

Wonkette

If Keeping Wrongly Convicted People In Prison Is Wrong, Ted Cruz And Josh Hawley Don't Want To Be Right!

Robyn Pennacchia

February 17, 2022 03:12 PM

It is said by many a slumber party guest that if you go into a dark bathroom and say the name "Bloody Mary" three times, the former Queen of England will appear in the mirror and, I guess, murder you for being a Protestant. A similar thing is supposed to happen with "Candyman," according to the 1992 film starring Virginia Madsen and Tony Todd and its many sequels and remakes. However, if you stand in front of a group of Democrats and say the words "soft on crime" any number of times, the ghost of Michael Dukakis's 1988 presidential campaign appears and scares anyone who might vote for you with some extraordinarily racist nonsense at the last minute, forcing you to spend the next decade supporting overly punitive (and racist!) but largely ineffective criminal justice measures that will later become a massive embarrassment.

Or so I have been told.

This week, Republican Senators Ted Cruz, Josh Hawley, Tom Cotton and others tried to run that gambit in order to keep Biden District Court nominee Nina Morrison off the bench, by insisting that her work with the Innocence Project to free wrongly convicted, innocent people from prison was somehow contributing to violent crime. *Somehow*.

"Ms. Morrison, you encouraged this committee to look at the whole of your record," Cruz began. "I must confess the whole of your record is deeply disturbing."

Morrison's record includes freeing over 30 innocent people from prison, and while it's certainly disturbing that they were there in the first place, *that's not really on her*.

"Across this country, Americans are horrified at skyrocketing crime rates, at skyrocketing homicide rates, at skyrocketing burglary rates, at skyrocketing carjacking rates," he continued. "All of those are the direct result of the policies you've spent your entire lifetime advancing."

Are they though?

What Cruz is trying to insinuate here, however unsuccessfully, is that working to get innocent people out of prison is bad because awareness of the fact that innocent people can be sent to prison for crimes they did not commit may lead prosecutors to be more careful about whom they send to prison — which, in the minds of dopes like Ted Cruz, means that bad scary people are being set free. Apparently it doesn't count when those bad scary people are free because an innocent person was sent to prison in their place.

Or, as Huff Post's Jennifer Bendery pointed out in her analysis of the hearing:

None of it made sense until you noticed a pattern in the attacks Republicans were making: First, use a judicial nomination to wage a proxy fight against progressive prosecutors, a cohort of left-leaning Democratic district attorneys who have sought reforms to the bail system, curbed enforcement of lower-level marijuana offenses and increased the use of diversion programs over jail time. Second, falsely cast these Democratic district attorneys' policies as the reason for spikes in crime, and then tie the judicial nominee to those policies and therefore the violence.

This still makes no sense because Morrison has had almost nothing to do with prosecutors other than highlighting the issue of prosecutorial misconduct leading to people being falsely convicted.

For his part, Hawley's tack was to criticize Morrison for having praised St. Louis Circuit Attorney Kim Gardner for her work in helping to get a wrongly convicted man, Lamar Johnson, out of prison a year before Gardner made the decision to release protestors who had been arrested during the George Floyd protests. But rather than even asking her whether or not she agreed with that decision or anything else Gardner had done, Hawley seemed primarily upset about Morrison's lack of psychic abilities.

Either that or he doesn't know how to find the date of publication on a website.

Via Huff Post:

“In the midst of rioting that convulsed the city of St. Louis, police officers were shot at ... rioters threw rocks and gasoline and frozen water bottles ... firefighters were assaulted ... innocent civilians were assaulted,” he said.

“[Gardner] said the police were the ones at fault... Is that the kind of approach that you stand by and think is appropriate for prosecutors to take?”

Morrison said her op-ed that referenced Gardner was specifically about the wrongly convicted man, Johnson — and that the piece had a “heartening” effect among Republican lawmakers in his state.

“The Missouri Legislature, I believe a Republican in both chambers who sponsored the bill, changed the law so that Ms. Gardner could successfully file a motion for a new trial on behalf of the individual referenced, and we were joined by the [libertarian] Cato Institute and others in supporting that bill,” she said.

“In the particular case I was writing about,” she added, “it appeared to reflect a broader consensus about how to handle wrongful convictions.”

Ignoring that, Hawley went on to insist that Gardner and prosecutors like her were actually "*pro-crime*," saying that he could never vote for someone as "soft on crime" as Morrison.

Arkansas Sen. Tom Cotton, during his turn, went on to criticize Morrison for taking the case of the sister of Ledell Lee, a man who was already executed in his state four years prior, just because the DNA of an entirely different person was found on the weapon Lee was supposed to have used to murder 26-year-old Debra Reese. While Morrison tried to explain "DNA" to him, Cotton doubled down, saying that Lee "was convicted on the basis of eyewitness testimony and the possession of Reese's stolen property." Because as we all know, eyewitness testimony is just ever so reliable.

I'm gonna suggest you go grab a pillow before reading the next excerpt, because you are going to want to scream into it:

[Morrison] said she couldn't say much more about the case since she is still representing Lee's sister, but noted that there is "a significant amount of compelling evidence" in favor of Lee's innocence.

"Compelling evidence that courts somehow overlooked for 22 years until he was executed?" interrupted Cotton, exasperated.

"Senator, I have represented many individuals who were exonerated by DNA who lost dozens of appeals in courts because DNA was not available," Morrison replied.

At this point, Cotton just tried to make Morrison feel guilty for taking on the case at all.

"As he walked to the execution chamber, on the night of his execution, he looked at a warden and smirked, and said, 'This ain't happening. You all are taking me back,'" said Cotton. "Are you proud that you encouraged such defiance of convicted murderers?"

"Senator, I don't believe that anything in my career has ever encouraged defiance or disrespect for the process," Morrison said. "I know that Mr. Lee maintained his actual innocence until his execution."

"Would you like to say anything today to Debra Reese's family?" Cotton said.

"There is no question that Ms. Reese suffered a horrible death that no one in this world should suffer," Morrison said. "I only hope the right person was convicted and executed because the contrary is unimaginable."

I have to say. I have long personally had the feeling that many of the particularly carceral among us don't necessarily care if innocent people are executed or imprisoned, so long as *someone* is.

Either because it scratches some kind of itch or because they actually think that it deters crime. I certainly think that those who support the death penalty don't care, because *how could you* if you know we sometimes get these kinds of things wrong? But I usually figure I must have a unfairly low opinion of such people, so it's weird to hear them just ... say it out loud like that.

Frankly, I think it's pretty huge that several Republican senators have pretty much straight up said that they are in favor of keeping wrongly convicted, innocent people in prison and I would like to see them questioned more on this, as often as possible, ideally while they are campaigning for office and long after Nina Morrison is a sitting judge. *This should stick to them.*

And I hope Democrats don't back down here, and before going along with some bullshit for fear of appearing "soft on crime," consider the fact that people who think we should keep innocent people in prison are probably sociopaths with at least a million other reasons for voting Republican.