

## **Report to the VOTF National Representative Council on The SOL/Window Resolution and Related Topics, June 3, 2006**

On Sunday morning, June 3, 2006, Frank Douglas, presented a verbal report to the National Representative Council in Chicago on the results of the Council SOL/Window resolution and related topics. Some Council members requested that a written report be submitted. That written report follows.

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There are five sections to the report:

1. A restatement of the four-part resolution and thoughts from David Clohessy
2. A reiteration that the resolution is not binding on affiliates
3. Correspondence from Ed Wilson and a response from Chuck Miller
4. Next steps
5. Partnership is integral to SOL/Window reform

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### **Section 1—A Restatement of the Four-Part Resolution and Thoughts from David Clohessy**

Recently, VOTF's National Representative Council completed its 2-week polling on a four-part policy statement that addresses state statutes of limitation (SOL) reform and window legislation dealing with sexual abuse of children

Three of the four statements gained the necessary 2/3 of the vote to pass. The statements and the results are as follows:

1. It is the policy of VOTF to support the reform of state and federal laws to strengthen the protection of children from sexual abuse, afford justice for survivors of child sexual abuse, and hold accountable any abuser and any individual or institution that aids or abets child sexual abuse. (Yes, 21 [100%]; No, [0%]. PASSED).
2. Prospectively, VOTF supports legislation either to eliminate civil statutes of limitations on current or new child sexual abuse cases or to extend the limitation to an age when most survivors would be emotionally, psychologically, and financially capable of filing a suit, such as age 50 or older. (Yes, 16 [76%]; No, 5 [24%] PASSED).
3. To allow survivors of child sexual abuse who are already beyond the age allowed by statutes of limitations for filing a civil suit, VOTF supports legislation to either eliminate such statutes retroactively or suspend them for a period long enough to allow these survivors to have their day in court. (Yes, 17 [81%]; No, 3 [19%]. PASSED).
4. VOTF supports legislation to eliminate all statutes of limitations on criminal prosecution of sexual abuse or assault of a minor, including all such crimes

classified as felonies and all such crimes of a serious nature even though classified under state law as misdemeanors. (Yes, 12 [57%]; No, 9 [43%]. FAILED TO ATTAIN THE NECESSARY 2/3 MAJORITY).

Here is a message from David Clohessy, the national Director of SNAP:

1. Praise your colleagues for supporting the window concept
2. Warn them bishops wouldn't be fighting it so hard if it weren't an effective tool to get at the truth
3. Let them know that a fight for the window that seemingly fails almost always gains other concessions along the way (tougher mandatory reporting, longer statutes in the future)
4. Remind them that in the early stages, anti-slavery activists lost for decades and civil rights proponents lost for decades and women's vote advocates lost for decades. . . before finally prevailing. . . it's a long haul struggle.
5. It's just like the lottery - you can't win if you don't play. . . so better to have the bill introduced in as many states as possible, even if all the political pros and the political intelligence says "Oh, that'll never happen in this state." Often, a bill is given no chance to succeed, and late in the session, some terrible scandal erupts or some horrific crime is perpetrated, and suddenly, sometimes irrationally, lawmakers seize one particular bill (one that has already been introduced) as a remedy and pass it unanimously. . . .

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### **Section 2—A Reiteration That the Resolution Is Not Binding on Affiliates**

I want to reiterate that none of the three parts of the resolution passed by 2/3 vote of the Council is binding on affiliates. An extended conversation on this topic took place on the listserv between Bill Culleton and Frank Douglas. Each affiliate must determine what is called to do by its members.

Also we must also remember that nothing in the resolution is really new. VOTF members have supported coalitions to reform outdated SOL laws and introduce window legislation for a number of years. The Council resolution validates the efforts of many dedicated VOTF people who have supported coalitions, usually led by survivors and SNAP, in a number of states. Some of the people and states involved include (note this is not by any means a complete list): Judy and Chuck Miller, Frank Dingle, and David Lorenz in Maryland; Jerry Stark in Louisiana; Kris Ward, Tom Byrne, and Ed Friedl in Ohio; Jeb Barrett and Troy Gray in Colorado; Mark Barrett in Texas; Bud Bretschneider and Bill Culleton in Pennsylvania; and Bob Schwiderski in Minnesota.

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**Section 3—Correspondence from Ed Wilson and A Response from Judy and Chuck Miller**

The following e-mail correspondence between Ed Wilson of Brooklyn and Judy and Chuck Miller of Montgomery County, Maryland clarifies the intent of Parts 2 and 3 of the resolution.

Frank et al,

As the newest member of the NRC, I did not join the Council in time to participate in the vote on these proposals. As a member of the Legislative Accountability Advisors, I do not recall much discussion of nos. 2, 3 or 4, although I was aware that several member of LAA had worked on this with Frank.

