

The Duane/Markey Bill (S2568/A2596) ~ The Kruger/Lopez Bill (S3107-A/A5708-A)

The message below contains vital information rebutting in detail the position of our Church regarding sex abuse legislation. Professor Marci Hamilton has confirmed the validity of the statement regarding the 90-day notice of claim.

There are two competing bills in the Legislature--the Duane/Markey Bill (S2568/A2596) also known as the Child Victims Act (CVA) favored by advocates for children and victims of abuse, and the Kruger/Lopez Bill (S3107-A/A5708-A) favored by the Catholic Church. **The bishops in the state of New York have spent hundreds of thousands of dollars trying to fight the Duane/Markey Bill** – money that comes from us, money that should be spent on ministry, money coming from an organization that is crying poverty. They are mainly opposed to the one-year window in the CVA for claims now barred by the statute of limitations.

The bishops and their paid lobbyists are trying to persuade people to support their side by being untruthful and misleading. Here are some of the biggest “misrepresentations”:

- The Claim: The CVA window singles out private institutions, because it does not also remove the 90-day notice of claim requirement for public institutions.
- **The Truth:** The CVA window also permits victims of public entities to avoid the statute of limitations, because claims of sexual abuse against public institutions brought under federal civil rights law (42 U.S.C. a§ 1983) are not subject to the 90-day notice of claim. *Felder v. Casey*, 487 U.S. 131 (1988).

- The Claim: Private institutions will go bankrupt as a result of the CVA window.
- **The Truth:** No school or other private institution had to file for involuntary bankruptcy when a window was in place in California or in Delaware . One voluntary bankruptcy was filed by the San Diego Diocese, which then voluntarily withdrew its bankruptcy petition (their main goal was to avoid releasing their records on abuse) . Over half of the claims paid in California (which involved various churches and other private groups) were paid by insurance proceeds. No services were affected, because the vast majority of social services’ funds come from the government and tax proceeds.

- The Claim: The New York Legislature has many options to protect children from sexual predators.
- **The Truth:** The CVA window is the only proven method of identifying unknown child predators. A vote against the CVA is a vote to enable child predators to continue to sexually abuse New York ’s children in the home, private, and public institutions. The CVA is the only path to the truth and the liberation of children from their sexual abusers.

The bishops are claiming that this bill is aimed at the Catholic Church. The fact is that Catholic priests are just a very small percentage of child molesters. They are teachers, coaches, scout leaders, family members – people who use their positions of trust to enable them to abuse children. This bill will enable victims to come forward and identify the abusers who are still out there. As was shown by the Grand Jury, ***“In some cases the Grand Jury finds that the Diocese procrastinated for the sole purpose of making sure that the civil and criminal statutes of limitation were no longer applicable in the cases.”*** The Church still refuses to make public the names of priests who have had credible accusations against them. There are many former priests who have been removed whose whereabouts are unknown – they are not registered sex offenders because the Church prevented their prosecution. We read about them every month or so when they are arrested in distant states.

Sad to say, our church leadership has a long, sad history of being dishonest about the abuse of children. They denied and covered up the truth for many years until the scandal finally broke (in Boston , where our current bishop was the chief operating officer). The scandal was not just that there were some priests who molested and raped our children. The scandal – and crime – was that our Church leadership aided and abetted these sexual predators by protecting them from prosecution and moving them from place to place where they could continue to rape and molest our children. Don’t just take my word for it – read the quotes from the Grand Jury (below). They are frightening!

The leadership of our church placed the avoidance of scandal and the protection of the Church's money ahead of protecting our children from being molested and raped. This a clear fact, documented in diocese after diocese. **The tragedy is that they are still doing it!** They want us to think that is all behind us now – ancient history, forget about it and move on. But nothing has changed. The same people are still in charge, they still have the same priorities – and protecting children is not one of them.

There are two proposed laws – one protects children, one protects the Catholic Church. Let's make the right choice this time.

Pass this on to people so they can hear a different point of view.

SUFFOLK COUNTY SUPREME COURT

SPECIAL GRAND JURY

(Full Report)

<http://www.co.suffolk.ny.us/da/press/pdf/DRVC%20GRAND%20JURY%20REPORT.pdf>

Some Excerpts from the Grand Jury Findings:

"The evidence before the Grand Jury "clearly demonstrates" that Diocesan officials agreed to engage in conduct that resulted in the prevention, hindrance and delay in the discovery of criminal conduct by priests. They conceived and agreed to a plan using deception and intimidation to prevent victims from seeking legal solutions to their problems."- Pg. 173

"The Diocese of Rockville Centre acted in a manner that resulted in plaintiffs being deprived of their right to legal recourse based on their abuse as children by priests in the Diocese. To remedy this situation, the Grand Jury recommends that the New York State legislature should enact a statute similar to Section 340.1 of the Code of Civil Procedure for the State of California that revives civil actions for damages for a period of one year that are otherwise time barred solely because the applicable statute of limitations has or had expired. This statute would pertain only to actions for the recovery of damages suffered as a result of childhood sexual abuse."- **Pg. 179**

"New York State Criminal Procedure Law section 30.10 should be amended to eliminate the statute of limitations in cases "involving a sexual offense as defined in article 130.0 of the penal law committed against a child less than the age of eighteen, use of a child in a sexual performance as defined in section 263.05 of the penal law or conspiracy to commit these crimes under New York State Penal Law Article 105".- Pg. 175

"Most children did not report the crimes against them until long after the criminal statute of limitations had lapsed. Those who did were promised help, but received little. Instead, they were ignored, belittled and re-victimized. In some cases the Grand Jury finds that the Diocese procrastinated for the sole purpose of making sure that the civil and criminal statutes of limitation were no longer applicable in the cases."- Pg. 95

"These themes framed a system that left thousands of children in the Diocese exposed to predatory, serial, child molesters working as priests."- Pg. 106

Priests whose role was to protect the Diocese were responsible for meeting with victims of sexual abuse perpetrated by the priests they were also counseling. Victims and their families were betrayed by the Diocesan hierarchy. The leaders entrusted to handle the allegations and protect children were protecting the Diocese from publicity and legal liability.