

Shattering Lady Justice

PROJECT 2025 IS A RECIPE FOR AUTOCRACY RUN BY DONALD TRUMP By Tom Coffin

To those who read this commentary, allow me to briefly describe my background and the purpose of my offering. It is designed to inform those interested in the fate of our democratic system of government to have a better grasp of the impacts that the Heritage Project 2025 Plan will have if it is successfully implemented should Donald Trump be voted into a second term as president.

The 2025 plan is essentially a blueprint for a complete makeover of our system of government, from top to bottom, to fulfill an ultra right wish list that mirrors autocratic governance models, not the constitutional model that has served the people for over 200 years.

I am addressing that portion of the Project 2025 Plan, which seeks to overhaul the United States Department of Justice (DOJ). My background for this task includes a career of 51 years in our nation's justice system — 21 years as an assistant U.S. attorney.

In part, I served as the chief of the Criminal Division in the Southern District of California and 10 years as an assistant U.S. attorney in the District of Oregon. From that role, I was appointed to the bench as a judge where I served for approximately 30 years before retiring.

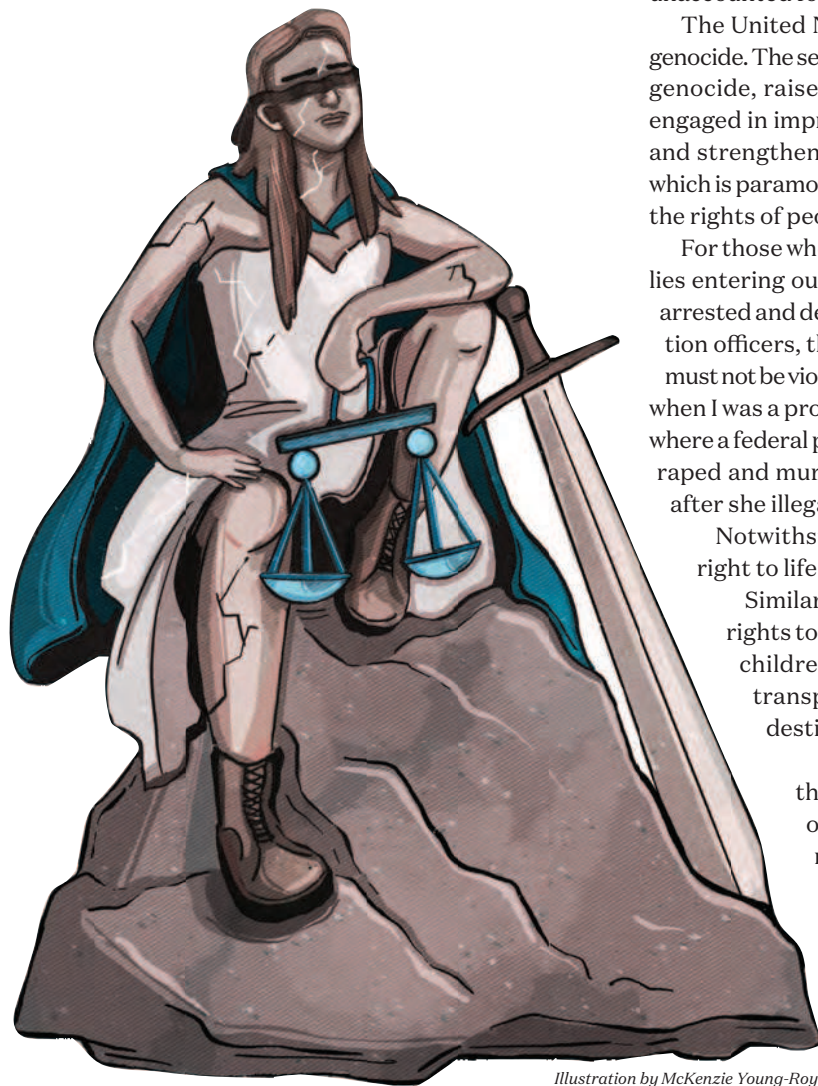


Illustration by McKenzie Young-Roy

This is the experience I bring to the analysis of the 2025 plan to dissolve and reconstruct the DOJ in which I proudly served during my career.

Before I dive into that plan, there is a symbol I wish to bring to the attention of the readers — Lady Justice. She is blindfolded to symbolize that justice is unbiased and is not influenced by appearance or status.

