

When Justice Isn't Served

By J.C. Watts, Jr.

Americans have usually taken pride in their judicial system. Phrases such as “innocent until proven guilty” and “trial by jury” are entrenched in our national vocabulary. As the Founders—men like James Madison and Benjamin Franklin—shaped the structure and substance of the judiciary, our third branch of government, they sought to ensure that citizens would be able to trust the justice system to deliver a fair and accurate verdict. They were guided by their experience under the British system in which true justice was often replaced with arbitrary verdicts to achieve political expediency. Today, more than 200 years after the first American courts were established under the Constitution’s provisions, Americans still depend on the judicial system the Founders set in place. But sometimes, we have to step back and ask whether or not justice is truly being served.

On January 26, 2007, a District Court in Texas handed down an acquittal of David Sipe in a case that has stretched on for six years. Mr. Sipe, a former border patrol agent, was indicted for the use of excessive force in his dealing with an illegal alien. He caught the man crossing the border into the U.S. in 2000. Sipe said he was acting in self defense at the time of the incident. At his original trial in 2001, Sipe was convicted of the offense. The jury’s verdict rested, in part, on the testimony of an illegal alien. Sipe’s lawyers appealed the verdict and sought a retrial after it was discovered that, in exchange for his testimony, the government had provided the illegal alien with a variety of benefits, including a Social Security card, a permit allowing free travel between the U.S. and Mexico, and living expenses. At the time of the initial trial, the federal prosecutors denied that any such benefits had been provided. Sipe was granted a retrial, at which he was acquitted of the offense.

Earlier this year, we witnessed a similar affront to justice when district attorney Mike Nifong resigned from the Duke University lacrosse rape case in the midst of accusations that he had failed to disclose evidence that was pertinent to the case. Nifong had claimed throughout the proceedings that he had provided the defense with all available evidence. Nifong now faces sanctions from the North Carolina state bar because he had no concern that the withheld evidence would almost shatter innocent lives.

It wouldn’t take long to scan the judicial archives of recent years and uncover many similar scenarios at both the state and federal levels. The American judicial system was designed to operate in a manner that would warrant every citizen’s confidence that justice was always served. This trend toward secrecy and deceit in our national judiciary undermines the very foundations of that confidence. When I read about a case like Mr. Sipe’s, I begin to wonder, how many other times has this happened, but no one found out? Is there still justice for the American citizen in the justice system?

What we are facing today is a loss of trust and integrity in the American judicial system. Attorneys and judges strike deals behind closed doors to achieve politically expedient results; overzealous prosecutors conceal information or misstate facts to sway the ruling; judges fail to recuse themselves in cases involving their private interests; illegal immigrants are granted illegal benefits to testify against a U.S. citizen. Such blatant affronts will quickly destroy the trust of the American people in the judicial system.

These examples from the justice system have strong counterparts in the private sector. One publicized example was the Enron corporate accounting scandal. Just like in Mr. Sipe’s legal trial, the people who should have been the most trustworthy demonstrated an utter lack of integrity. But there is an important

difference here: when Enron's executives were found out, they faced serious legal consequences, and the public was so outraged over the incident that the word "Enron" has become synonymous with corporate scandal and shady business practices. Why is it that we expect integrity from the private sector, but write off these government judicial shenanigans as just being "the way government works"?

We, the American people, have a responsibility to hold our public servants accountable to a standard of true justice. If we fail to act or speak out when we witness the loss of integrity in our judicial system, then we are guilty too. We wouldn't tolerate a sports star cheating to gain the upper hand; we wouldn't tolerate a corporate executive cheating for personal gain; we cannot tolerate our public servants "cheating" in matters of justice because we all pay when they do.