

# The Eroding Character of the American People

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*How can the life of such a man  
Be in the palm of some fool's hand?  
To see him obviously framed  
Couldn't help but make me feel ashamed to live in a land  
Where justice is a game.—Bob Dylan, "Hurricane"*

Attorney John W. Whitehead opens a recent posting (see below) on his Rutherford Institute website with these words from a song by Bob Dylan. Why don't all of us feel ashamed? Why only Bob Dylan?

I wonder how many of Bob Dylan's fans understand what he is telling them. American justice has nothing to do with innocence or guilt. It only has to do with the prosecutor's conviction rate, which builds his political career. Considering the gullibility of the American people, American jurors are the last people to whom an innocent defendant should trust his fate. The jury will betray the innocent almost every time.

As Lawrence Stratton and I show in our book (2000, 2008) there is no justice in America. We titled our book, "How the Law Was Lost." It is a description of how the protective features in law that made law a shield of the innocent was transformed over time into a weapon in the hands of the government, a weapon used against the people. The loss of law as a shield occurred prior to 9/11, which "our representative government" used to construct a police state.

The marketing department of our publisher did not appreciate our title and instead came up with "The Tyranny of Good Intentions." We asked what this title meant. The marketing department answered that we showed that the war on crime, which gave us the abuses of RICO, the war on child abusers, which gave us show trials of total innocents that bested Joseph Stalin's show trials of the heroes of the Bolshevik Revolution, and the war on drugs, which gave "Freedom and Democracy America" broken families and by far the highest incarceration rate in the world all resulted from good intentions to combat crime, to combat drugs, and to combat child abuse. The publisher's title apparently succeeded, because 15 years later the book is still in print. It has sold enough copies over these years that, had the sales occurred upon publication would have made the book a "best seller." The book, had it been a best seller, would have gained more attention, and perhaps law schools and bar associations could have used it to hold the police state at bay.

Whitehead documents how hard a not guilty verdict is to come by for an innocent defendant. Even if the falsely accused defendant and his attorney survive the prosecutor's pressure to negotiate a plea bargain and arrive at a trial, they are confronted with jurors

who are unable to doubt prosecutors, police, or witnesses paid to lie against the innocent defendant. Jurors even convicted the few survivors of the Clinton regime's assault on the Branch Davidians of Waco, the few who were not gassed, shot, or burned to death by US federal forces. This religious sect was demonized by Washington and the prostitute media as child abusers who were manufacturing automatic weapons while they raped children. The charges proved to be false, like Saddam Hussein's "weapons of mass destruction," and so forth, but only after all of the innocents were dead or in prison.

The question is: why do Americans not only sit silently while the lives of innocents are destroyed, but also actually support the destruction of the lives of innocents? Why do Americans believe "official sources" despite the proven fact that "official sources" lie repeatedly and never tell the truth?

The only conclusion that one can come to is that the American people have failed. We have failed Justice. We have failed Mercy. We have failed the US Constitution. We have failed Truth. We have failed Democracy and representative government. We have failed ourselves and humanity. We have failed the confidence that our Founding Fathers put in us. We have failed God. If we ever had the character that we are told we had, we have obviously lost it. Little, if anything, remains of the "American character."

Was the American character present in the torture prisons of Abu Ghraib, Guantanamo Bay, and hidden CIA torture dungeons where US military and CIA personnel provided photographic evidence of their delight in torturing and abusing prisoners? Official reports have concluded that along with torture went rape, sodomy, and murder. All of this was presided over by American psychologists with Ph.D. degrees.

We see the same inhumanity in the American police who respond to women children, the elderly, the physically and mentally handicapped, with gratuitous violence. For no reason whatsoever, police murder, taser, beat, and abuse US citizens. Every day there are more reports, and despite the reports the violence goes on and on and on. Clearly, the police enjoy inflicting pain and death on citizens whom the police are supposed to serve and protect. There have always been bullies in the police force, but the wanton police violence of our time indicates a complete collapse of the American character.

The failure of the American character has had tremendous and disastrous consequences for ourselves and for the world. At home Americans have a police state in which all Constitutional protections have vanished. Abroad, Iraq and Libya, two formerly prosperous countries, have been destroyed. Libya no longer exists as a country. One million dead Iraqis, four million displaced abroad, hundreds of thousands of orphans and birth defects from the American ordnance, and continuing ongoing violence from factions fighting over the remains. These facts are incontestable. Yet the United States Government claims to have brought "freedom and democracy" to Iraq. "Mission accomplished," declared one of the mass murderers of the 21st century, George W. Bush.

