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John F. Sonnett Memorial Lecture Series: The Most Lustrous Branch: Watergate and the Judiciary

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Fulbright and Jaworski

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INTRO

JAWORSKI: THE MOST LUSTROUS BRANCH

A recurrent theme in the realm of legal process is that the accused is innocent until proven guilty. Throughout American history, the concept of due process has often and regrettably taken a back seat to the whims of the mob. Images of lynchings and witch hunts are stirring reminders of how chaotic the administration of justice can be in a so-called civilized society.

The right to a fair trial is guaranteed by our Constitution. As an officer of the court, an attorney has an obligation to protect every individual's right to a fair trial. A by-product of this obligation is that sometimes an attorney must represent accused individuals that society would sooner forget.

On many occasions, attorneys have represented those members of society who have fallen from grace, people like Pete Rose, Michael Milken, and Leona Helmsley. Similarly, the attorney must also represent those individuals whom society has never endeared such as the repeat offender. Representing such individuals does not endear the lawyer to the public. Will parents of the next millennium desire their children to become doctors and educators rather than lawyers?

Attorneys must also face the onslaught of an aggressive press which helps shape public opinion. In contemporary society, indictments and rumors of wrongdoing by public figures are spread across the newspapers on a daily basis. Reporters give a play-by-play accounting of a trial from the indictment to the verdict. The coverage of notorious trials by the media often contain

speculation and inculpatory comments regarding the guilt of the accused. All the while, the public waits for the dramatic production of exculpatory evidence that will clearly disprove any indication of impropriety by the defendant. In such a setting, the Napoleonic Code of guilty until proven innocent seems to prevail.

No judiciary proceeding since the Dreyfus Affair attracted as much widespread attention as the Watergate hearings. What shocked the conscience of millions of Americans was undoubtedly the existence of so many high ranking government officials who took part in the scandal. Caught between a media circus and a political upheaval of sorts, Leon Jaworski carried out his role as Special Prosecutor of the Watergate hearings. In doing so, he fulfilled his duties as a government lawyer and a public servant to ensure that justice would be done properly, and not in a fashion befitting an angry mob. In his lecture, Mr. Jaworski discusses the difficulties of ensuring a fair trial in the wake of extreme scrutiny by the press.