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HEADLINE: Dallas bishop testifies he warned Kos Grahmann says priest denied sexual abuse

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BODY:

Bishop Charles Grahmann of the Dallas Diocese testified Tuesday that he warned the Rev. Rudolph "Rudy" Kos three times not to allow boys to stay overnight and that Mr. Kos assured him he was not sexually abusing the boys.

"I asked him if something sexual was going on," Bishop Grahmann testified for the first time in the civil trial of Mr. Kos and the diocese. "He denied it. I think I used the word pedophile." He denied it."

Under questioning from plaintiffs' attorney Windle Turley, Bishop Grahmann acknowledged that he never opened Mr. Kos' personnel file to read complaints from two priests about the overnight stays in Mr. Kos' rectory room. The lengthy letters included the names of as many as 20 boys staying with Mr. Kos whom Mr. Turley suggested should have been asked about possible sexual abuse.

Bishop Grahmann, speaking in a slow, generally calm voice Tuesday, said he turned the Kos matter over to Monsignor Duffy Gardner, the diocese's vicar general, or No. 2 official.

"There was no reason for me to look in the file," Bishop Grahmann testified.

Bishop Grahmann, 65, took over as the top local Catholic official in 1990, nine years after the sexual abuse by Mr. Kos is alleged to have begun and two years before he was removed.

His predecessor, Bishop Thomas Tschoepe, is 85 and in ill health and will not testify.

Eleven plaintiffs are seeking \$ 146.5 million from Mr. Kos and the diocese. The 52-year-old Mr. Kos, who lives in San Diego, has already been found liable for the abuse because he has not responded to the lawsuits.

The diocese maintains that it should not be held liable for Mr. Kos' conduct.

On Tuesday, Bishop Grahmann took the stand before a courtroom so crowded that some people were sitting on cardboard evidence boxes lining the wall. He testified for about 90 minutes in the late afternoon and will return for more questioning on Wednesday. The trial is in its eighth week, and the plaintiffs' attorneys are expected to rest in the next few days.

Bishop Grahmann said he was not briefed on any complaints about Mr. Kos until more than a year after he became bishop. As early as 1985, an Irving priest who was Mr. Kos' supervisor had complained to top Catholic officials about the sleepovers, and Mr. Kos had been warned to stop them.

Bishop Grahmann said he learned of the complaints against Mr. Kos in late 1991 when an Ennis priest who reported to Mr. Kos requested a meeting with the bishop to talk about the sleepovers.

He said he had his first meeting with Mr. Kos the next month, warning him to stop the overnight visits. But he didn't ask him at that time if he was sexually abusing the boys staying in his rectory room at St. John's Catholic Church in Ennis.

"I didn't feel the opportunity to do that," Bishop Grahmann said.

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Five months later, in early 1992, he said he warned Mr. Kos again to stop the overnight stays after the Rev. Robert Williams, who was assistant pastor at St. John's, again reported that boys were at the rectory.

"I told him to cease and desist," Bishop Grahmann said.

Two months later, Father Williams wrote the bishop a 12-page letter detailing his concerns about the overnight stays, which continued.

Bishop Grahmann testified that he never read the letter and never put any of his warnings to Mr. Kos about the overnight stays in writing.

He said his third and final oral warning to Mr. Kos came in July 1992, a month after Mr. Kos had returned from a Catholic psychiatric facility in Maryland, the Saint Luke Institute, where he was evaluated for pedophilia.

In his questioning of Bishop Grahmann, Mr. Turley said that other church officials had warned Mr. Kos about the sleepovers as many as eight times previously but that he never stopped them.

Bishop Grahmann said he sent Mr. Kos back to the Ennis church after the center's director told him doctors could not find any evidence of sexual misconduct by Mr. Kos.

Throughout the trial, plaintiffs' attorneys have vigorously objected to the church's contention that the Maryland center gave Mr. Kos a "clean bill of health."

On Tuesday, Mr. Turley pointed to the report on Mr. Kos by Saint Luke, which recommends a test to find out if Mr. Kos is sexually aroused by pictures of nude children.

"It's in everyone's interest to gather more information about Father Kos," the report says.

An appointment was made in New Orleans for Mr. Kos to take the "plethysmograph," in which sensors are attached to a man's penis, but Bishop Grahmann canceled the appointment.

He testified that he had "moral problems" with the test.

"The end never justifies the means," Bishop Grahmann said.

Mr. Turley said that when he took the bishop's deposition in 1994 for this trial, he said church officials were working on a sexual abuse policy.

It was issued Jan. 1 of this year.

"Is that a reflection that there were so many other important priorities in the diocese?" he asked Bishop Grahmann.

"Not at all," he replied.

Parts of the six-page report, an SMU law professor testified Friday, violate state law by allowing church officials to investigate allegations of sexual abuse before reporting them to authorities.

Mr. Turley also criticized the policy in his questioning of Bishop Grahmann on Tuesday, but the cleric defended it.

The diocese's attorney, Randal Mathis, said after testimony ended that he thought the bishop was an effective witness for the church.

"I'm real pleased with his testimony," Mr. Mathis said. "This is the first time the bishop has ever testified in a courtroom. He was very calm. He had very good memory with regard to rigorous cross-examination."

Mr. Turley, however, said Bishop Grahmann's testimony showed that he acted with "total blinders on" regarding the complaints against Mr. Kos.

"There was a mountain of evidence he could have acted on from the beginning," Mr. Turley said.

GRAPHIC: PHOTO(S): (The Dallas Morning News: David Woo) Bishop Charles Grahmann of the Dallas Diocese answers questions from plaintiffs' attorney Windle Turley on Tuesday.

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