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Accused Priests Seek Canon Trial

4 Removed from Albany Diocese Would Be First to Face Tribunal in 40 Years

By Michele Morgan Bolton
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ALBANY -- Four priests accused of sexual misconduct in the Albany Diocese who are challenging their removal from ministry could face a rare, secretive tribunal of the Roman Catholic Church.

The four -- Revs. John F. Connolly, Joseph Romano, James Kelly and James McNerney -- are among 20 priests in the Roman Catholic Diocese of Albany removed from ministry since 1950 after they were accused of abusing minors.

Each has adamantly denied the allegations since a diocesan review panel determined the claims against them to be credible.

All four have requested a "canonical trial," a centuries-old church proceeding that differs greatly from civil and criminal trials. The tribunal, held behind closed doors, is overseen by a panel of three out-of-town canon lawyers, who are usually priests.

Another canon lawyer, known as the promoter of justice, acts as the prosecutor who lays out the case against the accused.

The hearings are usually held in the same room in a diocese where annulments are heard, and results are usually made public.

Vatican officials in Rome's Congregation of the Doctrine of the Faith are reviewing the priests' cases.

The Rev. Kenneth Doyle, who is Bishop Howard Hubbard's chancellor for public communications, said Vatican officials have not yet made a final determination or provided any details on when the traditional inquisitions might take place.

The four priests continue to receive an average salary of about \$20,000 a year, as well as health, retirement and other benefits.

Connolly, 68, a classmate of Hubbard's at Albany's Mater Christi Seminary in the 1960s, was the only one of the four priests who could be reached.

"I really can't say anything," he said. "My canonical lawyer advised me not to speak publicly."

The church trials would be the first in Albany in at least 40 years, Doyle said.

Similar proceedings are being held across the country. They are fallout from the clergy sex abuse scandal in which hundreds of priests have been removed from ministry nationally.

One such inquiry is ongoing in the Madison, Wis., diocese, with another set to begin there this month.

A church trial in the Diocese of Paterson, N.J., in January resulted in the permanent removal of one priest from his ministry. The same month, Vatican officials ordered canonical trials for three accused priests in the Diocese of Rockville Centre, on Long Island, and for two in the Roman Catholic Diocese of Davenport, Iowa.

The extraordinary proceedings bear little resemblance to those of typical courtroom trials. For one thing, they don't include a face-to-face confrontation between priest and accuser.

In fact, they are conducted in great part through paper submissions, according to Monsignor Ron

Jenkins of the Catholic University of America in Washington, D.C.

Jenkins is an adviser to the U.S. Conference of Bishops, which adopted new guidelines for handling sex abuse cases after the scandal exploded in 2002.

Canon law requires evidence of a crime beyond a moral certitude, he said: "This is a very high standard, that there is effectively no reasonable doubt to the contrary."

In the trial, based on the European civil court model, there is no right to cross-examine witnesses. Judges have significant discretion regarding what evidence is admitted and what questions are posed to the defendant, Jenkins said.

Although priests can't be forced to confess, they can be compelled to answer questions, since there is no Fifth Amendment shield.

Mark Lyman, who is co-director of the Albany Chapter of the Survivors Network of Those Abused by Priests, said the proceedings should be public.

"The best way for priests to clear their names is when everything is open and transparent," said Lyman, 41, who says he was victimized by a trusted Franciscan adviser. "What could be a better way to obtain restorative justice?"

The scandal has forced church officials to rethink how accused priests are dealt with, said the Rev. Tom Reese, former editor of the Jesuit magazine America.

"Cases are solved quickly on 'Law and Order,' where you have police, lawyers and judges," Reese said. "We don't have those things in the Catholic Church. And then the American justice system washed its hands and said, 'We aren't doing anything.' So, with no experience, the church had to step in and build a system from scratch."

"You can either line (priests) up and shoot them, or try to establish a system that's just," Reese said. "It doesn't happen overnight."

In the past, canon lawyers handled Catholic divorces almost exclusively, he said.

After retraining, scores of American lawyers were recently sent to Rome to help process the sex abuse cases: "If they hadn't, it could have taken 20 years to get through the docket," Reese said.

Recently, Hubbard revealed that he has not asked the Vatican to prevent any of the 13 surviving priests who have been removed from ministry from ever again performing sacramental duties.

He said he felt the formal and public removal from ministry was sufficient punishment for the priest and adequate protection for the communities they served.

All told, 145 people who claimed they were sexually abused as minors have raised allegations against 77 priests in the Albany Diocese.

Nine of the cases are still under investigation, including those of two priests in active ministry, according to the most recent statistics available