

SEPTEMBER 16, 2013 4:00 AM

# California Protects Pedophile Teachers

Schools can't be sued for teachers' long-ago sexual misconduct.

By Kevin D. Williamson

If you want to molest children in California, a word of advice: Make sure you have a good union.

California has enacted a number of changes — one cannot call them “reforms” with a straight face — to its electoral system of late, notable among them the creation of an “independent commission” to draw up electoral districts and the institution of a top-two primary system, in which primary elections are putatively nonpartisan and the top two vote-getters face off in the general election, regardless of party. The outcome, wholly foreseeable, has been to strengthen the position of Democrats as a whole while reducing the power of both the Democratic and Republican parties as institutions. In 29 of the electoral races decided in November 2012, one of the parties was locked out of the general election — and, to nobody’s surprise, it was the Republican party that was locked out in 20 of those 29 races.

This arrangement greatly expands the power of the non-party institutional players, most notable among them the public-sector unions, which are in effect California’s third and most powerful political party. They hardly needed to have their political clout enhanced: Over the last 30 years, they have enjoyed a 75 percent kill rate fighting ballot initiatives they opposed. The entrenchment of government-union power has had predictable economic consequences (see “Penniless in Paradise,” NATIONAL REVIEW, August 2012) but also some strange non-economic effects. The strangest of them may be the state’s decision to exempt government agencies, including public schools, from a new measure intended to enable civil measures against organizations that harbor pedophiles.

In 2014, California will open a litigation “window” allowing victims of sex abuse to file lawsuits against the employers of those who abused them, on the theory that those employers are in some instances partly culpable for the abuse, which is indeed the case. The “window” is needed because, in many sex-abuse cases, the statute of limitations for civil actions runs out before victims come forward. Perversely, the law exposes only the employers; the abusers themselves remain immune to litigation.

The crosshairs here are upon the Catholic Church, which paid out some \$1.2 billion to more than 1,000 victims of abuse under a similar “window” opened in 2003. A secondary target is the Boy Scouts.

Even over the many decades that the 2003 window covered — 1950 to 2005 — those 1,000 victims

present a shocking number. How much more shocking, then, that in the Los Angeles Unified School District alone some 600 teachers over a four-year period were fired, have resigned, or were facing sanctions because of “inappropriate conduct” relating to students. The lumping of cases together somewhat obscures things: About 60 teachers faced punishment for outright sexual relations with students (or other minors), while others were punished for offenses such as showing pornography to students, forcing students to act out “master and slave” sexual role-play scenarios, taking a student on a field trip to a sex shop, lining girls up in the classroom to judge their relative breast size before having them do jumping jacks, and old-fashioned sexual harassment. Some of these teachers had complaints in their files dating back years that had not been acted upon, while another teacher, in an episode unhappily reminiscent of Catholic priest-shuffling practices, had been in hot water at six different schools for sexual misconduct. If we limit ourselves to those cases of actual sexual relations, then a little crude extrapolation from Los Angeles’s 662,140 students to California’s 6.2 million total public-school students suggests that, in California each year, seven to eight times as much sexual misconduct takes place in public schools as in the Catholic Church.

So why have the California government schools — to say nothing of other state agencies — been exempted from the promise of richly deserved punitive litigation?

And it does not stop with litigation windows. In 2012, the Assembly considered a bill making it easier to fire teachers who sexually abuse students. Consider for a second that word “easier” — should anything be easier than simply firing somebody who molests children? The bill was written in response to the case of a Los Angeles elementary-school teacher who was fired after being accused of sexually abusing his students, and who challenged his firing. Rather than act in accord with the horrifying details of the case, the school district paid the teacher \$40,000 to drop his appeal. That’s small change compared with the \$30 million settlement the district is paying to the teacher’s alleged victims as a result of the case, or, for that matter, compared with the \$23 million bail requirement that is keeping teacher Mark Berndt behind bars as he awaits trial on 23 felony counts of gruesome sexual abuse.

Against that background, making it easier to fire teachers facing credible accusations of sexual abuse seems like a pretty straightforward proposition. But the California Teachers Association and other unions presented a united front against a bill passed by the state senate, and it died in the Assembly.

The scandal bar — the collection of lawyers that exists to file wildly profitable lawsuits against the Catholic Church — contains some members that are unsavory to say the least, and, as with any similar case in which emotions run high and great sums of money are at stake, there has been no shortage of exaggeration and profiteering related to the scandal and its litigation. But as distasteful as those bottom-feeding lawyers may be, they are, whether they intend to or not, helping to serve the larger cause of justice, and such evils as they may perpetrate are, painful as it is to write, minor compared to the evil that was harbored and in too many cases enabled by the Catholic Church. And that evil, unspeakable as it is, is in all likelihood overshadowed by what is taking place in public

schools in California and elsewhere. But if it comes down to the interests of a unionized government employee vs. those of a nonunionized sex-crime victim, look for the union label.

— *Kevin D. Williamson is a roving correspondent for NATIONAL REVIEW and author of The End Is Near and It's Going to Be Awesome.*