

# **‘Nothing Short of Stunning’: Judge Slams Obama DOJ’s ‘Unethical Conduct’**



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by [Lana Shadwick](#) 23 Jan 2017 Brownsville, TX 0

## **The Texas judge presiding over the Obama’s Administration’s executive amnesty case has issued an order saying that the unethical behavior from the federal government’s attorneys has been “nothing short of stunning.”**

Breitbart Texas [reported](#) in May of 2016 that U.S. District Court Judge Andrew Hanen slammed U.S. Department of Justice (DOJ) officials, writing that their “conduct is certainly not worthy of any department whose name includes the word ‘Justice’.” He added, “Suffice it to say, the citizens of all fifty states, their counsel, the affected aliens and the judiciary all deserve better.” He opined that the DOJ “purports to represent all Americans—not just those who are in favor of whatever actions the Department is seeking to prosecute or defend. The end result never justifies misconduct.” Hanen issued a 28-page memorandum opinion and order and lambasted federal government officials for misleading the Court during the executive amnesty litigation.

At the time of the May 2016 order, Hanen noted that the DOJ “has now admitted making statements that clearly did not match the facts. It has admitted that the lawyers who made these statements had knowledge of the truth when they made these misstatements.” The DOJ provided only the explanation that its lawyers “lost focus” or that the “fact[s] receded in memory or awareness.” He opined that the misrepresentations were made on “multiple occasions” and started at “the very first hearing this Court held.” He said he was misled both in writing and in statements made in open court.

The Judge issued an order that the federal government misled the Court and the plaintiff states in the amnesty case about when it would begin to implement the DAPA program and would amend the DACA program. The Court ordered the government to file by June 10, 2016, a list of every individual, their names and addresses, of those who were granted these benefits.

Hanen called the government’s conduct “intentionally deceptive” and ordered U.S. Attorney General Loretta Lynch to file a comprehensive plan “to prevent this unethical conduct from ever occurring again.” He added, Lynch must make sure that “Justice Department trial lawyers tell the truth—the entire truth.” He also barred the DOJ lawyers who had appeared in the case from ever appearing before his court again.

The court took the effort and “notes that to its knowledge, none of the acts cited in this or prior orders were committed by attorneys from the United States Attorney’s Office in the Southern District of Texas. To date, without exception, these attorneys have acted and continue to act, in this Court’s experience, with honor, professionalism and forthrightness.”

In July 2016, Breitbart Texas [reported](#) that the federal government had once again violated the federal court’s injunction prohibiting the implementation of President Obama’s executive amnesty plan. The action came right before high-ranking federal government officials, including the Secretary of the Department of Homeland Security (DHS), had been ordered to appear before the Court in August for a hearing to show why they should not be held in contempt for prior failures to comply with the injunction. The judge warned DOJ lawyers and federal officials that “no reasonable person could

possibly consider a direct violation of an injunction a side issue.” He also wrote, “the Court is shocked and surprised at the cavalier attitude the Government has taken with regards to its ‘efforts’ to rectify this situation.”

Although Judge Hanen pulled back and withdrew on some of his sanctions against the DOJ in his order on Thursday, he was very clear in saying that their behavior in the case had been “nothing short of stunning,” and added, “This is clearly no way to run the nation’s law firm.”

“The DOJ’s behavior in this ongoing case, like the DAPA program itself, has been completely shameless, totally unethical, and against American principles of fairness. Although we praise Judge Hanen’s fulsome criticism of the outgoing Obama attorneys, we’re very disappointed he decided to withdraw sanctions against them,” said Dale Wilcox, executive director and general counsel of the nonprofit law firm, the Immigration Reform Law Institute (IRLI).

A lawsuit was filed against the United States and federal officials after President Obama used executive action to dictate that the DAPA program (Deferred Action for Parents of Americans and Lawful Permanent Residents) be implemented. Then-Attorney General Greg Abbott (now Texas Governor) filed suit challenging the executive order and led a coalition of 26 states to fight the effort. Now Texas Attorney General Ken Paxton represents the states. The case involves the issues of the proper scope of presidential power to bypass Congress, the Immigration and Nationality Act passed by Congress, and violations of the Administrative Procedure Act and other federal laws.