

United Methodist Advocacy in Pennsylvania **August 31, 2018**

By and large, August is a lazy summer month when it comes to legislation. However, that doesn't mean nothing significant happened in state government. At the top of the list is the release of the long-anticipated clergy sex abuse report by a Pennsylvania grand jury—receiving prominent national news coverage.

The General Assembly will return to work in mid-September. There are only about ten legislative days scheduled—this year's November elections are significant in Pennsylvania and the lawmakers want to focus on re-election. It is hard to predict how much legislation will be addressed. The current two-year legislative session will end when the General Assembly closes this fall.

On September 29, the Eastern PA Annual Conference Board of Church and Society will conduct a one-day conference in Reading, PA. The event is entitled "Building Connections for Social Justice." Dr. Susan Henry-Crowe, General Secretary of the General Board of Church and Society will provide the keynote address. Registrations can be made on the Conference's website, *epaumc.org*: point to "News & Events"—click on dropdown menu "events"—scroll down until you come to the conference listing—click on "register online."

Following are items of social, environmental and justice interest for the faith community:

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Clergy Sex Abuse Report Released

On August 14, the long-awaited Pennsylvania grand jury report was publicly released identifying 301 Roman Catholic priests as having committed criminal sex acts. The landmark report says that Church leaders covered up decades of child sex abuse involving more than 1,000 victims.

This past May, the state's Attorney General's office completed the two-year grand jury investigation in six Pennsylvania Roman Catholic dioceses—Allentown, Erie, Greensburg, Harrisburg, Pittsburgh and Scranton—the dioceses represent about 1.7 million Catholics. However, legal considerations delayed the report's release and some names remain redacted.

The Philadelphia archdiocese and the Johnstown-Altoona diocese were not included in the investigation because they have been the subject of three previous scathing grand jury investigations.

The grand jury heard from dozens of witnesses and reviewed more than a half-million pages of internal diocesan documents, including reports by bishops to Vatican officials disclosing the details of abusive priests that had not been made public or reported to law enforcement.

The roughly 900-page grand jury report is probably the most comprehensive examination yet of clergy sex abuse across a single state. It accuses church officials in the six dioceses of routinely prioritizing their institution over the welfare of children in their care. The allegations stretch back to the 1940s.

Until now, there have been just nine investigations by a prosecutor or grand jury of a Catholic diocese or archdiocese in the United States, according to the Massachusetts-based research and advocacy organization, BishopAccountability.org. U.S. Catholic bishops have acknowledged that more than 17,000 people nationwide have reported being molested by priests and others in the church.

The grand jury concluded that a succession of Catholic bishops and other diocesan leaders tried to shield the church from bad publicity and financial liability. They failed to report accused clergy to police, used confidentiality agreements to silence victims and sent abusive priests to so-called “treatment facilities,” which “laundered” the priests and “permitted hundreds of known offenders to return to ministry.”

No new prosecutions are expected to emerge from the report. Two priests were indicted at earlier stages of the investigation. Many of the accused are either dead or have been removed from ministry, their offenses beyond the state's statute of limitations for sex crimes.

Several active prominent Church leaders were also named as being complicit. “All of [the victims] were brushed aside, in every part of the state, by church leaders who preferred to protect the abusers and their institutions above all,” the report says. “Priests were raping little boys and girls, and the men of God who were responsible not only did nothing: They hid it all.”

Many of those accused disputed the findings in responses attached to the report.

Among those named by the Pennsylvania grand jury is Cardinal Donald Wuerl, Archbishop of Washington D.C., a former Pittsburgh bishop (1988-2006) and one of Pope Francis’ prominent U.S. advisers. Wuerl was faulted by the grand jury for failing to protect children from predators and withholding key information from parishioners. Cardinal Wuerl denied the claims. Wuerl’s spokesman, Ed McFadden, called the investigation a “flawed process” steered “unwaveringly toward a predetermined result.”

