



Written by [Ty Bodden](#) on April 8, 2026

Enforce the Sixth Amendment: Speedy Trials, Not Excuses for Delay

States should strengthen [Sixth Amendment](#) protections by enacting real deadlines for criminal trials — not by treating constitutionally protected rights as flexible suggestions that can be postponed indefinitely. Maine’s [LD 340](#), known as the “[Maine Speedy Trial Act](#),” takes a step in the right direction by treating the right to a speedy trial as a genuine constitutional safeguard rather than an empty promise. The Sixth Amendment of the [U.S. Constitution](#) declares that “the accused shall enjoy the right to a speedy and public trial.” That [guarantee becomes meaningless when](#) court congestion, staffing shortages, or simple administrative convenience serves as a perpetual excuse for delay. Legislatures across the country should pass measures that enforce firm timelines with real consequences, rather than normalizing postponements and pushing justice further into the future.



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LD 340 sets specific deadlines for when criminal trials must begin after arraignment. The [timelines](#) are phased in over several years, and vary according to the seriousness of the charge, with shorter periods for more severe offenses. Certain delays are excluded from the calculation, including mental-health evaluations, continuances requested by the defendant, and issues involving co-defendants. Courts may grant extensions only for good cause. If the deadline passes without trial, the court must dismiss the case — with or without prejudice — after considering factors such as the offense’s seriousness and input from victims. Victims must receive notice of any dismissal hearings and an opportunity to address the court.

Nothing should interfere with the Bill of Rights, including the Sixth Amendment’s guarantee that the accused shall enjoy the right to a speedy and public trial. Elected officials have a duty to uphold constitutional principles without exception. [Concerns](#) about court staffing, resources, or potential miscarriages of justice — while real — cannot justify violating an individual’s constitutionally protected rights. Innocent people should not sit in jail, and justice must be served for those who are guilty. In truth, [excessive delays](#) themselves heighten the risk of injustice, erode public confidence, and harm both victims and the accused. The Constitution itself supplies the proper solution, and state legislators must be more diligent in applying it.



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What the Testimony Revealed

The testimony on LD 340 showed broad agreement on one point: Maine's current system is failing, and that failure harms defendants, victims, families, and the men and women working in the justice system. Other states are seeing it, too. Even opponents of the bill repeatedly [acknowledged](#) that delayed justice serves no one well. [Rep. Matt Moonen](#) (D-Portland), the bill's sponsor, [argued](#) that the constitutional promise of a speedy trial has become "a right on paper but not in practice," and said Maine needs enforceable timelines to ensure that the guarantee is more than empty words. The American Civil Liberties Union of Maine, a leftist organization that rarely aligns with constitutional principles, likewise [testified](#) that "when criminal trials are unreasonably delayed, everyone loses," noting that defendants, prosecutors, victims, and judges all benefit from "clear timelines and expectations of timeliness with a mechanism for enforcement." Jan Collins of the Maine Prisoner Advocacy Coalition [said plainly](#), "Justice delayed is justice denied," while Sarah Johnson, a Sanford resident, [testified](#) that each additional day of delay brings "loss on many levels" to people not convicted of anything and to their families. Janet Drew, a retired nurse from York, [urged support](#) because the bill would finally "set a definition to our constitutionally protected right to a 'speedy trial.'"

At the same time, the testimony made clear that Maine's law-enforcement officers, prosecutors, and forensic personnel are not the enemy in this debate — they are working under serious strain in an overloaded system that lawmakers at the state and local levels have a duty to fix, and likely created. Prosecutors [warned](#) that dismissals could result not from innocence or lack of evidence, but from the "feasibility of the court to accommodate all trial requests" and the "availability of defense counsel." District Attorney Neil McLean Jr. [testified](#) that without more attorneys, courtrooms, judges, clerks, and judicial marshals, cases would simply "expire due to a speedy trial violation," leaving "no accountability, no rehabilitation, and no justice for victims and survivors."

