

Courts and the advancement of the Rule of Law

The case of Harvey Weinstein is considered to be one of the most heated and controversial cases of the twenty-first century. Weinstein, a movie director, was accused of numerous counts of sexual assault and rape against actresses that performed in his movies, sparking the #MeToo movement. This movement, like others in history, has slowly made courts biased against the accused. Even though Harvey Weinstein committed a horrific crime, the public had condemned him long before a trial was conducted. Potential defense attorneys were threatened which weakened his defense. Even though Weinstein's crimes were horrible, he deserved a fair trial so that justice could be served.

Rule of Law is defined as "the restriction of arbitrary exercise of power by subordinating it to well defined and established" ("Rule of Law"). Imagine that our Justice system is a house. Our judges, jurors, prosecutors, and defense attorneys make up the walls to keep the structure standing; without each wall holding its weight, the rule of law collapses. In order to have justice, each player in the case must do his/her job, no matter how unpleasant or unpopular it may be.

In a court of law, jurors are responsible for determining guilt or innocence of the accused. The panel is to have no bias for or against the defendant. The 6th Amendment guarantees a fair and speedy trial. However, in several pre-Civil Rights movement cases where bigotry existed, juries were almost always made up by people of race, tainting the fairness when a minority was on trial. In the case of Freddie Eubanks versus the state of Louisiana, Eubanks was accused of murdering a white woman and was tried with an all-white grand jury. Eubanks argued that this case should be thrown out on the basis that African Americans had been systematically barred from jury selection. Although this case was biased, the court trial continued and Eubanks was sentenced to death ("Tax Cases"). A biased jury can derail the rule of law as easily as a corrupt prosecutor.

When attorneys put self-promotion ahead of their responsibilities to justice, rule of law suffers. Consider District Attorney of Durham County, NC, Mike Nifong. Three white Duke University lacrosse players were accused of raping black exotic dancer, Crystal Mangum. Nifong was facing reelection and wanted to solidify his lead by garnering the black vote with a conviction of three affluent white defendants. Although DNA evidence exonerated the accused, Nifong pursued prosecution, playing to racial sentiments. When they proved their innocence, Nifong was relieved of his duties and convicted of several crimes: fraud, dishonesty, deceit or misrepresentation ("Duke Lacrosse Case"). This case demonstrates that attorneys can be corrupted by public opinion.

Not only can prosecutors defeat the rule of law, but so can defense attorneys. Defense attorneys have been portrayed as trying to win at any cost in order to advance their careers.

Charles F. Daum was defending a drug dealer named “The General” when he was accused of violating the law in order to win and advance his career. Daum was reported to have asked the family, relatives, and friends to lie in court and create fake evidence in order to win the case (“Veteran D.C. Defense Attorney). If the defense attorney sees a way to win the case by encouraging perjury, justice cannot be properly served. Not only can attorneys be corrupted, but judges can as well.

Judges have significant power as to how the case is conducted. In our adversarial system, if the judge oversteps his role and acts as prosecutor or counsel for defense, justice is not served. For example, Supreme Court Justice Samuel Chase sat on the bench from 1796 to 1811, and was also the only Supreme Court Justice to face impeachment for his improper actions as a circuit courts judge. Chase was given the responsibility to oversee a second trial against John Fries charged under the Alien and Sedition act for starting the Fries’ Rebellion. This rebellion was based on resisting taxes from the federal government. The House of Representatives accused Chase of not dismissing biased jurors and barring the defense of the accused. Chase acted like a prosecutor and repeatedly attacked the accused. The House voted for impeachment on the grounds that Chase acted in an oppressive and arbitrary manner and acted unjustly before he heard from the defense. Chase had already decided on the verdict before even hearing from both sides, therefore corrupting the case (“Samuel Chase”). No judge should ever decide if a person is guilty or innocent based on his political and social standing, judges must be mediators and provide order in a chaotic situation. Without judges doing their duty, justice cannot be served.

The summer and fall of 2020 saw a media run wild by inciting mob-like pressure on our legal system. There was pressure to release the names of members of the Grand Jury deciding whether or not to charge the police involved in the death of Breonna Taylor. Politicians voiced their verdict of officer Derek Chauvin in the death of George Floyd before the trial started, calling for additional violent protests if a guilty verdict was not returned.

The Founding Fathers strived to make our justice system fair and effective. Each element in our trial system can be influential in public opinion. We must keep public opinion out of our trials in order to keep each position in court from being corrupted. For if one of the four walls of our justice system fails, a trial and the rule of law cannot stand. In each of the above cases, members of the justice system bowed to public pressure or personal gain, and arbitrarily exercised legal power, thus corrupting the rule of law. Public officials have taken an oath to uphold the rule of law ahead of their own political ambitions. It is time for us to hold our elected officials to this standard.

Works Cited

"Duke Lacrosse Case." *Wikipedia*, Wikimedia Foundation, 30 Apr. 2021,

en.wikipedia.org/wiki/Duke_lacrosse_case.

"Impeachment Trial of Justice Samuel Chase, 1804-05." *U.S. Senate: Impeachment Trial of*

Justice Samuel Chase, 1804-05, 26 Feb. 2021,

www.senate.gov/about/powers-procedures/impeachment/impeachment-chase.htm.

"Rule of Law." *Dictionary.com*, Dictionary.com, www.dictionary.com/browse/rule-of-law.

"Samuel Chase." *Wikipedia*, Wikimedia Foundation, 28 Apr. 2021,

en.wikipedia.org/wiki/Samuel_Chase.

Tax Cases Decided with Opinions by the Supreme Court of the United States: from Volumes

355, 356, and 357 of United States Reports, October Term, 1957 (October 7, 1957-June

30, 1958) Report to the Joint Committee on Internal Revenue Taxation. U.S. Gov't. Print.

Off., 1959.

"Veteran D.C. Defense Attorney Charles F. Daum Sentenced to Serve 63 Months in Prison for

Obstruction of Justice." *The United States Department of Justice*, 16 Sept. 2014,

www.justice.gov/opa/pr/veteran-dc-defense-attorney-charles-f-daum-sentenced-serve-63

[-months-prison-obstruction#:~:text=Veteran%20District%20of%20Columbia%20defense,](http://www.justice.gov/opa/pr/veteran-dc-defense-attorney-charles-f-daum-sentenced-serve-63)

[Criminal%20Division%3B%20Chief%20Cathy%20L.](http://www.justice.gov/opa/pr/veteran-dc-defense-attorney-charles-f-daum-sentenced-serve-63)