



DeVore shows why he is most principled OC legislator; Spitzer shows why he should never be DA

September 6th, 2007 · [3 Comments](#) · posted by [sgreenhut](#)

From Steven Greenhut:

All local Republicans talk about limited government and holding the line on taxes and other standard-issue conservative dogma. They've got to talk the talk, if they want to get elected in a conservative county. Unfortunately, few of them seem to really believe or even understand anything about these principles. Their key goal is getting re-elected and not giving opponents anything that can be used in a hit mailer.

One of the most fundamental elements of the modern Ronald Reagan-style conservatism OC legislators *claim* to adhere to is a distrust of government power, and the realization that there are few things more corrosive of liberty than to be sentenced to prison for a crime you didn't commit.

Being tough on crime is one thing, but shouldn't we make sure that only the guilty are sentenced to prison? Didn't the founders care deeply about this matter, and have the attitude that it's better to free 1,000 guilty people than to allow one innocent person to languish in jail?

Yet this week three bills that should have been embraced by conservatives were rejected by most of the OC delegation and almost all Republicans statewide. The bills are an outgrowth of the nonpartisan [California Commission on the Fair Administration of Justice](#), and are designed to assure that only guilty people are sentenced to long prison terms. Similar bills have recently been signed into law in North Carolina, following [DA Mike Nifong's](#) attempt to railroad innocent lacrosse players into rape convictions, even though evidence showed clearly that the kids didn't commit the crime.

The three proposed bills — all three have been approved by the full Assembly — offer minor tweaks that should be unobjectionable to anyone concerned about justice.

The first one, SB 609, by Sen. Gloria Romero, D-Los Angeles, would require corroboration of testimony by in-custody informants, so that DAs would not be able to, say, gain a death-penalty conviction solely from the testimony of hearsay from a fellow inmate with an axe to grind. It was even endorsed by Los Angeles County DA Steve Cooley, LA County Sheriff Lee Baca and LA Police Chief Bill Bratton, which rebuts the usual refrain that this somehow impedes law enforcement.

Yet OC's GOP delegation all voted no, except for Chuck DeVore, who is showing himself to be the only truly principled conservative in the bunch.

Wrote DeVore: "For me, this is an issue of fundamental justice for the accused. The bill would provide that a jury or judge may not convict a defendant, find a special circumstance true, or use a fact in aggravation based on 'uncorroborated testimony of an in-custody informant.' The testimony of an in-custody informant would be required to be 'corroborated by other evidence that connects the defendant with the commission of the offense, the special circumstance, or the evidence offered in aggravation to which the in-custody informant testifies.'

"This bill deals with the abuse uncovered in the 'jail house informant scandals of the 1990s' with defendants convicted and sentenced to death based on the testimony of in custody informants without any corroboration or support."

Good for Chuck. Democrat Jose Solorio, who unfortunately sided with the police lobby on secrecy matters, did the right thing and voted yes on this one. In the Senate, Tom McClintock, another real conservative, voted yes, but Anaheim's Lou Correa voted no.

The next part of the package, SB 511, simply would require the tape recording of the entire interrogation in violent felony cases. According to the commission, false confessions are a leading cause of wrongful convictions. There is virtually no cost in mandating the taping of interrogations. DeVore, again, was the only Republican in the Assembly to support this simple requirement. Solorio also voted yes.

DeVore, for technical reasons, opposed the final bill in the package, SB 756 that seeks to standardize eyewitness identification procedures by developing guidelines for them. It's a good bill, but two out of three ain't bad.

Legislators who actually believe in limited government should have no problem with these measures, which is why the GOP's true conservative luminaries were confident enough in their own skin to support most of them. But most GOP legislators these days are simply interested in posturing — i.e., looking tough on crime by copping the toughest attitude toward criminals — even if it means making it more likely that additional wrongly convicted people will unfairly languish in jail. This is big-government conservatism at its worst.

Assemblyman Todd Spitzer of course voted no. He epitomizes the "law and order" Republicanism that is common these days — a Republicanism that seems to give little more than lip service to issues of injustice and that always sides with the authorities rather than the individual. Spitzer, you might recall, resides in the tiniest office in the Capitol as punishment for his shameless habit of accusing his foes of being pro-criminal. I pick on Todd because he is not only the top grandstander on these issues, but he wants to be Orange County's

district attorney. By law, district attorneys are supposed to put justice first — even above convictions.

Some say justice is blind, but we see here that many legislators are blind to injustice. Didn't anyone learn anything from the Nifong/Duke rape fracas?

[Here's an interesting video on wrongful conviction.](#)

 Stumble it!

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3 Responses to “DeVore shows why he is most principled OC legislator; Spitzer shows why he should never be DA”

1. [Chuck DeVore](#) Says:
September 6th, 2007 at 5:07 pm
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I have to respond to Steve Greenhut's Orange Punch Blog post mentioning myself and my colleague Assemblyman Todd Spitzer regarding criminal justice issues.

Allow me to begin by stating, unequivocally, that Todd Spitzer is the foremost expert on criminal justice in the Legislature. Furthermore, in spite of being assigned to the “Doghouse” by the Speaker for being effective on criminal justice issues, that same Democratic Speaker named Assemblyman Spitzer to be chairman of the select committee on Prison Construction and Operations – and, as such, has a rare posting indeed, as one of the only Republican chairs of any committee in Sacramento.

Lastly, when Mr. Greenhut wrote, “But most GOP legislators these days are simply interested in posturing — i.e., looking tough on crime by copping the toughest attitude toward criminals — even if it means making it more likely that additional wrongly convicted people will unfairly languish in jail.” I do not doubt that with some lawmakers, this may be true. I can state, for the record, that this is not the case with Assemblyman Spitzer, who, in 2004, was the statewide co-chair of the DNA Initiative for, among other reasons, the power of DNA evidence to exonerate the wrongly convicted. Assemblyman Spitzer also worked with Democrat Assemblyman Paul Koretz to increase compensation for inmates who were incarcerated and later found to be wrongly convicted. These are not the actions of a “posturing” politician – I believe them to be the actions of a lawmaker who has a deep passion for justice.

All the best,

Chuck DeVore
State Assemblyman, 70th District

2. *Real American Says:*
[September 7th, 2007 at 4:03 am](#)
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Public officials are commanded an oath to the Constitution to support/uphold; not an oath to special interest. Especially not 100 % support to special interest. That alone should keep one from public office and holding the scales of justice. The scales of justice can be rigged for anyone to fail and be convicted here in orange county and California. They don't need to be tipped further with 100 % to the other party . We need new direction and leadership that is smart on crime. DNA is one thing but how about not having a policy of using serious major fraudulent false evidence that is knowingly presented instructed to jury to convict and not covering up suppressing stated truthful evidence toward innocence . Obstruction of justice occurs when public officials will not correct the record nor investigate that obstruction and the tampering of evidence. Also the over-crowding jail prison system needs my help with case review. There is no need to build more prisons. Case review the inmates. I know what to look for. The policy of manufacturing evidence to deceive a jury...that goes on to manufacture more prisons has to stop. Put me to work...I know what to look for in case review. And just to add further...what is needed in court proceedings is video and audio taping and same day court transcript given to the parties involved. No more wrongful false and corrupt convictions.

3. *buck henderson Says:*
[September 8th, 2007 at 8:59 pm](#)
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Greenhut seriously man you're a nut
