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Connecticut Diocese Wants Scalia to Review Supreme Court Case Involving Sex Abuse Documents

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NEW HAVEN, Conn. (AP) — A Roman Catholic diocese in Connecticut that has fought for years to prevent the release of documents generated by lawsuits against priests for alleged sexual abuse wants conservative Supreme Court Justice **Antonin Scalia** to take up the case.

Justice **Ruth Bader Ginsburg** on Tuesday ruled the documents cannot remain sealed until the full court decides whether to review the case. On Friday, attorneys for Diocese of Bridgeport asked that Scalia, a Catholic, reconsider its request to continue a stay on the release of the papers.

"The appeal to the court's most stridently Catholic member, whose son is a priest, smacks of desperation and favoritism," said David Clohessy, national director of the Survivors Network of those Abused by Priests.

Ralph Johnson III, attorney for the diocese, declined to respond directly Clohessy's comments but said Scalia was selected because he ruled as an appeals judge on one of the central issues in the case related to the definition of court documents. Johnson also said under the custom of the court a reconsideration of a stay is typically taken up by all nine justices.

A message was left Friday with Scalia at the court.

The records have been under seal since the diocese settled the cases in 2001. They could provide details on how retired **New York Cardinal Edward Egan** handled the allegations when he was bishop in Bridgeport from 1988 to 2000.

A telephone message was left with Jonathan Albano, attorney for **The New York Times**, **The Boston Globe**, and **The Washington Post**. The three newspapers along with the Hartford Courant have asked to see the documents.

A **Waterbury** Superior Court said in 2006 that the documents were subject to a presumption of public access. The Connecticut Supreme Court upheld the lower court decision, ruling that more than 12,000 pages from 23 lawsuits against the six priests should be unsealed.

The Connecticut high court also rejected the claim by church officials that the documents were subject to constitutional privileges, including religious privileges under the First

Amendment.

The documents include depositions, affidavits and motions.

In a letter being distributed this weekend to parishes in the diocese, Bishop William E. Lori said all priests named in the documents have already been publicly identified and none are working for the church. He said the diocese agreed to provide some documents in the case with the understanding that they would remain under seal, but the case judge later "changed the rules after the fact, ruling that the diocese had somehow waived its rights by complying with the court order."

"The whole process has been deeply troubling from the start when the court granted standing to the newspapers, despite the fact that they filed suit well after the time limit, and invented an entirely new process that seemed tailor-made for this specific case," Lori said in the letter.

The diocese has also filed papers arguing that the nation's highest court should take up the case because the First Amendment prohibits civil authorities from intruding into internal church decisions about priest assignments.

State and federal courts have been divided on the definition of judicial documents and how the presumption of public access is to be applied, so the high court should resolve whether the public's right applies to all court documents, church attorneys argued.