

General Public's Right to Expose Corrupt Public Servants

Written by Lakeshia Hardy | OpenDOJ
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Effective management of public services implies well-organized and law-abiding functioning of the body oriented toward proper implementation of imposed tasks with principles of accountability and publicity duly observed. Neglect of any of the above mentioned principles poses threat to both state and society especially dangerous if self-interest motivated. In such case we deal with corruption. It is notable that corruption hinders development of democracy and economics in the country, brings down trust of society toward government bodies and impedes establishment of supremacy of law. Thus it's a will of government and citizens of our great country to timely implement radical changes against corruption. The present strategy aims at formation of effective state management system as well as activation of legal and public feedback mechanisms in order to prevent corruption. **Judicial and Law Enforcement Reform**

One of the main directions of this strategy is to support establishment of a judicial system free from corruption. Specifics of judicial authority should be considered when planning measures to be implemented to combat corruption. As the courts are bodies of a separate authority, it is necessary to envisage the issue related to high level of judges' independence. In regard of courts of common law, a special attention should be paid to the following issues:

- Increase of remuneration of judges and employees of courts and improvement of their social guarantees;
- Determination of optimal number of judges and selection of qualified personnel;
- Transparency of relations between courts and citizens;
- Optimization of procedures to distribute cases among courts of common law;
- Introduction of a computerized system.

Role of the Public

Support to Mass Media Development

The state should encourage: economic and editing freedoms of mass media; professional development of journalists; development of independent investigative journalism and introduction of protection mechanisms for journalists engaged in such investigations; improving mechanisms for exchange of transparent and unbiased information between the state structures and mass media.

** For the purposes of anti-corruption combat, a special role should be assigned to the public television that is directly accountable to the public. Therefore, it is vital to facilitate its independence and impartiality. **

Establishment of Consulting Bureaus for Citizens

To decrease a level of corrupt deals between members of the public and the public servants, it

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is necessary to set up sources providing exact and clear information to citizens. Establishment of information bureaus, where citizens can timely obtain comprehensive and exact information passed to the public domain, can serve the above purpose. In this regard, a special attention should be paid to small and medium businesses as they not always have access to the proper consulting services, especially in local regions. Therefore, it is important that such bureaus are established within each state of our country.

Engagement of the Public in the Anti-corruption Combat

To ensure participation of the public in the anti-corruption combat and improve accountability of each state's judicial system it is necessary to establish the public monitoring structures in the state bodies. The relevant legislation shall define their functions, composition, rights and responsibilities and operational methods. The goal for establishment of the public monitoring units is to increase the level of cooperation between the public service and the public, strengthen transparency of activities of the state bodies, ensure constant monitoring and create a proper operational environment. The public monitoring units shall be authorized:

- To detect and review any violations occurred in the activities of the state bodies and to submit information to the relevant services for further consideration;
- To coordinate activities of the relevant organizations and mass media for the purposes of information exchange and detection of violations;
- To examine and analyze activities of the state bodies and develop the relevant recommendations.

Coordination, Monitoring, Communication **Coordination**

In the system of fighting corruption it is necessary to define the strategic, operative, and tactical levels of leadership. Each ministry shall be responsible for carrying out anti-corruption measures and planning of good governing activities. Recruitment of staff with appropriate skills, training of the existing staff, and provision of technical and other means for their work bears a crucial importance for the success of the anti-corruption strategy.

Strategic Leadership

Under United States Constitutional Law, the President will define strategic directions of the authorities' policy, while the Government headed by the Head of the Department of Justice carries out the executive powers. Therefore, it is reasonable that the good governance coordination council is created with the President for improving the communication system within the authorities. The good governance coordination council shall regularly exchange information and brief the President on the good governance program of the Government and the course of action plan implementation of each agency in this respect. The coordination

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council shall also develop the good governance strategy and determine main priorities.

Operative Leadership

The United States government shall supervise the introduction of the anti-corruption policy. Once in every 6 months the Government shall prepare and present to the President the report on the course of fulfillment of action plan for implementation of National Anti-Corruption Strategy; once in a year similar report shall be presented to the general public. These reports shall be published and posted on the web page for further and broad public discussions.

Here are prime examples of why such legislation is needed within our country, and public awareness is crucial to the upholding of our judicial system. By resolving these habitual crimes against citizen's rights, our judicial system will increase accountability not only in the public eye but among their peers:

Evil Orders Are Unconstitutional

- Laws and court procedures that are "fair on their faces" but administered "with an evil eye or a heavy hand" was discriminatory and violates the Equal Protection Clause of the Fourteenth Amendment.

- <http://www.times-herald.com/opinion/Georgia-s-sex-offender-laws-need-more-work--606656>

- All courts shall be open, and every person, for an injury done to him in his person, property or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay;. U. S. Constitution's Amendments 1,5,10,14, highlighting Equal Protection of the Laws SEC. 12.

- "We should, of course, not protect a member of the judiciary "who is in fact guilty of using his power to vent his spleen upon others, or for any other personal motive not connected with the public good." GREGOIRE V. BIDDLE, 177 F.2d 579, 581.

- An article by Craig Harfoot, titled Cobb County's Continuing Efforts to Circumvent Citizens Constitutional Rights depicts such constitutional rights commonly abused by code enforcement.

- <http://newsblaze.com/story/2009062100190200003.tf/topstory.html>

- At footnote 6 on page 1224 of *Pierson v. Ray*, United States Supreme Court Justice Douglas reasons that:

"A judge is liable for injury by a ministerial act; to have immunity the judge must be performing a judicial function. ---The presence of malice and the intention to deprive a person of his civil rights is wholly incompatible with the judicial function. *When a judge acts intentionally and knowingly to deprive a person of his constitutional rights he exercises no discretion or individual judgment; he acts no longer as a judge, but as a "minister" of his own prejudice."*

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***Will add more data in the comment section whenever I come across information which I feel addresses the issue at hand.*

I greatly encourage others to comment on their own issues of judicial corruption and give any ideas which can offer a positive resolution to this issue. I am in no way stating the whole judicial system is corrupt, I merely want to address unfair law and practices which are directly in conflict with protecting our constitutional rights.