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PERSPECTIVE

Truth, justice and the American way

By Jeffrey Bornstein

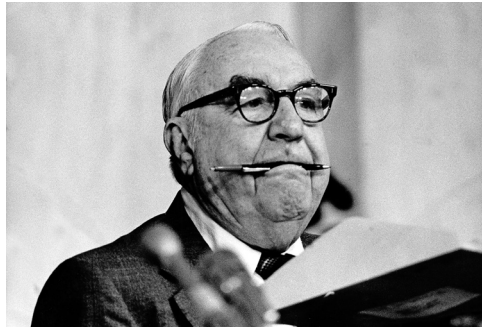
I remember watching “Superman” episodes as a child and hearing the phrase “truth, justice and the American way” at the end of every show. It became ingrained in my consciousness. In this era of President Donald Trump — rapid tweets, federal employees being bullied, brow-beaten, castigated or fired if they disagree with the boss, a political operative’s consolidation of power at the highest level of our government with virtually no check and balance by a suddenly complacent and largely impotent Congress — what is the meaning of “truth, justice and the American way” today?

The current crises — namely, the modified ban on Muslim refugees and immigrants from certain countries — that was pronounced without consultation was appalling. Even if it had been vetted, Paul Ryan and the other weak-kneed apologists are wrong: The ban is illegal, unfair and “Un-American.”

The truth is that a haphazard, secretive, overly broad and otherwise seemingly arbitrary ban inflicts unnecessary chaos, pain and harm on many underserving people, their families and the companies they work for and does not make us safer. Instead, it undermines the rule of law and sows uncertainty into our allies’ relationship with our country. I was in Central America when the ban was imposed. I was heartened at the decisions of federal district judges around the country temporarily enjoining parts of the ban. When I returned from a trip to Central America, I was even more heartened to see tables with lawyers volunteering their time in Houston’s arrival hall to try to help mitigate some of the personal hardships caused that were encompassed in and caused by Trump’s illegal fiat.

Truth requires a thoughtful process and not just rhetoric or sound bites. Justice strives to do what is fair and right based on shared legal and, to some extent, moral precepts and principles. Actions that create confusion, fear, or are designed to punish one’s adversaries are a sign of power, but that does not make them just.

There was no question that Superman was doing right and justice. Not so with these early days of Trump’s administration. The consolidation of power by Breitbart’s Steve Bannon, the



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Sen. Sam Ervin (D-N.C.), chairman of the Senate Watergate committee, listens to testimony during a hearing in this 1973 photo.

isolationist decision making process, the need to appear decisive and to act swiftly instead of thoughtfully and carefully undermines America’s commitment to fair play and justice. One can destroy with chaos, rhetoric and unrelenting action, but it is a different thing entirely to build a nation or restore it to someone’s notion of greatness without insight, broad based support and concern, not only about what we do but how we do it.

That leads me to the American way. For me, it was best exemplified by the Congressional Watergate Hearings and Sen. Sam Ervin. As a teenager, I can recall painting my dad’s back room while I listened to those hearings. Whether one was a Democrat or a Republican, we knew that Ervin and the Joint Committee worked tirelessly to gather the truth and do justice in a very non-partisan way for the good of our country. That, to me, was the American way — to find out what really happened and to hold those accountable for their actions. The lesson for me then was that even if we were partisans, we were all Americans above all else, and we would work together to determine what was the fair and just thing to do when it came to defending our democracy.

Sally Yates was acting in that role when she announced that the DOJ would take a “time out” before reflexively defending the Muslim ban that she believed was likely illegal. She was fired for insubordination just as President Richard Nixon fired attorney generals who re-

fused to do his bidding during Watergate. But, as Nixon learned, that is not the American way. “You’re fired” is great for reality television; it is not the way to build consensus. It reeks of abuse of power above all else and is more commonly employed by dictators than the president of a strong democracy.

The fight we are in today is about the social fabric that binds us together as Americans. There can be no truth without facts, and there can be no justice if we do not share common core values. At the very least, we need to be able to talk with each other, to “agree to disagree.” When government at the highest level relies on “alternative facts”, bullying, personal attacks, and fear, and values frenetic pronouncements over serious policy considerations, we are not acting as Americans.

We deserve, and our great nation requires that our elected officials make sure that the process of law making includes effective checks, balances, oversight and consent for the good of the country and not just for those who are in power. The “American way” means that we must confront a powerful ruler who seeks to divide, conquer and govern without the requisite advice and consent from the elected and appointed government officials with whom he shares power and responsibility. We do not have Superman to save us, but we saw over the weekend how thousands of lawyers spontaneously working together were able to slow a blatant and dangerous attack on the rule of law. Our last line of defense, the courts, are likely the next move in the power play.

Jeffrey Bornstein is a former assistant U.S. attorney and now a partner at Rosen Bien Galvan & Grunfeld LLP.



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