



GOOD SHEPHERD MANOR. The Busams saw the home as a refuge for Joey.

Faith, death and betrayal

The Busam family placed a retarded son, Joey, in the care of Catholic brothers. Now he is dead of AIDS. The Busams want to know why

The temperature reached a balmy 67 degrees in Cincinnati on January 18 as Joey Busam lay dying in a bedroom of his mother's big, white-brick colonial home north of town. The sun peeked through the windows and seemed to warm him. He mumbled a few words to his mother, Claire. At 85 pounds, Joey was frail, well below his normal weight of 135. Beneath the covers, his arms and legs were matchstick thin. Scars and lesions covered his body. Morphine dulled the pain. By early evening of the following day, Joey's breathing became labored. A little before midnight, he swallowed twice, and then the life went out of his blue eyes. Claire Busam and her seven other grown children were at his side. Once devout Roman Catholics, not a one

doubted that Joey died a victim of the church.

The medical cause of Joey Busam's death was listed as AIDS, but his story is not so much about disease as it is about betrayal. Joey was a mentally retarded man of 44 years who lived in the mind of a 6-year-old. For much of his life, a small order of Catholic brothers cared for Joey in a facility for the mentally retarded called Good Shepherd Manor. The brothers were men of God — that is what Claire Busam believed when she and her husband placed their son in the brothers' care so many years before. "It was a very trusting relationship we had with the brothers, all of them," she says. "I trusted them fully."

Today, Busam is not so trusting. She is suing the religious order that cared for



Joey, the Little Brothers of the Good Shepherd. Busam says her son was raped and sodomized by some of the brothers at Good Shepherd Manor, which the order operated in rural Ohio until its ouster in a money and sex scandal in the mid-1980s. Busam says some brothers infected Joey with HIV, the human immunodeficiency virus that causes AIDS. The order denies her charges.

Dangerous conduct. Although she blames the brothers who cared for her son, Busam also holds the Catholic Church responsible. She is suing the Diocese of Columbus, which provided funds to the order and gave it permission to operate there. Busam says the diocese failed to protect her son from "dangerous sexual conduct and abuse."

The lawsuit has thrust the church



into uncharted waters. Across the nation, Catholic religious orders operate everything from homeless shelters to hospitals and universities. If the church loses this case, other dioceses might ultimately become liable for some of these operations. Lawyers for the Columbus diocese are seeking to prevent such an outcome. "The church might have to withdraw support from hospitals [and] social agencies," says Bishop James Griffin. He calls Joey's death a "tragedy," but he says it is "absurd" to hold the diocese responsible.

While sexual abuse scandals have tarnished the image of the Catholic Church in recent years, the story of Joey Busam and Good Shepherd Manor paints a truly nightmarish picture. Detailed in thousands of pages of rec-

ords on file at the Hamilton County Common Pleas Court in Cincinnati, some of the images, in the language of the Bible, are everlasting:

? One brother kept a 6-foot boa constrictor at the facility. Helpless retarded men said he ordered them to drop their pants and bend over, then placed something by their anus. "Feel my snake?" the brother asked. Was it the snake or the man's penis? Prosecutors were never sure.

? In a drunken stupor, night after night, another brother roamed the facility while the retarded men slept. According to a court affidavit, the brother slid into the beds of some men and molested them. In a letter to Ohio authorities, one retarded man wrote: The brothers "use me for a girl. They force me to do

INTERMENT, His nieces and nephews placed flowers on Joey's casket at Oak Hill Cemetery. "Uncle Joe" was the heart and soul of the Busam clan.

it. I am a human being. I'm sick and tired of it. ... Does my life end here at Good Shepherd Manor? I hope not." ! Joey Busam was especially close to Geneva Mustard, a cook at the home whom he called "Momma." In an affidavit before Joey died, Mustard recounted the retarded man's worries: "Joey Busam came to me complaining of pain which appeared to be from sexual abuse. . . . 'Brothers hurting me, Momma.' I asked him, 'What are they doing to make you hurt?' Joey Busam pointed to his rectum and said, 'My behind hurts.' I asked him who

