



BOB BARR

Member of Congress, 1995 - 2003

July 27, 2005

The Honorable Arlen Specter
United States Senate
Chairman, Senate Judiciary Committee
711 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Specter :

As a former prosecutor and Congressman from Georgia, I stand second to no one in believing in swift and certain justice. I worked hard in Congress, and as a prosecutor prior to that, to make sure that the rights of victims of crime were protected and that the people who committed those crimes were apprehended and punished.

As a former Member of Congress, I also know that unfortunately there are times when political pressures lead to imprudent decisions that can be destructive to basic constitutional liberties. S.1088, which would dramatically restrict the federal courts' ability to consider habeas corpus petitions from state prisoners raising egregious constitutional violations or even evidence of innocence, is an example of legislation that is being pressed without sufficient deliberation, and without any real evidence that it is truly needed.

In 1996, I helped write the 1996 Anti-Terrorism and Effective Death Penalty Act, which dramatically limited habeas corpus petitions. We wanted to make sure that death penalty cases move through the courts swiftly so that society and crime victims can achieve some measure of finality. I believe this law is working well to restrict these petitions and have seen no evidence to the contrary.

It is ironic, in my view, that S. 1088 is called the Streamlined Procedures Act, because it inevitably will create a host of new litigation that will significantly delay the processing of these cases. This massive rewrite of habeas laws would mean more delay and confusion for prosecutors, victims, courts, and those charged with crimes.

In addition, we have seen too many exonerations over the past several years to not be concerned about any laws that would increase, rather than decrease, the

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risk of error. S. 1088 would greatly increase the risk of not identifying and even executing innocent people.

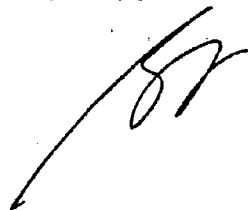
Four years ago Congress rushed the Patriot Act into law. A national emergency made many otherwise thoughtful men and women act without asking hard questions. Unfortunately, such non-deliberative actions are not easily undone. Just within the past week, the House of Representatives voted to reauthorize the Patriot Act, *again* without significant examination of its most controversial provisions.

There is simply no reason to follow this course with regard to habeas corpus. We should give S. 1088, and any other legislation that rewrites the habeas corpus laws, the careful scrutiny and deliberation they deserve. Thoughtful people from across the political spectrum, including many former prosecutors and judges, question the need for such a proposal. It appears that the evidence for this proposal is largely anecdotal and limited to cases within the Ninth Circuit and California in particular. It makes no sense to enact such sweeping national changes to address what appears to be a localized problem, especially without careful study about whether there is in fact a problem, and whether these kinds of changes will address it appropriately.

I urge you to delay any further consideration of S. 1088 or similar legislation until such study has taken place.

With kind regards, I am,

very truly yours,



BOB BARR
Member of Congress 1995-2003

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