

OUR OPINION

Miss Hall’s scandal calls for hard look at consent law

Can a 16-year-old high school student truly consent to have sex with her or his teacher? To many — including this editorial board — the ethically obvious answer would be no. Yet Massachusetts General Laws, which put the age of consent at 16 without exceptions for relationships between minors and those in authoritative positions over them, say otherwise.

We share the community concern over that disturbing dissonance highlighted by the sex abuse scandal at Miss Hall’s School. Multiple former students at the all-girls private school in Pittsfield have come forward with credible allegations of sexual abuse and misconduct by Matthew Rutledge, a longtime history teacher, adviser and coach at the school.

After a monthslong investigation, the Berkshire District Attorney’s Office announced last week that Mr. Rutledge will not face criminal charges in Massachusetts.

“While the alleged behavior is profoundly troubling, it is not illegal,” Berkshire District Attorney Timothy Shugrue said in a statement.

As an attorney representing one of Mr. Rutledge’s accusers stressed to The Eagle, the DA should not be faulted for following the law. That’s his job, including in the toughest of situations like this one where the letter of the law unfortunately clashes with our moral intuitions.

But it’s our job as concerned citizens to ask whether the state’s consent statute reasonably represents our society’s values and protects its most vulnerable members. A comparison to the law one state over suggests room for improvement. While Mr. Rutledge is not facing criminal charges here, he may still in neighboring Connecticut. (Mr. Rutledge also faces a civil lawsuit with counts that include assault and battery filed by one of his accusers in Berkshire Superior Court.)

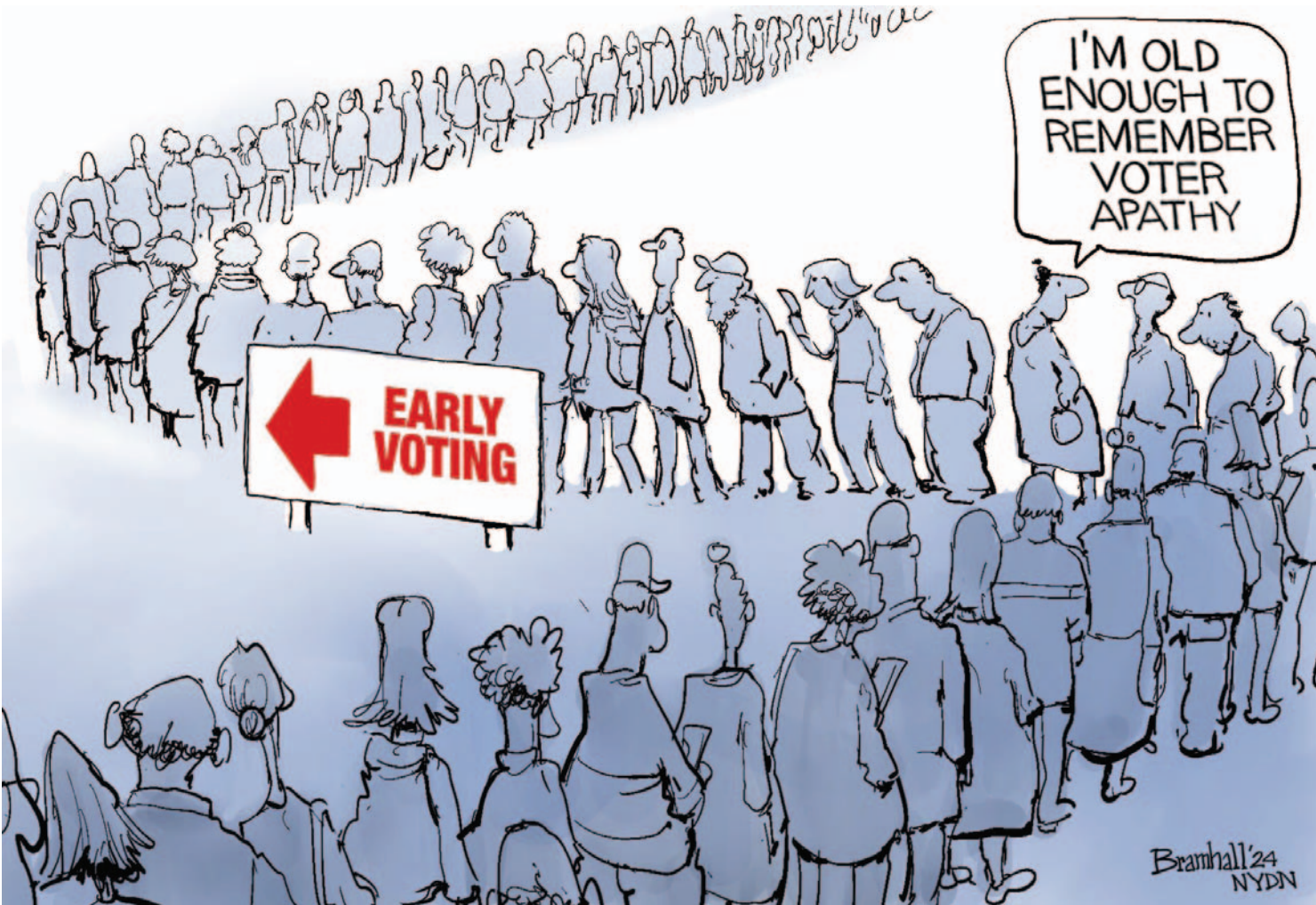
One accuser alleges that in addition to his conduct at Miss Hall’s in Pittsfield, he also sexually abused her in her hometown of Wilton, Conn., while visiting her and her family. While the age of consent there is 16, as in Massachusetts and 28 other states, Connecticut’s state law has a carve-out for abuse of a minor student by an adult in authority.

