

Justice Is Dead In America

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Cecily McMillan is an Occupy protester who was seized from behind by a goon thug cop—a goon thug with a long record of abuse of authority—by her boobs. One was badly bruised. Cecily McMillan’s elbow reflexively and instinctively came up, and Cecily was arrested for assaulting a goon thug. The goon thug was not arrested for sexually assaulting a young woman.

False arrests of this sort are common in the US. Indeed, they are more common than justified arrests. The police and the courts are completely corrupted institutions that reek of injustice and evil.

Cecily was locked up in Rikers Island without bail by the judge who sees his role as protecting the abuse of police and prosecutorial power. The judge would not allow evidence in behalf of Cecily to be presented to the jury.

Nevertheless, the jurors, or 75% of them, understood that something was wrong and although they were coerced into convicting the young woman they sent a letter to the judge requesting that no prison time be imposed on Cecily. Nevertheless, the judge for whom all must stand in respect in the courtroom, gave the goon thug’s victim 90 days in prison and 5 years probation. This was Amerika’s sendoff of an idealistic young woman who was about to receive a master’s degree from an important educational education.

I have been concerned as a main focus of my work since the 1990s with American injustice. America’s injustice is a unique kind. American injustice has actually managed to completely destroy the achievements dating from Magna Carta that made law a shield of the people instead of a weapon in the hands of the state. Today America is pre-Magna Carta England.

My concern with the destruction of Justice in America was shared by my colleague, Lawrence Stratton. Together in 2000 we produced a book documenting the destruction of the achievement of liberty and the accountability of government to law under the publisher’s title of “The Tyranny of Good Intentions” (our title was, “How The Law Was Lost”). In 2008 a new edition was published.

The book was cited a few times by federal district court judges but had no influence on law schools’ worship of unaccountable executive power or on the appointment of Justice (sic) Department flunkies such as John Yoo and David Barron to prominent University law schools and federal courts. Yoo and Barron are the tyrants who justified in US Justice Department memos torture, despite US and international laws against it, and the murder of US citizens on suspicion alone without due process of law, an obvious violation of the US Constitution.

Judging from the legal arena's response to our work, justice is no longer the purpose of US law and it is no longer thought necessary for the US government to be accountable to law. To insouciant Americans these might seem like extreme statements, but the conclusion is unavoidable.

In the United States there is no longer law. There is only retribution. Cecily McMillan by her non-violent protest against the looting of America and the world by Wall Street became "an enemy of the people." The "people," of course, are the one percent. The 99 percent do not count.

The jury in Cecily's trial did not count. At least 75% of the jurors understood that they were being coerced into a conviction, which they sought to lighten by requesting the judge not to impose a prison sentence. But the judge represents the repressive state, not justice. The jurors were out to lunch. They had no idea of the corrupt nature of the criminal political system or else they lacked the courage to stand up to it.

This insouciance is true of the bulk of the American population. They are sheeple, unaware that they have been stripped of constitutional protections and that they are propagandized into supporting the evil actions of an unaccountable government. For example, as Gerald Celente demonstrates in the current issue of the Trends Journal, the onslaught of Washington's propaganda against the Sochi Olympic Games, alleging terror attacks, a filthy city and hotel rooms, unsafe water, and so forth, resulted in a drop in TV ratings for the Olympics and in majorities of Americans acquiring negative attitudes toward Russia and Putin. Thus, when Washington set off the Ukraine crisis, "American minds had already been pre-programmed by propaganda. Facts would not get in the way. The stage for war and hate had been masterfully set."

As John Whitehead at the Rutherford Institute says,

"If you have been paying attention to the news lately, you may have noticed that the building blocks for a police state are now in place: the surveillance networks, fusion centers and government contractors monitoring what is being said by whom; government databases tracking who poses a potential threat to the government's power; militarized police, working in conjunction with federal agencies, coordinating with the federal government to round up troublemakers; and the courts which sanction the government's methods, no matter how unlawful. "Indeed, the government has been maintaining a growing list of 'dangerous' opinions and activities that might classify someone as an enemy of the state — a.k.a. an extremist — a.k.a. terrorist or sympathetic to terrorist activities — and thus qualify you for detention.

