

The testimony below was submitted in 2022 in support of LD-1999, and is now resubmitted in support of LD-2210 An Act to Establish a Civil Rights Unit and a Civil Rights Review Panel Within the Office of the Attorney General and Require Ongoing Enhanced Civil Rights Training for Civil Rights Officers.

My name is Nathan Kempthorne, and I am submitting the following testimony in support of LD-1999 *An Act To Require Civil Rights Officers at Law Enforcement Agencies*.

My family experienced extreme racial discrimination in Maine, and ultimately left the state for our safety. I believe this bill is an important step toward creating an intake pathway for civil rights complaints to be submitted at the local level. I also submit that the civil rights officers should be vocal about their role in the community, and there should be public outreach to marginalized communities throughout the state to make sure they understand their rights and how to submit a complaint.

I am submitting multiple internal emails (collected via FOAA) from the office of the Attorney General that demonstrate the Washington County Sheriff's Office and the Machias Police Department did not have trained civil rights officers on staff when my family would have needed them. Additionally, the OAG emails indicate this was "essentially a violation of state law," and infers this is an issue throughout the state.

It should be noted that since 2019 ensuring law enforcement agencies have trained civil rights officers has been the responsibility of chief law enforcement officer, Attorney General Aaron Frey, and for the prior eleven years the former Attorney General Janet Mills.

For 21 years - since 2001 – this has also been the direct responsibility of the current Chief of Financial Crimes and Civil Rights, AAG Leanne Robbin. https://www.maine.gov/ag/about/division_chief_bios.shtml?id=95215 She has failed miserably, and the civil rights of marginalized people in the state of Maine have never been safe under her watch. She has made every effort to do the bare minimum, and the statistics demonstrate the effect.

Please note that these emails are the position of the Office of the Attorney General and are riddled with self-serving inaccuracies meant to defend their inaction:

- The date the AG became aware of the complaint was days earlier.
- The AG's office did not investigate anything (see emails below).
- The AG's office noted my family's reasons for not reporting to the local police, Washington County Sheriff's office and the District Attorney's office due to concerns of racial bias and did nothing.
- The AG's office never took our complaint seriously, and internal emails demonstrate the Chief of Civil Rights AAG openly mocking my family to her detective, and the Attorney General forgetting multiple times to respond for months even though he was routinely asked for a response by both my family and formally by a delegation of Washington County legislators.
- The OAG refused to help us because we didn't file a complaint with a non-existent entity.
- The one fact AG Aaron Frey did get correct was that it was over 159 days from the time a complaint was submitted to his office to the date anyone in the Maine State law enforcement community (AAG Leanne Robbin and Detective Marge Berkovich) ever asked my wife a direct question about what happened to her.
- At no point did Attorney General Frey or Civil Rights AAG Leanne Robbin direct my family to report to a trained civil rights officer or to local or state law enforcement, nor did they refer our case to law enforcement for action.
- Following that Zoom call, Civil Rights AAG Leanne Robbin then went on to continue to mock us to her staff in official emails, belittle our losses and demonstrate a complete bias for the school.

I submit Maine not only needs this law, it needs a new team with empathy implement this important legislation.

I will let the AG's office and the legislator's words below stand on their own, and strongly urge that this bill OUGHT TO PASS, and that follow-on legislation should ensure enforcement of this law.

August 14, 2020

Attorney General Aaron Frey
6 State House Station
Augusta, ME 04333

Commissioner Pender Makin
23 State House Station
Augusta, ME 04333

Attorney General Frey/Commissioner Makin:

The Washington County Legislative Delegation is writing today to request a formal investigation into allegations of racism and bullying at Washington Academy in East Machias made by one of our constituents, Mr. Nathan Kempthorne.

We believe the claims made by Mr. Kempthorne are horrifying, unacceptable and must be fully and openly investigated by your offices along with the Maine Human Rights Commission to allow our community, the school, students, and their families to move forward. We believe it is critical those who have experienced racial discrimination have an opportunity to be heard and given the opportunity to air their grievances without fear of repercussion. The severity and nature of these allegations must be fully explored in the name of justice and equality under the law.

Racism, abuse, and bullying have no place in our society, much less our K-12 educational system; not in Maine; not in Washington County; nor in Washington Academy. Such behavior is unacceptable and must be investigated and prosecuted to the fullest extent of the law if we are going to turn a corner – especially where minors are involved.

We also have faith in your offices to conduct a fair, open, and thorough investigation working with the Human Rights Commission, students, staff, and families affected by these alarming and disturbing allegations. While it is not customary for legislators to ask for such action, we want to reiterate again that even the suggestion of this kind of behavior is disgusting and unacceptable. We have no other alternative but to get to the bottom of it.