Anyway, for the record and for whatever it is worth, I would have supported no. 1, in which I had a hand and opposed the last three.

I would, however, have supported a substantial prospective extension of the criminal SOL and an extension to ace 50, both prospective and permanently retroactive, of the civil statute. In fact, I am disappointed that no permanent retroactive extension was suggested on the civil side.

Ed Wilson  
Brooklyn

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Ed,

RE your comments on the 3 resolutions on reforming civil statutes of limitations on child abuse suits recently adopted by the NRC, there was no intent by those of us who drafted the resolutions to exclude any initiative to reform SOLs that would improve the chances of survivors (existing and future) to have their day in court. Resolution 1 is a general statement of policy. Resolutions 2 and 3 attempt to cover a broad universe of possible legislative initiatives, dealing with "old" cases where the SOL has already run, and future acts of child abuse. Your proposal to raise the SOL to age 50 and have it apply retroactively to revive old cases, as well as prospectively, is a perfectly legitimate legislative strategy and was not meant to be excluded (nor do we think it is excluded) from the universe of possibilities envisioned in resolutions 2 and 3. It could be looked at as "eliminating" the SOL up to age 50 retrospectively and prospectively. Nevertheless, the important thing is that resolutions 2 and 3 are intended to cover a broad universe of legislative approaches to deal with past and future abuse crimes, not to exclude any approach deemed appropriate for a given state.

Peace,  
Judy and Chuck Miller  
VOTF, Montgomery County Maryland

#### **Section 4—Next Steps**

Next steps include:

1. **Concurrence by Officers and Board of Trustees.** The next step in the VOTF policy acceptance and implementation process is concurrence by the Officers and the Board of the parts of the resolution passed by the Council. Frank Douglas said that he hoped that for any discussion of future proposed resolutions that have any potential “show-stopper” objections by either the officers or the Board should be voiced early in the resolution deliberation process. The Officers have not explicitly declared their acceptance or rejection of the policy statements passed by the Council, but part of VOTF Mary Pat Fox’s letter to Pope Benedict XVI contains words that in effect confirm the intent of the Council resolution. Frank complimented Mary Pat on the letter and read parts of the letter as follows:

...In addition, Holy Father, the bishops have launched a malicious campaign against the victims of clergy sexual abuse by hiring high priced lobbyists in an effort to fight state legislation to extend statutes of limitations. Child abuse is not contained within the Church; it is rampant around the world in all sectors of our society. The Church should be taking a leadership role in ensuring that predators can be identified and prosecuted. The current law in many of our states does not provide sufficient time for a victim to come forward as a mature adult. It is for this reason that we are working for the reform of those laws.

If the Church is to heal we must have justice for survivors and forgiveness for our church. We need to restore the Church to a role where it can be a voice of moral high ground. The only way to do this is to

§ Listen and meet with survivors and survivor supporters, embrace them with compassion, honesty and humility

§ Ensure justice for survivors. One must remember that the abuse of a child by a priest, one who the child has been taught, rightly or wrongly, represents God causes emotional and spiritual damage that is not easily measured. For one to feel betrayed by God

is more than traumatic.

§ For the USCCB to fund the study their National Lay Review Board recommended on the causes and effects of the sexual abuse crisis in the Catholic Church.

§ For the USCCB to make available the personnel records of

clergy and laity as part of the new audit process. We applaud the USCCB for the recent RFP to hire an outside firm to conduct "on-site" audits of the diocese compliance with the Charter for the Protection of Children and Young People.

§ The Church must take a leadership role in raising the consciousness of people around the world to the evils of child sexual abuse and the destruction that this causes not only to the child abused but also to society at large for today and for generations to come

2. **Implementation.** Protecting Children Through Legislation is one of the two major campaigns of Campaign of 2006/2007. Thus there is in place a de facto action plan for implementing this resolution.
3. **White Paper.** With Mary Pat Fox's concurrence, Frank Douglas is coordinating a White Paper on SOL reform and windows legislation and how these initiatives support Goal 1, supporting survivors of clergy sexual abuse. White Paper participants include: Jeb Barrett, Tom Byrne, Carolyn Disco, Tom Doyle, Marci Hamilton, and Judy and Chuck Miller.
4. **Consideration of Possible New Related Policy Resolutions.** Possible new related resolutions may include mandatory reporting and revisiting the criminal statute of limitations (Part 4) that failed to gain a 2/3 majority.

### **Section 5—Partnering**

Partnering has been integral to the SOL reform and windows legislation effort. Survivors in general and SNAP in particular have led the efforts at SOL reform and windows legislation in the states, with VOTF members and other child advocacy individuals and groups in supporting roles. Barbara Blaine, President of SNAP; David Clohessy, Executive Director of SNAP; Tom Doyle; and Professor Marci Hamilton of the Cardozo School of Law have provided national leadership for the effort. This partnering model will continue.