

Justice Daniel J. Venters, retired Somerset, Kentucky

The Governor's Verbal Attacks Upon the Courts are Wrong

Governor Bevin responded to the Kentucky Supreme Court's recent unanimous opinion on the 2018 pension reform bill by accusing all seven Justices of being politically-motivated "activist judges" who defied the Rule of Law in an "unprecedented power grab." He said the Court's opinion was "screwing Kentucky." As the Supreme Court Justice who wrote that opinion, and as a Republican who voted for the Governor and has generally agreed with much of the Governor's platform, including the dire need for public pension reform, I will not let his rant go unchallenged.

"Activist judges" are judges who ignore the plain meaning of the words of the law and interpret them to suit the judge's own personal policy preferences. As a conservative, I strongly believe that judges must adhere to the plain text of the law when it is clear and unambiguous; and, that they should not interpret the law to suit their own personal views and philosophies. The Kentucky Supreme Court abides by that principle and the pension bill opinion is a sterling example of it. But don't take my word for it. You be the judge.

Let's read the law together and see what you think. Section 46 of the Kentucky Constitution says:

Every bill shall be read at length on three different days in each House, but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending.

That language is plain and simple. The 2018 pension reform bill was enacted by reading in each house the title of the bill, “**AN ACT relating to the local provision of wastewater services,**” and giving each legislator a copy of the 291-page bill about pension reform a few minutes before voting. What’s your decision? Was the 2018 pension bill “read at length on three different days?”

Does passing a pension bill by reading the title of a wastewater services bill comply with our Constitution? The Governor would ignore the plain language of the Section 46 and interpret it to suit his own personal preferences simply because he likes the 2018 pension reform bill. The Governor is wrong. He was wrong about the issue and he is wrong in his denunciation of the Supreme Court.

I like the 2018 pension reform bill, too. But like the Governor, the Justices of the Supreme Court and all judges in Kentucky, take an oath to support the Constitution of Kentucky. That oath applies to *all* parts of the Kentucky Constitution. Neither the Court nor the Governor is at liberty to ignore Constitutional provisions that do not suit their political mood at the moment.

Like many disgruntled litigants, this Governor has a habit of attacking the judicial messenger when disappointed by the judicial

message. When you don't like the message, attack the messenger. Such verbal assaults on the judges throughout Kentucky have become a regular part of his demagoguery. I do not speculate upon the Governor's political objectives, but beware: he has also expressed his desire for the power to appoint judges, rather than suffer their selection by you, the voters of Kentucky. Left unchallenged, the Governor's false attacks on Kentucky's judges will undermine the public's confidence and trust in the Courts of Kentucky and turn an otherwise unsuspecting public against the Courts. It is certainly not the Courts that are engaged in an "unprecedented power grab."

Like "fake news," a false statement repeated without rebuttal becomes accepted as truth. There is more at stake here than the fate of a pension reform bill. Our freedom and constitutional order are guaranteed by the foundation of checks and balances built into our state and national Constitutions. Each branch of our government guards against the oppressive impulses of the others. If the Governor's fake news succeeds in undermining your faith in the Courts by bullying judges into submission, who will next stand guard when Constitutional law affecting you and your family is ignored?

BIOGRAPHIC INFORMATION FOR FORMER SUPREME COURT JUSTICE DANIEL J. VENTERS

Justice Daniel J. Venters retired from the Kentucky Supreme Court on January 6, 2019 after serving 10 ½ years and authoring nearly 200 published opinions and several hundred unpublished opinions. His judicial career spanned more than 35 years on the trial and appellate court benches of Kentucky.

Justice Venters entered the practice of law in 1975 in Somerset, Kentucky, where he served as a part-time Assistant Commonwealth's Attorney under then-Commonwealth's Attorney, now Congressman Hal Rogers. He practiced with the Somerset law firm of Rogers and Venters until January of 1979, when he became a District Court Judge for Pulaski and Rockcastle Counties. Elected to the circuit court bench in 1983, Justice Venters served as Chief Circuit Court Judge for 28th Judicial Circuit (Pulaski, Rockcastle, and Lincoln Counties) from January 1984 until June 2003, when he returned to the practice of law in Somerset with his son, Joseph B. Venters.

Justice Venters is 1975 graduate of the University of Kentucky College of Law and a 1972 graduate of The Ohio State University, where he majored in economics. He is admitted to practice before the United States Supreme Court and the U.S. District Courts for Eastern and Western Kentucky. He has served as a member of Kentucky Board of Bar Examiners, and a member of the Kentucky Bar Association Board of Governors.

Justice Venters was born in 1950 in Charleston, West Virginia. He is married to Somerset attorney and recently-elected Circuit Court/Family Judge Jane Adams Venters. The Venters' have five children and twelve grandchildren. They in Somerset and are members of the First Presbyterian Church of Somerset.



