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## **Bishop Grants Mercy to Disgraced**

Hubbard Decides Not to Defrock Diocesan Priests Accused of Sexual Abuse

By Michele Morgan Bolton  
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ALBANY -- Three years after the clergy sex abuse scandal exploded into the public consciousness, dozens of priests have finally been stripped of their duties by the Vatican in recent months. Those defrocked, which means they cannot act as a priest or receive financial support from the church, include four clergy in Boston, six from the Rockville Center Diocese downstate and another nine in Philadelphia.

But here in the Roman Catholic Diocese of Albany, none of the 13 surviving priests of the 20 removed from ministry will have his case reviewed by the Vatican's Congregation for the Doctrine of the Faith.

Bishop Howard Hubbard contends that laicization is too harsh. His decision means the men will continue to draw pensions and health insurance benefits until they die.

"I believe, after reflection and consultation with the misconduct board and my canonical advisers, that the formal and public removal from ministry is sufficient punishment for the priest and adequate protection for the community," he said.

"And that's the route I have taken, in accordance with the charter and canonical laws of the church," said Hubbard, a vocal critic of the zero tolerance policy adopted by the U.S. Conference of Bishops after the scandal erupted in 2002. "If I found that anyone who had received this punishment had presented himself as a priest, publicly, then I still have the step of laicization. I haven't ruled out that option, and it is still available."

In the past 54 years, 145 individuals who claimed they were sexually abused as minors have raised allegations against 76 priests in the Albany Diocese. Twenty priests have been removed from ministry and nine are under investigation, including two in active ministry, according to the most recent statistics available.

The process for removing a priest from ministry locally is thorough, Hubbard said. After the sexual misconduct board has determined reasonable grounds to believe an allegation, church officials make the news public. Church officials in Rome also are notified, he said.

"Everyone knows. I think that is sufficient," Hubbard said.

Mark Lyman, who is co-director of the Albany chapter of the Support Network for Those Abused by Priests, said abusive priests should be laicized.

"Justice comes in the form of assisting victims and putting their lives back together and some form of punishment for the offender," said Lyman, who said he was abused as a young teen by a trusted, Franciscan adviser.

"For years, they've known about the problem and hid it," he said. "If Christ were here today, things would be a lot different. I think he would be a lot harsher with his disciples."

Only one cleric associated with the Albany Diocese has been officially laicized by the Vatican, but that

was requested by a New Jersey bishop in the diocese where he was assigned at the time.

James Hanley, 68, who was accused of sexually abusing at least 15 children in his home diocese of Paterson, agreed to be laicized in June 2003.

The process -- which involves approval from the Vatican -- took about nine months. These days, it takes much longer. The Vatican is working its way through a backlog of decisions on as many as several hundred accused American priests. The death of Pope John Paul II in April also may have slowed the process.

Hubbard has long opposed zero tolerance, the one-strike-and-you're-out philosophy that victims groups believe is more appropriate for child sex abuse.

Dennis Doyle, who is a professor of theology at the University of Dayton, said he was surprised to hear that Hubbard had actually deferred on laicization, after his colleagues around the country have opted for it.

"The zero tolerance policy is something that was politically necessary," Doyle said. "But I doubt it will be in place 10 years from now."

"To balance justice between victims and perpetrators, you have to go with the victims," Doyle continued. "That's the way the pendulum has to swing, because justice has been so long in coming. This bishop may have some good reasons, in the big picture, but sympathy has to be with the victim. That's where we are in history."

The Rev. John Patrick Bertolucci, 67, is one of the 13 diocesan priests who opted for a life of prayer and reflection in his family's Catskill home after being removed from his post.

The author and televangelist who preached the power of a personal relationship with Jesus on a nationally syndicated cable TV program sexually abused teenagers in the 1970s when he was a pastor in his 30s at St. Joseph's in Little Falls.

"The most powerful form of penance I can do is to pray for the healing and reconciliation of any person I have sinned against and any person I have misled by my misconduct," Bertolucci said last week.

"I believe that my bishop is wise in keeping open a line of communication with priests who have engaged in misconduct, rather than removing any canonical, jurisdictional oversight, which laicization would do."