

Fate of the Poor

“The first rule of government is to protect the powerless from the powerful.” (Code of Hammurabi, 1790 – 1750 B.C.E.)

Too many people (especially juries), would rather believe the lies of the rich or powerful than the truth from the poor or powerless. When people show favoritism to the rich or powerful, they become guilty of the worse kind of prejudice and discrimination. Wrongful convictions and harsh sentences fall heavily upon the poor.

“There is far too much law for those who can afford it, and far too little law for those who cannot.” (Derek Bok). The World Justice Project study in 2014 shows that the United States lags behind other countries in access to justice, and that is reflected by an overcrowded prison system. The United States has 5% of the global population, but 25% of the global prison population. The United States spends more on lawyers than every other country, and most Americans are priced out of the market. The United States is the greatest law factory in history. In 1786, the people of Massachusetts filed grievances about the high costs of the legal system.

An unjust law contradicts a constitutional inalienable right. Unjust laws are applied only to a select group within the community. If the majority writes a law that does not apply to them, but to another group that is undesirable or unpopular, the law would be unjust. “[Unjust] social laws are made by people for whom they are not intended and applied to those who did not make them.” (French philosopher, Michel Foucault). Mr. Michael Foucault has also been alleged to state: “A punitive society soon becomes an unjust society; and an unjust society soon becomes an unstable society.” Disobedience of such an unjust law would take a very brave patriot to stand up for their constitutional principles. Constitutionally, the state cannot legitimately coerce compliance to an unjust law. Dr. Martin Luther King interfered with the laws of Alabama and Mississippi because they were unjust.

Massachusetts Board of Retirement v. Murgia 427 U.S. 307 (1976) Stated, “The Equal Protection Analysis requires strict scrutiny of a legislative classification only when the classification impermissibly interferes with the exercise of a fundamental right or operates to the peculiar disadvantage of a suspect class. (The Equal Protection Clause of the Fourteenth Amendment guarantees that every law or statute is applied equally to every citizen, there cannot be any one class favored over another.)

Griffin v. Illinois 351 U.S. 12, 16 (1956). There can be no equal justice where the kind of trial a man gets depends on the amount of money he has.

There is no article or clause in the United States Constitution, which states that a person must have a certain amount of money to have their constitutional rights recognized in a court. The United States Constitution has built-in assumptions that court officers know the law about rights and protections when a person asserts his rights. Judges have a duty to look for the links between the totality of circumstances and the fulfillment of constitutional rights. Judges must allow all testimony and argument relevant to the issue at hand, no matter how obnoxious it may be to the court. A judge cannot act with presumption that favors legislation – if he does, he denies the individual the Equal Protection of the law. There are inalienable rights that cannot be taken away in any manner (Ninth Amendment violations). “The United State Constitution places the Bill of Rights outside the reach of the courts.” (Justice Clarence Thomas, 1997). “The essence of judicial duty is to follow the Constitution.” (Chief Justice John Marshall). The United States Constitution is a compact between the federal government and each individual person (citizen or alien) within its jurisdiction. The state has no position or power to interfere with that umbilical connection. Judges are to a court as conductors are to an orchestra: they keep the proceedings in tune – a conductor to the music score and a judge to the U.S. Constitution. A citizen can sue the government for Constitutional violations committed by the government and its courts.

“The law is largely deaf and blind to the poor.” (Supreme Court Justice Louis Brandies). The poor have few constitutional rights that they can assert because the legal and political systems are corrupt. “When the rich plunder the poor, it is always slow and legal.” (John Taylor of Caroline, 1814, in “Inquiry into the Principles and Policy of the Government of the United States”, pg. 259).

An oligarchy is a political system that is focused on protecting the wealth of the rich by controlling the politicians and ignoring the poor. The richest 1% currently own 47% of the global wealth, and could own 64% of it by 2030. (Time Magazine, pg. 82, February 4 – 11, 2019 issue.) 76% of the United States population is living paycheck to paycheck. 62% of U.S. workers are working fulltime, 40 or more hours a week, and still live below the cost of living: poor. The richest 400 Americans have more wealth than the 150 million adults who make up the bottom 60% of the U.S. population. Low wages threaten democracy and will reduce a citizen’s independence and opportunities. “People who are hungry and out of work are the stuff of which dictatorships are made.” (F.D.R.)

