

Fear Free

What does an impartial judiciary mean to me?

To me, an impartial judicial system is the absence of fear. The right to pursue my dreams or engage in the mundane without punishment for my actions, words, thoughts, or existence, and the knowledge that this right is not universally recognized. The risk of underestimating the freedoms afforded by an impartial judicial system is due to its perceived limitation; the judicial branch of government ends with its judges and juries, but these are not its origin. An impartial judiciary is composed of lawyers and lobbyists, stenographers and secretaries, police officers and private-eyes, chief justices and citizens. Even in a government with well-separated powers, those responsible for interpreting the law may have responsibilities also to create and enforce. However, a truly impartial judicial system will prevent these overlaps from becoming conflicts, and prevent interpretation by logic from devolving into conviction by feeling. The absence of this devolution is the absence of fear. In the presence of an impartial judiciary, I need not fear...

...discrimination. That prosecution will become persecution because of my gender, race, religion, or sexual orientation. Emmett Till, 1955. Trayvon Martin, 2013. Almost sixty years of progress and yet, too much is still the same. Was it fair to rule in favor of self-defense, if the only thing to defend against was a pack of Skittles? *State of Florida v. George Zimmerman* is, of course, more complicated than the question suggests, but what remains is the inviolate fact that the defendant pursued a young African American male after hearing the words, "We don't need you to do that." By contrast, yesterday marked the 44th anniversary of *Roe v. Wade*, the law reminding a nation of a woman's right to her body. My 16th birthday party coincided with the ruling on *Obergefell v. Hodges*, and the legalization of same-sex marriage in the United States. I am a straight, black woman, and in the presence of an impartial judiciary, I need not fear that I will be tried as any of these things: in the eyes of the law, I am only human.

...nepotism. That decisions about my freedom will be made by the unqualified products of a "Jacksonian democracy", instead of by experts in the field of justice and the objectivity of my peers. The Sixth Amendment to the United States Constitution reads unambiguously, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State." And enjoy I shall, especially with the knowledge that on the opposite hemisphere, members of the Russian rebel band Pussy Riot were sentenced to Siberian "reform camp" for demonstrating in a church, while Xi Jinping's efforts to "clean up corruption" have consisted primarily of his friends sentencing the opposition to years in prison. In accepting the legitimacy of the Constitution, the American people surrender their freedom to a judiciary powerful enough to destroy it, but so impartial as to preserve it. The judiciary, in recognition of this sacrifice, promises not only to preserve our freedom, but to protect it from ethnic, religious, or personal bias.

...irrelevance. That my life will evaporate before the eyes of the public, and be met with apathy from those responsible for protecting it. A judiciary is too complex a system to ignore the importance of a beating heart and a sentient mind; as an organ of decision-making, an impartial judiciary must hold the utmost respect for human life, and life's most valuable virtues of reason and decision. Mexican journalist Anabel Hernandez lived in hiding before fleeing a country which refused to give credence to the truth. Her President, Enrique Pena Nieto, is abhorred by the people after the Iguala kidnapping and second escape of El Chapo Guzman. When the disappearance of 43 Mexican students and the disappearance of a nation's most dangerous drug lord are both made possible and met with the same reluctance to investigate, it is perhaps safer to "disappear" yourself. A judiciary weak enough to inspire fear is branded not only by its failure to see the value of the people it serves, but by its failure to employ their virtue.

...fear itself, as Franklin Roosevelt so eloquently wrote. Fear that if my odds of success are bleak, I may as well abandon my innocence and ideology at the door. This freedom applies to frivolous disputes: the nasty coffee spill of *Liebeck v. McDonald's Restaurants*, or the aquatic ownership rights of *U.S. v. Approximately 64,695 Pounds of Shark Fins*—as much mockery as society makes of these spectacles, the issues at hand were likely of the utmost importance to their instigators. However, this promise against fear can be equally applied to situations of greater social and political weight: fear of the absence of freedom altogether, surrendered to the whim of the ruler. Fear of degradation to the role of pawn or dictator's doll, fear that any unpleasant word, any distasteful action, any religion contrary to Obedience will be met with capital punishment. That the absence of reason is reason enough to snatch my parents, my person, my unborn children and my future generations from our home in the dead of the night or in broad daylight to a kangaroo court to be tried for an invisible crime at any moment in time, simply because someone "feels like it". When a government's evolution is inherent and its devolution is impossible because man and woman's greatest virtue and highest value are hard at work, I need not fear... When laws are fair and triers are just, and reason champions over feeling, I need not fear... In the presence of an impartial judiciary, I need not fear.