

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

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Wisconsin's Gay Marriage Ban
Struck Down By An Activist Federal Judge

Federal Judge Barbara Crabb recently struck down Wisconsin's constitutional amendment banning gay marriage. This has prompted numerous gay marriage opponents to decry that terrible activist judge who overstepped her role as a federal judge.

Gay marriage is the cause de jour these days. It is a favorite subject of the news media which is essentially stoking up support to end gay marriage bans. To tell you the truth, I have no opinion on gay marriage. I don't care if they can get married or not. It is such a petty, ridiculous issue that I can't see why anyone - either pro or con - cares about the outcome. If I was gay, as long as I could have an intimate relationship with my significant other, I wouldn't care whether the state issued a marriage license or not. Are gay people feeling so guilty about their lifestyle choices that they need the state's Good Housekeeping Seal of Approval to make them feel okay about themselves?

In my opinion, Judge Crabb is one of the most conservative, arbitrary and unfair judges on the federal bench - about on the same level as right-wing ideologue Judge Randa who ordered Wisconsin prosecutors to end their John Doe investigations into campaign law violations by conservative PACs. Judge Crabb's enlightened decision striking down the gay marriage ban does not redeem her in my eyes. I feel sure she had a hidden agenda which motivated the issuance of that decision.

I evaluate judges based on their willingness to protect the rights of the most oppressed segments of our society. Once upon a time, gays and blacks were among those oppressed segments. But not any more. We have gay U.S. senators and a black president. Gays are now part of mainstream society - just as likely to be politically conservative as to be liberal. It is no wonder Judge Crabb ruled the way she did on the gay marriage ban. She will always protect society's elites.

The only oppressed and unprotected members of society who still exist are the prisoners - those of us who have spent decades needlessly isolated in draconian prisons. We essentially no longer have any rights. What protections we were given after the Attica massacre in the early 1970s have been taken away.

from us by decades of conservative activist judges (like Crabb) intent on eliminating all prisoner rights. The public never hears about what goes on in prisons nor do they hear about the judicial response to the oppression.

Anyone who really wants to know how bad our prisons and courts are should subscribe to Prison Legal News. Every month they detail numerous instances of prisoners brutalized by their keepers and the courts' refusal to hold prison officials accountable, generally resorting to arcane procedural rules and bizarre judicial interpretations to justify their failure to act.

Judge Crabb could easily be featured in PLN. She bends over backward to pretend she is giving prisoners their day in court. In reality, all they get is a chance to pay a \$350 filing fee they can't afford. It's all about procedure, elevating form over substance. Each prisoner gets his day in court, his chance to be heard. Then promptly dismissed as not stating a claim or whatever other pretext happens to be convenient for the judge.

We are enslaved by a fascist regime, powerless to protect ourselves and neither the news media nor the courts - the traditional defenders of America's liberties - will help us. In fact, they are more likely to assist in our oppression than to come to our aid.

If not for BTB, I would have no voice at all and would be enduring these decades of injustice muzzled by a system above the law and beyond the limited focus of public awareness.