

Federal judge shortage 'will seriously hinder the administration of justice' in Kern County

BY STEVEN MAYER
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Take a stroll through the multi-story federal courthouse in Fresno, suggests Bakersfield attorney Matthew Clark. What you don't see might surprise you.

"Walk through the halls," he says. "There's no one there."

Clark is exaggerating, but just barely.

Federal Judge Dale A. Drozd

of the U.S. Eastern District Court of California, the federal judicial district that includes Bakersfield and the southern San Joaquin Valley, has instituted a "judicial emergency" order that he acknowledges "will seriously hinder the administration of justice" in the district.

"These are uncharted waters for this court," Drozd writes in his order, signed Feb. 3. "The emergency procedures ... are being

implemented reluctantly."

The emergency is already affecting hundreds of local cases and local families, including cases The Californian has covered in years past.

The district, which serves 8 million Californians, is supposed to have six full-time judges — three in Fresno and three in Sacramento.

But in the past two months, three judges in Fresno have as-

sumed reduced work status or inactive status.

"We have one judge" in Fresno, Clark says.

"We are the single most impacted district in the country."

What does that mean for individuals and families with cases pending?

For William "Lee" Johnson and his family, it's a matter of financial survival. Johnson, now 60, was nearly killed in a December

2018 explosion at a compressed natural gas fueling station in Buttonwillow.

The accident has made him unemployable, and his wife, Joan, has had to tap her retirement fund to keep the family stable financially.

Joan Johnson has penned letters to local elected officials, including House Minority Leader

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SPREADING SMILES WITH RANDOM ACTS OF KINDNESS

Elderly residents and CSUB students join forces in endeavor



ALEX HORVATH / THE CALIFORNIAN

Brookdale Riverwalk resident Betty Newman, 94, shares a carnation with Sydney Pedersen in celebration of Random Acts of Kindness Day on Thursday. See more photos online at Bakersfield.com.

BY EMA SASIC
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Brookdale Riverwalk resident Betty Newman needs a little reason to smile and get out of her home every once in a while these days.

It's been difficult for her lately ever since her husband died, and sometimes it's been easier to stay home and sequester herself in order to grieve.

But she got the chance to bring some cheer Thursday to Cal State Bakersfield students — and herself — by passing out red, pink and white carnations as random acts of kindness. A CSUB alumna herself, she said this was exactly what she needed to help her see some sunshine again — figuratively and literally.

"When I first heard about it, I thought, 'Why in the world would these young people want to have any interaction with old people?' That

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CSUB student Cecilia Velazquez, left, Brookdale Riverwalk resident Betty Newman and CSUB student Lexie Chavez gather carnations that they will pass out to students on campus for Random Acts of Kindness Day.

Trump, Sanders come to town with different intentions

BY JOHN COX
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One day the president drops by, two days later it's the leading Democratic candidate for the White House. Could it be that winning Bakersfield is suddenly key to becoming leader of the free world?

Not yet.

Political observers say Vermont Sen. Bernie Sanders and President Donald Trump are looking to Kern County for entirely different reasons: Sanders hopes to energize young Latinos and pick up every last delegate, they say, while Trump dropped by to help an important ally in a part of the state where he feels welcome.

Their dual visits this week — Trump drew a local crowd of 3,000 Wednesday and Sanders is expected to speak from 3:30 to 5:30 p.m. today at the Spectrum Amphitheatre — have showered rare attention to a city not used to being in the political spotlight.

There is a sense that both stops are geared toward seizing

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Priest sues Fresno Diocese, its chancellor for defamation

THE BAKERSFIELD CALIFORNIAN

Monsignor Craig Harrison filed a defamation lawsuit Thursday against the Roman Catholic Diocese of Fresno and Teresa Dominguez, the chancellor/director of communications for the diocese.

According to a news release sent by Harrison's attorneys, the lawsuit alleges Dominguez made defamatory statements on behalf

of the Fresno Diocese in a May 2019 article on the website KQED.org. The lawsuit was filed in Kern County Superior Court.

Representatives of the diocese did not return messages seeking comment Thursday.

The lawsuit states that in the May 19, 2019, article, Dominguez said she visited the house of one of Harrison's alleged victims to apologize. According to the law-

suit, Dominguez said she personally expressed her concern for the alleged victim and told him that she believed him and apologized for the pain the alleged incident caused.

"I told him that I will support him and be an advocate for him in any way that I can," Dominguez said, according to the lawsuit.

