

## Week 51

### PICK A NUMBER 91803

*"The Day the Music Died"* (September 18, 2003).

This is the day, as Don McLean sang in "American Pie," "the day the music died." Music died for me this day. For more than 42 years, almost every day, gathered in liturgy with so many good and faithful people at St. Joseph's Church in Baraboo and at ten other parishes, we sang songs of joy and hope, songs of praise and sorrow, and songs to God. And now, in a matter of hours, it all ended.

Sometimes life is like any game of chance. You know that at any given time you could be dealt a losing number, you just don't know when. Thursday, September 18, 2003 was a bright and glorious fall day. I had just completed a funeral Mass for Chappie Fox, known for his deep involvement with the Circus World Museum and the circus train. Circus books adorn my library shelves because of him. After the Mass, horse-drawn circus wagons led the procession that carried the body of this great man to his final resting place, as the strains of "Amazing Grace" sounded from the circus calliope.

I returned to the rectory to prepare for another funeral the next morning for a wonderful woman I knew very well. But by the next morning I was gone. I was not permitted to have a final Mass for Carol. No more funerals, no more singing. When the phone rang around 2:30 p.m., it was Bishop Robert Morlino of the Diocese of Madison. He had been at a legislative hearing at the state capitol that day during which there was discussion on the statute of limitations for those sexually abused. At that

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hearing, a woman had accused me of sexually abusing her older brother 27 years earlier.

Actually, at that moment I did not know what my rights as an accused priest were. In the September 2007 issue of the *Justice for Priests and Deacons* newsletter, Rev. Michael Sullivan, J.C.L. Archdiocese of St. Paul and Minneapolis states: "Once an accused person knows of an accusation...he should NEVER agree to depart from his residence unless arrested." Austen Ivereigh, M.A., D. Phil. Heythrop College, Oxford, further states: "Bishops are obliged in civil law to notify police and social services when an accusation is made...But they are also obliged in canon law to investigate the truth of a claim before removing a priest from active ministry—a process the Code of Canon Law describes as a 'preliminary investigation.'" Father Brendan Killeen agrees and further states: "Yet this is not taking place, priests are removed, irrespective of the strength of the allegation." How well do I know. From day one I offered to take a polygraph test but it fell on deaf ears.

As I write this, it is close to five years later. I have never been back to St. Joseph's. I have never preached again or joined my people in the music of the liturgy. I was immediately pulled from the parish and was required, by order of Bishop Morlino, to live at the Diocesan Center in Madison, the former Holy Name Seminary.

This lasted five months, even though four days after I was removed from St. Joseph's, the older brother, the alleged victim according to his younger sister, publicly denied that he was ever abused. As he was quoted in the Wisconsin State Journal: "I don't know where she would come up with this and why. I feel these are very serious accusations against Father Vosen and he should not be put through all this...she asked me about [Vosen] and if he had ever done anything to me. I told her no way. That is why I can't understand why she would say such a thing."

My family, friends, parishioners, and I were ecstatic with his unequivocal denial. Sad to say, no diocesan official called me to say they were happy for the good news. Not one. The good news was in all of the local papers with the exception of the diocesan paper, the *Catholic Herald Citizen*. A week earlier, they had

been quick to print the accusation, but now, not the good news. It was the first of many indications that the church establishment has come to believe that if you are accused, you must be guilty, and it would never help you to clear your name. No such thing as innocent until proven guilty. No proof or evidence needed. What was easily a “no-brainer” right from the start became in a sense a twisted allegiance to a SNAP (Survivors Network of Abusive Priests) member, and the denial of the alleged victim was ignored.

Yet with this news in the Madison newspapers, I was so convinced that I would be back to the parish by the next weekend that I prepared a homily, which of course was never heard. So began my five-month stay at the Diocesan Center. During the first week of my stay, I was told not to leave the premises and was also told that I could be visited only by family. I now refer to this as my prison stay.

I was at the Diocesan Center a little over two weeks before the Diocesan Review Board for Sexual Abuse met with me. It is my understanding that this board is to be independent from the bishop and diocese so they can objectively advise and inform the bishop as to their findings. But my first meeting was actually *chaired* by the bishop. In addition to the duly appointed members, the diocesan Vicar General and the diocesan victims’ advocate were also present. I was asked only one question pertaining to my case and then I was asked to leave. It was more than six weeks later before I met again with the board. The bishop was not there, but again the Vicar General, the victims’ advocate, plus the diocesan civil lawyer (why?) were present. So much for independence from diocesan influence.

Yes, there was another accusation the diocese had to deal with. Just a few weeks before September 18, 2003, the Vicar General of the diocese called me to say that Bishop Morlino needed to see me the next morning. I asked him for what purpose and he said he couldn’t tell me, but it was very important. So I went to Madison the next morning, having no idea why.