The question is: how can the US government make such an obviously false outrageous claim without being shouted down by the rest of the world and by its own population? Is the answer that good character has disappeared from the world?

Or is the rest of the world too afraid to protest? Washington can force supposedly sovereign countries to acquiesce to its will or be cut off from the international payments mechanism that Washington controls, and/or be sanctioned, and/or be bombed, droned, or invaded,

and/or be assassinated or overthrown in a coup. On the entire planet Earth there are only two countries capable of standing up to Washington, Russia and China, and neither wants to stand up if they can avoid it.

For whatever the reasons, not only Americans but most of the world as well accommodate Washington's evil and are thereby complicit in the evil. Those humans with a moral conscience are gradually being positioned by Washington and London as "domestic extremists" who might have to be rounded up and placed in detention centers. Examine the recent statements by General Wesley Clark and British Prime Minister Cameron and remember Janet Napolitano's statement that the Department of Homeland Security has shifted its focus from terrorists to domestic extremists, an undefined and open-ended term.

Americans with good character are being maneuvered into a position of helplessness. As John Whitehead makes clear, the American people cannot even prevent "their police," paid by their tax payments, from murdering 3 Americans each day, and this is only the officially reported murders. The actual account is likely higher.

What Whitehead describes and what I have noticed for many years is that the American people have lost, in addition to their own sense of truth and falsity, any sense of mercy and justice for other peoples. Americans accept no sense of responsibility for the millions of peoples that Washington has exterminated over the past two decades dating back to the second term of Clinton. Every one of the millions of deaths is based on a Washington lie.

When Clinton's Secretary of State, Madeleine Albright, was asked if the Clinton's regime's sanctions, which had claimed the lives of 500,000 Iraqi children, were justified, she obviously expected no outrage from the American people when she replied in the affirmative.

Americans need to face the facts. The loss of character means the loss of liberty and the transformation of government into a criminal enterprise.

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## **The American Nightmare: The Tyranny of the Criminal Justice System**

**John W. Whitehead**

The Rutherford Institute

July 22, 2015

Justice in America is not all it's cracked up to be.

Just ask Jeffrey Deskovic, who spent 16 years in prison for a rape and murder he did not commit. Despite the fact that Deskovic's DNA did not match what was found at the murder scene, he was singled out by police as a suspect because he wept at the victim's funeral (he was 16 years old at the time), then badgered over the course of two months into confessing his guilt. He was eventually paid \$6.5 million in reparation.

James Bain spent 35 years in prison for the kidnapping and rape of a 9-year-old boy, but he too was innocent of the crime. Despite the fact that the prosecutor's case was flimsy—it hinged on the similarity of Bain's first name to the rapist's, Bain's ownership of a red motorcycle, and a misidentification of Bain in a lineup by a hysterical 9-year-old boy—Bain

was sentenced to life in prison. He was finally freed after DNA testing proved his innocence, and was paid \$1.7 million.

Mark Weiner got off relatively easy when you compare his experience to the thousands of individuals who are spending lifetimes behind bars for crimes they did not commit. Weiner was wrongfully arrested, convicted, and jailed for more than two years for a crime he too did not commit. In his case, a young woman claimed Weiner had abducted her, knocked her out and then sent taunting text messages to her boyfriend about his plans to rape her. Despite the fact that cell phone signals, eyewitness accounts and expert testimony indicated the young woman had fabricated the entire incident, the prosecutor and judge repeatedly rejected any evidence contradicting the woman's far-fetched account, sentencing Weiner to eight more years in jail. Weiner was only released after his accuser was caught selling cocaine to undercover cops.

In the meantime, Weiner lost his job, his home, and his savings, and time with his wife and young son. As Slate reporter journalist Dahlia Lithwick warned, "If anyone suggests that the fact that Mark Weiner was released this week means 'the system works,' I fear that I will have to punch him in the neck. Because at every single turn, the system that should have worked to consider proof of Weiner's innocence failed him."

The system that should have worked didn't, because the system is broken, almost beyond repair.

In courtroom thrillers like *12 Angry Men* and *To Kill a Mockingbird*, justice is served in the end because someone—whether it's Juror #8 or Atticus Finch—chooses to stand on principle and challenge wrongdoing, and truth wins.

