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Date: February 20, 2019

To: The Honorable Russell E. Ruderman, Chair
The Honorable Karl Rhoads, Vice Chair
Senate Committee on Human Services

The Honorable Karl Rhoads, Chair
The Honorable Glenn Wakai, Vice Chair
Senate Committee on Judiciary

From: Justin Murakami, Manager, Prevention Education and Public Policy
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Strong Support of S.C.R. 8 and S.R. 4
**URGING THE HAWAII STATE DEPARTMENT OF THE ATTORNEY
GENERAL TO CONDUCT A STATEWIDE INVESTIGATION OF SEXUAL
ABUSE OF MINORS IN THE STATE OF HAWAII BY CLERGY OF THE
ROMAN CATHOLIC CHURCH**

Good afternoon Chairs Ruderman and Rhoads, Vice Chair Wakai, and members of the Senate Committees on Human Services and on Judiciary:

The Sex Abuse Treatment Center (SATC) strongly supports S.C.R. 8 and S.R. 4.

Child sexual abuse has severe and devastating physical, emotional, social, and financial consequences for victims, their families, and their communities, which can last throughout a victim's lifetime.

In Hawaii, more than half of the victims who receive services at local sexual assault centers were younger than age 18 at the time they experienced abuse. Moreover, the Centers for Disease Control and Prevention's Hawaii Youth Risk Behavior Survey outcomes for 2013, 2015, and 2017 indicate that children and youth in Hawaii experience lifetime and past-year sexual violence at higher rates than their mainland peers.

The findings in civil and criminal cases and reports across the United States, including in Hawaii, indicate that the Roman Catholic Church engaged in a decades-long pattern of moving clergy who sexually abused children within and between state jurisdictions, and of failing to disclose documentation and other evidence of child sexual abuse.

In August 2018, Pennsylvania's Attorney General published a grand jury report detailing the abuse of more than 1,000 children by approximately 300 priests, including at least one priest who was relocated from Pennsylvania to Hawaii and later admitted abusing at least 30 children in the diocese in Erie, Pennsylvania, and then in the diocese in Hawaii.

As a direct result of the Pennsylvania grand jury report, 16 Attorney Generals across the United States have initiated their own investigations, including in Illinois, which issued its initial report in December 2018 that revealed 500 priests in that state who were accused of child sexual abuse and who had not previously been disclosed by the church.

As stated by Illinois Attorney General Lisa Madigan, "The priority has always been in protecting priests and protecting church assets. Time and time again, the church says, 'Well this all took place years and years ago.' *But it's a crisis in the present for all the people who have had to live with it* (emphasis added)."

Hawaii's experience with this crisis, to date, justifies a statewide investigation. According to America: The Jesuit Review magazine, there are 66 Catholic parishes and nearly 300,000 Catholics in the State of Hawaii. A 2018 report by Jeff Anderson and Associates PA and the Law Office of Mark Gallagher, Clerical Sexual Abuse in the Diocese of Honolulu, identified at least 58 Catholic clergy members who allegedly committed child sexual abuse in Hawaii. However, without a formal, statewide investigation, the extent of abuse here, as in Pennsylvania and Illinois, may never be known.

We also respectfully note that in Hawaii there may be a substantial number of cases that are within criminal and civil statutes of limitation. Statutes of limitation can be tolled under specific circumstances, such as when offenders are not physically present in the state, and in Hawaii these cases may also be subject to our current window period statutes that allow otherwise expired civil cases to be brought in court.

Therefore, we ask that the Committees please pass S.C.R. 8 and S.R. 4, requesting that the Hawaii State Department of the Attorney General initiate a statewide investigation of sexual abuse by members of the Catholic clergy in Hawaii.

SR-4

Submitted on: 2/18/2019 6:33:03 PM

Testimony for HMS on 2/20/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Testifying for Hawaii Women's Coalition	Support	No

Comments:

Aloha Chair Rhoads, Chair Ruderman and members,

We support this measure but would prefer the SCR.

Mahalo, Ann S. Freed

Co-Chair Hawaii Women's Coalition



ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII
DIOCESE OF HONOLULU
WITNESS TO JESUS

February 19, 2019

To the Senators of the State of Hawaii

Subject: SR 4-c and SCR 8

Dear Senators,

Peace be with you!

I write on behalf of the Diocese of Honolulu and the thousands of dedicated men and women, clergy and lay, who unite together in service of the common good through the ministries of the Diocese. In our 66 parishes, 18 parochial schools, and dozens of other schools and agencies, we do what we can to care for the poor, educate children, heal the broken-hearted, and work towards solidarity with all in need. Thus, I was greatly disturbed to see that a Senate Committee is taking up a resolution premised on the awful canard and libel that the Diocese is some kind of criminal enterprise bent on destroying the very people she strives to serve. That anyone might actually take such a suggestion seriously is equally disturbing and offensive.

It is true that thousands of church ministers on the Mainland, in Hawaii, and elsewhere did abuse tens of thousands of children. Those horrific facts are well-documented in historical studies. Let me say at the outset that I make no excuses for the abuse of any child that occurred at the hands of any minister of this Diocese, ordained or lay, man or woman. That any abuse did occur is sinful in the eyes of God, and a crime in the eyes of the State. I am sorry that anyone was ever hurt physically, emotionally and spiritually. Abuse is wrong, and deserving of our condemnation whenever it occurs.

