

# JUSTICE™

Monthly Journal of American Justice Foundation™

© 2009 by Jurisdictionary® ... ALL RIGHTS RESERVED

## Terrorist Trial Revisited

*Justice™ Staff*

Jon Stewart of the Daily Show stood up to Newt Gingrich on the issue of holding the trial of 9-11 terrorists in New York, and an interesting phenomenon appeared as the two debated this sensitive subject.

Gingrich made a foreseeable stab at the present administration decisions aimed at trying the principal terrorists in the city where that unspeakable September horror occurred.

Stewart then politely, humorously, and seriously countered with a non-politically-based opinion that the American People, and particularly New Yorkers, are not in fear of terrorists being tried in New York City or, for that matter, being securely detained in prisons on American soil.



Watch the entire episode at:

<http://www.thedailyshow.com/full-episodes/tue-february-9-2010-newt-gingrich>

As Justice™ stated in our November '09 issue, it is critically important to use such trials as these to publish to the world and our children that the principles of Justice must be honored and upheld at all costs.

The demands of exigency or politics can never be placed ahead of the necessity of administering justice in a way that honors Justice.

To summarily execute terrorists, as Newt Gingrich seemed to suggest on Stewart's popular TV show is to erode the Spirit of Liberty that is our shared American soul.

None dare suggest that terrorists caught in the heinous acts they perpetrate out of hatred and religious zeal should escape a prompt judgment and fitting punishment.

However, to deny anyone the right to a fair trial dangerously opens a philosophical floodgate that weakens the protections of due process that secure for each of us the right to be protected from the sorts of outrageous tyranny that has been inflicted by countless totalitarian regimes since the beginning of recorded history.

Stewart speaks for traditional American values that too many in troubled times like these are willing to trade for the tenuous promise of safety.

Without Justice we are none of us safe!

We dare not dishonor our heritage of Justice under law, displacing our code of honor for the sake of political expedience.

And, under no circumstance, should we allow decision makers to undermine our traditional code of honor *out of fear!*

## Red Mass Scheduled

*... Justice™ Staff*

The Red Mass, a religious service calling lawyers, judges, legislators, government officials at all levels, and legal educators to seek the favor of Almighty Providence in the administration of Justice, will be celebrated at the Cathedral of St. Thomas More, 900 W. Tennessee St., Tallahassee, Florida 10 March 2010 at 6 p.m.

The Mass gets its name from the red vestments worn by the officiating priests.

The Florida Bar News reports that those participating in the Mass will pray for inspiration and guidance for all those who serve in the executive, legislative, and judicial branches of government and for members of the legal profession.

The Mass is open to the public at no charge, and a reception will follow at the Cathedral Center.

At its inception in the Middle Ages the Red Mass traditionally marked the start of each term of court.

The first record of the service was in the Cathedral of Paris in 1245. Sixty-five years later we discover the Mass being used in England to seek Divine Favor for the Court of Edward II.

The tradition was introduced here in the United States in 1928 at the Church of St. Andrew in New York City.

At our Nation's Capitol, the Red Mass is celebrated each first Monday of October, the opening day of the U.S. Supreme Court session and is attended by each of the Supreme Court Justices and their staff, members of Congress, Whitehouse staff, and others.

Justice™ urges everyone to participate in Red Mass services in other locations and to join with others in supplication for the favor of our Creator on those entrusted with the responsibility of administering and teaching Justice both here and around the world.

God knows Justice needs guidance from on High ... a clearer moral view of human needs and deep-rooted commitment to promote more widespread understanding of the Rule of Law and the principles and

practices of due process that make Justice possible for the poor and oppressed.

## 12-Year Old is an Adult

*Justice™ Staff*

Sounds like the headline for an article in the Enquirer, doesn't it?

Yet that's what's facing Jordan Brown, a 12-year old charged with murdering his father's pregnant girlfriend with a shotgun and, if convicted, spending the rest of his life in prison with no hope of parole.

Seem harsh?

That's because it is, but that's the law in nearly half our states and one that needs to be examined more closely.

At what age is a child no longer a child?

This moral and jurisprudential question is increasingly before us as more and more children are charged as adults.

When is a child not a child?

Does it turn on the heinousness of the criminal act?

Or, is it a purely political ploy arising out of the ambition of prosecutors wishing to be seen as zealously pursuing justice for the sake of the innocent community and thus gaining a greater likelihood of being re-elected by voters who see punishment as the sole praiseworthy purpose for our criminal process?



Does this boy look like a murderer?

Should we place him and others like him behind iron bars and throw away the key forever?

The University of Texas School of Public Affairs reports nearly half of our states are trying children as adults.

Whether resulting from politics or public paranoia in response to an increase of kids committing crimes, the issue needs to be dealt with maturely and promptly.

Some states set no minimum age below which a child must be tried *as a child*. This is an unacceptable state of jurisprudence.

# JUSTICE™

From what Justice™ can learn from its sources, members of the victim's family are encouraging the prosecutor to try the boy as an adult, as if that would undo their unfortunate loss.

The Bible tells us, "Vengeance is mine, saith the Lord," yet here at the end of the first decade of the 21<sup>st</sup> Century we the American People have not yet sufficiently matured spiritually or jurisprudentially to see that punishment alone does not justify nor legitimize the exercise of our criminal justice system.

