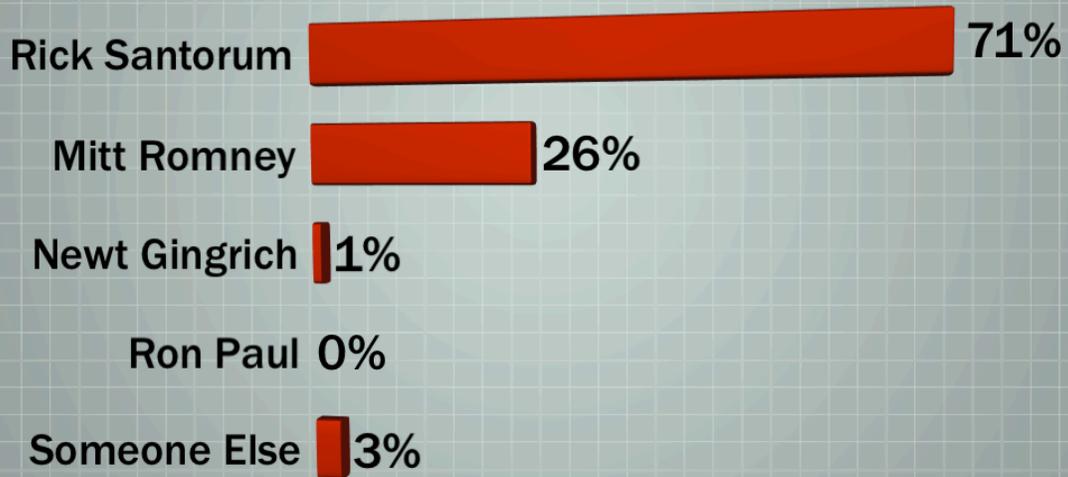


# “INSIDE” INTELLIGENCE

*The Texas Weekly/Texas Tribune insider poll  
for the week of April 2*

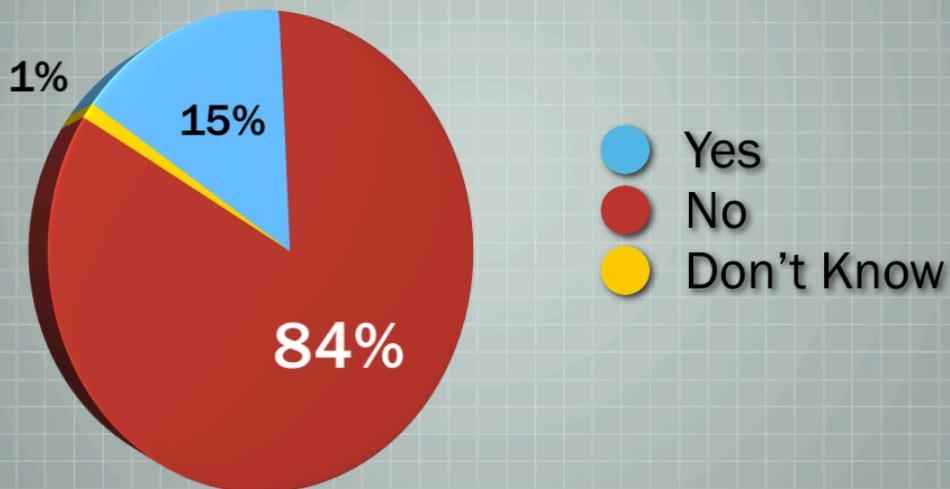
# INSIDE INTELLIGENCE

## Who Would Win a GOP Primary Today?



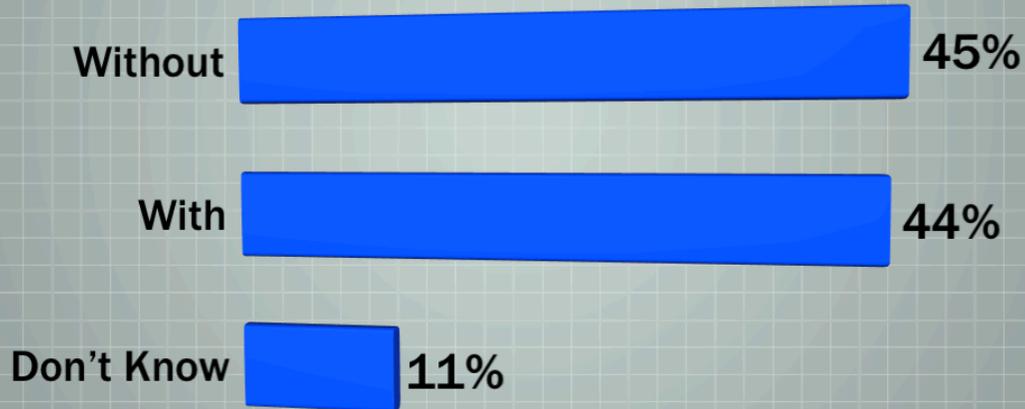
# INSIDE INTELLIGENCE

## Will Perry be a VP Candidate?



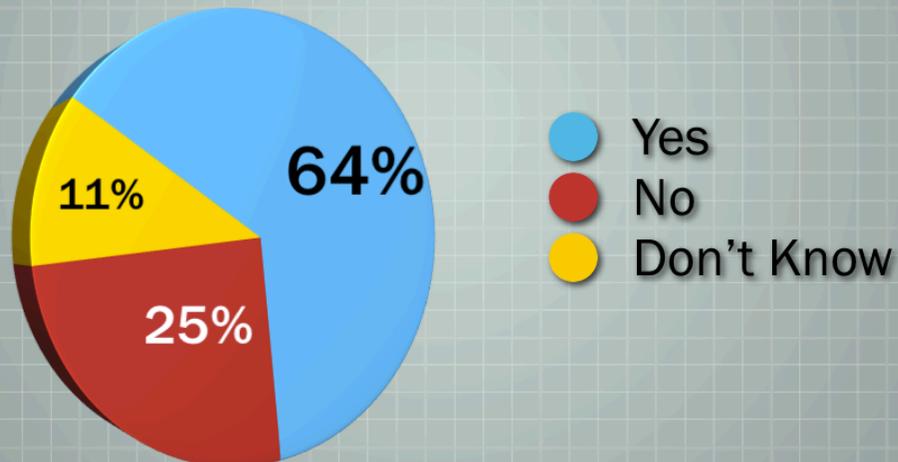
# INSIDE INTELLIGENCE

Is Texas Better off with or without the Federal Health Care Law?



# INSIDE INTELLIGENCE

Should Prosecutors Be Accountable for Wrongful Convictions?



*Who do you think would win a Texas Republican primary held today?"*

- "Yawn..."
- "We like us some crazy"
- "Some mysteries are best left unplumbed."
- "Romney. Texans back winners, even if he's not their first choice. Most of my politically astute friends think it's past time to unite behind the eventual nominee."
- "Santorum may be a Yankee, but at least he's god fearing. If Santorum wins, at least the Governor can take solace that someone named 'Rick' won the Texas GOP presidential primary."
- "Not sure that a candidate like Romney/KBH can win a Texas primary anymore."
- "Texas Republicans probably want to go with Santorum instinctively, but the ups and downs and narratives of this crazy primary season are starting to coalesce into a reluctant feeling of Romney inevitability."
- "It's clear that about 60% of Americans want someone besides Romney. The grassroots are restless that the 'insiders' would choose Romney. Santorum has proven to be the most conservative candidate left standing."
- "I think thru it all good sense would ensure Mitt would prevail."
- "Mitt wins if R's actually wish to have a chance to make a significant change in the White House."
- "Texas is still slow to move to Romney although the momentum will continue to build. May 29th could be a Romney win in Texas."
- "There are just enough competitive R primaries to get enough of the Chamber of Commerce Rs out to overcome the Evangelical Rs."
- "Step up the war on women"
- "Santorum still has some fuel left among the evangelicals, but he is dead-candidate-walking. I guess Texas did play a role in the Presidential primary after all. Had we had our primary in March, Santorum would've won and who knows what kind of momentum that would have created for his campaign."
- "It would be Santorum -- yet another indication of how the Texas Republican Party has become unmoored from reality."
- "Ugh!"
- "If held today, Santorum would win. But it's not being held today and Romney will spend a lot of money to persuade voters between now and May 29."
- "I think on May 29 Romney will win, but that's two months off."
- "Rick Perry would win if he'd stayed on the ballot."
- "Texas GOP primary voters are looking for the most conservative plausible candidate. Santorum apparently fits the bill."

