

CHILD RAPE IN NEW YORK STATE: LOCATION MATTERS

Recently a bill was introduced in the New York State Assembly, by Assemblywoman Margaret Markey, which will have grave implications if passed.

According to the bill, an 18-year-old who was allegedly raped by a public school teacher has a 90-day period to file a claim for an offense that happened in a public institution. But a student who was allegedly raped in a Catholic or Jewish school during the JFK presidency could bring suit (for one year, there is no time limit on claims affecting private institutions). After a year, a student from a Catholic or Jewish school would still have 3,650 more days to file a claim than a victim from the public schools (the current five year period to file a claim would be expanded to ten years).

There is another bill in the Assembly, by Assemblyman Vito Lopez, that would not discriminate on the basis of location. Eric Schneiderman, chairman of the Senate Codes Committee, said that the glaring disparity might be addressed in future legislation. Schneiderman said, "Just because it [the Markey bill] does not broaden the rights of victims 100 percent does not mean we should not try to broaden their rights somewhat." His argument collapses, of course, when considering the Lopez bill: it would cover 100 percent of the victims.

In response to the disparity in the Markey bill, Bill Donohue wrote an open letter to New York State lawmakers. The following is the text of his letter:

"Complaints have reached my office about some New York State lawmakers who are considering a bill, sponsored by Assemblywoman Margaret Markey, that would discriminate against the Catholic Church by selectively targeting private

institutions in legislation aimed at prosecuting the sexual abuse of minors. There is another bill on the same issue, sponsored by Assemblyman Vito Lopez, which does not discriminate: it treats private and public institutions the same way. While there are some differences between the two bills, the central difference is in their application.

“Please understand that I am not accusing anyone who supports the Markey bill of anti-Catholicism. But I hasten to add that those who do so are certainly giving the appearance of sponsoring bigotry. Perception, it is often said, is reality.

“Alabama Governor George Wallace was known for promoting a dual system of justice—one for whites and one for blacks. It is no less invidious to promote a dual system of justice based on other grounds. If a child has been violated, what matters is the crime, not the location.

“Anyone who is really serious about prosecuting the sexual abuse of minors wants all victimizers to be treated equally. I hope you agree.”

As of March 18, the Markey bill was passed in an Assembly committee by a thin margin. The outcome of the bill is still to be determined.