing retreat in March, 2003 in Monterrey, California, Paul Fericano and John McCord were reunited. Though they had not been in close contact for almost eight years, both had taken similar paths to healing. Both had remained in therapy, obtained a just settlement from the Province, and chosen on their own to explore reconciliation with the Franciscans. Both men had also both expressed a willingness to forgive their perpetrators. Paul's offender was Mario Cimmarrusti, the friar who had been prefect of discipline at St. Anthony's and who continued to deny any wrongdoing. John's offender was Kevin Dunne, a friar who worked in the seminary print shop and who had admitted his guilt. The two men shared their own experiences with the group and heard the stories of others. At the conclusion of the retreat both realized that many survivors in attendance were alone in their struggle and had experienced little if any support. In an effort to

assist in the recovery process and address the systemic effects of clergy sexual abuse, Paul and John formed SafeNet, the Survivors Alliance and Franciscan Exchange Network. The two pledged to focus on all aspects of healing and to work with all sides.

In May of 2003 Paul traveled to Oakland, California to meet with the newly elected Provincial of the Franciscan Order, Rev. Mel Jurisich, and to discuss ways for SafeNet and the Franciscans to work together. Mel was both a former teacher and a principal of St. Anthony's Seminary from 1970 to 1985. Several incidents of abuse occurred under his leadership. Two of his good friends had two of their sons molested by friars. He had always prided himself on being a great educator and a vigilant guardian and the abuse crisis had devastated and humbled him. Though he confessed to having had no prior knowledge of the abuse during his leadership and had not been implicated in any wrongdoing, there was a cloud over him and all the Franciscans. Suspicion and mistrust in the community was deep enough for rumors to feed unsubstantiated allegations. Pain and anger were fueled, once again, by the lack of communication and transparency. Some survivors and community members were absolutely convinced that the Franciscan hierarchy knew of the abuse, had done nothing to expose it and had even attempted to protect the perpetrators.

At the Oakland meeting Paul and Mel reviewed options for creating a viable relationship between SafeNet and the Franciscans, one that would ensure safety and promote a healthy debate. Mel expressed concern that SafeNet would be viewed as a pawn of the Franciscans. He pointed out that all peace work was risky and advised caution in some areas, including the possibility of a backlash. His fears were not completely unfounded. Over the years SafeNet would experience generous support from both survivors and community members alike, but it would also receive its share of criticism and scorn. Because of the climate of distrust that already existed, there would be cynical claims that SafeNet was actually started by the Franciscans. And there would be a number of unintentional but thoughtless acts of re-victimization as well. At some point the discussion of reconciliation was so volatile that one angry parent of a survivor publicly accused Paul of “being in bed with the Franciscans,” apologizing later for the poor use of words. But the Franciscans were committed to SafeNet and Mel invited the two men to come to Mission San Luis Rey in Oceanside, California in the Fall and address the Franciscan leadership.

In July of 2003 an act of reconciliation took place at St. Anthony’s Seminary when Mel accepted an invitation by SafeNet to return and address the annual Alumni gathering in the chapel on the seminary grounds. In the presence of former students, the Greater Community and the press, and with the support of

survivors who were in attendance, the Provincial apologized from the pulpit for the pain the Order had caused so many. At the same time, John McCord had privately arranged a meeting with his offender, Kevin Dunne, who agreed to be present that day and participate in a Mass of reconciliation. In a willing act of forgiveness, John embraced Kevin as the two stood next to each other on the altar with other survivors. John had worked hard over the years to maintain contact with Kevin and to engage in the lengthy practice of reconciliation. The two had met a few times in the past and had discussed their feelings at length. John knew that compassion for himself was at the heart of any hope for healing and that Kevin's remorse had made him a partner in the process.

In September of 2003 Paul and John presented SafeNet to the Franciscan Definitorium council at Mission San Luis Rey and began the process of establishing a relationship of mutual trust and respect that exists to this day. For the first time in the history of the Church scandal survivors were communicating directly with the clergy in a productive and non-confrontational manner. SafeNet was dialoguing with the Franciscans, consulting with the IRT, and working with its ombudsperson.

For the next several months the two men visited the various Franciscan parishes and friaries in the province and spoke to a majority of friars at their four regional conferences. At these meetings, SafeNet proposed the creation of the St.

Anthony's Seminary Archive (SAS Archive). It would be used as a tool for healing, engaging others in acts of empowerment and reclamation while preserving an essential part of Franciscan history. With the approval of the Provincial leadership SafeNet began working with the community of friars at Mission Santa Barbara to find a suitable space for the seminary archive.

In 2004 SafeNet launched its website as a community resource for information and education. Documents and articles on relevant topics by survivors, the friars, and the press, including the complete IBOI report, were made available online for the first time. The site also offered an online archive that showcased rare and never-before-seen photos of the original seminary buildings as well as reprinted articles from past issues of *The Antonian*, the student magazine first published in 1920.

That same year the St. Anthony's Seminary Alumni Association joined with SafeNet to sponsor the SAS Archive Project. With the support of Rev. Alberic Smith, Guardian at Mission Santa Barbara, the underused Mission Tailor Shop was offered as a temporary space for the SAS Archive. Alberic was both a graduate of St. Anthony's and a teacher there for many years. He was also a secondary survivor whose family members had been victimized by one of his fellow friars.

