

Joint Statement from the Political Offices of Congresswoman Anna Eshoo and Congresswoman Zoe Lofgren

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Congresswoman Anna Eshoo and Congresswoman Zoe Lofgren Oppose the Recall of Judge Aaron Persky

As we choose candidates for the U.S. Senate, Governor, Congress, state and local offices this June 5th, voters in Santa Clara County are faced with the question of whether to recall Judge Aaron Persky. The answer is No.

Judge Persky is the Superior Court Judge who presided at the trial of Brock Turner, the college student convicted of sexually assaulting an unconscious woman on the Stanford campus in 2016. The Judge sentenced Turner to 6 months in jail, 3 years probation and lifetime registration as a sex offender.

Some criticized the sentence as treating a serious crime too lightly even though the sentence was *legal*, followed the Rules of Court and was within the permissible sentencing range that existed at the time.

Subsequently, the California legislature passed a bill that created a new mandatory minimum sentence for sexual assault of an unconscious person. No one convicted of the same act as Brock Turner can ever be sentenced to less than three years in state prison.

If you disagree with the law, work to change it. That's what happened here. Our system worked as it should. Legislators acted and the law was changed. Nonetheless, the drive to remove Judge Persky from the bench continues.

Now, it's up to voters to decide. Even if disappointed or angry about a judge's ruling, removing him or her from the bench because we disagree with a lawful sentence undercuts the independence of the courts. Even the prosecutor who disagreed with the Turner sentence disagrees with the recall. Why? The rule of law requires judicial independence.

We purposely insulate judges from public pressure so they can focus on doing justice and nothing else. Doing justice means applying the law to the facts of the case before them, without looking over their shoulders to see how popular their decision will be.

If a judge is corrupt or incompetent, recall is appropriate. If judges are consistently tone deaf or insensitive, the community can vote them out at the next election by running

another competing candidate for judge. But recalling a judge sounds an alarm for all judges. It announces, “Make a call that is unpopular and we’re coming for you.” Proponents argue that judicial independence will not be affected by this recall. Having made this case a national cause, however, they cannot argue it will have no far-reaching effects.

An independent judiciary upholds our national values. Consider this:

An independent judiciary has kept the DACA kids here.

An independent judiciary forced changes in the “Muslim ban.”

An independent judiciary is holding the line on a woman’s right to choose. An independent judiciary calls foul on gerrymandering by legislatures.

Lifetime appointments protect federal judges from public recall, leaving them free to make decisions *like Roe v. Wade, Loving v. Virginia* and *Brown v. Board of Education*. But state court judges also need to make decisions based on the facts and law before them. Recall threats as well as threats of impeachment being made in other states undermine the judicial independence that is the bulwark of our free society protected by the rule of law.

The judiciary and its independence are under constant attack by the President. Such assaults undermine confidence in our democratic institutions, the institutions we rely on to uphold our Constitution.

An independent judiciary is essential to our democratic system of government. Vote No on the recall.

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