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Abuse Victim Reveals Settlement with Buffalo Diocese

By Dave Condren
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The Catholic Diocese of Buffalo in 1994 paid a former altar boy \$150,000 to settle a sexual assault complaint against a priest who allegedly abused the boy over a four-year period in the 1970s, The Buffalo News has learned.

Tobin M. Gilman, who grew up in the Southern Tier and now lives in the Dallas-Fort Worth area in Texas with his wife and three children, made the complaint to the diocese in 1993. The following year he reached a settlement with the diocese, then led by Bishop Edward D. Head, who is now retired.

Shortly after Gilman reported the abuse to the diocese in 1993, the Rev. James A. Spielman, the priest he accused, resigned the priesthood and moved to Alaska.

Although the settlement included a stipulation that Gilman not comment publicly on the abuse or the agreement, he said he decided to end nearly eight years of silence because Cardinal Francis George of Chicago encouraged victims, including those who signed confidentially pledges, to speak out "if it would be therapeutic to go public."

"It's going to make me feel better that I'm doing something positive," Gilman said. "I believe there are a multitude of other victims of James Spielman who could be helped by someone coming forward."

"The church needs to take responsibility for the victims that are out there. But it continues to cloak this in secrecy, hiding behind closed doors, covering up and otherwise not reaching out to victims."

Kevin A. Keenan, communications director for the Buffalo Catholic Diocese, confirmed that Spielman resigned his ministry in 1993 and that he no longer functions as a priest. But he would provide no details about the case or the settlement with Gilman.

"It is the policy of the diocese to offer counseling assistance in all cases regardless of legal obligation," Keenan said this week. "At times, either because counseling expenses have already been incurred, or because counseling through the diocese is not available or appropriate -- such as when the person needing counseling lives elsewhere -- the diocese has paid for counseling expenses."

Bishop Henry J. Mansell in April told The Buffalo News that he was unaware of any cash settlements made regarding sex abuse complaints that occurred since he became bishop in 1995.

Gilman told the diocese early in 1994 that he was sexually abused and assaulted by Spielman beginning in 1971 when he was 11 years old. The abuse, which included oral sex and sodomy, continued regularly until Gilman was 15 or 16. Gilman, now 41, claimed the abuse occurred most often in a cabin that Spielman owned on a hill overlooking the hamlet of Scio in Allegany County.

He also was assaulted, Gilman said, in the rectories of several parishes, including SS. Peter and Paul in Jamestown and St. Aloysius in Springville, as well as the faculty house at Archbishop Walsh High School in Olean, where Spielman taught for a time. In addition, he was abused in a hotel in Portland, Maine, and on a ship in the Atlantic, somewhere between Maine and Nova Scotia, with Spielman's parents in the adjoining cabin.

Spielman declines comment

Reached in Soldotna, Alaska, Spielman, now 58, acknowledged he knew Gilman but he would neither confirm nor deny that he had sexually assaulted the youth. Neither would he say why he had quit the priesthood. "I have no comment on all of this," he said.

Asked if Gilman's complaint about sexual abuse was behind Spielman's departure, Keenan replied that "the reasons for the resignation, which was accepted, are confidential."

Neither would Keenan say if other people reported sexual abuse by Spielman or were paid cash to settle complaints against him.

"Out of respect for confidentiality, we cannot comment on specific cases," he said. "As we have previously disclosed, it is the policy of the diocese to offer counseling in all cases."

Spielman, who was ordained in 1970, arrived to celebrate his first Mass as associate pastor of St. Joseph's Church in Scio on the day in 1971 that Gilman served as an altar boy for the first time.

Abuse began in Scio

A few months later, Gilman alleged, the priest, who became friendly with his family, took him and his three brothers to the cabin outside of Scio.

There he gave them beer, wine and Irish whiskey and showed them girlie magazines before joining them for a shower in a locker-room-style, tiled shower with multiple shower heads. Instead of providing towels, Spielman made the boys lie naked in front of the cabin fireplace to dry, Gilman said.

Because his brothers resisted Spielman's advances, Gilman said, the priest stopped inviting them to the cabin and focused his abuse on him.

"This occurred approximately once or twice a month from the ages of 12 to 16. During that time, the sexual abuse grew more intense and invasive than it ever was when Toby's brothers were present," Gilman's attorney, Stephen C. Rubino, stated in the complaint presented to the diocese in 1994.