All the current bishops of the six dioceses noted that most of the accusations predated their tenures by decades and stressed steps their diocese had taken to improve. But, their responses to specific allegations varied. Pittsburgh Bishop David Zubik asserted that he knew of no cover-ups in his three decades there. Whereas, Erie Bishop Lawrence Persico declared that “apologies and policies...are not enough... We are committed to publishing the abuses of the past and to being transparent with our decisions going forward.”

While the grand jury said dioceses have established internal processes and seem to refer complaints to law enforcement more promptly, it suggested that important changes are lacking. The grand jury said, “it is too early to close the book on the Catholic Church sex scandal.” Attorney General Josh Shapiro said the investigation is ongoing.

Terry McKiernan of BishopAccountability.org said the report did a good job of highlighting the two aspects of church sex abuse: the abuse of a child and the cover up by church officials that allows the abuse to continue. “One thing this is going to do is put pressure on prosecutors elsewhere to take a look at what's going on in their neck of the woods,” McKiernan said.

Clergy Sex Abuse Report—What Next?

The newly released Pennsylvania grand jury report on clergy sex abuse observes, “We can't charge most of the culprits. What we can do is tell our fellow citizens what happened and try to get something done about it.” The report calls for four key reforms to existing law:

- Eliminate the statute of limitations for the sexual abuse of children. Current law now permits victims to come forward until they’re 50-years-old.
- Create a “civil window” so that older victims can sue for damages in civil court. Current law gives victims 12 years, from age 18, to sue for damages. But, victims aged 30 and older fall

under a different law and only get two years. The window would offer an additional two years to those older victims.

- Clarify the penalties for the continuing failure to report child abuse by amending current law requiring someone to report abuse “while the person knows, or has reasonable cause to believe,” the abuser is likely to commit additional acts of child abuse.
- Specify that civil confidentiality agreements do not include communications with law enforcement.

State Attorney General Josh Shapiro called on church leaders to support the recommendations, saying “that’s the test that will determine whether things have really changed or if it will just be business-as-usual when the dust settles.”

State Rep. Mark Rozzi (D-Berks), a clergy sex abuse survivor, said the grand jury’s legislative recommendations should be the first order of business for the House when it returns from summer break on September 12. “There’s no compromise here. Let’s make no mistake. There’s no compromise in these recommendations. We need to pass them exactly how they’re recommended,” Rep. Rozzi said.

House Majority Leader Dave Reed (R-Indiana), who supported a statute of limitations bill that included the retroactivity window the grand jury is recommending, issued a statement saying the House would consider the bill this fall.

Currently, a Senate-passed bill to change the statute of limitations is sitting in the House awaiting action. That bill, sponsored by Senate President Pro Tempore Joe Scarnati (R-Jefferson), would give child victims until age 50 to bring civil lawsuits against abusers or those employers who were allegedly negligent in failing to stop them. Furthermore, it would lift all time limits on criminal prosecutions for future acts of child sexual abuse, as well as civil lawsuits brought against the abusers or anyone who knew of the abuse and failed to act on it.

What Sen. Scarnati’s bill would not do, however, is provide the grand jury’s recommended two-year retroactive window for past victims to file civil suits. Rozzi vowed to not let legislation pass that doesn’t include that window.

Rozzi also made it clear that child sex abuse is not just a Catholic clergy problem. “This is a problem that goes across all institutions: your families, your teachers, your brothers, your sisters,” he said. “We need to hold all perpetrators accountable.”

Rozzi remains a Catholic and believes, “I’ve been on a mission from God to clean up my church, tear it down and build it back up again.”

Accepting Applications for General Assistance

On August 13, the state Department of Human Services (DHS) began accepting applications for General Assistance, a cash assistance program to help the state’s poorest citizens. General Assistance was a former program eliminated by legislation known as Act 80, in 2012. However, a Pennsylvania Supreme Court ruling earlier this summer overturned Act 80, thus reinstating the program.

