



Subscribe Now | Pay Bill | Place an Ad | Contact Customer Service | Contact The Detroit News

RSS | Email Newsletters | PDA

Search bar with 'Belle Tire' logo and archive links: Tue | Wed | Thu | Fri | Sat | Sun | Mon | Today

Home News Local Sports Autos Business Entertainment Lifestyle Opinion Classifieds Jobs Cars Real Estate For Rent Shopping

Editorial Columnists Editorial Cartoons Blogs Forums Cybersurveys

Editorials

RSS Feeds Email Headlines Text Alerts On Your PDA



Article Tools: Print Email Comment Text Size: [font icons] Save Share

Friday, January 25, 2008

Will sex affair, lying bring down Kwame Kilpatrick?

The Detroit News asked Michigan legal experts whether prosecutors should consider filing perjury charges against Detroit Mayor Kwame Kilpatrick and Chief of Staff Christine Beatty based on text messages on city-issued pagers that conflict with their testimony in August at a whistleblower trial. The city settled the lawsuit and another one for \$9 million:

Kilpatrick should resign

Larry Dubin, University of Detroit Mercy law professor and former chairman of Michigan Attorney Grievance Commission: We learn that Detroit Mayor Kwame Kilpatrick may have violated the oaths he swore as a lawyer, a mayor and a witness. His assertion of past personal problems is in no way a defense to his misdeeds.

The Michigan Attorney Grievance Commission should prosecute him for professional misconduct, which could lead to a suspension of his law license or even its revocation.

Advertisement



Wayne County Prosecutor Kym Worthy should conduct a full and complete investigation and bring criminal charges against the mayor if the evidence supports that conclusion. Further investigation could possibly reveal other criminal violations such as subornation of perjury or obstructing police officers in the discharge of official duties.

At this time, the honorable action for the mayor to take would be to resign from office and to hire a competent criminal defense lawyer.

The disclosure of the mayor's conduct provides an important lesson for voters: A candidate's personality is often an overrated quality that can distract voters from more important qualifications.

Oaths aren't taken seriously

Bernard Dobranski, dean of the Ave Maria Law School in Ann Arbor: State Attorney General Mike Cox and Wayne County Prosecutor Kym Worthy need to seriously look into perjury charges. Other information may arise, and they may not want to go ahead and file charges. But it seems unmistakably clear that the testimony offered at trial is in conflict with what is said in the text messages.

When we discover prominent people lying under oath, it undermines the legal system if nothing is done about it. There was no question a decade ago that the president of the United States committed perjury and was impeached, but was not evicted from office. Truth has become a relative thing, and it can't be that way. We are a long time from Thomas More, who in the 16th century was willing to give up his head rather than falsely swear.

Case may affect crimefighting



Detroit Mayor Kwame Kilpatrick answers questions in August from Michael Stefani, lawyer for plaintiffs Gary Brown and Harold Nelthrope, in the whistleblower trial accusing the city and the mayor of wrongly dismissing two Detroit police officers. (John T. Greiwick / The Detroit News)



Extras

State perjury law

Michigan Penal Code ("Perjury committed in court"): Any person who, being lawfully required to depose the truth in any proceeding in a court of justice, shall commit perjury shall be guilty of a felony, punishable, if such perjury was committed on the trial of an indictment for a capital crime, by imprisonment in the state prison for life, or any term of years, and if committed in any other case, by imprisonment in the state prison for not more than 15 years.

Related Articles

More on this topic

Editorial: City shouldn't appeal settlement ruling

Peter Henning, professor of law at Wayne State University in Detroit: Prosecutors have to weigh competing concerns: First, can they obtain a conviction of a charismatic mayor for statements about an issue that many in the public perceive as one about which anyone would lie? Second, if they don't pursue charges, does that send a message that prominent officials are subject to a different standard and will not be held accountable?

