

REP. LARRY ROBERTS  
HB. 2669 -- EMOTIONAL DISTRESS BILL  
NOV. 12, 1996

THE CRASH TWO YEARS AGO OF FLIGHT  
427 IN PITTSBURGH DEVASTATED OUR  
COMMONWEALTH/WE LOST MANY FRIENDS  
AND NEIGHBORS IN THE ACCIDENT. SOME IN  
THIS ROOM HAVE LOST FAMILY/TIME IS SAID  
TO HEAL ALL WOUNDS, AND WHILE THIS MAY  
BE TRUE FOR MANY SURVIVORS, THE FAMILY  
OF BILL MENARCHECK CONTINUES TO

SUFFER. Bill WAS A VICTIM OF THE USAIR  
CRASH.

Bill's Family

THEY CAME TO ME EARLY THIS YEAR

WITH A STORY ILLUSTRATING HOW CRUEL

AND HURTFUL PEOPLE CAN ACT TOWARD ONE

ANOTHER.

AFTER BILL WAS KILLED IN THE PLANE

CRASH, HIS ESTRANGED WIFE SET OUT TO

HURT HIS FAMILY EVEN MORE BY KEEPING

FROM THEM IMPORTANT DETAILS OF BILL'S

DEATH, BURIAL AND MEMORIAL. WE HAVE

SINCE COME TO LEARN THAT "ESTRANGED

WIFE" IS DIFFICULT TO DEFINE LEGALLY.

PRIOR TO THE CRASH OF FLIGHT 427, BILL

HAD BEEN LIVING WITH HIS PARENTS. HE AND  
HIS WIFE HAD COMPLETED THEIR DIVORCE  
PROCEEDINGS AND WERE SEPARATED. THEIR  
DIVORCE WOULD HAVE BEEN FINAL JUST TWO  
WEEKS AFTER HIS DEATH.

THE MENARCHECKS KEPT THE  
HEARTBREAKING SITUATION IN THE FAMILY  
FOR AS LONG AS THEY COULD BEFORE  
TURNING TO THE COURTS AND THE  
LEGISLATURE FOR HELP.

IN RESPONSE TO THE MENARCHECK'S  
STORY AND SUBSEQUENT FAILURE IN COURT,

I HAVE DRAFTED THIS LEGISLATION TO HOLD  
PEOPLE LIABLE WHEN THEY PURPOSEFULLY  
CAUSE OTHERS SEVERE EMOTIONAL STRESS.

THE COURT OF COMMON PLEAS IN  
FAYETTE COUNTY THIS MARCH ~~DISMISSED~~  
THE MENARCHECK'S LAWSUIT AGAINST THEIR  
SON'S WIFE, WHO WAS THE PERPETRATOR OF  
THE UNKINDLY DEEDS. THE PRESIDING  
JUDGE SYMPATHIZES WITH THE FAMILY --  
EVEN STATING THAT IN HIS DECISION -- BUT  
SAYS -- AND I QUOTE -- THAT "EXTREME AND  
OUTRAGEOUS BEHAVIOR" -- UNQUOTE -- IS, AT

TIMES, PROTECTED. ~~THE~~ JUDGE STATES THAT

THE WIFE'S ACTIONS -- QUOTE -- "APPEAR TO

BE MORALLY REPUGNANT AND EVEN

HEARTLESS" -- UNQUOTE -- BUT THE LAW

ALLOWS HER TO EXERCISE HER LEGAL

RIGHTS. ~~HE~~ SAYS FURTHER THAT SHE MAY

HAVE A "MORAL DUTY" TO COOPERATE WITH

THE MENARCHECKS BUT NOT A LEGAL ONE.

IF IT IS THE LAW THAT GIVES SOMEONE

LICENSE TO PERPETRATE WHAT AMOUNTS TO

PSYCHOLOGICAL TORTURE, THEN LET'S

CHANGE THE LAW.

IF PASSED INTO LAW, MY BILL WOULD  
HOLD A PERSON LIABLE FOR DAMAGES WHEN  
THAT PERSON USES EXTREME AND  
OUTRAGEOUS CONDUCT TO INTENTIONALLY  
OR RECKLESSLY CAUSE ANOTHER SEVERE  
EMOTIONAL DISTRESS, THE AGGRESSOR  
ALSO COULD NOT USE AS A DEFENSE THE  
FACT THAT HE OR SHE IS DOING NO MORE  
THAN INSISTING UPON LEGAL RIGHTS.

I HAVE HEARD ARGUMENTS AGAINST MY  
MEASURE, BUT THEY HOLD LITTLE MERIT  
AGAINST THE TRAUMA THIS FAMILY HAS

SUFFERED.

I DON'T THINK IT'S UNFAIR TO SAY THAT  
BILL MENARCHECK'S MOTHER DIED NOT SO  
LONG AGO OF A BROKEN HEART. AFTER HER  
SON'S DEATH, SHE STOOD AT THE KITCHEN  
WINDOW MANY TIMES, WATCHING FOR BILL TO  
COME HOME. FOR HER, THERE WAS NO  
CLOSURE. WITHOUT CLOSURE, THE  
MENARCHECK FAMILY WILL CONTINUE TO  
SUFFER UNDULY.

HOW CAN WE TURN AWAY FROM THIS  
FAMILY AND THE MANY OTHERS WHO MAY

FACE SIMILAR SITUATIONS WITHOUT

PROTECTION FROM THE LAW?

IT IS A DIFFICULT ISSUE ~~BUT~~ ONE THAT

MUST BE ADDRESSED. YOU HAVE GONE SO

FAR AS TO GIVE MY BILL A PUBLIC HEARING,

AND FOR THAT, I AM GREATLY APPRECIATIVE.

I ASK YOU NOW TO MOVE IT OUT OF

COMMITTEE AND ALLOW IT TO BE

CONSIDERED BY THE FULL HOUSE AND

SENATE.

MEMBERS OF THE MENARCHECK FAMILY

ARE HERE TODAY, AND I EXPECT YOU WILL



HEAR ABOUT THE ATROCITIES WITH WHICH  
THEY HAVE HAD TO DEAL / AS YOU LISTEN TO  
THEIR TESTIMONY / PLEASE GIVE SOME  
THOUGHT TO HOW YOU WOULD FEEL IF YOU  
WERE IN THEIR PLACE.

IN CLOSING, I WOULD LIKE TO ASK THAT  
YOU MOVE THIS BILL FORWARD WITHOUT  
DELAY.

THANK YOU.