Why did Gilman allow the abuse to continue?

"I asked my psychologist the same thing," Gilman said in a recent interview. "I didn't think I had the power to stop it. My brothers were approached, too, but they refused. They were not abused. I was the shy one -- less assertive and (more) needy for attention."

Although the sexual activity went on in the 1970s, Gilman said he repressed the memory of the events until early 1992, when it was unleashed during a discussion in a church faith-sharing group.

"At that point, he was flooded with memories of this abuse and began seeking out confirmation from his family and support from his friends," Rubino, his attorney, stated in legal papers served on the diocese in January, 1994.

When he lodged the complaint against Spielman, Gilman said, he made several unsuccessful attempts to meet with or contact Head, who was then bishop of the Buffalo diocese.

Instead, all of his meetings were with Monsignor Robert J. Cunningham, chancellor of the diocese, and Terrence M. Connors, the diocesan attorney.

During the course of the negotiations, Gilman added, he was told that Spielman had spent time at Southdown, a facility near Toronto that specializes in treating priests for substance abuse and sexual problems. When the treatment was completed, the priest was named pastor of SS. Peter and Paul, Jamestown, where he had served previously. Four months later, Spielman resigned his pastorate.

Cunningham told The News in April that no priest in the past 20 years was merely transferred to another assignment when there was "credible evidence of inappropriate sexual behavior with children."

Before his boyhood memories of Spielman started to return, Gilman said, the priest visited him in Texas to baptize his daughter. During that visit, Gilman said, Spielman confided to him that he had spent a year in treatment at Southdown where he discovered he was gay.

Keenan would not confirm that Spielman was treated at Southdown. "Out of respect for confidentiality, we cannot comment on specific cases," he repeated.

Gilman recalled that, early in the negotiation talks, diocesan representatives asked if he had seduced Spielman and later said the priest claimed the boy had been "a consenting adult."

Settlement is signed

According to a settlement agreement signed on Aug. 3, 1994, by Gilman, his wife, Mary, and Cunningham, the \$150,000 payment was intended to cover "past and future counseling fees."

"That's a euphemism for shut up and go away," said Gilman, noting that his therapy consisted of six sessions with a psychologist who determined that no further visits were necessary.

Gilman, a certified public accountant who operates an Internet sales business, said he received \$100,000 from the settlement. Rubino of Ventnor City, N.J., received the other \$50,000 for legal services. Rubino had sought \$900,000 to settle the claim.

The settlement document states that "the Gilmans have advised the diocese that they wish the terms and conditions of this agreement to remain confidential." But Gilman said he strongly objected to the secrecy during negotiations with the diocese. He finally agreed to sign it only because time for initiating a court case was running out, he said.

When he accepted the settlement, the statute of limitations on sexual abuse cases already had expired in New York State. Rubino's plan, Gilman said, was to file suit, if necessary, in Maine where abuse also had occurred and where there still was a little time left to go to court because of a more liberal statute of limitations.

"There will be some who think I have an ax to grind, but it does not seem that the Buffalo diocese is treating this as openly as other places," said Gilman. Gilman contended that, even after he "proved my case and the priest was removed, I never got an apology or even one word of solace from the bishop or anyone else in the church."

A gifted priest

Priests who knew Spielman remember him as gifted academically and musically. After he was ordained, he became known for his ability to raise money in the parishes where he was assigned.

As a seminarian, Spielman spent a few summers as a counselor at Camp Turner, a diocesan summer camp for children in Allegany State Park.

"He spent a lot of time with young people," one priest recalled. "He was the kind of guy who would generate a lot of trust in people."

Besides the Scio, Jamestown and Springville parishes, Spielman served at St. Mary's in Belmont, St. Patrick's in Salamanca, St. Mary's in Canaseraga and Assumption in Portageville.

After quitting the priesthood, he went to Alaska, where he was a partner for a time in Heavenly Sights

RV Campground in Soldotna, 180 miles south of Anchorage. He currently operates Peninsula Payee Services, an agency that handles Social Security money for people who are mentally ill.

Gilman said he forgave Spielman "a long time ago . . . I don't feel any anger toward him," he said. "My anger is toward the continuing coverup."

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