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Albany Diocese Quietly Paid Man Who Pressed Abuse Claim

By Daniel J. Wakin
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Bishop Howard J. Hubbard of Albany quietly paid more than \$225,000 last year to a sexual abuse victim who was pressing further allegations that priests from the diocese had molested him when he was a boy.

The man and the diocese disagree on whether the money was intended to end his claims and keep him quiet, or was the charitable work of a church assisting a member in need.

The payments, made when the sexual abuse scandal in the Roman Catholic Church was at its height and when many were calling for greater openness in church finances, were not part of a formal legal settlement, and they began weeks after Bishop Hubbard himself announced an end to confidential settlements. He had said such settlements not only prevented victims from speaking freely about their experiences, but also created the appearance that the church was covering up the problem of clerical abuse.

In 1994, the diocese paid the man \$150,000 in a confidential legal settlement after he said he was sexually abused by a diocesan priest, the Rev. David Bentley. Bishop Hubbard acknowledged that abuse in letters of apology sent to the victim last year.

Among payments to him last year was a check for \$150,000 from Catholic Charities of the Diocese of Albany that was meant to pay for a house, according to a review of the checks and other documents as well as interviews with diocesan officials. An earlier payment, for \$75,000, was provided for a mobile home when the man was about to be evicted.

The 39-year-old man, who agreed to be interviewed only on the condition of anonymity, said he now regarded the payments as part of an effort to keep him silent, an effort that he said included six months of therapy with a church-affiliated social worker and numerous meetings with Bishop Hubbard.

The man said he was angry that the bishop did not do enough to identify and punish the other priests he said had abused him. He said he felt betrayed by a bishop who once called him a friend.

Bishop Hubbard, a prominent figure in the effort by American bishops to respond to the sexual abuse scandal, would not agree to be interviewed about the payments. He said in a statement that it would be improper to discuss assistance given to victims, and that to do so could harm them further.

The Rev. Kenneth Doyle, a spokesman for the diocese, said the victim's claim that the bishop had been trying to ensure his silence was "absolutely untrue." He said the bishop's general goal was to "try and comfort the victim and get any immediate help for the victim and provide any assistance to make life more livable and begin the path toward healing."

For much of the last year, as reports emerged concerning the church's long and costly history of making secret legal settlements with victims of abuse, many prominent Catholics have been pushing for bishops across the country to disclose exactly how they have spent their money, much of which has been raised from parishioners and philanthropists. That effort has failed so far to compel the country's 194 dioceses to produce a full audit of their finances.

The Diocese of Albany acknowledged in June that it had paid far more in legal settlements of abuse cases than it had publicly acknowledged. The payouts amounted to \$2.3 million rather than "hundreds of thousands," it disclosed.

In the latest instance, Father Doyle, the diocesan spokesman, said that the payments did not constitute a confidential settlement, and that the victim was not barred from talking about them. He said the diocese did not disclose the assistance because it would have been improper to do so. "That would reflect on the emotional stability, the well-being of the victim," Father Doyle said.

When told of the victim's charges that the payments were meant to keep him silent, he said the money was paid "because of an unusually needful situation, and the severity of the injuries sustained."

Diocesan officials said the payments were covered by the diocese's self-insurance fund. That insurance is financed by donations from parishioners and is controlled by the bishop.

At minimum, the story of the victim's dealings with the diocese last spring and summer offers a remarkable window onto how one bishop, with the national scandal growing almost daily, dealt with an abused victim who was pressing other charges. According to an examination of diocesan documents, psychological reports and two days of interviews with the victim, the diocese first appeared to be reaching out to him with considerable emotional and financial support.

The victim said his emotions alternated from a yearning for help to rage at his abuser and the church. As his frustration grew, the interviews and records show, the diocese pulled back.

From the diocese's point of view, the story is an example of the church's dilemma. If it stays aloof, it may be accused of insensitivity, but if it meets the demands of victims in pain, it can never do enough and can seem to have something to hide.

From the victim's standpoint, the money and other assistance does not soothe the pain of knowing his abusers have gone unpunished and of what he perceives as insensitive treatment.

The man said he met at least two dozen times last spring and summer with the bishop, who gave him his home telephone number and an invitation to call any time. He also had 80 therapy sessions. The therapist, he said, pressed him to ask for money -- as much as \$1 million at one point -- but then pulled back when the victim's dealings with the bishop became more confrontational.

