

VICTORY FOR PRIESTS' RIGHTS; AMICUS BRIEF PREVAILS

On December 3, the Pennsylvania Supreme Court ruled in a 6-1 decision that the Pennsylvania grand jury report on the Catholic clergy cannot make public the names of 11 priests who challenged the release of their identities; they claimed that doing so would violate their reputational rights as guaranteed by the state constitution.

The Catholic League filed an *amicus curiae* brief in this case and was cited in the court decision.

The priests maintained that they did not have an opportunity to challenge the accusations made against them to the grand jury. Moreover, they said the report contained "false, misleading, incorrect and unsupported assertions." Thus, their reputations would be smeared if their names were not permanently redacted. The court agreed.

Indeed, the majority ruling concluded that permanently redacting the names of these priests was "the only viable due process remedy we may now afford to Petitioners to protect their constitutional rights to reputation."

The judges said that a person's "personal reputation was regarded by the framers of our organic charter as a fundamental human right—one of the 'inherent rights of mankind.'" Furthermore, the ruling said, "throughout our Commonwealth's history, it has been accorded the same exalted status as other basic individual human rights, such as freedom of speech, freedom of assembly, and freedom of the press."

Had all the priests in Pennsylvania who were named in the report taken the same position as the plaintiffs—none were given a realistic chance to rebut the charges (many were dead)—the grand jury report would have imploded. Thirty-four

states have a constitution similar to that of Pennsylvania's: the reputational rights of priests can prevail there as well.

This is a big victory for the due process rights of priests.

There is no institution in the nation that publishes the names of accused employees. They don't do it in the media. They don't do it in Hollywood. They don't do it in the public schools. They don't do it in the colleges or universities. They don't do it in any other religion. Why should the bishops be any different?

Finally, let's stop with the sop that all that matters are the victims. They surely matter and everyone who has truly been molested—by anyone—deserves justice. But many of the people who scream the loudest for victims are phonies—they never go after the molesters in the public schools.

Kudos to the Pittsburgh lawyers at Porter Wright Morris & Arthur for representing the Catholic League. Priests have rights, just like those lawyers, reporters, and pundits who wish they didn't.