

PUBLIC SCHOOLS TARGETED BY NYS ABUSE BILL

Catholic League president Bill Donohue comments on recent exchanges between the Catholic League and New York State Senator Brad Hoylman:

New York State Senator Brad Hoylman says that his co-sponsored Child Victims Act does indeed apply equally, in every regard, to public institutions, as well as private ones. Furthermore, he has agreed to invite former New York State Appeals Judge Susan Phillips Read to consult with him on the language of his bill so that there is no ambiguity about this matter.

We commend Senator Hoylman for his decision.

This issue first arose on May 11 in a phone conversation I had with Senator Hoylman. I told him that many Catholic lawyers were not convinced that the language of his bill would cover public schools retrospectively.

To be exact, I asked him about the “lookback” provision, that part of the bill which allows alleged victims of child sexual abuse to file claims extending back before the statute of limitations expired. I asked if he would say, unequivocally, that it is his intent to have the “lookback” provision apply to the public schools. He replied that his bill already does that. He then faxed me a copy of it, noting those areas where the bill meets this objective.

I shared a copy of this fax with the New York State Catholic Conference. Their lawyers reviewed it and found it wanting: they were still not convinced that the bill applied to public institutions retrospectively. They then asked if Judge Read would offer her own assessment of the bill. On June 5, the Conference issued a news release saying that Judge Read had determined that the “lookback” provision of the bill does not

extend to public entities.

Once the Conference released its statement, I emailed Tara Klein, the legislative director for Senator Hoylman (whom I had previously dealt with), to see if Senator Hoylman would agree to meet with Judge Read. "I am requesting that this issue be put to rest by having Senator Hoylman sit down with Judge Read and craft language that accomplishes the ends he says he wants, without any ambiguity."

On June 6, Senator Hoylman called our office and spoke to Rick Hinshaw, our director of communications. He told Rick that he would be open to any suggestions from Judge Read that would assure everyone that the public schools are covered in all aspects of the bill. When asked if he would invite her to consult with him, he said he would.

We are taking Senator Hoylman at his word.

From our perspective, the bill is in need of some slight rewording. All that needs to be done is to insert a clear-cut statement to the effect that every part of the Child Victims Act is meant to have equal application to both the public and private sectors.

In short, we are not doubting Senator Hoylman's intent. What we are asking for is the one thing that the bill seriously lacks—clarity.