

The Politicization of the US Justice System

By [Renee Parsons](#)

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The American criminal justice system has long been a sharp painful thorn in the nation's consciousness as if to remind us of a major flaw in the American way of life. Mostly, that awareness has focused on the inequities of prosecution and sentencing between the privileged upper class elites, the have-nots of the blue collar underclass and our nation's minorities.

Since 2016 the US Department of Justice (DOJ) has had an increased national presence initially as it related to the discredited Russiagate collusion campaign and now, as long-standing corruption within the DOJ and Federal Bureau of Investigation ([FBI](#)) surfaces, the status quo can no longer be tolerated.

Only those with a childlike [innocence](#) would be surprised by the sudden, untimely death of Jeffrey Epstein while [incarcerated](#) in the US Federal prison system. Attorney General Bob Barr described himself as '[appalled](#)' that the planet's most politically connected trafficker of adolescent female flesh had 'suicided' out. Epstein was also reported to be a valuable Mossad asset who used his unique position to blackmail a multitude of unsuspecting elite schmucks.

If Barr brings the same level of incredulity to the on going [systemic investigations](#) of the effort to disrupt the 2016 presidential campaign and to unseat a sitting US President, we might as well roll up the last copy of the Constitution and use it for kindling. Despite a [history](#) of [prejudicial bias](#) and [unethical](#) conduct that is incompatible with a free, open and democratic society, injustice including one's demise at the hands of the American criminal justice system is nothing new.

Whether Epstein was mortally wounded or is sunning himself on an Israeli beach leads to the same conclusion: it can no longer be denied that corruption of the nation's law enforcement system is widespread (ie [civil asset forfeiture](#)) as its top officials and many of its privileged Federal judges are implicated.

While a Grand Jury Inquiry into 911 has been stalled by the US Attorney at the US Southern District since April, 2018, it is anticipated that the DOJ Inspector General's report on [FISA Court](#) abuses will detail systemic criminal behavior at the highest levels of government perhaps reaching into the Obama White House.

Which brings us to the presidential campaign of Sen. Kamala Harris as walking-talking proof of why, as a prosecutor, she should be ineligible for election to any position of public trust. There is little reason to believe that Harris is an aberration but rather the product of an odious infection that Alex Kozinski, Chief Judge of the Ninth Circuit Court of Appeals described as "*an epidemic of prosecutorial misconduct.*"

Considering its hallowed beginnings with the [Judiciary Act of 1789](#) which established the [Supreme Court](#), created the nation's Federal Court system including the first US Attorneys and US Marshals and the first Circuit and District Courts, the nation's law enforcement and judicial institutions are deeply embedded in the Constitutional roots of the Country. The Act also created the office of the [Attorney General](#).

In particular, a [Federal Prosecutor](#) is an omnipotent, most powerful person in any legal proceeding and armed with an unlimited pot of taxpayer funds. With high profile prosecutions as plum assignments, many prosecutors cannot resist the grandstanding and opportunity for fame and glory. They are in total control of the Grand Jury process with unfettered discretion to run roughshod over any defendant. Losing sight of the fact that they are officers of the Court, they are untouchable as they possess a legal immunity from their own criminal misconduct.

There is an outstanding opportunity for the American public to better understand the level of corruption at the DOJ with a Must Read of [Sidney Powell's "Licensed to Lie: Exposing Corruption in the US Department of Justice."](#) Powell's book reads like a political expose, leaving the reader profoundly disturbed and stunned by the level of unimpeded corruption in the absence of any checks and balances.

Reading more like a fast-paced crime novel with one tragic suicide and one suspected murder, all the indictments were based on fabricated criminal allegations, a unanimous Supreme Court reversal, repeated Constitutional [violations](#) of withholding evidence (ie [Brady Rule](#)) as well as wrongful imprisonments - all conducted by the highest levels of the country's criminal justice system involving two US District Court Judges and the Fifth Circuit Court of Appeals.

All defendants were initially found guilty only to have their convictions reversed on appeal with one still guilty of perjury/obstruction and concluding with the politically- inspired prosecutorial promotions to increased positions of power and influence within the DOJ or the revolving door to some of the nation's million dollar law firms.

The following summaries of the three cases outlined in Powell's book do not do justice to the complexity and divergence from the Rule of Law as so effectively detailed in *Licensed to Lie*:

Enron Task Force Targets Arthur Anderson

In March, 2002 with the GW Bush Administration in office, the DOJ began their investigation into the Enron collapse by indicting Arthur Anderson, the country's leading accounting firm since 1913. The entire company of AA was indicted rather than any single individuals responsible. As the auditor representing Enron along with 2,300 other publicly traded companies, the immediate impact of the indictment forced Anderson to close its doors leaving its 85,000 worldwide employees unemployed.