This seems sensible. In our opinion, a 16- or 17-year-old can’t possibly consent, in any meaningful or moral sense, to a sexual relationship with an adult who has disciplinary and grading authority over them. The understandable community outrage at the legal outcome of this scandal, at least on this side of the state line, suggests we are far from alone in holding that opinion. Legislators who represent these shocked Berkshire citizens ought to take a close look at the law that left a DA unable to prosecute alleged yearslong sexual misconduct by a trusted educator that most acknowledge is “profoundly troubling.” Because right now, our state’s legal system abides by that sort of egregious behavior in spaces where young people should be educated and nurtured, not used and abused.

To be sure, we should be careful about reshaping general laws over a singular scandal. In this case, though, an applicable alternative to a troubling status quo exists right next door for thoughtful study. Connecticut’s specific carveout — which raises the age of consent when one party has a position of supervision, power or authority over the other — does not appear to have proven disruptive while building in an important protection for minors. Massachusetts wouldn’t necessarily have to copy and paste Connecticut’s statute, but it’s at least worth examining as a way to strengthen state law so that it can hold accountable those who abuse positions of power over students who aren’t even old enough to buy a pack of cigarettes.

Connecticut state law specifically recognizes how inherently problematic that behavior is and how damaging it is to vulnerable youth. There is no reason why Massachusetts General Laws can’t do the same. We hope this sad scandal moves the Berkshire delegation and Beacon Hill leadership to address this issue at the start of a new legislative session next year.

CARTOONIST’S TAKE



LETTERS TO THE EDITOR

Would Trump stand by his vile words about veterans?

To the editor: Former President Donald Trump should be invited to visit West Point, the Marine Corps, the Naval Academy and the Air Force Academy so he can tell the cadets they’re all suckers and losers.

Ronald E. Adler,  
Pittsfield

The writer is a U.S. Air Force veteran.

E. coli outbreak underscores risks of meaty diets

To the editor: There is a problem with our food systems.

