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Diocese must release sealed abuse records

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BRIDGEPORT, Conn. -- Officials from the Diocese of Bridgeport said they were disappointed with an Aug. 25 ruling by the U.S. Supreme Court saying documents from settled abuse cases should not remain sealed.

After the ruling, made by Justice Ruth Bader Ginsburg, the diocese posted a statement on its Web site saying it intends to "ask the full U.S. Supreme Court to review the important constitutional issues that this case presents."

Ginsburg told attorneys in the case, Rosado v. the Bridgeport Roman Catholic Diocesan Corp., Aug. 25 that she was denying the diocese's request that the documents remain sealed until the high court decides whether to take up the case in the fall.

Each of the justices on the Supreme Court has responsibility for a region of the country and can issue a ruling in cases on an emergency basis.

The diocese wants to keep sealed more than 12,000 pages of depositions, exhibits and legal arguments in 23 lawsuits involving six priests from the Bridgeport Diocese. Most of the lawsuits were filed in the mid-1990s and they were settled in 2001 by the diocese for undisclosed amounts with the agreement that the settlements and the documents would remain sealed.

The battle over the sealed records began in 2002 when The New York Times filed suit to obtain the documents, describing them as a key part of the church's record of handling charges of clergy sex abuse. Three other newspapers joined in the suit: The Hartford Courant, The Boston Globe and The Washington Post.

In May, the Connecticut Supreme Court ruled the documents should be made public. The 4-1 ruling involved the release of documents from the lawsuits settled in 2001. In 2006, a Superior Court judge ruled the files should be released but the diocese appealed the decision.

An appeal to the full U.S. Supreme Court would be the diocese's final attempt to keep the documents sealed. According to The Associated Press, the diocese is expected to file its petition with the high court by the end of August.

The high court usually doesn't decide which cases it will hear until the fall. The court decides to hear only a handful of the petitions it receives. In the meantime the diocese petitioned the high court to keep in place the stay on opening the records.

Diocesan officials said there is a good chance the court will take up the Bridgeport case because of two issues: the state Supreme Court's definition of what constitutes a legal document, and the church's contention that its First Amendment rights would be violated by the unsealing of documents that church officials produced with the understanding that they would be sealed forever.

In a statement, the diocese said the details of primary interest in the sealed papers -- such as the names of abuser-

priests -- were made public in 2002 and 2003.

"The cases, and the settlement of them, were exhaustively reported on by the media," the statement said. "The attorneys and victims had access to the sealed documents at issue."

The diocese's petition for a writ of certiorari, asking the high court to review the case, is based on the argument that the Connecticut Supreme Court wrongly interpreted the U.S. Constitution's doctrine of "judicial documents" in presuming that all documents filed with the court should be accessible to the public and the media, the diocesan statement said.

The petition also raises the question of whether the state court's order to release the documents is a violation of the religious rights protections of the First Amendment.

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