

There is an old saying, "Corruption is authority plus monopoly minus transparency." Some would argue that this adage aptly sums up the current situation with the Catholic Church on Guam. For nearly three centuries the Catholic Church has enjoyed a near monopoly on the religious beliefs and practices on the island. As a result, the line between church beliefs and cultural interactions often become blurred. The bond between the two has grown so strong that criticism against Church teachings, or those running the Church has, at least until recently, been considered a serious cultural affront.

Without strong voices challenging questionable Church edicts and exposing objectionable behavior by those in trusted positions, a perfect storm developed for secrecy and abuse within church leadership, headed by the Archbishop. Wielding tremendous power on Guam, the Archbishop's sphere of influence has traditionally extended well beyond religious matters and infiltrated into the political realm as well. The distinction between church and state has, in many instances, been completely obliterated on the island. All too often, Guam's politicians have played a complicit role in allowing the Church, and the Archbishop, to meddle in civil matters.

Nowhere is this more evident than with the current sad state of affairs concerning allegations of child sexual abuse committed by church leaders, including the Archbishop himself. These allegations go back decades. Rumors of abuse have circulated within the local community for years, but fears of familial and public retribution silenced victims and their family members.

Legislative efforts to confront the perverse code of silence were undermined. In 2011, Senator B.J. Cruz, himself a victim of priestly sexual abuse in the States, introduced Bill 34-31. Modeled after a similar Bill in Hawaii, the Guam version would have given "victims of child sexual abuse that occurred on Guam who have been barred from filing suit against their abusers by virtue of the expiration of the civil statute of limitations" a two-year window of opportunity to file their civil cases.

The Guam bill included a provision, borrowed from its Hawaiian counterpart, allowing victims to pursue their cases against a grossly negligent "institution, agency, firm, business, corporation . . . that owed a duty of care to the victim." This provision was critical because it opened a window of opportunity for victims to receive both compensation for the wrong committed as well as the means to fund the litigation.

After all, most perpetrators would now be retired, old, or dead. If, in addition, they had taken a vow of poverty, a victim would stand little hope of collecting just compensation. Also, this type of litigation is very expensive. Few victims have the financial means to pay an attorney on an hourly basis to prosecute such a matter. To move the case forward, an attorney would have to be willing to handle the matter on a contingency basis. That is, the attorney agrees to pursue the matter in exchange for a set percentage of any compensation ultimately awarded the victim. Without a victory, the lawyer receives nothing. As a consequence, before

taking such a risky and expensive case, the attorney must be convinced that an actual wrong has been committed and identify early-on a realistic source for compensation. In legal language, this is known as pursuing the “deep pocket.”

Predictably, church leaders felt threatened by the Bill. After all, Church coffers would be at risk.

Abandoning their obligation to look out for the welfare of their constituents, a majority of senators eventually caved- in to Church pressure and passed a worthless piece of legislation. Not only did the senators remove the “deep pocket” provision, they added a section requiring attorneys to file a “Certificate of Merit.” I have never in my professional life seen such a convoluted provision. Time and space prevent me from going into detail, but the law sets up more road blocks than a presidential motorcade. Does anyone really wonder why no victim filed a lawsuit during the two-year extension?

Senator Frank Blas Jr’s Bill 326-33 continues the charade on behalf of the Church. The senator pounds his political chest and proclaims that his Bill will remove the civil statute of limitations for all child sex abuse cases. So, no matter when an abuse incident occurred, victims will still be able to file their claims. However, this assurance is undermined by the fact that Blas intentionally failed to include the critical provision allowing victims to file claims against complicit institutions. Without this, don’t expect anyone to file a case, and don’t expect Church reform.

Let’s hope the rest of the senators live up to their obligation to separate church and state by taking immediate steps to amend the Bill so that it effectively gives victims a voice and a realistic chance for vindication. It is the moral thing to do.