This program provides safety net support for desperately poor individuals with serious disabilities, people fleeing domestic violence, and individuals in active drug treatment for limited periods of time. Eligible recipients get about \$205 a month.

Because the number of people who will potentially be eligible to receive cash assistance is still being determined, it’s unclear how much this reinstated program will cost. At the time the program ceased, the state was spending about \$150 million annually to provide the cash assistance to about 68,000 individuals.

Of course, no money was earmarked for this type of cash assistance in the state’s current budget, because the budget was enacted prior to the court’s decision. When the General Assistance payments begin in September, they will come out of the \$25.5 million set aside for the Temporary Assistance for Needy Families program (TANF). Once that money is exhausted, the governor’s next year budget will need to cover costs.

For further information, people can contact their county assistance office or call the DHS Helpline toll-free at 1-800-692-7462.

Governor's LGBTQ Commission

On August 6, Gov. Tom Wolf announced the creation of the Pennsylvania Commission on LGBTQ Affairs. "The creation of the commission on LGBTQ Affairs is one step of many we have taken to ensure obstacles are removed for anyone who is facing an unfair disadvantage based on sexual orientation, gender identity and expression," the Governor said in a press release.

There are four other governor's commissions: African American Affairs, Asian Pacific American Affairs, Latino Affairs and the Commission for Women.

The 40-member LGBTQ commission will be led by executive director Todd Snovel. Mr. Snovel was the Assistant Dean for Engagement and Inclusion at Lebanon Valley College. He teaches courses on the studies of genders, sexualities, and identities.

Rep. Dan Frankel (D-Pittsburgh) is a commission member. Frankel is the House Democratic Caucus Chairman and the co-chairman of the LGBT Equality Caucus in the legislature.

Rep. Brian Sims (D-Philadelphia) is also a commission member. He is the first openly gay lawmaker in Pennsylvania's history. Sims thanked Wolf for having "consistently supported equal rights for LGBTQ Pennsylvanians."

PA is Behind in Chesapeake Pollution Goals

On August 7, secretary of the Pennsylvania Department of Environmental Protection, Patrick McDonnell, said that the state is "clearly behind" in reaching goals of cutting pollution that flows downstream into the Chesapeake Bay. Mr. McDonnell was attending a meeting of officials from states in the bay watershed, in Baltimore. The year 2025 marks a goal for pollution reduction.

The previous week, Maryland officials criticized Pennsylvania and other upstream states, accusing them of not doing more to stop pollution flow.

While Pennsylvania is not contiguous with the nation's largest estuary, McDonnell said state officials want to improve water quality and "we are absolutely committed to the reduction of nitrogen, phosphorus, sediment, in our backyard and the benefit that that ultimately leads to within the Chesapeake Bay."

McDonnell was attending a meeting of the Chesapeake Executive Council. The council includes the governors of the six bay watershed states, the administrator of the Environmental Protection Agency and the mayor of the District of Columbia. The watershed covers 64,000 square miles and includes Delaware, Maryland, New York, Pennsylvania, Virginia and West Virginia. Maryland Gov. Larry Hogan chairs the council.

Grandparent Families

On August 8, Gov. Tom Wolf called for final passage of House bills to help grandparents who are raising children to obtain more social services. The governor was meeting with grandparents caring for grandchildren because of the opioid epidemic, at the Jewish Community Alliance of Northeastern Pennsylvania in Wilkes-Barre.

An estimated 82,000 grandparents are the sole caregivers for nearly 89,000 grandchildren in Pennsylvania. Grandparents in those situations are saving the state money by keeping their grandchildren out of the foster care system, officials said. Wolf is pushing for final action on House Bill 1539 and House Bill 2133. Both passed the House last April and currently sit in Senate committees.

HB 1539, sponsored by Rep. Eddie Day Pashinski (D-Luzerne), would allow grandparents to petition a Court of Common Pleas to obtain temporary guardianship of a grandchild. Under the bill, the petition could be made when a custodial parent of a minor child has entered a rehabilitation facility for treatment of a drug or alcohol addiction.

