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US lawyer moves to get Pope's testimony

Vatican cardinal defends Benedict

By **RACHEL DONADIO**
WASHINGTON

A US lawyer has filed a motion to have Pope Benedict XVI questioned over the child-sex scandal that has rocked the Catholic Church.

William McMurry filed the motion in a Kentucky court seeking to take sworn testimony from the Pope on what the Vatican knew about predator priests.

This coincides with a Vatican official making a detailed defence of the Pope's handling of the scandal. The Vatican also criticised coverage in *The New York Times* as unfair.

The court motion says Pope Benedict was aware of child abuse in the US and that he "discouraged prosecution of accused clergy and encouraged secrecy to protect the reputation of the church" in the 24 years that he led the Con-

gregation for the Doctrine of the Faith (CDF).

"That organisation was responsible for screening these cases dealing with complaints by US bishops about their various abusive priests in various dioceses," Mr McMurry said.

The motion says documents released last week by *The New York Times* "unequivocally link Pope Benedict XVI, formerly Joseph Cardinal Ratzinger, to child sexual abuse cases in the United States".

"These documents directly implicate Pope Benedict XVI's involvement in the Holy See's

decision to cast a shroud of secrecy over clergy sexual abuse cases in the United States," it says.

The *Times* published several letters and other documents indicating that when he was head of the CDF, Cardinal Ratzinger was informed of the case of serial paedophile priest Lawrence Murphy, who is accused of molesting up to 200 boys at a school for the deaf in Wisconsin.

Since the *Times* story broke, several other victims and their lawyers have come forward and claimed that Cardinal Ratzinger was told about the predator

priests but did nothing.

In a rare interview and a 2400-word statement on the Vatican website, Cardinal William Levada, an American who now heads the CDF, praised Pope Benedict for vigorously investigating and prosecuting sexual abuse cases.

He said the *Times*' coverage had been "deficient by any reasonable standards of fairness".

Cardinal Levada singled out several *Times* reporters and columnists for criticism, focusing particularly on an article describing failed efforts by Wisconsin church officials to

persuade the Vatican to defrock Father Murphy.

He said the article wrongly "attributed the failure to accomplish this dismissal to Pope Benedict, instead of diocesan decisions at the time".

The *Times* drew on documents obtained from lawyers suing the church that showed Vatican officials had at first ordered a secret canonical trial, and then asked the archdiocese to suspend it after the priest pleaded to Cardinal Ratzinger for leniency.

Wisconsin church officials protested against the suspen-

sion but followed it. Father Murphy died a few months later.

Pope Benedict has come under scrutiny for how he and his subordinates handled sexual abuse allegations while he served as an archbishop in Germany as well as when he was the Vatican's top doctrinal enforcer.

In 1980, when he was archbishop of Munich and Freising, he approved the transfer to therapy of a priest who had abused boys, and he was copied in on a memo saying the priest had been allowed to resume pastoral duties shortly after his therapy began. The priest was later con-

victed of molesting other boys.

"This is different, because it's the Pope, and because it's a Pope who is most self-evidently beyond accusation, particularly in this area," said a senior Vatican official.

Cardinal Levada said he believed Father Murphy's was an "egregious" case and he deserved to have been defrocked.

But he said he was not second-guessing the decision to suspend the trial.

He said a canonical trial would be "useless if the priest were dying". AFP, NEW YORK TIMES