

## Vatican offers 3 reasons it's not liable for abuse



Associated Press

Pope Benedict XVI is seen through fumes of incense during a memorial Mass to mark the fifth anniversary of the death of Pope John Paul II.

By NICOLE WINFIELD  
Associated Press Writer

VATICAN CITY — Dragged 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 oversaw abusive priests

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*William McMurry, attorney for three men who claim they were abused*

were not employees of the Vatican, and that a 1962 document is not the “smoking gun” 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 for 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 McMurry, is seeking class-action status for the case, saying there are thousands of victims across the country.

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can 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. “There is no other defendant. There's no bishop, no priest.”

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

The preview of the legal defense was submitted last month in U.S. District Court in Louisville. The Vatican's strategy is to be formally filed in the coming

*Continued on 8A*

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