Remarks to the Texas Association of Broadcasters

*Note - Gov. Perry frequently departs from prepared remarks.

Sunday, July 29, 2001

I am delighted that broadcasters are making a difference by airing important public service announcements.

In this sensory-overload age where people increasingly receive news and information from television, as well as the Internet, it is important for broadcast stations to help educate the public.

And I hope that you would you consider focusing some of your efforts to help us get the word out about the Children's Health Insurance Program.

The CHIP program, which was passed in the 1999 session, provides children of working families with access to basic preventative medicine. Instead of being sick at home, they will be sitting in a classroom healthy and learning.

I hope that your organization will help our efforts by helping inform the public about CHIP using PSAs or other public awareness programs. It’s hard to get low-income children the health care they need if their parents have never heard of the Children’s Health Insurance Program.

In three days, we will celebrate the extraordinary act of the ordinary transfer of power. Extraordinary because there will be no tanks or troops to mark the occasion, and indeed there hasn’t been in the history of our Republic.

As you know, it is not only a new day in Washington, D.C., but at home in Austin as well. I have only been on the job for a few weeks, but I want you to know what an honor it is to serve as your new governor.

As you might imagine, Anita and I are still getting situated. The other day I got rid of all the longhorn artifacts in the new office. We haven't moved into the mansion just yet because they’re doing a little refurbishing. I tell you what; I can’t wait to see what it looks like with a little maroon trim.

Yesterday I unveiled my budget for the legislature to consider.

I spelled out important priorities in public and higher education, to help get traffic moving, to improve the quality of life along the border, and to preserve the growth of our Rainy Day Fund as protection against any future economic clouds that may be brewing on the horizon.

Today I want to spend some time talking about our criminal justice system and the death penalty.
The State of Texas alone spends more than $4 billion a year on law enforcement and criminal justice - to keep out citizens safe and to administer justice in a fair and efficient way.

The budget I laid out yesterday included an increase of $93 million for our public safety and criminal justice agencies, not including an increase of more than $33 million to help care for the victims of crime - especially children and victims of sexual assault.

Texas is known as a tough-on-crime state, and we are. Our criminal justice system is good and our investments are paying off. In recent years, we've seen crime rates drop in virtually every category, including violent juvenile crime. And we've improved the system by strengthening the rights of crime victims.

As in any area of government or business, improvements can always be made, and we must always be on the lookout to make our criminal justice system better and fairer for all.

Like the vast majority of Texans, I believe the death penalty is an appropriate response for the most violent of crimes against our fellow human beings. In fact, I believe capital punishment affirms the high value we place on innocent life because it tells those who would prey on our citizens that you will pay the ultimate price for their unthinkable acts of violence.

For those who head our criminal courts, serve on appellate bodies and the board of pardons and parole, and for the individual who occupies the office of governor, the power to make life and death decisions is the most sobering responsibility imaginable.

Both as acting governor and in my current capacity, I have always exercised this power with the gravity due such a life and death decision. And I will continue to review each capital punishment case brought before me to ensure that due process has been served.

We have a good system that relies on the valiant efforts of dedicated prosecutors and thoughtful jurists. Decisions are made by juries of 12 citizens. After sentencing, those convicted of capital crimes are entitled to at least six separate appeals before an execution is ever carried out.

Today, thanks to ever improving technology, there are ways we can help provide judges and juries with even more information to help them carry out justice.

DNA evidence has been an effective tool in confirming guilt, as it did in the Jack Wade Clark case, which I presided over last Tuesday. DNA testing cannot provide answers in every instance, but in cases where DNA can shed light on the question of innocence or guilt, it must be used.

I want to see testing done in capital cases and other felony cases where a judge, after reviewing a claim of innocence, determines there is a legitimate question about the guilt of the defendant. We should not fear this kind of comprehensive review of cases where there are legitimate questions about guilt.

Either we will confirm the previous findings of a jury, or we will correct a grave injustice in instances where the wrong person has been convicted.

These DNA samples should also be filed in the state's DNA database to help with unsolved crimes. In fact, the Governor's Criminal Justice Division is awarding more than $2 million dollars in grants to police departments and
medical examiners offices, to improve the DNA database and upgrade aging and out of date equipment.

The issue of defense counsel in death penalty cases has been in the news a lot in recent years. Claims of inadequate defense counsel at the time of trial are common during the appellate process.

Often this amounts to a desperate plea by inmates and defense attorneys running out of options and running out of time. And yet we can and we must do more to ensure better representation at the initial time of trial to eliminate competency claims that prolong justice, impugn our system, or serve to embitter the families of victims who are seeking closure.

