

Vermont's Shame

Once again, the State of Vermont has let a vicious child molester off lightly, and once again a child's life has become a political cover up.

Bennington County, Vermont is a pretty, touristy area which is supposed to be relatively crime free. But 37-year-old Andrew James is a known troublemaker, a man convicted of a violent felony—attacking his wife with a screwdriver in front of his own small children. For that, James served 30 days in jail.

But then James upped the criminal ante and molested a 4-year-old boy. After cutting a deal with prosecutor Andrew Costello, James pleaded guilty and Judge David Howard sentenced him to probation and mandatory “treatment,” which means this monster is walking around free right now.

In the spring of 2006, the little boy told his aunt that he was afraid of Andrew James, who lived very close to him. The aunt investigated and found out that James was molesting the boy in a terrible way. The police were called and, according to the affidavit in the case, the boy told social worker Kyle Hoover and police Officer Paul McGanns that James had molested him ten times. The boy pointed to anatomically correct drawings to describe his ordeal.

After examining the situation, prosecutor Costello came to the conclusion that the boy would be a weak witness and cut the deal. But Costello also had the social worker, the cop, the aunt, and the boy's older brother to back up the 4-year-old's account. Yes, it was a circumstantial case. But with James' violent background, a decent prosecutor takes the shot in court.

Vermont is one of two states that practices “restorative justice,” Minnesota being the other. That philosophy says for true justice to take place, the criminal as well as the victim

must be "healed." Restorative justice states that a "holistic" approach to crime is best for society.

Of course, the U.S. code of justice states that the punishment must fit the crime. Allowing a brutal child molester to walk free while getting "treatment" is certainly not punishment enough for traumatizing a 4-year-old perhaps for life.

Last year, Vermont Judge Edward Cashman initially sentenced a man who sodomized a six-year-old girl over a four-year period to just 60 days in jail. The ensuing national outcry forced Cashman to up the sentence to three years. Still, far too lenient.

Vermont's elected officials and media supported Cashman, and now have once again rallied to support Judge Howard. They have also attacked me for reporting this awful situation to you. Shortly after Cashman's abomination last year, the Vermont legislature had a chance to pass Jessica's Law—tough mandatory prison terms for child predators. The legislature voted down Jessica's Law.

There is no excuse for what is happening in Vermont. Its Senators Patrick Leahy (ironically, the head of the Judiciary Committee), Bernie Sanders, and its Governor, Jim Douglas, have all run away from the situation. Meantime, children in their state continue to be brutalized with relatively small consequences for the predators.

America is a great country, but this situation shames us all. Every society is judged by how it protects its weakest citizens. In Vermont, an innocent 4-year-old boy and an innocent 6-year-old girl have been violated in unspeakable ways.

And not just by their predators.