

From: Boyce, Bonnie

Sent: Wednesday, December 26, 2018 3:48 PM

To: 'matoups@wgttlaw.com' <matoups@wgttlaw.com>

Subject: 2018-12-26 Gray Second Response Roman Catholic Diocese Exemptions.pdf

Mr. Toups,

Attached is our response to your public records request.

Thank you.

Bonnie

December 26, 2018

Mitchell A. Toups, LTD.
Weller, Green, Toups & Terrell, L.L.P.
Post Office Box 350
Beaumont, Texas 77027
matoups@wgttlaw.com

Re: Public Records Request

Dear Mr. Mitchell Toups:

Following the initial response to your request made pursuant to Vermont's Public Records Act, 1 V.S.A. § 315-320, this Office has examined the documents requested and made a preliminary determination as to the existence and accessibility of each requested document.

With respect to your request for "[a]ny and all correspondence sent to Cardinal Daniel Dinardo in 2018," we do not have relevant correspondence.

With regards the requests for "[a]ny and all Grand Jury reports and/or documents now made public for the state of Vermont, or any other state, regarding victims and/or the accused in sexual abuse regarding the Catholic Order, church or association, or allegations thereof" as well as "[a]ny and all reports, allegations, or other evidence filed by victims of sexual abuse regarding clergy of a Catholic Order, church or association with the Attorney General in the last 50 years," we are obliged, in light of the ongoing criminal investigation here in Vermont and relevant exemptions, to decline your request.

Pursuant to 1 V.S.A. § 317(c)(5)(A), records dealing with the investigation of a crime are exempt from production where production "(i) could reasonably be expected to interfere with enforcement proceedings; (ii) would deprive a person of a right to a fair or an impartial adjudication;" or "(iii) could reasonably be expected to constitute an unwarranted invasion of personal privacy".

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As you may be aware, in September 2018 this Office together with the Burlington Police Department and other local and statewide officials launched a Task Force to investigate allegations of abuse, sexual abuse and murder at the St. Joseph's Orphanage in Burlington, Vermont. The Orphanage operated for roughly 125 years until 1974 and housed approximately 8,000 children over that period. The Roman Catholic Diocese of Burlington, Vermont Catholic Charities and the Sisters of Providence remain under investigation for their involvement in overseeing and operating the Orphanage. The Task Force's investigation also includes other reports of abuse by priests or others affiliated with the Roman Catholic Diocese of Burlington.

The criminal investigation of numerous allegations arising over an extensive period in Vermont remains active and ongoing. As such, requiring that documents relevant to these allegations and the time period in question be disclosed would interfere with enforcement proceedings. Additionally, this Office and the Task Force continues to identify those who could possibly face criminal charges. As such, the release of documents would potentially deprive individuals of a right to a fair or an impartial adjudication.

Finally, this Office and the Task Force remain committed to protecting the personal privacy of those involved in the investigation, particularly the dozens of victims who have come forward and are presently meeting with investigators and victim's advocates. In the strongest possible terms, we must underscore the need, considering the sensitive nature of the allegations and the deeply personal stories of those involved, to prevent any unwarranted invasion of personal privacy.

We hope the above information is helpful to you. To the extent you feel records have been wrongfully withheld, you may appeal to Deputy Attorney General Josh Diamond.

Sincerely,

/s/

Molly R. Gray
Assistant Attorney General

Electronically Transmitted