Law-enforcement groups likewise raised serious public-safety concerns. The Maine Sheriffs' Association [warned](#) that the bill "would not lower the population in a way that centers around public safety," while the Maine Chiefs of Police Association [argued](#) that it could force dismissal of even significant lower-level crimes such as theft, assault, and harassment. Crime-lab and forensic officials further [testified](#) that complex cases often require substantial evidence processing, expert review, and coordination across multiple disciplines, and that rushing those steps could produce errors and injustice. Defense lawyers, meanwhile, [criticized the bill](#) from the opposite direction, contending that its timelines were still too long, its exceptions too broad, and its dismissal remedy too weak if cases could simply be refiled.

Despite this opposition, LD 340 remains a strong step in the right direction, and lawmakers should be encouraged to continue embracing constitutional principles. While it is understandable that Republican legislators opposed the bill because they did not want to appear anti-police, they should use this as an opportunity to [educate](#). The testimony revealed not that speedy trials are unimportant, but that Maine's justice system has been stretched beyond its limits. Lawmakers should take that warning seriously — not by weakening constitutional protections, but by working to restore a system that protects both public safety and the rights guaranteed by the Constitution.

A Constitutional Guarantee, Not a Suggestion

The foundation of LD 340 is unambiguous. The Sixth Amendment secures the right to a speedy trial, a protection the U.S. Supreme Court has applied to the states through the [14th Amendment](#). Yet the prevailing federal standard, shaped by [Barker v. Wingo \(1972\)](#), imposes no real fixed deadline. Courts



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instead apply a vague balancing test weighing the length of delay, the reason for it, the defendant's assertion of the right, and any resulting prejudice. This approach too often invites ambiguity, prolonged litigation, and judicial discretion that undermines the right. Supreme Court Justice Clarence Thomas [has argued](#) that the Court should take a more critical view of settled precedent, noting that decided cases are not "the gospel" and that some rulings rest on little more than ideas "somebody dreamt up" and others simply accepted.

As the National Association of Criminal Defense Lawyers [notes](#), the right to a speedy trial must be balanced with the other guarantees of the Sixth Amendment, but court backlogs still "continue to threaten" the ability of states to guarantee that constitutional right. They also note, "While only around 2% of criminal cases actually make it to court, having a set trial date often aids in moving cases along, resulting in faster plea agreements and case dismissals."

The right to a speedy trial did not begin in 1791. It rests on older English legal principles that renowned jurist [William Blackstone described as](#) protecting "the life, the liberty, and the safety of the subject" through regular criminal proceedings. America's [Founding generation](#) carried that understanding into early state declarations of rights — including [Virginia's 1776 guarantee](#) of "a speedy trial by an impartial jury of his vicinage." Although the right is expressly guaranteed by the Sixth Amendment, it also reflects the broader Founding-era understanding that the people retain fundamental rights beyond those specifically listed in the Constitution. The [Ninth Amendment](#) confirms that the enumeration of certain rights "shall not be construed to deny or disparage others retained by the people," underscoring that speedy trial is not merely a technical court rule, but part of the deeper inheritance of liberty reflected in [English common law](#) and early American declarations of rights.

Nor is the guarantee confined to a single constitutional clause. The Due Process Clauses of the [Fifth](#) and 14th Amendments independently reinforce the Constitution's protection against arbitrary delay, making the right part of the broader promise of ordered liberty and fair criminal process. Pretrial detention without a timely trial effectively punishes the accused before conviction, colliding directly with the presumption of innocence that undergirds [American justice](#).

The Founding generation did not view speedy trial as a secondary court rule, but as a vital protection of liberty rooted in English common law. James Madison [included](#) it in his June 8, 1789 proposed amendments to the Constitution, recognizing that a free government cannot tolerate indefinite delay, prolonged detention, or the use of process itself as punishment.

Statutory speedy-trial laws provide the necessary enforcement mechanism. According to the [National Conference of State Legislatures](#), 40 states and Washington, D.C., have enacted such statutes. Most establish express time limits measured in days or months. The constitutionally protected right sets the principle; statutes give it enforceable teeth.