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is doing this. He said, 'Brothers.' "

As horrifying as such images are, the true measure of Joey's death must be taken by its effect on his family and on their faith in the Catholic Church. Before they learned of Joey's infection, Claire Busam and her husband, Joseph, gave generously of their time and money to the church. It was nothing for the elder Joseph to write a \$5,000 check to their parish. The Busams never missed Sunday mass, and the kids always had an envelope for the collection basket. For many years, the Busams held an annual picnic for 100 or so nuns who taught their children at St. Ursula Academy in Cincinnati. Joseph, Claire and the kids served breakfast, lunch and dinner. "The nuns," Claire Busam explains, "were an extension of our family."

Joey's infection changed the family's relationship with the church. "This has not shaken my faith in God," his mother says, noting that she still says her rosary daily. "But I have lost my faith in the church." Now 73, Busam says her lawsuit is not about money. Her husband died after the suit was filed. A successful car dealer, he left an estate worth several million dollars. Any court award, Busam says, would go to charity. The church, she adds, should reform the Little Brothers of the Good Shepherd or disband it.

Taking vows. The order is small, numbering just 58 men. With the approval of the Catholic Church, it was founded in 1952 in Albuquerque, N.M. Like other orders of brothers, men who belong to the Little Brothers of the Good Shepherd are not priests and cannot say mass or hear confession, although they do take vows of poverty, chastity and obedience. Today, the order operates homeless shelters in Miami, Philadelphia and Albuquerque. Brother Majella Marchand, the secretary general of the order, strongly defends his organization. Many of the brothers posted at Good Shepherd Manor, he says, "were dedicated care-givers who were very concerned about the well-being of residents."

Joey's story offers few easy answers. No one can say with certainty who gave him the HIV infection, and the answer

may never be known. The brothers operated Good Shepherd Manor for 22 years, until October 1985. Joey was diagnosed with AIDS seven years later. Experts say some patients develop symptoms of AIDS within a few years of being infected with the virus, while many others don't show any signs for up to 15 years. Based on information from physicians who treated Joey, Claire Bu-

gun, but we have a compelling case of sex abuse."

In interviews with a psychiatrist and relatives documented in court records, Joey said he had sexual contact with Paul Hayden, who is known as Brother Declan, and Guy Dale Shaffer. Brother Declan, who lives in the order's residence in Albuquerque, pleaded guilty to attempted-sexual-battery charges in



FAMILY AFFAIR. Joey with his siblings (top); with his sister Claire at a Special Olympics competition (top right), where he won a slew of medals; and with his parents, Claire and Joseph Sr., in 1991.

sam believes her son was infected in the early 1980s. She alleges that the disease was given to him by two brothers who ran Good Shepherd or possibly by other brothers. "A lot of brothers moved through Good Shepherd Manor, and we don't know everybody who was there," says Normand Murdock, her attorney. "We do not have a smoking

the mid-1980s scandal. The matter was unrelated to Joey. He declined to comment on the Busam allegations, telling *U.S. News*: "I don't feel up to this." But in court pleadings he denied having had a sexual relationship with Joey. Shaffer left the order in the mid-1980s and lived alone in a trailer outside Albuquerque before he died in 1989 of respiratory failure. He was 53. Shaffer's death certificate shows he was suffering from pneumonia and liver disease.

The Little Brothers of the Good Shepherd say Shaffer tested HIV negative and did not die of AIDS. Despite repeated requests, lawyers for the order declined to release his medical records to *U.S. News*. The order also says Brother Declan does not have the AIDS virus, and its lawyers suggest that Joey may have been infected by an employee who worked at Good Shepherd Manor after the brothers left. That man died of AIDS in 1989, but the order's lawyers have been unable to show that he had sexual contact with Joey or any other resident. In sworn testimony, the current administrator, Normand Tremblay, said the man was not involved sexually with residents. Tremblay is credited with helping to clean up Good Shepherd af-



ter the brothers left. None of the Busam allegations relate to Tremblay's administration, and authorities say the manor is now well run.

