

SunSentinel OPINION

Steve Bousquet
Opinion Editor
Julie Anderson
Editor-in-Chief

SUN SENTINEL EDITORIAL

Democrats can save 'sunshine,' and themselves, in one key vote

A timely reminder to stop whatever the Florida Senate: Bad legislation gets no better with age than rotten fish does.

Ordinarily powerless to stop whatever the ruling Republican majority wants, Democrats have the votes to stand up for transparency and block exceptions to government in the sunshine such as the one up for a vote Thursday to throw a blanket of secrecy over future searches for college and university presidents.

If Democrats don't kill this bill (SB 520), voters may question what use it is to have them there.

Under present circumstances, that bill smells even worse than the versions that have failed to pass over the past seven years.

Four major universities — the University of Florida, University of South Florida, University of North Florida and Florida International University — will soon be looking for new presidents. These highly coveted positions will inevitably attract in-state politicians looking for prestigious landing spots and padded state pensions. The fewer people who know what's going on and can raise questions, the better they like it, especially in today's hyper-partisan political environment.

Sunshine proved its value when Richard Corcoran, the former House speaker who's Gov. Ron DeSantis' education commissioner, sought the presidency of Florida State University last year. Florida's open records and open meeting laws helped to keep him off the short list of finalists by confirming his ambition as soon as he applied. Sunshine did not stop other quali-

fied candidates from applying, and a career educator from Harvard with a national reputation, Richard McCullough, won the FSU job.

The bill set for a final vote in the Senate would keep everything secret but the names and subsequent interviews of the finalists, which would become public at least 21 days before a finalist's interview or the board's vote, whichever is earlier. It's a sham concession. It would never be known if more qualified applicants were passed up in order to stack the deck for favored candidates whose political connections outweigh professional qualifications.

In debate last week, Sen. Annette Taddeo, D-Miami, asked a question for which the sponsors had no satisfactory answer: "How will we know that qualified candidates or women or people of color are given equal consideration in the process if we do not even know who applies?"

The Senate vote, in a floor session starting at 1:30 p.m. Thursday, will reveal whether there's any usefulness to the Democratic minority.

Democrats can stop this Republican steamroller because the Florida Constitution requires a two-thirds vote for any legislation that erodes sunshine laws. There are 24 Republican senators, too few for a supermajority of 26 if all senators are present in a 39-member body. Only Republicans have voted for the bill in committees so far. Led by Senate Minority Leader Lauren Book of Plantation, Democrats can kill this bill if all are present and vote no. One Democratic seat is vacant because DeSantis

delayed calling a special election after the resignation of state Sen. Perry Thurston, D-Plantation.

Some Democrats are reported to be squibly on the issue, and possibly deceived by the pretext that good candidates won't apply for the presidencies if their identities become known to their present employers. That ignores how academia actually works, as it did in a search that made McCullough the 16th president of FSU last year. He was vice provost for research at Harvard and a recognized expert in materials science and entrepreneurship — just what FSU needed. The fact that he would face Florida competition in a public search did not deter him from applying.

Sure, it can be embarrassing to apply for a high-profile job and have it known that you didn't make the cut. But someone's tendering public oversight.

Two studies by UP's Brechner Center for Freedom of Information debunk the many excuses for the bill. One study compared open processes in Florida and Tennessee with closed searches in Georgia and found more insider candidates applied and were chosen in Georgia. Brechner's comparison of 230 hires at major institutions nationwide found that closed searches were the majority and a significant edge went to in-house candidates.

The latter study examined runner-ups in 65 searches and found "no retribution from their current institution for applying for another school's presidency." More than half of the unsuccessful candidates "went

on to other presidencies or positions of importance at other institutions."

We're singling out the Democratic senators on this issue because this is one Republican power play that they can stop — and should. It is a critical moment for them, and it's bigger than this one bill. The Democrats' relevance as a counterweight to bad Republican policy hangs in the balance.

Do Democrats want it known that they stick together only on issues they know they will lose, like voting rights and abortion rights? Or that they fold when a decisive vote against a Republican priority might cost them favors in the appropriations bill? That's what's at stake — their integrity as a party, along with the integrity of higher education in Florida and the state government's increasing contempt for government in the sunshine.

