

April 12, 2009

To the Legislators and Citizens of New York,

I am writing to you as the spouse of someone who was sexually abused as a child over a period of six years in the state of New York to ask that you reject the Lopez bill and support the Markey/Duane bill. My spouse, as is the case with the majority of the victims of sexual abuse, was assaulted by someone who was not affiliated with any institution, public or private. This legislative battle is not about institutional bureaucracies; it is about individual victims and their abusers. If there is such a thing as a moral purpose in state government (and I hope there is), there can be no higher calling than to protect the defenseless. The child victims of abuse are the very definition of "defenseless." Give them justice!

The Lopez bill is designed to create the impression that the perpetrators of sexual assaults on children will be brought to justice. It is really the status quo masquerading as reform. The truth is that the nature of the crime of child sexual abuse is such that the injury never really heals. If someone hits you and breaks a bone, that bone will heal in weeks or months. The injury is clearly defined and the cost and time of recovery from the assault are relatively easy to understand.

The crime of sexual assault is completely different. It is not just a physical assault but it is also an emotional and spiritual assault that never really heals. Indeed, the assault continues far beyond that last physical contact. The power of the abuser continues to inflict injury; the assault lingers and continues to do damage throughout the life of the victim. Often the source of the continuing damage (depression, other serious mental illness, troubled relationships, failed marriages, substance abuse, and suicide) is not understood by the victim for many years. Indeed, the victim is not even fully aware of the source of her pain, as shame, fear and embarrassment keep it knotted tightly in an awful secret, especially in families. That is why the one year window provided for in the Markey/Duane bill is so important.

Especially for young children who are sexually abused there is enormous confusion and emotional turmoil. They feel totally isolated. In the majority of cases the perpetrators are older, more powerful family members or acquaintances (how could one possibly use the word "friend" to describe such people?). Most have no "institutional" relationship to the victim. They are simply sick people acting on their own most horrific impulses. It is totally unrealistic to have a law that is based on the presumption that teenagers and young adults can come to terms with what happened to them, face their abusers (often without even the support of other family members) and demand accountability within the few arbitrary years allowed by current and proposed statutes.

The present statute of limitations protects the perpetrators and not the victims. The abusers understand how difficult it is for their victims to come forward because they have terrified and often threatened them, either explicitly or implicitly ("what would people think of you?"). The Markey/Duane bill at least gives some protection to victims by empowering them to confront their attackers in a forum that gives them a fair chance to tell what happened to them. The bill

would help protect children as it exposes sexual perpetrators who, based on reliable statistics, will victimize more children. A short statute of limitations allows them to escape and abuse again and again.

The Lopez bill is designed to protect the balance sheets of institutional bureaucracies at the expense of justice for those who have suffered incalculable harm. Debra Feinberg, legal assistant to Assemblyman Lopez, said his bill was, “designed to level the playing field.” This is not in any way analogous to an athletic contest or a competition among industrial powerhouses. This is about individual harm and individual accountability.

Please support the Markey/Duane bill and reject the Lopez subterfuge.

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