

OPINION

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COMMENTARY | CARL LEUBSDORF

Time for GOP to make deal

It's hardly surprising that the final stages of the Senate's immigration debate saw painstaking negotiations on complex border security provisions to assure the solid bipartisan majority the measure received.

Unfortunately, House Republican leaders are already signaling that they plan to approach the issue in a way that threatens the chances of passing the year's most important legislation.

Cooperation has traditionally been the pattern in the Senate, where rules protecting the minority generally require carefully constructed bipartisan coalitions to enact major legislation. At times, including the first years of both Clinton and Obama administrations, Republican senators erected a solid wall against the Democratic president's key initiatives, which passed with only his party's votes.

But since Obama's reelection, as during Clinton's second term, some Republican senators have begun to abandon their solid negativity and traditional Senate dynamics re-emerged. But the House threatens to undercut that positive sign.

Its rules enable the majority party to control debate and votes on most major issues. That has not prevented some past majorities from reaching across party lines to pass major bills, though that has been a decreasing pattern in recent years. But the recent House defeat of a farm bill that seemingly had enough bipartisan support to pass shows that the electoral dynamics that produced the GOP's fractured majority require a return to a more bipartisan approach.

That may be hard, because the 2010 Republican election successes enabled GOP-controlled state legislatures to re-draw congressional districts in ways that both protected most GOP members and ensured many districts would have outspoken tea party representatives disinterested in compromise.

On the farm bill, a group of them undercut the GOP leadership by pushing through sharp limits on food stamp recipients despite warnings it would drive away enough Democrats to leave the basic bill short of a majority.

Politico's David Rogers, perhaps the top journalistic expert on the inner workings of Congress, noted that 61 of the 62 Republicans who opposed the bill first voted for the food stamp amendment. Republican leaders tried to blame Democrats for

the bill's defeat. But Rep. Collin Peterson, the Agriculture Committee's top Democrat, warned during the debate that the food stamp cut "breaks the deal that we had and is offensive."

The House GOP's continuing rejection of bipartisanship is exacerbated by its determination to apply a two-decade-old party guideline called the Hastert Rule. It says bills must have the support of "the majority of the majority," meaning a majority of Republicans, to be even considered and stems from a statement by former GOP Speaker Dennis Hastert, who presided over the House from 1999-2007, that his job was "to please the majority of the majority."

When Democrats regained House control in 2006, Speaker Nancy Pelosi, D-Calif., told Roll Call, "I have to take into consideration something broader than the majority of the majority in the Democratic Caucus."

"I think you don't want to bring bills to the floor that a majority of your party is opposed to routinely but sometimes when a great issue is at stake, I think you need to do that," she said.

That sounds sensible, especially in today's polarized environment when many bills with the support of a majority of Republicans are unlikely to get enough Democratic support to pass. But that's not acceptable in today's Republican Party, even "when a great issue is at stake."

The only way around this would be for Republican leaders to abandon the Hastert Rule, because a coalition of a minority of Republicans and a majority of Democrats may be the only way to pass an acceptable immigration bill. But Rep. Robert Goodlatte, R-Va., chairman of the Judiciary Committee, said on CNN on Sunday he wants a "Republican solution" on immigration, not a bipartisan one, and urged Democrats "to work with Republicans to get a solution in the House that the majority of House Republicans will support it."

That's a prescription for ensuring that any immigration bill that can pass the House will be unacceptable to a majority of the Senate and to Obama. It would give the Democrats a campaign issue, but this time, they really want a bill.

Carl P. Leubsdorf is the former Washington bureau chief of the Dallas Morning News.

COMMENTARY | STATE SEN. TOM O'MARA

Restoring a fundamental responsibility

One of the most heartening achievements of the recently concluded legislative session was the Legislature's galvanizing strong, bipartisan support around what can be seen as an overwhelming recommitment to the protection of some of our most vulnerable citizens.

First came the Legislature's refusal to let stand a \$90 million cut in funding to the state Office of People with Developmental Disabilities (OPWDD) that was included in this year's state budget. Both the Senate and Assembly had originally called for rejecting a \$120 million, or 6 percent, across-the-board reduction proposed by Governor Andrew Cuomo to OPWDD – the lead state agency overseeing state assistance to programs and services for people with developmental disabilities. By late March, when the final budget was adopted, the governor would only agree to a \$30 million restoration, or just one-quarter of his original cut – believing that the rest of the savings could be achieved through agency belt tightening and cost cutting that wouldn't impact direct programs

and services.