Prosecutors in major cities around the country have trouble obtaining convictions because witnesses will not come forward or change their stories due to pressure or threats. If the mayor is perceived as being able to lie when he's called as a witness without any penalty, then what message is sent to those in Detroit who may be asked to take risks to help the police by providing truthful information?

Wayne County Prosecutor Kym Worthy and state Attorney General Mike Cox will have to decide whether giving a pass to the mayor makes real justice that much harder to achieve down the road.

Did testimony affect result?

Richard Thompson, president and chief counsel of the Thomas More Law Center (a national public interest law firm based in Ann Arbor defending religious freedom) and former Oakland County prosecuting attorney: It would be prudent for law enforcement officials to conduct a vigorous investigation or send the matter to a grand jury because the issue affects the integrity of our justice system. You have an issue of confidence in government and our officials that needs to be settled.

One of the issues that would be involved: Did the suspected false testimony concern a material issue in the case -- that is, could a shift in testimony have affected the outcome of the case? And then was it false?

Once a decision is made either to prosecute or not to prosecute, officials should explain the reasoning so there is some public confidence that no one is getting away with perjury.

Proving perjury is difficult

Patrick Corbett, professor of criminal law and procedure at the Thomas Cooley Law School in Lansing and former assistant U.S. attorney : While they may appear on the surface to be simple cases, perjury cases are often difficult for the prosecutor to prove beyond a reasonable doubt.

Mail letters to *The Detroit News*, Editorial Page, 615 W. Lafayette, Detroit, MI 48226, fax them to (313) 222-6417 or e-mail them to letters@detnews.com.

Article Tools: [Print](#) [Email](#) [Comment](#)

- [Detroit council votes to investigate Kilpatrick's office](#)
- [Detroit mayor scandal: Judge to unseal secret documents](#)
- [Judge to weigh access to whistle-blower settlement documents](#)
- [Detroit council president supports financial audit of mayor's office](#)
- [Mayor's nonprofit accounts difficult to track](#)
- [Editorial: Council should OK probe of Kilpatrick's spending](#)
- [Kilpatrick's face a long road back to trust](#)
- [Kilpatrick continues to behave badly](#)
- [Mayor Kilpatrick keeps a low profile](#)
- [Scandal tests mayor's survival skills](#)
- [Mayor resumes public duties](#)
- [Mayor Kilpatrick says Beatty will be missed](#)
- [Berman: Is mayor sincere? It's hard to tell](#)
- [Howes: 'No winners' in mayor's scandal](#)

Metro-Detroit-mayor

In the Blogs...

Nolan Finley's Blog



Nolan Finley: How ironic that the white man who ludicrously claims the title of America's First Black President is working so hard to deny the nation the real thing. Illinois Sen. ... [Continued](#)

Triple Play

Joanne C. Gerstner: 1) Let's listen to a little knowledge from Michigander Luke Jensen. Good stuff from the Aussie Open. Bye bye Serena and Henin. 2) Very cool stuff... U2 goes ... [Continued](#)



The Breast Monologues



Jodie Wilson: Good News Yesterday, I had my monthly check up with my breast surgeon. My tumor is a lot smaller. I have gone from a 4.8 cm tumor to probably a tumor smaller than 2 cm. ... [Continued](#)

[More blogs](#)

MORE IN: EDITORIALS

- [Editorial: Kilpatrick must apologize, fire Beatty, open his closets - 01/25/2008](#)
- [Stimulus plan is about politics, not economics - 01/25/2008](#)
- [Will sex affair, lying bring down Kwame Kilpatrick? - 01/25/2008](#)
- [Mayor's conflicting messages stir calls for action - 01/25/2008](#)
- [She brakes for ideology - 01/25/2008](#)
- [Go slow in tinkering with interest rates - 01/24/2008](#)
- [Candidates waffle on nuclear energy issue - 01/24/2008](#)
- [Michigan should tap into fast-growing India - 01/24/2008](#)
- [Should region back Cobo expansion plan? - 01/24/2008](#)
- [Aid for chronic diseases lab saves money - 01/24/2008](#)
- [Letters: Your opinion - 01/24/2008](#)
- [Editorial: Kilpatrick should apologize, fire Beatty and open his closets - 01/24/2008](#)

Site Index

- [Essentials](#)
- [News](#)
- [Arts](#)
- [Sports](#)
- [Entertainment](#)
- [Forums](#)
- [Lifestyle](#)

Special Reports

Essentials.