Leaving home. Joey was the third child of Claire and Joseph Busam, their first son, born on Oct. 11, 1951. With his blue eyes and thick brown hair, he was a handsome baby, Claire Busam says, but "he didn't try to walk and he didn't try to pull himself up." When he was about 1, Joey was diagnosed as retarded. "The doctor said he will be 7 or 8 before you can get rid of him," Busam recalls. "We said, 'This is something we will not do.'"

The Busams bought a 103-acre farm north of Cincinnati, and Joseph dug a 10-acre lake there, stocking it with bass, bluefish and sunfish. There were also chickens, cows, sheep and horses. Joey had the circumstances for an idyllic childhood, but he was unable to fully enjoy it. When he was nearly 12, the Busams decided he needed help and went looking for a home for mentally retarded people that was affiliated with the Catholic Church. "Neither Dad nor I wanted to put Joey in the home," Claire Busam recalls. "It bothered the kids, too. But we felt it was best for Joey. He needed training —something we couldn't do."

SEEKING ANSWERS. Claire Busam and her daughter Claire believe the church must be held responsible for the abuse they say Joey suffered. Any monetary award the Busams receive will go to charity.

A friend told the Busams about a home in Columbus called St. Martin's, run by the Little Brothers of the Good Shepherd. The Rev. Clarence Isenmann, then the bishop of Columbus, served on St. Martin's advisory board — a fact that led Claire Busam to conclude the facility was "a Catholic institution run by the diocese." She also believed the Little Brothers order was controlled by the diocese. The diocese says Busam's conclusions were wrong.

On Oct. 15, 1963, four days after his 12th birthday, Joey entered St. Martin's. Around the same time, some 60 miles south of Columbus in rural Wakefield, the Little Brothers order opened Good Shepherd Manor, for older retarded males. The brothers purchased an abandoned school building with a \$65,000 gift provided by the Columbus diocese. The home was dedicated by Bishop Isenmann in April 1964.

Soon after he turned 16, Joey moved to Good Shepherd. The place seemed

like a godsend to the Busams. "You felt," Claire Busam says, "like he would be safe." Statues of Jesus and the Virgin Mary guarded the front of the building, a priest from the diocese lived on the grounds and the bishop from nearby Columbus sometimes came to visit. The manor was out in the country, on 17 acres surrounded by farmland and the Appalachian Mountains —far from the perils of a big city. "It appeared to us they did such a wonderful, wonderful job," Busam says of the brothers. "They taught him so many good things. I'd be lying if I said otherwise."

As the years passed, Joey remained close to his family, and the Busams repaid what they saw as the brothers' kindness to their son, donating two vans and a tractor and plow for the manor grounds. Along with other parents, the Busams also raised about \$10,000 annually through raffles and card parties.

Everything seemed fine, but eventually there were signs of something amiss. Joey sometimes resisted going back to the manor after a weekend with his family. A few times, he came home with blackened eyes, Claire Busam says. She inquired and was told — by a brother, she recalls —that "it was a

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physical thing —that Joey's blood count was low."

The family failed to pick up the signs, and Joey wasn't much help. "Don't tell," he said, when asked if something was bothering him. One sister, Claire Corcoran, believes Joey tried to tell her 15 years ago that he was being sexually abused. "I didn't understand," she says, recalling how Joey walked into her bedroom and picked up a pair of pantyhose. "He tried to show me," she says, how some brothers "made him wear pantyhose."

Slaps and beatings. The changes became most noticeable, the family says, after a new administrator took over Good Shepherd in late 1981. Guy Dale Shaffer, who took the name Brother Fintan, was dispatched from New Mexico, where he had served as an administrator of a home for the mentally retarded for the past 10 years, to take up the reins of Good Shepherd. Born into a large family in Maryland during the Depression, Brother Fintan had a bad temper and a foul mouth, staff and residents said. A heavy whiskey drinker, he especially liked his Southern Comfort. When he drank, he could be mean. "I witnessed Brother [Fintan] slap and beat a mentally retarded resident to the floor," recalls manor cook Geneva Mustard. Another longtime employee, Lillian Endicott, remembers Brother Fintan "ranting and raving down the halls." She says: "He was a very unkind person."