There is also a [federalism](#) reason for states to act proactively. When states fail to protect basic rights in their own criminal systems, they invite federal litigation and attempted federal intervention in and oversight of state institutions. For those who oppose federal overreach — as they should — the sound course is clear: State legislatures should act first and enforce speedy-trial protections themselves.

Congress recognized this reality decades ago. The federal [Speedy Trial Act](#) generally requires that trials begin within 70 days of indictment or arraignment, with specific exclusions for certain delays and limited allowance for extensions when justified. Federal lawmakers understood that a vague constitutional balancing test alone is insufficient to protect liberty. Concrete deadlines are essential.



Rights Come From God, Not Government

Behind the Constitution's protections lies an even older and more fundamental truth: Our [rights](#) come from [God](#), not government. The [Declaration of Independence](#) affirms that men are entitled to their "separate and equal station" by "the Laws of Nature and of Nature's God," and that all men "are endowed by their Creator with certain unalienable Rights," among them "Life, Liberty and the pursuit of Happiness." Governments are instituted "to secure these rights," and derive "their just powers from the consent of the governed." The Declaration affirms that men have the right to ensure that their government is "most likely to effect their Safety and Happiness."

[Safety](#) is "the condition of being safe from undergoing or causing hurt, injury, or loss." Justice can — and often does — [lead to](#) safety and happiness, meaning that safety equals happiness. This is biblical. Verses about safety, peace, and happiness can be found in [Psalm 4:6-8](#), [Psalm 5:11](#), and throughout [Isaiah](#). A properly functioning justice system, grounded in fair process, timely resolution, accountability for the guilty, and protection for the innocent, strengthens public safety rather than undermining it. Safety emerges as a byproduct of legitimate authority, deterrence through certainty, restored trust, and reduced systemic harms — not as a substitute for justice. Safety must never be used as a pretext for unlimited state power. It should be noted that the Bill of Rights makes clear that real security and true happiness exist alongside liberty, not at its expense, protecting speech, conscience, the home, due process, property, and privacy through the First, [Third](#), [Fourth](#), Fifth, Ninth, and 14th Amendments. A just society, therefore, does not pursue safety through surveillance, intrusion, and government overreach, but through constitutional order that protects both public security and the God-given rights of the people.

That understanding [predates](#) the American Founding. [The Magna Carta](#) declared in 1215 that "to no one will we sell, to no one will we deny or delay right or justice," showing that the principle behind a speedy trial was recognized centuries before the Sixth Amendment, rooted in the [natural-law](#) tradition that government exists to secure justice, not obstruct it. The right to a speedy trial is therefore not merely a procedural privilege granted by the state, but part of the broader duty of civil government to protect justice, liberty, safety, and human dignity.

The Ninth Amendment reinforces that truth by making clear that the people retain rights beyond those specifically [enumerated](#) in the Constitution. Speedy-trial protections therefore rest not only on the Sixth Amendment's express guarantee, but also on the deeper biblical, common-law, and natural-rights tradition that recognizes justice and due process as moral imperatives. Scripture commands impartial justice in [Leviticus 19:15](#) and [Deuteronomy 16:18-20](#). It forbids false witness in [Exodus 20:16](#) and [Exodus 23:1](#), thereby protecting truth, reputation, and fairness in legal proceedings. It teaches that civil authority is real but not absolute; as [Acts 5:29](#) records, "We ought to obey God rather than men." It also requires defense of the vulnerable, as [Proverbs 31:8-9](#) commands: "Open thy mouth for the mute ... judge righteously, and defend the rights of the afflicted and needy." Other passages, including [Micah 6:8](#), [Isaiah 1:17](#), [Genesis 9:6](#), and [James 1:27](#), further underscore that justice must be impartial, truthful, and protective of the vulnerable. When government delays justice, ignores due process, or treats constitutional protections as optional, it fails in its duty to secure the [unalienable rights](#) with which men are endowed by their Creator.