These are the Democratic senators from South Florida and their office phone numbers in Tallahassee, all in the 850 area code: Lori Bertram, 487-5031; Lauren Book, 487-5032; Gary Farmer, 487-5034; Shevlin Jones, 487-5035; Jason Pizzo, 487-5038; Tina Polsky, 487-5029; Bobby Powell, 487-5030; and Annette Taddeo, 487-5040. This may be the most significant vote they will cast this session.

The Sun Sentinel Editorial Board consists of Editorial Page Editor Steve Bousquet, Deputy Editorial Page Editor Dan Swency, and Editor-in-Chief Julie Anderson. Editorials are the opinion of the Board and written by one of its members or a designee. To contact us, email at letters@sun-sentinel.com.

ANOTHER VIEWPOINT

In Arbery federal trial, different pleas for justice

Seldom does a plea agreement in a murder case fall apart as dramatically as in the federal hate crimes case in Georgia.

Last week, federal prosecutors had negotiated plea deals with the two primary defendants who had recently been convicted in state court of murder charges involving the shooting death of Ahmaud Arbery. The two defendants were sentenced to life imprisonment without parole in the state case, which is now on appeal. The separate but companion federal civil rights case was to be resolved with two defendants, Travis and Gregory McMichael, publicly admitting responsibility for Arbery's murder; moreover, they would admit that the murder was motivated by the victim's race. The deal also specified an agreed punishment of 30 years in federal prison.

From reports in the media, the Justice Department prosecutors discussed the proposed plea resolution with the victim's family members. The two accounts differ on the degree of consultation, but the family members vocally opposed the plea agreement in court while addressing the presiding U.S. district judge.

The advantages of the plea deal include that the guilty plea would be the first time that the defendants would acknowledge culpability for Arbery's death. The plea also would bring finality to the federal case because there would be no appeal. One could conclude that the 30-year sentence was sufficient punishment, especially when paired with the life sentence in the state case.

The hitch was the fact that the two defendants could serve the 30-year sentence in federal prison instead of a Georgia state penitentiary. That issue was crucial to the family members, who opposed the plea. In reality, the difference may be as much about optics as substance, because the U.S. Bureau of Prisons (BOP) would assign the two defendants to risk categories based on convictions for a racially motivated murder. That category assignment overwhelmingly would result in the defendants being placed in a high-security federal facility — far removed from the notion of a cozy "club fed" arrangement bandied in some press reports.

Notably, it is not a legitimate prosecutorial consideration to have a defendant serve a sentence in a less safe prison. As a result, the family's pronounced wish to have the defendants serve time in a more dangerous place (state prison) isn't something the DOJ could, or should, consider.

The best approach would have been to leave the issue to the BOP and the Georgia Department of Corrections and not attempt to force the court to accept something not normally dictated by the parties.

In the end, the U.S. district judge rejected the proposed plea. She stated that the stipulated sentence and placement was too restrictive because it prevented her from considering the most appropriate punishment and also prevented the victim's family members from being heard at any sentencing of the defendants.

One of the most unfortunate parts of the federal case is the breach between the prosecutors and Arbery's family members. The family members have directly and through their attorneys accused the DOJ prosecutors of mistreating them and worse. The issue is now an open and public wound that needs repair. The breach has now forced a trial, one that might have been avoided with a less restrictive plea agreement.

Federal law and legal ethics require that federal prosecutors listen to and consider the victim's family member's views at critical stages of the criminal justice process. Family members must be treated with respect, for they have lost something fundamental and often precious in their lives. However, the family members cannot, and do not, have the role of decision-maker in a federal, or any, criminal case. The reason is self-evident — victims cannot be expected to see the larger interests that exist in the cases.

The criminal justice system allows for the clash of perspectives and truths in an adversarial process. Sometimes, these conflicts are reconciled by agreement or by a final determination by a jury or a judge, but the disputes in very public cases of national importance as often require a less legal public airing of the human toll of violence. There may be no clear right or wrong, except for the capacity to truly listen to victims — even if, in the end, theirs should not be the final vote. Last week, the judge sided with the family based on misdeeds by the government and the defendants. Now, the jury will decide.