He also treated himself and a few key associates very well. He and the other brothers dined on steak and lobster. Fintan built a fancy \$10,000 bar at Good Shepherd, stocking it with cases of beer and whiskey. The room had plush, red carpeting and a giant TV screen wired to a satellite dish outside; it was known as the brothers' "playroom." The room was off limits to most, but not all, residents. Joey Busam and Fred Moore, a mildly retarded resident, were among the few allowed inside. Many nights, according to court testimony, the liquor flowed as the selected brothers partied with their favorite residents behind closed doors.

Were it not for Moore, the troubles at Good Shepherd might never have come to light. In August 1984, Moore, now 38 and living on his own and working as a

VICTIMS

The disabled: Targets of sexual predators

The crime was cruel, but that it got punished at all was unusual. The rape of the retarded woman went unnoticed until she became pregnant. Because Terri cannot communicate except through gestures and grunts, she could not testify against her attacker. But her child's DNA matched that of Russell Griffith, a former attendant at the state institution where Terri lives. In January, nearly seven years after the



"MOMMA." Geneva Mustard was the cook at Good Shepherd when she asked who was harming him, Joey

dishwasher in Cincinnati, wrote a letter complaining about conditions at the home. The letter went to the state mental health department.

Moore's accusations were scandalous. Four brothers, he wrote, "use me for a girl." There were times, he continued, "I had to hide from brothers and sleep in ladies' bathrooms on the floor because they were after me to force me to do things I didn't want to do." Moore signed the letter and added a drawing of a smiling face and a postscript. "P.S.," it said, "I feel much better!"

Good Shepherd in whom Joey confided, responded, "Brothers."

The letter provoked an internal investigation, ordered by the brothers. **ASSAULT, Debra Lynn Thomas at Good Shepherd became pregnant after a rape.**

The inquiry was conducted by Robert E. Lee, a Columbus lawyer who turned up evidence of heavy drinking by some brothers and abuse of Good Shepherd residents. In a report, Lee wrote that Brother Declan, the assistant



administrator under
Brother Fintan,
admitted that he
sometimes "drank
beyond excess, would
have blackout spells
and does not remember
... all of the things
which occurred when
he was drunk." Brother
Fintan was no longer
at

with retardation and other
disabilities are nearly twice as
likely as the general population
to be the victims of sexual
assault, according to several
studies. But unlike other
victims of sexual assault, in
more than half of cases they are
victims of multiple or even
chronic abuse.

Perversely, the system of
care that is supposed to pro-

SMILEY N. POOL-
AUSTIN AMERICAN-
STATESMAN

assault, a
Texas jury
convicted the
man.

People



FRED MOORE. A friend of Joey's from Good Shepherd, he was the first to call attention to sexual abuse by some of the brothers there.

battery of Moore. Brother Robert Illig, who had replaced Brother Fintan

as administrator, pleaded guilty to stealing \$20,000 in Good Shepherd funds.

The criminal charges barely hinted at the scope of the problems at Good Shepherd. In a deposition filed in the lawsuit over Joey Busam's death, prosecutor Rosenberger says he believes residents there had been the victims of sexual abuse for perhaps "some period of years." Now in private law practice, Rosenberger says it would have been difficult to bring more prosecutions because some of the brothers implicated in sexual misconduct had moved from

Good Shepherd at the time of Lee's inquiry, but the lawyer concluded that under his leadership, "apparently parties were the priority of the day." Lee was unable to substantiate most of Moore's allegations, but a year later, the Good Shepherd

protect such vulnerable people instead puts them most at risk. Nearly half of sexual assaults against people with disabilities are done by aides, volunteers and others met through the system in charge of their care, says Dick Sobsey of the University of Alberta Abuse and Disability Project. In Texas, an investigation by the *Austin American-Statesman* uncovered 17 pregnancies, including Terri's, at state institutions for the retarded. In one, the brother-in-law of Debra Lynn Thomas pleaded no contest to sexual assault. Family members are responsible for about 18 percent of cases; peers with a disability, for an

resident was vindicated after Ohio authorities asked a local prosecutor to open an inquiry. Robert Neil Rosenberger filed criminal charges against two brothers. Brother Declan pleaded guilty to attempted sexual

author of *Violence and Abuse in the Lives of People With Disabilities*, abuse is hard to detect and even harder to prosecute. In many cases, it is discovered only by tragic accident. Debra Gioello, a 40-year-old resident of a private New York nursing home, died of AIDS on Christmas Eve. The man who infected her has never been identified. In Rochester, N.Y., a woman who has been in a coma for 10 years is now pregnant after a rape. Because of their disabilities, neither woman could give credible testimony against those who abused them.