"Included in that list of 'dangerous' viewpoints are advocating for states' rights, believing the government to be unnecessary or undesirable, 'conspiracy theorizing' (this applies to those who believe 9/11 might have been an inside job), concern about the government's efforts to build domestic internment camps, opposition to war, organizing for 'economic justice,' frustration with 'mainstream ideologies,' opposition to abortion, opposition to globalization, and ammunition stockpiling. "As you can see, anyone seen as opposing the government—whether they're Left, Right or somewhere in between—is a target."

When a sexually assaulted American citizen can be falsely arrested for assaulting a police officer, brought to trial by a corrupt prosecutor whose false case is endorsed by a corrupt

judge and convicted by an insouciant jury, you know that justice is dead in America.

The death of Justice is a huge problem. The US not only has the largest percentage of its population in prison of every country in the world, the US also has the largest absolute number of prison inmates, larger even than “authoritarian” China which has a population four times larger than the US. In China, despite Washington’s endless lies about “human rights abuses,” a citizen has a far lower chance of imprisonment than does a “freedom and democracy” American.

Chris Hedges and Cecily McMillan bring the story home. If you read their account below and do not weep, you are a brainwashed sheeple headed for the slaughter:

“the Occupy activist who on Monday morning will appear before a criminal court in New York City to be sentenced to up to seven years on a charge of assaulting a police officer, sat in a plastic chair wearing a baggy, oversized gray jumpsuit, cheap brown plastic sandals and horn-rim glasses. Other women, also dressed in prison-issued gray jumpsuits, sat nearby in the narrow, concrete-walled visitation room clutching their children, tears streaming down their faces. The children, bewildered, had their arms wrapped tightly around their mothers’ necks. It looked like the disaster scene it was. “It’s all out in the open here,” said the 25-year-old student, who was to have graduated May 22 with a master’s degree from The New School of Social Research in New York City. “The cruelty of power can’t hide like it does on the outside. You get America, everything America has become, especially for poor people of color in prison. My lawyers think I will get two years. But two years is nothing compared to what these women, who never went to trial, never had the possibility of a trial with adequate legal representation, face. There are women in my dorm who, because they have such a poor command of English, do not even understand their charges. I spent a lot of time trying to explain the charges to them.” McMillan says Grantley Bovell, who was in plainclothes and did not identify himself as a police officer, grabbed her from behind during a March 17, 2012, gathering of several hundred Occupy activists in Manhattan’s Zuccotti Park. In a video of the incident she appears to have instinctively elbowed him in the face, but she says she has no memory of what happened. Video and photographs—mostly not permitted by the trial judge to be shown in the courtroom—buttressed her version of events. There is no dispute that she was severely beaten by police and taken from the park to a hospital where she was handcuffed to a bed. On May 5 she was found guilty after a three-week trial of a felony assault in the second degree. She can receive anything from probation to seven years in prison.

“I am prepared mentally for a long sentence,” she told me this past weekend when I interviewed her at the Rikers Island prison in the Bronx. “I watched the trial. I watched the judge. This was never about justice. Just as it is not about justice for these other women. One mother was put in here for shoplifting after she lost her job and her house and needed to feed her children. There is another prisoner, a preschool teacher with a 1-year-old son she was breastfeeding, who let her cousin stay with her after her cousin was evicted. It turns out the cousin sold drugs. The cops found money, not drugs, that the cousin kept in the house and took the mother. They told her to leave her child with the neighbors. There is story after story in here like this. It wakes you up.”

McMillan’s case is emblematic of the nationwide judicial persecution of activists, a persecution familiar to poor people of color. Her case stands in contrast with the blanket impunity given to the criminals of Wall Street. Some 8,000 nonviolent Occupy protesters have been arrested. Not one banker or investor has gone to jail for causing the 2008 financial meltdown. The disparity of justice mirrors the disparity in incomes and the disparity in power. Occupy

activists across the country have been pressured to “plea out” on felony charges in exchange for sentences of years of probation, which not only carry numerous restrictions, including being unable to attend law school or serve on a jury, but make it difficult for them to engage in further activism for fear of arrest and violating their probation. McMillan was offered the same plea deal but refused it. She was one of the few who went to trial. “I am deeply committed to nonviolence, especially in the face of all the violence around me inside and outside this prison,” she said in the interview. “I could not accept this deal. I had to fight back.

That is why I am an activist. Being branded as someone who was violent was intolerable.