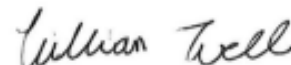
For your convenience, we have attached a copy of materials Mr. Kempthorne has sent to us so you can pursue this matter further and address these allegations with the gravity and magnitude they deserve.

In **closing**, thank you for your attention and care to this request. Please treat it with the seriousness and gravity it deserves.

Sincerely,



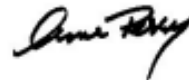
Senator Marianne Moore



Representative Will Tuell



Representative Robert Alley



Representative Anne Perry



Representative Rena Newell

FOIA 2022-08 000633



January 20, 2021

Attorney General Frey:

The undersigned members of the Washington County Legislative Delegation are writing to ask you for a formal update on your findings into allegations of racism at Washington Academy in East Machias. We believe these allegations are grave and that your office should formally detail to us, and those making them, your findings along with any recommendations you may have to ensure the civil rights of students, staff, and faculty at Washington Academy.

As you know, we formally requested an investigation into these matters last August. In October, your office informed us that findings and recommendations would be forthcoming within a matter of weeks.

We are troubled that no such report has been issued and no such recommendations have been made. We are also deeply concerned that an investigation has not taken place, or that the results of such an investigation have not been fully conveyed to those making the allegations.

We would ask you to do so in a timely manner so that all parties involved can move forward and begin the process of taking appropriate next steps, as we know you take allegations of civil rights violations and racist behavior very seriously.

Sincerely,

A handwritten signature in blue ink that reads "Marianne Moore".

Senator Marianne Moore

A handwritten signature in black ink that reads "William Tuell".

Representative William Tuell

A handwritten signature in black ink that reads "Anne Perry".

Representative Anne Perry

A handwritten signature in black ink that reads "Robert W. Alley Sr.".

Representative Robert Alley

A handwritten signature in black ink that is stylized and difficult to read, but appears to be "Rena Newell".

Representative Rena Newell

The below email was a draft response that AAG Taub created for the Washington Academy Delegation, 283 days after they formally requested an investigation. Note that no civil rights officers existed when we needed them. Per FOAA, this letter remained in draft form and was never sent.

From: [Taub, Christopher C](#)
To: [Robbin, Leanne; Baldwin, Brandon](#)
Subject: Washington Academy
Date: Monday, May 24, 2021 5:05:32 PM
Attachments: [Letter re Washington Academy.docx](#)

The AG asked me to draft a letter to the Washington County **delegation**. Attached is a draft. Can you let me know if you have any suggestions, edits, corrections, etc? And if you have any ideas for a couple of closing sentences, let me know!

-Chris

May __, 2021

Senator Marianne Moore
[Address]

Representative Will Tuell
[Address]

Representative Robert Alley
[Address]

Representative Anne Perry
[Address]

Representative Rena Newell
[Address]

Re: Washington Academy

Dear Senator Moore and Representatives Tuell, Alley, Perry, and Newell:

I am writing to provide you with information regarding my office's response to allegations of racial discrimination, harassment and bullying at Washington Academy ("WA") in East Machias.

I first learned of potential issues at WA on August 5, 2020, when I received correspondence from Nathan Kempthorne. Mr. Kempthorne's older daughter graduated from WA in 2018, and his younger daughter was, at the time, a senior at WA. Mr. Kempthorne's wife, Esther, is a naturalized citizen who emigrated from Mexico and was, at the time, a Spanish teacher at WA.

Mr. Kempthorne alleged various disturbing incidents of racist and anti-immigrant conduct at WA. He stated that minority students were subjected to racial slurs and discrimination. He described taunting of individuals participating in a Black Lives Matter demonstration. Mr. Kempthorne stated that his younger daughter had been bullied and harassed online for having supported the Black Lives Matter movement and that his older daughter had been the subject of racist taunts and slurs. He described an incident in March 2020 in which Ms. Kempthorne found a noose in her classroom. Ms. Kempthorne did not immediately report this incident because she was not aware of the possible significance of the noose until June 20, 2020, when a noose was reported in Deer Isle. Mr. Kempthorne alleged that the WA administration was failing to properly address what he viewed as systemic racism at WA. He also alleged that the administration at WA had blocked establishment of a student-run Civil Rights Team.¹ Mr. Kempthorne asked me to look into his allegations. You – the Washington County delegation – asked me to do the same.

The day after receiving Mr. Kempthorne's letter, the Director of our Civil Rights Team Project, Brandon Baldwin, contacted Mr. Kempthorne directly regarding the lack of a Civil Rights Team at WA. Subsequently, Mr. Baldwin reached out to members of the WA community

¹ Mr. Kempthorne also stated that in 227 years, only one student of color graduated as valedictorian and that of the more than 80 WA staff members, only two were persons of color.

