

It was the Maine political legend Margaret Chase Smith who said, "the right way is not always the popular and easy way. Standing for right when it is unpopular is a true test of moral character." Smith was right when she said those words. As we look around to any news source, we can see fewer and fewer people doing the right thing. The task that this Committee is about to take, that is, abolishing the statute of limitations for child sexual assault, is a change that is long overdue. You are speaking for justice through your vote today. Every vote in favor of this vote rings the bell for justice in the long-term. It must be done, and I congratulate Senator Baldacci for sponsoring this bill, and congratulate all of you who will do the right thing and pass this bill, send it to the floor, and then onto Blaine House for the Governor's signature.

There are many things that individuals who are fortunate enough not to be victims of abuse do not, and cannot, fully understand. Among them are how long it takes to process the trauma of child sexual assault. The average age at which victims come forward is approximately 52 years of age. I can tell you that after my assault, as a child, I revealed it to no one - I kept my silence for decades, and indeed, coming forward was nothing short of terrifying. My abuser happened to be the highest profile Catholic cleric in the United States, the former Cardinal, the former priest Theodore McCarrick. His rank, his clout, however, make what happened to me no more vicious, no more volatile than what every victim suffers through. A crime is a crime, a child rapist is a child rapist, and let me assure you: the rate of recidivism, pegged at 20% after a person first commits this act, and 40% after fifteen years have passed, demonstrate why this bill is so necessary. A person who commits child sexual assault doesn't stop after the first victim; in fact, they are emboldened, they realize victims don't come forward, and they keep adding souls to their collection. The vote you take today to pass this bill out of committee and send it to the floor is a message from the people of Maine: not in our state, not any longer.

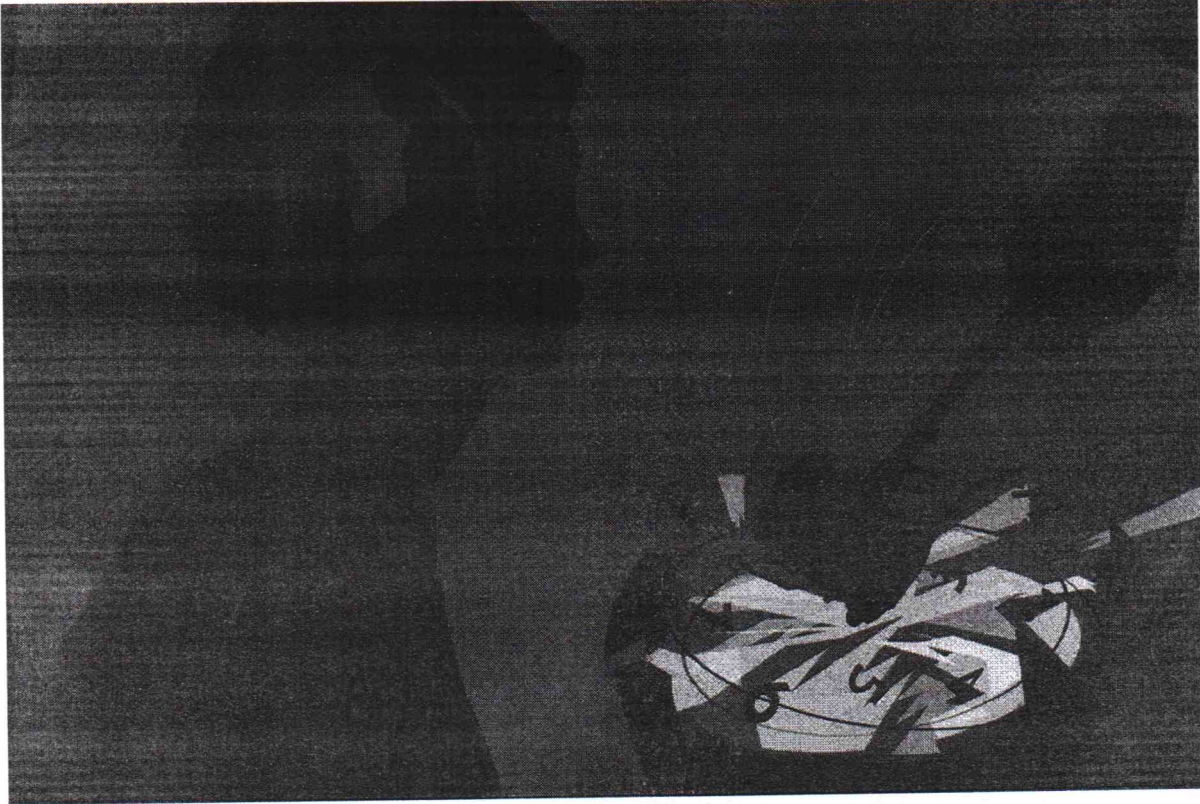
A graduate of the University of New Brunswick in Fredericton, I have a special affinity for Maine, and have spent a great deal of time in the state coming to know the state's natural beauty and its wonderful people, filled with the Maritime magnanimity. It is the people and the unique culture of Maine that make it such a wonderful place. Those people must be protected by this body, and with a vote in favor of this legislation, you are doing just that, and I thank you.