It sparked a rare, overwhelming coalition of Senate and Assembly members, from both sides of the political aisle, which simply refused to let it stand. We never gave up on removing this threat to programs and services that are the lifelines for people with disabilities and their families. Legislation (S.4777/A.6692-C) approved in mid-June will ensure that OPWDD's funding will be fully restored even if the previously established working group is unable to achieve recommended savings and cost efficiencies.

Now that action's being followed up by another important announcement for New Yorkers with special needs. The last weekend in June brought the opening of the Justice Center for the Protection of People with Special Needs, a new state agency that "will implement the toughest standards and practices in the nation to protect the special needs community from abuse and neglect." This new Justice Center was created through legislation (S.7749/A.10721) Governor Cuomo advanced and the Legislature

approved without a single vote in opposition early last year to implement the state cares for people with special needs. You may recall that it stemmed from a series of New York Times' reports and subsequent internal Cuomo administration investigations in 2011 and 2012 involving long simmering allegations of abuse and neglect of the mentally ill, disabled, elderly and other patients with special needs at state-run group homes, hospitals and other facilities.

In short, we were given a troubling look inside the operations of state facilities whose mission, above all else, is to take care of and protect their patients. It quickly became clear that actions were needed to put in place a stronger safety net. It was straightforward: we had a high responsibility to ensure that the care and safety of patients at state facilities was restored as the absolute priority. The opening of a new Justice Center caps the effort to put in place the strongest standards and practices in the nation for protecting people with special needs and disabilities.

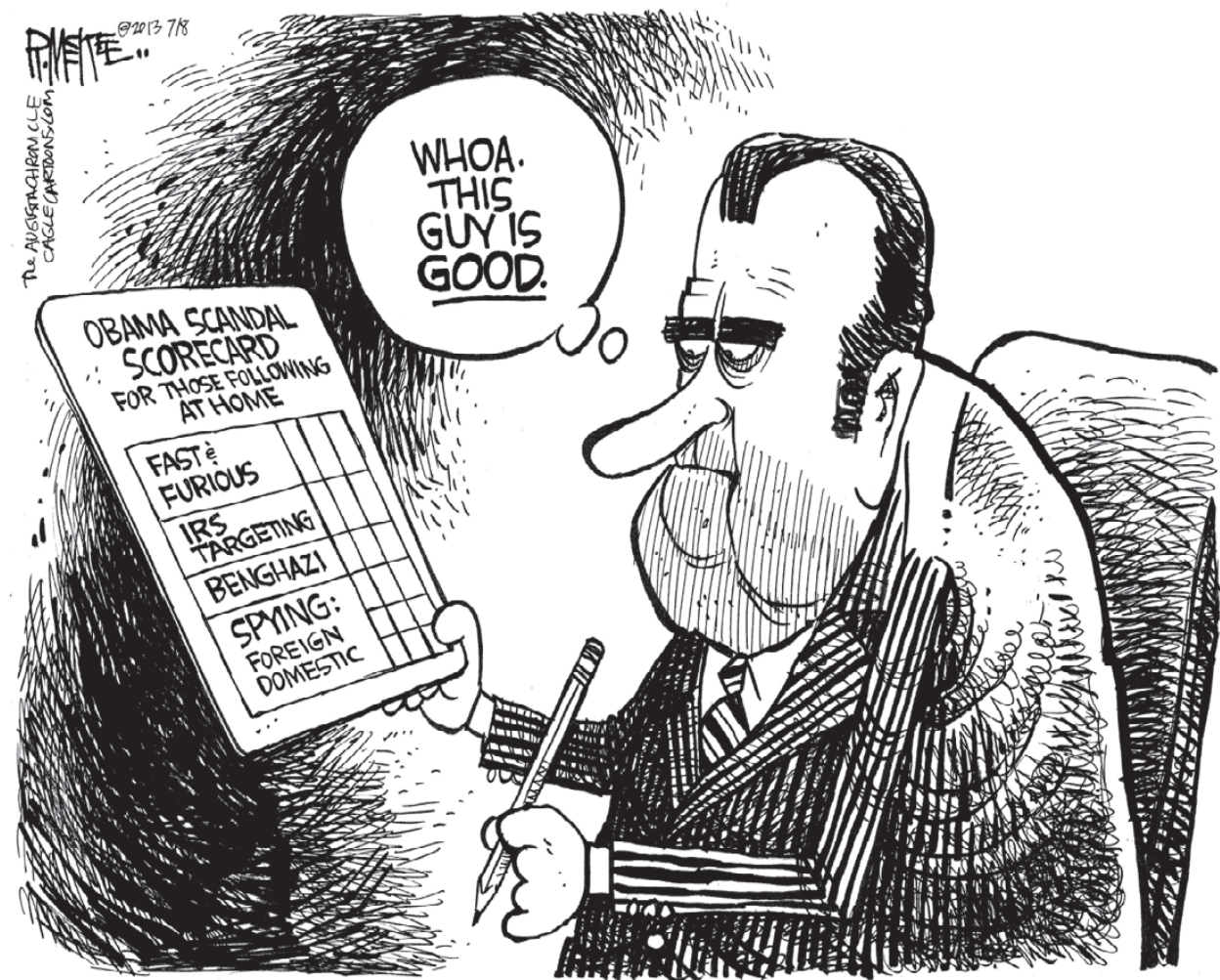
"The Justice Center is committed to the fundamental principle that all New Yorkers with special needs are to be protected from abuse and neglect, and receive the best care possible," said the Center's Executive Director, Jeffrey Wise, an experienced professional who previously served as president of the NYS Rehabilitation Association.

