Scouts Could Face Millions in Penalties

Santa Barbara Molestation Case to Open More Years of BSA Secret Files

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MOLESTATIONS: Boy Scouts of America (BSA) faces the prospect of paying millions of dollars in penalties, depending on the outcome of a molestation trial pending in Santa Barbara Superior Court.

Parents of a boy molested by an adult Santa Barbara volunteer in 2007 claim that BSA was negligent by secretly keeping thousands of so-called “perversion files” from the public, thereby failing to warn the public and parents of the danger of molestation.

As an example of the risks BSA faces in such trials, a Connecticut jury recently found BSA liable for $7 million in damages, reportedly the first such award in the northeast and the largest compensatory award in BSA history. The jury has yet to consider possible punitive damages, which could be far greater.

Barney Brantingham

The jury found that BSA acted recklessly and negligently in not protecting a boy from repeated molestation by a longtime troop leader, despite being aware of the risks due to the so-called secret “perversion files” from around the country over decades.

In 2010 another jury ordered the Scout organization to pay $18.5 million to an Oregon boy who had been abused, the largest punitive award on record to a single abuse plaintiff. The parties settled for an undisclosed amount after BSA agreed not to appeal.

Although BSA has long fought to keep the files of decades of molestation cases private, courts have in recent years been ordering them opened, available to attorneys seeking to show that they prove the BSA negligent in not warning the public and not educating parents to the dangers.

Last Friday, Santa Barbara Superior Court Judge Donna Geck ruled that attorneys for a former Scout could use the so-called “perversion files” covering 16 years of abuse allegations. Files from other years were already available.

BSA attorneys argued that they were irrelevant. In the 1920s, Scouts started collecting a file of molestation cases but kept them under lock and key and attempted to keep suspected molesters from the organization.

Not only did this tactic hide the risks of molestation from parents and the public, who as a result were shown a world where Scouts were led by “morally straight” adults, but many abuse cases were covered up.

The *Los Angeles Times* analyzed about 1,900 files from 1970-1991 and found that the Scouts often failed to report abuse cases to authorities and repeatedly covered up allegations to protect BSA’s reputation.

In the Santa Barbara case now pending, the lawsuit filed by attorney Tim Hale contends that a local Scout executive tried to persuade the boy’s mother from reporting the molestation to authorities. She insisted on doing so, however.

The boy, then 13, said Al Steven Stein, a frequent volunteer and 29 years old at the time, molested him at a Scout Christmas tree sale. The boy was there with his mother, and after Stein asked her to perform a task elsewhere on the lot, Stein pulled down his pants and touched his penis, according to court files.

There had been previous complaints about Stein’s behavior with children, none of which were apparently taken seriously, and he continued as a volunteer until then.

Stein pleaded no contest to felony child endangerment and was placed on probation. When he violated probation, he was sentenced to two years in prison but released early. At last report, he was living as a registered sex offender in Salinas.

My brother Bruce, our friends, and I enjoyed Scouting back in Chicago, walking miles at night to Scout meetings. Once, going through a tough neighborhood returning home, we were accosted and robbed by a gang.

Bruce and I, fastest of our group, took to our heels and avoided being robbed of the loose change in our pockets. It was a (somewhat) more innocent era, and our parents thought nothing of us walking late at night for miles through the dark South Side streets.

They knew the town, or so they thought. But they weren’t aware of the “perversion files” hidden by the Scouts, warnings that molestation lurked behind the proud banner of Scouting. To my knowledge, no one in our group was molested or heard of it going on in our Troop 743.

Recently, I came across a photo of Bruce and I wearing our Scout shirts, neckerchiefs held by wooden slides we’d carved, some sort of medal hanging from my shirt, and the bright numbers 743 proudly sewn on the sleeve.