



The New York Catholic Conference's Aggressive Bid to Stop Reform of Child Sex Abuse Laws

By [MARCI A. HAMILTON](#)

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Based on an unscientific survey of everyone with whom I have spoken in recent months, I have come to the conclusion that there is an untold story that would shock the vast majority of Americans. Pieces of it have appeared in various publications, but never the whole story. It is the story of the New York Catholic Conference's outrageous measures to stop the reform of New York's laws that govern child sex abuse.

The bottom line is that the Catholic bishops have committed both themselves and their copious resources to becoming the political enemies of all child sex abuse victims and thus the political allies of all child predators (whether they be priests, teachers, or uncles).

The Child Victims Act and the New York Conference's Aggressive Opposition

The proposed Child Victims Act (CVA) is currently being considered in the New York State legislature, which is expected to hold several special sessions this fall in the wake of its recent, circus-like sessions in May and June. The CVA would modestly extend the statute of limitations for child sex abuse – by five years for both civil and criminal claims – as well as open a "window" for all past victims to be able to go to court for one year despite the currently expired statutes of limitations on their claims.

As I have discussed in [previous columns such as this one](#), this kind of window legislation has already been enacted in other states, where it has led to the public identification of previously unknown child predators.

The CVA's most active opponent is the New York Catholic Conference, the lobbying arm for the Roman Catholic bishops. (Some ultra-Orthodox Jewish groups have tagged onto the Conference, but the vast majority of Orthodox and other Jewish groups have chosen to side with the victims, as has the National Black Church Initiative.) While other state Catholic Conferences have fought such legislation, the New York group has let no ethical or humane interest stand in its way, hiring numerous top-dollar, seasoned lobbyists to try to kill the CVA through one devious approach after another. Also new in New York is the willingness of the bishops themselves to publicly rail against statute of limitations reform as though it were the equivalent of mandatory abortion.

The Hardball Political Tactics the Conference Has Used to Oppose the CVA

Last fall, as the *New York Post* [has reported](#), Brooklyn Bishop Nicholas DiMarzio personally threatened legislators that he would close parishes and schools in their district if they voted in favor of the CVA – in other words, if they simply took the side of child sex abuse victims on a statute of limitations bill that would publicly identify child perpetrators.

In addition, [The New York Times has reported](#) that some have alleged that DiMarzio "entered into a pact" to procure Assemblyman Vito Lopez's vote against the CVA by displacing Father Jim O'Shea, a Catholic priest and community organizer, as head of an ecumenical effort handling an affordable housing project and throwing the project to a Lopez loyalist. In return, the allegations suggest, Lopez introduced a toothless bill to extend the statute of limitations going forward by only two years, and to immunize private institutions from liability for child abuse. Fortunately, Lopez has been unable to get the votes he needs.

The Conference and DiMarzio also have tried other rhetorical tactics. They argued that the CVA was "unfair" because it excluded all public institutions from being sued – even though that was, in fact, untrue under federal civil rights statutes and state law. They also complained bitterly that the CVA was too "open-ended."

To get the bill passed, the Assembly bill was amended to meet their objections: it now explicitly covers public institutions and limits claims to those brought by survivors who are under the age of 53. The latter was a painful compromise, but was necessary, given the entrenched power and bountiful lobbying resources of the New York Conference.

This left the Conference with only one argument -- that window legislation would lead to diocesan bankruptcies and cuts in services. However, as I discussed in [a prior column](#), the California window legislation resulted in no such thing. The dioceses' land holdings, including hotels and office buildings, are beyond anyone's imagination and their true extent is a closely-held secret, but it is a fact that there were more than enough resources in California to meet the settlements reached with the victims created by the bishops' cover-up of child sex abuse by their own clergy.

As testament to the many child sex abuse survivors (the vast majority of whom were abused by family or family acquaintances) dedicated to this cause of exposing hidden predators, who have taken time off of work and away from family to support this cause, there are now enough votes in the Assembly to pass the CVA despite the Conference's every maneuver. The Conference, therefore, has stepped up its offensive.

Misleading the Public and Catholic Parishioners by Suggesting that the CVA – Which is Very Much Alive – Has Already Failed

Following the last day of the Assembly's regular session, the bishops wrote to parishioners that the CVA had been overcome and that it was no longer live legislation – and told the press the same thing, apparently believing that if they said it, the people would believe them. They surely knew about the possibility of special sessions this fall, but failed to mention it. In addition, they continued to characterize the bill in their publications as unfairly targeting private institutions and being too open-ended. In fact, the bill's longtime proponent and sponsor, Assemblywoman Marge Markey, herself a loyal Catholic, had amended her bill to meet those very concerns well before those statements were made.

The ugliest confrontation to date, which was engineered by the bishops and pitted believers against survivors, occurred in front of Lopez's office. A handful of Jewish and Catholic survivors have been staging a protest there for weeks. DiMarzio organized a group of believers to march in support of Lopez's opposition to the Child Victims Act. Two busloads of people were taken to the

neighborhood and told – contrary to the facts, as noted above -- that the CVA did not apply to public institutions and that it would bankrupt the dioceses, causing losses of services. About a dozen survivors, who had been raped as children by priests and rabbis, stood across the street holding signs in favor of the Child Victims Act. When the survivors confronted the sadly uninformed marchers with the truth about the bill and the misinformation from the bishops and Lopez, they told me directly, some of the marchers actually *threw coins at the survivors*.

If the Conference were not pouring hundreds of thousands of dollars into lobbying, and if it were not employing the tactics I have described above, the CVA would have been the law long ago. And today we would know the identities of hundreds of New York child predators who are now, instead, enjoying the anonymity – and protection – afforded them by existing state law. Fewer children would be subject to abuse right now. Instead, the Conference and DiMarzio and Lopez have become the sworn enemies of New York's children and of the truth.

<http://writ.news.findlaw.com/hamilton/20090729.html>

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