

Deadlines Loom on Sex Abuse Survivor Relief

June 1, 2017.



Abuse survivors Shaun Dougherty (center) and Brian Toale (right) with Jerry Kristal of Lawyers Helping Survivors of Child Sex Abuse, at a May 15 press conference at St. Patrick's Cathedral. | Courtesy: Lawyers Helping Survivors of Child Sex Abuse

BY PAUL SCHINDLER | As the deadline approaches for victims of sexual abuse by local priests to file claims under a special fund established by the Archdiocese of New York, legislators in Albany looking to provide more broad-based relief to survivors are scrambling to move bills through the State Senate and Assembly in advance of the Legislature's adjournment in late June.

Several survivors of childhood victimization, including 47-year-old restaurateur Shaun Dougherty, appeared on the steps of St. Patrick's Cathedral on May 15 to urge other victims to enroll in the Independent Reconciliation and Compensation Program, a fund established by Cardinal Timothy Dolan. That fund, in its first phase, was open to survivors who had already made claims against the archdiocese. In its second phase, the program is accepting enrollment from survivors coming forward to the Church formally for the first time. The deadline for registration is July 31.

“This is a unique opportunity that generations of children haven’t had,” said Dougherty, who noted that survivors are giving up no other options simply by enrolling. If they accept a settlement through the fund, however, they must agree to waive their right to any future claims.

The fund is administered by Ken Feinberg, who was the special master who oversaw the September 11th Victim Compensation Fund.

Dougherty suffered three years of sexual abuse by a priest beginning at age 10 while he was a student at a Catholic elementary school in Johnstown, Pennsylvania. For Dougherty, years of silent shame were followed by many more years in which his parents refused to believe his account of the abuse he suffered. Only after a statewide grand jury convened by the Pennsylvania attorney general’s office in 2014 concluded that he had in fact been abused among other youth in the Altoona-Johnstown Diocese did Dougherty regain the trust of his parents — just two years before his father’s death.

Even though the diocese back in Pennsylvania acknowledges the harm done to Dougherty, he has no legal recourse. And though he has no claims against the New York Archdiocese, he is an advocate here and in Albany for reform to help other survivors.

The Dolan fund applies only to the Archdiocese of New York, which encompasses Manhattan, Staten Island, and the Bronx along with several upstate counties. And it only covers abuse suffered at the hands of priests or deacons, not that perpetrated by other Church employees or even priests who do not report directly to the Archdiocese.

Mick Meenan, a 50-year-old journalist and former deputy editor at an NYC Community Media sister publication, Gay City News, has been in touch for the past year with his high school alma mater, Fordham Prep in the Bronx, about forced oral sexual assault he said he suffered from Fernand Beck, his religion teacher. Though Fordham fired Beck and its president has apologized to Meenan, he is unable to register with the archdiocesan fund regarding that abuse. Separately, he is preparing a claim regarding abusive behavior by one of his Bronx parish priests.

Advocates for abuse survivors are also pressing Albany to take action that would relax what is one of the most stringent statutes of limitations facing abuse victims. Under current law, victims of childhood sexual abuse must either make a criminal complaint or file a civil lawsuit by age 23. Experts on childhood sexual abuse victims agree it can often take decades for a survivor to be ready to come forward.

Early this year, Governor Andrew Cuomo announced his support for a plan to eliminate all limits on the time a victim can come forward with a criminal complaint, allow civil suits to be filed for up to 50 years after any abuse, and create a one-year look-back window for abuse survivors whose cases couldn’t be brought under current law to step forward. The announcement cheered survivors’ advocates but so far the governor hasn’t taken any concrete steps to further that pledge.

In the meanwhile, Senate Republicans have blocked action on West Side Democrat Brad Hoylman's Child Victims Act, which would eliminate any time limitation on filing civil suits. Pressing for a hearing in the Senate Judiciary Committee, where he is the ranking member, he was told by the Republican chair, John Bonacic, that at the direction of Majority Leader John Flanagan the bill would instead be diverted to the Rules Committee, where Hoylman said "it will never see the light of day."

Frustrated at the lack of debate about the issue, Hoylman said he merely hears vague concerns from Republicans about "false claims" clogging the courts. The bill, he explained, is opposed not only by groups such as the State Catholic Conference of Bishops and the Boy Scouts, but also by insurance companies that are "vehement" in their objections.

"So it's the old Albany story," he said. "Corporate interests versus the needs of the little guy."

Hoylman's hope, at this point, is that Cuomo will step forward in the session's remaining weeks with a governor's program bill. Saying he is optimistic that is what Cuomo is planning, Hoylman said, "It would be a significant unifying step and move the conversation forward in both houses."

Upper West Side Assemblymember Linda Rosenthal, the sponsor of a similar bill in her chamber, is also upbeat.

"I've spoken to the most senior staff in the governor's office and I am very optimistic that we will get something from them," Rosenthal told NYC Community Media. "Senate Republicans, of course, are the ones that are blocking this. But I think with the governor's leadership, there is enough momentum to finally address a heinous history in this state and in the nation."

Cuomo's office did not respond to a request for comment as of publication time.

Hoylman could not conceal his contempt for hypocrisy about protecting children from abuse among his GOP colleagues.

"Today the Senate is considering its 17th bill on sex offenders," he told NYC Community Media on May 23. "These are press release bills, one-house bills that won't be enacted, so the Republicans can go back home and put the fear in their voters that sex offenders will flood their communities."

Meenan, who said he suffers from post-traumatic stress disorder as a result of the abuse he faced as a youth and is currently battling his landlord in Housing Court, offered an even harsher assessment.

"What does it take for these lawmakers to understand taxpayers foot the bill for pedophiles in lost wages, rents, incarcerations, etc.?" he said. "My possible eviction is a result of my religion teacher having my penis in his mouth."