Justice Academy. To our knowledge, the Machias Police Department still lacks a civil rights officer, although the agency has had such officers in the past.

Mr. Kempthorne's allegations of racial bias and harassment at WA are certainly concerning. In the absence of conduct constituting a violation of the MCRA, though, my office has limited authority. As noted above, while we explored bringing a MCRA action here, we ultimately concluded that the available evidence would not support it. Another tool we have is to promote the creation of Civil Rights Teams at schools, and we have found that these Teams are very successful in promoting tolerance and curbing bias-based harassment, bullying, and discrimination. We are hopeful that WA's newly established Civil Rights Team will achieve similar success.

Finally, you should be aware that there are other governmental entities that may be able to investigate and address allegations of bias-based conduct. Complaints may be filed with the Maine Human Rights Act (<http://www.maine.gov/mhrc/home>) or with the United States Department of Education's Office for Civil Rights (<https://www2.ed.gov/about/offices/list/ocr/index.html>).

Thank you for bringing the issues to our attention. The efforts of the Kempthorne family have resulted in an internal review by the school, the creation of a civil rights team, the designation of a civil rights officer at the Sheriff's Office and increased community awareness of the harms caused by racist speech. These are important steps to ensuring that all students feel safe at school, regardless of their race or ethnicity. My office remains committed to promoting education of civil rights issues through the Civil Rights Teams Project and to protecting all Maine citizens through our enforcement of the Maine Civil Rights Act. Please feel free to contact me with any questions or concerns.

On January 11, 2021, Assistant Attorney General Leanne Robbin and Detective Margie Berkovich met with Esther and Nathan Kempthorne on zoom. Leanne and Margie are assigned to the enforcement of the Maine Civil Rights Act, which authorizes my office to bring a civil action to enjoin the use or threat of physical force or violence against a person motivated by bias against the person's race, color, religion, sex, ancestry, national origin, physical or mental disability or sexual orientation. Prior to their meeting, Leanne and Margie had reviewed all the correspondence from the Kempthorne family and had concluded that the only possible actionable conduct under the statute was the alleged display of a noose in Esther's classroom. Esther indicated that she saw the noose in the first week of March 2020, but she had not realized its significance until June 2020, when the press reported about the display of a noose in Deer Isle. Esther described the noose as two inches long and located on the end of the string that operated the old blinds on her classroom window. She reported that the noose had not been there when she opened the blinds in the morning but was present when she closed them at the end of the day. She did not know who might have looped the string into a noose shape or whether that person intended the shape to be a threat, because students had been in and out of the classroom all day. Leanne and Margie concluded that they would not be able to gather evidence to identify who tied the string or to determine whether it was intended as a threat based on Esther's national origin.

At the time of the meeting, neither of the local law enforcement agencies with jurisdiction over Washington Academy had dedicated civil rights officers on their staffs trained to identify and refer cases to our office under the Civil Rights Act. Since the meeting, the Washington County Sheriff's Office has assigned a civil rights officer who has now completed the civil rights training at the Maine Criminal Justice Academy. To our knowledge, the Machias Police Department still lacks a civil rights officer, although the agency has had such officers in the past.

By the time of the zoom meeting, Washington Academy had established a student civil rights team under the Attorney General's Civil Rights Teams Project. The mission of the team is to increase the safety of all students by reducing bias-motivated behaviors and harassment.

Note: In this email Civil Rights AAG Leanne Robbin admits her office could have called the local and state law enforcement agencies to “prod or back up” their efforts, but she never did in our case. As a matter of fact, she never actually recommended we report anything to law enforcement, even in our Zoom meeting 159 later.

From: Robbin, Leanne <Leanne.Robbin@maine.gov>

Sent: Monday, January 11, 2021 4:11 PM

To: Malon, Marc <Marc.Malon@maine.gov>; Frey, Aaron <Aaron.Frey@maine.gov>; MacMaster, Brian <Brian.MacMaster@maine.gov>; Forster, Sarah <Sarah.Forster@maine.gov>; Taub, Christopher C <Christopher.C.Taub@maine.gov>

Cc: Berkovich, Margie <Margie.Berkovich@maine.gov>

Subject: RE: Racist noose incident at Washington Academy

Marc and Aaron:

Margie Berkovich and I just got off a nearly two-hour zoom call with Esther and Nathan Kempthorne. We did a lot of active listening, but ultimately advised them that the allegations to date do not support the elements of a violation under the Maine Civil Rights Act. It turns out that the “noose” in Esther’s classroom was two inches long and located on the end of the string that operated the old blinds on her classroom window. She reported that the “noose” was not there when she opened the blinds in the morning but appeared when she closed them at the end of the day, after students had been coming in and out of the classroom. They understood that we would not be able to gather evidence to show whether it was an intentional noose rather than a loop at the end of the string, who made the loop and whether it was intended as a threat based on Esther’s national origin. I commended them on the actions being taken by Washington Academy (diversity training, the establishment of a civil rights team, the internal investigation). Esther no longer teaches at the school and her daughters have both graduated. I did advise them to report any future bias-based threats or conduct to local law enforcement and to shoot an email to us on their report, so we can either prod or back up the local agency’s efforts.