- [Home](#)
- [Page One PDF](#)
- [Sports PDF](#)
- [Weather](#)
- [Horoscope](#)
- [Lottery](#)
- [Crossword](#)
- [Sudoku](#)
- [Contact Us](#)
- Multimedia:**
- [Photos/Video](#)
- [News Photos](#)
- [Autos Photos](#)
- [Audio Galleries](#)
- [Video](#)
- [Photo Store](#)

News.

- [Nation/World](#)
- [Politics/Govt.](#)
- [Elections](#)
- [Religion](#)
- Local/State:**
- [Metro/State](#)
- [Wayne](#)
- [Oakland](#)
- [Macomb](#)
- [Livingston](#)
- [Commuting](#)
- [Schools](#)
- [Michigan History](#)
- [Obituaries](#)
- [Death Notices](#)

Autos.

- [Autos Insider](#)
- [Drive](#)
- [Joyrides](#)
- [Auto Shows](#)
- [Auto Reviews](#)
- [Auto Photos](#)
- [Autos Talk](#)
- [Test Drive blog](#)
- Business:**
- [Business News](#)
- [Personal](#)
- [Finance](#)
- [Stocks](#)
- [Technology](#)

Sports.

- [Sports](#)
- [Lions/NFL](#)
- [Pistons/NBA](#)
- [Red Wings/NHL](#)
- [Tigers/MLB](#)
- [Shock/WNBA](#)
- [MSU](#)
- [U-M](#)
- [More Colleges](#)
- [High Schools](#)
- [Golf](#)
- [Motor Sports](#)
- [More Sports](#)
- [Ski Guide](#)
- [Scoreboards](#)

Entertainment.

- [Entertainment](#)
- [Music](#)
- [Calendar](#)
- [Movies](#)
- [Movie Finder](#)
- [TV Listings](#)
- [TV/Radio](#)
- [Restaurants](#)
- [Wine Report](#)
- [Celebs](#)
- [Performing Arts](#)
- [Casinos](#)
- [Puzzles/Games](#)

Forums.

- [Forums Index](#)
- [Lions Talk](#)
- [Wings Talk](#)
- [Pistons Talk](#)
- [Tigers Talk](#)
- [Ask Mike](#)
- [O'Hara](#)
- [Big Ten Talk](#)
- [News Talk](#)
- [Autos Talk](#)
- [Faith Talk](#)
- Opinions:**
- [Editorials](#)
- [Letter to Editor](#)
- [Blogs](#)
- [Columnists](#)
- [Cybersurveys](#)

Lifestyle.

- [Lifestyle](#)
- [Homestyle](#)
- [Food](#)
- [Recipe Finder](#)
- [Health/Fitness](#)
- [Fashion/Shopping](#)
- [Families/Parenting](#)
- [Travel/Recreation](#)
- [MichMoms](#)
- [MichDads](#)
- Other**
- [Special Reports](#)



Special report: The foreclosure factory

Metro Detroit is a national center of the foreclosure crisis, leaving thousands of families financially ruined and depressing property values. - Nov. 26, 2007

The Detroit Institute of Arts: Your guide to the new DIA - Nov. 5, 2007

Detroit tax breaks go to the well-heeled - Oct. 31, 2007

South of the equator, Ford and GM prosper - Aug. 13, 2007

April 15 and you: Help with figuring out your taxes - Jan. 31, 2008

[More Special Reports](#)



© Copyright 2008 The Detroit News. All rights reserved.

[Terms of Service](#) | [Contact](#) | [Help](#)