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Where Will We Draw the Line?

BY [ALLYSON WEINBERG](#)/ ON JANUARY 17, 2018

How far as a society are we willing to go to accept wrongdoings of public figures when we believe in the policies they promote? Are we really willing to separate personal decisions from professional ones? Are they truly not one in the same?

Over the past few weeks, these questions surrounding the sexual harassment allegations of public figures has brought out questions that should have never even been asked since before Donald Trump took office, and even after Bill Clinton remained in office. As a society we are excusing conduct, and thus reinstating the long held notion and frustration that individuals in positions of power abuse that power to take advantage of others.

Bill Clinton was accused by three women of sexual harassment charges, none of which received the scrutiny that they deserved.[\[1\]](#) Those on the same party line may have spoken out disapproving of these alleged actions but little encouraged resignation.[\[2\]](#) Separation of the personal and political was endorsed, only to be spotlighted again decades later.

"It's like a magnet. Just kiss. I don't even wait. And when you're a star they let you do it. You can do anything. Grab them by the p****. You can do anything."[\[3\]](#) When these words of (at the time) Presidential Candidate Donald Trump played on the air, that was when one would think that as a society we would join together for equality, but rather again we excused lewd conduct for the policies promoted (or at least that is what some expressed). With the simple explanation of "locker-room talk"[\[4\]](#) this conduct was not seen in the light of its disgusting, misogynistic, power-stricken, true admission of sexual assault, but rather just as boys being boys. And when women were strong enough to share their stories of their fearful and manipulative encounters with Donald Trump, his response was a threat to pursue the legal system to counter their admissions.[\[5\]](#) This coercive use of money and power serves to increase the difficulty for women to come forward with their abuse while also circumventing the purposes of sexual assault law. But again, as a society we condoned this behavior by providing him the seat in the oval office.

Where do we draw the line? Would this conduct be seen differently if we substituted words like "hit" for words like "kiss"? Would that type of violent conduct halt the acceptance of these assaults by public figures? Just because the word "sexual" is placed in front of the words "abuse," "assault," and "harassment" does not lessen the degree of the crime. If anything, it should escalate it.[\[6\]](#) The unauthorized touching of another without their consent is a violation of that individual's personal autonomy and thus a violation of their freedom.[\[7\]](#) How is it

rationalized that someone can limit an individual's "life, liberty, and the pursuit of happiness,"[\[8\]](#) when those are the same unalienable rights they are supposed to endorse?

Again we see this type of behavior emerge, not from the person holding the highest position in the United States, but from the man holding the highest position in Hollywood. In early October, allegations against Hollywood producer Harvey Weinstein surfaced, revealing that not only was he a high-profile figure using his position of wealth and fame to sexually harass and assault women, but also as a means to coerce these women into meeting his demands.[\[9\]](#) The alleged crimes ranged from sexual harassment, sexual assault, to rape. Maybe the most shocking part of the allegations was the reactions by society and the Weinstein Company. Unlike Trump who was later placed into his position of power after the revelation of, and his disturbing admission of his sexual advances, Harvey Weinstein was removed from his own company.[\[10\]](#) But why is this conduct condemned for the individual who creates movies for our enjoyment, and not for the person who makes policy decisions affecting our safety and health?[\[11\]](#)

Again we are faced with what should be easy questions. Roy Moore is currently the Republican nominee for Senator of Alabama.[\[12\]](#) He was removed from his Chief Justice position in 2003 for refusing to remove the Ten Commandments from the judicial building, and suspended for his refusal to accept and follow the legalization of marriage equality,[\[13\]](#) thus dismissing and ignoring the fundamental premise of the separation of church and state.[\[14\]](#) In early November, Roy Moore was added to the growing list of public figures who have been accused of sexual assault. These allegations push societal norms and acceptance even further, forcing us to again question what actions we will allow in the face of endorsed political platforms. Prioritizing the law, some want passed over the inherent policies and values the candidate supports.

Roy Moore has been accused by five women for sexual assault and harassment, but what makes this case that much more disturbing (if possible) from the others, is that these women accusers were not women at the time.[\[15\]](#) They were not of age to consent. They were just young teenagers who were preyed on by an older man in a position of power and dominance. In fact, this is the very reason we have age of consent laws and statutory rape laws. It is to protect children under specific ages from consenting to sexual contact with an older individual.[\[16\]](#) It is to protect children from being coerced, manipulated, or overpowered into accepting sexual advances from an older individual.[\[17\]](#) It is to protect children from their immaturity that hinders their ability to appreciate and understand the consequences and risks of the sexual conduct.[\[18\]](#) At the time of Moore's sexual advances, one of the accusers was just 14 years old – that is two years less than the age of consent.[\[19\]](#) Further, it has been revealed that Moore was known in the community to lurk around the local mall, catching the eye of locals and still remembered for his unusual behavior decades later.[\[20\]](#)

And while society has endorsed laws to protect minors, there are still some officials who have reverted back to religious arguments as an attempt to justify these incredibly disturbing allegations.^[21] While some politicians have spoken out encouraging and insisting that Moore take himself out of the race, he stays in the running.^[22] So again as a society we are faced with the true possibility that a man who exemplifies legal violations and societal disturbances will be placed into a position of power. All the while, the same man who essentially endorsed conduct of sexual assault sits in his chair in the oval office silent on the subject.^[23]

The entertainment industry has demonstrated their understanding of the negative influence that men like Harvey Weinstein, Louis C.K., and Kevin Spacey provide to their industry and have removed them from their positions of power.^[24] Although society may enjoy their movies, jokes, and television shows, we have seen the bigger picture and we must too apply that to our government.

