Foreword to Articles Presented at the 2009 Childhood Sexual Abuse Awareness Conference

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Abstract
This foreword introduces four papers presented at the William Mitchell Conference on Childhood Sexual Abuse. It reviews all of the programs and discussions presented at the conference, Understanding a Silent Tragedy: A Conference on Childhood Sexual Abuse, including the experience and knowledge of the authors of each paper. Finally, it reviews and introduces the subject matter covered by each paper.

Keywords
child sexual abuse, sexual predators, punitive measures, tort law, medical response to child sexual abuse, prevention programs, investigative interview, Catholic church, forensic interviewer expert

Disciplines
Criminal Law
FOREWORD TO ARTICLES PRESENTED AT THE 2009 CHILDHOOD SEXUAL ABUSE AWARENESS CONFERENCE

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On April 24, 2009, William Mitchell College of Law held a daylong program entitled Understanding a Silent Tragedy: A Conference on Childhood Sexual Abuse. The conference featured presentations on many aspects of this deeply disturbing social problem.

The conference grew out of conversations I had with two William Mitchell Alumni, Jeffrey R. Anderson and Ted Thompson, both of whom have dedicated years of their professional lives to helping victims of childhood sexual abuse, guiding legislation and public policy, and increasing public awareness of the problem. Jeff Anderson has been the country’s pioneering childhood sexual abuse litigator for three decades. Ted Thompson is the former executive director of the National Association to Prevent Sexual Abuse of Children (NAPSAC), which co-sponsored our event. Jeff and Ted were both wise sources of helpful background and context as we planned the program.

We assembled a group of national and regional experts from several disciplines to examine the current state of knowledge about childhood sexual abuse, institutional responses to childhood sexual abuse, and the role of the law in dealing with childhood sexual abuse. The day was divided into four panel sessions, each with three presenters, all of whom brought significant experience to their subjects.

Rich Kaplan, M.D., a pediatrician and former social worker with more than thirty years experience treating victims of child abuse; Don Brunquell, Ph.D., Director of Ethics for Children’s Hospitals and Clinics of Minnesota; and Sandra K. Hewitt, Ph.D., an expert in assessing child abuse in very young children, discussed the medical and psychological aspects of the problem and the

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importance of experience and specialized training in interviewing children who may have been sexually abused.

At the second session, Timothy Lytton, J.D., Albert and Angela Farone Distinguished Professor of Law at Albany Law School, and Marci Hamilton, J.D., who holds the Paul R. Verkuil Chair in Public law at the Benjamin N. Cardozo School of Law, discussed the role of tort litigation in promoting institutional accountability for the sexual abuse of children. Both have written extensively about the Catholic Church’s response to allegations of abuse by its clergy and about the valuable use of the civil law to protect children and produce institutional change.¹

Eric S. Janus, Professor and Dean at William Mitchell, talked about the difficult problem of dealing with offenders, of predicting recidivism, and of crafting good laws and public policy based on reliable scientific data in this emotion-laden area. Jeff Anderson provided the keynote address at noon, highlighting, from his long experience as a litigator in the field, the importance of institutional accountability and openness when allegations of sexual abuse are made.

That theme continued into the first afternoon session, at which Fr. Michael O’Connell, pastor of Ascension Church in Minneapolis and former Vicar General for the Roman Catholic Archdiocese of St. Paul and Minneapolis, and Thomas P. Doyle, Dominican priest, canon lawyer, and victims’ advocate for more than thirty years, talked about the Catholic Church and its widely publicized—and very expensive—difficulties in coming to terms with the conduct of some of its priests. Both men have been honored recipients of the Priest of Integrity Award from Voice of the Faithful for their work in dealing with clergy sexual abuse.

Portland, Oregon attorney Kelly Clark, with nearly twenty years’ experience representing victims of childhood sexual abuse in lawsuits against the Boy Scouts of America, the Mormon Church and other “institutions of trust,” concluded the panels’ presentations with a discussion of some of the ways institutions might better respond to allegations of sexual abuse against children.

The entire final afternoon session was given over to the tireless

and inspirational Victor I. Vieth, Director of the National Child Protection Training Center (NCPTC), the state-of-the-art training program of NAPSAC, located on the campus of Winona State University in Minnesota. Victor’s long days are spent lecturing, writing, and training law enforcement officers, prosecutors, child advocacy workers, medical personnel, clergy, teachers, and scores of others how to recognize and respond to children who are being abused, how to prepare cases that will be litigated, and how to educate and train others to do the same. Victor’s message was a hopeful call to “end child abuse in the United States within three generations.”

What follows here are short articles from five of the participants in the program. My deepest thanks to all of them for offering here, in writing, their unique perspectives on this difficult and painful subject. From Dr. Kaplan, there is a short overview of the medical response to child sexual abuse, highlighting both the pervasiveness of the problem throughout recorded history and the startling lack of attention paid to it by the medical community until the latter part of the 20th century. Dean Eric S. Janus, with Emily A. Polachek, writes about problems in our child abuse public policy that result from the way in which we frame the issues and draft our laws to focus too heavily on the relatively rare sexually violent predator who may reoffend, rather than concentrating our energies and resources on primary prevention programs and education to address the problem “further upstream,” and with a more realistic assessment of where the actual risks to children lie. Professor Lytton discusses how tort litigation against the Catholic Church (with its attendant media coverage), by which the issue has been framed as one of institutional failure, has contributed significantly to policy reform within the Church. Victor Vieth has provided a helpful and informative piece on the use of the investigative interview in child abuse trials, and the issue of qualifying the forensic interviewer as an expert witness. Finally, Kelly Clark’s contribution here focuses on the many ways that institutions can and should respond to allegations of child sexual abuse made against them, reminding us that it is often not about money at all.

I am deeply grateful to all the conference faculty for spending the day with us, for freely sharing their experience, their hard

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2. See Victor I. Vieth, Unto the Third Generation: A Call to End Child Abuse in the United States Within 120 Years (revised and expanded), 28 HAMLINE J. PUB. L. & POL’Y (Fall 2006).
work, and their time to help us all better understand the problem of childhood sexual abuse. They somehow managed to leave us feeling hopeful that there are, in fact, ways to seriously curb, if not to end, this horrific practice. I am grateful, as well, to William Mitchell College of Law for making this richly rewarding conference available at no cost to the more than one hundred lawyers, social workers, psychologists, clergy, students, and others who attended the program.