One Enron witness who refused to testify and plead guilty was put in solitary confinement for months until he wilted and agreed to testify per DOJ's instructions. District Court Judge Melinda Harmon was cooperative of the government's case amending jury instructions to lessen the prosecution burden to prove their case. The jury found the company guilty with the conviction affirmed by the Fifth Circuit.

In 2005, the Supreme Court found that AA had committed no criminal conduct and unanimously reversed the conviction 9-0.

DOJ Enron Task Force Targets [Four Merrill Lynch Executives](#)

In September, 2003, four Merrill Lynch executives were indicted under an '[honest services](#)' charge for conspiring to defraud Enron of its CFO services even though no fraud was committed. Defense Council Powell could find no precedent for making the honest services claim a federal criminal offense.

The basis for the allegation was a five minute telephone conversation on December 23 regarding Enron's guarantee to Merrill that they would buy back some Nigerian barges.

The Task Force assured Defense Counsel's repeated requests that no Brady evidence existed. "Cooperative" prosecution witnesses included Enron's CFO Barry Fastow who was the criminal master-mind of multiple mega million dollar thefts as compared to the four Merrill defendants who took no money and received no benefits. Fastow served less than five years in prison.

As the jury returned a guilty verdict, District Judge Ewing Werlien denied all defense motions as the Task Force requested immediate incarceration forcing the defendants to report to prison that day. The Task Force had requested a 24 year sentence although each received 3 -4 years

Always at issue was whether the DOJ prosecutors abided by the [Brady Rule](#) which constitutionally requires the prosecution to provide the defense with all exculpatory evidence that might benefit the defense. Six years later, as one of the four defendants was still in appeals court, the Task Force accidentally revealed their withholding of evidence from Defense Council that would have exonerated the Merrill Four six years earlier.

DOJ Prosecution of Sen. Ted Stevens (R-Alaska)

In July of 2008, Sen. Ted Stevens (R-Alaska) was indicted by a federal grand jury for failure to report gifts related to a home renovation and was found guilty on October 27th. Less than a week later, Stevens, a forty year member of the US Senate, lost his re-election bid which changed the balance of power in the Senate as Barack Obama was elected President and the Democrats assumed control of the Senate.

Soon after, in a rare display of ethical and moral fortitude, an [FBI](#) whistleblower revealed that the Task Force attorneys had [withheld](#) exculpatory evidence from the Stevens defense, again violating the Brady Rule. Newly appointed Attorney General Eric Holder was forced to dismiss the charges against Stevens with District Judge Emmett Sullivan overturning the Stevens conviction and ultimately appointed a special investigator to review the DOJ's behavior. The [Schuelke Report](#) targeted mid level FBI attorneys while vindicating its top supervisors. The suggestion that the Steven's indictment was ideologically driven remains a possibility.

It remains an imponderable curiosity as to how an incestuous group-think led to these stunning levels of abuse of political power. Why would some of the highest ranking officials within the DOJ seemingly consciously destroy the Constitutional presumption of innocence; that is, that any citizen is innocent until proven guilty - even as the concept has been a political football since the 2016 election.

On Federal matters, the burden is always on the government to prove their case “beyond a reasonable doubt” and yet, the government never met that burden in all three of the cases cited above. It is as if there was deliberate intent to devastate the reputation and integrity of the country’s leading law enforcement agencies thereby destroying its ability to ever again function as a credible advocate on behalf of the Bill of Rights.

The term ‘prosecutorial misconduct’ does not adequately sum up the damage done to the thousands of lives affected in the three cases; livelihoods ruined, financial instability and physical well being destroyed due to an improper, excessive display of the politicization of justice.

What is equally astounding is that for the DOJ to have failed in all three cases with prosecutorial misconduct, the unanimous Supreme Court reversal and repudiation of the Department’s legal prowess, any one of these cases were sufficient to merit a Congressional oversight hearing including what disciplinary action had been taken.

In addition, while Powell’s book should have been a NY Times best seller, that once authoritative “newspaper of record” refused to ‘review’ the book just as the NY Post backed off a story when the DOJ refused to make comment and book distributors have been less than cooperative.

And lastly, given the multiple Brady Rule violations, Sen. Lisa Murkowski (R-Alaska) introduced the [“Fairness in Disclosure of Evidence Act of 2012”](#) which failed to attract more than four co-sponsors.

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Renee Parsons has been a member of the ACLU’s Florida State Board of Directors and president of the ACLU Treasure Coast Chapter. She has been an elected public official in Colorado, an environmental lobbyist with Friends of the Earth and staff member of the US House of Representatives in Washington DC. She can be found on Twitter @reneedove31

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