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^[1] See Peter Baker, "What About Bill?" *Sexual Misconduct Debate Revives Questions About Clinton*, The New York Times (Nov. 15, 2017), https://www.nytimes.com/2017/11/15/us/politics/bill-clinton-sexual-misconduct-debate.html?_r=0.

^[2] *Id.*

^[3] See BBC, *US election: What are the sexual allegations against Donald Trump?* (Oct. 23, 2016), <http://www.bbc.com/news/election-us-2016-37641814>.

^[4] See Jane Manning, *Donald Trump, 'Locker-Room Talk' and Sexual Assault*, The New York Times (Oct. 20, 2016), <https://www.nytimes.com/2016/10/11/opinion/donald-trump-locker-room-talk-and-sexual-assault.html>.

^[5] See Jeremy Diamond & Eugene Scott, *Trump says he'll sue sexual misconduct accusers*, CNN (Oct. 22, 2016, 10:31 PM), <http://www.cnn.com/2016/10/22/politics/trump-says-hell-sue-sexual-misconduct-accusers/index.html>.

^[6] Compare N.Y. Penal Law § 130.52 (McKinney) (classifying "forcible touching" as a class A misdemeanor where "[a] person is guilty of forcible touching when such person intentionally, and for no legitimate purpose forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person, or for the purpose of gratifying

the actor's sexual desire.") with N.Y. Penal Law § 120.00 (McKinney) (classifying assault in the third degree as a class A misdemeanor when with intent, recklessness, or criminal negligence causes "physical injury to another person.").

[7] See *assault*, Black's Law Dictionary (10th ed. 2014).

[8] See U.S. Const. amend. I.

[9] See Jodi Kantor & Megan Twohey, *Harvey Weinstein Paid Off Sexual Harassment Accusers for Decades*, New York Times (Oct. 5, 2017), <https://www.nytimes.com/2017/10/05/us/harvey-weinstein-harassment-allegations.html>.

[10] See Ryan Faughnder & David Ng, *Movie producer Harvey Weinstein is fired from his company after sexual harassment allegations*, Los Angeles Times (Oct. 8, 2017, 9:00 PM), <http://www.latimes.com/business/hollywood/la-fi-ct-harvey-weinstein-out-20171008-story.html>.

[11] See New York Times (Nov. 13, 2017), <https://www.nytimes.com/2017/11/13/opinion/roy-moore.html>.

[12] See *Judge Roy Moore*, <https://www.roymoore.org/About-Judge-Moore/>.

[13] *Id.*

[14] U.S. Const. amend. I.

[15] See Jonathan Martin & Sheryl Gay Stolberg, *Roy Moore Is Accused of Sexual Misconduct by a Fifth Woman*, New York Times (Nov. 13, 2017), <https://www.nytimes.com/2017/11/13/us/politics/roy-moore-alabama-senate.html>.

[16] Generally, the individual making the sexual advances is over 2-3 years older than a child younger than 16. See UNICEF, *Legal minimum ages and the realization of adolescents' rights 22*, available at [https://www.unicef.org/lac/20160406_UNICEF_Edades_Minima_Eng\(1\).pdf](https://www.unicef.org/lac/20160406_UNICEF_Edades_Minima_Eng(1).pdf).

[17] *Id.*

[18] *Id.*

[19] See Stephanie McCrummen, et al., *Woman says Roy Moore initiated sexual encounter when she 14, he was 32*, The Washington Post (Nov. 9, 2017), https://www.washingtonpost.com/investigations/woman-says-roy-moore-initiated-sexual-encounter-when-she-was-14-he-was-32/2017/11/09/1f495878-c293-11e7-afe9-4f60b5a6c4a0_story.html?utm_term=.1c5a6116f7ca.

[20] See Charles Bethea, *Locals Were Troubled by Roy Moore's Interactions with Teen Girls at the Gadsden Mall*, *The New Yorker* (Nov. 13, 2017), <https://www.newyorker.com/news/news-desk/locals-were-troubled-by-roy-moores-interactions-with-teen-girls-at-the-gadsden-mall>.

[21] See Daniel Burke, *The unholy excuses of Roy Moore's Allies*, *CNN* (Nov. 14, 2017, 12:08 PM), <http://www.cnn.com/2017/11/10/politics/moore-unholy-excuses/index.html>.

[22] See Hunter Schwarz, *More than 20 Republicans have called for Roy Moore to step aside*, *CNN* (Nov. 13, 2017, 10:33 PM), <http://www.cnn.com/2017/11/13/politics/more-than-20-republicans-have-called-for-roy-moore-to-step-down-or-not-take-office/index.html>.

[23] See Zeke Miller & Steve Peoples, *Silence from Trump as Moore-Alabama storm grows louder*, *Chicago Tribune* (Nov. 15, 2017, 6:21 PM), <http://www.chicagotribune.com/news/nationworld/politics/ct-trump-roy-moore-senate-scandal-20171115-story.html>.

[24] See *supra* note 9.