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March 27, 2012

Rep. Lamar Smith, United States House of Representatives
Rep. John Conyers, United States House of Representatives

Gentlemen:

We are following up from our meeting earlier this month. We're sending along to you the attached draft letter to consider sending to the Boy Scouts of America, urging organization officials, in light of the Penn State abuse scandal, to share their internal files with congressional researchers in the hopes of crafting stronger safeguards against child sexual abuse.

We're sending samples from the BSA's own "ineligible volunteer" files of alleged pedophiles. The BSA's files date back to the early part of the last century and document 20,000 alleged child molesters. We're sending you 20 sample case files, a tiny fraction of the 1,900 files we possess. The BSA destroyed thousands of its own records but still has more than 6,000 records in its possession and fights disclosing this information to the courts. We're also sending a few indexes we've created.

In these BSA "ineligible volunteer" files, patterns spanning the years include:

- Adult scout volunteers who seek out scouting for access to victims.
- Admitted or re-admitted adult scout volunteers previously caught abusing children or scouts.
- Adult scout volunteers, who abuse multiple scouting victims, not just one victim.
- Serious criminal convictions and prison sentences documented among the BSA's list of ineligible volunteers.

- Adult scout volunteers who possess and/or produce child pornography.
- Adult scout volunteers who were allowed unfettered access to kids, permitting them to sleep in the same tent, or who sexually abused kids on camping trips or on unsupervised outings outside of scouting.
- Patterns of grooming behavior, such as trust-building, isolation, discussion of sex, are followed by abuse.
- Adult volunteers alleged to be pedophiles are often found to be associating with other alleged pedophiles.
- Victims sexually abused in scouting sometimes become abusers themselves. (One BSA sex-abuse victim and witness in one of our cases is serving a lengthy prison sentence in Washington state, after he himself became an abuser.)

Here are a few of the many perpetrators you'll find:

Stephen D. Fields, a scoutmaster from Filmore, California, who netted a six-year prison term for molesting two 13-year-old scouts. Convicted in 1988, his probation report noted that Fields had been molesting teenage boys since 1971, when he was asked to resign as a scout leader because of his actions.

Stephen Boleware, an adult scout volunteer from Michigan, who requested that he be reinstated with the scouts after being convicted of two counts of child molestation. Boleware's probation officer wrote a letter of endorsement, noting he presented at most a moderate risk of re-offending. The BSA denied Boleware's reinstatement in October 1990, but said he could ask for another review after May 30, 1992, when he was off parole. The BSA's attorney later urged that Boleware's name be added to the organization's permanent ineligible volunteer files.

John Borelli, a scoutmaster from Fruitland, Maryland, who was discovered to have thousands of pornographic pictures and 14 pornographic videos, including child pornography. Borelli was sentenced to 20 years prison in 1990. News reports noted that Borelli and his wife had filmed children in sex acts. Borelli's internal BSA file also noted a second scout volunteer, Wayne S. Evans, would be sentenced and added to the BSA's ineligible volunteer files.

Bruce Wayne Chrystie, an Arlington, Texas elementary school teacher and scoutmaster, was found guilty of molesting scouts in Texas after previously pleading guilty to fondling a 13-year-old during a Boy Scout canoe trip in Minnesota three years prior. Interestingly, the BSA was quoted in news reports as saying it kept no statistics on child sex-abusers found in scouting.

Joel Lachica, an adult scout leader from Los Angeles, was discovered in the mid-1980s to have hundreds of pictures of him with naked scouts. Los Angeles Police detectives interviewed scouts and discovered that Lachica had boys run naked. He then selected certain boys for sexual favors, for which he paid them money. Lachica undressed the boys and inserted enema tubes into their rectums. The case came to the attention of police when a 13-year-old scout member inserted something into the rectum of his 3-year-old nephew, and the mother discovered blood in the child's underwear.

It might be tempting to dismiss these cases as "in the past." Indeed, the BSA aggressively markets itself as a safe organization that teaches child safety. But a simple Google search of "Boy Scouts + abuse" will show that headlines documenting abuse will appear in your email inbox at a rate of about one every few days. These types of safety concerns are not a thing of the past, but very much a present concern.

Let me know if I can answer any questions or provide additional information.



Tim Kosnoff

Attachments

ccs: Perry H. Apfelbaum
Ron Legrand
Brent Palmer
The Hon. Barbara Mikulski
The Hon. Keith Ellison

SUGGESTED DRAFT LETTER FROM KOSNOFF FASY: From House Committee on Judiciary leaders to Boy Scouts of America

March 27, 2012

Robert Mazzuca, Chief Scout Executive
Boy Scouts of America
1325 Walnut Hill Lane
P.O. Box 152079
Irving, Texas 75015-2079

Dear Mr. Mazzuca:

We, as leaders of the U.S. House of Representatives Committee on the Judiciary, are seeking help from the Boy Scouts of America, the largest youth-serving organization in America today. This is a bi-partisan request that comes out of a deep and abiding respect for one of America's most trusted institutions.

Recent events at Penn State and Syracuse University brought home to members of this Committee and to the nation the urgency of protecting children from the scourge of sexual abuse. We have a clear and absolute imperative to take effective measures to keep our children safe from predators – those who would prey upon innocents. This is a problem that's not confined to one town, one campus, one youth-serving organization, or even one state. Rather, it's a problem that stretches to all 50 states and beyond. Victims come from all cultural, racial and economic groups. And that's where you can help.

