

Justice for Pennsylvania child sexual abuse survivors is delayed yet again [column]

- LINDA CROCKETT | SPECIAL TO LNP | LANCASTERONLINE
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Linda Crockett talks about supporting victims of sexual abuse during an interview at Samaritan Counseling Center Wednesday August 8, 2018.

BLAINE SHAHAN | Staff Photographer

I am outraged that what has been described as an “administrative error” on the part of Pennsylvania’s Department of State has pushed back the window for justice for survivors of child sexual abuse, resulting in the resignation of Secretary of the Commonwealth Kathy Boockvar.

This was not a minor error, but a massive failure of responsibility to advertise a proposed change to the state constitution that would create a two-year window so victims of sexual abuse as children could pursue justice in civil court for events that occurred decades ago.

How did we get here?

As one of the survivors who advocated for years to have Pennsylvania's statute of limitations on child sexual abuse reformed, I remember well the bittersweet "victory" of 2019. The statute was extended for victims going forward, but a window to allow survivors for whom it had already expired to file civil suits was denied by Republican state senators who asserted that a retroactive provision would violate the state constitution.

Despite compelling testimony from constitutional scholars who argued it would not be unconstitutional, state senators — led by then-President Pro Tempore Joe Scarnati — dug in their heels, refusing to let the courts decide.

It is also worth mentioning that these state lawmakers were under pressure from the powerful Roman Catholic Church lobby and insurance companies pushing back against the window recommendation.

The retroactive window for civil suits was one of several recommendations made in the 2018 grand jury report that documented the sexual abuse of over 1,000 children by 300 Catholic priests in six of the state's eight dioceses. The findings showed predator clergy victimizing children, while bishops and cardinals protected them and often shamed and silenced any victim brave enough to come forward.

Currently, state law bars civil claims for childhood sexual abuse by those older than 30. The retroactive window would have given older survivors a two-year period to seek justice, including recovery of damages.

Taking the position that advancing legislation on behalf of future victims was better than no reform at all, Democrats, joined by some Republicans, negotiated a compromise with Republican leadership to put forth the two-year window as a constitutional amendment.

That meant the state Legislature had to approve the proposed changes in two consecutive sessions before it could go to voters. The error by the Pennsylvania Department of State means that, instead of having an opportunity to vote on the amendment in May, the process may take another two years or more, unless a legislative fix that was in the works Thursday in Harrisburg succeeds.

Fallout for survivors

Thousands of survivors worked for years to push the legislation to the point it was in 2018, when the grand jury report cast a national spotlight on Pennsylvania, providing a catalyst for legislation that had been stymied and held back by committees for a very long time.

Many survivors past the age of 30 found the very justice they fought so hard for was denied to them by the state lawmakers' compromise — at least until a constitutional amendment has passed.

This unfortunate turn of events divided the survivor community into various camps. Some believed that allowing future child victims to pursue civil justice was the most important thing, even though they were disappointed with the compromise.

Others did not agree with the compromise, because they also wanted an opportunity to hold their perpetrators and those who covered up their crimes accountable, asserting that this would help to protect today's children from being violated by these same individuals or entrusted to institutions that previously failed to protect the young ones under their care.

Others were so exhausted from sharing their painful stories multiple times with legislators, the media and advocacy organizations in service of statute of limitations reform that they disappeared from the public sphere, newly wounded and many with reactivated post-traumatic stress.

Others kept going.

The emotional burden of being a survivor and having justice denied time and again is evident in Republican state Rep. Jim Gregory's response when he learned from Gov. Tom Wolf about the "administrative error" as reported this week by Spotlight PA. He broke down and sobbed uncontrollably.

"That's where I had to leave it with him — to hope he understood the gravity of what this means to victims, to know that we could be so close to achieving something for them that has been decades in wait," Gregory, a survivor of child sexual abuse, said of his conversation with Wolf. "To now have to say, again, you're going to have to wait. I would believe that my emotions mirrored the emotions of other victims."

I would agree with Gregory.

I also would note that it's not just survivors of clergy sexual abuse who have been denied justice. The law applies to all survivors of child sexual abuse, many of whom were abused by trusted family members, at schools, in non-Roman Catholic churches, in sports clubs and everywhere else it is supposed to be "safe" for children.

At Safe Communities, we work every day with survivors of childhood sexual abuse for whom the trauma they experienced 30, 40, 50 years ago or more continues to deeply impact their lives. Broken relationships, addictions, poor physical health, being victims of sex trafficking, poverty, lack of higher education, post-traumatic stress and related disorders — all of these find one of their most pernicious roots in childhood sexual abuse.

What is a real miracle is that so many of them keep fighting for justice and to protect children.

Linda Crockett is the director of Safe Communities in Lancaster.