Additional information about the Justice Center for the Protection of People with Special Needs, which will operate a 24/7 statewide hotline and incident reporting system, can be found on its website at www.justicecenter.ny.gov.

Thankfully it's not a common occurrence, but inevitably there are times when failings come to light that are disturbing, egregious and sometimes even worse. So when revelations like those being addressed by the Justice Center do surface, they need to be addressed and repaired immediately. That's been the case over the past year.

Above all else, we've moved to put the words "care of the patient" back where they belong – as priority number one.

ANOTHER VIEW



COMMENTARY | KIRK BLOODWORTH

Why we need to abolish capital punishment

Almost exactly 20 years ago, I became the first death row prisoner in the United States to clear my name through DNA evidence.

The crime for which I was convicted was the brutal rape and murder of a 9-year-old girl named Dawn Hamilton. My community in Maryland was devastated and needed someone to blame, so the district attorney's office built a capital case against me based on a few flimsy pieces of so-called evidence.

My arrest followed my neighbor's call to the police, in which she claimed that I resembled the sketch shown on TV – a sketch that had been crafted through the eyewitness accounts of two young boys. I didn't look much like the culprit they described, and

neither did the real killer, who was identified through the very DNA evidence that saved me.

I spent nine years in prison wondering if I'd be executed for a crime I did not commit. After my release, it wasn't easy to piece back together a normal life.

But a turning point came when I saw how sharing the story of my innocence influenced the way others viewed the death penalty. I realized then that the best way to move forward would be to help prevent what happened to me from ever happening to anyone else.

Since the death penalty was reinstated in the United States in 1976, 142 of us have been exonerated from death row. That's 142 innocent people who were saved, some at the last minute. Today, I work alongside many of those

exonerated men and women at Witness to Innocence, where we share our stories with the world to advocate against the death penalty.

Thankfully, the death penalty is outlawed in 18 states. The sixth state in six years to abolish capital punishment is my home state of Maryland, the state that almost executed me.

But there is much work still to be done. In the last year, North Carolina repealed the Racial Justice Act, which allowed for death penalty appeals based on racial bias in jury selection. In Florida, which has the largest number of death row exonerations of any state, Gov. Rick Scott just signed the Timely Justice Act, which limits the appeals process for death row prisoners. Many of my fellow exonerees owe their lives to multiple appeals,

making this law far from just.

We should acknowledge by now that our criminal justice system is extremely flawed. Cases like mine are rife with eyewitness misidentification and prosecutorial misconduct. There are tremendous racial disparities in the application of the death penalty.

Plus, by nature, humans make mistakes. While we can't change the human conditions, we can ensure that the humans who run our government don't make fatal ones.

The only true path to justice is to put the death penalty to death.

Kirk Bloodworth is advocacy director of Witness to Innocence. He wrote this for Progressive Media Project, a source of liberal commentary on domestic and international issues.

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