

Sunday, September 30, 2007

Disagree with Spitzer and you love criminals

Assemblyman Spitzer's speech is the epitome of what's wrong in Sacramento.



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Not many people know anything about 19th-century judge Gideon J. Tucker, but he did leave for posterity these words: "No man's life, liberty or property are safe while the Legislature is in session."

As someone who occasionally follows the California Legislature, which, no doubt, is far more bizarre than the 1866 New York Legislature that Tucker was writing about, I can attest to the truth of that saying. There are few areas of life that elected officials, Democrat or Republican, view as off-limits from their meddlesome regulations, which means no Californian really is safe when lights are on at the Capitol.

Putting chapter and verse to the California state Assembly's and Senate's dysfunctional nature would require a treatise. But I have found a speech by an Orange County legislator that captures much that's wrong in Sacramento in one short diatribe. The legislator is Assemblyman Todd Spitzer, R-Orange, who has become the GOP spokesman on "public safety," so Spitzer's behavior is not just indicative of one out-of-control legislator, but reflects the views of the Assembly GOP leadership.

Spitzer's speech earlier this month on the floor of the Assembly was a stem-winder. There's demagoguery, a fierce attack on a straw man and the setting up of false choices. It includes invective and taunting. It is pompous, deceptive and totally for show, given that no one is persuaded to change their mind by such banter. Spitzer's talk reflects an unthinking trust in government power and a stunning lack of concern about common government abuses, excesses and

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mistakes. Spitzer acts mainly as the spokesman for an interest group (the law-enforcement unions) rather than as a defender of the Constitution or the people.

According to Spitzer, those who voted for a modest measure (Senate Bill 756) that would direct the state attorney general to propose standard regulations for police line-ups of crime suspects couldn't possibly believe that the current, imprecise standards might lead to people being misidentified. Nope, those who support the bill are attacking law enforcement personnel directly: "[O]ne of the reasons that there are vacancies in every sworn position ... is because anyone making a career decision about law enforcement only has to look at one of the most unfriendly institutions which continues to question the loyalty and commitment of sworn personnel in this state, and that is this particular two-year session of the California Legislature."

Unfriendly? This is a Legislature that refused to even require that police agencies allow public access to records of abusive behavior by officers. Spitzer won't explain that the vacancies are largely caused by the massive increase in taxpayer-funded retirement benefits that he and others have pushed through, given that they have enticed officers to retire in their early 50s with 90 percent or more of their final pay, thus leaving many job openings.

I'll quote more from the speech, but first some background.


On Sept. 4, the Assembly considered SB756, part of a package of sensible reforms proposed by a Senate commission created in 2003 "to study and review the administration of criminal justice in California to determine the extent to which that process has failed in the past, resulting in wrongful executions or the wrongful conviction of innocent persons." The impetus was some high-profile cases of wrongful convictions. Harold Hall spent 19 years in prison for double murder, after being coerced into a confession following 17 hours of interrogation. Herman Atkins spent 12 years in prison for a rape he did not commit after being mistakenly identified by the victim after police used "suggestive" ID techniques. Thomas Lee Goldstein served 24 years in prison for murder based on untrustworthy informants. Such cases are being uncovered more often as DNA evidence enters the picture.

Legislators introduced three bills stemming from the commission's work. The first, SB511, would mandate that police agencies record the entire interrogation of a suspect in a violent felony, something many agencies already do as a matter of prudence. The second is SB756, described earlier. The final bill, SB609, "would curb false testimony by jailhouse informants by requiring

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corroborating evidence for all such testimony," according to the commission's executive director, Gerald Uelmen. "Jailhouse informants have strong reasons to lie because they are offered lenience in return for information," he said.

All three bills passed both houses and are now on the governor's desk. They were backed mostly by Democrats, but had some support from Republicans, including some conservatives who understand the nature of government power.

On the floor, Spitzer tried to link SB756 to some nefarious pro-criminal agenda: "A bill that is now on call ... is a bill that says we must record every interrogation because we've lost faith in law enforcement. ... [T]he bill puts a burden on law enforcement SB756 says ... where you line people up on the sidewalk, and you have the victim drive by in a police car to see if that's the person who stole the purse or mugged the person or raped the victim, that is all in question because we now assume in California that the police are going to fabricate evidence, they are going to plant information into the witness's head, and they are going to completely do everything in their power to abuse their sworn duty."

Surely, police make some mistakes. Some misbehave. Police agencies and district attorneys have an institutional desire to

score convictions. Sometimes they can pig-headedly pursue bad cases, as the nation has seen in the Duke University case, where the district attorney pursued rape charges against students who obviously did not commit the crime. Prosecutors have political ambitions (Spitzer, by the way, wants to be Orange County's D.A.) that can affect their judgment.

Spitzer finally declared that legislators should vote no on SB756 and other bills "unless you put yourself in one of two camps, and let's be clear what they are. The one camp says we just don't trust law enforcement. It's a horrible career. We have no faith in those of you going through the academies or those in the field. We don't trust you. We don't put our faith in you, and we don't think you should make it a career in the state of California. Our correctional officers don't have a contract, so if you vote for this bill it's not just this bill. It's every single bill which continues to be an assault on law enforcement. I ask you to choose, because we're going to look at the record. Either be in the camp that says you have faith in the police, and when you dial 911 you want them there and want them to stop the crime and you want them to solve the crime or you're in the camp ... that wants early release of prisoners."

Get it? If you don't agree with Spitzer – who was relegated to the

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Assembly's smallest office after the Democratic leadership tired of him labeling his opponents as "pro-criminal" – then you hate cops and want rapists and murderers out on the streets.

Actually, I see the camps differently. There's the one camp that is horrified by Spitzer's on-the-floor bullying and believe it erodes the dignity of the Legislature, and the other that figures there's nothing much to erode and that legislators probably are doing the least harm when they are sniggering at speeches by second-rate demagogues.

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