- "Just reinforces Mitt's continuing problem appealing to the conservative wing of the Republican party. And in Texas, that's a mighty big wing."

- "Think Santorum would win today--but Romney will make it close with media blitz"

- "It may be wishful thinking, but surely we aren't Oklahoma; wild card is post holiday weekend primary turnout; will only the theocrats and deeply disturbed vote, given the absurd and weird choices?"

- "Santorum is the darling of the militantly ignorant, those folks most likely to vote in the Republican primary."

- "This is a strange year. Republicans hate Obama worse than they ever hated Clinton, they have only one

viable general election candidate (Romney), yet the 'conservatives' seem content to let him twist in the wind. Interesting days we live in."

- "Romney proves he can make as little or no sense as Rick Perry by declaring Russia the nations number one geopolitical enemy. He's ready for Texas."

- "If it were held today, it would come as quite a shock because no one was expecting to vote on Wednesday, March 28. Given the complete surprise factor, only Ron Paul would be able to get his fanatics out without prior notice. If on the other hand, this was a primary election with proper notice, then Rick Santorum would win because he's won every primary in which the percentage of the electorate that identified itself as born-again or evangelical exceeded 50%."

***Do you think there is a chance Rick Perry will be the vice presidential nominee this year?***

- "There's always a chance. The Perry national reputation mending process is already underway."

- "He is too much a risk of doing something embarrassing in public again"

- "He is hoping for Obama to win re-election and will put his hat in the ring in 2016."

- "Marco Rubio"

- "Unless they want to see Nightmare on Elm Street Part II"

- "You don't recover from that level of a campaign debacle."

- "...Oops...not this time."

- "Maybe a cabinet member if a Republican wins the White House."

- "Are you kidding? The gaffes video alone precludes anyone from choosing him."

- "I think that Romney will be the nominee and there will not be enough time before the convention for Perry to mend the fences. Perry would be on the short list for a cabinet post if he helps in the general."

- "hahahahahahaha"

- "Really?!? What does he bring to the ticket? Too many negatives. Although it would be amusing and entertaining to watch a debate with him and Biden. I would tune in to watch that spectacle. He should go get on some corporate boards, help the RGA raise money and be a good team player for the Republican Party. You had your turn son."

- "Zero."

- "God let's hope not."

- "No way; no how!"

- "There are other conservatives who bring a lot more to the ticket than Perry -- he can't talk and his big state is already in the bag for the GOP."

- "Whoever was the nominee would be a fool to risk putting Perry on camera again, especially when there are plenty of other articulate Southern/Western conservatives available to balance out a Northeastern moderate."

- "Romney will need someone to appeal to the Southern bloc and evangelicals, but it will someone else, like Jindal or Barbour. The GOP doesn't need Dan Quayle, Part 2."

- "Despite a good showing at last weekend's Gridiron Dinner, he's damaged goods nationally. And whether he realizes it or not, he always will be."

- "Not a snowball's chance in hell."

- "Any probable nominee isn't going to make a Palin mistake again; and this time there is an abundance of (inter)nationally televised evidence;

besides, he also has the Gramm-Connally problem --can't bring any new voters to the party"

- "He brings nothing to the table except controversy."

- "I can't imagine the presidential nominee wanting to watch the 'oops' tape 24/7."

- "Don't think he wants it. I'd hate to think he was hoping for Romney to flop in November and set RP up for a do-over in 2016, but I'd put money on it."

- "There's also a chance I will start at third base for the Baltimore Orioles in the World Series and that Rick Perry and Glen Maxey will get married. So there is 'a chance,' not a realistic one."

- "Texas is already a safely red state & Perry adds nothing to the strength of the ticket."

- "Why the hell not? Lord knows the current holder of that office isn't any more gaffe-prone than Perry."

- "Small chance, but a chance nonetheless."

- "Or any other year in his life...."

- "Rick Perry is Sarah Palin in reverse drag."

- "It's unlikely any governor will be the vice-presidential nominee."

- "There should be an option for 'hell no'."

- "I say yes, but only because there is also a chance of a genetic mutation giving a pig lil' baby bat wings, too."

Won't happen, but there is a chance. (IOW: rephrase question.)"

- "Rick Perry has zero chance of being the vice presidential nominee in this year or any future year."

