

# VERDICT

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# LETTER TO THE EDITOR

## An Attack on Who We Are as a Country



The Founders of our Great Country were brilliant in establishing the three separate and independent branches of our federal government which are, of course, the Executive, Legislative and Judicial Branches. And each one of them has its delegated powers from the Constitution, which established a true system of checks and balances upon the

other two. So this is fundamentally who we are as a country. However, the recent actions by the Executive Department both to propose the impeachment of federal judges who do not agree with some of its positions, and to sanction or otherwise punish law firms that represent people who are opposed to some of those positions constitute a direct threat not only upon our judicial system, but upon who we are as a country. And that's not all. Government officials are also saying that the Immigration Reform and Control Act takes the power of *habeas corpus* away from the courts so that people can be arrested and deported from our country without first having a judicial hearing to determine if that is lawful. These actions cannot be allowed to persist!

Thanks to our Constitution we do not have a monarchy in our country. During my 25 years as a trial court judge in Orange County, California I had a sign on my bench that said: "There can be no Peace in a Land Without Justice." I used that sign to remind myself to be patient, and that every decision I made in my court was

important to somebody and therefore important to us all. But that approach applies not only to the courts; it also applies throughout our government. Therefore, before government acts to deprive any people of their liberty or property, it must not only provide Justice through the due process of law, it must be readily apparent to anyone concerned that that is what each person is receiving.

So, as I have written before for this publication, where is Paul Revere? Fundamentally, I believe that it is our government, and if it is not working, we have no one to blame but ourselves. That means that we all must help to spread the word that we must be vigilant or our inherited "Land of the Free" could be forever lost. That is certainly a daunting thought, but it is true. Of course, the higher the position of responsibility each person has brings with it more of an obligation to monitor our government. That means, for example, that those of us in the legal profession have a larger responsibility than a non-professional might have. But all voters have the obligation to educate themselves and to speak out on the issues of the day in an attempt to safeguard the rights of us all. But, unfortunately, since we have become so polarized, this is not really happening today.

So how did we become so polarized? My view is that this was caused by the development of so many cable television stations. When that was originally proposed, I thought that it would be wonderful because all of us would be exposed to a wide variety of viewpoints. And boy was I wrong! Why? Because most of the media began to focus directly upon the biases of their listeners and viewers and cater directly to those biases. So now the reality has become that "If you don't agree with me not only are you wrong, you are evil!" No, we all must gain or regain the ability to discuss all issues with each other reasonably openly, and get away from this polarization.



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**Criminal Law & Family/Matrimonial Law**



Fortunately, there are many organizations that understand how polarization is harming us and our institutions. For example, when I was being hired as a federal prosecutor by the United States Attorney's Office in Los Angeles back in 1975, I was told: "Jim, one of the most important responsibilities we have as prosecutors is to do the right thing for the right reason — every time. If you make a mistake, we will have your back. But if you do anything for personal or political reasons, you will be held accountable." And that is and should be true throughout our Law Enforcement and Judicial System, whether the officials be the police, prosecutors or judge. The Justice System cries out for this to be the mandate of its officers!

And there are other professional organizations that also carry that mandate. For example, the Declaration of Principle from the American Board of Criminal Lawyers states that "Our Constitution, Bill of Rights and the Rule of Law . . . were designed to endure the temptations of the few while safeguarding the lives and prosperity of all." Good for them!

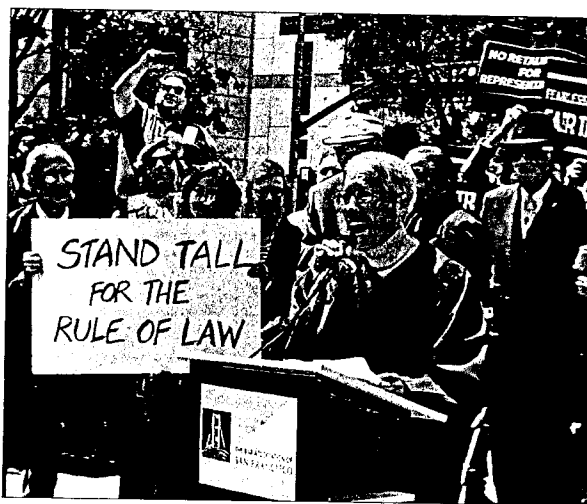
So what can/must be done to curtail the stated desire of the Executive Branch of the federal government to impeach judges who rule against its positions, to bar the personnel of law firms who represent clients who object to those positions from entering federal courthouses, to prohibit

federal government employees from engaging with the personnel of those law firms, and to suspend any security clearances for those personnel?

Some of these targeted law firms have acquiesced to those threats and, as a result, have agreed to provide pro bono legal services to litigants favored by the Executive Branch. But, as we all have seen, some of the targeted law firms have stood up to those threats. And bless those people because those Orders are having a direct chilling effect upon the ability of legal professionals to represent even those who take strange or unorthodox positions! Let those positions be heard and ruled upon openly and neutrally in our nation's courts, because our lives as free citizens depend upon that result. And, as Chief Justice Roberts was quoted as saying, the remedy for bad judicial decisions is not to impeach the judges; it is to appeal their decisions.

So please be aware of what is happening today and do not remain silent because this threat to our way of government cannot be allowed to succeed! We the People can continue to uphold the values and exercise our Constitutionally provided fundamental rights that we have cherished throughout our history. But this is all up to us!

Judge James P. Gray (Ret.)  
Superior Court of Orange County, California



*Hon. LaDoris Hazzard Cordell (at podium), retired judge of the Santa Clara County (California) Superior Court, at a rally on May 1, leads San Francisco attorneys in reaffirming their oath to defend the Constitution, part of National Law Day of Action rallies by lawyers in cities across the country in support of the U.S. Constitution and an independent judiciary.*

Photo courtesy of the Bar Association of San Francisco

*Judge James P. Gray retired after serving for 25 years on the bench in Orange County, California. Prior to that he served as a Peace Corps Volunteer in Costa Rica, a criminal defense attorney and staff judge advocate with the Navy JAG Corps, and a federal prosecutor in Los Angeles. Judge Gray was also the 2012 Libertarian candidate for Vice President, along with New Mexico Governor Gary Johnson as the candidate for President, and was given a Lifetime Achievement Award by the Orange County Bar Association, which is its highest award.*



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