From a clerical abuse perspective, I can tell you that the late Bernard Law, deceased Archbishop of Boston, thought that the rural parts of Maine, from Lincoln to Machias and everywhere in between, were perfect places to house his "problem priests." The state's rural landscape, especially in winter, devoid of people skulking about, coupled with the intense Catholic culture that defines downeast Acadia, made Maine the perfect place for pedophile

priests to be hidden. Once non-clerical actors were able to determine the priests were safe, they began to think they were, as well. The steps that you will take today, on the way to this bill becoming law, are a game changer for a region that is often slow to change, but highly proactive, compassionate, and competent when it does. Dirigo, the state's motto, is appropriate to reflect on today. Today, Maine leads. Today, Maine directs. Today, dirigo is more than a motto, it is an action. I will be with you every step of the way as this action moves forward. I know first-hand how important this work is. You must send this bill to the Governor for signature. In doing so, you are protecting Maine, setting a standard, and sending a message that must be sent. This is what Margaret Chase Smith expected from Mainers; let us all resolve to live up to her standards today.

Statutes of limitations for sex crimes further punish survivors. It's time to end them.

Rachel Korberg : 5-6 minutes : 2/4/2022



(Ann Kiernan for The Washington Post)

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Rachel Korberg is executive director of the Families and Workers Fund, president of the board at the Stonewall Community Foundation and a sexual abuse survivor.

He was the teacher at my high school everyone had a crush on: handsome, just a smidge too playful. He first approached me when I was 17 and standing in line for a roller coaster on a school field trip. Soon after, he asked me to come to his apartment, initiating several months of sexual contact.

As a teenager, I thought of this teacher as my boyfriend, even when his behavior got creepy, even when he said I shouldn't tell anyone because it would threaten my career dreams. A permissive school environment contributed to my confusion. He told me that one of his colleagues referred to me as his "girlfriend," and that he and other teachers talked about which students they would like to have sex with.

By my mid-20s, I no longer believed the teacher had been my boyfriend, but I blamed myself for having made "bad choices." In my 30s, during a visit home to Pennsylvania, my teenage stepsister complained about a "creepy teacher" who she said had been sleeping with current and former students. I felt time slip into slow

motion and my body chill. I asked who the teacher was. She named the same man who'd taken advantage of me 15 years earlier.

The shame I'd long felt was overpowered by rage that he was victimizing other girls. I immediately reported him to the school district. But the prosecutor eventually assigned to the case informed me that the statute of limitations had long expired. To pursue institutional sexual assault charges — the Pennsylvania law criminalizing any sexual relationship between a teacher and a student — legal proceedings had to begin within two years of the crime when I reported.

Legally barring survivors like me from pursuing justice because we're "too slow" to report is nothing less than institutionalized victim blaming. Statutes of limitations make it easier for abusers to continue to exploit their power by simply beating the clock.

Survivors have good reasons to delay reporting, such as being manipulated or feeling afraid of their perpetrator or the criminal justice system. Yet only seven states have eliminated the statute of limitations for all felony sex crimes.

