

# America No Longer Has a Functioning Judicial System

By [Washington's Blog](#)

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Region: [USA](#)

Theme: [Law and Justice](#)

## [The Separation of Powers Which Define Our Democracy Have Been Destroyed](#)

The Department of Justice told a federal court this week that the NSA's spying ["cannot be challenged in a court of law"](#).

(This is especially dramatic given that numerous federal judges and legal scholars - including a former FISA judge - say that the FISA spying "court" [is nothing but a kangaroo court](#).)

Also this week, the Department of Justice told a federal court that [the courts cannot review the legality of the government's assassination by drone of Americans](#) abroad:

"'Are you saying that a US citizen targeted by the United States in a foreign country has no constitutional rights?' [the judge] asked Brian Hauck, a deputy assistant attorney general. 'How broadly are you asserting the right of the United States to target an American citizen? Where is the limit to this?'

"She provided her own answer: 'The limit is the courthouse door' . . . .

"'Mr. Hauck acknowledged that Americans targeted overseas do have rights, but he said they could not be enforced in court either before or after the Americans were killed.'"

(Indeed, the Obama administration has previously claimed the power to be [judge, jury and executioner](#) in both drone and cyber-attacks. This violates Anglo-Saxon laws which have been on the books in England and America for [800 years](#).)

The Executive Branch also presents "secret evidence" in many court cases ... sometimes even [hiding the evidence from the judge](#) who is deciding the case.

Bush destroyed much of the separation of powers which made our country great. But under Obama, it's gotten worse.

For example, the agency which decides who should be killed by drone is the [same agency which spies on all Americans](#).

Daniel Ellsberg notes that [even the Founding Fathers didn't have to deal with a government claiming that it could indefinitely detain Americans ... even on American soil](#).

After Pulitzer Prize winning journalist Chris Hedges, journalist Naomi Wolf, Pentagon Papers

whistleblower Daniel Ellsberg and others sued the government to enjoin the NDAA's allowance of the indefinite detention of Americans - the judge asked the government attorneys *5 times* whether journalists like Hedges could be indefinitely detained simply for interviewing and then *writing about* bad guys. The government [refused to promise](#) that journalists like Hedges won't be thrown in a dungeon for the rest of their lives without any right to talk to a judge

The Department of Justice has also [tapped Congressional phones](#), and a high-level NSA whistleblower says that [the NSA is spying on - and blackmailing - top government officials and military officers](#) including [all 9 Supreme Court justices](#).

It's not just the Executive Branch which has attacked the courts. For example, Congress passed a bill [stripping courts of the power to review](#) issues related to genetically modified foods.

The Constitution is [mortally wounded](#). While the "war on terror" is commonly cited as the excuse, most of the attacks on our rights started [before 9/11](#). Indeed, the Founding Fathers warned 200 years ago that open-ended wars [give the Executive an excuse to take away our liberties](#).

Two former [U.S. Supreme Court Justices](#) have warned that America is sliding into tyranny. A former [U.S. President](#), and [many other](#) high-level [American officials](#) agree.

In addition to attacks on the judiciary by the White House and Congress, judges are *voluntarily* gutting the justice system ... and laying down in lapdog-obedience to D.C.

For example, the Supreme Court ruled that if judges don't like plaintiffs' allegations of bad government actions, the judge can simply pre-judge and throw out the lawsuit [before even allowing the party to conduct any discovery to prove their claims](#). This guts 220 years of Constitutional law, and makes it extremely difficult to challenge harmful government action in court.

America has a "[dual justice system ... one for ordinary people and then one for people with money and enormous wealth and power](#)".

Indeed, most Americans have [less access to justice than Botswanans](#) ... and are [more abused by police than Kazakhstanis](#).

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