Too many people have been convicted without any criminal objectivity or proof of criminal intent. There are far too many people in prisons, who acted in conformity with the law, but upset someone’s agenda. A wide variety of legal conduct can be spun, distorted, or twisted into criminal conduct when it is interpreted with a biased or prejudiced agenda or court. There is no

politically motivated allegation that cannot be turned into a crime: everyone is thus a potential criminal. There are so many laws, some seemingly in contradiction, that the legal system can manipulate any result it wants, in favor of the legal system: a bias and prejudice that is unconstitutional. As any interpretation of the law is always subjective, many of the laws are enforced or distorted for the profit of corporate oligarchies. We live in an illusion of benevolent laws, when in fact we live in an arbitrary regime of tyranny, a totalitarianism representing selfish special interests.

When a nation abandons the morals and principles that made it strong, it commits suicide. The United States is in decay, decline, and denial because it has abandoned its morals and principles guaranteed by the United States Constitution. The United States is no longer a “Constitutional Republic,” but has become a despotism by legal conveniences and political expedencies controlled by special interests.

The Roman Empire was an example of political and intellectual corruption. The Roman Empire failed because they did not enforce their laws equally between the rich and the poor. Near the end of the Roman Empire, and again during the Inquisitions, the rich or powerful would bring false charges against the poor to steal property or to silence witnesses for telling the truth. Also, near the end of the Roman Empire, the upper classes were consumed with personal power struggles and paid little attention to responsible rule. Contemporaries described the Roman masses living in hopeless destitution, suffering from alienation, fear, frustration, and lacking any sense of purpose in their lives. (pg. 22, of “Sex and the Constitution” by Geoffrey R. Stone, ISBN: 978-0-87140-469-5). By the time the Roman citizens realized that their rights were worthless, it was too late.

This is what is happening in the United States, today.

“An avidity to punish is always dangerous to liberty. It leads men to stretch, to misinterpret, and to misapply even the best of laws.” (Thomas Paine).

In the United States today, telling the truth is a crime, just as it is under a tyranny.

Some components of tyranny:

- 1) Violations of law (Authorities are immune);
- 2) Violations of national constitution (Authorities are above the law);
- 3) Violations of basic human rights even when legalized by law or statute;

4) Impossible for poor victims to use the legal process because the courts are corrupt and there are too many expensive barriers put up to obtain counsel;

5) Malice, vindictiveness, and retaliation in punishments and sentencing.

All these components are alive and well-practiced in the United States today. It has been said that the United States legal system is the second-largest criminal organization in the United States, second only to its politics. Legal convenience and political expediency are the two most common felonies being committed in the United States today. Both the legal and political systems in the United States are in contempt of the United States Constitution, and in contempt of every patriot and veteran who has served, and sometimes died, so that the United States Constitution could be meaningful. Our courts are also in contempt of both juries and citizens.

Every legal system in history has had fake fair trials. Even the United States Supreme court has acknowledged it with:

Simon v. Craft 182 U.S. 427. (1901) The essential elements of Due Process are notice and opportunity to defend. Numbers beyond count have been convicted without benefit of government adherence to these elements.

Crawford v. Washington 541 U.S. 36. (2004) Judges, like other government agents, could not be trusted to safeguard the rights of the people.

State v. Strupp Wis. CT. APP. 2012 AP 1806-CR (2011). The law states that a criminal defendant cannot be penalized merely for exercising a constitutional right.

A punitive society is NOT a democratic society.

The poor in the United States do not enjoy or experience the freedom, justice, or liberty of a Constitutional Republic. And that is a tragedy.

Collected ideas and phrases by: Donald Newell #520023; (July 2020)

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Most ideas and paraphrases for “Fate of the Poor” came from these books:

“Tried and Convicted: How Police, Prosecutors, and Judges Destroy our Constitutional Rights” by Mr. Michael D. Cicchini. ISBN: 978-1-4422-1717-1 (2012)

“Convicting Avery” (2017) ISBN: 978-1-63388-255-1 by Mr. Michael D. Cicchini.

"The Chickenshit Club" by Jesse Eisinger, ISBN 978-1-5011-2137-1

"Presumed Guilty" by Martin Yant, ISBN: 13-978-0-87975-643-7

"Convicting the Innocent" by Stanley Cohen, ISBN: 978-1-63220-646-6

"Three Felonies a Day" by Harvey A. Silverglate, ISBN: 978-1-59403-522-7

"Pruno, Ramen, and a Side of Hope" by Courtney B. Lance and Nikki D. Pope, ISBN: 978-1-61868-925-2

“Infinite Hope” by Anthony Graves

"American Prison" by Shane Bauer, ISBN: 978-0-7352-2358-5

"Beyond a Reasonable Doubt" by Larry King and Henrietta Tiefenthaler, ISBN: 1-59777-503-7

"Mistrial" by Mark Geragos and Pat Harris, ISBN: 978-1-592-40772-9

"The Law Book" by Michael H. Roffer, ISBN: 978-1-4549-0168-6

"The Structure of Liberty" by Randy L. Barnett, ISBN: 978-0-19087-0092-0

"Constitutional Law, Vol. 2" by William Cohen

"The Liberty Amendments" by Mark R. Levin ISBN: 978-1-4516-0627-0

“Our Republican Constitution” by Randy L. Barnett

“Sex and the Constitution” by Geoffrey R. Stone, ISBN: 978-0-87140-469-5.

“The History of the Bill of Rights” by Bernard Schwartz

“The Freedom Answer Book” by Judge Andrew Napolitano

More books about injustices:

“Are We Rome?” by Cullen Murphy, ISBN: 978-0-547-05210-6

“Licensed To Lie” by Sidney Powell, ISBN: 978-1-7327676-0-7

“Guardianships and the Elderly: The Perfect Crime” by Dr. Sam Sugar, ISBN: 978-0-7570-0433-9 (2018)

“How to Read the Constitution and Why” by Professor Kim Wehle, ISBN: 978-0-06-289630-8 (2019)

“How Democracy Ends” By David Runciman, ISBN: 978-1-5416-1678-3 (2018)

“Can It Happen Here?” by Cass R. Sunstein, ISBN: 978-0-06-269619-9 (2018)

“The Fifth Risk” by Michael Lewis, ISBN: 978-0-393-35745-5 (2018)

“Cowards” by Glenn Beck, ISBN: 978-1-4516-9347-8 (2012)

“Squeezed” by Alissa Quart, ISBN: 978-0-06-241225-6 (2018)

“Unjust” by Noah Rothman, ISBN 978-1-621-57-792-8 (2019)

“Wrong and Dangerous” by Garrett Epps, ISBN 978-1-4422-1676-1 (2012)

“The lost Lawyer: The Failing Ideals of the Legal Profession” by Anthony T. Kronman (1993)

“Usual Cruelty: The Complicity of Lawyers in the Criminal Justice System” by Alex Jarakatsans (2019)

“Punishment Without Crime” by Alexandra Natapoff, ISBN 978-0465-09379-3 (2018)

“The Nonsense Factory” (The Making and breaking of the Criminal Justice System) by Bruce Cannon Gibney, ISBN 978-0-316-47526-6 (2019)

“Overruled: The Long War for Control of the U.S. Supreme Court” by Damon Root

“The Most Dangerous Branch” (Inside the U.S. Supreme Court’s assault on the U.S. Constitution) by David A. Kaplan, ISBN 978-1-5247-5990-2 (2018)

“The Hidden History of the Supreme Court and the Betrayal of America” by Tom Hartman, ISBN 978-152308594-1 (2019)

“Beyond These Walls”, by Tony Platt, ISBN 978-1-250-08511-5 (2018)

“Closing the Courthouse Door” (How your Constitutional Rights Became Unenforceable) by
Erwin Chemerinsky

The national debt is a “Taxation without Representation” against future citizens. Wasn’t there a revolution fought over that same issue somewhere back in 1776?

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Addendum (Dec 2020):

The state of Wisconsin still has no evidence, no witnesses, no corroboration, and no proof of criminal intent against me (or my witnesses). All the state has is malice, vindictiveness, and retaliation for trying, as whistle-blowers, to expose abusive and corrupt public officials. We did exactly as we were told to do by attorneys, law enforcement, and the Chippewa County Victim/Witness protection office: file a complaint. We all lost our freedom to retaliation.

I still have evidence and witnesses that can help me prove my innocence, but the legal system demands tens of thousands of dollars from me to be allowed to prove my innocence. That financial barrier is what keeps many from proving their innocence.

The state public defenders are a scam, and guilty of ineffective assistance of counsel, while the appeal process is another scam.

Freedom, justice, and liberty are not sustainable by a society that is indifferent to the rights of others, especially the poor, unpopular, or undesirable.

The American criminal justice system has a callous disregard against basic human or Constitutional rights.