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Justice Denied: What America Must Do To Protect Its Children

by

Marci Hamilton

Reviewed by:

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The latter half of the twentieth century witnessed a remarkable surge of concern for the rights and welfare of children. Parallel to this concern there has been unprecedented scholarly activity into the history of this subject. Though not as extensive as one would expect, the scholarship has revealed that children's rights and the very comprehension of the emotional, psychological and moral development of the child has been severely limited. The innocence of children and young adolescents was not presumed, in fact there is evidence that the canonists, perhaps the most significant group of lawyers in the middle ages, presumed that children and minors were always prone to do wrong.¹

Western society looks with pride on the many sources of proof that we are indeed enlightened about children and do, in fact, put into practice the often heard saying that "Children are our most important resource because they are our future."

Marci Hamilton has shared her intense and vast experience in working for children's rights in a book that makes clear that in spite of our society's sense of self-satisfaction, in some ways we have not advanced that far from the middle ages. Justice Denied is about one of the most horrendous offenses against children short of murder: child sexual abuse. It is about the chasm that exists between the lofty sentiments expressed by civil and religious leaders when it comes to the rights of children, and the dark reality of a court system that still reflects ignorance about both the devastating nature of sexual abuse and the compulsive nature of sexual perversity.

Justice Denied explores the most effective roadblock to justice for victims and a surprising enabler for perpetrators: the Statute of Limitations. Envisioned as a needed source of protection for the rights of the accused and an assurance against judgments based on little or no evidence, the Statute of Limitations has a distinctly opposite effect in the area of sexual abuse of children. In most States it ignores the complex effects rape and abuse on children and minors and the solid body of scientific evidence that tells us that the majority of victims never publicly disclose (70 percent) and those who do are often prevented, by their own fears, shame and guilt from coming forward for

years if not decades. In the wake of the shameful and shocking revelations of widespread sexual abuse by Catholic clergy (and other clergy as well) over the last two decades of the twentieth century, serious efforts have been mounted by child welfare advocates and others to change this destructive loophole and pass laws that would clearly favor present victims and protect potential future victims by identifying predators who otherwise would have slipped past the long arm of the law, shielded by an even longer arm of the Statute of Limitations.

This book is straightforward, clearly written and its main points are easy to grasp. The author paints a vivid and shocking picture of child sexual abuse which should disavow the attitudes of those who think its limited to sinister looking street denizens in dirty trench coats. The truth is that most abuse is incestuous with no rigid social profile for the offenders. In other words it could be anyone from an unemployed lecher to a highly respected professional. Though much of our contemporary scrutiny was prompted by what appeared to widespread sexual abuse by Catholic clergy, Professor Hamilton informs us that only 4 percent of all child sexual assault is committed by Catholic clerics. Now comes the book's shocking revelation: one of the two most vociferous and determined adversaries to any legislative reform that would protect children and strike fear into the hearts of predators is the Roman Catholic Church. The other surprises no one – the insurance industry. The latter's mission in life is to make money, but the Church's is to help people and they surely are not doing so by throwing their vast power and resources into burying proposed legislation while at the same time painting a slanderous image of victims and their supporters. Professor Hamilton devotes two well-documented and lucidly presented chapters to the concerted efforts of each to the defeat of the SOL's. Though one would probably expect vigorous activity on the part of the insurance industry because their leaders inaccurately view passage of the envisioned legislation as a major monetary drain, the focus of the legislation is not faulty construction of drunk drivers but innocent children! Consequently it is not too much to expect a higher degree of institutional integrity.

Chapter 6, "Barrier # 2: The Hierarchy of the Roman Catholic Church" tells the scandalous story of the Catholic bishops' expensive and often underhanded efforts to persuade lawmakers that proposed changes in the laws will not benefit children, are discriminatory and pose a threat of financial ruin for the Church. Professor Hamilton clearly shows that in spite of the fact that the bishops know these claims to be untrue, they nevertheless seek to impose their will and their agenda on all citizens. Her conclusions are well documented. The most disturbing and even enraging are the campaigns of the bishops of Ohio and Colorado. In the case of Colorado the bishops reached a moral low by leveling personal attacks at Catholic legislators who backed legislation: "They read letters denouncing me from the pulpit...and what they said was totally untrue."²

There is a chapter on “other barriers” which includes groups who place their own interests above the welfare of children. Sadly, but necessarily, the author includes an “uninformed public” as a major barrier to action and not just words about protecting children. The problems with educating the public are often the unrealistic and even magical images many have of certain private and public institutions, especially the churches.

The final chapter gives hope for it speaks of the “Coming Civil Rights Movement for Children.” It took the courage and activism of a broad spectrum of people to make the words of our Declaration of Independence that “All men are created equal” a reality in our society for those whose skin color made them the target of discrimination. In spite of long odds the civil rights movement of the sixties and seventies has made a dramatic difference in personal attitudes and in many aspects of public and private life. This book concludes with the hope that it will be so for the right of children and their parents to live in a society without fear of sexual assault.

Marci Hamilton’s book is short and to the point. Its last sentence sums up the book and the cause: “It is an either/or choice: we can either protect the predators or the children.”

1 R.H. Helmholtz, “Children’s Rights and The Canon Law: Law and Practice in Later Medieval England,” *Studia Canonica* 67(2007): 43.
2 Justice Denied, p. 89.

Thomas P. Doyle is a Dominican priest with a doctorate in canon law and five separate master's degrees. Doyle, who previously served as a canon lawyer at the Vatican Embassy, is an advocate for church abuse victims and is an expert in the canonical and pastoral dimensions of the problem.

Doyle is the author of several previous books including *Sex, Priests, and Secret Codes: The Catholic Church's 2,000-Year Paper Trail of Sexual Abuse* with A.W. Richard Sipe and Patrick Wall.