Delay Harms Everyone

Pretrial delay is never neutral. It [punishes](#) the accused [before conviction](#) through detention, [financial hardship](#), damaged reputations, and emotional strain, while also weakening the truth-seeking function of trials as memories fade, witnesses disappear, and evidence grows stale. The result is a justice system that looks arbitrary, inefficient, and unjust. Delay is also costly. Months or years of pretrial detention drain taxpayer dollars that could instead fund courtrooms, prosecutors, public defenders, judges, and forensic capacity to clear backlogs.

Prolonged delay also fuels coercive plea bargaining. Defendants [under pressure](#) from detention, job loss, and family disruption may [plead guilty simply to end the ordeal](#), not because they are guilty. That is not justice. Victims also suffer when cases drag on for years. LD 340 properly gives victims notice and a voice, but respecting victims does not require sacrificing the accused's constitutionally protected rights. A system that resolves cases promptly serves everyone better.

Solutions and Action

The solution is to restore order to the justice system itself. Legislators should repeal frivolous laws, eliminate [unconstitutional](#) statutes and penalties, such as [anti-First Amendment](#) restrictions and [gun laws](#), and focus public resources on addressing the most serious crimes with firmness, clarity, and constitutional fidelity. That also means giving judges, prosecutors, and law enforcement the tools necessary to address the most egregious offenses, while removing needless legal and bureaucratic barriers that slow justice and drain resources from core public-safety duties. If lawmakers are truly concerned about delays, they should address the real causes: under-resourced courts, overburdened district attorneys, and legal systems cluttered with frivolous or [unconstitutional](#) laws. The answer is to strengthen support for law enforcement, prosecutors, and judges; reduce unnecessary barriers to entering and serving in those fields; and concentrate enforcement on serious crimes and genuine threats to public safety.

States should also take stronger action to combat [mass migration](#), since disorder at the border and failures of enforcement place additional burdens on law enforcement and the courts. [Sanctuary-style](#) policies and refusal to cooperate with immigration enforcement place additional strain on already overloaded local police, jails, prosecutors, and courts. A state cannot invite lawlessness, overload its justice system, and then cite that overload as an excuse for delaying the constitutionally protected rights of the accused.

The Right Direction for Reform

The lesson is clear: States should enact speedy-trial statutes that enforce firm deadlines rather than dilute them. The objective is to vindicate the Sixth Amendment with clear timelines, practical exclusions for legitimate delays, and meaningful remedies when the state fails to proceed. That means rejecting routine open-ended postponements and the notion that constitutionally protected rights become optional during tight budgets or crowded calendars.

All of these principles mentioned fit squarely with [The John Birch Society's](#) long-standing "[Support Your Local Police — And Keep Them Independent!](#)" initiative, which stresses that law enforcement works best when it remains local and accountable to the people it serves, not entangled with federal power, funding, and direction. The [Law Enforcement Charitable Foundation](#), a JBS affiliate, likewise defines its mission as protecting the bond between communities and local law enforcement through intelligence



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briefings and nonprofit grants, while helping keep local police independent from the federal government. In the same way, speedy-trial protections keep the criminal-justice system tied to constitutional limits and public accountability. States should strengthen local justice systems so they can uphold the Sixth Amendment on time, not use institutional weakness as an excuse to delay justice.

Legislators and local elected officials should stop multiplying petty offenses and unconstitutional penalties. Instead, they should devote their attention to punishing real crime, enforcing immigration law, supporting local law enforcement, and equipping judges and district attorneys to administer justice promptly and fairly. That is how states can protect both liberty and public safety without sacrificing the constitutionally protected rights of the accused.

Maine's LD 340 merits support precisely because it advances this principle. Other states should follow suit. Legislatures that profess fidelity to the Constitution should stop inventing new ways to postpone justice and instead ensure that criminal defendants receive the speedy trial that the Bill of Rights already demands. As the [maxim](#) long associated with 19th-century British Prime Minister William Gladstone puts it, "Justice delayed is justice denied." When lawmakers fulfill their duty to enforce that principle, they safeguard liberty, restore public trust, and reinforce the rule of law. The Constitution is not the obstacle. It is the standard.

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