

# Judicial Secrecy: Where Justice Goes to Die

The traditional depiction of Lady Justice is a woman wearing a blindfold to demonstrate impartiality. In her right hand she wields a sword (symbolizing swift punishment for the guilty). Her left arm holds aloft a scale to weigh the opposing sides' cases — publicly, for all to see.

Over time, American judges have become increasingly inclined to demand that the public itself wear the blindfold, and that the opposing parties wear gags.

Headline, *New York Times*: “Supreme Court Stays Out of Secret Case That May Be Part of Mueller Probe.”

The Court refused “to intercede in a mysterious fight over a sealed grand jury subpoena to a[n unidentified] foreign corporation issued by a federal prosecutor who may or may not be Robert S. Mueller III, the special counsel investigating the Trump-Russia affair.”

Headline, *Sacramento Bee*: “California judge will keep Planned Parenthood names sealed.”

The judge says he'll “punish” anyone who reveals the names of the alleged victims in the prosecution of two anti-abortion activists charged with secretly taping them in conversations regarding procurement of fetal tissue.

Headline, CNN: “‘El Chapo’ Guzman jury will be anonymous, judge rules.”

Before the trial even began, the judge pronounced Guzman guilty of “a pattern of violence” that could cause the jurors to “reasonably fear” for their safety.

Headline, ABC News: “Federal judge warns she may impose gag order on Roger Stone, prosecutors.”

The judge doesn't want the flamboyant Stone, charged in the Mueller probe, treating his prosecution as a “public relations campaign” or a “book tour.”

Secret proceedings. Secret subpoenas. Secret juries. Secret alleged victims.

Always with excuses, some more or less convincing than others.

And all flagrantly in violation of the First Amendment's free speech clause and the Sixth Amendment's public trial clause.

Nowhere in the Constitution is there mentioned any prerogative of government to operate in secret or to forbid public comment by anyone.

From what source do these judges claim to derive the powers they're exercising? Certainly not from the taxpayers whose expense they operate at. Nor from the public they claim to serve.

To allow such secret judicial proceedings invites corruption and makes a mockery of the conception of justice the courts supposedly exist to uphold.

Paired with secret police operations (how many times have we heard police chiefs refuse to answer simple and germane questions to "protect an investigation?"), such proceedings constitute the necessary elements of a police state as ugly as any in history.

If American freedom is to stand a chance of survival and recovery, judges who engage in this kind of misconduct must be removed from their benches, stripped of their robes, and punished harshly — after the speedy, and very public, trials they're entitled to, of course.