Unfortunately, in the real world, justice is harder to come by, fairness is almost unheard of, and truth rarely wins.

On paper, you may be innocent until proven guilty, but in actuality, you've already been tried, found guilty and convicted by police officers, prosecutors and judges long before you ever appear in a courtroom. Chronic injustice has turned the American dream into a nightmare. At every step along the way, whether it's encounters with the police, dealings with prosecutors, hearings in court before judges and juries, or jail terms in one of the nation's many prisons, the system is riddled with corruption, abuse and an appalling disregard for the rights of the citizenry.

Due process rights afforded to a person accused of a crime—the right to remain silent, the right to be informed of the charges against you, the right to representation by counsel, the right to a fair trial, the right to a speedy trial, the right to prove your innocence with witnesses and evidence, the right to a reasonable bail, the right to not languish in jail before being tried, the right to confront your accusers, etc.—mean nothing when the government is allowed to sidestep those safeguards against abuse whenever convenient.

It's telling that while President Obama said all the right things about the broken state of our criminal justice system—that we jail too many Americans for nonviolent crimes (we make up 5 percent of the world's population, but our prison population constitutes nearly 25% of the world's prisoners), that we spend more money on incarceration than any other nation (\$80 billion a year), that we sentence people for longer jail terms than their crimes merit, that our criminal justice system is far from color-blind, that the nation's school-to-prison pipeline is

contributing to overcrowded jails, and that we need to focus on rehabilitation of criminals rather than retribution—he failed to own up to the government’s major role in contributing to this injustice in America.

Indeed, while Obama placed the responsibility for reform squarely in the hands of prosecutors, judges and police, he failed to acknowledge that they bear the burden of our failed justice system, along with the legislatures and corporations who have worked with them to create an environment that is hostile to the rights of the accused.

In such a climate, we are all the accused, the guilty and the suspect. As I document in my book *Battlefield America: The War on the American People*, we’re operating in a new paradigm where the citizenry are presumed guilty and treated as suspects, our movements tracked, our communications monitored, our property seized and searched, our bodily integrity disregarded, and our inalienable rights to “life, liberty and the pursuit of happiness” rendered insignificant when measured against the government’s priorities.

Every American is now in jeopardy of being targeted and punished for a crime he did not commit thanks to an overabundance of arcane laws. Making matters worse, by allowing government agents to operate above the law, immune from wrongdoing, we have created a situation in which the law is one-sided and top-down, used as a hammer to oppress the populace, while useless in protecting us against government abuse.

Add to the mix a profit-driven system of incarceration in which state and federal governments agree to keep the jails full in exchange for having private corporations run the prisons, and you will find the only word to describe such a state of abject corruption is “evil.”

How else do you explain a system that allows police officers to shoot first and ask questions later, without any real consequences for their misdeeds? Despite the initial outcry over the shootings of unarmed individuals in Ferguson and Baltimore, the pace of police shootings has yet to slow.

For those who survive an encounter with the police only to end up on the inside of a jail cell, waiting for a “fair and speedy trial,” it’s often a long wait. Consider that 60 percent of the people in the nation’s jails have yet to be convicted of a crime. There are 2.3 million people in jails or prisons in America. Those who can’t afford bail, “some of them innocent, most of them nonviolent and a vast majority of them impoverished,” will spend about four months in jail before they even get a trial.

Not even that promised “day in court” is a guarantee that justice will be served.

As Judge Alex Kozinski of the Ninth Circuit Court of Appeals points out, there are an endless number of factors that can render an innocent man or woman a criminal and caged for life: unreliable eyewitnesses, fallible forensic evidence, flawed memories, coerced confessions, harsh interrogation tactics, uninformed jurors, prosecutorial misconduct, falsified evidence, and overly harsh sentences, to name just a few.

In early 2015, the Justice Department and FBI “formally acknowledged that nearly every examiner in an elite FBI forensic unit gave flawed testimony in almost all trials in which they offered evidence against criminal defendants over more than a two-decade period.... The admissions mark a watershed in one of the country’s largest forensic scandals, highlighting

the failure of the nation's courts for decades to keep bogus scientific information from juries, legal analysts said."

"How do rogue forensic scientists and other bad cops thrive in our criminal justice system?" asks Judge Kozinski. "The simple answer is that some prosecutors turn a blind eye to such misconduct because they're more interested in gaining a conviction than achieving a just result."