BY JOSEPH P. SHAPIRO

additional 9 percent, according to Sobsey. The larger the facility—from a small group home to a big state institution—the greater the risk of abuse. Understaffed evening shifts, in particular, attract sexual predators.

Control.

Sobsey believes there is something inherently abusive about the culture of institutions. Staffers control residents' lives, from when they

eat to when they sleep. And in the name of treatment, staff are allowed to use drugs, restraints and sometimes even mild electric shock—a technique not even permitted with prison inmates.

In the closed world of institutions, says Sobsey, the

Ohio and because some of the retarded residents could not recall or recount details clearly. In his sworn statement, Rosenberger said he is sure there were other brothers at Good Shepherd who sexually abused residents and got away with it. "Do I think I prosecuted every felony that was committed by the brothers in regards to residents?" Rosenberger testified. "No, I don't." The facility, he concluded, was permeated with sexual predators.

Affidavits in the civil case filed on behalf of Joey appear to support Rosenberger's statements:

? A Good Shepherd employee, Gregory Chinn, said he believed some brothers were sexually abusing the residents because "an unusual number of the mentally retarded residents were complaining about impacted bowels and had to be ... treated at the area hospital." Chinn recalled seeing one brother "standing and crying in the dining hall ... yelling aloud" to a retarded man, "I love you, Robert; I love you, Robert; please don't do this to me!" He also said he witnessed physical abuse. Chinn testified he saw Brother Declan and a second brother "chase residents down the hallway with a cattle prod."

? A Good Shepherd supervisor, Norman Dean Lightle, said that soon after he started working at the manor in September 1983, he filed a written

complaint against Brother Declan, "whom I ... firmly believed was involved in sexually molesting the mentally retarded residents." One night, Lightle said, he "caught Brother Declan on the edge of the bed in which mentally retarded resident Fred Moore was." Lightle said he took Moore "to a private room to sleep to protect him from Brother Declan."

Moore testified that Brother Declan "was very active, and he did it to everybody at Good Shepherd Manor late at night. Many times I heard someone yelling at night, 'Cut it out,' and I heard Brother Declan say, 'Don't worry about it.'" One of these victims, Moore said, was Joey Busam. "I caught Brother Declan sitting on the side of the bed or in bed with Joey Busam at least three times a month," Moore said in a sworn statement. "Sometimes I heard Joey say 'Cut that out' to Brother Declan." In his affidavit, Moore also said he had had a sexual rela-

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tionship with Brother Robert Illig. Through his attorney, Illig, who is no longer a brother, denies having had any sexual contact with Moore. † Another retarded man said he observed Brother Fintan "touching Joey Busam's private parts. ... I told Joey, 'Don't do it; you might get in trouble.'" This man said he had had sexual relations with two other brothers.

Both Brother Declan and Illig gave depositions in the Busam case. Both are defendants, although Illig has not been accused of abusing Joey. Brother Declan, now 48, testified that he knew of no sexual abuse at Good Shepherd. Brother Declan described himself as a victim of sexual abuse. He was in the fourth or fifth grade, he said, when he was fondled by a nun "possibly three or four times." After he was forced to leave Good Shepherd in late 1985, he spent four months in a psychiatric hospital for treatment of alcoholism and family problems. Brother Declan, who joined the Little Brothers order 30 years ago, testified that he had heard rumors that some members had died of AIDS, but he could not recall any names. Illig, now 48, joined the Little Brothers of the Good Shepherd in 1969. Illig was last known to be in Kansas City, Mo., working with the mentally retarded.

