

Thursday, July 21st, 2005

CLEMENT UNDER THE MICROSCOPE

Paradise Island, The Bahamas

The calls started coming in a month ago. At first, the callers identified themselves as "interested parties" or "lawyers who were just doing a little checking." Often, they were from the Washington, DC area. Then the press calls started coming in. The Associated Press, CNN, Inside Edition, Fox News, The Washington Post. They all wanted to know what I could tell them about Judge Edith Brown Clement.

Let me put my disclaimer in here right now. I don't enter this discussion from a completely neutral point of view. Clement was the presiding judge at my trial back in October, 2000. A trial that could well be classified as the most secret involving a public official in US history.

So how did I handle the numerous inquiries that flooded in nationwide? I'm here in the Bahamas to enjoy a family vacation and have received some 40 calls this week alone. I decided to hold back any personal feelings and opinions, and just let the record speak for itself.

I suggested to those who are interested to do a Google search, and review the comments from newspapers, magazines, web sites, and law review articles both in Louisiana and throughout the country. Here's what they would find out.

Because of Clement's imposed rulings, I was and still remain the only statewide public official in the history of this country to be tried by an anonymous jury.

Because of Clements's imposed rulings, I was and still remain the only public official in the history of this country whose jury was picked in complete secrecy. The general public, the press, even my own family was ordered to leave the court room when the jury was selected. This draconian procedure has never been imposed before or since on any public official in the history of the United States of America.

Because of Clement's imposed rulings, I am today the only person in the history of our country who stands convicted of making false statements, yet was not able to see the hand written notes that were the basis of such statements. There has never been any other conviction before or since. None. Never.

Those inquiring about Clement's actions on the bench will read the criticism by Louisiana's largest newspaper questioning her extensive secrecy and her orders to keep the media from contacting any juror after the trial was over without the judge's permission. According to an editorial in the Times Picayune, Clement's actions were called "patently un-American." (October 16, 2000).

A central Louisiana newspaper, The Alexandria Daily Town Talk, also highly criticized Clement for her secrecy rulings. The paper's headline and October 15, 2000 read: Brown's Conviction Alarming!"

And the state's largest political web site held back no punches, calling Clement a "secrecy freak," and asked the question: "Is Judge Clement a closet fascist?" (Deductbox-October 16, 2000.)

A few observers joked with me that it might actually be better if Clement did get appointed to the Supreme Court. The Fifth Circuit Court of Appeals, where she sits now, hears many more cases affecting Louisiana citizens than does the Supreme Court. As one friend suggested: "In the long run, she might do less damage by getting a promotion."

Now notice how I have offered no personal opinion about the Judge's qualifications or abilities. I'm just offering information. As Sergeant Joe Friday used to say: "Just the facts ma'am, we're just looking for the facts

I'll just say this. Mr. President, I watched you make your announcement as to your new nominee to the Supreme Court. And you know what? You could have done worse. A lot worse.

MEDIA OBSESSION?

National issues change. We go from social security to the war in Iraq, then Carl Rove and now a Supreme Court nominee. But one national news story seems to never leave us. A 24 hour news cycle that carries a story line pandering to our culture's voyeuristic fascination with photogenic, young, white girls in distress.

It was JonBenet, then Chandra, Laci Peterson, Elizabeth Smart, Lori Hacking, Jennifer (the runaway bride) and now, Natalee Holloway in Aruba. It's pack journalism that has a circular quality where stories about these girls are given lots of coverage because they are getting lots of coverage.

And why are those getting the coverage always young, pretty and white? Hundreds, thousands of people are missing regularly throughout our country. But only the "damsels" get the full coverage. But compartmentalizing these tragic cases, we trivialize the news by becoming, as viewers (or voyeurs) overly obsessed.

So I guess the question is, are we searching for news, or do we just want to be entertained? You better ask Geraldo.

"Judges and juries are no less prone to mistakes than politicians,

reporters, doctors, engineers or center fielders."

Bob Herbert, The New York Times

"Excessive secrecy compromises the very principles of free and open government. Democracies die behind closed doors."

Judge Damon J. Keith

Sixth Circuit Court of Appeals

Peace and Justice.

Jim Brown