While Paul was aware that his own offender, Mario Cimmarrusti, had not admitted any guilt and had continued to deny any wrongdoing, he was determined to continue his personal healing with a willing act to forgive. He had been in contact with Mario for nearly two years through correspondence and phone calls. Though Mario seemed incapable of understanding what he had done, he was aware of the work SafeNet was doing to help others who were suffering because of his actions. When Paul asked if he would be willing to tell his story and to hear his own, he agreed. In October of 2004 the two met privately in the garden at San Damiano, the Franciscan's retreat center in Danville, California. Even though no apology was given or expected, Paul felt he had reached an understanding with Mario that allowed him to forgive.

With the Franciscans embroiled in the numerous lawsuits that would eventually result in substantial financial settlements to survivors, the leadership placed St. Anthony's Seminary up for sale in an effort to help cover their financial liability. The property consisted of a complex of buildings on 12 acres. When a buying consortium failed for the second time to provide the needed funding to buy the seminary in late 2004, another buyer stepped in and the sale of St. Anthony's was finalized in June, 2005.

Also in 2005 the Province completed the certification review process and

was granted accreditation by Praesidium. While the IRT had received acknowledgement and much praise for being one of the first clergy abuse review boards in the nation to deal effectively with the problem, a major recommendation was that the Franciscans institute changes in the structure of the IRT that were more directly in line with CMSM best practices.

In January, 2006, the IRT was retired and the Province Review Board was established in its place. The board would function as a volunteer lay review committee aided by an investigative team, a consultant who monitored the aftercare program for offenders, and an office of Pastoral Outreach headed by a Pastoral Outreach Coordinator (POC). Angelica Jochim, now a licensed psychotherapist, was retained and contracted by the Franciscans for the position of POC.

Under this new structure the work of the old IRT was divided into separate functions. The POC would receive calls regarding complaints of sexual misconduct, manage ongoing care and support for the victims/survivors, and work with families, parishes and communities that had been affected by sexual misconduct. The investigative team would look into complaints as they came in. And the review board would examine cases and, in consultation with the POC and the investigators, make recommendations to the Province. The Franciscans also instructed the Office of Pastoral Outreach to work directly with SafeNet.

This would mark the first time a church-related outreach office and a survivors' group would officially coordinate their efforts for the common good.

In March of 2006 the Franciscans reached a preliminary settlement with 25 survivors for more than \$28 million. Six of the survivors had worked with SafeNet on reconciliation issues. The Provincial, Mel Jurisich, was summoned to Los Angeles by Justice Charles McCoy, the presiding judge overseeing the lawsuits against the Franciscan Province. As part of the settlement process and by mutual consent, he and fourteen of the survivors had agreed to come together to listen and speak directly to each other. During each of these individual encounters Mel heard the survivor's story, acknowledged the pain and courage, and recognized the betrayal of trust that occurred. He apologized personally, and on behalf of all the Friars of the Province, for the suffering they had endured and asked for their forgiveness.

In August of that same year the settlement was finalized. To support the efforts of transparency and to create a greater opportunity for healing, court depositions would be made public and the Franciscans would agree to the release of other files in 2009. The Province would also agree to give these documents to SafeNet for publication on its website.

In early 2007 the community of friars at Mission Santa Barbara, with the



support of Rev. Richard McManus, the new Guardian, designated a shared-space on the Mission grounds for both a seminary archive and an office for SafeNet. Richard had been a teacher at St. Anthony's Seminary and the only priest in the Order who had been ordained in the seminary chapel. The place chosen for the SAS Archive was the unused half of the Mission's laundry facility, a room that had previously been used as an office by Rev. Leo Spreitsma, a 1946 graduate of St. Anthony's.

In May of 2008 SafeNet and the SAS Archive were placed under the umbrella of *Instruments of Peace* (IOP), a non-profit created by former students of St. Anthony's Seminary to promote and support all aspects of individual and collective healing related to clergy sexual abuse. IOP's intent was to focus on engaging communities in peace and reconciliation work through collaboration, education and preservation.

In June of 2008, the Franciscan's Office of Pastoral Outreach and SafeNet co-sponsored a series of talks in Santa Barbara by Olan Horne of Boston. Olan was one of six clergy abuse survivors who met with Pope Benedict XVI during his visit to the United States in April. Speaking on themes of justice, healing and compassion, Olan's message resonated with the audience. His hopeful tone inspired and challenged people to think about productive change in new and

different ways. He reminded people that the Pope's message of reconciliation and pastoral care for all who were suffering was everyone's responsibility. Significantly, Olan's final talk in the series was delivered to the Greater Community in the chapel at St. Anthony's Seminary. Just as significant was the way the local press framed the story. It would be the first time that the word "forgiveness" would appear in the headline of a story about clergy sexual abuse.

Later that same month SafeNet proposed establishing *The Garden of Forgiveness* in Santa Barbara, California. Its creation would address the wounds of clergy abuse by acknowledging and exploring the power of forgiveness. A proposal was presented to the Franciscans shortly thereafter and efforts to make it a reality were begun in September.

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