“McMillan’s case is as much about our right to nonviolent protest as it is about McMillan. It is about our right to carry out such protest without being subjected to police violence intended to crush peaceful and lawful dissent. It is about our right to engage in political organization without our groups being monitored and infiltrated by the security and surveillance state. It is about our right of free speech and free assembly, guaranteed under the Constitution but effectively stripped from us in a series of judicial rulings and through municipal ordinances that make it impossible to protest in many U.S. cities. Judge Ronald A. Zweibel was caustic and hostile to McMillan and her defense team during the trial. He barred video evidence that would have helped her case. He issued a gag order that forbade the defense lawyers, Martin Stolar and Rebecca Heinegg, to communicate with the press. And, astonishingly, he denied McMillan bail. The judge also assiduously protected Bovell against challenges to his credibility. He refused to allow the jurors to hear about or see the excessive police violence that was used to clear the park the night McMillan was arrested—violence many activists say was the most indiscriminate and abusive ever inflicted during the Occupy movement.

He hid Bovell’s history of misconduct as a police officer from the jury. Bovell has been [investigated at least twice](#) by the internal affairs section of the New York City Police Department, the Guardian newspaper reported. Bovell and his police partner, in one of the cases, were sued for allegedly using an unmarked police car to strike a 17-year-old fleeing on a dirt bike. The teenager said his nose was broken, two teeth were knocked out and his forehead was lacerated. The case was settled out of court for a significant amount of money. There is also a video that appears to show Bovell relentlessly kicking a suspect on the floor of a Bronx grocery. In addition, Bovell was involved in a [ticket-fixing scandal](#) in his Bronx precinct. And Austin Guest, 33, a Harvard University graduate who was arrested at Zuccotti Park on the night McMillan was assaulted, is suing Bovell and the NYPD because the officer allegedly intentionally banged his head on the internal stairs and seats of a bus that took him and other activists in for processing. The judge barred the running down of the teenager on the dirt bike and Bovell’s alleged abuse of Guest from being discussed in front of the jury. The case has galvanized many activists, who see in McMillan’s persecution the persecution of movements across the globe struggling for nonviolent democratic change. McMillan was visited in Rikers by Russia human rights campaigners of the group Pussy Riot. Hundreds of people, including nine of the 12 jurors and some New York City Council members, have urged Judge Zweibel to be lenient. Some 160,000 people have signed an online petition calling on Mayor Bill de Blasio and Gov. Andrew Cuomo to intervene on her behalf. But so far pleas like these have failed to mollify the corporate state’s determination to use the McMillan case as a tool to prevent any new mass movements. “I am very conscious of how privileged I am, especially in here,” McMillan said. “When you are in prison white privilege works against you. You tend to react when you come out of white privilege by saying ‘you can’t do that’ when prison authorities force you to do something arbitrary and meaningless. But the poor understand the system. They know it is absurd, capricious and senseless, that it is all about being forced to pay deference to

power. If you react out of white privilege it sets you apart. I have learned to respond as a collective, to speak to authority in a unified voice. And this has been good for me. I needed this.” “We can talk about movement theory all we want,” she went on. “We can read [Michel Foucault](#) or [Pierre Bourdieu](#), but at a certain point it becomes a game. You have to get out and live it. You have to actually build a movement. And if we don’t get to work to build a movement now there will be no one studying movement theory in a decade because there will be no movements. I can do this in prison. I can do this out of prison. It is all one struggle.”

McMillan has been held in Rikers’ Rose M. Singer Center, Dorm 2 East B, with about 40 other women. They sleep in rows of cots. Nearly all the women are poor mothers of color, most of them black, Hispanic or Chinese. McMillan is giving lessons in English in exchange for lessons in Spanish.

