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Vatican's US attorney responds to Supreme Court action

by John L. Allen Jr.

NCR Today

Jeffrey Lena, the California-based attorney who represents the Vatican in American litigation, issued this statement following the announcement that the U.S. Supreme Court would not hear an appeal from the Holy See.

The Vatican was asking the federal court to stop a law suit filed in Oregon that accuses the Vatican of transferring a priest from city to city despite repeated accusations of sexual abuse.

Lena's statement:

"Today the Supreme Court decided not to grant the Holy See's petition for certiorari. These decisions are made based upon the Supreme Court's docket and what cases it wishes to hear each term. The decision not to hear the case is not a comment on the merits of our case (importantly, the United States does agree that we are correct on the merits). The effect of the Supreme Court's decision is to cause the case to return to the district court in Oregon, where the additional remaining defenses will be heard. Plaintiff currently has one jurisdictional theory left. That theory is that the priest who committed the abuse was an "employee" of the Holy See.

"We will, of course, point out to the district court that the priest in question is not an employee of the Holy See, and that, therefore, the district court does not have jurisdiction over the case.

"In our view the indicia of employment simply are not present. The Holy See does not pay the salary of the priest, or benefits of the priest, or exercise day-to-day control over the priest, and ANY of the other factors indicating the presence of an employment relationship. This is a priest of the Order Friar Servants of Mary. His very existence was unknown to the Holy See until after all the

events in question."

Statements from the attorneys representing people who alleged abuse by Fr. Andrew Ronan were posted earlier to the NCR Today blog: US Supreme Court denies Vatican petition

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