HB 2133, sponsored by Rep. Katharine Watson (R-Bucks), would create a Kinship Caregiver Navigator Program to provide an information source to grandparents raising grandchildren.

Wolf Cautious on Recreational Marijuana

On August 10, during a visit to Pittsburgh, Gov. Tom Wolf said more information is needed before legalizing recreational marijuana in the state. "I'm willing to take a look at the evidence and whatever people want," Wolf said.

With medical marijuana just becoming legal in the state, Wolf says we should take our time before making a decision. By contrast, Pennsylvania Auditor General Eugene DePasquale has expressed support for legalization of recreational marijuana.

"My sense is, right now, Pennsylvania's not ready for it. We're working really hard to make sure that the medical marijuana program is done the right way," Wolf said. "I think there's six states that have legalized recreational marijuana. I think it's a good idea for us to sit back and take a look at what happens there. I think as that unfolds, Pennsylvanians will make their own decision."

Proposed Fracking Fee

The state Department of Environmental Protection (DEP) has proposed a regulation to increase unconventional gas (fracking) well fees by 150 percent. Of course, the natural gas industry is pushing back and a few state lawmakers are joining them.

The DEP needs more funding to operate its Oil and Gas Program, with expected costs of the program to be \$25 million in the next fiscal year. For comparison, two years ago, well permit fees and "impact fee" revenues totaled \$15.7 million while program operations cost \$22 million.

The DEP states that without a substantial increase in permit fees, program employees will have to be reduced. Noting staff have been reduced from 226 to 190, the DEP claims without the fee increase, another 70 positions would have to be cut to balance the books.

In mid-August, fourteen Republican state senators sent a letter to DEP secretary Patrick McDonnell opposing the proposed regulation. The senators argue the department should realign its current budgetary outlays to meet its needs, not ask the natural gas industry to pay more.

REAL ID

On August 27, the state Department of Transportation (PennDOT) reported that it was on schedule to have REAL ID driver's licenses and ID cards available by the target of March 2019. After October 1, 2020, individuals must have a REAL ID-compliant form of identification for accessing federal facilities, entering nuclear power plants and boarding commercial aircraft.

The federal REAL ID Act was created in the wake of the 9/11 terrorist attacks.

PennDOT has not met deadlines and continues to request and receive extensions from the U.S. Department of Homeland Security to produce REAL ID-compliant products available to Pennsylvania residents. Under Pennsylvania's Act 3 of 2017, which authorized the Commonwealth to comply with the federal REAL ID Act, no state resident will be required to get a REAL ID-compliant driver's license or identification card.

To get a REAL ID-compliant driver's license or identification card, individuals will have to supply PennDOT with the following documents to verify in person at any driver license center: Proof of identity,

which can be in the form of an original or certified copy of a birth certificate with a raised seal, or a valid U.S. Passport; proof of Social Security Number with a Social Security card; proof of all legal name changes, with either a marriage license or court order issued by your county's family court; and two documents proving an individual's current physical Pennsylvania address, by way of a current, unexpired Pennsylvania driver's license or ID card, and a bank statement or utility bill with the same name and address (as the Pennsylvania driver's license or ID card) that's no older than 90 days.

A one-time fee of \$30, plus a license renewal fee (currently \$30.50 for a four-year renewal of a driver's license or ID card) will have to be paid. Any time left on the current renewal of a person's driver's license or ID card will be added to a new four-year period for the new REAL ID driver's license or ID card, unless the individual is over 65 and has a two-year license. For those who get a REAL ID, it will replace their driver's license.

Sports Betting

This month, Penn National Gaming and Greenwood Gaming and Entertainment were the first two casino operators to file petitions to conduct sports betting in Pennsylvania.

The Pennsylvania Gaming Control Board approved temporary regulations in mid-August to allow sports bets to be placed on professional athletic events, college athletic events, professional motor race events and international sports events.

