

Voice of the Faithful, Montgomery County Maryland  
16921 Baederwood Lane  
Rockville, MD 20855  
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Chairman Joseph F. Vallario, Jr.  
Members of the Judiciary Committee  
House Office Building, Room 101  
Annapolis, Maryland 21401-1912

Dear Chairman Vallerio and Members of the Committee:

On behalf of the Voice of the Faithful affiliates in Maryland I wish to thank you for holding the hearing yesterday on HB 1147 and 1148. Your patience and attentiveness in hearing the testimony of the more than 40 witnesses who testified in favor of the bills is greatly appreciated. Many good questions were raised by members of the committee, and we offer below information responsive to several of those questions, as well as facts bearing on several of the claims and arguments presented by Catholic Church officials.

(1) False claims: The US Conference of Catholic Bishops commissioned the John Jay College of Criminal Justice to study the extent of the sexual abuse crisis in the Catholic Church, based on data and information provided by Catholic dioceses and religious orders themselves. That study based on self-reported data by Church officials found that only 1.5 percent of alleged claims were judged by Church officials to be false. This is reported in section 5.3 on page 94 of the report, which is available on the US Conference's web site at [www.usccb.org](http://www.usccb.org). Note that the determination of falsity was made by Catholic officials, not by independent observers.

(2) Reclaimed memories: Only one witness, out of some 38 victims of child sexual abuse who testified before your committee, stated that he became aware of his childhood abuse based on reclaimed memory. All the other survivors had very vivid memories of their abuse from childhood on. Reclaimed memory is not a legitimate issue. It is nothing more than a ruse by opponents of protecting our children and holding pedophiles and their enablers accountable.

(3) Sovereign immunity: HB 1147 and 1148 change nothing with respect to the sovereign immunity of public institutions. To suggest that statutes of limitations for child sexual abuse applicable to private individuals and private institutions should not be reformed because the reforms would not apply to public institutions, would be like the medical profession refusing to provide effective treatments for breast and

prostate cancer because effective treatments do not exist for pancreatic cancer.

Moreover, the public schools are accountable to parents, the elected School Boards, elected county officials, and the State Board of Education. Catholic diocesan schools are accountable organizationally only to the Church hierarchy, who have total latitude to make or require decisions for the schools and to deal or not deal with child abuse problems any way they see fit. This is the same monarchical structure responsible for the secrecy, cover-up and non-accountability responsible for the sexual abuse crisis in the Church at large.

(4) Standard of proof. As some Delegates pointed out, there is no evidence that extending the statute of limitations or allowing a window for old cases will advantage the accuser at the expense of the defendant because of the passage of time. Furthermore, we strongly believe it would be unjust to raise the standard of proof, such as to clear and convincing evidence, on child abuse cases, where the victim typically suffers overwhelming psychological, emotional, social and financial harm, in comparison to other torts where the harm is only monetary.

(5) Archdiocese of Washington child protection policy: Archdiocesan officials assert that their policies and programs are the envy of the nation and they do everything possible to protect our children. In fact, the truth is something different:

The archdiocese's policy is predicated on a very narrow definition of child sexual abuse. The application of the archdiocese's policy is limited to only that sexual abuse, as defined in Section 1.7a on page 6, committed by "a parent [sic] or any other person who has permanent or temporary care or custody or responsibility for supervision for a child." If the perpetrator does not have such permanent or temporary care or custody or responsibility for supervision (such as a janitor, visiting seminarian, a guest in father's rectory), then the archdiocese's policy, by its own definitions, does not apply. Moreover, the archdiocese's protection policy suggests that it is more concerned about preventing parents from abusing their own children than it is about preventing its own personnel from abusing children. (See [www.adw.org/youth/pdf/cpp\\_english.pdf](http://www.adw.org/youth/pdf/cpp_english.pdf).)

If the archdiocese has had such an outstanding child protection policy for the past 20 or more years, why is it so strongly opposed to reforming the civil statute of limitations? What does it have to fear?

(6) Reporting of child abuse. Archdiocese of Washington officials claim

they report all suspected child abuse to civil authorities promptly.  
The record suggests something else:

The archdiocese's policy (See Sec. 5.3 of the Policy) does not reflect changes to Maryland law in 2004 that require all incidents of child abuse to be reported to civil authorities, whether or not the abuse occurred within or outside the state. Nor does their policy appear to comply in other respects with Maryland law in that it limits the reporting obligation of Archdiocesan personnel to those "priests, religious, deacons, lay employees, contract workers and lay volunteers who have substantial contact with children [Emphasis added]." (See Sec. 5.1 and 1.4. of the Policy.) Maryland law does not exclude those who do not have substantial contact with children from their obligation to report child abuse to civil authorities. It is also not clear in the definition of "Archdiocesan personnel" (Sec. 1.4) whether bishops are included in the term "priests" and whether they are required to report child abuse to civil authorities and/or are subject to other obligations of "priests" addressed in the Policy document.