The victim has since sued the diocese and Bishop Hubbard over the therapy, charging that the social worker, Sister Anne Bryan Smollin of the diocese's Office of Counseling for Laity, was, in effect, an agent of the bishop. His lawyer, John Aretakis, says he represents dozens of people with sexual abuse claims against the Diocese of Albany.

"They were trying to keep my mouth shut," the victim said. "No doubt in my mind what they were doing, looking back."

He said he was worried about giving the impression in the interviews that he was seeking more money from the diocese, and emphasized that it was his therapist who urged him to ask for money. "If I was out for the money, I would have grabbed it and run," he said. "I took what they were offering me, but I still want answers. I want justice."

Father Doyle said the victim's lawsuit over the therapy was baseless. He said it was Mr. Aretakis's third "frivolous and fictitious lawsuit" against Albany church figures. Michael L. Costello, the diocese's main lawyer, also represents Sister Smollin in the case. "Of course, she denies everything in there," he said.

Bishop Hubbard is on the Ad Hoc Committee on Sexual Abuse of the United States Conference of Catholic Bishops, and in the past he was a champion of giving some abusive priests a second chance if they deserved it. He has led the diocese since 1977 and is considered one of the few relatively

liberal bishops in the country. Conservative Catholics inside and outside the diocese have made him the target of a highly critical campaign.

Bishop Hubbard, who has apologized repeatedly to sexual abuse victims and met often with them, has removed six priests from the ministry in the far-flung diocese of 400,000 Catholics since the scandal began.

The man in this case first reported abuse in 1994. It started, he said, when he was in the Albany Home for Children as a 9-year-old in 1973 at the hands of Father Bentley, who was then a seminarian. For the next seven years, Father Bentley, who was ordained in 1975, abused him on outings and weekends away from the home, the victim said.

Father Bentley's removal from ministry was announced last April, just weeks after the victim went back to the diocese with his new complaints. Father Bentley had been serving part time at a parish in Deming, N.M.

The diocese said he had been removed from priestly duties before, in 1986, after an abuse allegation, given treatment and returned to the ministry under supervision.

As the scandal began gathering momentum last year, the victim said he revisited his abuse and sought counseling from the diocese in March. On April 1, he had his first session with Sister Smollin. Within days, he had his first meeting with Bishop Hubbard, who later apologized twice in writing for the abuse by Father Bentley, his letters show.

The first check to the man, for \$2,000, was issued on May 16 and was drawn from a Catholic Charities account. Several more for a similar amount were given to him later that month, the man said, about the time the bishop promised him a house on South Allen Avenue that had been bequeathed to the diocese by a parishioner.

He then received a \$75,000 check dated June 4 and drawn from the escrow account of the church's law firm, Tobin & Dempf, and used some of the money to buy the mobile home.

Mr. Costello, who is a lawyer with the firm, said that he could not comment on the specifics of the case, but that it that was routine to draw funds for victims from the escrow account. He also said the diocesan insurance fund covered such continuing assistance to abuse victims.

Over the next several months, the man said, he pressed the diocese to help identify and investigate five other people, including three priests, who he said molested him. Sister Smollin said in a report that many of the sessions were devoted to that goal, her report says.

Bishop Hubbard provided photographs of a priest and church volunteer, whom the victim recognized. The bishop said that the priest was no longer in the priesthood and that the volunteer was not under his jurisdiction, the victim said.

Then, on Aug. 26, the victim received a bank check for \$150,000 toward a house when the bequeathed home fell through. He said the money was provided to him by Sister Maureen Joyce, the director of Catholic Charities.

Sister Joyce would not comment on the payment, but said she responded to the man's arrival in her office the "way we would have to anyone who came in." She said her office provided assistance to the victims of clerical sexual abuse as well as to the needy. Father Doyle said Catholic Charities money was used because it was immediately available, and was reimbursed by the diocesan insurance fund.

Twice last year, Bishop Hubbard summoned Father Bentley for excruciatingly emotional sessions with the victim. The victim said on one occasion he demanded that the priest get on his knees and apologize.

After he continued to push for information about his other abusers, the victim said, the diocese began distancing itself from him. Father Doyle, the spokesman, said the diocese had done everything it could to locate the alleged abusers.

But the man said it was not enough. "These people brought me in and made me feel like family," he said, breaking into sobs, "after what they did to me as a child."

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