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The Murder of Innocence

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Offenders Anonymous: New York statute of limitations lets child molesters go free

Harold Siering stands outside the single-family home in a Long Island suburb. He points toward a second-floor window. In that room, with two beds and pale blue walls, is where it first happened more than 40 years ago. That’s where he was first raped. Herb, the man in his thirties who molested him, was his mentor in the Big Brothers program. Siering was 10 years old.

“I remember the sun coming up next day, and he was in the bed with me,” said Siering.

This was the first act of sexual abuse that, Siering said, continued for seven years. His family trusted Herb to take Siering for sleepovers at his place and even on trips around the country. Herb raped Siering in 12 states, he said. Siering tried to forget that dark time, but even today he is still haunted by his memories.

Siering said he had a rough childhood, which made him an easy target for abuse. As a child he was a loner at school and at home: his father was not in a picture and his mother worked until late. Siering didn’t speak up about his molestation until years later. As a child he was told no one would believe him and later in life, he was overwhelmed with shame.

“It’s still shameful for me,” he said. “Even now.”

Siering first spoke about his abuse 10 years ago, at age 42. His silence for so long is not unusual. Survivors of child abuse come forward on average at age 40, according to Child USA, a think-tank with the goal of ending child abuse and neglect. But under New York's state civil and criminal statutes of limitation, that was too late for Siering to seek any legal action. New York State has some of the shortest statutes of limitation in the country, along with Alabama, Mississippi, Michigan, and Georgia. In New York, a child victim of sexual abuse has until age 23 to press criminal charges or file a civil suit against the perpetrator. After the statutes of limitation expire and alleged offenders cannot be prosecuted under state law, a majority of them, including Herb, remain unknown to general public, not listed on public records of sex offenders.

“The biggest problem with the statute of limitations in New York is that because it’s been so short, it has hidden the identities of child predators across the state,” said Marci Hamilton, president of Child USA and a professor at Benjamin N. Cardozo School of Law at Yeshiva University. “They have all been the beneficiaries, while victims by and large have not been able to come forward.”

For victims like Siering, coming forward before 23 is no easy task. He said he was in denial for many years and tried to forget what was done to him. Painful flashbacks first hit him at 42 when he read a Suffolk County Special Grand Jury Report from 2003 that exposed 53 priests who were molesting children. Siering says the pain was so acute that he attempted
suicide. To heal his trauma, he went through counseling and started attending confidential meetings of Survivors Network of Those Abused by Priests, known as SNAP.

“We occasionally hear from teenagers, but that’s unusual,” said Barbara Dorris, managing director of SNAP and a survivor of child abuse herself. “The vast majority of people are in their mid 40-s, some even older.”

Christopher Bromson, executive director of the Crime Victims Treatment Center at Mount Sinai St. Luke's and Roosevelt Hospitals, was not surprised. On a psychological level, he said, children read abuse as a betrayal, which creates trust issues later in life, preventing victims from speaking up sooner.

“When we believe that our needs and our boundaries are not respected, it becomes a lot harder and a lot scarier to face the prospect of speaking up,” he said.

Along with advocates for children and many survivors of child abuse, Siering, Dorris and Bromson support the Child Victims Act, a bill that would extend New York’s statutes of limitation and give victims until 50 to sue for civil damages and until 28 to press criminal charges. This bill would also create a one-year window to give survivors of all ages a chance for justice.

The Child Victims Act has existed in one form or another for 11 years and passed the assembly four times, in 2006, 2007, 2008 and in 2016. However, it has never made it to the Senate floor, controlled by the Republican Party and the Senate majority leader, John Flanagan of Suffolk County.

“The Senate right now has been told by Sen. John Flanagan, who is a Republican and also a conservative, who really does have close relationship with bishops, to not let that bill out of committee,” said Hamilton. “Until John Flanagan acts, the children of New York are at risk.”

Flanagan’s press office did not respond to an interview request.

Hamilton advocates raising or eliminating statutes of limitation across the U.S. She says the Catholic Church, the Jewish congregation Agudath Israel and the insurance industry have been lobbying against the Child Victims Act in New York state.

The Catholic Conference spent $2.2 million in the last 10 years on matters including the statute of limitations, according to state lobbying records. The Catholic Church declined to comment directly. But Bill Donohue, president of the Catholic League, a religious and civil rights group, who often speaks for the Church, said:

“The Church should have spent a lot more money on lobbyists. They should have bought the best blue-chip firm, as far as I am concerned.”
Donohue said the Catholic Church should continue lobbying against raising the statute of limitations to protect itself from paying large settlements. He said that victims are often driven by greed and look at the Catholic Church as a “cash register.”

“It’s about money; that’s why they come out,” he said. “If you are a real victim, why would you wait all these years?”

Although the Catholic Church has no intention of stopping lobbying, Hoylman says he has faith in the 2018 legislative session, which starts in January. The Republicans have a one-vote majority in the state Senate, and the 2018 elections may shift the majority to the Democrats. Cases of child sexual abuse are dominating in marginal districts such as Long Island and the Hudson Valley, and those districts should be prepared for a battle, said Hoylman.

“If the Republicans want what’s good for them, they will pass the bill and take this issue off the table,” he said. “If they don’t, they are going to be haunted at the voting polls.”

At 42, Siering was ready to act. He says he couldn’t keep quiet any longer. He filed suit against Herb in Delaware in 2009, one of the 12 states where Herb had abused him and the only one where legal action was possible. At that time Delaware was the only state without time limits on child sex abuse allegations.

“I couldn’t sue anywhere else but Delaware,” said Siering. “That was the only state at that time that allowed that type of suit to go forward.”

Siering settled with Herb out of court and agreed not to press criminal charges in any state if the laws should change. For that reason, Herb was never charged with a crime and may still have access to children.

“I hate that fact,” Siering said. “Because I can do nothing about it. Because of laws in Delaware and the laws in New York.”