

Vatican seeks to shield Pope Benedict in sex abuse lawsuit

By Nicole Winfield
AP Wirephoto

VATICAN CITY — Brought deeper than ever into the clerical sex abuse scandal, the Vatican is launching a legal defense that it hopes will shield the pope from a lawsuit in Kentucky seeking to have him answer attorneys' questions under oath.

Court documents obtained Tuesday by The Associated Press show that Vatican lawyers plan to argue that the pope has immunity as head of state. That American bishops who oversee abusive priests were "employees of the Vatican" and that a 1983 document set a "missing link" that provides proof of a cover-up.

The Holy See is trying to fend off the first U.S. case to reach the stage of determining whether victims actually have a claim against the Vatican itself for negligence or allegedly failing to alert police or the public about Roman Catholic priests who molested children.

The case was filed in 2004 in Kentucky by three men who claim they were abused by priests and claim negligence by the Vatican. Their attorney, William McHenry, is seeking class-action status for the case, saying there are thousands of victims across the country.

"This case is the only case that has been ever filed against the Vatican which has as its sole objective to hold the Vatican accountable for all the priest sex abuse ever committed in this country," he said in a phone interview.

The Vatican is seeking to dismiss the suit before Benedict XVI can be questioned or documents subpoenaed.

Plaintiffs in the Kentucky suit argue that U.S. diocesan bishops were employees of the Holy See and that Rome was therefore responsible for their alleged wrongdoing in failing to report abuse.

"They say a 1983 Vatican document mandated that bishops not report sex abuse cases to police,



Protesters demonstrate Monday in San Francisco against Pope Benedict XVI's stance over priest sex abuse scandals that have been plaguing the Roman Catholic Church.

The Vatican has argued that there is nothing in the document that precluded bishops from calling police.

With the U.S. scandal reignited by reports of abuse in Europe and scrutiny of Benedict's handling of those cases when he was archbishop of Munich, the Kentucky case and another in Oregon have taken on greater significance.

Lawyers at the state in Kentucky have said they plan to use similar strategies.

All the while, though, the media remains enormously faithful to Rome's foreign government to turn over confidential documents, let alone

documents as part of discovery."

McHenry last week filed a new court motion seeking to depose the pope. Cardinal Tarcisio Bertone, currently the Vatican's secretary of state but for years the pope's deputy at the Congregation for the Doctrine of the Faith, Cardinal William Levada, an American who currently heads the Congregation for the Doctrine of the Faith, and Archbishop Pietro Sambi, the Vatican's representative in the U.S.

On Tuesday, McHenry filed a memorandum in support of his demand to question Benedict based on court documents unredacted last week detailing the role of the Congregation for the Doctrine of the Faith in shutting down a canonical trial for a Wisconsin priest who allegedly molested up to 200 deaf boys.

"These documents confirm that the CDF under Pope Benedict XVI's lead, discouraged prosecution of accused clergy and encouraged secrecy to prevent the reputation of the church," says McHenry, who represented 10 sex abuse victims who settled with the Archdiocese of Louisville in 2003 for \$2.3 million.

Jeffrey Lena, the architect of the Vatican's legal strategy in the U.S., is seeking to have the court rule on the Vatican's other defenses before allowing the pope to be deposed, he hopes that the suit will be dismissed. In his filing, Lena noted that the U.S. Supreme Court has held that when a defendant enjoys immunity a court shouldn't allow a "discovery fishing expedition on claims that are baseless or speculative."

Lena also has argued that the pope's deposition would violate the Vatican's own laws on confidentiality and would set a bad precedent for U.S. courts.

"Pope Benedict XVI is ordered to testify by a U.S. court. Foreign courts could feel empowered to order discovery against the president of the United States regarding, for example, such issues as CIA operations. Lena wrote in a 2008 letter.

NATION SOUTH KOREA

BRITAIN

Investigation clears climate scientists

LONDON — The first of several British investigations into the scandal looked from one of the world's leading climate research centers has largely vindicated the scientists involved. The House of Commons Science and Technology Committee said it saw no evidence to support charges that the University of East Anglia's Climatic Research Unit or its director, Paul Jones, had tampered with scientific data or perverted the peer review process to exaggerate the danger of global warming. The committee said the idea that Jones was part of a conspiracy to hide evidence that weakened the case for global warming was clearly wrong.

SOUTH KOREA

President visits site of ship disaster

SEOUL — President Lee Myung-bak became the first South Korean head of state to visit the disaster-ravaged waters off the Korean Peninsula as he urged rescuers to continue searching for 48 sailors believed to be trapped in a small vessel that sank after a mysterious explosion four days earlier. "I wish I could plunge into the water myself," Lee told grieving relatives. Shortly after Lee left, the military announced that a navy diver died during the rescue efforts.

IRAN

Agents pursue Iranian from Pakistan
TEHRAN — Iran said its intelligence agents

mounted a "complicated" cross-border mission and freed a diplomat kidnapped in 2008 in northwestern Pakistan. Intelligence Minister Bahdar Modjar said Iran had asked Pakistan to free Heshmatollah Attarabadi, but after it failed to do so, Tehran stepped in. However, Pakistani officials insisted that Pakistani intelligence did help in the rescue.

CHINA

21 dead babies found along river

BEIJING — The bodies of 21 babies, some with hospital identification tags around their tiny ankles, washed ashore in eastern Henan province. Two nursery workers were detained. The babies' families had paid for nursery workers to take care of the babies, but they turned them over to the river.

UNITED ARAB EMIRATES

Fund chief's body located after crash

DUBAI — A Moroccan astronaut recovered the body of the director of the world's largest sovereign wealth fund five days after a glider he was riding in plunged into the sea. Sheikh Ahmed bin Zayed Al Nahyan said the 54-year-old investment Authority and was a brother of the president of the United Arab Emirates.

COLUMBIA

Retired soldier after 12 years

WASH. — Leftist rebels freed Ibrahim Mansour, a soldier seized by insurgents when he overran his army base in 1997.

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