The recent E. coli outbreak linked to McDonald’s quarter-pounder hamburgers has led to illness, hospitalization and even death. The Centers for Disease Control and Prevention, U.S. Food and Drug Administration and other health agencies are investigating, with fresh slivered onions and quarter-pound beef patties as the suspected sources of contamination.

This isn’t the first time we’ve seen outbreaks linked to meat-based products, and it underscores a larger issue with food safety in animal agriculture.

There is a better way. By embracing a plant-based diet, we can avoid some of these risks and enjoy delicious foods that are not only safe but also optimum for human health, the planet and the animals. Now is the time to explore plant-based alternatives and make compassionate choices for a better future.

Bernie Emmett,  
Pittsfield

Yes on 2 for the dignity of differently abled students

To the editor: Prior to 2003, students who have a significant intellectual disability and on an individual education plan, which is a legal document, were able to receive their high school diploma.

In 2003, the Department of Elementary and Secondary Education demanded that students must be able to pass the Massachusetts Comprehensive Assessment System exam at the 10th-grade level to be able to receive their high school diploma. By DESE demanding this graduation requirement, it is no longer accepting this group of students for who they are and what they can accomplish.

On Nov. 5, Massachusetts voters can make their voice heard to stop having the MCAS test as a high school graduation requirement. Voting yes on Question 2 will help to support students with significant intellectual disabilities to be able to receive their high school diploma.

Should Question 2 be passed, the graduating class of 2025 will no longer have this test as a graduation requirement. Although it is a step in the right direction, we must never forget about the former students who have significant intellectual disabilities who were not able to pass the exam and therefore unable to receive their diploma that they earned by completing their goals through their IEP. To be able to correct the discrimination against this group of students (DESE is to blame), I ask that each Massachusetts resident contact their local school committee and encourage them to take a stand for diplomas to be retroactive for these former students in graduating classes between 2003

through 2024 and for the school committee to take appropriate action in having these diplomas issued in a timely manner.

Please join me on Nov. 5 and vote yes on Question 2. Students with significant intellectual disabilities are counting on all of us to be their voice and to end the unfair high school graduation requirement once and for all.

Kelly Koperek,  
Lee

On propaganda and history

To the editor: Why did the German people go along with Hitler resulting in World War II?

The reason was Hitler’s propaganda corps. The Nazis figured out that if you controlled the media and told the same lie over and over, soon the people would believe it was fact.

After the Second World War, Congress realized that propaganda, through the media, could be used as a weapon that could destroy our country. In 1948, they passed the Smith-Mundt Act that prohibited domestic dissemination of broadcasting and materials produced for foreign audiences produced under the guidance by the State Department.

On July 2, 2013, President Obama put into effect the Smith-Mundt Modernization Act, now allowing the government and its agencies to control the narrative and tell you whatever they want. People who question the government are immediately called “conspiracy theorists.” Ideas outside the accepted government narrative are instantly called misinformation and banned from mainstream media and social media. Welcome back to Nazi Germany.

Mark Zuckerberg, the owner of Facebook, recently came clean and testified in a letter to Congress that the Biden-Harris administration pressured Facebook into censoring information on subjects such as the 2020 Election, Hunter Biden’s laptop, COVID-19 and the Jan. 6 riot. If anyone tried to share information outside of the government narrative, they risked having their accounts suspended. Ask yourself: Why is the present government so afraid of you hearing another opinion? Is it because maybe that opinion is the truth?

Nowhere in history did the good guys ever silence their opposition. Only evil silences their opponent. Truth stands up in the light. Evil and deceit hide themselves behind a wall of misinformation and lies. Dig deeper than mainstream news. Understand why Washington hates Donald Trump and will do anything to keep him out of the White House. Use your own common sense. Don’t fall into the same trap as Germany before WWII.

Paul Murphy,  
Pittsfield

Applause for ‘Galileo’s Daughter’

To the editor: I’m especially motivated to express gratitude for WAM Theatre’s production of “Galileo’s Daughter” by Jessica Dickey, directed by Reena Dutt.

