

AMICUS BRIEF FILED ON BEHALF OF PRIESTS

[Bill Donohue](#)

The Catholic League has filed an amicus brief in the Supreme Court of New Jersey defending the rights of priests. We are represented by the Pittsburgh office of Leech Tishman; our attorney is Russell Giancola. The lead attorneys for the case, representing the Diocese of Camden, are from Cooper Levenson in Atlantic City, New Jersey.

This case began almost seven years ago. Following the Pennsylvania grand jury report in 2018, the Attorney General in New Jersey launched an investigation of the clergy who worked in the state's dioceses. Prosecutors wanted a grand jury empanelled but the Diocese of Camden objected, saying they had no authority to do so. It is the Camden Diocese that we are defending.

The Diocese of Camden is on solid grounds. In New Jersey, grand jury investigations, or "presentments," are designed only to investigate public officials and public agencies such as prisons and police departments. Targeting private individuals or private institutions are not permitted. Therefore, to go after the Catholic clergy—investigating alleged molestation of minors dating back to 1940—is unwarranted.

In May of 2023, Superior Court Judge Peter Warshaw agreed with the Camden Diocese. He said that state law allows special grand juries to investigate public officials or government agencies, not a private entity like the Catholic Church or individual priests. He also questioned the fairness of the probe: the accused priests will not be given a chance to defend themselves. Judge Warshaw said this amounts to a "hit-

and-run.”

More recently, New Jersey’s Appellate Division agreed, affirming Judge Warshaw’s decision. Now, the New Jersey Supreme Court will have the final say in whether this selective, invasive probe of the dioceses and clergy is permitted to go forward.

The grand jury process allows no cross examination so the accused have no legal recourse when their names are bandied about in reports or in the media. This is outrageous, and it is doubly outrageous when we note that, as always, it is the Catholic Church that is being targeted. It is never some other religion, and it sure isn’t the public schools, the source of sexual abuse today.

On a related note, we have complained for decades about the decision made by dioceses in the United States that post the names of accused priests on the internet or in some other public spot. No other institution does this—just the Catholic Church. In March, Pope Francis formally rejected this practice. Henceforth, dioceses are discouraged from publishing such a list.

Priests should have the same rights as every other American, but they do not. Due process demands that they are assumed innocent until proven guilty. Also, most of the bad apples are dead or are no longer in ministry. So New Jersey’s attempted grand jury investigation is a sham.

We will keep you posted.