She holds scales to represent the impartiality of court decisions, and a sword to symbolize the power of justice. That symbol should be kept in mind as we travel through the 2025 Project's vision under a Trump administration.

This section of Project 2025 is authored by an attorney who is employed a conservative action group founded by former president Trump and who served in the DOJ during the first term of Trump's presidency. What is important to know about the author is that he played key roles in the Trump administration's "zero tolerance" family separation, which ended the Deferred Action for Childhood Arrivals (DACA).

Pursuant to that family separation policy, children were separated from their parents and many were not reunited with their families as there were no adequate plans to keep track of them or to ever return them to their parents. Many were deported. Hundreds are still unaccounted for.

The United Nations defines this policy as a form of genocide. The separation policy, also described as cultural genocide, raises red flags on the resume of someone engaged in improving the role of the DOJ in upholding and strengthening its mission to serve the rule of law which is paramount to our constitutional democracy and the rights of people under our legal system.

For those who may question the status of those families entering our side of the border illegally, if they are arrested and detained by our border patrol or immigration officers, they still have certain basic rights which must not be violated under our legal system. For example, when I was a prosecutor in the border area I tried a case where a federal protective officer stationed at the border raped and murdered a woman who was apprehended after she illegally crossed into our side of the border.

Notwithstanding her illegal status, she had the right to life itself and the right not to be assaulted.

Similarly, parents and their children have the rights to not have their family separated and the children dispersed to fend for themselves or transported and even deported to unknown destinations.

One of the recommendations found in the 2025 Project is that upon the very day of his inauguration, Trump should terminate all of the attorneys in the DOJ and decide who, if any, he should reappoint.

Such would seemingly hinge on pledging loyalty to Trump, rather than the usual oath to defend the Constitution.

Coupled with that is the requirement that DOJ attorneys make pros-

ecution and other legal decisions consistent with the agenda of the new Trump administration.

In essence, this would eviscerate the rule of law, substituting the rule of autocracy, where the will of the president would control the administration of justice. Such a policy is frightening in the hands of someone who has already claimed he would have immunity even for murdering his political opponents as president.

Recall the symbol of Lady Justice. She will be shattered. We will no longer live under that system. The blinders will be gone, the scales weighted. Status, wealth, power, race and influence will all be in play. The sword will not be in the hand of justice, but in the hand of the individual who now wields it as he pleases.

Can you even imagine the separation policy befalling your family? Or having your political beliefs being considered by prosecutors whose very jobs are dependent on pleasing the agenda of the newly christened administrator of justice who orders your arrest and trial? Perhaps you criticize the administration — are you aware that Viktor Orban, the dictator of Hungary, has made it a crime to criticize his administration? Are you also aware that Trump has approvingly cited Orban, as well as the dictator Vladimir Putin, for condemning American democracy? This is the context of the 2025 Project's recommendations for its reconstruction of the DOJ.

As remarkable and troubling as these proposals, the plan goes even more extreme by recommending legal action against local state officials such as district attorneys who do not adequately prosecute criminal offenses (in the view of the administration) in their jurisdictions. This is also coupled with a recommended policy of enforcing the death penalty.

Although it's not clear where the sweep of the administration's policies over state and local prosecutions and punishment begins or ends, what the legal actions would be, or the basis of federal jurisdiction over state and local prosecution decisions within their statutory framework and policies, such are among the goals of the Project. These proposals amount to a shattering of our national system of justice. Where it would end is anyone's guess.

I do not wish to belabor the DOJ criticisms voiced by the Heritage Foundation in its Project. The reality is that the department is staffed and overseen by dedicated attorneys committed to ethical and professional standards binding on their conduct, as are their superiors. Similarly, investigators within the department's purview are trained and sworn to exercise their authority in the same manner pursuant to the guidance of our Constitution. I have spent 51 years of my career in our country's justice system and can vouch for the integrity and manner in which that solemn duty has been exercised. We are a nation of law, and we adhere to the rule of law.

Thomas Coffin is a retired federal magistrate judge for the U.S. District Court for the District of Oregon and a former professor at the University of Oregon Law School. Coffin retired in 2016 after 24 years on the bench, prior to which he had a career as a federal prosecutor spanning 21 years. He is married with seven children.

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