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June 19, 2012

Dr. Thomas M. Kelly  
Head of School  
Horace Mann School  
231 West 246<sup>th</sup> Street  
Bronx, NY 10471

Dear Dr. Kelly:

I am writing you on behalf of Dr. Kathleen Howard whose son, Benjamin Balter, was sexually abused by Johannes Somary and later took his own life after years of torment and after Horace Mann ignored his and his mother's complaint about the abuse.

Benjamin Balter made a written complaint on September 29, 1993. (Attached) Benjamin's mother confronted Somary who admitted inappropriate behavior with her son and she was then summoned to the headmaster's office where the Headmaster, the school's lawyer, whose name she believes is Hess and several trustees of the school were present. The lawyer told Dr. Howard that without a tape recording of the abuse her son could not establish the abuse. We all know now that statement was false. In addition, Dr. Howard was led to believe that her position as a teacher at the school would be in jeopardy if she went any further with the complaint. On several occasions, Dr. Howard asked the headmaster if an investigation had been conducted to find out if other boys had been abused by Somary. She was told no other victims had been found.

The New York Times article exposing extensive sexual abuse at Horace Mann by Somary and other faculty has been another crushing blow to Dr. Howard.

As a teacher and a mother Dr. Howard asks that Horace Mann:

1. Accept responsibility for the harm to children in the care of the school.
2. Implement strong anti-abuse policies.

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3. Conduct a thorough investigation to find the victims of sexual abuse at the hands of faculty and staff of Horace Mann. Victims of such abuse are often reluctant for decades to speak about what happened to them.
4. Offer the victims the choice of therapy and/or the opportunity to file a claim with the school for the harm done to their life because of the sexual abuse at Horace Mann.
  - A. If the victim chooses to file a monetary claim, that claim will be submitted to a mediator to see if an accommodation can be made between the school and the victim.
  - B. If mediation fails, both sides shall submit the claim to binding arbitration.
  - C. Any victim submitting a claim to this process would agree to forego litigation in Court.
5. Establish a substantial fund to create and conduct an extensive public service and awareness campaign to urge the legislature and Governor to pass the Child Victims Act sponsored by Assemblywoman Margaret Markey to reform the statute of limitations in New York and provide victims of sexual abuse an opportunity to access the Courts for relief. Dr. Howard would ask that this fund be named the Benjamin Balter Fund after her late son.

I will await your reply. With the safety of children involved, time is of the essence.

Sincerely,

  
Michael G. Dowd

/jr