I’m also grateful The Berkshire Eagle published Aaron Simon Gross’ article about Reena Dutt who comments: “I feel like the play is being brought to the Berkshires at the right time.” (“Galileo’s Daughter” explores the scientist’s relationship with his daughter through their letters,” Eagle, Oct. 17.)

I strongly agree.

One way my friend and I celebrated our October birthdays together was to attend the Oct. 19 production of “Galileo’s Daughter” performed in the Shakespeare & Company’s Elayne P. Bernstein Theater in Lenox.

We both support experiencing live theater, particularly regional theater. Gross, in his article, quotes Reena Dutt: “Everybody’s theater communities are heartfelt and caring. ... We have beautiful audiences. And local actors ... there are so many people, locals who are incredibly talented. .... I think it’s invaluable to involve local community in my work. The whole reason I do theater is to start communications from within. .... [I]n regional spaces, people are curious about the gray in-between. They have beautiful questions, beautiful insights.”

The number of insightful takeaways from a live theater performance is as varied as the nature of a person’s uniqueness who is open to building and sustaining connections to another. The benefits reaped from audience engagement with actors on stage and with the entire continuum of involvement in play production are significant.

Experiencing an in-person, live performance of “Galileo’s Daughter” reaffirmed my hope for cultivating our ability to pay close attention to the sociopolitical climate we are living in right now. I believe one’s effort to develop empathy for characters in a play advances growth in understanding and in following through with peaceful, collaborative responses to essential calls to action.

Americans are in the midst of a presidential election campaign that is unprecedentedly hostile toward women. The time is now to vote for the way in which the future of America will unfold.

It is my prayer that we elect Kamala Harris as the first woman to be our next president.

Edith V. Pye,  
Pittsfield

What do you stand for in this election?

To the editor: I don’t remember when it was (perhaps in the 1960s) that I was first asked “What do you stand for?”

It was a question that asked what kind of human activity do you want to support and be part of. Who are you really? In our American life, we are bombarded with advertisements about things we are supposed to want to the point that most of us forget to ask ourselves this question and often end up living on top of deeper thoughts and feelings, avoiding them.

So, what do you stand for in this election? One candidate has stated that she stands for the electorate as a whole, for listening to what people struggle with and addressing those issues. The other candidate states that he stands for vengeance related to the disappointments that he finds unbearable to face and will turn everything upside down to achieve this.

As we face this election, remember who you are and what is important to you and to those you love.

Sue Walker,  
North Adams



OUR OPINION

Beacon Hill must move on Davis' age of consent bill

In the wake of stunning sex abuse allegations against a former Miss Hall's School teacher, we added our voice to community calls for the Legislature to update the state's sexual consent laws. That chorus has grown stronger in recent months — and a new bill introduced by a Berkshire lawmaker offers a solid foothold for pressing this needed reform.

In Massachusetts, the legal age of consent is 16 with no restrictions on sexual activity between adult authority figures and minors under their command or instruction. As far as Massachusetts General Laws are concerned, a 16- or 17-year-old student can consent to a sexual relationship with his or her teacher. We find that notion morally dubious, and many seem to agree — including Massachusetts' southern neighbor, Connecticut, where the age of consent is also 16 but with a carveout for abuse of a minor student by an adult in authority.

The Miss Hall's scandal offers a telling comparison in the application of these differing approaches to age of consent laws. After multiple former students of the all-girls private school accused former teacher Matthew Rutledge of grooming and having sex with them while they were still minors under his tutelage, Mr. Rutledge could face criminal charges in the Nutmeg State, where one of the victims alleges he sexually abused her while visiting her family home in Wilton, Conn. Yet because of our state's age of consent statute, Mr. Rutledge likely won't face criminal charges in Massachusetts, where Miss Hall's School is located and the allegations originated. (Mr. Rutledge also faces a civil lawsuit with counts that include assault and battery filed by one of his accusers in Berkshire Superior Court.)

