

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

BRIDGEPORT ROMAN CATHOLIC	)	
DIOCESAN CORPORATION,	)	
	)	Civil Action No.
Plaintiff,	)	
	)	
v.	)	
	)	
THOMAS K. JONES, in his official	)	
capacity as Ethics Enforcement Officer for	)	
the State of Connecticut Office of State	)	
Ethics, and CAROL CARSON, in her	)	
official capacity as Executive Director of	)	
the State of Connecticut Office of State	)	
Ethics,	)	
	)	
Defendants.	)	

**AFFIDAVIT OF THE MOST REVEREND WILLIAM E. LORI**

The undersigned, being duly sworn, deposes and says:

1. I am over the age of eighteen years and believe in the obligations of the oath.
2. I make this affidavit upon personal knowledge and in support of Plaintiff's

Motion for Preliminary Injunction and Motion for Order to Show Cause.

3. I am a resident of the State of Connecticut.

4. I am the Bishop of the Roman Catholic Diocese of Bridgeport and the President of Bridgeport Roman Catholic Diocesan Corporation (the "Diocese"). I have been the Bishop at all times relevant to the matters described in the Complaint in this action.

5. The Diocese is comprised of 87 parishes and more than 410,000 Catholics in Fairfield County, Connecticut. In addition to overseeing and coordinating the religious mission of its parishes and parishioners, the Diocese sponsors 39 religious schools and a number of charitable institutions.

6. The Diocese is not a registered lobbyist and does not devote itself primarily to legislative or political matters. Nonetheless, from time to time, the Diocese's religious mission compels me and the pastors within the Diocese to take stands, consistent with our religious beliefs, on legislation that concerns the moral issues of the day, and to urge our parishioners to act on the basis of Church teachings. We communicate these messages to our parishioners through the Diocese's website, in newsletters, at Mass and other religious services, and through a variety of other means.

7. The Diocese's website in particular is an efficient means of communicating with our parishioners and a critical tool for carrying out our religious mission. The website contains spiritual and religious messages reflecting Catholic teachings; sets forth schedules of church-related events and programs within the Diocese; provides information on the Diocese's broad array of charitable programs and on the Diocese's fundraising efforts; provides news of interest to Catholic parishioners; contains background information about the Diocese; and also frequently sets forth the Diocese's position on issues of public concern, including legislation.

8. In recent years, I have communicated with members of the Diocese about a variety of matters pending in the Connecticut General Assembly that implicate the teachings of the Church, including gay marriage, the death penalty, abortion, and other topics. I have used the Diocese's website, religious services, other gatherings of Catholics, and other media to communicate these messages. I fully expect that my religious calling will require me to continue to communicate on matters before the General Assembly during the months and years ahead.

*Raised Bill 1098*

9. In 2009, I was compelled to speak out against an extraordinarily offensive piece of legislation in the General Assembly that sought to alter the governance structure of the parish

corporations in the Diocese and in other Roman Catholic Dioceses within Connecticut. This legislation, Raised Bill 1098, would have required the restructuring of Roman Catholic parishes to resemble in form and fact Congregational churches, contrary to the doctrine of the Roman Catholic Church. Among other things, Raised Bill 1098 would have stripped me of the right to vote on the governing bodies of the corporations that control parish property in the Diocese, and would have required that such governing bodies be elected exclusively from the lay members of each congregation. The bill was an extremely ill-considered attempt to transfer authority over Church finances and internal governance from the Church's duly appointed and ordained leaders to an exclusively lay body, in violation of Church doctrine and law. I was told by all the lawyers with whom I consulted that the bill was blatantly unconstitutional.

10. Even though Raised Bill 1098 singled out the Roman Catholic Church for corporate restructuring, it was introduced without notice to or consultation with me or, to my knowledge, any other Roman Catholic religious leaders in Connecticut. I first learned of the bill in March, 2009, only a few days before a scheduled public hearing by the Judiciary Committee of the General Assembly at which the bill was to be considered for possible adoption.

11. Recognizing that the Diocese had to mobilize quickly against this unwarranted and offensive attempt by the state to interfere in the Church's affairs, I immediately took several steps. I spoke with my own staff, the pastors of the 87 parishes in the Diocese, and Catholic school administrators to alert them to Raised Bill 1098 and the threat it posed to the Church. I provided a statement to be posted on the website urging members of the Diocese to contact their legislators to oppose the bill. I requested that pastors throughout the Diocese read statements at weekend Masses to urge their parishioners to contact their legislators to express opposition to the bill and to attend a rally against the legislation at the State Capitol. My staff assisted in

organizing the rally at the Capitol, which was scheduled for March 11, 2009, the same day as the scheduled Judiciary Committee public hearing on the bill.

