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Editorial: Injustice before inconvenience

Gov. Schwarzenegger turns a blind eye to injustice with veto of three modest bills.

An Orange County Register editorial

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It's a sad day in California when it's too controversial to sign a trio of bills that make minor tweaks in the law to make it less likely that people will be wrongfully convicted of serious crimes. Everyone wants serious criminals to be locked up for a long time, but it's hard for us to understand the unwillingness of the government to take every possible precaution to ensure that only guilty people are convicted.

Gov. Arnold Schwarzenegger gave in to his worst political instincts and vetoed three bills that were advanced by a state Senate-created organization called the Commission for the Fair Administration of Justice. Noting that a number of innocent people have served long prison terms for crimes they did not commit, the commission was charged with proposing reforms that deal with specific problems. The bills were quite modest, yet the governor vetoed them and offered only the weakest explanation in his accompanying veto message.

The first legislation was **Senate Bill 511**, which would have required the recording of entire police interrogations of suspects. Some police departments already take this wise precaution, which protects not only defendants from being coerced into giving confessions but also protects police agencies. If a defendant claims he was coerced into admitting guilt, then the agency merely provides a tape showing that wasn't true. It also protects against selective editing of a confession. The genesis of this proposal was the confession of one innocent man after 17 hours of intense interrogations. The governor claimed that the measure would put "unnecessary restrictions on police investigators."

The second was **SB756**, which would create a task force to come up with voluntary guidelines for police lineups. Any proposals coming from that commission would still need to go back to the Legislature for approval, yet the governor bizarrely claimed that the bill went "too far." He again referenced the need for police agencies to be able to adopt their own policies without restriction. One case supporters point to involved a man who was wrongfully convicted after police used "suggestive" identification techniques with a suspect.

The third was **SB609**, which would have required that testimony from jailhouse informants be corroborated by other evidence. The commission pointed to a man who spent eight years in jail based on unreliable testimony by a prisoner. This seems like a basic measure, given that jailhouse informants have every reason to lie given that the authorities give them leniency in exchange for their testimony. The governor claimed that there are plenty of existing safeguards.

Given the cases publicized by the commission, there apparently are not sufficient safeguards. The governor's veto statements show a disturbing concern solely for any inconvenience to the government agencies and no obvious concern to the injustice inflicted on those wrongfully convicted. Like Gov. Gray Davis before him, Gov. Schwarzenegger has apparently decided that he's more willing to allow injustices to take place than to stand up to the state's law enforcement unions. This is too bad in a state once known for its concern about civil liberties.

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