

OUR OPINION

Amid clergy abuse case, a chilling attack on free press

This week, a court ruling marked a victory for the rights and protections of the free press. Hampden County Superior Court Justice Karen L. Goodwin ruled that the Roman Catholic Diocese of Springfield can't obtain information from a Berkshire Eagle journalist that could reveal the identities of his anonymous sources.

Still, a question must be asked and answered: Was this defense against an attack on a reporter and a sacred pillar of investigative journalism necessary in the first place?

The anonymous sources in question were essential to Eagle editor Larry Parnass' bombshell reporting on a Chicopee man's credible claims that he was repeatedly sexually assaulted by former Bishop Christopher Weldon and two other priests. That years-long series of articles also exposed an attempted cover-up by the diocese to downplay abuse victims' claims and protect the reputation of a late bishop who led Western Massachusetts' Catholic community for more than a quarter-century. An independent report sought by the diocese and headed by retired judge Peter Velis not only found the abuse allegations against Bishop Weldon to be "unequivocally credible" but corroborated the Chicopee man's narrative that the diocese sought to sweep it under the rug. The diocese later scrubbed Bishop Weldon's name and likeness from church venues and exhumed his body from an honored burial place for church officials.

That Chicopee man, who has chosen to remain unnamed, filed a civil suit as John Doe against the diocese early last year. He seeks damages for both the abuse he endured in the 1960s and from the diocese's years of inaction after he reported the abuse in 2014. As part of its defense, the diocese in March subpoenaed Mr. Parnass to give testimony and to produce a wide range of his notes.

We don't begrudge the diocese for defending itself in court. Here's what we do take issue with, and we hope all defenders of the First Amendment agree: The diocese shouldn't go after a reporter in a blatant attempt to make him violate his promise to keep the identity of anonymous sources confidential. We believe the diocese should be especially respectful of a promise of confidentiality when the information they seek can reasonably be found elsewhere. Judge Goodwin ruled that if the diocese wants to continue to press Mr. Parnass for communications and testimony involving sources to whom he promised confidentiality, it will first have to demonstrate the extent of the efforts it has made to get the information from other sources — which certainly has not been demonstrated thus far.

It should be noted that when the diocese first filed the subpoena demanding an array of information from The Eagle and Mr. Parnass, the judge labeled it "a classic fishing expedition." It's bad enough that this amounted to a questionable legal strategy as the diocese continues to draw out the closure of this local chapter in the sprawling Catholic clergy

abuse scandal. What's worse is that this "fishing expedition" aimed its sharp hooks at a journalist for daring to do his job well and doggedly reporting on a powerful institution that has continued to retraumatize long-silenced victims of unimaginable abuse.

This is not just a shot across the bow for a community newspaper in the Berkshires; it's an attack on a key mechanism of the free press. The use of confidential sources is necessary for reporting on topics that are complex, require sensitivity or implicate large, well-known organizations. Stories relating to the clergy abuse scandal tick all of those boxes, and maintaining promised anonymity to sources can make the difference in whether some important stories get told at all. Mr. Parnass' reporting was essential in unearthing a coverup that might have continued indefinitely in the absence of that coverage. For these reasons, we are heartened that Judge Goodwin has brushed off the diocese's attempt to force one of our reporters to reveal information that could compromise confidential sources.

Still, the chill is felt. The Eagle and its counsel fought the subpoena in court. That meant investing scant resources to protect our reporters' First Amendment rights and the promises they make to critical confidential sources in this or any story.

That's a fight we believe is well worth mounting. But what about reporters or newspapers in more dire financial straits who can't afford the cost of counsel and the day in court? What about when these attacks on the free press are pursued by even more powerful institutions? Any attack on journalists' ability to maintain confidentiality charts a chilling headwind against all members of the free press seeking to fulfill that duty enshrined in the First Amendment to hold the powerful accountable. So, too, does it chill the confidence and courage that whistleblowers and other sources need to share critical information with the public.

Massachusetts is one of few states without a so-called shield law for reporters, which protects them from being forced to reveal anonymous sources and related notes in situations like these. If ever there were a case exemplifying why the commonwealth should have a shield law to defend journalists doing their job and protect sources from retaliation, it's this one — and we hope the Berkshire delegation as well as the rest of the Legislature now sees the need as well.

Beyond the letter of the law, though, it is disappointing to see diocesan leadership who purport to model moral behavior for a regional faith community attack the First Amendment and the journalist who shined a light on long-festered wounds and silent suffering within the flock they oversee. Again, the diocese can and should defend itself in court. If atonement for the systemic abuses of the past is possible, though, it at least requires ceasing the broadside against the free press and the journalist who worked to expose criminal wrongdoing.