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Supreme Court rejects two church-state cases

Daniel Burke Religion News Service | Oct. 6, 2009

Washington Archbishop Donald W. Wuerl and Cardinal Daniel N. DiNardo of Galveston-Houston leave the Cathedral of St. Matthew the Apostle with U.S. Chief Justice John Roberts and his wife, Jane, following the 56th annual Red Mass in Washington Oct. 4.

WASHINGTON -- The Supreme Court announced Oct. 5 that it will not intervene in two prominent church-state cases, one involving a Catholic diocese in Connecticut and the other a former Episcopal parish in California.

The Diocese of Bridgeport, Conn. has fought since 2002 to block the release of more than 12,000 pages of depositions and court records related to sexually abusive clergy. Four newspapers sued for access to the documents, which Connecticut courts have agreed should be open to the public.

The diocese had specifically petitioned Justice Antonin Scalia, a Catholic, to keep the documents closed until the high court had heard its appeal on the constitutionality of the release order. That appeal is still pending, but legal analysts say it now appears unlikely that the Supreme Court will take it up.

The diocese said the court order poses a risk to all churches' First Amendment rights and that ?the content of the sealed documents soon to be released has already been extensively reported on.?

The U.S. Conference of Catholic Bishops backed the Bridgeport diocese, saying that ?we must remain vigilant against the risk that court-enforced avenues for the legitimate disclosure of documents are not abused...?

The Survivors Network of Those Abused by Priests, however, said the ?records will help parishioners and the public learn who helped to conceal clergy sex crimes, and which of those wrongdoers are still in positions of power.?

Separately, the Supreme Court also declined to hear an appeal from St. James Anglican Church, which split from the Episcopal Church in 2004 after an openly gay man was elected bishop of New Hampshire.

The Episcopal Church argues that local churches may leave, but under denominational laws they may not take church property with them. Last January, California's Supreme Court ruled that St. James is bound by those

church laws.

Representatives for St. James said they will continue their legal fight in the California courts. Similar proceedings between conservative dissidents and the Episcopal Church are ongoing in several more states.

Catholic News Service adds:

WASHINGTON -- The U.S. Supreme Court declined Oct. 5 to intervene in orders by Connecticut courts requiring the Diocese of Bridgeport to release thousands of pages of material from 23 lawsuits settled against six priests who were sued in sexual abuse cases.

With no comment, the court declined to take the appeal from the diocese, filed after the state Supreme Court upheld a Waterbury Superior Court's order in 2006 that the diocese release documents to four newspapers that sought access to them.

The diocese had sought to keep sealed more than 12,000 pages of depositions, exhibits and legal arguments in the lawsuits, most of which were filed in the mid-1990s. The cases were settled by the diocese in 2001 for undisclosed amounts of money, with the agreement that the documents would remain sealed.

The following year, The New York Times, later joined by the Hartford Courant, the Boston Globe and The Washington Post, filed suit to see the documents. The newspapers described them as a key part of the church's record of how charges of clergy sexual abuse were handled.

In 2006 the Waterbury court ruled that the newspapers were entitled to see the documents. In May, the Connecticut Supreme Court upheld the ruling, but release of the documents was blocked pending the U.S. Supreme Court's decision on whether to take the case.

That request was rejected on the first day of the 2009 court term, along with a 90-page list of other cases similarly rejected.

A statement from the Bridgeport Diocese did not address when it would release the documents.

"We are disappointed that the U.S. Supreme Court decided not to extend the stay," it said, and noted the content of the sealed documents "soon to be released has already been extensively reported on."

"For more than a decade, the Catholic Church of Bridgeport has addressed the issue of clergy sexual abuse compassionately and comprehensively," the statement said.

It went on to decry "the serious threat to the First Amendment rights of all churches and the rightful privacy of all litigants," which "remain in jeopardy."

The U.S. Conference of Catholic Bishops also released a statement of support for Bridgeport Bishop William E. Lori.

"We understand and are grateful for his strong defense of the diocese in this case, and especially for the balance he has tried to strike among the principles of compassion, transparency, religious freedom, fundamental fairness and the rule of law," the USCCB statement said.

It said the U.S. bishops "have taken sustained, concrete steps to fulfill our pledge to ensure a safe environment for children and young people ... and to promote healing and reconciliation of victims and survivors of sexual abuse."

"However, when a claim of sexual abuse results in litigation, we must remain vigilant against the risk that court-enforced avenues for the legitimate disclosure of documents are not abused in particular cases, resulting in the excessive entanglement of the state in the affairs of the church," said the USCCB.

It said the bishops also "must insist upon fair treatment for the church in accordance with the rule of law, so that the intense emotions surrounding sexual abuse cases do not result in decisions that would deny the church the same legal protections -- including those regarding disclosure of documents -- that any other party would enjoy."

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