

Delaware Leads the Way on Sex Abuse Legislation

Talk given by Sister Maureen Paul Turlish

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I think the tide may be changing in the fight for more adequate child abuse legislation. A recent AP wire service story appearing on October 20th, 2007, which talked about the abuse of children in our public schools, is helping this movement. That story was entitled, “Sexual Misconduct Plagues U.S. Schools: AP Counts more than 2,500 teachers punished in 5 years,” (10/20/07).

And just in the last few days letters and records made public about the history of one Donald Maguire should make us all aware of what happens when institutions don’t follow their own internal laws, and ask that “they be trusted” to take care of the situation instead of thinking first about possible victims of abuse and going to the police.

The realization that the protection of our children is the responsibility of all of us is beginning to sink in and that demanding accountability for crimes committed in the past is not some golden parachute idea dreamed up by greedy lawyers.

As I have said elsewhere, the responsibility for the common good belongs to society. The inadequate laws that are supposed to protect our children should be studied, rewritten, if necessary, and brought as bills before our states’ legislatures.

With any upgrading of a state’s statutes, there should also be a legislative window of accountability for previously time barred cases of childhood sexual abuse. As a society, we should not have to depend on any private institutions, be it school or church, yeshiva or synagogue, for justice in such matters.

Window legislation is not “anti” any group it is “pro” child.

Window legislation is the most important single issue in holding sexual predators and their enabling institutions or individuals accountable.

Window legislation that allows previously time barred cases of childhood sexual abuse to be brought forward is the goal that must be reached.

It forces records, if they exist and have not been destroyed, to be made available in a court of justice and hopefully into the public venue as well.

And I think I can safely say that everyone in this room is in agreement that there should be no “accommodation in law” giving more protection to individuals who have been credibly accused of the sexual abuse of children than to the victims themselves.

But doing so is not easy as we know from the failed attempts made in Colorado, Ohio, Maryland and Pennsylvania. Such was also the case in the state of Delaware.

Delaware failed to get civil childhood sexual abuse legislation passed the first year it was tried, partly because of attempts by lawyers and lobbyists to paint such actions as anti-church, which would lead to the closing of churches, parishes and social services, generally discriminatory in that it would not hold public schools or other entities to the same standards and unfair to the insurance carriers in that they would be financially unable to handle lawsuits. None of which, by the way, was or is true.

Another reason proposed legislation failed in Delaware was because those of us who supported it did not know how the political game was played. Though I abhor sports' analogies, I must admit this was the case. We were novices, neophytes. Most of us were not that politically savvy in the legislative halls of our state capital in Dover.

We were not professional lobbyists or activists. I know I wasn't. My professional history is that of a teacher. I was a Fine Arts department chair and had been teaching drawing, painting and art history for over thirty years.

I learned a very hard lesson while working to get our legislation passed and that lesson had to do with truth.

Too many individuals and organizations have a problem with the truth so we have public relations firms to put a spin on the truth. I suppose it could be called the Watergate Syndrome.

I found out that even people who testify before legislative committees do not always tell the truth. They spin it. And that goes for those one would least expect to behave that way.

The primary sponsors of our Delaware legislation, Senator Karen Peterson and Representative Debbie Hudson are strong individuals and they were not to be swayed by the influence of special interest groups, as was the case the year before in back room wheeling and dealing in the wee small hours of the morning before our bill was defeated.

All that changed, however, the second year thanks to Matt Conaty and his family, especially his father Tom, who is very politically savvy. And we learned quickly.

With the setting up of the coalition, Child Victims Voice and its website, www.childvictimsvoice.com, by the Conaty clan, action for legislative change moved from a small faith based advocacy group to a much broader based coalition of individuals and groups of all stripes, but mostly non-profit support types, social service groups.

One can see from the lists on the coalition website the variety of individuals and groups that supported the Child Victims Act. But it was due to individuals, the victim/survivors of childhood sexual abuse, their parents, family, friends and advocates along with the professionals like you, who really got the job done.

Getting onto local radio talk shows, writing commentary pieces and letters to the editor in local and regional newspapers, as well as in papers and journals with a national audience, personally calling and writing to Delaware senators and representatives, especially those known to us, along with e-mails, the leafleting of cars, the giving out flyers at community events and parades were all part of the nitty-gritty that helped us accomplish our legislative goals which included our mantra – no amendments.

Moreover, members of our coalition made sure that no articles or statements made in opposition to the Child Victims Act, Senate Bill 29, went unchallenged or unanswered but were rebutted point by point.

One ultra conservative group based in Pennsylvania even took out a full page ad against Senate Bill 29, and in addition to downright lies, predicted gloom and doom if such legislation was passed. But it was immediately rebutted from all sides. Even those most vocal in opposing the legislation were quick to disassociate themselves with the Pennsylvania based group or its statements.

We also made sure that any time there was a hearing or subcommittee meeting scheduled at the capital that the room and the gallery were packed to overflowing.

After being passed unanimously by the Senate and the House, Delaware's Governor Minner signed the Child victims Act into law on July 10, 2007. And it included a window which will remain open until July of 2009.

I knew that I would continue to be very involved with this issue, especially in the state of Pennsylvania where I was born and raised and where I lived until I entered the convent.

So, to that end, in the beginning of August, when I attended a four day national conference of over 400 professional women religious from across the United states, our own sisters, a captive audience if ever there was one, I had what I called a Delaware Legislative Action display.

I called on my non-profit friends and benefactors for all kinds of materials: pamphlets, flyers, magazines, books and copies of the most recently produced documentaries on childhood sexual abuse which I had running on a large screen laptop. I equipped it with two sets of headphones for sisters to sit down, watch, listen and learn.

I wanted to make the point that this was a child welfare and protection issue and that we who professed a special dedication to women and children needed to be involved on some level in getting adequate legislation passed because, as I have said before about our new law in Delaware:

“We know that pedophiles, rapists, molesters and child abusers come from all walks of life and that the sexual abuse of children happens primarily in the home”

Comments from my own sisters told me that my Legislative Action display was successful.

And now, in the state of Delaware we have a process in law, to at least give those victims of childhood sexual abuse the opportunity for justice. We have effectively changed the law that had previously given more protection to perpetrators than to victims.

Marci Hamilton made a prescient statement in speaking of statutes of limitation, that what was put into motion by the Boston Globe's revelations in 2002 has started a larger social revolution for the benefit of all children.

I think now is the time to make those who violate and abuse our children accountable in all states, no matter when the abuse took place. Remove statutes of limitation going forward and include window legislation for past crimes.

After all, this is all about the children. Thank you and God bless you. SMPT
