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Pope Immune From Abuse Suits says USA government



Pope Benedict XVI - immune from prosecution in the US!

The U.S. government has told a Texas court that Pope Benedict XVI should be given immunity from a lawsuit accusing him of conspiring to cover up the sexual molestation of three boys by a seminarian, court documents show.

Assistant U.S. Attorney General Peter Keisler said that, as pope, Benedict XVI enjoys immunity as the head of a state - the Vatican. He said allowing the lawsuit to proceed would be "incompatible with the United States' foreign policy interests."

There was no immediate ruling from Judge Lee Rosenthal of U.S. District Court for the Southern District of Texas in Houston, who has been presiding over the case.

However, the Supreme Court has held that U.S. courts are bound by such "suggestion of immunity" motions submitted by the government, Keisler's filing says.

A 1994 lawsuit against Pope John Paul II, also filed in Texas, was dismissed after the U.S. government filed a similar motion.

The Vatican Embassy in Washington had asked the U.S. government to issue the immunity suggestion and do everything it can to get the case dismissed. As a result, Keisler's motion was not unexpected.

In the lawsuit, which names the former Cardinal Joseph Ratzinger as a defendant, the three plaintiffs claim that a Colombian-born seminarian on assignment at St. Francis de Sales church in Houston, Juan Carlos Patino-Arango, molested them during counselling sessions in the mid-1990s.

Many lawsuits stemming from the U.S. church sex abuse crisis have named the pope, the Vatican and other high-ranking church officials, but they failed because the officials could never be served with the papers. This case got further than most recent ones because Ratzinger was served with the documents.

Officials at the U.S. Embassy to the Holy See said they were familiar with the case but had no other immediate comment. The Vatican said it had no comment.

Along with the pope, the lawsuit names as defendants Patino-Arango, the Diocese of Galveston-Houston, Archbishop Joseph Fiorenza and the Rev. William Pickhard, Patino-Arango's vocational director.

Patino-Arango has been indicted in a criminal case by a Harris County, Texas, grand jury and is a fugitive from justice.

The lawsuit alleges that Ratzinger, who headed the Vatican's Congregation for the Doctrine of the Faith before becoming pope, was involved in a conspiracy to hide Patino-Arango's crimes and to help him escape prosecution.



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The lawsuit cites a May 18, 2001, letter from Ratzinger, written in Latin to bishops around the world, explaining that “grave” crimes such as the sexual abuse of minors would be handled by his congregation and that the proceedings of special church tribunals handling the cases were subject to “pontifical secret.”

Fiorenza has said that claims that Ratzinger’s 2001 letter amounted to a conspiracy “is a total and complete misunderstanding of the purpose of the letter.”

Daniel Shea, attorney for one of the three plaintiffs, has said that if the pope is granted immunity, he would challenge the constitutionality of the U.S. diplomatic recognition of the Holy See on grounds that it goes against the First Amendment’s “establishment clause” barring any laws respecting the establishment of religion.

“Here is what we’ve been waiting for,” Shea said in an e-mail Tuesday in providing the documents. “Now the constitutional conflict is on in earnest.”

However, legal experts said such a challenge would be difficult to win, in part because previous challenges have failed and because the United States has maintained diplomatic relations with the Vatican since 1984.

“The courts have become a lot less interested in the establishment clause in the last few years,” said Kent Greenawalt, a professor of First Amendment and legal philosophy at Columbia Law School and the author of “Does God Belong in Public Schools?”