

H A R L A N R I C H A R D S

December 21, 2011 NEWT GINGRICH SAYS JUDGES HAVE TOO MUCH POWER

Newt Gingrich, trying to press the same hot button issues which propelled his political career in the 90s, came out with a plan to deal with judges who issue controversial decisions, i.e., anything that does not agree with his conservative ideologue agenda. He thinks Congress should be able to subpoena judges to answer for the decisions they issue. Newt would have a good idea if he had a different definition for what constitutes a controversial decision.

Newt thinks any time a judge rules against the government in favor of a private citizen, that's a controversial decision. He has no problem with a supreme court that will steal an election from the candidate who got the most votes as in Bush v Gore in 2000. Nor does he mind it when the supreme court holds that corporations are people who have first amendment rights to make unlimited campaign contributions, as our United States Supreme Court recently did.

No, what Newt objects to are judges who uphold Roe v Wade, protecting a woman's right to choose; or overturn a criminal conviction based on prosecutorial misconduct or other grievous error; or require the government to justify its arbitrary actions, such as invading Iraq based on the intentional lie that Saddam Hussein was involved in the 9/11 attacks. Those are the kind of decisions Newt would deem controversial. I have a different definition.

In the early 1990s, the Wisconsin Supreme Court issued State v Escalona which created a procedural bar to prevent innocent prisoners from challenging their convictions in post-conviction proceedings after exhausting their direct appeals. The case was applied retroactively and overturned 20 years of prior case law which was the established precedent. In that same era, the same court issued State ex rel Richards v Foust, which also overturned 20 years of prior case law, only this time it was to create an exception to the Wisconsin Open Access to Records Law for closed prosecutorial files.

Had these decisions not been issued I would not have spent the last 27 years in prison. These are what I call controversial decisions but I suspect Newt would find no problem with creating procedural hurdles to keep innocent people in prison or denying them access to the evidence they need to prove the prosecutor knowingly used perjured testimony to send an innocent person to prison.

The Aniterrorism and Death Penalty Act was enacted when Newt was the House of Representatives majority leader. It was passed to remove the federal habeas corpus protections from prisoners on death row because they were using them to prevent their execution. Newt and other pro-life conservatives were outraged that federal judges were delaying the state-sanctioned murder of prisoners by reviewing claims that those prisoners were innocent or not lawfully convicted of the crime for which they were facing execution. I guess Newt and his cronies subscribe to the theory that "dead men tell no tales." Hurry up and execute them so they can't keep stirring up controversy by proclaiming their innocence.

Judges who are willing to take a stand to defend the rights of the powerless and dispossessed are the only means we have of upholding our constitution. Newt would publicly pillory these judges to intimidate them into submission.

I am a Christian and have given my life to God. It truly amazes me that Newt's main base of political support comes from "Christians" when he epitomizes the antithesis of Christian values - his political beliefs and his personal life. Perhaps instead of pointing out what's wrong with Newt, I should be asking these so-called Christians who support him what kind of values they have which will justify them in putting their faith in a man who is more like Pontius Pilate or Nero than Christ?