A common argument in favor of statutes of limitations is that evidence becomes less reliable over time. But courts already weigh this, regularly deciding what evidence is or isn't admissible even when crimes are reported immediately. Furthermore, it's a myth that all delayed-reporting cases lack reliable evidence. In my case, there were message exchanges, a corroborating witness and a second student willing to testify about the teacher's attempted sexual advances against her. My perpetrator's lawyer even freely acknowledged in court that his client had "had sex" with me when I was a minor.

Because the statute of limitations ruled out trying my abuser for the sex crime, prosecutors had to pursue lesser charges (corruption of minors). The case recently concluded in a deal in which the defendant pleaded guilty to harassment, was put on probation, had to permanently surrender his teaching license and was referred to sex offender therapy.

That my perpetrator faced any accountability and was provided treatment is far from the norm. Although someone in the United States experiences sexual misconduct approximately every 70 seconds, less than a third of survivors report. It's easy to understand why: My report initiated a miserable 2½-year legal process that culminated in the defense attorney slut-shaming me on the witness stand.

Survivors seeking justice must navigate a gantlet. On top of the abuse itself, for many, there are also threats to one's physical safety and emotional well-being, blaming and shaming, and the intersecting affronts of racism, transphobia, ableism or anti-immigrant bias. Statutes of limitations are an unnecessary, government-imposed barrier that makes achieving justice needlessly harder.

States can correct this by ending statutes of limitations for all felony sex crimes. Two bills introduced in the Senate with bipartisan support — the No Time Limit for Justice Act and the Eliminating Limits to Justice for Child Sex Abuse Victims Act — could help by providing states with incentives to end criminal statutes of limitations for child sexual abuse and by removing the statute of limitations for federal civil cases raised by survivors of such abuse. These changes could go a long way toward encouraging survivors to come forward and making society safer.

Although the prosecutor in my case could pursue only reduced charges, our plea deal makes it much less likely that my perpetrator will ever again be able to prey on girls from a position of power at the front of a classroom.

And, in another positive, if incomplete, development, Pennsylvania recently ended its criminal statute of limitations for felony sex crimes committed against minors. The reform offers nothing for past survivors such as me, but future survivors can now be assured that such limitations will not stand in their way.

The final nail in the ACLU's coffin

Alan M. Dershowitz, opinion contributor : 6-8 minutes : 6/11/2018

The director of the American Civil Liberties Union has now acknowledged what should have been obvious to everybody over the past several years: The ACLU is no longer a neutral defender of everyone's civil liberties. It has morphed into a hyper-partisan, hard-left political advocacy group. The final nail in its coffin was the announcement that, for the first time in its history, the ACLU would become involved in partisan electoral politics, supporting candidates, referenda and other agenda-driven political goals.

The headline in the June 8 edition of the New Yorker tells it all: "The ACLU is getting involved in elections — and reinventing itself for the Trump era." The article continues: "In this midterm year, however, as progressive groups have mushroomed and grown more active, and as liberal billionaires such as Howard Schultz and Tom Steyer have begun to imagine themselves as political heroes and eye presidential runs, the ACLU, itself newly flush, has begun to move in step with the times. For the first time in its history, the ACLU is taking an active role in elections. The group has plans to spend more than 25 million dollars on races and ballot initiatives by Election Day, in November."

Since its establishment nearly 100 years ago, the ACLU has been, in the words of the New Yorker, "fastidiously nonpartisan, so prudish about any alliance with any political power that its leadership, in the 1980s and 90s, declined even to give awards to likeminded legislators for fear that it might give the wrong impression." I know, because I served on its national board in the early days of my own career.

In those days, the board consisted of individuals who were deeply committed to core civil liberties, especially freedom of speech, opposition to prosecutorial overreach and political equality. Its board members included Republicans and Democrats, conservatives and liberals, right wingers and left wingers, all of whom supported neutral civil liberties. The key test in those days was what I have come to call "the shoe on the other foot" test: Would you vote the same way if the shoe were on the other foot, that is, if the party labels were switched?