We as minority and majority leaders of this congressional Committee recently had the opportunity to view court records alleging childhood sexual abuse by adult volunteers, specifically adult Boy Scout volunteers. We are seeking to strengthen measures to stem the infiltration of pedophiles into youth-serving organizations.

To your great credit, the Boy Scouts of America for years has catalogued and documented individual complaints of child sexual abuse, as well as the ways in which abusers have gained access to children. We understand that these records have been kept since shortly after the BSA's founding in 1910. And although we understand that the BSA destroyed many of the files in the 1970s (perhaps as many as 15,000), we understand that roughly 6,000 files have survived and remain in the BSA's possession.

Notwithstanding that millions of adults have served as scout leaders over the past century, it is troubling that a molesting scout leader is placed in the BSA's ineligible volunteer files at a rate of one every other day. We can all do better for America's children.

These case files likely represent a unique repository of information that could be of great assistance to congressional investigators considering appropriate safeguards for

youth-serving organizations in this nation. The sexual victimization of children, especially boys by “nice guy” acquaintances as occurs in youth-serving organizations, seems to be a difficult problem for society and professionals to address. Such cases require specialized comprehension of their patterns. Patterns of interest to the Committee include the presence of repeat offenders allowed back in to the organization; manipulation of victims; victimizing boys in and outside of scouting activities; individual leaders’ ease of access to boys alone; offenders and supporters rationalizing inappropriate behaviors and the transparency with which these kinds of patterns of behavior are shared with local troop leaders, scout parents and scouts themselves.

While it can be debated what society, mental health professionals and criminal justice professionals knew about the sexual exploitation of children by staff personnel in youth-serving organizations and when they knew it, it is clear that by the 1980s, there was a more widespread acknowledgment of and response to such acquaintance molestation cases by both professionals and youth-serving organizations including Boy Scouts of America, which apparently developed an early awareness program at that time. With thousands of documented cases in its files, we are curious to know what the Boy Scouts of America learned from these files about the scope of the problem of sexual exploitation of scouts by staff personnel and volunteers and how it utilized that information to develop prevention and awareness programs in the 1980s and beyond, i.e., if this specific information was shared with outside consultants, what safeguards and programs were recommended and adopted? If it was so shared, does BSA have any research data demonstrating the effectiveness of any prevention and awareness programs it uses?

We are therefore asking the BSA to produce to this Committee and its congressional research staff a copy of its 6,000 case files of alleged sex abuse in its possession. We understand that these files have been previously produced in civil litigation and may have been digitally scanned for ease of reproduction.

In recent years, we have learned much about the corrosive, long-term effects of childhood sexual abuse, as well as the societal and individual costs of such trauma. In the long term, it’s not unusual to see emotional scars lasting years after the abuse has ended. Some survivors turn to alcohol or drugs. Some are unable to sustain consistent employment or meaningful relationships. Others turn to crime.

We understand and respect that the BSA’s files contain confidential information. Our congressional investigators can and will keep the identities of sexual abuse victims confidential. This is a bi-partisan request that comes out of a deep and abiding respect for the good the Boy Scouts organization has done for the youth of this country. We have no interest in harming an organization that has long been a champion of character-building and wholesome youth activities. However, information of this unfortunate nature can be effectively used to enlighten and improve the safety of America’s youth-serving organizations, including other federally chartered organizations.

Headlines across the country, including one \$18 million verdict in Oregon, point to a larger need to re-examine this public safety issue. It’s an urgent matter that’s larger than one court case and larger than what one law-enforcement organization can handle with a

single investigation. The public is demanding answers to what has obviously been a long-standing intractable problem in youth-serving organizations like the Boy Scouts of America.

We look forward to your response and cooperation.

Respectfully,

The Hon. Lamar Smith
United States House of Representatives
Chairman, House Judiciary Committee

The Hon. John Conyers
United States House of Representatives
Ranking Member, House Judiciary Committee

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March 22, 2012

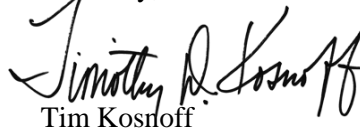
The Hon. Lamar Smith
United States House of Representatives
Chairman, House Judiciary Committee
2409 Rayburn House Office Building
Washington, DC 20515

Dear Rep. Smith,

I wanted to thank you for meeting with me and my colleague, Lee James, earlier this month. I appreciate your taking the time out of your busy schedule to hear about our casework involving the Boy Scouts of America. I am deeply appreciative your taking an interest in this subject and introducing us to your colleagues. My office will send you additional information on the BSA case files of alleged sex abusers, also known as the “ineligible volunteer files.”

In the meantime, I’m sending along to you a copy of a book published this past year, “The Sins of Brother Curtis,” by Lisa Davis, a veteran investigative reporter. This was a case of child sexual abuse by a Mormon elder, covered up by the church. I represented the victim and fought for five years before the case settled. It’s the case that launched me 16 years ago into this work of holding accountable sexual abusers and the organizations that protect them. The book is yours to read or share. As you can see, I’m passionate about using the law to protect children, as they so deserve to be protected.

Sincerely,


Tim Kosnoff

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The Hon. John Conyers, U.S. Representative
2426 Rayburn House Office Building
Washington, D.C. 20515

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Tim Kosnoff