

From the Rule of Law to “Weaponized Law”

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Global Research, August 22, 2023

Region: [USA](#)

Theme: [Law and Justice](#)

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In my book, [The Tyranny of Good Intentions \(2000\)](#), I discussed the weaponization of law in order to easier convict criminals. Once this process begins, it expands. In the 21st century we have witnessed a remarkable expansion in the weaponization of law. For example, the use of weaponized law against Trump rally attendees and against President Trump himself. The weaponization of law has brought no protests from law faculties, bar associations, Congress, media, or federal judges.

Consequently, we have become a society in which the function of law is to get someone or to achieve an agenda that cannot be achieved legislatively. The person doesn’t have to be guilty of a crime. Merely being demonized or disapproved of suffices. Law now serves not justice but political and ideological emotions and the agendas of the powerful.

That the entire legal profession and all of its institutions have stood aside for this transformation of law indicates that freedom is no longer a value. Consequently, Constitutional protections are less and less enforced. White Americans have suffered discrimination in university admissions, hiring, and promotion for more than a half century. Government and its agencies have used print, TV, and social media to censor and control explanations. Spying on citizens without court approved warrants is widespread. The US has declared its law to be enforceable worldwide, even applicable to foreign national journalists such as Julian Assange, and to the President of Russia.

Any reader of alternative news can make a long list of arbitrary unaccountable power being used to negate legal and Constitutional protections. Republican President George W. Bush declared he could hold American citizens in prison indefinitely in defiance of habeas corpus. Democrat President Obama declared that he could execute American citizens on suspicion alone without due process of law. Neither were held accountable for these crimes and violations of oath of office. Getting presumed “terrorists” was considered more important than the US Constitution.

Civil liberty and the rule of law that civil liberty requires are always in jeopardy. Lawyers, prosecutors, and judges are poor defenders of a rule of law. Lawyers and prosecutors are

always trying to get around the law or to come up with a novel interpretation of what the law means, a new theory of the law's purpose in order to turn the law to the service of their agendas. Judges welcome novel interpretations as they break up the monotony of the law. Prosecutors are after convictions—their success indicator—not determination of innocence or guilt. Novel interpretations mean that the defendant finds himself on trial for a crime he didn't know existed. Even President Trump finds himself in this situation. Trump did not know that it was a felony to doubt the honesty of Biden's election and attempt to do something about it.

Just the constant additions to law make it unknowable. More than a decade ago Harvey Silverglate, former head of the Massachusetts ACLU, wrote a book, *Three Felonies A Day: How the Feds Target the Innocent*. Law is so vast and complicated that Americans can easily commit three felonies daily without knowing it.

In America passing a law is the solution to everything. We have all heard the common refrain, "There ought to be a law against it." The unintended consequences of these laws are never addressed.

Prosecutors are less respectful of law than are criminals. Criminals merely break the law. Prosecutors corrupt it. Prosecutors withhold exculpatory evidence from defendants, bribe witnesses with dropped charges, suspended sentences and money for perjured testimony against the defendant.

In both New York and Texas, and undoubtedly other states, there have been scandals in which police evidence of illegal drugs used to convict large numbers of people turned out to be ground up wallboard. When the governor or state attorney general attempted to release those falsely convicted people, the prosecutors fought the release. In one case the prosecutors indicted and convicted the governor on false charges.

Prosecutors will simply not admit false convictions. When victims of false convictions are released, prosecutors blame "liberal judges who are soft on crime," not their own crooked methods of prosecution.

In my opinion, there is seldom a reason to trust a prosecutor's case. Just look at the railroading of Officer Derek Chauvin. Chauvin was tried and convicted in the media, not in a court of law. The media insured Chauvin's conviction by showing repeatedly a video taken by a black teenager from a distance and an angle that resulted in perspective distortion making it appear that Chauvin had his knee on George Floyd's neck, whereas the close up police videos without perspective distortion showed Chauvin's knee on Floyd's shoulder, an approved hold.

Chauvin was holding Floyd still in an effort to save Floyd's life. Chauvin recognized that Floyd's life was threatened by overdosing on fentanyl, confirmed by the lab report that Floyd's blood had more than twice the lethal dose of fentanyl. Chauvin or his fellow officers had called emergency ambulance. As Floyd had complained of breathing difficulties while sitting in the police car and asked to lie down, he was restrained in order to conserve his oxygen from exertion. If Chauvin wanted to kill Floyd, why call emergency ambulance?

The facts were presented at the trial, but by that time the facts were too late. The jurors, even if they were amendable to the facts, knew that Chauvin was already convicted and that if they did not ratify the conviction, they would be denounced as a "racist jury" by the

where American media and have their neighbors, Antifa, and Black Lives Matter on their lawn and no police to protect them.

This is what happens when law is abandoned. And the consequences mount. Today police avoid enforcing law against blacks. So do Democrat cities, such as San Francisco where legislation was passed that freed blacks of felony charges for thefts under \$950 per incident. One result has been mass black raids on stores, and the exit from San Francisco of many businesses. At the present time the California legislature is passing a law that blacks must be punished less for the same crimes than whites.

Fentanyl has now become a drug of choice. Police know that arresting a drug user may leave them with a fentanyl death on their hands like George Floyd. Consequently, police shy away from drug arrests. Consequently, from San Francisco to Philadelphia streets are littered with spaced out drug users, an impressive advertisement for “exceptional, indispensable” America.

Today the absence of law in the United States presents the United States to the world as an insane asylum in which either American voters are so incompetent as to elect and reelect a hardened criminal to the Presidency, hardly a recommendation for democracy, or the Democrats are so lawless that they will not permit an honest election to keep them from power and, therefore, weaponize law in order to destroy their political opponent.

Looking at the Democrat operatives and prosecutors, what do you see? Utterly stupid people, people who believe that the rest of the world will accept their claims that while President of the United States, surrounded by White House Counsel and a Department of Justice, President Trump committed multiple felonies resulting in four felony indictments, including racketeering worthy of a RICO indictment. A RICO indictment means that the incompetent Fani Willis in Atlanta can seize Trump’s assets and prevent his defense. Fani, of course, is too incompetent to know this, but what about the crook Biden appointed Attorney General of the United States?

When will we read that Trump’s assets have been seized to prevent his defense?

The most frightening aspect of the Trump indictments is that the legal profession is willing to take them seriously. Perhaps this willingness reflects the bias against Trump. Perhaps it indicates entertainment value in the indictments. Perhaps it is curiosity if prosecutors can create new laws by precedent and get Trump by broadening the interpretation of existing laws. Certainly the First Amendment has been so deprecated and trodden down that it is a weak reed for a defense.

I am amazed that judges overseeing these cases haven’t thrown them out. What it tells us, I think, is that the legal profession prefers a circus to the rule of law.

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