Today, the ACLU wears only one shoe, and it is on its left foot. Its color is blue. The only dispute is whether it supports the progressive wing of the Democratic Party or its more centrist wing. There is little doubt that most board members today support the progressive wing, though some think that even that wing is not sufficiently left. There is no longer any room in the ACLU for true conservatives who are deeply committed to neutral civil liberties. The litmus test is support for hard-left policies.

To be sure, the ACLU will still occasionally take a high profile case involving a Nazi or Klan member who has been denied freedom of speech, though there are now some on the board who would oppose supporting such right-wing extremists. But the core mission of the ACLU — and its financial priority — is to promote its left-wing agenda in litigation, in public commentary and, now, in elections. If you want to know the reason for this shift, just follow the money. ACLU contributors, including some of its most generous contributors, are strong anti-Trump zealots who believe that the end (getting rid of Trump) justifies any means (including denying Trump and his associates core civil liberties and due process).

Anthony Romero, the current radical leftist who directs the ACLU, refers to those of us who favor the ACLU traditional mission as “the old guard.” The leading critic of the ACLU’s newfound partisan mission is Romero’s predecessor, Ira Glasser, who was the executive director of the ACLU from 1978 until 2001. Glasser believes that this transformation in the way the ACLU has operated since 1920 “has the capacity to destroy the organization as it has always existed.”

Glasser points out that some of the greatest violations of civil liberties throughout history have come from “progressive politicians, such as President Franklin D. Roosevelt who interned 110,000 Japanese-American citizens.” He worries, and I worry, that when the ACLU supports parties and partisan agendas, it will become less willing to criticize those it has supported when they violate civil liberties.

The presidency of Donald Trump has introduced a new dynamic. Trump himself has denied fundamental civil liberties by his immigration policies, his attitude and actions regarding the press, and his calls for criminal investigations of his political enemies. The ACLU will criticize those actions, as it should. But the president has also pushed the ACLU further to the left and into partisan politics. Trump is so despised by ACLU contributors that they have increased their contributions, but also demand the ACLU be on the forefront of ending his presidency, either through impeachment, criminal prosecution or electoral defeat.

The move of the ACLU to the far left reflects an even more dangerous and more general trend in the United States: The right is moving further right, the left is moving further left, and the center is shrinking. The center-left is losing its influence in organizations like the ACLU, and the center-right is losing its influence in conservative organizations.

America has always thrived at the center and has always suffered when extremes gain power. The ACLU's move from neutral protector of civil liberties to partisan advocate of liberal politics is both a symptom and consequence of this change. If America is to remain strong, its major institutions must move closer to the center and reject the extremes of both sides. If the ACLU does not return to its core values, a new organization must be created to champion those values.

Alan M. Dershowitz is the Felix Frankfurter Professor of Law, Emeritus, at Harvard Law School. He is the author of “Trumped Up: How Criminalizing Politics is Dangerous to Democracy” and “The Case Against BDS: Why Singling Out Israel for Boycott is Anti-Semitic and Anti-Peace.” You can follow him on Twitter @AlanDersh and on Facebook @AlanMDershowitz.