The lawsuit says that because

of the "aforementioned false, defamatory, libelous and slanderous statements, plaintiff Craig Harrison has sustained general and non-economic damages for past present and future emotional distress, anxiety, shame, humiliation, and mortification all to his general damage in an amount according to proof."

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ALEX HORVATH / CALIFORNIAN FILE
Monsignor Craig Harrison during a June interview.

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JUDGES

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Kevin McCarthy and Lindsey Graham, chairman of the U.S. Senate Committee on the Judiciary, addressing the judicial emergency.

McCarthy's office did not immediately respond to inquiries for comment.

"Until this is handled, the danger is out there for everybody," Lee Johnson says.

Others affected include the family of Nancy Joyce Garrett, who was killed in September 2014 when Kern County Sheriff's Deputy Nicholas Clerico ran a red light and slammed into Garrett's car. Nearly six years later, that civil case is ongoing.

Lee Johnson's son, Jer-

MORE INFORMATION

The U.S. District Court for the Eastern District of California is one of four federal judicial districts in the state. Court for the district is held at the Robert E. Coyle Courthouse in Fresno and Robert T. Matsui Courthouse in Sacramento.

rad Johnson, lays the blame squarely on politicians. Federal judges are nominated by presidents and confirmed by the U.S. Senate. But the job has not been getting done, and he's frustrated, as is every family member affected.

No judges in the Eastern District have been appointed by President Trump, though Republicans have been the majority

party in the Senate since January 2015.

"There are over 1,000 civil cases now on hold," Clark says. "That's a thousand more families going through the same thing."

Says Jerrad Johnson, "And more daily."

According to Drozd, the shortage of full-time district judges "will seriously hinder the administration of justice throughout this district, but the impact will be particularly acute in Fresno," where Drozd will now be presiding over some 1,050 civil actions and 625 criminal cases.

"Until two candidates are nominated and confirmed to fill this court's two vacant authorized district judgeships, this situation can only be expected to get progressively worse," the judge says in his order.

Considering the history of the Eastern District, the shortfall in resources has been foreseen for years.

For more than a decade the Judicial Conference of the United States has recommended that the district be authorized for up to six additional judgeships, doubling its current allocation. However, those recommendations have not been acted upon.

This is the case despite the fact that since the last new district judgeship was created in the Eastern District in 1978, the population of the district has grown from 2.5 million residents to more than 8 million.

By contrast, the Northern District of California, which has a similar population, operates with 14 authorized district judges, Drozd says.

The situation is so extraordinary Drozd acknowledges the steps he is reluctantly taking may not only violate his own standing order involving civil actions, but may also contradict Local Rules of the Eastern District of California.

"The court has been placed in an untenable position in which it simply has no choice," Drozd writes. And he acknowledges that "there will likely be unforeseen consequences due to the implementation of these emergency procedures."

For the Johnson and Garrett families, those consequences are already here.

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KINDNESS

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wasn't the case at all," Newman said. "Everybody was very friendly and appreciative and it was very rewarding."

Residents and staff members at Brookdale Riverwalk joined forces with CSUB's spirit squad Thursday to celebrate Random Acts of Kindness Day. All throughout the day, elderly residents went to different locations in town — Hoffmann Hospice, Walmart, fire departments, the college campus — to show kindness is ageless.

As soon as the elderly residents made their way to CSUB, they grabbed a handful of carnations and took off to make someone's day. Pauline Racicot, who participated in the event last year, said she wanted to come back because "it's a nice way to spend time with kids."

Linked arm and arm with her partner, Monica Coleman, a junior psychology major, they entered Starbucks and passed out almost all of their flowers, which was met with genuine surprise and excitement from students busy working on homework and studying.

"This is adorable," exclaimed Diya Boroah, a freshman nursing major, when she received her flower.

Sophomore biology major Suleyma James-Hagerty said this was an unexpected but pleasant surprise and hopes more people do little acts of kindness "because you don't know what kind of day someone is having."

Racicot even took a photo and got hugs from a few young women in the coffee shop.

"This is great ... a nice change of mind," Racicot said.

"I think it's so cute to see everyone's face light up," added Coleman.

Brookdale resident Lou Sanders said she wasn't sure how students would react to a stranger giving them a flower, but they all appreciated the gesture. She also loved seeing so many walk around with one in their backpack, hand or hair.

Junior liberal studies major and dance team member Naomi Salazar, another participant Thursday, is used to attending several



ALEX HORVATH / THE CALIFORNIAN

Brookdale Riverwalk resident Betty Newman, 94, along with her Cal State Bakersfield partner Lexie Chavez, pass out carnations to students on campus celebrating Random Acts of Kindness Day on Thursday.



