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Vatican may resist judge's order for documents

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A ruling on Thursday from a federal judge in Oregon marks the first time that an American court has ever issued an order requiring the Vatican to hand over documents in a sex abuse case.

Whether that actually happens, however, depends on how the Vatican responds, including whether it tries to persuade either the Oregon judge or an appeals court that it shouldn?t have to comply.

U.S. District Judge Michael Mosman on Thursday granted a limited number of requests for discovery put forward by attorney Jeffrey Anderson, representing a man who says he was abused by Andrew Ronan, a former Servite priest who was laicized in 1966 and who died in 1992.

The Survivors Network of those Abused by Priests, the main advocacy group in the United States for victims of clerical abuse, hailed the order as a ?historic achievement.?

?Many clergy sex abuse victims are distraught that thousands of Catholic officials who ignore and conceal heinous crimes escape any consequences for their corruption,? said a statement from Joelle Casteix of Newport Beach, California, the western regional director of SNAP.

?We are confident that this court ruling will give many victims some sorely-needed hope,? she said.

Since the core issue in the Oregon case is whether Ronan was an ?employee? or ?agent? of the Vatican, Mosman limited the requests to documents related to the Vatican?s laicization process, its policies regarding sexual abuse and its regulation of priests? conduct, as they relate specifically to Ronan.

By granting only those requests, Mosman effectively rejected other requests from Anderson, including the idea of taking depositions from senior Vatican personnel, up to and including Pope Benedict XVI.

Attorney Jeffrey Lena, who represents the Holy See in American civil litigation, released a brief statement Thursday night in response to Mosman?s order.

?As a factual matter, Ronan was not a Holy See employee, and the Holy See was not aware of Ronan's misconduct until after Ronan had abused the plaintiff,? Lena said.

Beyond that, Lena declined to comment on what the Vatican?s strategy might be. In general, the Vatican has resisted such demands for discovery, both on First Amendment grounds and because of its status under international law as a sovereign state. Mosman?s ruling on Thursday didn?t directly address those arguments.

In that light, most observers believe it?s unlikely that the Vatican will simply hand over the requested documents. Instead, it?s likely that the Vatican will either file an objection with Mosman, or perhaps appeal the ruling to a higher court.

tIn the past, Vatican spokespersons have insisted that their reluctance to turn over documents is a matter of principle. In reality, they say, any documents in their possession would show that Ronan was never supervised by the Vatican and that Rome became aware of the charges against him only after the fact.

In comments to the Associated Press, Anderson nevertheless insisted the ruling is a breakthrough.

?It?s the first time anyone's laid a glove on them to the extent they had to turn documents over,? Anderson said.

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