

Louisville attorney seeks pope's deposition

By Peter Smith
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The Louisville attorney behind a long-running lawsuit against the Vatican is seeking permission to take a deposition of Pope Benedict XVI, saying he's the "most knowledgeable person alive" on the Vatican's handling of clergy sexual abuse.

William McMurry says it's important to secure Benedict's testimony now because of the 81-year-old pontiff's age and unique knowledge as a longtime Vatican insider.

The lawsuit, which seeks class-action status, was filed in 2004 on behalf of three Louisville men who said they were sexually abused by priests between the 1920s and 1970s.

A lawyer for the Vatican, Jeffrey Lena, called the motion "not appropriate."

Professor Samuel Marcossan of the University of Louisville's Brandeis School of Law said the chances of the deposition happening are "zero."

The case is pending before the 6th U.S. Court of Appeals, where the Vatican wants it dismissed under an American law that bars most lawsuits against foreign sovereign states.

The case got a limited green light last year from U.S. District Court Judge John G. Heyburn. He threw out most of the case, but allowed McMurry to pursue an exception to the law allowing lawsuits over the conduct of a foreign state's U.S.-based officials or employees.

McMurry's motion

comes less than a month after Pope Benedict XVI's trip to the United States, during which he met with victims of sexual abuse by priests, repeatedly issued statements deploring sexual abuse and admitted the church had "badly handled" the situation at times.

McMurry says Benedict's unique knowledge on sexual abuse comes from his role as current pope; as a confidant of his predecessor, John Paul II; and as head of the Vatican Congregation for the Doctrine of the Faith. The congregation secretly handled clergy disciplinary cases and had access to internal church files on abusers.

McMurry also contends Benedict is "the only living person" who knows how a secret document — which he says is a blueprint for covering up sexual offenses by priests — issued in 1962 was implemented.

Benedict "has been uniquely positioned to be aware of the policies and procedures not only issued by the church but those that were actually enforced by the Church regarding sexual abuse by Catholic clergy."

McMurry noted that in 2006, Pope Benedict said it was "important to establish the truth of what happened" in the abuse crisis.

"If the head of state himself says it's important and the head of state, who's now 81, is the only person with peculiar knowledge of certain events, it's important to preserve" his testimony, McMurry said.

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