The power of prosecutors is not to be underestimated. Increasingly, when we talk about innocent people being jailed for crimes they did not commit, the prosecutor plays a critical role in bringing about that injustice. As The Washington Post reports, "Prosecutors win 95 percent of their cases, 90 percent of them without ever having to go to trial.... Are American prosecutors that much better? No... it is because of the plea bargain, a system of bullying and intimidation by government lawyers for which they 'would be disbarred in most other serious countries....'"

This phenomenon of innocent people pleading guilty makes a mockery of everything the criminal justice system is supposed to stand for: fairness, equality and justice. As Judge Jed S. Rakoff concludes, "our criminal justice system is almost exclusively a system of plea bargaining, negotiated behind closed doors and with no judicial oversight. The outcome is very largely determined by the prosecutor alone."

It's estimated that between 2 and 8 percent of convicted felons who have agreed to a prosecutor's plea bargain (remember, there are 2.3 million prisoners in America) are in prison for crimes they did not commit.

Clearly, the Coalition for Public Safety was right when it concluded, "You don't need to be a criminal to have your life destroyed by the U.S. criminal justice system."

It wasn't always this way. As Judge Rakoff recounts, the Founding Fathers envisioned a criminal justice system in which the critical element "was the jury trial, which served not only as a truth-seeking mechanism and a means of achieving fairness, but also as a shield against tyranny."

That shield against tyranny has long since been shattered, leaving Americans vulnerable to the cruelties, vanities, errors, ambitions and greed of the government and its partners in crime.

There is not enough money in the world to make reparation to those whose lives have been disrupted by wrongful convictions.

Over the past quarter century, more than 1500 Americans have been released from prison after being cleared of crimes they did not commit. These are the fortunate ones. For every exonerated convict who is able to prove his innocence after 10, 20 or 30 years behind bars, Judge Kozinski estimates there may be dozens who are innocent but cannot prove it, lacking access to lawyers, evidence, money and avenues of appeal.

For those who have yet to fully experience the injustice of the American system of justice, it's only a matter of time. America no longer operates under a system of justice characterized by due process, an assumption of innocence, probable cause, and clear prohibitions on government overreach and police abuse. Instead, our courts of justice have been transformed into courts of order, advocating for the government's interests, rather



than championing the rights of the citizenry, as enshrined in the Constitution.

Without courts willing to uphold the Constitution's provisions when government officials disregard them, and a citizenry knowledgeable enough to be outraged when those provisions are undermined, the Constitution provides little protection against the police state.

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*The day I read John Whitehead's article (July 22), there were new reports of a number of police murders of innocent American citizens. Sandra Bland, a black women who protested police violence against blacks was found hanged in her cell in a Texas jail after her false arrest.*

*Just a few days ago Samuel Dubose was murdered by a police officer with a shot to his head while he sat inside his car.*

*A 30-year old asthmatic white chemical engineer was without cause hog-tied by Mississippi police with face positioned to prevent breathing, resulting in his death.*

*Americans are in more danger from police than from terrorists. During the Iraqi war, American police murdered more Americans than the number of US troops killed in combat.*

*In this age of perverted justice and government-sanctioned tyranny, the Constitution is no safeguard against government wrongdoing such as SWAT team raids, domestic surveillance, police shootings of unarmed and unthreatening citizens, indefinite detentions, asset forfeitures, prosecutorial misconduct, etc.*

*Today in the United States of America citizens are as unprotected by law as the aristocracy in England prior to the Magna Carta. America has far more in common with the Medieval dungeon state than it does with the Declaration of Independence.*

*In a country in which the citizens have no protection from the state and can be shot down in their streets and homes by unaccountable police, detained indefinitely without charges or conviction, executed on suspicion alone without due process of law, there is no freedom, no democracy, no accountability of government to the people.*

*The United States of America is no longer the hope of mankind. The USA has become the source of evil and dread. Will America destroy the world as well as itself?*

**Dr. Paul Craig Roberts** was Assistant Secretary of the Treasury for Economic Policy and associate editor of the Wall Street Journal. He was columnist for Business Week, Scripps Howard News Service, and Creators Syndicate. He has had many university appointments. His internet columns have attracted a worldwide following. Roberts' latest books are [The Failure of Laissez Faire Capitalism and Economic Dissolution of the West](#) and [How America Was Lost](#).

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