I learned from Marge during the call that the Washington County SO and Machias PD do not currently have trained civil rights officers and that no one from those agencies attended Margie’s recent civil rights officer training. She has another zoom training for civil rights officers scheduled for February, and part of the AG’s action plan could be to encourage those local agencies to attend in order to comply with MCJA policies. We also assured them that although Arnold Clarke is on the Human Rights Commission (and allegedly has connections to Washington Academy), that should not prevent the Kempthornes from filing a complaint with the Commission (explaining about ethical and

FOAA 000522

conflict of interest rules). We also mentioned that they could file a complaint with the Office for Civil Rights with the US Dept of Education and we will forward the contact information to them (although I assume that has already been done).

I’m be happy to review or assist in drafting any letter that Aaron plans to issue to provide closure in this matter.

Leanne

Leanne Robbin

Assistant Attorney General

Criminal Division

Office of Attorney General

Six State House Station

Augusta, Maine 04333

From: Robbin, Leanne <Leanne.Robbin@maine.gov>

Sent: Monday, January 11, 2021 4:11 PM

To: Malon, Marc <Marc.Malon@maine.gov>; Frey, Aaron <Aaron.Frey@maine.gov>; MacMaster, Brian <Brian.MacMaster@maine.gov>; Forster, Sarah <Sarah.Forster@maine.gov>; Taub, Christopher C <Christopher.C.Taub@maine.gov>

Cc: Berkovich, Margie <Margie.Berkovich@maine.gov>

Subject: RE: Racist noose incident at Washington Academy

Marc and Aaron:

Margie Berkovich and I just got off a nearly two-hour zoom call with Esther and Nathan Kempthorne. We did a lot of active listening, but ultimately advised them that the allegations to date do not support the elements of a violation under the Maine Civil Rights Act. It turns out that the "noose" in Esther's classroom was two inches long and located on the end of the string that operated the old blinds on her classroom window. She reported that the "noose" was not there when she opened the blinds in the morning but appeared when she closed them at the end of the day, after students had been coming in and out of the classroom. They understood that we would not be able to gather evidence to show whether it was an intentional noose rather than a loop at the end of the string, who made the loop and whether it was intended as a threat based on Esther's national origin.

I commended them on the actions being taken by Washington Academy (diversity training, the establishment of a civil rights team, the internal investigation). Esther no longer teaches at the school and her daughters have both graduated. I did advise them to report any future bias-based threats or conduct to local law enforcement and to shoot an email to us on their report, so we can either prod or back up the local agency's efforts.

I learned from Marge during the call that the Washington County SO and Machias PD do not currently have trained civil rights officers and that no one from those agencies attended Margie's recent civil rights officer training. She has another zoom training for civil rights officers scheduled for February, and part of the AG's action plan could be to encourage those local agencies to attend in order to comply with MCJA policies. We also assured them that although Arnold Clarke is on the Human Rights Commission (and allegedly has connections to Washington Academy), that should not prevent the Kempthornes from filing a complaint with the Commission (explaining about ethical and

FOAA 000522

conflict of interest rules). We also mentioned that they could file a complaint with the Office for Civil Rights with the US Dept of Education and we will forward the contact information to them (although I assume that has already been done).

I'm be happy to review or assist in drafting any letter that Aaron plans to issue to provide closure in this matter.

Leanne

Leanne Robbin

Assistant Attorney General

Criminal Division

Office of Attorney General

Six State House Station

Augusta, Maine 04333

Note: As of February 2024, most state and local Maine law enforcement agencies and departments still do not have a publicly identified trained civil rights officer.

From: MacMaster, Brian
To: Robbin, Leanne; Malon, Marc; Frey, Aaron; Forster, Sarah; Taub, Christopher C
Cc: Berkovich, Margie
Subject: RE: Racist noose incident at Washington Academy
Date: Monday, January 11, 2021 4:20:40 PM

A law enforcement agency not having a designated civil rights officer is essentially a violation of state law. Whenever the time is right, I can follow up with the Sheriff and the Chief on that score. More generally, I suspect there are other agencies in similar violation and, once Margie can determine which agencies are not complying, I can do the necessary prodding.