- "As Jim Carey said in *Dumb & Dumber*, when he was told he had a 1 in a million shot, 'So you're saying there's a chance!' It's like that."

***Would Texas be better off with or without the individual mandates in the federal health care law being argued this week in the U.S. Supreme Court?***

- "We have one of the highest uninsured populations in the country. Who do you think pays for their healthcare? Those of us with insurance. We'd be better off mandating that they either buy insurance or pay a penalty."

- "What ever happens it going to cost us everyone more."

- "Insurance is predicated on the collective pooling of risk. How is it possible to control costs, provide meaningful access to coverage, without everyone in the pool?"

- "We don't want socialism. Certainly we don't want socialized medicine, which is socialism's cornerstone."

- "Texas has so many uninsured people who's expensive ER bills must be paid by counties that having the mandate to get more people insured has to help."

- "Depends on how you define 'better off'. The budget would be definitely better off without, public and charity hospitals not. The Medicaid expansion could still stand and would be great for the first 5 years."

- "Having lots of sick Texans who can't go to school or work isn't going to help the state."

- "We're all better off with the individual mandate. Seems like Texas requires drivers to have liability insurance so that the responsibility is on the individual and not the rest of us."

- "Depends on who would pay for it. Better off with a mandate if others, like urban dwellers on the East and West Coast, paid for it. Better off without a mandate if Texans themselves have to pony up the cash."

- "As much as I want all folks to have health insurance, I feel that individual mandates would be more burdensome on those that can't afford it."

- "The big impact on Texas is the Medicaid expansion. There are alternatives to the mandate, but insurance companies will back away from other elements of the ACA (guaranteed coverage for uninsurable) without some pooled risk mechanism. Democrats benefit if SC strikes the mandate."

- "With so many uninsured, a great many Texans would benefit from the expanded access to Medicaid and subsidies provided to the lower middle class, but the mandate would be a huge affront to the Texas political culture."

- "Texans would be better off. Congress should not impose mandates on individuals to purchase something they don't want."
- "Obamacare is a disaster, on both practical and political levels."
- "Federal law requires treatment for emergencies. The question for me is if you don't have health insurance coverage, should you be able to use the system or should hospitals and physicians be required to provide treatment? Right now for automobile insurance, if you drive without it and are in a wreck, you pay out of pocket to fix the car or you don't drive."
- "Unless the whole bill goes down. Individual mandate is essential to prohibiting pre-existing condition exclusions."
- "We have the most working uninsured in the country--mandate widens and deepens the pool; now if only we had a efficient care delivery, an adequate primary care workforce, adequate reimbursement for those and related women's health services...to quote the late Ed Kuempel, if a frog had a pocket he'd carry a pistol and shoot snakes"
- "The individual mandate is the only part of Obamacare that's worth saving. Everyone should have health insurance. The rest of Obamacare is just welfare under a thin fog. It's ironic that the one thing that conservatives should be for - personal responsibility in paying for health care - may be their one hope of knocking a hole in Obamacare. Which would leave only the welfare pieces in place."
- "Only because Texas is near or at the top of uninsured citizens."
- "Oh Texas like everybody else needs health care."
- "With the highest number of uninsured in the nation Texas stands to gain the most from an individual mandate."
- "Better off financially, worse off on quality of life issues."
- "It make take years, but this country will eventually have to come to the reality that single payer is the way to efficiently provide universal coverage."
- "Spreads the risk and burden of paying for indigent health care"
- "1 out of every 2 births in the State is paid for by Medicaid. If we do not bring Medicaid recipients into a private insurance program, we have absolutely no chance of controlling costs. This is a no brainer, the mandate is crucial for Texas."
- "People are and will always better off as free citizens that put mandates on the government, rather than as serfs who are mandated to do things by the government."
- "Texas would be better off with the individual mandates, but without the Medicaid changes."
- "Until everyone is in, costs can't be contained."

