

# When a church's honesty is a liability

by [Peter Eisler](#) in the [June 14, 2011](#) issue

When officials at a Presbyterian church in Virginia decided to acknowledge the church's failures in handling reports of sexual abuse by a youth ministries director, they thought it might upset some in the congregation.

What surprised leaders at Vienna Presbyterian Church was the admonishment they got from the church's insurance company. On March 23, a lawyer hired by GuideOne Insurance sent a warning to church officials:

"Do not make any statements, orally, in writing or in any manner, to acknowledge, admit to or apologize for anything that may be evidence of or interpreted as [a suggestion that] the actions of Vienna Presbyterian Church . . . caused or contributed to any damages arising from the intentional acts/abuse/misconduct" by the youth director.

The church's governing board took a different course.

"Members of Staff and of Session are profoundly sorry that VPC's response after the abuse was discovered was not always helpful to those entrusted to our care," the board said in a letter to the congregation.

In a sermon on March 27, Pastor Peter James went further: "We won't hide behind lawyers. . . . Jesus said the truth will set us free." Then, turning to a group of young women in the audience, he continued:

"Let me speak for a moment to our survivors," he said. "We, as church leaders, were part of the harm in failing to extend the compassion and mercy that you needed. Some of you felt uncared for, neglected and even

blamed in this church. I am truly sorry. . . . I regret the harm this neglect has caused you."

As churches nationwide struggle with disclosures of sexual abuse in their midst, many find inherent conflicts between the guidance they find in scripture and the demands of the insurance companies and lawyers responsible for protecting them from legal claims.

Common religious tenets of atonement often run counter to the legal tenets of avoiding self-incrimination. "This sort of conflict is happening all the time," says Jack McCalmon, a lawyer whose company, the McCalmon Group, is hired by insurers to help churches set up abuse-prevention programs.

"The church is in the business of forgiveness, of being forthright and open and truthful, but that often creates liability in a world that's adversarial, in the judicial world," McCalmon says.

Church officials often face a wrenching dilemma: if they do what they feel is right in the eyes of God, they can put their church at risk of financial claims that could end its existence.

Dozens of lawsuits have been filed against churches by people alleging sexual abuse by clergy or church employees. Jury awards and settlements have ranged from tens of thousands of dollars to many millions.

Five years ago, Vienna Presbyterian officials learned that Eric DeVries, the church's student ministries director, had "crossed the boundary of emotional and physical propriety in his relationship with female students."

DeVries, hired in 2001, resigned in September 2005 amid the allegations. Church officials reported him to authorities; he later pleaded guilty to a misdemeanor charge of contributing to the delinquency of a minor and received a

12-month suspended jail sentence.

In 2009, the church began to reexamine what went wrong. The discussions also led to the decision to acknowledge failures in responding to the abuse, apologize to victims and recommit the church to their care.

In letters and e-mails, GuideOne and a lawyer it hired to defend the church against possible claims raised adamant concerns about the church's approach. Church officials responded with adamant refusals to let legal interests steer their decisions.

The correspondence shows that the church balked at the idea of defending potential lawsuits by invoking the two-year statute of limitations or raising questions about the sexual histories of women who might file claims.

The conflict intensified when GuideOne learned that church officials were cooperating with the *Washington Post* on a story about the church's failures—a course the insurance company's lawyer had warned against.

In a February 10 letter, GuideOne reminded the church of its contractual obligation to "cooperate with us to the fullest extent reasonably necessary" in protecting against potential claims.

The church's actions "have impeded our right to investigate the claims and the future defense of this matter," the letter warned. "Any failure . . . to comply with the conditions of the policy will jeopardize any future coverage available to Vienna Presbyterian Church."

The church stuck to its plan. "The directions from the insurance company and its lawyer were clear and possibly correct from a legal perspective," says Peter Sparber, who is on a panel of elders handling issues related to the abuse. "They did their job, but as elders, we had to do ours. We still have lots of work cleaning up the mess created by Eric DeVries,

but not following their legal advice was a good start."

#### Officials

at GuideOne declined interview requests. "The situation with Vienna Presbyterian Church continues to evolve, and we have a policy to not comment on open claims," Sarah Buckley, a company spokeswoman, wrote in an e-mail.

Buckley noted that GuideOne offers clients extensive resources to help them respond to abuse cases. The company encourages churches to react with concern and compassion, report allegations to authorities, investigate and document pertinent events, seek legal counsel and encourage counseling for victims, she added. —*USA Today*