

July 25, 2007 - OH Bishop Blair knew of priest's sexual sin

He would not violate confessional seal

By DAVID YONKE, TOLEDO BLADE (OH) RELIGION EDITOR

In a meeting earlier this month with members of St. Rose Parish, Bishop Leonard Blair of Toledo did not acknowledge awareness of their new pastor's sexual sins because doing so would violate the confessional's holy seal, a diocesan spokesman said last night.

"He knew about it, but he treated it as you would treat a sin in a confessional manner," said Sally Oberski, director of communications for the Toledo Catholic Diocese. "We don't publish people's sins."

Catholic canon law forbids clerics from disclosing anything told to them during confession, with violations punishable by excommunication.

The Rev. David Nuss, 41, told the bishop in January that he had been involved in a "consensual but inappropriate relationship the previous fall with a woman his age outside the diocese of Toledo," according to a statement released Sunday by the diocese.

In April, Bishop Blair announced he was appointing Father Nuss pastor of St. Rose effective July 2, succeeding the Rev. Thomas Leyland, who was retiring July 1.

Father Leyland in May appealed to the Vatican, saying he was being forced to retire against his will for criticizing the bishop. More than 1,500 people signed a petition asking Bishop Blair to change his mind and keep Father Leyland at the 8,100-member Perrysburg parish.

Then on July 2, three parishioners and Father Leyland met with Bishop Blair and expressed "concern" about allegations circulating that Father Nuss had been involved in a sexual affair with a woman.

The bishop acted as though he had never heard such charges against Father Nuss, according to Joan Foster and James Schaller II, two of the parishioners at the meeting.

Mrs. Foster said the bishop "played dumb" about the allegations, and Mr. Schaller said Bishop Blair responded with "a funny choice of words" that seemed to sidestep the real issues.

Three days later, Bishop Blair issued a statement saying Father Nuss "has decided not to accept that pastorate ... for personal reasons."

The diocese issued its statement on Sunday about the priest's "inappropriate relationship" because "we felt it was the best time to put the truth out there," Ms. Oberski said last night.

She said Father Nuss' relationship with the anonymous woman, reported to be 37 years old, "didn't violate the charter," referring to the Charter for the Protection of Children and Young People adopted by U.S. bishops in Dallas in 2002.

"It cannot be equated with any form of clergy sexual abuse of a minor," Ms. Oberski said.

Sexual relationships, however, violate the priest's vow of celibacy as well as diocesan guidelines, titled "Diocese of Toledo: Code of Pastoral Conduct," which state in Chapter 4, Paragraph 1, that "clergy, religious, staff, and volunteers who are vowed or committed to a celibate lifestyle are called to be examples of celibate chastity in all relationships at all times."

Ms. Oberski acknowledged that Father Nuss' "actions were not along the lines of 4.1."

A native of Adrian, who served as the diocese's director of vocations from 2002 until earlier this year, Father Nuss is currently on sabbatical and was unavailable for comment yesterday.

Unlike the Dallas Charter's "zero tolerance" rules for sexual abuse of minors, bishops are given discretion in dealing with priests who violate their vow of celibacy when it involves a consenting adult.

Sister Mary Ann Walsh, director of communications for the U.S. Conference of Catholic Bishops, said the first step toward restoration for a priest in such a situation is to seek forgiveness through the sacrament of reconciliation.

The bishop will then decide if counseling or other steps are necessary, and where and when the cleric can serve again, she said.

"It's a serious failing. The bishop has to look at it and decide what the appropriate thing to do is," Sister Mary Ann said.

Although sexual relations between a priest and an adult is not a crime in Michigan or Ohio, it is illegal in nine states, according to Peggy Warren, founder of an advocacy group called Educating To End Abuse.

Mrs. Warren, of Wichita, Kan., said priests hold positions of trust and authority in society, and she wants more states to enact laws making it a crime for a Catholic priest or other clerics to have sex with a church member.

"As Catholics, we hold these men of God on pedestals and we lay people can never be on the same playing field as a celibate, called by God, Roman Catholic priest," she said.

Mrs. Warren said the same laws that criminalize sex between counselor and patient, or teacher and student, should apply to priests and lay Catholics.

"There is automatic trust; the trust doesn't have to be earned," Mrs. Warren said. "The minute you walk into a church, walk into a doctor's office, or walk into a schoolroom, you trust that minister, doctor, teacher."

An attorney who is a friend of the woman involved with Father Nuss wrote an e-mail to the bishop stating that the relationship began shortly after Father Nuss had presided at the funeral of the woman's husband in April, 2006.

"Her emotional state, to say the least, was extremely weak and fragile," the friend stated in the e-mail. "From approximately the date of the funeral through mid-February, Father David Nuss decided that it would be in his best interest to sexually exploit my girlfriend, over and over again with her."

"It's an unequal relationship. It's an abuse of power," said John Moynihan, spokesman for the Boston-based Voice of the Faithful.

"Obviously, it's a violation of the vow of celibacy. If the relationship started after he presided at her husband's funeral, this is just the pattern you've seen in the church abuse crisis. Who does these things? Those who have power," Mr. Moynihan said.