## *Should Texas prosecutors be held accountable for wrongful convictions?*

- "Yes - But accountable through some sort of judicial/peer review."
- "Only to the extent of misconduct by the prosecutor"
- "We hold criminals accountable we need to hold prosecutors accountable for things that lock up innocent people"
- "If they were duplicitous in their actions"
- "Absolutely.... especially if they withheld evidence like Ken Anderson did."
- "Only if malfeasance or misconduct is proven."
- "If a prosecutor knowingly withholds evidence then he/she should definitely be held accountable."
- "Wrongful convictions represent a sizable problem in Texas and a major stain on the integrity of our criminal justice system. The performance of prosecutors, judges and other actors in the criminal justice system should be recorded so that problems can be identified, solutions developed and, where necessary, incompetent individuals replaced."
- "This is an overbroad question. What is a wrongful conviction? Would prosecutors be held responsible for errors made by others in the justice system? Would negligence be sufficient, or is intentional action required?"
- "Juries have a duty and it should not be undermined."
- "Would have said 'No' until Williamson County fiasco."
- "Depends on whether it was an honest mistake or deliberately hiding evidence (as in the Morton case). Ken Anderson definitely should be held responsible if the court of inquiry proves he did not turn over all the evidence. For crying out loud, an innocent man spent 25 years in prison. The Morton case and DNA evidence makes you wonder about death penalty cases and how many innocent people have been put to death."
- "Punishment should be the same as for the wrongfully convicted - the only way to keep the honest."
- "Yes, to some degree everyone in the process needs to be accountable."
- "Absolutely . . . the goal should be 'justice', not just 'winning'. These are people's lives. Put the bad guys away . . . including the very small number of bad prosecutors."
- "If wrongful conviction result from willful intent or disregard then subject to criminal penalties. Otherwise, accountable to the voters."
- "The public trust and the social contract require zero prosecutorial misconduct...including wrongful convictions."
- "Silly question. It depends upon the degree of wrongdoing on the part of

the prosecutor. It would need to be a pretty high and well defined bar."

- "The terms 'held accountable' and 'wrongful' is very broad. There is a growing trend to compensate those who are vindicated. If this question implies prosecutors should be required to pay compensation, my response would be an emphatic no. I think the system in place now can correct a conviction for a person who is subsequently determined did not commit a particular crime."

- "If done knowingly and with malicious intent. As may have been the case in Williamson County."

- "Obviously YES if 'wrongful conviction' means the prosecutor cheated during the trial to get a conviction (whether the defendant is innocent or not). But definitely NO if 'wrongful conviction' just means a prosecutor who won a trial honestly against someone who turns out to be innocent."

- "'Accountable' in what sense? A prosecutor in this state is accountable at the ballot box. That is as it should be."

- "Yes, but only if the term 'wrongful convictions' includes only convictions obtained through unethical or illegal prosecutorial conduct."

- "ABSOLUTELY!"

- "There are mechanisms in place to address lawyer discipline and sanctions--and they even apply to prosecutors. That's how they're held accountable."

- "It's a travesty that those entrusted to protect the innocent end up sending them to jail on false or faulty premises. Prosecutors must be held accountable for violating an individual's right to due process."

- "Very hard to do without already punishable withholding of evidence and the like."

- "Accountability on an individual basis for wrongful convictions is a slippery slope. Second-guessing a prosecutor's decisions will make our society less safe. There already is built in accountability in our electoral system."

- "Anyone can make an honest mistake, but when there is strong evidence of deliberate manipulation of justice by a prosecutor, accountability should be as swift and certain as possible."

- "Only if they fail a prudent layperson standard. In cases where they cover up or fail to disclose relevant information, definitely."

- "Unless evidence proves the prosecutor knowingly mislead the judge or jury."

- "For willful acts such as withholding exculpatory information."

- "By the time they figure these things out, the prosecutors are usually long since retired. Obviously, if there is wrongdoing, they should be punished."

- "But the burden of proof should be higher or there will be tendency to settle high risk cases and prosecute the low wire pigeons"

