

# Equal Justice in America: A Meaningless Figure of Speech

By [Stephen Lendman](#)

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*Injustice in America is deep-seated. It's politicized – the poor, people of color, Muslims and others disadvantaged are denied constitutionally guaranteed due process and equal justice under law with disturbing regularity.*

*The world's largest gulag prison system by far is testimony to a nation serving privileged interests over others, disdainful of the nation's least advantaged, thousands incarcerated for political reasons.*

America is the only nation sentencing children under age-18 to life imprisonment without the possibility of parole – an unconstitutional practice, banned under the 8th Amendment, prohibiting “cruel and unusual punishments,” yet over 2,100 juveniles are affected, never again to be free without a presidential pardon surely not coming.

At least nine states and the federal government imprisoned over 3,000 individuals to life without parole (LWOP), mostly for nonviolent drug offenses.

Over 80% of the sentences were mandatory, judges unable to offer leniency. The ACLU earlier said thousands in America got LWOP sentences for “possessing a bottle cap smeared with heroin residue,” shoplifting three belts, breaking into a parked car, or stealing a lunch bag – minor offenses and others like them, warranting no more than misdemeanor punishment.

US federal courts are stacked with right-wing extremists, including most Supreme Court Justices. Serving for life, they have enormous power for good or ill, too much of the latter, little of the former.

They're supremely pro-business, ideologically conservative and reactionary. No one on today's High Court approaches the stature of William Brennan, William Douglas, Thurgood Marshall or Louis Brandeis.

Five justices are Federalist Society (FS) members – Chief Justice John Roberts, Samuel Alito, Anthony Kennedy, Clarence Thomas and Neil Gorsuch.

The organization supports rolling back civil liberties, imperial wars, free-wheeling laissez-faire capitalism and corporatism, along with ending New Deal/Great Society social programs.

It's against reproductive choice, government regulations, labor rights, environmental protections, and justice for unwanted aliens.

Tuesday High Court ruling by five of its prominent members reflects FS sentiment, the Court

upholding Trump's travel ban, largely affecting majority Muslim nations.

Racist war in America on unwanted aliens way pre-dated Trump, a white supremacist Judeo-Christian state affording justice most often to wealth and powerful interests over others.

Muslims are discriminated against for their faith and ethnicity, Blacks and Latinos for their race and countries of origin.

Hostility toward unwanted aliens began with the 1790 Nationalization Act, foreign-born "free white persons (of) good moral character" alone wanted.

Unwanted at the time were free Blacks, Native Americans being exterminated to make way for white American development, and later Asians and Latinos for not being white enough.

The 1952 Immigration and Nationality (McCarran-Walter) Act (INA) did for the first time what no law before it allowed.

It made individuals of all races eligible for citizenship, strict quotas imposed to limit immigration from non-caucasian countries.

The 1996 Immigrant Responsibility Act and Anti-Terrorism and Effective Death Penalty Act permit detention and deportation of unwanted aliens - without discretionary relief, restricting access to counsel, and banning appeals even for alleged minor offenses.

The laws deny unwanted constitutionally guaranteed due process and equal justice under law.

Undemocratic Dems are as hostile to justice as Republicans. Tuesday's High Court ruling, upholding Trump's travel ban, shamefully endorsed injustice.

The history of Supreme Court rulings on race and other major issues is mixed, too often disturbing.

Marbury v. Madison (1803) established the principle of judicial supremacy, making the Court the final arbiter of what is or is not lawful.

The deplorable Dred Scott ruling (1857) denied Black slaves and their descendants constitutional protections, including the right to become citizens.

Plessy v. Ferguson (1896) affirmed segregation in public places.

Santa Clara County v. Southern Pacific Railroad (1886), granted corporations personhood under the 14th Amendment with all accruing rights and privileges but none of the obligations - what I consider the High Court's most egregious ruling in its history.

Korematsu v. United States (1944) was another deplorable one, ordering the internment of Japanese Americans threatening no one during WW II.

In Bush v. Gore (2000), majority right-wing justices overruled the popular vote, halted the Florida recount on spurious grounds, installing GW Bush as president - the first time in history that the Court reversed the outcome of a presidential election.

In Citizens United v. Federal Election Commission (2010), the Court ruled against

government limits on corporate spending in elections, claiming a First Amendment right of “political speech.” Its ruling was equivalent to one vote per dollar.

In a dissenting vote on an earlier Court ruling, Justice Oliver Wendell Holmes once said “the Court has taken its task to be the constitutionalization of a totally immoral, rapacious, economic system instead of the promotion of justice, domestic tranquility, the general welfare, and the blessings of liberty.”

For every Brennan, T. Marshall and Douglas, dozens of John Jays (the first chief justice), Roger Taney, Rehnquists, Burgers, Scalias, and majority justices on today’s High Court supported privilege over justice for all.

Upholding Trump’s unconstitutional travel ban is the latest example.

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*My newest book as editor and contributor is titled “Flashpoint in Ukraine: How the US Drive for Hegemony Risks WW III.”*

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