In the presence of the Vicar General, the bishop presented me a one-page statement from a mother in Janesville, Wisconsin, accusing me of abusing her son. After reading it in total shock, I

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pointed out obvious flaws in the allegations. I hesitate to go into too much detail, but all of these and many other details became public knowledge in a subsequent civil trial.

The burden of this person's allegation was that he was abused by me in the sacristy of the church before and after funeral Masses, sometimes in the state of undress. I pointed out that that particular sacristy had two open doorways into the sanctuary and main body of St. John Vianney Church—open doorways with no possibility to obstruct the view from outside. Before and after funerals there was constant traffic through those doorways: a sacristan who was always there ahead of time to have things ready for the priest and to put everything away afterwards; one or two more servers for the Mass; the musicians; proclaimers; sometimes family members; and the funeral director. How could two people in the state of undress be unnoticed in that setting? Not to forget that right after the funeral Mass the priest goes with the funeral director and family to the cemetery.

How did something like this get through the review board as believable? A priest is on that board who I presume has had hundreds of funerals. Why were these allegations just accepted without some kind of a challenge to the accuser? This is just one of many incredulous issues that are in the transcript of the civil trial to be discussed later in this chapter.

On February 13, 2004 Bishop Morlino finally suspended me. This is how the meeting went. The bishop seemed to be sitting two feet above me. I don't know how that illusion was created. His Vicar General was a little lower to my right. The bishop's opening words were astounding to me. Remember, I came into this meeting still having hope, however slim, of returning to the parish. With what appeared to be great glee and authority, the bishop said, "We have seven accusers and three victims."

The wind was totally knocked out of me and I responded, "Seven accusers! Who are they?"

The bishop answered, "I can't tell you that."

Since when? He wouldn't tell me the seven, but it wasn't hard to figure it out: the alleged victim in Janesville plus his two parents and sister, a nice cozy arrangement; the two sisters of the

man in Madison who affirmed that he was never abused; and the so-called “nut case” that was coming up, involving a man who never showed up for his scheduled hearing.

So there were seven accusers and three alleged victims. Notice that the diocese never used the word *alleged* victim. Anyone who makes an accusation is automatically a victim. The bishop ultimately acknowledged that only one accusation was believable and only that one would be sent to the Vatican. I asked him which one and he responded, “If you had been listening, you would know.”

Nice pastoral touch. When you have him down, keep him down. Finally, he told me it was the one from St. John Vianney of Janesville. Much later, we learned that the bishop also sent the one from Madison even though the alleged victim denied being abused. Since I believed it was just one accuser’s case going to the Vatican, this was the person I took civil action against for defamation of character in April of 2004.

Unfortunately for me, it was probably impossible in today’s climate to find an unprejudiced jury in a case involving a priest. In August of 2004, after a four-day trial, the jury found that I had not met my burden of proof in claiming I had been defamed. However, several weeks later, three of the jurors were quoted in the local paper as saying there was “insufficient evidence [against me] for a criminal trial.”

In the morning paper on the day in which the verdict would later be made known, the judge was quoted saying: “There is ample evidence that these actions [Vosen was accused of] never occurred.” *Ample evidence*. He didn’t use the word ample by accident. The dictionary uses four words to define *ample*: *large, great, abundant, and sufficient*. He wasn’t just saying that he didn’t see any evidence against me. That in itself would be enough, but there was large evidence in my favor, there was great evidence in my favor, there was abundant and sufficient evidence in my favor.

Where was this evidence? In the transcript of the trial. The same transcript the diocese and its canon lawyer had. *Why didn’t they see that the evidence in my favor was abundant and sufficient? How did they miss it, or more importantly, why did*

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*they miss the evidence? Why were they so determined to try to establish opposing evidence? They weren't even at the trial.*

Oh yes, both of the diocesan lawyers were there on the final day of the civil trial. They were there to scoop up what documents they could. They sat on the defendant's side of the courtroom where the SNAP members were and not on my side along with at least 80 of my family and friends. One of them even tried to enter the jurors' room while the jury was still in deliberation, until he was stopped by the judge. *Why is it OK for the church to close their eyes to evidence, and in the process, bear false witness against another, especially when the consequences are so grave? Why?*

Another important why. I have concerns about how the case in Janesville was handled from the beginning. *Why did the diocese try to take it into their hands and not go immediately to the civil authorities?* On page one of this chapter we read, "Bishops are obliged in civil law to notify police and social services when an accusation is made." *Why didn't this happen?* Because the Janesville accusers, the mother and son, requested anonymity, and said they were promised by the diocesan's victims' advocate that I would never know who they were. They were aware of large money payouts by the Church in our country. They thought everything could be secret and quiet: take Father Vosen out and receive the money. Their lawyer requested that the payout be in the neighborhood of \$1.1 million. They did not expect a priest under these circumstances to go public and take out a suit against them for defamation of character. They were very upset when they learned that the diocese was required to share their names with me.