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The ACLU Loses Its Way

COMMENTARY The Constitution

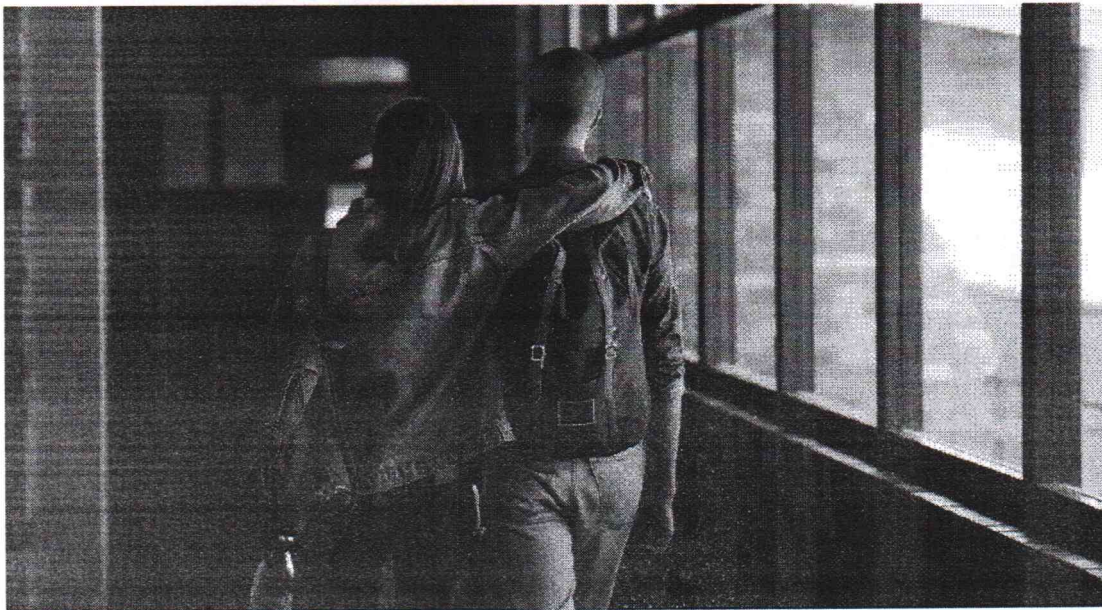
May 19, 2020

3 min read

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In one case, after two college students got drunk and had sex, one rushed to report the other to the school because he was worried that she would report him first. Klaus Vedfelt/Getty Images

Key Takeaways

The ACLU's commitment to the Constitution defied politics, and it defended even the most unpopular people if its unshakable principles demanded it.

The ACLU has—to its credit—vexed both sides of the political aisle because it refused to compromise the principles of its “civil libertarianism.”

Sadly, that is no longer the case. In recent years, the group has retreated from its principles when they clash with trendy left-wing priorities.

The American Civil Liberties Union used to be a great institution.

Founded in January 1920, the ACLU sought to become, in its own words, “the nation's premier defender of the rights enshrined in the U.S. Constitution.” Over the decades, the organization fought for civil

liberties even when no one else would.

The ACLU fought against the internment of Japanese Americans during World War II. It fought against racial segregation. And it fought for the free-speech rights of students protesting the Vietnam War.

The ACLU's commitment to the Constitution defied politics, and it defended even the most unpopular people if its unshakable principles demanded it.

For example, the American Civil Liberties Union defended the First Amendment rights of a Ku Klux Klan leader, a group of Nazis, and members of the notorious Westboro Baptist Church because of its "unwavering commitment to principle."

Over its 100-year history, the ACLU has—to its credit—vexed both sides of the political aisle because it refused to compromise the principles of its "civil libertarianism."

Sadly, that is no longer the case. In recent years, the group has retreated from its principles when they clash with trendy left-wing priorities.

By now, the ACLU's retreat from the First Amendment is well documented. It will not defend the First Amendment rights of pro-life pregnancy centers or small religious businesses. It no longer defends religious freedom, although it once did. And in a leaked internal memo, the ACLU takes the position that free speech denigrating "marginalized groups" should not be defended.

Sadder yet, however, is the ACLU's recent abandonment of the right to due process. For a group founded to help the powerless, this is a repudiation of its founding ideals.

Consider the new Title IX rules designed to restore the due process rights of those accused of sexual harassment on college campuses. The rules are meant to restore protections that were erased under the Obama regime.

Under the old rules (which remain in effect until August), colleges may expel students based on nothing more than the word of their accuser or even the word of a third party who witnessed nothing. The accused often is denied the right to cross examine, the right to counsel, the right to see the evidence against him or her, and the right to present exculpatory evidence.

It's so bad that in one case, after two students got drunk and had sex, one of them rushed to report his sexual partner to the Title IX officer simply because he was worried that she would report him first. Because he got there first, she was found guilty of sexual assault and suspended.

The new rules restore some due process protections. The American Civil Liberties Union should be happy. In fact, the ACLU ought to have been fighting for them.

After all, it was only two years ago that the ACLU opposed a victims' rights bill because it would "undermin[e] a bedrock principle of our legal system—the presumption of innocence."

