

Child sex abuse bill defeated 8-2 in committee

A Senate child sex abuse bill that Catholic leaders said would have crippled the church's many ministries in Maryland was defeated March 16 on an 8-2 vote in the Senate Judicial Proceedings Committee.

Sponsored by Sen. James Brochin, a Baltimore County Democrat, Senate Bill

575 would have suspended Maryland's existing statute of limitations allowing civil lawsuits against the three Catholic dioceses serving Maryland for claims stretching beyond the current seven-year limitation.

"The bill does not protect children," said Sean Caine, spokesperson for the Archdiocese of Baltimore. "We feel it's unfair and it deprives the church of constitutional rights to fairly defend itself from decades-old claims. The bill further ignores the tremendous efforts being made by thousands of pastors, volunteers and staff in the Catholic Church today to protect children."

Mr. Caine noted that there is currently no criminal statute of limitations in Maryland. Someone accused of child sexual abuse can be prosecuted and convicted "until the day he dies," Mr. Caine said.

"Sen. Brochin's bill punishes the wrong people," he said.

If the bill would have passed, Mr. Caine said the financial impact on parishes, schools and Catholic ministries would have been "devastating."

In California, the only other state to pass similar legislation, dioceses have suffered tremendously, according to Mr. Caine. More than 1,000 new plaintiffs filed suit against the Catholic Church after the law was enacted.

In San Diego, he said, half the claims cases have involved dead priests.

"Allowing very old cases greatly increases the risk of fraud," he said.

Sen. Brochin said he introduced the measure because people in his district have suffered abuse at the hands of clergy and deserve a “civil remedy.”

“We have to heal and we’re not there yet, and these people have the right to move forward,” he said. “The casualties created by this abuse goes far beyond the victims.” Sen. Brochin insisted that he doesn’t want to “bankrupt the archdiocese or deter the good that they do.”

He introduced an amendment capping damages at \$250,000 per victim. Although he previously said he would support an additional amendment expanding the bill to include public institutions, no such amendments were introduced.

“I honestly think that may work better in a different bill,” he said.

The senator had earlier written to numerous concerned parishioners stating that he would withdraw the bill if the archdiocese provided counseling and apologies to victims. The archdiocese pays for counseling of abuse victims and their families as long as they need it and has apologized repeatedly to victims both in public and in private. In fact, several examples of public apologies by the church were presented to Sen. Brochin, including this from an April 2004 article in The Baltimore Sun, “We are deeply sorry for the pain suffered by survivors of abuse due to the actions of clergy, and nothing is more important than protecting our children,” Keeler said.

Another Sun article from March 2005 describes a meeting between the cardinal and a victim, “(the victim) said Cardinal Keeler apologized to him personally in 2002. The meeting with the prelate, he said, “freed some of my soul and lifted a tremendous burden from my chest.”

Archdiocesan officials said that, at a meeting with Sen. Brochin, his focus changed from apologies and counseling to monetary payment to victims.

“Healing is at the core of our child protection effort,” said Mr. Caine.

“It’s inconceivable that would ever change.”

Richard J. Dowling, executive director of the Maryland Catholic Conference, said he was pleased with the committee vote.

“Our constitution is pretty clear in protecting the rights of defendants against stale claims,” he said.

Mr. Dowling said members of the committee recognized that many of the witnesses who testified in favor of the bill during committee hearings were from outside Maryland.

“The push for this legislation is a national push funded at least in part by plaintiffs’ attorneys who stand to reap rich settlements if this kind of legislation is successful,” he said.

Mr. Dowling said the committee recognized that the Catholic dioceses in Maryland “have been leaders in adopting programs and practices to prevent child abuse, to reach out compassionately to victims and to ensure against future abuse by anyone connected with the church.”

How they voted

The following senators voted to reject Sen. Brochin’s bill: Brian Frosh, Lisa Gladden, Larry Haines, Alex X. Mooney, Anthony Muse, Jamie Raskin, Bryan Simonaire and Norman Stone.

The following senators voted in favor: James Brochin and Jennie Forehand.

Nancy Jacobs was not present.