Punishment should not be a purpose.

The purposes that do legitimize criminal prosecution are:

- Deterrence: foster fear of prosecution in the minds of those otherwise disposed to commit crimes.
- Rehabilitation: provide incentives for the convicted to pursue lawful lives upon their release.
- Restraint: prevent further criminal acts during the term of incarceration.

These purposes favor society.

Punishment may assuage anger and give a sense of closure to victims of crime and their families, but punishment itself does nothing for society.

Deterrence, rehabilitation, and restraint make life better for us all.

Punishment alone is barbaric and, to the extent it fails to achieve these three listed goals, punishment alone tends to alienate the underclass and promote a twisted and perverse sense of justification for crime.

## How to Hire a Lawyer

(Continued from Previous Issue)

... Dr. Frederick D. Graves, JD

Zeal cannot be faked or purchased.

If the lawyer you hire is not *zealous* about your case, find another.

There is more to this than you might imagine, since the rules of professional conduct promulgated by the American Bar Association and adopted by all state bars in one form or another requires lawyers to be *zealous advocates* of clients' causes.

It's required by the code.

Failure to *zealously* represent clients is an offense that can result in disciplinary proceedings against a lawyer in all states.

Lawyers are required by the professional conduct rules to be zealous, fight for their clients, stand in the gap for them, and go the limit!

It's not just a matter of being a good lawyer.

It's required by the rules!

Yet, some lawyers are not zealous.

And, be certain of this fact, you cannot buy a lawyer's zeal. It either arises from an innate desire to see justice achieved, or it is a counterfeit that will disappear in the first wind that blows!

As former State Attorney I worked with years ago on a case I was leading against a giant insurance company said, "Lawsuits are axe fights. Bring your axe!"

If you must hire a lawyer, get one who's not afraid to bring an axe to court and use it to win for *you!*

If your lawyer doesn't strongly believe in your case and the other side attacks with an axe of his own, your lawyer is going to fold his tent, leaving you vulnerable to the attack, and after you've lost your case you may never know what happened "behind the scenes".

Lawyers talk to each other.

Most, especially in small communities, know each other on a social basis.

They have lunch.

They sit together at the local coffee shop for breakfast, read their papers, talk about sports and, occasionally, discuss your case.

If *your* lawyer isn't certain he can win, if he doesn't *believe* in your case (no matter what he may tell you to the contrary while you're sitting in his office), he may go to the other lawyer and "make a deal".

It happens.

Don't be taken in.

Whether you're dealing with a lawyer or a close friend or business associate, wisdom and experience tell us that people will twist the truth if they think it will serve their own self-interest. The thing that makes lawyers unique in this area is that many have the twisted idea that hiding truth is part of the process of getting justice for their clients!

If someone will lie "for you", they will lie "to you".

Self-interest rules us all – no exceptions.

If a lawyer can settle a case he doesn't believe in, he may choose to spare himself the embarrassment of losing in front of judge and jury – and he will come to you one day in the midst of your struggles and tell you, "I think we can settle."

This usually happens as you run out of money to pay his fees.

That is *not* the kind of lawyer you need.

The likelihood of staying the course and winning your case is directly proportional to the lawyer's zeal, i.e., the degree with which he *believes* in your cause.

Convicted lawyers don't quit.

Convicted lawyers don't compromise.

Keep in mind that a lawyer's reputation for winning may come from *believing* in the cases he takes. Many refuse to take cases in which they have any doubt.

Legal skill alone is not enough to win in court (especially jury cases). No matter how much skill a lawyer has, if he doesn't believe in your case, the court won't either!

Find out *before* you hire him!

Winning lawyers are motivated to win because of the "rightness" of causes and the moral need to win.

Human nature applies to lawyers, too!

Ask questions of the lawyer you are interviewing. He's not interviewing you.

You are interviewing him!

Ask about his family, his hobbies, his work in the community, and things he holds most dear. See what convictions he has about matters other than your lawsuit. You'll be surprised how different lawyers feel about different issues.

For example, if you need a lawyer to represent you in a lawsuit where you've been sued by a neighbor whose cat drowned in your swimming pool, you wouldn't want a lawyer who's a cat lover and belongs to the SPCA.

If you don't ask, you won't know.

And, of course, ask your questions *before* you tell the lawyer what your case is about, or the lawyer may tell you what he thinks you want to hear!

Finally, though too obvious to mention, make certain there is no conflict of interest. Does the lawyer know the party on the other side? Does the lawyer have a business similar to the party on the other side? Has the lawyer been involved in business of any kind with the other side at any time? Explore these possibilities.

Anyone can say, "I believe in your cause."

What you need is a lawyer who has strong *conviction* about the need to win for you.

Accept no substitutes.

### Commitment

Being convicted, however, is just a start.

A person can be convicted of the need to win without being committed to the fight.

To be continued ...

=====

## Justice™ Magazine

Justice™ Magazine

c/o Dr. Frederick D. Graves, JD

816 SE Dolphin Drive

Stuart, Florida 34996

Phone Toll Free: 866-Law-Easy

Fax Toll Free: 866-446-5112