Michael McAuliffe is a former federal prosecutor serving both as a civil rights prosecutor at the Department of Justice and as a supervisory assistant U.S. attorney in the Southern District of Florida. Currently, he is an adjunct professor at William & Mary's Law School and a senior lecturing fellow at Duke University School of Law.



LETTERS TO THE EDITOR

Governor won't condemn neo-Nazis. Why not?

I can't imagine how my mom's 19-year old kid brother, a U.S. sailor, must have felt when his ship was hit by the Nazis' first radio-guided missile attack. My Uncle Jimmy was killed, along with 1,050 military members. He was lost at sea. I now have the purple heart his mother (my grandmother) received.

Yet Gov. Ron DeSantis is too cowardly to condemn Neo-Nazis and he uses their hate-filled rallies to instead condemn Democrats, bizarrely using it as an opportunity to score political points. There's no room for debate here. Either you're with Nazis or you're against them. Governor,

I wish he had the decency, courage, and patriotism of my 19-year old uncle. Instead, he condemns Democrats, masks, vaccines, Dr. Fauci, teachers, history, and books. But not Nazis.

Donna Shubert, Fort Lauderdale

He's part of the problem

If you're not part of the solution, you're part of the problem. The U.S. has reached a grim milestone of 900,000 deaths due to COVID. Florida has had more than 66,000 deaths. The U.S. death rate is 2.7 percent of the population and Florida's is 3.4 percent, based on a population of 22 million.

Many deaths can be attributed to initial denial of the severity of the virus by the former President. Science tells us the available vaccines limit the severity of the virus and can prevent death. Gov. Ron DeSantis took some positive steps when the vaccine first became available, but has been a dismal failure since. The proven best way to prevent serious illness is to get vaccinated and DeSantis will not encourage its use nor even mention it, and he won't disclose his own vaccination status.

He encourages therapeutics, even those proven not to work. One must get sick before therapeutics come into play. For the unvaccinated, that's often too late. He should encourage the use of vaccines. He should tell people to get vaccinated at every opportunity. If you are not part of

the solution, you are part of the problem.
Dorothy Rubin, Boynton Beach

Whoopi's whooper

I am neither a fan nor a detractor of entertainer and social commentator Whoopi Goldberg. However, she invited a raw deal when she decided to parse hatred based on race — or plain inhumanity.

Let's look at the everyday misuse of English. I am Jewish, Caucasian and the countries of my ancestors were Russia and Hungary before my grandparents settled more than a century ago in South Dakota and Chicago. Those whose skin pigmentation is various shades darker than white are called Black or African-American. Clearly, some people are neither, so the more inclusive phrase "people of color" was coined.

When I meet a person with a clearly ethnic name, I can identify their country of origin or nationality as Irish, Italian, Polish, or from wherever their ancestors migrated. I generally respond to questions of my own nationality by saying I'm Jewish. It satisfies most inquiries. Some have told me I look Jewish. So being Jewish is a religion, race, nationality and look.

Goldberg should have stayed in her comfort zone of entertaining and defending liberal causes. Since we often mischaracterize skin color by race or nationality and nationality with religion, we should stop focusing on precise definitions and understand those expressing hatred based on race, creed, religion or country of origin are just bigots.

Sheldon Saitlin, Boca Raton

Racism and the NFL

Racism and any form of discrimination is contrary to the NFL's values. Pro football has made significant efforts to promote diversity and adopted numerous policies and programs which have produced positive change. However, the league must acknowledge, particularly with respect to head coaches, the results have been unacceptable.

Paul Bacon, Hallandale Beach

Notice to readers

South Florida Sun Sentinel journalists are working remotely during the pandemic. For the foreseeable future, please send your letters only by email to letters@sun-sentinel.com. Letters should be no more than 150 words. They may be edited for length and clarity. They become property of the Sun Sentinel. We look forward to hearing from you.