

TESTIMONY IN SUPPORT OF HB 1
Civil Actions – Child Sexual Abuse – Definition, Damages, and Statute of Limitations
(The Child Victims Act of 2023)
****SUPPORT****

TO: Hon. Luke Clippinger, Chair, and members of the House Judiciary Committee

FROM: David Lorenz

DATE: March 2, 2023

My Name is David Lorenz, I am a survivor of child sexual abuse at the hands of a priest and I am also the Maryland director for SNAP (Survivors Network of those Abused by Priests).

On Thursday, March 23, the Judicial Proceedings committee heard testimony for the senate version of the bill. Dozens of child sexual abuse survivors and experts testified on behalf of the HB686. While the Maryland Catholic Conference (MCC) has lobbied hard against the bill in the shadows, they submitted only written testimony and did not appear in public with oral testimony. However, what is not appropriate is for the MCC to misrepresent what the bill does and does not do.

Their written testimony states “While there is clearly no financial compensation that can ever rectify the harm done to a survivor of sexual abuse, the devastating impact that the retroactive window provision will potentially have by exposing public and private institutions — and the communities they serve — to unsubstantiated claims of abuse, cannot be ignored,”

Nothing in this bill allows for unsubstantiated claims. In fact, if you ask anyone of the dozens of survivors who testified or the hundreds or thousands of survivors in the state of Maryland, none of them expect that they could file a claim and expect to receive an award without substantiating their claim with a preponderance of evidence. These survivors only want the doors of justice to be open to them so that they can present their case before a judge and jury, not that they are allowed to be the judge and jury.

Now let’s review how the how the Church defines at what is a substantiated claim based on independent investigations from around the country. In one diocese, the church assumed the allegation was unsubstantiated unless the priest confessed. No further investigation was necessary. In another diocese, the case was unsubstantiated because the priest was deceased and could not defend himself despite a mountain of evidence to the contrary. In another diocese, they assigned other priests to investigate the priest. The problem here was the investigating priest was not just biased but also a pedophile himself. If I were bound by the Church’s rather unique and self-serving definition of ‘unsubstantiated’, I would tend to agree that this bill, along with almost every civil litigation law, allows for unsubstantiated claims.

It isn’t just the concept of substantiated where the Church ‘redefines’ words to suit their needs. According to these investigations, the Church has used phrases like ‘inappropriate touching’ when any other person would have used the word ‘raped orally, raped anally or raped vaginally’. This included the rape of girls as young as 3. Another diocese actually instructed their personnel to never use the word rape but rather use words like ‘inappropriate touching’ or ‘boundary

issues'. The diocese instructed perpetrators to only be labeled as pedophiles based on the priest self-evaluation regardless of whether he raped a child or not. In the Philadelphia diocese the Attorney General actually said it was not credible when the Cardinal stated several times that he could not recall or did not know about a priest's behavior or his claims that he did not knowingly move a predator priest. Finally there are multiple reports that the Church simply did not perform even cursory investigations into allegations of abuse – they did not interview the victim and they did not interview staff or colleagues.

It appears that the dioceses around the country, indeed around the world, show a pattern of redefining words and concepts like 'unsubstantiated', 'investigations', 'rape' and 'boundary issues'. The Church will knowingly and willfully redefine words and phrases to meet their objective of covering up and minimizing child sexual abuse. Just this last November, we learned about the rampant sexual abuse of children in the Baltimore archdiocese from the states Attorney General's investigation. More than 600 children were abused (the report indicates that this probably represents one fifth of the actual number), no parish was safe and it stated that there 43 priest-pedophiles that the diocese had not previously identified. When questioned, the diocese stated that 30 of the 43 were deceased and did not need to be named – in other words, they still believe that if a priest is deceased, you can't substantiate a claim. Despite their claims that they are a changed Church and have reformed, they reveal that they still deal in deception and untruths when they testify before the Senate Judicial Proceedings and in their public statements. That is how they can state 'The devastating impact ... to unsubstantiated claims of abuse, cannot be ignored'. Simply put, the bill does NOT allow for unsubstantiated claims (using the common definition of unsubstantiated rather than the Church's revised definition) and the Church continues to engage in creative dissembling.

The Church also claims that they are much more pastoral to victims who come forward and they are treated with dignity, respect and compassion. Unfortunately, these are just words. Their actions speak louder and tell a much different story. Just this last November a woman, 17 years of age, finally found the courage to come forward and tell parents, authorities and the Church about the brutal sexual assault that this victim suffered 10 years earlier at the hands of a teacher at a Saint Bernadette School in Silver Spring, MD. This young child of 7 did not know how to handle or process what had happened but eventually found the strength to come forward. Was the victim shown compassion? Understanding? Respect? Concern? None of these were forthcoming from the Church, in fact the opposite was true. While they did put the teacher on administrative leave (where he remains) Church officials reverted to their old ways of dodging the accusation, shaming the victim and they have NOT informed parents of what had happened. Even while an active investigation was ongoing, the pastor of the Church, Monsignor Bartholomew Smith abused his position as a pastor, never having talked with the victim, and penned more than a full page letter in the Sunday Church bulletin to vent his rage at the accusation (See below for an image of his letter). He excoriated anyone who would make false accusation (he assumed the allegation was false), quotes often from the Catechism about the preserving the reputation of people, and ultimately points a finger at the victim and claims the accuser is 'the Devil himself'. Church officials can make all the claims they want about how they have reformed, that they are committed to the truth, and that they treat survivors with compassion. The fact is they are the same old Church that believes the institution is of utmost importance and that sexual abuse is the price we have to pay to maintain that institution.