12. Along with Archbishop Mansell of the Archdiocese of Hartford, Bishop Cote of the Diocese of Norwich, and others, I spoke at the rally held in front of the State Capitol on March 11 against the attempt to subvert the Church's governance structure and the attack on the Church's autonomy in Raised Bill 1098. A large crowd attended the rally. Many in the crowd held signs bearing a variety of messages supporting the Church and religious freedom. Others chanted, "leave our Church alone." Other speakers at the rally likewise criticized the bill and emphasized the importance of the principles of religious freedom and separation between church and state enshrined in the First Amendment.

13. Although Raised Bill 1098 was withdrawn on the evening before the rally was held, I understand that the co-chairs of the Judiciary Committee stated that the bill was being withdrawn to allow Connecticut's Attorney General to study the issue. I further understand that they suggested that they might consider making changes to Connecticut's existing religious corporation statutes, which protect the rights of churches in Connecticut, including the Roman Catholic Church, to govern themselves in accordance with their own traditions and religious beliefs. I regard such suggestions as an ongoing threat to the Diocese's right of religious self-governance. The apparent desire of certain powerful lawmakers to reorganize the governance structure of the Church in Connecticut and the possibility that another bill similar to Raised Bill 1098 will be introduced in the future remain a serious concern to me and to Catholics in the Diocese. It is essential that I retain the ability to urge members of the Diocese in strong and unrestricted terms to oppose any further attempts to interfere with the Church's right to self-

governance, including by communicating about any proposed amendments to Connecticut's religious corporation statutes through the Diocese's website and, if necessary, at public rallies.

*Raised Bill 899*

14. In April, 2009, I also spoke out against Raised Bill 899, which related to gay marriage. As originally drafted, that bill had no exemption or conscience clause to protect the rights of individuals and religious organizations to act consistent with their religious beliefs. I provided a statement that was posted on the Diocese's website urging members of the Diocese (and any others who might view the website) to contact legislators to oppose Raised Bill 899 in its original form, and to support the adoption of amendments that would protect the religious freedoms of individuals and religious organizations. As finally enacted, Bill 899 included some language that protects the rights of religious organizations to act consistent with their beliefs.

*Evaluation By Office of State Ethics*

15. On April 23, 2009, I received a letter from the Office of State Ethics (the "OSE") signed by Thomas K. Jones, Ethics Enforcement Officer. (A true and accurate copy of that letter is attached as Exhibit A to this Affidavit.) In the letter, Mr. Jones informed me that the Diocese was "the subject of an Office of State Ethics evaluation," which was "being conducted to ascertain whether the Diocese had violated [Connecticut General Statutes Sections] 1-94, 1-95 and 1-96 by failing to register as a lobbyist in Connecticut, by failing to submit all other appropriate lobbyist filings and by failing to follow all applicable registration procedures."

16. The letter did not specify which activities of the Diocese Mr. Jones was "evaluating," and I did not know which activities might be under review, as I was unaware that the Diocese had engaged in any activities that might be considered lobbying. The letter did not provide any information or specify why or how the Diocese was targeted for an evaluation. I

certainly did not consider any of my or the Diocese's activities in opposing Raised Bill 1098 and seeking religious-freedom amendments to Raised Bill 899 to be "lobbying." In undertaking those activities, the Diocese was defending the Church from unconstitutional interference by the state. The Diocese was not seeking special treatment or financial advantages from the Connecticut legislature. Never did I imagine that our activities defending ourselves from a government attack on our right of religious self-governance would be met with another government action targeting the Church for those activities.

17. I subsequently learned that the OSE's "evaluation" is focusing on the Diocese's activities in organizing and participating in the rally against Raised Bill 1098, in making statements on its website urging its members to contact their legislators and members of the Judiciary Committee to oppose Raised Bill 1098, and in making statements on its website urging its members to contact their legislators to oppose Raised Bill 899 in its original form. I was very surprised to learn this information because I consider the website a communications tool in which to communicate, among other things, Church teachings and positions on the moral issues of the day. It is an especially effective way to reach our Catholic parishioners.

18. I have subsequently learned that Mr. Jones not only considers the Diocese's activities related to the rally and the website to be lobbying but also has stated that he already has a sufficient basis to file a complaint against the Diocese for failing to register as a lobbyist. I understand that such a complaint could lead to fines being imposed on the Diocese for failing to register as a lobbyist before participating in the rally and making the statements on the website. I also understand that Mr. Jones has taken the position that the Diocese must now register as a lobbyist, make periodic financial disclosures of its expenditures related to the rally, the website

statements, and any similar communications or activities in the future, and submit to audits of its expenditures by the OSE.

