

Arkansas Blog

Expert questions whether statute of limitations had expired in Duggar case; Fox reveals tack of interview

by Max Brantley

June 02, 2015

4 comments



MSNBC reports [here](#) about an analysis by an expert in **child abuse statute of limitations** that the statute of limitations had NOT expired on allegations of child sexual abuse in the **Jim Bob Duggar home** when the Springdale police took a belated look at the case in 2006. A hotline tip that resulted in a review of allegations roughly three years old produced a Springdale police investigation that concluded without police action because of conclusion that the statute of limitations had expired on any potential crimes against children.

“ Marci A. Hamilton is a professor at the Benjamin N. Cardozo School of Law who maintains a site on statutes of limitation for child sex abuse, and wrote a book, *Justice Denied*, on the topic. She points out that though the civil statute of limitations is reported to be seven years, the criminal statute is reported to be one year when [the victim] is a minor, then they have seven years from the date of the abuse,” Hamilton says. By her reading, that means the clock ran out on the Duggar allegations in 2013. “When it expires,” Hamilton says of the statute of limitations, “it’s over.”



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It's certainly over now. And the multiple layers of confidentiality that apply in child abuse, juvenile and unprosecuted criminal cases have now made a public review (and accountability) in this case just about impossible, particularly since **Judge Stacey Zimmerman** has ordered official police records destroyed.

The MSNBC expert makes the larger point that the statutes have been extended in Arkansas and elsewhere with the growing realization that the impact on victims is long-lasting and sometimes impossible for them to report until much later. But the result has been a hodgepodge of laws from state to state. (I must concede that the Duggars and their defenders, including **Sen. Bart Hester**, have invoked legal hodgepodge as an argument against local civil rights ordinances to protect gay people. They've also said the ordinances are dangerous because LGBT people are a threat to children.)

ALSO: We now know **Fox News' Megyn Kelly** has no intention of being hard on the Duggars in her exclusive interview with them to be broadcast Wednesday night. [She talked about the coming program on Fox](#) with Fox's Howie Kurtz. She seems focused on the release of the Springdale police report and the resulting identification of Josh Duggar. She says that never should have happened. I think she's wrong in saying the report shouldn't have been released. The report WAS public information and was properly released, with redactions that removed Josh Duggar's name and those of children allegedly molested. The general knowledge

among a wide group of people — thanks in part to the Duggars' taking the matter to their church, family and others — meant that many people existed who could put the pieces of that episode together with the report. It's been discussed over the years since on social media more than once.

There's ample room for sympathy for identification of an accused juvenile offender. But there's also room for questions (Kurtz at least noted this) about a failure of reporting abuse to proper authorities; of using questionable church "treatment" for the matter; of police and state agency response to child sexual molestation, and, yes, of course of the Duggars' high-profile political role in alleging a propensity for child abuse among LGBT people.

Those don't interest Kelly much, [based on this account of the interview](#). She'd rather talk about Bill Clinton. Yes. Bill Clinton. See, some "liberal types" have shown the Duggars with a bunch of Republican politicians. What about Bill, once accused of rape? Kelly is outraged. I think her show will follow the usual Fox script — victimization of Christians and Republicans. Sex abuse victims?

“I’ve been pretty disgusted by how some liberal media types are using what’s obviously a family tragedy to score political points,” Howard Kurtz agreed, but also admitted that “sometimes people on the right feast on, when a liberal icon falls into trouble.”

“Nothing is off limits,” Kelly said of the Wednesday night interview. But, she added, “I don’t plan on getting into the specific details about what was done, because my understanding is the victims don’t want to discuss that either.”

In other words, nothing is likely to be off limits except questions unsympathetic to the Duggars.



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If the reason that the judge used to destroy the police record that one of the young women was still a minor is actually the truth, and that is certainly questionable in all of this since the truth and honesty seems to be far outside what is expected, then isn't there a law that holds that the statute of limitations doesn't expire until after the 21st birthday of that individual?
How did they prosecute the Roman Catholic priests after events that happened decades before?
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"Fox News' Megyn Kelly has no intention of being hard on the Duggars . . ."
As Hillary might ask, does it matter, really?
Last I looked, Fox News was averaging only 1.7 million viewers in prime time and had only 1.07 million "total day" watchers, on average.
That, in a country with an estimated population of 321 million as of today.
Me? I don't even know the Comcast channel number for Fox.
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I think this is potentially the highest-stakes interview she's ever done, because if she makes it into a Duggar defense-fest, she risks angering a lot of women. I don't know how much she cares about that, but it could come back to bite her down the line, not from the stalwart FoxNews salivating right wingers, but from the educated, social liberal/fiscal conservative types (e.g. Pataki-style Republicans) who are a key constituency of any presidential campaign strategy for the GOP. I think Kelly has some incentive to do this straight up and not spin it very much, but I won't be surprised if she does. It's Fox, after all. Her own reputation with moderate GOP women may not be so important as keeping the Christian Right from rising up in revolt if she does a serious interview.
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