That's why I believe that Texas must develop a statewide standard for the selection of defense attorneys in capital cases, improving on our current system that relies on different regional standards. These standards should include a minimum level of experience in handling criminal felony and murder cases, continuing education requirements and a record of proper conduct.

Some argue that a statewide standard will make it harder for rural judges to find adequate counsel. That's why I believe that rural county judges should also be able to appoint counsel within their judicial administrative district, and not just their local court jurisdiction, giving them greater options in finding competent counsel.

I also believe that like a number of death penalty states, we should take a hard look at giving juries the option of sentencing capital defendants to life without parole. I believe in the role of juries in our criminal justice system. But today, juries have just two choices in capital cases - death or the possibility that a violent criminal may one day be paroled. Because a "life" sentence doesn't mean life at all - it means parole eligibility after serving 40 years.

Life without the possibility of parole may be the right option when juries decide that the death penalty is not appropriate, but neither is the possibility of the criminal ever walking our streets again.

There has also been a movement in recent years to reduce the ability of juries to decide whether an individual has the mental capacity to be executed. They argue that lawmakers should ban the execution of individuals whose IQ is below a certain specified threshold.

This is an important public policy debate, but I do not believe we should address this issue until after the U.S. Supreme Court has rendered a decision on this very issue in the John Paul Penry case.

The guidance of the court is imperative before public policy leaders debate any changes to the law as it applies to executions and mental capacity.

As I mentioned earlier, we have seen measurable progress on the criminal justice front over the last few years. We must continue to examine ways to prevent crime in all forms, and to effectively punish criminal activity in a way that deters repeat offenders.

The new Texas Exile program administered by Attorney General John Cornyn has been very successful getting guns out of the hands of criminals. Texas leads the nation in the prosecution of federal gun crimes, indicting more suspects than California and New York combined. I fully support this program and applaud the Attorney General's efforts.

I would like us to pursue additional tough laws on drunk driving. We made important progress last session by lowering the legal blood-alcohol content to .08. We can do more by stiffening penalties for repeat offenders, and toughening license suspension penalties for those who refuse to take a blood-alcohol test.
We should also send a message to those who hide behind our children to peddle the addictive poison of illicit drugs by enhancing penalties for drug dealers who use minors to distribute cocaine, heroin and other so-called Penalty Group 1 drugs.

And I believe we should not only be tough on drug offenses, but smarter about how we deal with them. The Dallas County Drug Court run by Judge John Cruezot is a compelling model for drug rehabilitation in a strict sanction environment.

This no-nonsense drug and alcohol program sets the bar high, requiring offenders to stay straight and submit to rigorous supervision and rehabilitation requirements. My budget includes $20 million in additional funds for more of these drug courts and other efforts to reduce recidivism rates. I think that will be money well spent to improve public safety and to reduce the demands on our prison system.

The State's Criminal Justice Policy Council has indicated that we may have enough prison capacity to get us through 2005. But the report also warns that just a few percentage point fluctuation in parole or release rates, could increase prison bed demand by nearly 7,000.

We need to be prepared for the future. Some of our prison units are more than 75 years old. A downturn in the economy could impact crime rates and put unexpected demands on our prisons. No one wants to see another prison crisis - forcing prison officials to put criminals back on our streets for want of capacity.

That's why my budget includes $8.5 million for the biennium to back $95 million in prison construction bonds. If the voters approve these bonds, we'll have a prison capacity safety valve.

And if prison capacity projections change for the better, they will not have to be built. But I think it's wise to plan ahead where the safety of our children and our citizens are concerned.

Last summer, I met face to face with prison guards to hear their concerns. Governor Bush, Speaker Laney, and I took the extraordinary step of approving a prison guard pay raise between legislative sessions. Under that plan, we increased salaries up to $1,600 per year.

My budget fully funds that increase for the next biennium. And if we can find new revenue before the budget is completed - and we often do - we should use it to increase state employee pay - including prison guard pay.

Texans have always placed high value on a system of justice that is swift and fair…that is tough and thorough. We have some of the brightest and most dedicated individuals working in law enforcement, prosecuting cases in local courthouses, and interpreting the law from the bench.

They have my 100 percent support, and they will always have my ear when it comes to giving them the tools they need to pursue and improve our system of justice.

We have one of the finest systems of justice in the land, and yet, where we can make improvements to the way justice is administered, we should act. I think that's just what Texas will do during the first legislative session of the 21st Century.

Thank you, and I will be happy to take your questions.