But the resolution, aimed as it is only at the Catholic Diocese, does not resolve any injury suffered by any child. It does not make any victims whole. It does not make all children safe. Rather it pretends that the pernicious evil that is the abuse of child still lies in the heart of only one institution in Hawaii – the Catholic Diocese. It is that great lie that I protest here. If the Senate truly wants to have law enforcement look at the sources of abuse and misconduct in society, it needs to cast a much wider net.

The U.S. Department of Education study about abuse of children indicates that one in ten children in a public school will experience sexual abuse. National studies tell that us that over one-third of all abusers are family members. Sex trafficking of minors is a national and local scandal. The Diocese is hardly the only agency confronting the disgrace of child abuse.

With the launch of the Charter for the Protection of Children by the United States Conference of Catholic Bishops in 2002, every claim of abuse reported to the Diocese triggers a police or social services report. If the allegation involves abuse by a cleric or religious, there is a review by a review board composed mostly of lay people not in the employ of the Diocese. (For many years, in Honolulu, that committee included a representative of the office of the City prosecutor who was privy to all discussions and reviews.) Offending clerics are permanently removed from ministry. The Diocese's compliance with these requirements is publicly audited, and the results have been made available annually since 2003. This Diocese, which acted early to implement the Charter – and even had protocols in place before the national Charter -- has not been found deficient in its child protection protocols.

Moreover, the Diocese offers and provides pastoral care and assistance, including clinical help, to persons who have survived sexual abuse earlier in their lives and have reported it to the Diocese. We have never turned away anyone seeking counseling.

As you know, the Hawaii Legislature has seen fit three times to open a “window” allowing for lapsed claims of injury related to child sexual abuse to be brought in the civil courts. This is a national record for window legislation. Even though almost all of the claims were regarding offenses that allegedly occurred thirty or more years ago, rather than disputing with the plaintiffs, the Diocese promoted and carried into effect, at the cost of many millions of dollars, a process of judicially supervised mediation. In that process, each person who brought a claim was offered a personal apology and the chance for private conversation with me or my representative. Ninety-three claims have been settled in this manner. Only one of the suits initiated during the period through the second “window” remains unresolved. We hope to handle any suits brought in the third “window” period in the same manner.

All of the plaintiffs in the mediation process have been represented by counsel of their choice. We have responded to all of counsels' requests for documents and records of the Diocese in accordance with the Hawaii Rules of Civil Procedure. Production has been supervised by a discovery master appointed by the court. We have abided by all court orders and have taken no appeal of any decision or award.

I submit that these are not the actions of a criminal agency bent on secrecy and suppression but evidence of a very genuine effort towards healing and reconciliation.

I do not mean to say that we have “solved” the abuse problem. That kind of complacency is unworthy of any institution serious about protecting children. But we are proactively and genuinely seeking to prevent abuse from occurring.

We educate children and their parents about keeping themselves safe, and knowing what to report and how to report anything which creates any discomfort in a child. We train and screen our clergy, teachers and employees, without exception. We check and re-check the backgrounds of our clergy, religious and other lay employees and volunteers who serve children. And, in those same publicly available auditors' reports, the results of all of our child protection efforts are disclosed. I know of no other institution in Hawaii that does as much. (If there is another with a comparable record, I both apologize to its officers and congratulate them.)

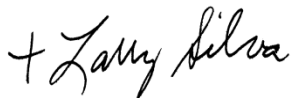
Whatever may be or may have been the case in some dioceses on the Mainland, there is no evidence whatsoever that this Diocese, having learned of an abusive cleric or religious, enabled the individual to continue abusing. There is no reason to think that abusers were “shuffled” from parish to parish in Hawaii or that abusers were allowed to continue to prey on children. Credibly accused abusers were removed from ministry. In the nearly 100 cases presented in recent years, including some before the successive Legislative “window” periods, there has been no evidence that this Diocese knew of an individual’s proclivity to abuse children and nonetheless assigned him, or allowed his assignment, to public ministry.

Let me conclude with a prayer and an offer.

I pray that by all we are doing and will continue to do, that the Diocese is and will always be worthy of the trust of everyone served in any of its programs and activities. We are always open to healthy dialogue, as partners with the Legislature and other institutions of public service, about ways in which we all can do a better job to protect our society’s most precious resources, its children. We are not perfect, and we can always do better. So, instead of being antagonists, hurling charges and counter-charges, can we not be partners in a dialogue about how we can make children safer? We owe it to ourselves and especially to them.

I would be pleased to continue this discussion in public or in private as best suits the needs of the Legislature. Thank you for your kind attention to this testimony.

Sincerely,

A handwritten signature in black ink that reads "Larry Silva". The signature is written in a cursive style with a cross at the beginning.

Most Reverend Larry Silva
Bishop of Honolulu

SR-4

Submitted on: 2/19/2019 2:32:24 PM

Testimony for HMS on 2/20/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

SR-4

Submitted on: 2/16/2019 9:15:38 PM

Testimony for HMS on 2/20/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Comments:

Although I support, I known SCR8 is better.

Mike Golojuch, Sr.

SR-4

Submitted on: 2/17/2019 4:06:15 PM

Testimony for HMS on 2/20/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Monk	Individual	Support	No

Comments: