

# The Indictments and Justice

by  
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Hurrah! He's been indicted. Let's now put him in prison! This is what we are hearing from Democrats, liberals, socialists, and left-wingers. In a single word, it is

## Disgusting & Shameful!

This is not a time for celebration. These indictments and what is to follow is a serious and solemn event. It is as serious as the 9/11 attack on our nation. It is as serious as the Jan 6th protest at the US Capitol. For Americans to celebrate the potential demise of a former President of the United States is not only morally and ethically inappropriate, but is also tantamount to the demise of the American way of life and the freedoms that we enjoy.

The four indictments of Trump contain criminal charges. However it is well known that each indictment is politically motivated. For example, Fani Willis, when campaigning to become Fulton County's district attorney, promised to prosecute Trump." She was running for office on the basis that she would prosecute Trump since the Democrats in Fulton County, as across the country in democrat run cities and states, did not like Trump. In fact if you look at all four indictments, they have been formulated by democrat district attorneys, in democrat run cities and states.

By now there should be no doubt that the Trump indictments are politically driven. However, as has been the stupidity of many democrats, liberals, far left wingers, and the media, the consequences or fallout of these indictments will negatively affect generations to come, including those entities pushing the indictments..

### **Consequence Theory:**

- a. An ethical theory that judges whether or not something is right by what its consequences are.
- b. A theory about which actions are right. Its standard is high. It says that among all the very many things we could do at any given time, only one or a very few of them are right. The implication is that the rest of them are wrong.

From the founding of our nation, we have been governed by a set of laws, many of which were handed down to us by God, others inherited from other nations, the US Constitution, and many codified by our national, state and local governments.

**The Practice Of Law:** The application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) which require the knowledge and skill of a person trained in the law.

It is not stagnant, is ever-changing, and involves constant attention, and reflection.

**Attorney:** Someone authorized to practice law in a court of law. Includes prosecutors and defense attorneys.

**Judge:** A public official appointed to decide cases in a court of law. A judge should not practice law, but rather use established laws and guidance to determine sentencing, and rule on the constitutionality of various laws and legal precedents.

When a person attends law school, they generally take foundation courses in Civil Procedure, Constitutional Law, Contracts, Torts, Criminal Law and Procedure, Legal Research & Writing, and Property Law. Law school programs involve a lot of research, writing, logical analysis of legal issues. The programs, though not outwardly mentioned, also involve competitions in various activities, such as moot court scenarios.

The competitions establish psychological adversarial roles of Us against Them, which is consequently carried into the courtroom as prosecutors versus defense attorneys. Instead of working together to discover the truth and seek appropriate justice, each side is seeking to win a competition.

The underlying problem with these court competitions is that they encourage attorneys on both sides to manipulate the law to their benefit. In some cases it becomes outright “sophistry” – the deliberate twisting of the law. Such abuse is called “gaslighting” and is carried out by narcissistic legal professionals. One quick and recent example is when Jack Smith stated, “deny the public its right to a speedy trial,” with regard to Trump’s federal trial date.

Smith’s statement was a gaslighting act using the 6th Amendment as a basis. The amendment states that the accused shall enjoy the right to a speedy trial, not the public.

While Judge Tanya Chutkan denied Trump's request for a 2026 trial date, she did set his trial date to March 4, 2024. This is notable as the "Speedy Trial Act of 1974" states that "The period of delay in all federal and district courts shall not exceed 100 days." The March 4th date is 89 days beyond the 100 days. Can this then become a technicality to have the case thrown out?

In recent decades it has become common practice to charge a defendant with multiple crimes in the hope that one or more will stick. This travesty of justice reflects the prosecutor's:

- Lack of having an adequate and proper case to begin with,
- An inability to conduct proper research and investigation,
- Desire to put the defendant behind bars at any cost,
- To restrict the defendant's attorneys from mounting a quality defense because of the lack of adequate preparation time and funds,
- To influence the jury by suggesting the defendant is guilty since there are so many charges against him/her.

According to Michael Lind, of Tablet (an international magazine), "The greatest threat to democracy today is not populism, as elite liberals claim. Nor is it the old-fashioned dictatorial coup d'état. The greatest danger that multiparty democracy faces is "lawfare"—the weaponization of national judicial systems by political parties to delegitimize, harass, bankrupt, disqualify, and sometimes imprison politicians of other parties."

Although the terms weaponization and weaponized are used to describe the use of law as a weapon by one political party against another, it is not an appropriate adjective.

By its very nature the justice system is already weaponized. Both prosecutors and defending attorneys use law(s) as weapons in the attempt to win a case.

Politicalization of the justice system however is a different ballgame and establishes a dangerous precedent. Stalin and Hitler did this and the consequences were millions of people being killed. There is no doubt that this is happening in America. It is in direct violation our Constitution and laws. Let's look at the most recent example.

From Trump's initial declaration to run for president to the current four indictments he faces, political opponents have tried using the law to keep him from becoming president in 2016, removing him from office with two unsuccessful impeachments, and again using four indictments to keep him from becoming president in the 2024 election.

Had the impeachments been successful, Trump would not have been able to run for a second term. However he did run for a second term and lost the 2020 election to Joe Biden in a very controversial election amid allegations of fraud and corruption.

A review of how Democrats during Trump's administration tried to shackle his ability to administer as president, combined with the despicable and unethical journalism of the media, there is no doubt that the Democrats, media and the liberal left despised and hated Trump's successes and the man himself.

Consequently as the campaign for the 2024 election ramps up, these same groups are attempting to once again, block Trump from running for office and potentially becoming our next president.

Should the Trump be found guilty in any of the four indictments, the Democrats', media and liberals' fear of Trump becoming president will be assuaged. Should this happen, then every candidate and politician of the opposing party can face similar actions to prohibit them from running and/or occupying any political office. The same tactics can then be used against any citizen in order to incarcerate or eliminate them. To comprehend how this can happen, all we need to do is look at how Stalin, Hitler, Pinochet, Mao Zedong, Franco, Mussolini, Idi Amin Dada, Nicolás Maduro, Bashar al-Assad, Pol Pot, Omar al-Bashir and Vladimit Putin, to name a few, have maintained control through intimidation, imprisonment, and elimination.

Some may say that this can never happen in the US. However, several things need to be considered. First members of the FBI colluded to paint Trump as being in bed with the Russians. Second, members of Congress colluded to impeach Trump, not once but twice. Third, four prosecutors indicted Trump on multiple charges. In all cases the actions that were all taken by Democrats who hate Trump.

With regard to the indictments, the timing of the trial dates appears to be a conspiracy not only to prevent Trump from being a presidential candidate but also election interference. Like all conspiracies, the timing of the indictments and trial dates may not appear related, but with time, the truth will be found out. One key factor that points to a conspiracy is the trial date for Trump's federal indictment which is set for March 4, 2024, the day right before Super Tuesday – the Republican presidential primary.

In almost all criminal trials the prosecution has the advantage in many ways. The first advantage is that prosecutors usually have more time to investigate the potential charges. This is generally more time than what the defense has before going to trial.

The second advantage is that the prosecutor's office has more personnel and funding available to them for investigation and case preparation than the defense team has.

A third advantage is that the prosecutor's office has more combined trial experience than most defense teams do.

The final advantage for the prosecutor is the public's mindset that if a person was arrested, charged and is going to court, that he/she must be guilty, even though our laws state that a person is presumed innocent until proven guilty. The prosecutor has the responsibility to prove the defendant guilty. Like football or other sports, the decision of guilt is based on the points scored in the courtroom arena.

Even though juries are supposed to be unbiased, all jurors have biases. While judges can eliminate people from the jury pool, prosecutors and defense attorneys attempt to select jurors who may be beneficial to their winning the case. Any potential juror who states that they can arrive at a fair and impartial decision, regardless of their beliefs and/or experiences, is lying.

Pew Research and other organizations have determined that between 4-6% of people incarcerated in prisons are actually innocent, thus proving that our justice system is imperfect.

Although our justice system is imperfect, it is still better than the systems in most countries and nations. However that does not mean that we cannot improve on it.

One major improvement would be the removal of all politicization of the justice system. This would require several actions in the structure of law enforcement within the government structure, the courts, and law enforcement agencies, some of which include:

### **Government Structure**

The US government, along with most states, is comprised of three branches: legislative, executive, and judicial.

According to government documents, the role of the judicial branch at federal and state levels is to interpret and apply the law respectively. The judicial branches are prohibited from making any law. Additionally, judicial branches must be impartial and non-political.

As a department of the executive branch, the Department of Justice (DOJ), was formed in 1870 “to assist the president and Cabinet in matters concerning the law and to prosecute U.S. Supreme Court cases for the federal government.” (ballotpedia.org.)

Today the DOJ has approximately 26 enforcement divisions. When initially formed the only division was the US Marshals Service which was formed in 1789.

All other divisions were formed more than more than 125 years later. Six major divisions that were formed include:

1909 Federal Bureau of Investigation (FBI)  
1930 Bureau of Prisons  
1933 Tax Division  
1972 Alcohol Tobacco and Firearms (ATF)  
1973 Drug Enforcement Agency (DEA)  
2010 Interpol-Washington

**Justice:** the ethical, philosophical idea that people are to be treated impartially, fairly, properly, and reasonably by the law and by arbiters of the law, that laws are to ensure that no harm befalls another, and that, where harm is alleged, a remedial action is taken - both the accuser and the accused receive a morally right consequence merited by their actions (see: [due process](#)).

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Since its formation, the DOJ has been riddled with varying degrees of corruption within its enforcement divisions. Most recently has been the illegal actions of the FBI with regard to Trump.

Since the DOJ is part of the executive branch and reports directly to the president, it becomes easily politicized. In essence the DOJ is at the beck and call of the president.

Many politicians and others have been calling for the impeachment of the Adjutant General (head of DOJ), and the elimination or rebuilding of its enforcement divisions – specifically the FBI.

The DOJ needs to be removed from the executive branch and relocated to the judicial branch for three compelling reasons:

- Remove the ability to politicize the department
- DOJ enforces the laws created by the legislative branch

- Such a move will eliminate or limit the president from issuing executive orders that violate the rights and freedoms of US citizens.

## Courts

1. Establish term limits for judges and prosecutors.
2. All judges and prosecutors should be elected and not appointed.
3. Establish review boards for capital cases.
4. Establish a Code of Conduct for judges and prosecutors with review boards. Allow only one violation and then suspend license and/or remove judge/prosecutor for second violation.
5. Automatically remove any judge attempting to make law rather than interpret the law.
6. Automatically remove any judge or prosecutor displaying political bias whether in public or in private
7. Set fixed maximum cost limits for any case or investigation. Do not permit cost savings from one case to be added to cost limit of other cases. Costs should be part of annual budget.
8. Establish mandatory predefined sentencing terms for felonies.
9. Eliminate the criminal charge stacking (piling on) and require prosecutors to prosecute only the most serious crime committed. The stacking process manipulates the law in favor of the prosecution for a number of reasons, including that the prosecutor may not have sufficient cause to charge the defendant with the most serious crime.

## Law enforcement

1. Eliminate the ability for politicians to appoint/remove the heads of law enforcement agencies. This should be done at the national, state and local levels.
2. Limit the term that agency heads can serve to no more than two years.
3. Require the agency heads to have law enforcement and legal training.
4. Agency heads should be elected by a general election according to the level of government.
5. Agency heads should not be allowed to support or vote while in office.

## Education

Like many university/college disciplines, law schools across the nation the curriculum that hasn't changed much in the last century. Our legal system was founded on and is based on Judeo-Christian values. Yet for the past 50 or so years, these national values have eroded, leading toward the abrogation and contortion of values that lead to changes in our laws.

Law schools should have two main goals for their graduates:

- Teach case law and statutes
- Help students to become well-adjusted, capable, and confident professionals

The typical approach to earning a law degree is to first graduate from an accredited college or university, and then apply for a Juris Doctor (JD) program. JD programs are generally takes 3 years of full-time study. The first year of studies is considered the hardest.

The driving force behind an academic program is how many students apply for and complete a program. These are the two data points that most programs follow. However there are other data points such as the GRE and GPA of a student cohort. Law schools also use another data point outside of the educational setting – the passing of the American Bar Association's (ABA) Bar exam.

According to UC-Davis, more than half of law graduates fail the state bar exam. Another report states that the “flunk-out rate for law students is in the range of 12-25%.” And the ABA states that 17.3% of first-year students drop out of law programs.

These dismal rates clearly point to a problem with the curriculum and how it is taught in law schools across the nation.

The typical first-year program of study consist of 5-7 core courses such as Civil Procedure, Contracts, Criminal Law, Property, Torts, Constitutional Law, and Legal Writing. All of these courses generally use the Socratic and case study approaches. Unfortunately this approach to teaching and learning is only one of nine basic methods and does not promote success for all students. This may be one of the primary reasons for such a high drop-out rate for law schools.

The above core courses are a heavy load for first-year students. While many changes are suggested, law schools are slow to make them. Following are some suggestions that should be incorporated into law school curriculum, and in particular the JD programs.

- Make the JD programs 4 years instead of three.
- In the first term develop and implement an “introduction to law” course that discusses each of the core courses and fields of law. This allows the student a better understanding of the fields of law and which one he/she want to pursue.
- In the first year offer only courses in Civil Procedure and Criminal Law.

- Required courses should include:
  - Ethics
  - Legal research methodology
  - Writing and writing briefs
  - Project management
  - People management
- The second year should consist of the core courses
- The third year would include advanced legal courses in the student's selected field. Additionally the student should take non-legal based interdisciplinary courses related to his/her chosen field.
- The fourth year should include experiential learning such as internships, practicums, field work, etc.
- If the student pursues Criminal Law, then they must enroll in a "residency type program" similar to how medical students have to complete. Like medical doctors, criminal attorneys deal with people's lives, which could include death.

There is a difference between law in action and law schooling. A more practical law school experience would better prepare most students for practice. While this means eliminating out-of-date curriculum, the programs need to reconnect with their historical roots that promote good citizenship and a concern for the common good as fundamental for a system of justice.

## ***Fiat justitia ruat caelum***

The belief that justice must be realized regardless of consequences