When the Berkshire District Attorney's Office announced last year that it would not bring charges against Mr. Rutledge after a monthslong investigation, an attorney representing one of Mr. Rutledge's accusers stressed to The Eagle that the DA should not be faulted for following the law. We agree. Prosecutors must follow relevant state statutes no matter how much they clash with our moral intuitions.

However, we can fault the Legislature if it doesn't act to close an age-of-consent loophole in state law that allows for the egregious sexual misconduct alleged to have occurred in a Pittsfield place of learning. Thankfully, that ball is already rolling in the General Court thanks to the Berkshire delegation's newest member. Rep. Leigh Davis has filed legislation (HD.2209) that would make it a crime for people like teachers, coaches and babysitters to have sex with minors in their care even if they are above the state's age of consent.

This seems like a reasonable and necessary protection for Massachusetts teenagers who are vulnerable to sexual advances from those in

authoritative positions. A 16- or 17-year-old can't legally purchase a pack of cigarettes in Massachusetts. The state that protects them from that decision should also recognize that minor teens can't meaningfully consent to a sexual relationship with an adult who has disciplinary or grading authority over them.

It's so eminently reasonable that one might wonder why the Legislature hasn't already enacted these common-sense protections. State Sen. Joan B. Lovely introduced legislation to prevent school employees from sexually abusing students eight years ago. Shame on legislative leadership for letting such an important issue get stuck in the slow-grinding gears of Beacon Hill's business as usual. If the Legislature had treated that bill and its subject matter with the requisite seriousness at some point over the years, the county's criminal justice system might have been able to play its vital role after sex abuse allegations rocked a renowned educational institution and roiled the Berkshire community.

That community is now making an impassioned plea to lawmakers for serious change. Rep. Davis' bill has gained momentum among many appalled by the Miss Hall's scandal, including the support of a Change.org petition started by a Miss Hall's parent whose daughter was in Mr. Rutledge's history class.

But where the momentum really matters is in the Statehouse, and this Legislature has shown an unfortunate penchant for lack of attention and productivity toward pressing issues facing the commonwealth. In a speech last month kicking off the two-year legislative session, House Speaker Rep. Ronald Mariano criticized press coverage that highlighted the rushed and messy end to the last session. If Speaker Mariano would like Bay Staters to think more of Beacon Hill's work ethic, here is a good place to start. There's widespread agreement and little opposition to this obvious and overdue reform of the state's age of consent statute.

Kudos to Rep. Davis for quickly prioritizing a matter on the minds of many Berkshire constituents, and we hope her Berkshire delegation colleagues put their shoulders to this effort as well — especially state Rep. Tricia Farley-Bouvier, who represents the city Miss Hall's calls home. Sen. Lovely also deserves credit for raising the alarm earlier than most, presenting a valuable Senate partner as Rep. Davis presses her bill in the House. Sen. Lovely's past legislation and Rep. Davis' current bill differ somewhat, but this nascent two-year session offers more than enough time to hammer out the details and send something to the governor's desk. Now, it's up to House and Senate leadership, who hold a tight grip on legislative procedure in a top-heavy Legislature: Get this done, or risk confirming the critiques of your institution's productivity and responsiveness.

OUR OPINION

DOGE wants Americans' tax data? You first, Mr. President

The so-called Department of Government Efficiency seems to be jamming its tendrils into more gears of our government every day. Now, the shadowy quasi-public entity is seeking access to sensitive taxpayer data via the IRS' Integrated Data Retrieval System.

DOGE was hatched by Elon Musk, who believes the government can be controlled by controlling its computers, after he purchased influence in the Trump administration by spending more than a quarter-billion dollars in the last election. Serving at the pleasure of the president with his implicit approval for DOGE's overreach, Mr. Musk seems to share President Trump's preference for cruelty and political performance over governmental efficiency.