Greenwood intends to offer sports betting at Parx Casino, the South Philadelphia Turf Club off-track betting location, and online. Greenwood will pay a single \$10 million fee for a sports wagering certificate to cover the three venues.

School Safety Report

On August 27, the Wolf administration released the results of six regional school safety meetings held earlier this year by a task force established in the wake of the February school shootings in Parkland, Florida.

From April through June of this year, the Pennsylvania School Safety Task Force heard from students, parents, school officials, school nurses and other health care professionals, law enforcement, education organizations and community members about their ideas to improve safety and security.

At the state Capitol, Auditor General Eugene DePasquale and Pennsylvania Homeland Security Director Marcus Brown (who was Wolf's designee on the task force) unveiled the final report. "The main goal is to provide actionable advice for families, communities, schools and state agencies to help prevent school violence," said DePasquale. He added that there's flexibility in the report's advice: "We crafted these recommendations while recognizing there's no one-size-fits-all solution for schools across Pennsylvania; the diversity of our school sizes and makeup creates a unique challenge to creating standardized security guidelines."

The task force's final recommendations fall into three areas:

- improving communication and information sharing.
- increasing access to (and funding for) mental health services—something DePasquale said was a top issue for students who spoke to the task force.
- strengthening school security.

While the funding for many of the report's recommendations is subject to future budget negotiations, the current state budget provides \$70 million for school safety purposes. Schools can seek grants to pay for any of 22 specific school safety initiatives listed in the legislation, including such things as mental health services and physical security upgrades. The grant money is to be distributed geographically, with no school district receiving more than 10 percent (but eligible for at least \$25,000) of the available funds.

3-D Printed Guns

On August 27, a federal judge blocked the release of blueprints for 3-D printed firearms online, ruling in favor of attorneys general from 19 states, plus the District of Columbia. The attorneys general argued that online publication of 3-D gun designs will increase the threat of gun violence. The effect of the ruling, by Judge Robert S. Lasnik of the U.S. District Court for the Western District of Washington, is to criminalize distribution of such files.

Judge Lasnik wrote that the claim filed by the attorneys general had “a legitimate fear that adding undetectable and untraceable guns to the arsenal of weaponry already available will likely increase the threat of gun violence they and their people experience.” The proliferation of digital weapon files, Lasnik said, “will hamper law enforcement efforts to prevent and/or investigate crime.”

The decision stops Texas-based Defense Distributed from posting 3-D printable gun files on the Internet. Defense Distributed founder, Cody Wilson, a self-described “crypto-anarchist,” has said “governments should live in fear of their citizenry.” His company seeks to make guns accessible to everyone. He called the court’s decision “farical.”

In June, the federal government reversed a previous position and entered into an agreement to permit Wilson to publish his firearm blueprints online. On July 30, the attorneys general filed their suit against the State Department—the agency that agreed to allow Defense Distributed to publish its blueprints. Wilson intended to begin publishing on August 1. However, at the last moment, Judge Lasnik blocked the publication.

The states in the suit are: Pennsylvania, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Washington and the District of Columbia.

Car Fuel Efficiency

On August 2, the federal government released a notice of proposed rulemaking jointly issued by the Environmental Protection Agency and the National Highway Traffic Safety Administration to roll back automobile fuel-efficiency targets set by the Obama Administration.

The Trump Administration contends that the proposed rollback from Obama-era fuel efficiency standards will help car companies, lower vehicle prices for consumers, and increase highway safety.

The attorneys general of several states responded immediately, saying the measure would increase greenhouse gases, exacerbate pollution-causing illnesses and raise consumer fuel expenses. Furthermore, by seeking to strip California—as well as other states—of the authority to set stricter vehicle emissions standards, the proposal opens questions about federal powers over states. The states announced they would sue to halt the proposed rollback.

The states opposed to weakening auto emissions standards are: Pennsylvania, California, Connecticut, Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Rhode Island, Vermont, Virginia, Washington and the District of Columbia. All have Democratic attorneys general.

Dai Morgan