19. I believe the OSE's extension of the lobbying laws to these activities is interfering with the Diocese's ability to mobilize its members and, if necessary, to urge them to rally at the Capitol, in the event the General Assembly again introduces legislation resembling Raised Bill 1098 or otherwise tries to interfere with the internal workings of the Diocese or its parishes or to attack the Church.

20. To carry out the Church's religious mission, I and the other leaders of the Diocese must be free to communicate in an uninhibited manner with our members on all matters of faith, regardless of the extent to which those matters overlap with legislation being considered by Connecticut's General Assembly. I cannot properly fulfill my calling and carry out my responsibilities as Bishop, and the Diocese and its parishes cannot fulfill the Church's mission to their fullest extent, if we cannot use basic tools of communicating with our members – such as the Diocese's website – without interference by the state and without fear that we may trigger a lobbying registration requirement or incur fines. The OSE's application of the lobbying laws to the rally and website is already inhibiting our website activities and our planned communications with our parishioners about this matter.

21. I understand that the OSE takes the position that if the Diocese had merely omitted from its website communications about Raised Bills 1098 and 899 the statements urging its members to "contact your legislator," it would not have been engaging in lobbying and would not have had to register as a lobbyist. As Bishop, I am required to defend the Church, to teach on the moral issues of the day and to encourage the lay Catholic faithful to act on the Church's beliefs in order to form a more just and humane society. However, the Diocese cannot engage in

the uninhibited expression to its members that the Catholic faith demands if it is required to tailor its message to avoid fines and burdensome administrative requirements, or if it must bear the expense and inconvenience of consulting with attorneys about the wording of individual communications every time it wishes to take a stand on a matter of public concern. Nor can the Diocese possibly monitor the actual wording used by individual pastors within the Diocese when they comment on legislative matters in fulfillment of the Church's religious mission. The OSE's position is exerting pressure on the Diocese to refrain from, and to instruct its pastors to refrain from, commenting on legislative matters altogether, and proscribing us from urging our parishioners to take action and give voice to their beliefs. I feel "chilled" by the very idea that the State is "watching" our gatherings and monitoring our website for violations of the lobbying law.

22. I believe that an order from the Court barring Mr. Jones and his colleagues at the OSE from applying the lobbying laws to the Diocese in this manner is necessary to enable the Diocese to continue to carry out its mission without fear of incurring civil penalties, exposure to possible criminal prosecution, burdensome administrative requirements, and intrusive oversight by the State.

+William E. Lori  
MOST REV. WILLIAM E. LORI

Subscribed and sworn to before  
me this 28<sup>th</sup> day of May, 2009.

Marcia L. Maxwell  
Notary Public  
My Commission Expires: 8-31-2011

# **EXHIBIT A**



STATE OF CONNECTICUT  
OFFICE OF STATE ETHICS

**CONFIDENTIAL PURSUANT TO CONNECTICUT GENERAL STATUTES § 1-93a**

April 22, 2009

VIA CERTIFIED MAIL

Catholic Diocese of Bridgeport  
c/o Bishop William E. Lori  
238 Jewett Avenue  
Bridgeport, CT 06606

**RECEIVED**

By Msgr. Dariusz J. Zielonka at 11:12 am, Apr 23, 2009

**RE: Docket Number 2009-45E, The Matter of Catholic Diocese of Bridgeport**

Dear Bishop Lori:

Pursuant to Conn. Gen. Stat. §1-93(a), I am writing to inform you that Catholic Diocese of Bridgeport is the subject of an Office of State Ethics evaluation of possible violations of the Code of Ethics for Lobbyists, Conn. Gen. Stat. §1-91 *et seq.* Commencement of this formal procedure will protect the right of Catholic Diocese of Bridgeport to have this preliminary inquiry conducted in a confidential manner. The purpose of this confidential inquiry is to determine whether the facts under review support the filing of a formal complaint.

This evaluation is being conducted to ascertain whether Catholic Diocese of Bridgeport violated Conn. Gen. Stat. §§ 1-94, 1-95 and 1-96 by failing to register as a lobbyist in Connecticut, by failing to submit all other appropriate lobbyist filings and by failing to follow all applicable registration procedures.

Again, this evaluation is preliminary and does not necessarily mean that a complaint will be filed against Catholic Diocese of Bridgeport. The matter will be handled confidentially during the evaluation period unless you request otherwise in writing. If you, or your legal representative, wish to provide any information during the evaluation process, please contact me. You will be informed of the result of this evaluation in writing.

Sincerely,

Thomas K. Jones  
Ethics Enforcement Officer

Phone: (860) 566-4472 Fax: (860) 566-3806  
18-20 Trinity Street - Hartford, Connecticut 06106-1660  
[www.ct.gov/ethics](http://www.ct.gov/ethics)  
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