

**STATEMENT REGARDING SUPREME COURT CASE
OF KENNETH MORRISON, ET AL. VS.
THE CATHOLIC DIOCESE OF JACKSON, ET AL.**

The Morrisons' lawsuit stems from actions occurring over thirty years ago. In their lawsuit, they seek over \$48 million in damages. The subject matter of the Supreme Court hearing does not deal with the validity of the Morrisons' claims of abuse, but with the constitutional issues surrounding information sought by Morrison during the discovery phase of the lawsuit. The trial court ruled that the First Amendment does not bar the Morrisons' claims and the Catholic Diocese of Jackson must produce a broad range of documents and information regarding the inner workings of the Roman Catholic Church and the Diocese.

The Diocese has appealed the trial court's ruling because proceeding with the lawsuit will infringe upon the Diocese's constitutional rights. For instance, the production of the requested information would disclose the manner in which the bishop of the diocese selects, appoints, disciplines and supervises its clergy. Furthermore, the Diocese has appealed the lower court's decision because the trial judge has ordered the disclosure, without limitation, of the identities of non-party victims and accusers, and of those falsely accused. Finally, the Diocese has appealed the trial judge's ruling because the order requires production of information protected from disclosure by well recognized legal doctrines including the attorney-client privilege, the priest-penitent privilege and other privileges that prevent, or should prevent, the disclosure of such information.

Some have described the appeal, as an attempt by the Diocese and the Roman Catholic Church to thwart the public disclosure of information about abuse or to prevent the victims from learning "the truth" about their alleged abuse. After being sued in the Mississippi court system, the Diocese was obligated to defend the lawsuits and thereby avail itself of all available constitutional rights, statutory privileges, and other defenses available to other civil litigants. Such constitutional rights, privileges and defenses are especially relevant when the underlying acts occurred over three decades ago. The Morrison lawsuit and its request for \$48 million in damages jeopardizes diocesan programs and church assets. In defense of the Morrisons' claims and their request for compensatory and punitive damages, the Diocese has availed itself of all viable defenses to the multi-million dollar lawsuits brought by trial attorneys and plaintiffs. Hopefully, the Supreme Court's ruling will resolve some if not all of the issues raised in this lawsuit, and the others pending in the trial and appellate courts of Mississippi.

Sexual misconduct by church personnel violates human dignity and the mission of the Church. On a national level, in 2002, the Catholic Church in the United States addressed the misconduct issues by adopting the Charter for the Protection of Children and the procedures for implementing the Charter, the "Norms." In addition to requiring mandatory safeguards, the Charter and Norms provided mandatory safeguards and an

audit of each diocese to ensure that the adequate policies and procedures to protect the children of the Church. Audits of all of the dioceses were conducted in 2003 and 2004.

In November of 2004, the United States Conference of Catholic Bishops voted to authorize a third round of audits of every diocese in the United States to determine whether they established and are maintaining mandatory safeguards for children and discipline plans for guilty church personnel. The bishops' conference also approved collecting data on new abuse claims, litigation and related costs. In order to deter and prevent future abuse, the John Jay College of Criminal Justice has been hired to provide follow-up research and to manage another study to analyze the reasons for abuse by church personnel. The bishops' conference expects to release the results of the study next October. In addition, the bishops confirmed that they intend upon continuing the ban on Church work for abusive priests.

Beginning in 1985, the Diocese of Jackson implemented a written policy and procedure regarding reporting and handling of sexual misconduct claims for lay and church personnel. The Diocese of Jackson passed the 2003 and 2004 audits and received commendations for its programs established to prevent abuse and to investigate claims of abuse by church personnel. Some of the Diocesan programs receiving commendation were implemented in 1985.

The Diocese is committed to ensuring that children being served by the Church are not at risk of sexual abuse by Church personnel. The spiritual well-being of all victims, their families, and others in the community is of particular concern to the Church. For more information about these policies and procedures, we encourage you to visit the diocesan website at www.jacksondiocese.org and click on *Protecting God's Children*. Additional information regarding SNAP's tactics and statements commenting on the pending litigation against Catholic Diocese can be found under *Statements from the Diocese of Jackson*.