- "Only if they affirmatively mislead the defense & the court-- when there is evidence that is questionable, it is up to the Judge and jury to make the decision."
- "The question, as written, is too broad. DA's don't convict, judges and juries do. If, however, a prosecutor hides exculpatory evidence or abuses his powers in other ways, some accountability accrues."
- "If they willfully withheld evidence or otherwise doctored or tainted a case, they ought to be held accountable. The system fails when those in a position of public trust abuse it."
- "Texas prosecutors should be held to the standards of their profession. If the DA withholds evidence or overlooks coercion by the police, yes she should be held accountable."
- "Unless there is clear evidence of misconduct."
- "Depends on the case."
- "Well, was it on purpose or not? If so, then yes; but if a wrongful conviction was unintentional or negligent and could still result in a personal lawsuit, who would ever be a prosecutor if you can be sued for not being perfect? Also, expanding prosecutor liability would be a boon for rich defendants who can threaten their way out of being criminally prosecuted. This is not as cut-and-dried as the media and the ACLU want it to be. Most policymakers haven't studied this issue very closely and should avoid knee-jerk conclusions until they have done so."
- "Not for a wrongful conviction, but they definitely should for withholding exculpatory evidence."
- "Absolutely"
- "Where there is intent or reckless disregard, prosecutors should pay with their means and their freedom for condemning the innocent to a life of mental -- and often physical -- torture in prison."
- "Prosecutors have operated with no skin in the game for too long."
- "If the prosecutor neglected her duties, yes."
- "They should not have criminal or monetary liability, but their jobs and their law licenses absolutely should be on the line if their misconduct results in the wrong person going to jail."
- "No unless info is withheld that could have an affect on a jury's judgment"
- "Such accountability just might bring a little more sense of justice rather than pure drive to win."
- "If you hold the prosecutors accountable for wrongful (not fraudulent) convictions, then you also have to hold the judges and juries accountable as well. This makes it unworkable."
- "Depends on what level of responsibility they have for the wrongful conviction. None? Negligence? Intentional?"
- "Only if misconduct such as withholding evidence or failing to

disclose methods used to extract testimony, or other misconduct."

wrong, they should definitely be held accountable."

- "Generally no, but if the prosecutors knew what they were doing was

- "Depends"

*Our thanks to this week's participants:* Angelo Zottarelli, Peck Young, Lee Woods, Seth Winick, Ellen Williams, Darren Whitehurst, Ware Wendell, Trey Trainor, Trent Townsend, Russ Tidwell, Jay Thompson, Sherry Sylvester, Michael Quinn Sullivan, Charles Stuart, Colin Strother, Keith Strama, Jason Stanford, Bryan Sperry, Dennis Speight, Larry Soward, Todd Smith, Martha Smiley, Ed Small, Dee Simpson, Bradford Shields, Julie Shields, Steve Scurlock, Bruce Scott, Stan Schlueter, Jim Sartwelle, Andy Sansom, Mark Sanders, Luis Saenz, Jason Sabo, Kim Ross, Bill Ratliff, Ted Melina Raab, Jay Propes, Kraege Polan, Royce Poinsett, Wayne Pierce, Tom Phillips, Bill Pewitt, Gardner Pate, Nef Partida, Pat Nugent, Sylvia Nugent, Keats Norfleet, Keir Murray, Craig Murphy, Steve Murdock, Bee Moorhead, Lynn Moak, Robert Miller, Scott McCown, Parker McCollough, Bryan Mayes, Matt Mackowiak, Vilma Luna, Homero Lucero, Ruben Longoria, Richard Levy, Leslie Lemon, Luke Legate, Donald Lee, James LeBas, Dick Lavine, Pete Laney, Tim Lambert, Sandy Kress, Ramey Ko, Tom Kleinworth, Richard Khouri, Robert Kepple, Mark Jones, Cal Jillson, Richie Jackson, Deborah Ingersoll, Shanna Igo, Billy Howe, Ken Hodges, Jim Henson, John Heasley, Adam Haynes, Albert Hawkins, Sandy Haverlah, Bill Hammond, Anthony Haley, Clint Hackney, John Greytok, Thomas Graham, Daniel Gonzalez, Kinnan Golemon, Bruce Gibson, Dominic Giarratani, Wil Galloway, Jack Erskine, Jeff Eller, David Dunn, Hector De Leon, Randy Cubriel, Harold Cook, John Colyandro, Lawrence Collins, Rick Cofer, Elna Christopher, William Chapman, Corbin Casteel, Thure Cannon, Kerry Cammack, Lydia Camarillo, Andy Brown, Jay Brown, Chris Britton, Steve Bresnen, Hugh Brady, Tom Blanton, Allen Blakemore, Andrew Biar, Dave Beckwith, Walt Baum, Charles Bailey, Kip Averitt, Jay Arnold, George Allen, Clyde Alexander, Victor Alcorta, Brandon Aghamalian, Cathie Adams, Gene Acuna.