Citations:

- 1) Philadelphia Grand Jury Report September 26, 2003 (pages 2,5, 16, &32) www.bishop-accountability.org/reports/2003_09_25_First_Philadelphia_Grand_Jury_Report.pdf
- 2) Altoona-Johnstown March 16,2016 (p. 33) www.bishop-accountability.org/reports/2016_03_01_Pennsylvania_Grand_Jury_Report_on_Diocese_of_Altoona_Johnstown.pdf
- 3) Pennsylvania Grand Jury Report July 17, 2018 (pages 3 & 8) <https://www.attorneygeneral.gov/report/>

Bulletin letter From Monsignor Smith:

In our time, the weight given to accusations of many sorts, and the instantaneity of transmission of accusations of every sort, have multiplied the impact of false accusation to people in every walk of life. The burden for all who are falsely accused that it is literally and logically impossible to prove a negative, that is, to demonstrate beyond doubt that something does not exist or did not occur. Even when the accusation later be found unsupported, it cannot ever be demonstrated to be false, and therefore can never be expunged from memory or opinion. This crushing and inescapable burden does grave damage not only to their lives, but to their communities and relations as people pull away from one another in opprobrium and suspicion.

The accusations that fly are not limited to actions that are objectively wrong and harmful, but include now also dispositions that are subjective in nature, such as being 'offensive' or 'hurtful', based on the supposition that if someone is hurt even in feelings, there must one who is guilty of inflicting the hurt. These accusations are often accompanied by an assertion of motivation, such 'racism,' 'hate,' 'sexism,' or even just 'insensitivity,' all of which are now treated as grave crimes despite the pure impossibility of demonstrating their nonexistence.

The recklessness with which these accusations are made, and the readiness with which they are accepted, is a sign of sickness in our culture and our communities. It is difficult, if not impossible, to remain merely a spectator in what has become a national pastime akin to blood sport. We will be drawn into this mob-driven mutually assured destruction unless we cling, conscientiously and consistently, to the life giving commandments given us by God.

***You shall not bear false witness against your neighbor.** (Ex 20:16) **The eighth commandment** forbids misrepresenting the truth in our relations with others. This moral prescription flows from the vocation of the holy people to bear witness to their God who is the truth and wills the truth. Offenses against the truth ... are fundamental infidelities to God and, in this sense, they undermine the foundations of the covenant. (Catechism of the Catholic Church 2464)*

As simple as that seems, because it is so simply stated, it requires both moral instruction and constant vigilance to avoid doing what may seem harmless but in fact does the very damage described by the commandment:

*Respect for the reputation of persons forbids every attitude and word likely to cause them unjust injury. **He becomes guilty: of rash judgment** who, even tacitly, assumes as true, without sufficient foundation, the moral fault of a neighbor; **of detraction** who, without objectively valid reason, discloses another's faults and failings to persons who did not know them; **of calumny** who, by remarks contrary to the truth, harms the reputation of others and gives occasion for false judgments concerning them. (CCC 2477)*

To avoid rash judgment, everyone should be careful to interpret insofar as possible his neighbor's thoughts, words, and deeds in a favorable way: Every good Christian ought to be more ready to give a favorable interpretation to another's statement than to condemn it. (CCC 2478)

Common as it has become in our day, the burden of false accusation is no mere hypothetical, either to me or to many of my friends in the Church. When the accusation remains private, it still does violence. When the accusation is comparatively minor and not life-ending, it is still soul-crushing as by its very nature there is no escape. When the accusation is accepted and believed, that acceptance can never be erased. At the very least, one is left wondering, *how could anyone who knows me believe that I could do such a thing?*

Living as we do in a time and place where calumny is the chief product of one of our largest industries, and detraction an expected element of almost every conversation, rash judgement is nearly impossible to avoid, but only nearly. *For with God, nothing will be impossible. (Lk 1:37)*

*Offenses against the truth ... are fundamental infidelities to God and, in this sense, they undermine the foundations of the covenant. That means, they make our lives hell. "The accuser" is a name given to the Devil himself, and we all long for the day when we hear a loud voice in heaven, saying, "Now the salvation and the power and the kingdom of our God and the authority of his Christ have come, **for the accuser of our brethren has been thrown down, who accuses them day and night before our God.** (Rev 12:10) The Spirit and the Bride say, "Come." And let him who hears say, "Come." He who testifies to these things says, "Surely I am coming soon." Amen. Come, Lord Jesus! (Rev. 22:17, 20)*

Monsignor Smith