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EDITORIALS

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Don't let one case derail right to a speedy trial

Citizens felt angry when an Adams County court threw out charges against an accused murder accomplice. But justice may yet be served without a trigger-happy legislature jumping into the fray and without the public steaming up pressure to roll over an important American right. David Arledge was accused of aiding James Richard Bastin in covering up the rape and murder of young Mayra Lopez, by helping Bastin toss the victim's body in a trash bin. Arledge's case first went before Adams County District Judge Thomas Ensor, but, out of the jury's earshot, Ensor granted an interview to a TV station. A defense lawyer claimed that Judge Ensor's remarks to the broadcasters showed he was biased against defendant Arledge. So the judge agreed to step down from the case if - and this was the deal - if Arledge agreed to extend the deadline by which his trial had to start. That deadline is important because the U.S. Constitution, Colorado law and several court rulings all say American citizens have a right to a speedy trial. In fact, the right is as basic to human liberty as the protection against unreasonable police searches of private homes. After Judge Ensor stepped down, the case was assigned to another jurist, Adams County District Judge Philip Roan. That's when defense lawyers tried to wiggle out of the deal - by arguing that Judge Ensor didn't have the authority to waive Arledge's right to a speedy trial. Of course, the defense lawyers were just trying to get the best deal for their client - that's their job. But to lay observers, the argument sounded like Alice in Wonderland logic that bears no relationship to real life. If defense lawyers didn't like the bargain, they should have protested at the time, but to later say Ensor erred, when they themselves had bought into the plan, looks like renegeing on a done deal. Yet Judge Roan agreed with the defense team and threw out all the charges against Arledge. If his decision stands, then a person who allegedly helped a brutal killer try to cover up his foul deed will never face justice. It's an outrageous situation.

Understandably, Adams County prosecutors have vowed to appeal Roan's ruling. The public wishes the district attorney the best of luck, because such topsy-turvy logic shouldn't be allowed to disgrace the law books. But for the time being, steaming citizens should corral their anger. The case involves a very narrow set of facts, under circumstances that may not recur. It would be inappropriate for politicians to wade into the fracas; instead, the judiciary should be trusted to handle the dispute. Bad cases often make bad law; Colorado shouldn't trample the right to a speedy trial because of one cockeyed ruling. However, the Colorado Supreme Court would be justified in reminding judges not to comment in out-of-court conversations on any case that's still pending before them. Common-sense judicial discretion by Judge Ensor would have prevented this odd puzzle from ever arising. Gingrich was right to fire poorly qualified historian House Speaker Newt Gingrich's decision to fire his newly appointed House historian, Christina Jeffrey, lanced a boil that otherwise would have festered on his new congressional leadership. She appears to have neither the credentials nor the judgment to serve as a serious historian. In 1986 Jeffrey, then known as Christina Price, headed a panel that reviewed a course on the Holocaust for the U.S. Department of Education during the Reagan administration. The panel recommended against a federal grant for the course, which the department then declined to fund. Had that decision been based upon the usual budgetary rationale: that the department receives far more worthwhile proposals than it has money to fund, it would have attracted little attention. But Jeffrey concluded her remarks on the course, "Facing History and Ourselves," which was designed for eighth and ninth graders, with the comment: "The program gives no evidence of balance or objectivity. The Nazi point of view, however unpopular, is still a point of view and is not presented, nor is that of the Ku Klux Klan." This is, on the face of it, an astonishing statement from a supposed scholar. Nazi viewpoints need to be studied and explained in detail for the same reason that cancer cells and the AIDS virus are scrutinized. But to suggest, as Jeffrey did, that the views of Adolf Hitler, Julius Streicher, Heinrich Himmler and other such lethal vermin were merely "unpopular" and should be respectfully presented is an exercise in moral equivalence the likes of which has not been seen since poet John Milton tossed a few kind words the devil's way in "Paradise Lost." As to the Ku Klux Klan, its views in regard to the Holocaust are not only "unpopular" but irrelevant. The Klan has its own vile catalog of atrocities, but this exclusively American terrorist organization can hardly be blamed for the wholly European phenomenon of the

Holocaust. The Klan's only conceivable relevance to such a course was that it contributed to the climate of racism and anti-Semitism that led the U.S. to turn away Jewish refugees in the 1930s and early 1940s - some of whom were literally turned away from American ports on such "ships of the damned" as the St. Louis and forced to return to Hitler's Europe and death in the Nazi concentration camps. Had Jeffrey merely complained that the deep European roots of anti-Semitism and its American branches needed more exhaustive treatment in the course, we might have agreed with her. But she wrote in context of recommending denial of funding for the course, meaning she did not think the Holocaust was a subject worth teaching. If Jeffrey really meant what she wrote in 1986, she is too ignorant of the Holocaust to be considered a serious historian. If, on the other hand, her quasi-explanation that her remarks were only a "flip comment" is accurate, then we are left to contemplate an academician who thinks the murder of 11 million people, including 6 million Jews, is a subject worthy of flip humor but not serious classroom study. In short, she is either an incompetent or an oaf. Neither role befits the official House historian, and Gingrich was right to fire her before she brought discredit upon his leadership.

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