Yet, another very important why. *Why didn't the alleged victim go to civil authorities?* The young man was 25 at the time of the trial and the statute of limitations would remain open for him until age 31. So as I am writing this in 2008, the statute of limitations is still open for him. He and his SNAP backers wanted nothing to do with a criminal trial. They knew it had no chance of going anywhere.

How different my life would have been these past five years had the bishop taken the two proper steps as outlined in the Code

of Canon Law in the fall of 2003: “Bishops are obliged in civil law to notify police” and “They are obliged in canon law to investigate the truth of a claim before removing a priest from active ministry.”

In July of 2004, I received notice that the bishop was authorized by the Congregation for the Doctrine of the Faith at the Vatican to conduct a judicial penal trial for my case. It was a year before that trial actually began—July 2005. The diocese appointed three Canonical judges before whom my canon lawyer and I met at the offices of Lathrop and Clark in Madison.

On the first day of that trial, I witnessed a scene that I’ll probably never be able to erase from memory. I was waiting in my car for my canon lawyer, Father Mike Maginot. Before he exited the building, the three diocesan-appointed canon law judges came out of the building with the diocesan canon lawyer. They were talking and laughing. One of them saw me and sheepishly waved. Then all four drove off together in the same car. The same scene repeated itself each day of the trial. The diocesan lawyer and the three judges were together each day. There certainly was no room for my lawyer in that car. I can only speculate with whom they had dinner those evenings. This was just one more indication of where everything was headed.

In October of 2005, the bishop decided to create a third case against me. Originally, way back in November of 2003, the bishop mentioned that there was a person who couldn’t remember my name, but thought that I *might have* abused him. The bishop’s exact words to me were: “This is a nut case. Don’t worry about it.” So now, more than two years later, for some unexplained reason, the “nut case” becomes credible. It really could be explained, though—for it was now their turn to pick a number. They didn’t like two, but they loved three. To them it meant there was a pattern.

In February of 2006, the proceedings of the church trial were suspended to prepare for this so-called new case, the “nut-case.” The review board never called to meet with me and they were shocked and surprised when I called them and asked for a meeting. It took them until July of 2006 to prepare for this number three. When the judicial penal trial proceedings were

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resumed that July, lo and behold the alleged victim was a no-show. So there had been nine months of wasted time, money, and energy.

The panel of three judges for the church trial made known to me their negative decision on August 10, 2007. Father Maginot and I decided immediately to appeal to the Vatican. We had until October 29, 2007 to make the appeal. We sent it to the diocese and to the Vatican a few days prior to that. As I write this in the summer of 2008, we have heard nothing.

During this five-year ordeal, through the grace of God, I seem to understand so much better than I used to, the gift of peace. With this gift there is no inner turmoil, there is no doubt, there is no hiding. I'm at peace in presenting my life and work in the priesthood to our God and to you who share in my life. This gift has kept me calm and directs me not to live with anger.

In Isaiah 38:14 there is a word not often used. Isaiah is speaking to God and says, "Be my surety." When you ask another if he or she can do something for you, it's nice to hear the simple answer, "Sure." God is sure. I am sure. God is my surety. May my family, the many, many friends and parishioners, my fellow priests who have been negatively affected by these events, now be positively stronger, because we put our faith, not in man, but in God. "I will make music to my God while I live. Put no trust in mortal men in whom there is no help...He is happy whose hope is in the Lord his God" (Psalm 146:1-3).

A very important part of this story is the faithful and loving support of my family. As you can imagine, this has been very difficult for them. Unfortunately in these past two years, we lost two of our brothers, Francis and Dan. It was heartbreaking that I could not celebrate their funeral Masses. It was also very disappointing that no diocesan official offered any word of consolation.

The outgoing of support goes way beyond my family. From the first few weeks when St. Joseph's Church was filled for special prayer services, to the Baraboo walk for justice on a chilly December day, the more than 1,000 cards and messages received during those first few months, to the present outpouring of prayer





*On a chilly December day in 2003, Father Vosen supporters march at St. Joseph Church, Baraboo.*

and concern. Family, friends, present and past parishioners, brother priests, religious sisters, and lay people and ministers of other denominations. They all have helped considerably to strengthen my spirit and resolve.

As I wrote in Week 5:

There is so much prayer coming from so many people...what is it that draws power from the heart of God? It must be our simple, child-like belief that God loves us, hears us, and is constantly responding to our cries. Not that at a certain date in the future he is suddenly going to answer us. No, it's right now as I am praying he is responding with his grace by providing for the circumstances of my life to create the stage and proper time for the answer. Prayer is knowing that our case has been heard. Jesus would not have advised us so often to pray if prayer was not productive. No prayer is wasted for it moves us into God's grace.

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I know this for sure. I did not abuse any of these alleged victims. I thank God for being my surety.

On May 27, 1961, Bishop William P. O'Connor ordained me "a priest forever." I will never quit doing what I can to bring God's presence to those who are crying for God's love and justice.