

BishopAccountability.org

Church Can't Be Sued in New Mexico for Priest's Alleged Sexual Abuse

By Barry Massey
Associated Press State & Local Wire [Santa Fe]
May 24, 2002

The Roman Catholic Diocese of Norwich, Conn., cannot be sued for damages in New Mexico by a victim of alleged sexual abuse by one of its priests when he worked in Santa Fe, the state Supreme Court ruled Thursday.

The 3-2 decision tossed out a lawsuit against the diocese by Navor Tercero for alleged abuse that occurred in Santa Fe during the 1960s by the Rev. Bernard Bissonnette, a priest who came to New Mexico for treatment concerning pedophilia.

Bissonnette was ordained as a priest in the Diocese of Norwich in 1958, and was sent to New Mexico by the diocese in 1963 for treatment at the Servants of the Paraclete center in Jemez Springs. He later worked as a priest St. Anne's Parish in Santa Fe and the alleged abuse occurred there between 1966 and 1968 when Tercero was a child.

The court's ruling reversed a decision by the state Court of Appeals.

Daymon Ely, an Albuquerque lawyer for Tercero, said the Supreme Court ruling "let off the hook in New Mexico" the Diocese of Norwich.

"If a corporation sends a defective product to New Mexico, you can sue them in New Mexico. But under this decision, if a diocese sends a known pedophile priest to New Mexico who molests New Mexico children, you can't sue them in New Mexico. That's the effect of this decision," said Ely.

"While we disagree with this, and believe that New Mexico should not have given the diocese a free pass, this case is not over because we are going to Connecticut to sue them there."

An Albuquerque lawyer for the Connecticut diocese was out of his office and did not return a telephone message left Thursday seeking comment on the court ruling.

The Supreme Court said the church in Connecticut was not subject to the authority of New Mexico courts under the state's "long-arm" law.

"We conclude that while there was some connection between the diocese and New Mexico, Bissonnette clearly was not an agent of the diocese at any time relevant to Tercero's cause of action," the court's majority ruled.

The ruling upheld a 1997 decision by a district court in Albuquerque, which had dismissed Tercero's lawsuit.

The diocese paid for Bissonnette's stay at the center in Jemez Springs and would not allow him to return to Connecticut as a priest because of his alleged sexual abuse of boys during the early 1960s. The diocese designated a priest who founded the New Mexico center to supervise Bissonnette.

Bissonnette was transferred briefly to a facility in Minnesota operated by the Paracletes, but he returned to New Mexico in 1966. The Archdiocese of Santa Fe assigned Bissonnette to St. Anne's Parish, and he was dismissed in 1968 because of sexual molestation.

Ely said damage claims against the archdiocese, the Servants of the Paraclete and Bissonnette have been settled. Bissonnette lives at an undisclosed address in New Mexico, according to Ely.

Justices Pamela Minzner and Joseph Baca dissented and said they would allow the diocese to be sued in New Mexico.

"Our record contains several letters from the diocese sent to New Mexico, monitoring Father Bissonnette's progress, making decisions concerning his day-to-day life, and deciding where his future would lie," Minzner wrote in a dissenting opinion.

"The diocese recommended that, rather than re turn to Connecticut where his past was well known, he seek employment elsewhere through his superior at Via Coeli (the Servants' center at Jemez Springs). Under these facts, I conclude that the diocese's contacts with New Mexico were substantial, that they were purposeful, and that the diocese could reasonably foresee being haled into a New Mexico court on account of the dangerous instrumentality it sent to this state."

Any original material on these pages is copyright © BishopAccountability.org 2004. Reproduce freely with attribution.