CSUB student Haley Zavala asked for a hug after Brookdale Riverwalk resident Betty Newman, 94, gives her a carnation to celebrate Random Acts of Kindness Day.

campus events that make people smile and give them a little pep in their step. But this random act of kind-

ness made her feel good knowing she was helping her peers feel like they belong on campus.

"With people feeling welcomed, they're able to perform at their very best, and I think that's a really



CSUB student Lexie Chavez gives a flower to a fellow student to celebrate Random Acts of Kindness Day.

key concept," Salazar said. "When they have a good strong base, they will be able to succeed with any-

thing they want to achieve."

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CAMPAIGN

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overlooked political capital, especially for Sanders. Even so, the strategies involved appear to be more subtle than that.

In 2016's presidential election, Trump did better in Kern County than he did in California as a whole.

But also, Rep. Kevin McCarthy, Bakersfield, has proved himself a strong ally of the president, noted by Gargile, assistant professor of political science at Cal State Bakersfield.

"We could see (Trump's visit as a thank-you) from the president to McCarthy," said Gargile.

She added that "of course" Wednesday's political rally was intended to benefit the election prospects of former three-term Rep. David Valadao, R-Hanford, who narrowly lost reelection in 2018 to Rep. J. Cox, D-Fresno.

Even so, Trump's success with flying in to back candidates in need of support has been mixed, said Palmdale political consultant Paul Scott, owner of Long Shot Political Consulting.

"His effectiveness is kind of hit and miss, which I think emboldens the Democrats," Scott said.

Christian Grose, a political scientist at the University of Southern California, said Bakersfield is a natural destination for the president because the city's "a little bit more hospitable to Trump" than California is overall.

He pointed to new poll results from the USC Price-Schwarzenegger Institute, of which Grose is academic director, showing Trump's support statewide is about 30 percent. The president's support in the Central Valley is stronger, he said, but still less than 50 percent.

Sanders, on the other hand, is coming to Bakersfield partly because the city and the Central Valley generally have been overlooked by state and national political campaigns, said the California communications director for his presidential campaign, Anna Bahr.

Another reason is that the senator has focused on building support among young people of color, especially Latinos, as well

as working people, she said.

There's some truth, she said, to the assertion that Sanders is trying to pick up political delegates outside more heavily populated areas like Los Angeles and San Francisco.

"If you only are visiting the big urban areas of the state ... you are leaving delegates on the table," she said. But, she added, "More importantly, there are voters there who deserve to be engaged, energized and heard from."

Gargile said the Central Valley fits well with Sanders' focus on young people of color. She said one lesson learned from the 1960s and former President Barack Obama's campaigns was that if you mobilize communities that have traditionally been under-mobilized, "they will show up to the polls for you."

Scott, who characterized Bakersfield as a "toss-up area," politically speaking, said Sanders has done well to focus on registering voters in the area.

In January Sanders opened a Bakersfield office — one of 22 in the state, many of them in often-overlooked areas such as the

Inland Empire. He also visited Delano in May of 2016, advocating support for farmworkers, improvements to drinking water quality and limiting exposure to pesticides.

Scott asserted that Sanders' focus on energizing young people and persuading them to vote could be effective.

"It's just going to be a matter of who can register voters and who can get those voters out on election day," he said.

Results of the USC Price-Schwarzenegger Institute poll, based on surveys Feb. 1-15 of 1,200 California likely voters, show that Sanders led all of Democratic candidates with 29.2 percent, followed by former Vice President Joe Biden with 21.4 percent and Massachusetts Sen. Elizabeth Warren with 20.2 percent.

The poll found that, in the Central Valley, Sanders' enjoyed 30.7 percent support. Biden placed second with 23.2 percent and Warren took third with 21.2 percent.

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HARRISON

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"When an employee is falsely accused of being a child abuser and the employer says, 'I believe the accuser,' that's defamatory under California law," said one of Harrison's attorneys, Craig Edmonston.

In April, Harrison was placed on administrative leave by the Fresno Diocese after it announced it had received a report of sexual misconduct that allegedly happened three decades ago. Following that announcement, the diocese received more allegations and the alleged victims were instructed to file police reports to the agency where the alleged abuse occurred.

The diocese also is undertaking its own investigation of Harrison, which has not yet been completed.

Harrison has denied all the allegations made against him. He fought back by filing two defamation lawsuits last year — one against Steven Brady, a Catholic activist, and another against Ryan Dixon, who worked alongside Harrison at St. Francis Church in Bakersfield.