Looking back, Claire Busam says she should have removed Joey from Good Shepherd after the sexual abuse scandal erupted in the mid-1980s. She was satis-



THE END, Joey was pale and weak but in good spirits at his 44th and final birthday. He was buried near his father in the family burial plot.

fied that everything was all right, however, when the Columbus diocese sent in a team to run the home and the head of the Little Brothers in Albuquerque later assured her that the accusations were untrue. The Busams were convinced. When the state indicated it would close down the facility, they and other relatives of manor residents formed a non-profit charity known as the Friends of Good Shepherd Manor and leased the facility from the brothers in 1986. A few years later, they purchased it.

By this time, Joey seemed much calmer, but tragedy was just around the

corner. The patriarch, Joseph Busam, was on the golf course one day in 1988 when he suddenly fell. Doctors did some tests and found that he had amyotrophic lateral sclerosis, Lou Gehrig's disease. "Joe cried as hard as he could cry when the doctor told him," his wife recalls. "He said, 'It made me cry once, but I'll never cry about it again. I'll take whatever the Lord sent to me.'"

Taking tests. But nothing prepared Joseph Busam for the news his wife brought home in the fall of 1992. Joey had been infected with the AIDS virus, Claire Busam said. Her husband cried, but he could not wipe away the tears, paralyzed by then from the neck down. A daughter, Helene, dried her father's cheeks.

Blood tests indicated, Claire Busam says, that her son had been infected perhaps a decade earlier. Specialists at the University of Cincinnati Hospital ran what is known as a CD4 count. The test measures the number of white blood cells, known as T-cells, which are an important part of the body's immune system. The HIV infection destroys them. A normal T-cell count is about 1,000 cells per microliter of blood. Joey had a count of only 20. Dr. Stephen Kralovic interpreted the results for Claire Busam: With such a low count, he told Busam, her son must have been infected for a very long time, though in a deposition he said it could not be determined with certainty precisely when the infection occurred.

The Busams turned to Joey for answers. Over the next few months, in



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conversations with a psychiatrist and family members, described in court papers, Joey said he had been abused at Good Shepherd Manor. George Lackemann, a psychiatrist who has treated many AIDS patients, concluded that Joey's answers on sexual contacts appeared "to have a high degree of reliability," court files show.

Open door. In March 1993, the Busams sent attorney Norman Murdoek to see Columbus Bishop James Griffin. Claire Busam says the family wanted an investigation and felt that "the only way to get in the door" was to demand money. Bishop Griffin says that was not so; he says he has an open-door policy.

The meeting was a disaster. Murdoek said his clients would settle for \$25 million. Bishop Griffin's assistant, Msgr. Joseph Hendricks, replied that the diocese was not liable.

The stage was set for confrontation. The Busams sued Bishop Griffin, the Columbus diocese and the Little Brothers order. Joseph Busam did not last the year; he died in a hospital on December 14, his head on his wife's shoulder.

How this case will end is far from clear. In court papers, the diocese argues that church law did not give it control over the daily operations of Good Shepherd Manor. That control, it says, rested with the brothers. The diocese says it provided only "charitable" and "spiritual" support to the brothers. Attorney Murdoek calls that hogwash. The religious order could not have operated within the diocese without the approval of diocesan leaders, he says, noting that when the scandal erupted in 1985, Bishop Griffin, after consulting with the head of the religious order, sent in a team headed by a diocesan priest to run the facility.

Joey hears none of these arguments now. His family said goodbye on Tuesday, January 23. A bone-chilling rain fell. St. Gabriel Church, in Glendale, Ohio, was filled with mourners as Joey's sister Claire delivered the eulogy: "Fly high, Jo-Jo," she said. "Soar with the angels."

They drove Joey to the Oak Hill Cemetery and buried him a few feet from his father. Joey was wearing a fine gray suit and a blue Snoopy "Joe Cool" tie. A friend had placed a ticket for the Reds' opening-day baseball game in his breast pocket. Joey loved baseball. This year, there will be one less fan at Riverfront Stadium on April 1.

BY EDWARD T. POUND