McMillan has bonded with an African-American woman known as “Fat Baby” who ogled her and told her she had nice legs. Fat Baby threw out a couple of lame pickup lines that, McMillan said, “sounded as if she was a construction worker. I told her I would teach her some pickup lines that were a little more subtle.” McMillan, who is required to have a prison activity, participates in the drug rehabilitation program although she did not use drugs. She is critical of the instructor’s feeding of “positive” and Christian thinking to the inmates, some of whom are Muslims. “It is all about the power of positive thinking, about how they made mistakes and bad choices in life and now they can correct those mistakes by taking another road, a Christian road, to a new life,” she said. “This focus on happy thoughts pervades the prison. There is little analysis of the structural causes for poverty and oppression. It is as if it was all about decisions we made, not that were made for us. And this is how those in power want it. This kind of thinking induces passivity.” McMillan was receiving 30 to 40 letters daily at Rikers but during the week before the interview was told every day that she had none. She suspects the prison has cut off the flow of mail to her. Because my pens and paper were confiscated during the two-hour process it took to enter the prison, after the visit I had to reconstruct the notes from our conversation, which lasted an hour and a half. The entry process is normal for visitors, who on weekends stand in long lines in metal chutes outside the prison. My body was searched and my clothing was minutely inspected for contraband, and I had to go through two metal detectors. During the interview a guard asked McMillan to roll down her sleeves and admonished her once for crossing her legs. “You scratch a hole in the crotch,” McMillan said, running a fingernail up and down the crotch seam of her jumpsuit. “You make a small hole. And when the visitor slips you a cigarette you push up your vagina. I am learning a lot in prison. I have gotten very good at hiding books on my way to medical and stealing food to bring back to the dorm.” “It is hard to read, it is hard to write,” she went on. “There is constant movement and constant noise.” She was working Sunday on the statement she would read in court Monday. She said it draws heavily from Leo Tolstoy’s “The Kingdom of God Is Within You.” McMillan had just finished writing a message to supporters who planned to rally in her support Sunday afternoon in New York City. She told them:

I came to New York the summer of 2011 to go to school—Rikers Island was definitely not on my list of intended experiences. Though I did call myself “a radical” that title stretched only as far to include plans to start a socialist student chapter and study welfare policy with aims of improving it. Within 1 week, these plans were railroaded by the Occupy Wall Street Movement—and for the following 3 months, I did little else.

Like many, the eviction of Zuccotti left me lost, searching for that infectious energy that bound so many together in efforts to transform the world. Like many, I’ve spent the time since trying to understand what we had & striving to get back to it. Like many I point to a lack of militancy in our movement—a

commitment of one's entire being—personally, politically, emotionally & physically—to the greater good. But I examined what action those beautiful words entailed, I exchanged “militancy” for the concept of “love ethic”—a distinction born of the belief that fights between “us” and “them” run counter to the collective “we”. “We” being human society with each person as an integral part—that must be seen, heard, felt & loved—in order to transform the whole. Like many, I found my beliefs easy to come by but difficult to act on. I always strived, but often struggled, to see, hear, feel, to love—even as I expected as much in return. I began to question, “If it is such a struggle to solidify amongst a few, how can we hope to strengthen love ethic across the many?” Unlike most, when my trial began: friends formed a support structure, comrades came to court, journalists reported injustices. When the verdict was read, cries of outrage were heard, the news spread, & sympathy was shared from around the world. Unlike most, during my weakest hour, I had never felt more supported. Though I had never ever felt more oppressed, I had never felt so loved. I stand resolved to keep fighting, because your love ethic props me up and allows me to do so. Unlike most, I am blessed with the support of so many. And though I am thankful, I am also thoughtful of the many forced to face such oppression alone. I know you have already done so much, but I’m going to ask for one thing more: If you feel safe enough to share, please raise your hand if you have suffered police violence? If you have suffered sexual violence? If you have suffered the violence of the justice system? If you have suffered the violence of the prison system? Oppression is rampant. Take a moment to try & really see, hear, feel the suffering of the many around you. Now imagine the power of your collective love ethic to stand against it. Only through the pervasive spread of such a love ethic by the many for the many—not just the privileged few—will we finally have ourselves a movement. McMillan takes comfort from her supporters and her family and from those of her heroes who endured prison for a just cause. She reads and rereads the speech [Eugene V. Debs](#) made to a federal court in Cleveland before he went to prison for opposing the draft in World War I. His words, she said, have become her own. “Your honor, years ago I recognized my kinship with all living beings, and I made up my mind that I was not one bit better than the meanest on earth,” Debs said. “I said it then, as I say it now, that while there is a lower class, I am in it, and while there is a criminal element I am of it, and while there is a soul in prison, I am not free.” May 19, 2014: “[Truth Dig](#)” - RIKERS ISLAND, N.Y.—[Cecily McMillan](#),)

Chris Hedges spent nearly two decades as a foreign correspondent in Central America, the Middle East, Africa and the Balkans. He has reported from more than 50 countries and has worked for The Christian Science Monitor, National Public Radio, The Dallas Morning News and The New York Times, for which he was a foreign correspondent for 15 years.

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