From: Robbin, Leanne <Leanne.Robbin@maine.gov>
Sent: Monday, January 11, 2021 4:11 PM
To: Malon, Marc <Marc.Malon@maine.gov>; Frey, Aaron <Aaron.Frey@maine.gov>; MacMaster, Brian <Brian.MacMaster@maine.gov>; Forster, Sarah <Sarah.Forster@maine.gov>; Taub, Christopher C <Christopher.C.Taub@maine.gov>
Cc: Berkovich, Margie <Margie.Berkovich@maine.gov>
Subject: RE: Racist noose incident at Washington Academy

Marc and Aaron:

Margie Berkovich and I just got off a nearly two-hour zoom call with Esther and Nathan Kempthorne. We did a lot of active listening, but ultimately advised them that the allegations to date do not support the elements of a violation under the Maine Civil Rights Act. It turns out that the "noose" in Esther's classroom was two inches long and located on the end of the string that operated the old blinds on her classroom window. She reported that the "noose" was not there when she opened the blinds in the morning but appeared when she closed them at the end of the day, after students had been coming in and out of the classroom. They understood that we would not be able to gather evidence to show whether it was an intentional noose rather than a loop at the end of the string, who made the loop and whether it was intended as a threat based on Esther's national origin.

I commended them on the actions being taken by Washington Academy (diversity training, the establishment of a civil rights team, the internal investigation). Esther no longer teaches at the school and her daughters have both graduated. I did advise them to report any future bias-based threats or conduct to local law enforcement and to shoot an email to us on their report, so we can either prod or back up the local agency's efforts.

I learned from Marge during the call that the Washington County SO and Machias PD do not currently have trained civil rights officers and that no one from those agencies attended Margie's recent civil rights officer training. She has another zoom training for civil rights officers scheduled for February, and part of the AG's action plan could be to encourage those local agencies to attend in order to comply with MCJA policies. We also assured them that although Arnold Clarke is on the Human Rights Commission (and allegedly has connections to Washington Academy), that should not

FOIA 000531

prevent the Kempthornes from filing a complaint with the Commission (explaining about ethical and conflict of interest rules). We also mentioned that they could file a complaint with the Office for Civil Rights with the US Dept of Education and we will forward the contact information to them (although I assume that has already been done).

I'm be happy to review or assist in drafting any letter that Aaron plans to issue to provide closure in this matter.

Leanne

Note: In the below email the current Attorney General victim blames a Latinx immigrant and MDOE certified educator for not reporting to law enforcement for the case going stale. We had alerted a Maine state law enforcement officer and a local police officer in June (months earlier), and the Attorney General's office on August 1, 2020.

A civil rights officer would have been a wonderful relief for us at this juncture, but the AG only appears to be looking to shed responsibility for his office's inaction. At no point in over 159 days (or since) do we have any evidence AG Frey or AAG Robbin contacted the District Attorney, the Washington County Sheriff's office or the Machias Police Department on our behalf.

From: Frey, Aaron []
To: Malon, Marc [marc.malon@maine.gov]; Robbin, Leanne [Leanne.Robbin@maine.gov]; MacMaster, Brian [Brian.MacMaster@maine.gov]; Forster, Sarah [Sarah.Forster@maine.gov]; Taub, Christopher C [Christopher.C.Taub@maine.gov]
Subject: RE: Racist noose incident at Washington Academy
Date: Monday, January 11, 2021 15:07:49

We have received numerous emails from the Kempthornes that cover a range of allegations. I spoke at length with an attorney for Mrs. Kempthorne and her daughter about the concerns of the Kempthornes. (Attorney Shelby Leighton)
I have spoken with members of the Legislature (Moore, Millet, Kornfield) and with at least on commissioner (Makin) about these allegations.
We have had several folks in the office spend time considering these allegations (Susan, Brian, Leanne, Sarah, Brandon). Marc engaged with Congressman Golden's Office, too.
The Civil Right Team Project has worked directly with Washington Academy to establish a Civil Rights Team Unit.
Leanne did reach out this weekend to speak with the Kepthornes – This was always the plan and I had discussed this with Attorney Leighton, but originally, I was going to have something in writing released first. In light of the allegation in Kempthorne's weekend email that we were ignoring him, that plan changed and Leanne and I discussed her reaching out immediately.
It is my intent to issue a letter that 1) summarizes the extent of this consideration and 2) concludes that there is an absence of evidence to support any legal role for the OAG. (Maybe Leanne will learn something in her phone call that affects this – I was disappointed by what little Attorney Leighton could offer me when I spoke with her because I thought, as an attorney, she would have gathered relevant information)
The Kempthorne's had refused to engage with the appropriate law enforcement agencies (Washington County Sheriff's Department and Washington County District Attorney's Office) and that resulted in the case growing stale before we were even contacted (incident allegedly occurred in March, Mrs. Kempthorne learned of its meaning in June, OAG was contacted in early August).

