

"Tough On Crime"

You've probably seen the ads by now. Elect what's-his-name to the Supreme Court, because he's tough on crime. So, should we?

I suppose tough on crime is a good thing. I mean, we don't want judges that are lenient on crime, that let murderers free with only a few weeks of community service. But then again, we don't want judges that throw the book at every Tom, Dick, and Harry that screws up. Maybe what we need is not so much tough on crime, as smart on crime.

After all, tough on crime hasn't worked at that well for us. In the 80s everyone was big on tough on crime, and the result today is that 1 out of every 100 American adults is in jail. One out of 100, the highest incarceration rate in the world. Higher than Iran, higher than Russia, higher than North Korea. Yep, we're number one.

And here in Wisconsin, our prison population today is over 3 times larger than it was 15 years ago. We now spend over a billion dollars a year of your and my tax dollars to run our prisons. All for tough on crime.

But that's really not the problem I have with voting for a judge who advertises himself as tough on crime. For a local municipal judge, who will see thieves and batterers all the time in his courtroom, tough on crime might just fit the ticket.

But how many criminals show up in the Supreme Court? The job has almost nothing to do with tough on crime. The last three cases the Court voted to accept dealt with "divisibility of clauses in a non-compete agreement", "the meaning of materially impaired", and whether "certain emergency detention statements" are subject to the state's open records law. Legal technicalities, that have to be sorted out for our legal system to work. But not exactly tough on crime type of stuff.

A lot of those legal technicalities have to do with money. The non-compete case involves one business against another, and two clauses in a former employee's job contract. It made it through the circuit court, and through the Court of Appeals, and is before the Supreme Court, because someone has a lot of money at stake. It takes a hunk of money to take a case that far – more money than most criminals can scrape together.

Which brings me back to those advertisements we've seen on TV. Someone is forking out an even larger hunk of money to tell us about what's-his-name being tough on crime. Are they doing it because they're public spirited? Or because they want a friendly face on the court, the next time they have some big bucks at stake? My guess is probably no different from yours.

So, should we vote for what's-his-name? Frankly, the absolutely only thing I know about either him or his opponent is that the other guy is currently on the Court, and what's-his-name isn't. That, and the fact that what's-his-name has TV ads. But those TV ads tell me a lot.

They tell me that what's-his-name is more than happy to have people with a lot of money spend their money, claiming something about him that has absolutely nothing to do with the job he wants. Someone who's willing to dupe us into voting for him, by pretending the job is something it isn't. Someone ambitious enough about being on the Supreme Court, that he's willing to say anything, no matter how irrelevant, that makes him sound good to the voters.

So me, I'm voting for the other guy.