The Executive Director of the Maryland Catholic Conference last year proposed in testimony on HB 845 that the standard for reporting child sexual abuse should be "known abuse" not "suspected abuse." He repeated that proposal in testimony a few days ago on HB 1474. There is no way these positions can be reconciled with claims by Church officials that they are doing everything possible to protect our children and report suspected abuse.

(7) Clergy reporting exemption: Church officials asserted that the exemption of clergy from reporting child sexual abuse is very narrow. In fact, the exemption extends not just to the confessional but also to church "practice." In the past 3 years the committee has heard testimony that the vague term "practice" has resulted in a very expansive interpretation by some clergy of what is exempted from reporting. Legislative efforts to clarify clergy obligations to report child sexual abuse were very strongly opposed by the Catholic Church.

(8) Will the Church be bankrupted?

The number of lawsuits filed against the Church as a result of HB 1147 is likely to be quite modest. Some 800 suits followed the window in California, but California has 6 to 7 times the population of Maryland, and Maryland Church officials argue that their child protection policies have been so much better than in other states, therefore there should be proportionally fewer law suits.

Any financial outlay by the Church will not, assuming responsible

administration, come from social programs. Archdiocese of Washington has had insurance coverage for child abuse since 1975, and its web site reports:

"none of these funds [for victim assistance, priest treatment and legal fees for the entire 56-year history of the Archdiocese] have come from individual contributions, parish collections or the annual Cardinal's Appeal. No parish or social services have been affected. Nearly half, \$1.9 million, was covered by insurance while the remaining \$2.4 million came from insurance reserves (used to cover deductibles) and income on these reserves."

The Church has substantial real estate and other assets not at all related to social programs, the extent of which is unknown to the parishioners and the public at large because of very limited financial reporting by Church officials. These assets belong solely to Cardinals McCarrick and Keeler and the Bishop of Wilmington, DE. The parishioners who paid for these assets have little or no say as to their disposition.

(9) Legislation aimed at Catholic Church: Church officials asserted that the legislation obviously is aimed at the Catholic Church because most of the survivors who testified had been abused by Catholic clergy. If the source of the abuse by the witnesses who testified tells us anything, it would be that child sexual abuse is a bigger problem within the Catholic Church than in other institutions. This should not be surprising in light of the rigid top-down governance structure of the Church, a structure which only naturally enables secrecy, stifles dissent, silences whistle blowers, and fosters cover-ups. The press has been replete with such examples over the past 4 years.

(10) Limitations reform would thwart early reporting and assistance: Incredibly, Church officials several times argued before the committee that extending the statutes of limitations would discourage victims from reporting their abuse and from seeking assistance, and that it was bad public policy. Such "insight" into prevention of child abuse and timely treatment would lead logically to the conclusion that the civil statute of limitations on child sexual abuse should be reduced to age 18 or less.

(11) Criminal versus civil statutes of limitations: Church officials repeatedly assert that reform of the civil statute of limitations is unnecessary because there is no limitation on criminal prosecution of child sexual abuse. As several delegates noted, criminal prosecution of the abuser does nothing to chasten or punish those who may have aided or abetted the abuser. Moreover, Church officials' stated support for no statute of limitations on felony child sexual abuse, where the penalty

is incarceration, is difficult to reconcile with their strong opposition to extending the statute of limitations on civil cases, where the penalty is at most monetary.

Furthermore, criminal prosecution of fourth degree sex offenses against children, which include digital penetration, is subject to a statute of limitations, which usually is one year from the date of the crime.

(12) Perpetual window: Mr. Dowling mischaracterized the 2-year window for filing a civil suit on cases where the statute of limitations has already run as being a "perpetual" window. Clearly the window would be limited to only two years.

(13) Minnesota windows law: Dr. Gary Schoenen of Minneapolis, who testified before the committee, reports that Minnesota did in fact have an open window for civil suits for child abuse in 1989. Only a couple dozen cases resulted from the open window.

(14) Church good works vs. justice for victims: Even if the Church's out reach and support of victims of clergy sexual abuse is as outstanding as it claims, that does not justify denying victims their day in court, nor preventing the exposure of pedophiles that civil litigation would yield. Furthermore, in addition to witness testimony that the Church's outreach is not what its officials claim, one must further question the officials' outreach claims when the Archdiocese of Washington refuses to allow the Catholic Standard to include notices of the monthly support meetings for survivors of clergy sexual abuse held at the Gaithersburg Library, sponsored by Voice of the Faithful and SNAP. The Washington Post and other local newspapers publish these notices, but the Catholic Standard refuses.

(15) Monetary awards and healing. An official from the Archdiocese of Baltimore asserted that monetary compensation does not promote healing. While many survivor witnesses stated that they personally are not interested in monetary awards, in a civil democracy it is not the right of Church officials to dictate that receiving monetary compensation from pedophiles and their abettors does not contribute to the healing of the abused.

We hope that the above facts and observations are helpful in your deliberations over HB 1147 and 1148 and that you will report them favorably to the full House without amendment.

Sincerely yours,

Judith A. Miller, Chairperson