This is all just background to try to get everyone on the same page. Probably not much to tell Bill at this point.

Probably fine to confirm that Leanne did reach out to the Kempthorne's to engage them directly, which has been the plan for some time.

Aaron M. Frey

Attorney General
Burton Cross Building
SHS# 6
Augusta, ME 04333
207-626-8800

The OAG was fully aware of our concerns with the state and local law enforcement entities, as well as his District Attorney and the Maine Human Rights Commission and did nothing (ref below).

From: n k <nkemphorne@gmail.com>
Sent: Wednesday, October 28, 2020 9:15 AM
To: DOE, Commish <Commish.DOE@maine.gov>; marianne.moore@legislature.maine.gov; Tuell, William <will.tuell@legislature.maine.gov>; Millett, Rebecca <rebecca.millett@legislature.maine.gov>; Kornfield, Tori <tori.kornfield@legislature.maine.gov>; Alley, Robert <robert.alley@legislature.maine.gov>; Kusiak, Karen <Karen.Kusiak@maine.gov>; Newell, Rena <rena.newell@legislature.maine.gov>; Perry, Anne <anne.perry@legislature.maine.gov>; Hickman, Craig <craig.hickman@legislature.maine.gov>; TalbotRoss, Rachel <rachel.talbotross@legislature.maine.gov>; Rebecca Millett <senrebeccamillett@gmail.com>; robertalley123@hotmail.com; Moore, Marianne <marianne.moore@legislature.maine.gov>; Senator@king.senate.gov; Robbin, Leanne <Leanne.Robbin@maine.gov>; morgan.urquhart@mail.house.gov; Amy Snelson <AMY.SNEIRSON@MHRC.MAINE.GOV>
Subject: Re: Legislative Recommendations for the Maine Legislature Concerning "60/40" Academies in Maine

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

It's almost November. My wife, daughter and I have been trying to address racism they experienced in Washington Academy for almost six months. While we waited for someone to do something, we ran out of money and available credit cards for an attorney and can no longer afford legal representation. Since we are now completely on our own I want to address some questions I have been asked by several of you regarding the process we took in reporting the racism my family experienced.

Question: Why didn't you file a police report with the Sheriff's department?

We reported our concerns directly to the Attorney General's office because the Washington County Sheriff supports an openly bigotted candidate for the 2nd District and we don't trust him anymore. This is sad because he is one of the very few Republicans I have ever voted for in my life. Here is a picture of the Washington County Sheriff with his hand on the shoulder of Dale Crafts. The police in Washington County also overwhelmingly supported Paul LePage as Governor, who referred to Latinx people as "the enemy" and now proudly stand with Donald Trump who called Mexicans "rapists and killers." Why would we ever file a report with them?

<https://www.machiasnews.com/candidate-crafts-meets-local-law-enforcement>

<https://mainebeat.com/second-district-gop-candidates-alike-in-defense-of-guns-biotry-and-trump/>

<https://www.theguardian.com/us-news/2016/aug/27/maine-governor-paul-lepage-comments-racial-profiling>

Question: Why didn't you file a report with the District Attorney in Ellsworth?

Answer: <https://wgme.com/news/local/maine-district-attorney-denies-posting-racist-meme-that-mocks-looters>

65

FOIA 000779

Question: Why didn't you file a Maine Human Rights Complaint?

Answer: The Maine Human Rights Commission is part of the problem. When we initially looked into this option we immediately noticed the Chair was appointed by an openly anti-Latinx, very racist Governor LePage, and one can only assume it is because they share the same values. We then noticed if my wife or daughter filed a complaint it would be to a commission chaired by a man who sits on the Board of Visitors at Umaine Machias with the Headmaster of Washington Academy, and whose business partner is a long-time Washington Academy Board of Trustees Member and former Board President of her school.

Additionally the MHRC which is famously not diverse is not set up to quickly triage and support victims - It is a process that at times can take years to complete with no assurances survivors will see justice. That process which will only extend my family's trauma, and ensures most people who suffer and makes sure the majority will not engage the MHRC. The MHRC is set up as bureaucratic mountain that Mainers suffering discrimination must climb, sometimes for years, before possibly seeing any resolution and I refuse to put my daughter through any more suffering.