We agree that the government needs significant reform and spending reductions, but we are frightened by the extent of influence and access this administration has given to DOGE and

a centibillionaire with massive conflicts of interest in federal programs and contracts. President Trump certainly can claim a mandate for change after his narrow win of the popular vote. It should be noted that Mr. Musk erroneously claimed during last week's Oval Office news conference that President Trump won an outright majority of November's vote when in reality he won a plurality. Whether Mr. Musk is struggling with accuracy or honesty, such misstatements of basic fact like this one do not inspire confidence in DOGE's sweeping mission. Regardless, no one elected Mr. Musk to weasel his way into all matters of governmental operation and, if he has his way, Americans' private data like tax and bank records.

The painful irony is that Mr. Musk has sicced DOGE on American taxpayers' personal data on behalf of a president who shattered a half-century of norms by refusing to release his own tax returns. Despite having

been granted specific statutory authority, U.S. Rep. Richard Neal, who represents the Berkshires in the House and serves as ranking member on the Ways and Means Committee, was forced to lead a lengthy legal battle to publicly reveal President Trump's tax returns from a six-year period that overlapped with his first term. Still, the president has never willingly released even a summary of his tax information, unlike every other president and major-party candidate since Richard Nixon.

Mr. Musk claims DOGE is "trying to be as transparent as possible." Actions speak louder than words. Mr. Musk: If you want access to millions of American citizens' sensitive tax data, how about advocating that the country's most powerful public servant release his returns first? That seems only fair. Else, those Americans might wonder whether DOGE's *raison d'être* is an extraconstitutional smash-and-grab rather than promoting transparency and efficiency.

CARTOONIST'S TAKE



LETTERS TO THE EDITOR

Trump admin. piles up Hitler parallels

To the editor: Donald Trump used to keep the collected speeches of Adolf Hitler by his bedside and occasionally looked through them.

His favored oligarch, Elon Musk, performed two straight-arm Nazi salutes at a Trump inaugural event last month.

So far, Trump is following the Hitler model. Increasingly he claims powers beyond the scope of the office to which he was elected.

Incessantly he lies, following the "big lie" strategy of Joseph Goebbels.

Consistently he blames all society's ills on people he deems ethnically impure.

He describes disfavored people as "vermin" or "poisoning the blood of our country."

He advocates white supremacist "racehorse theory" or eugenics.

He demeans disabled people.

He has unleashed fanatics to commit acts of violence in support of his cause (Proud Boys instead of Brownshirts).

He intends to acquire territory of other countries (Gaza, Panama Canal, Greenland, Canada instead of Sudetenland, Austria, Poland).

I have heard Holocaust survivors say "I have seen this before."

We have got to get off this track.

Anthony P.X. Bothwell,  
San Francisco, Calif.

The writer was an aide to the late U.S. Rep. Silvio Conte, of Pittsfield, a Republican who represented the Massachusetts 1st Congressional District.

Local outlets for action on national political concerns

To the editor: So many of us are horrified at the daily news reports coming from Washington — massive layoffs in critical government agencies, plans for billions of dollars of cuts from Medicaid, funding cuts for agencies such as the National Institute of Health, an unelected man gaining access to confidential records at the IRS and on and on.

The massive cuts are accompanied by a plan to arrange \$2 trillion in tax cuts for the wealthiest Americans.

I'm finding that the only way I can cope is to plan actions I can take. The editorial in Saturday's Eagle ("Our Opinion: Acknowledging the red lines between US and constitutional crisis") discussed the upcoming special election in NY-21 for the House seat soon to be vacated by Republican Rep. Elise Stefanik. Having that seat held by a Democrat (and a strong candidate has come forward) would help in the balance of power in Congress.

Fortunately, several groups in Berkshire County are planning to help with this crucial election. There will be different ways to be involved.

If other readers feel a need to do something to counteract the coup that seems to be taking place in Washington, they can email Alyson Slutzky at leftfieldvotes@gmail.com.

Judy Gitelson,  
Pittsfield

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