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The Denver Post**Our most important weapon**

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Jim Castle GUEST COMMENTARY Denver

My wife and I, both lawyers, recently traveled to Washington, D.C., to visit the Supreme Court. It was a trip planned quite some time ago, and we debated long and hard whether to cancel our trip due to the threat of terrorism. We had planned to go on this pilgrimage more out of curiosity than anything else.

But as the time approached for our trip and the danger became more focused, the "curiosity pilgrimage" became almost our own small act of defiance in the face of this unknown danger.

I, for one, went to the Supreme Court expecting to see a monument to power, a place where the elite were the victors and the underprivileged and downtrodden were an afterthought. I went expecting to reaffirm a certain disdain that all lawyers have toward the judiciary.

But my wife and I were mistaken. The halls of the Supreme Court, the stories contained within its walls, the voices of those who worked as part of the institution and the brilliance of the concept of an independent judiciary overcame us. When we, as citizens, think of "American values" we often think of the power of the people embodied in our democratic system of representative government. When we, as citizens, think of patriotism, we often think of the strong words of our presidents calling upon our citizens to play their part in the drama that is our nation's heritage.

What is often forgotten and ignored is the historic role of the judiciary in breathing life into our Bill of Rights, being a bar to the vagaries of the masses and being a champion for the weak against the powerful. Yes, I, too, can remember many travesties allowed by our judiciary, but more often than not they are a wall between the individual and the overwhelming power of our legislative and judicial branches.

The judiciary has never enacted laws that segregate but they have issued rules of law to prevent it. The judiciary has never refused to appropriate funds for indigent defense but has issued opinions forcing the government to pay for the representation of the poorest among us. The judiciary has never interned thousands in the name of domestic peace but they have ordered reparations. The judiciary has never ordered the arrest and prosecution of peace demonstrators but they have steadfastly ruled in favor of the rights to assembly and to free speech.

Is there any doubt that without the judiciary our Bill of Rights would have been eradicated and our freedoms that we take for granted would be eroded?

When my wife and I sat down in those hallowed halls at the Supreme Court, we began to really understand the greatness of the experiment that began more than 200 years ago when the independent judiciary was first formed. The beauty of it is not in its individual rulings, as an examination of the rulings will often reveal injustices that were allowed to escape the safety net that the judiciary was intended to catch. The beauty is in the injustices that were caught and prevented and the very concept of a nation that prizes and defends such concepts as free speech, due process, and the dignity of the individual as being paramount over the power of the state.

I have no great love for some of the individual justices, but I now have a profound respect for the position they hold and the institution they represent.

In the coming months and perhaps years, the judiciary will be our best hope for preventing the hysteria of the day from seriously eroding the rights and freedoms that have made the history of our nation and, hopefully, the future of our nation, so amazingly wonderful. Lawyers and the citizenry have a responsibility to hold the judiciary to the task of being that safeguard. There will be times when many of us will curse the judiciary over its failures, but of the three branches who do you trust more to be less swayed by the angers and passions of the day?

In the shadows of this most recent threat of biological terror against the Supreme Court, the nine justices and their countless staff members will work tirelessly at their caseloads. We will hear nothing of the dangers they face, the sacrifices they will make or the pure patriotism of the work they will perform. But make no mistake about it, the judiciary is perhaps our most important weapon against the terror that besieges us, the terror of a free nation losing its freedom by the fears of its own people.

Jim Castle of Denver is a criminal defense attorney. Guest commentary submissions of 650 words may be sent to The Post editorial page.

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