<https://machias.edu/about-umh/board-of-visitors/#Arnold%20S.%20Clark,%20ESQ>

<https://www1.maine.gov/mhrc/about/commissioners>

<https://www.washingtonacademy.org/about/board-of-trustees>

<https://bangordailynews.com/2020/08/05/opinion/contributors/maine-human-rights-commission-needs-more-diverse-membership/>

For those who haven't read this yet, below is the link to Natalia's Change.org petition she established almost 4 months ago. I am not asking for a penny from any of you, but I want you to see my daughter and wife's pictures on the GoFundme page she established to help us pay the legal fees this has cost us that we had to put on credit cards until we ran out of money. Those are two of the bravest women you will ever meet, and Maine does not deserve them.

<https://www.change.org/p/washington-academy-students-take-action-for-positive-change-at-washington-academy>

https://www.gofundme.com/f/support-positive-change-at-washington-academy-me?sharetype=teams&member=6279382&utm_medium=copy_link&utm_source=customer&utm_campaign=p_na+share-sheet&rcid=2f8109f0cd24e6d82bd5d288e8d613

Please do something.

Nathan Kemphorne

As of February 2024, the Assistant Attorney General who wrote the emails below remains in a leadership position at the Office of the Attorney General as the Financial Crimes Division Chief, and is the AAG that to whom delegates civil rights cases.

Note: I am submitting these internal emails as evidence (these are just a few of many) that the implementation of LD-1999 should include a not only a new Attorney General, but a new Civil Rights Assistant Attorney General to implement these important changes.

The emails were reported to the legislature last summer, including Senator Craig Hickman and Representative Rebecca Millett who met with Attorney General Aaron Frey on Monday, June 14, 2021, to discuss our concerns with these awful emails. After the meeting we never heard from any of them after about this matter. Civil Rights AAG Leanne Robbin remains in her position as Chief of Civil Rights, and although we asked neither Sen. Hickman nor Rep. Millett have ever spoke with my family about what was discussed, even though it was directly involved my family. The structure that will implement LD-1999 will need to be replaced or the law will be meaningless.

1. The extremely racist and insensitive email below email was sent from AAG Leanne Robbin to Detective Marge Berkovich. These are the people who will oversee the implementation of LD-1999 if enacted.

From: [Robbin, Leanne](#)
To: [Berkovich, Margie](#)
Subject: FW: In response to the findings in the report:
Date: Monday, January 11, 2021 10:19:15 AM
Attachments: [image 2.png](#)
[video one.mov](#)
[video 2.mov](#)
[video 3.mov](#)
[video 4.mov](#)
[video 5.mov](#)
[video 6.mov](#)
[Image 3.png](#)

I've glanced through these. Knucklehead boys using the term "nigger" and joking that Natalia "sounds like Nutella which is the color of her skin." There's a go back to where you belong type comment, but none threatening violence, property damage or trespass.

2. The below email was sent from AAG Leanne Robbin to Detective Marge Berkovich when attempting to set up a Zoom call with my wife who was racially discriminated against in the State of Maine and lost her job and had to leave the state for her safety. Note the complete lack of empathy.

From: Berkovich, Margie <Margie.Berkovich@maine.gov>
Sent: Sunday, January 10, 2021 4:51 PM
To: Robbin, Leanne <Leanne.Robbin@maine.gov>
Subject: RE: Alleged Civil Rights Violations at Washington Academy

Got me!

From: Robbin, Leanne <Leanne.Robbin@maine.gov>
Sent: Sunday, January 10, 2021 3:30 PM
To: Berkovich, Margie <Margie.Berkovich@maine.gov>
Subject: FW: Alleged Civil Rights Violations at Washington Academy

Wait. What? Isn't she a teacher? How is she available before 3 PM?

3. In the email below, AAG Robbin confirms the OAG never investigated our complaints, and once again blames the victims of racial discrimination for not reporting to a non-existent civil rights officer. She also states there was insufficient evidence, something she could not know because, as she stated, she never investigated.

-----Original Message-----

From: Robbin, Leanne <Leanne.Robbin@maine.gov>
Sent: Thursday, January 14, 2021 12:05 PM
To: Malon, Marc <Marc.Malon@maine.gov>
Cc: MacMaster, Brian <Brian.MacMaster@maine.gov>; Berkovich, Margie <Margie.Berkovich@maine.gov>; Frey, Aaron <Aaron.Frey@maine.gov>; Taub, Christopher C <Christopher.C.Taub@maine.gov>
Subject: FW: Inquiry from The Quoddy Tides

Another press inquiry on Washington Academy.

What are we publicly disclosing at this time? Did we confirm with reporters that Margie and I had spoken with the Kempthornes?

We have not received a law enforcement referral and we are not conducting an investigation. But we don't publicly disclose the existence or non-existence of investigations.

If you would like, I can draft an email to the Kempthornes confirming that there was insufficient evidence to file an enforcement action under the Maine Civil Rights Act. I would also extend my sympathy to their daughter to the extent that she was a target of comments by her peers about her race or national origin. The Kempthornes can share that letter with whomever they would like.

