

Editorial on abuse papers denounced

(written in response to an editorial by the Connecticut Post Staff, which supported the CT Supreme Court decision on the release of the documents)

Letter to Connecticut Post Staff
May 29, 2009

As chancellor of the Diocese of Bridgeport, I object strongly to the Connecticut Post editorial, "Diocese should welcome disclosure," published on May 28. The editorial is inexcusably inaccurate and contrary to responsible journalism.

The editorial questions whether "any of the pedophiles or their enablers [are] still active?" It also notes, in passing, that "It's likely that many of the abusers and their enablers are gone from church service." Contrary to the text of the editorial, the Connecticut Post has known for years that the accused individuals are no longer priests – the diocese has been very open and transparent about this information. Moreover, the Post, as well as numerous other newspapers, extensively covered the lawsuits in question between their filing in 1993 and their settlement in 2001. Newspapers have also extensively covered the proceedings commenced by four newspapers in 2002 to obtain access to the sealed documents in these settled cases.

Therefore, to pose the question as to whether any of the "pedophiles" "[are] still active" is irresponsible and an attempt to inflame the public and to promote anti-Church sentiment.

Moreover, the purported reason for the publication of the editorial is questionable. In particular, the editorial maintains that disclosure of the sealed documents is needed to help the victims of abuse in these cases to move forward. The Post is well aware that the victims, through their attorneys, had copies of the sealed documents at issue – a fact the diocese has mentioned in its press releases. The sealing of the portions of the court files in question restricted access only to non-parties, such as the newspapers. Indeed, many of the sealed documents in question were filed in court by the plaintiffs/victims, who had obtained copies from the diocese as part of the discovery process in these long-since-settled cases.

What good can it do to the healing process to reopen these cases, which date back to the 1960s and 1970s?

The Post is also well aware that The Hartford Courant obtained copies of some or all of the documents in question from unknown sources, despite the court's sealing orders, and published a lengthy article discussing the contents of those documents on March 17, 2002. In other words, this is old news.

The editorial completely ignores the significant, thorough, and historical response of the diocese and its leader, Bishop William Lori, to the scourge of clergy sexual abuse. In fact, no other institution in Connecticut has trained more people – 90,000 to date – in the warning signs of abuse and how to report suspected abuse. No other institution has reached out to victims with more compassion and dignity. No other institution has put in place more safeguards and educational programs to ensure that such a tragedy will not happen again. No other institution has spoken so openly about this topic, particularly to parents.

There are important constitutional and privacy rights at stake in this case that should be of concern to all citizens, not just Catholics. The sealed documents at issue should be protected by the religious clauses of

the First Amendment. We believe the Roman Catholic Church should receive the same rights and protections that other litigants receive in lawsuits.

The other issue here, ignored by the Post editorial, is judicial fairness. Judge Jon Alander had a first-class conflict of interest in this case and should have recused himself, as two other judges had done under similar circumstances. After he received this case, Judge Alander chose to chair a Judicial Committee hearing reviewing the issue of press access to court records whose stated purpose was to provide more accessibility to court records and proceedings. In fact, he did so after the diocese identified the conflict of interest, and at a point of time when Judge Alander could have withdrawn from the committee. Creating a further conflict, one of the members of this committee who was collaborating with Judge Alander was a reporter from The Hartford Courant, who was a party in the case against the diocese.

The diocese believes that the decision in this case will impact all current and future litigants in Connecticut. It is deeply disappointed by the Connecticut Supreme Court's failure to uphold its right to a fair adjudication of its claims by an impartial judge – a right that is fundamental to any legal proceeding.

Like any other litigant in a case, the diocese is currently reviewing its options in response to the Connecticut Supreme Court's decision.

In the interim, given that the editorial is inexcusably inaccurate, we request that it be retracted.

Nancy B. Matthews

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Editor's note: The letter is in response to Thursday's Connecticut Post editorial supporting a ruling by the Connecticut Supreme Court issued last Friday. The court ruled that documents related to lawsuits in the diocesan clergy abuse scandal should be available for public review. The Post stands by that position.