Instead, the ACLU is suing to block the new rules. It claims that they “dramatically undermine students’ civil rights.”

The ACLU’s logic is as backward as are its priorities.

The organization says it is concerned that the new rules—in particular a requirement that victims report assaults to a Title IX official before an investigation may begin—would “inflict significant harm on students who experience sexual harassment or assault.”

The lawsuit does not clearly explain why that is so, but asserts that the new rules would interfere with students’ right to “equal educational opportunities” especially for students of color, LGBTQ students, and other minority groups.

Never mind that under the old rules, men of color are accused and suspended or expelled with alarming frequency.

There is no way for the ACLU to explain its decision to fight against due process, except that it has abandoned its principles to advance the trendy partisan agenda of the day.

If the American Civil Liberties Union means to become a litigation boutique for such causes, so be it. But it should be prepared to surrender the goodwill that its long and storied history of integrity has earned it.

This piece originally appeared in The Daily Signal

John Bellocchio
Renew Our Church
LD 1790

Dear Members of the Judiciary Committee:

Thank you for hearing my testimony today in support of the elimination of the Statute of Limitations for sexual assault of minors in the State of Maine. I urge you to draw your attention to the attached, which has also been uploaded to the Committee's portal at the request of the Chair.

Let me begin by plainly stating this fact: I am not now nor have I ever been a member of any political party, and I do not view the sexual assault of minors as a political issue; I hope you do not either. For many years, the ACLU has campaigned against survivors of sexual assault. To counter their argument, which has not been successful in a single state where such a bill has been considered, please see the attached, especially the highlighted sections.

Rachel Korberg, a noted advocate for victims of child sexual assault states clearly, "...a common argument in favor of statutes of limitations is that evidence becomes less reliable over time. But courts already weigh this, regularly deciding what evidence is or isn't admissible even when crimes are reported immediately...furthermore, it is a myth that all delayed-reporting cases lack reliable evidence...states must correct this by ending statutes of limitations for all felony sex crimes."

Alan Dershowitz, with whom I profoundly disagree on many topics, states that "the ACLU is no longer a neutral defender of everyone's civil liberties; it has morphed into a hyper-partisan, hard-left political advocacy group." I need this Committee to understand that the ACLU is interested in a hypothetical law school scenario where a professor asks, "what could happen when the statute of limitations is removed?" Victims, myself included, don't have the luxury of wondering, we don't have the luxury of hypotheticals. For decades, the ACLU stood with civil liberties across the spectrum, from the Stonewall Group to the Klan. They have now taken that aggressive, ridiculous stance against victims in the most aggressive way possible, and it is incumbent upon you to ignore it. We're not talking about hypotheticals, we're talking about lives.

Remember that the ACLU opposed several victims' rights bills because, from their perspective, such bills infringe upon the rights of the accused - their supposed but non-existent "right" to commit a crime, run out the clock, and do it again. This is insanity. The old guard ACLU that stood for civil rights was a reputable and highly competent organization. Their desire to turn legislatures and courtrooms into hypotheticals and ivory tower nonsense is going to get children raped, and maybe killed.

It is incumbent upon you to ignore the ACLU because your constituents who are living with this trauma are living in a reality, not a fourth dimension created by a law school ethics professor. Another great New Englander, Calvin Coolidge, created the self-named doctrine which states, "there is no right to strike against the public safety anywhere, at any time, by any person." He used the doctrine to force the Boston Police Union back to work - but if you fail to pass this bill this session, you will be striking against the public safety. Of that, there can be no question.

Members: pass this bill this Legislative session without hesitation. You've heard the rate of recidivism. Every moment you wait, you are risking the life of another child. For those of you with children, grandchildren, nieces, nephews - would you excuse their child rape due to an ACLU hypothetical? Good God, I hope not. Do the right thing. Let's get this done, and done right now.

I am available to every member for any questions you may have.

John Bellocchio

*ATTACHED documents include:

Copy of my testimony.

Washington Post article.

Heritage Foundation statement.

Editorial by Dershowitz featured in The Hill