4. After waiting 159 days for a call from the OAG, I resent some of the evidence to Civil Rights AAG Robbin to make sure it was at the top of her inbox. She found this amusing and mocked me again to her staff.

From: Robbin, Leanne
To: MacMaster, Brian; Berkovich, Margie
Subject: RE: FYI
Date: Tuesday, January 12, 2021 8:58:00 AM

I have received SIX emails from Mr. Kempthorne since we hung up. Three sent in the hour have midnight and one at 6 am. I think I have a new email friend.

5. Even asking for these emails was met with derision by the Civil Rights AAG Leann Robbin, and the below emails was so insensitive that the OAG attempted to delete portions of it so it would be unreadable. Of note, beyond the extremely trauma my children and wife experienced, we had to discard or sell everything we owned and left a home we built just three years prior during a pandemic because we no longer felt safe. I am not retired, and her bias towards the school demonstrates why she never even attempted to investigate.

Civil Rights AAG Leanne Robbin responded to AAG Jonathan Bolton's question as to whether they should waive the fees for the FOAA request *"It will take me a few hours to retrieve all the emails. He was once represented by counsel, but says that they lost everything paying her. That indicates to me she recognized (and advised him) that he did not have any actionable claim. The school has spent a LOT of resources responding to his concerns and he has not been entirely reasonable. My understanding is that he is a retired Border Patrol officer, so I am assuming he has some resources. Retrieving the emails will not be helpful to his daughter or his wife. This is really about him."*

From: [Jonathan Bolton](#)
To: [Leanne Robbin](#)
Subject: RE: OAA FOIA Request
Date: Thursday, April 22, 2021 11:00 AM

It will take me a few hours to retrieve all the emails. He was once represented by counsel, but says that they lost everything paying her. That indicates to me that she recognized (and advised him) that he did not have any actionable claim. The school expended a LOT of resources responding to his concerns and he has not been entirely reasonable.

My understanding is that he is a retired Border Patrol officer, so I am assuming he has some resources. Retrieving the emails will not be helpful to his daughter or his wife. This is really about him.

From: Bolton, Jonathan <Jonathan.Bolton@maine.gov>
Sent: Thursday, April 22, 2021 8:16 AM
To: Robbin, Leanne <Leanne.Robbin@maine.gov>
Subject: FW: FOAA/FOIA Request

Hi Leanne,

Knowing more about this case than I do, do you have an opinion on one way or the other whether a waiver of FOAA fees would be appropriate (see below)? Also, would you mind giving me an estimate of how much time it will take you to collect and review whatever records you have?

Thanks,
Jon

From: [Jonathan Bolton](#)
Sent: Wednesday, April 21, 2021 12:37 PM
To: Bolton, Jonathan <Jonathan.Bolton@maine.gov>
Subject: Re: FOAA/FOIA Request

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

M. Bolton,

Thank you for your acknowledgment of receipt. To be clear, my family lost everything we owned in your state due to extensive racial discrimination, and I would like to request a waiver of cost per Maine state law copied below (subsection B) My family and I have no commercial interest in Maine and as a member of the public wish to contribute significantly to my wife's and daughter's understanding of the Maine government's response to the traumatic experiences they suffered in your state.

Please let me know if you have any questions.

Respectfully,
Nathan Kempthorne

6. Finally, when reviewing the emails she would ultimately send to me Civil Rights AAG Leanne Robbin's **primary concern** was covering for the inaction of her boss, AG Aaron Frey as there are months of emails from her to him asking if she could contact the school or the legislators.

From: [Robbin, Leanne](#)
To: [Bolton, Jonathan](#)
Subject: RE: Report of Allegation of Incident [REDACTED] Washington Academy, East Machias, ME
Date: Tuesday, June 1, 2021 5:09:00 PM

I agree. I especially feel uncomfortable with the emails between me and the AG: "Can I respond now? How about now? Now?"

I'm generally available this week, except for virtual meetings on Friday from 11-12 and 3 to 4. I was also hoping to listen into Macomber's Law Court arguments on Thursday at 10:45, 11:30 and 1:30. Let me know what works for you.

From: Bolton, Jonathan <Jonathan.Bolton@maine.gov>
Sent: Tuesday, June 1, 2021 4:56 PM
To: Robbin, Leanne <Leanne.Robbin@maine.gov>
Subject: RE: Report of Allegation of Incident [REDACTED] Washington Academy, East Machias, ME

Leanne:

I started going through the emails. I am wondering if 16 MRS § 705 or the work-product doctrine apply to at least some of your internal emails about the investigation. Perhaps it's worth a quick call sometime this week to discuss?

Thanks,
Jon