

The Triumph of Evil

By [John Kozy](#)

Global Research, September 03, 2010

3 September 2010

Region: [USA](#)

Theme: [History](#), [Law and Justice](#)

Above painting by Claudia Markovich at <http://www.claudiam.com/Paintings/DetailPages/PriceFallingThrough.htm>

Modern societies have justified their adoption of criminal activities by claiming that such techniques are necessary to combat evil. But the war against evil by the good cannot be won using evil tactics. Evil never yields goodness, and by using these evil practices, the amount of evil in the world increases both in amount and extent. Attempting to save the nation by becoming what you are trying to save the nation from is suicidal. Unless benign techniques such as those developed by primitive societies are put to use, evil will prevail. Then, paraphrasing J. Robert Oppenheimer's comment after the first atomic bomb was successfully tested, We will have become evil, the destroyer of goodness.

Some decades ago, while having dinner with a newly elected Attorney General of the State of North Carolina and the Chief Justice of that state's Supreme Court, the jurist told me that everyone involved in the legal system and enforcement had to think like criminals to catch them. He believed the statement to be straight forward and evident until I pointed out that the line between thinking like a criminal and acting like one is very fine and is easily and frequently crossed, which results in increasing the amount of evil in society rather than reducing it. Few apparently notice this consequence and the criminal-like behavior of those charged with enforcing and adjudicating the law has increased so substantially that it has become common practice.

YouTube is replete with videos of police brutality. Police have been videoed beating subdued prisoners, tasing people (even little old ladies) indiscriminately, shooting mentally challenged people they have been called upon to help, and killing people caught committing non-capital crimes who try to escape (sometimes by shooting them in the back). Investigations to determine whether those officers should be held accountable rarely result in any punishment.

People providing forensic information in trials have been shown to have falsified evidence in ways that facilitate convictions. A recent [report](#) claims that "agents of the [N.C.] State Bureau of Investigation repeatedly aided prosecutors in obtaining convictions over a 16-year period, mostly by misrepresenting blood evidence and keeping critical notes from defense attorneys . . . calling into question convictions in 230 criminal cases." Similar problems have been found with other forensic labs.

In Dallas, TX, a former prosecutor, Henry Wade, now deceased, has become infamous for having convicted a large number of innocent defendants. Dallas has had more exonerations than any other county in America; yet most requests for the retesting of DNA have been

denied by trial court judges on the recommendation of former District Attorney Bill Hill, a protégé of Wade's. Mr. Hill's prosecutors routinely opposed testing. In addition to almost complete reliance on eyewitness testimony, a review of the Dallas County DNA cases shows that 13 of the 19 wrongly convicted men were black, eight were misidentified by victims of another race, investigators, prosecutors, and many of the juries in the cases were all white, police used suggestive lineup procedures and sometimes pressured victims to pick their suspect and then cleared the case once an identification was made, prosecutors frequently went to trial with single-witness identifications and flimsy corroboration and tried to preserve shaky identifications by withholding evidence that pointed to other potential suspects, and judges routinely approved even tainted pretrial identifications. When Bill Hill, who said he was confident his assistants verified the accuracy of all eyewitness identifications was told his office prosecuted one of those exonerated, Mr. Hill said the two prosecutors on the case were incompetent holdovers from the previous administration. Terri Moore, the current DA's top assistant and a former federal prosecutor, said, "It's almost like it's the whole system. Everybody drops the ball somewhere, starting with the police investigation. And we just take the case and adopt what the police say."

Then there are those prosecutions that rely on the testimony of criminals who have been bribed to act as informants. Bribery is a criminal activity, and if a defense attorney were shown to have bribed a witness, disbarment would be the likely result; yet prosecutors commonly do it.

The preceding paragraphs limn an ugly picture, ugly indeed!

But the evil is not limited to local law enforcement. When officials realized that they can act with impunity without fear of suffering any personal consequences, the maxim, one must think like criminals to catch them, underwent subtle alterations. Now one must think like bankers to be able to regulate them. The same thing is said of stock brokers, oil men, and every other interest group. Everyone wants to be self-regulated. But self-regulation is nothing but a license to engage in criminal behavior. The whole system of governing becomes an oligarchy of old boys scratching each other's backs. Everyone knows just how well that works out.

Federal agencies, including the Supreme Court, are complicit, too. The Court violates the Constitution routinely. Remember the decision validating the incarceration of Japanese Americans during WWII? Other decisions, perhaps not quite so obvious, can easily be cited. The FBI and Homeland Security routinely violate the privacy provisions of both the Constitution and the law, and the courts have failed to intervene. The CIA has become an official version of Murder, Inc., now even advocating the assassination of Americans living abroad who have been labeled "terrorists." The agency has become the dispenser of vigilante justice, while Americans are told to never take the law into their own hands.

No one seems to realize that the war against evil by the good cannot be won using evil tactics. Evil never yields goodness, and by using these evil practices on the pretext of fighting evil, the amount of evil in the world increases both in amount and extent. Attempting to save a nation by becoming what you are trying to save the nation from is an act of national self-destruction; it is suicidal.

So how can the good be expected to fight evil?

Edmund Burke's claim, "All that is necessary for the triumph of evil is that good men do nothing," is often cited. Sounds good, doesn't it? But the claim falls into the category of notions that Michael Faraday labeled "favorite ideas," and he warned us to be leery of them. Think about it for just a minute. Are people who do nothing really good?

Anyone who has watched network television over the past decade has seen stories about people who have seen crimes taking place without ever intervening and people collapsing in the street without ever stopping to render aid. ABC News currently has a series, titled *What Would You Do?*, that stages illegal acts in public places to see how unaware bystanders respond. Many do nothing. The implication of these stories is that there's something wrong with such people.

In fact, no one knows what the ratio of good to bad people in society is. Perhaps there simply are not enough good people to make a difference no matter what they do. But even supposing, as most people do, that the good outnumber the bad, few realize how hard it is for the good to fight evil.

Good people are repelled by it; they can never employ it even with the best of intentions; they know multiple wrongs never make right. So what are they to do?

They can, of course, rail against the evil. Some like the ACLU, the Innocence Project, and others file lawsuits, others expose evil by requesting documents through the Freedom of Information act and by becoming whistleblowers. Although all of these actions are worthwhile and often result in combating specific wrongful acts, they have little effect on the systemic evil that has been incorporated into institutional behavior. Good people seem to be limited by their very goodness. Is there then no hope? Can nothing be done to prevent the triumph of evil?

Some societies have developed benign and civil ways of dealing with it. Gandhi was able to use passive resistance to expel the evil British Raj from India, but, unfortunately, the Indians were unable to use it to keep an evil local Raj from acquiring control. Nevertheless, Gandhi demonstrated that passive resistance can work.

The Norwegians during WWII redefined the surname Quisling to mean traitor and thereby vilified Vidkun Quisling who assisted Nazi Germany after it conquered Norway so that he himself could rule. The term was later used to vilify fascist political parties, military and paramilitary forces and other collaborators in occupied Allied countries. If, as some claim, America is becoming a fascist state, "Quisling" can still be used today. Recently, Stephanie Madoff, daughter-in-law of Bernard Madoff, filed court papers asking to change her and her children's last name to Morgan to avoid additional humiliation and harassment. Vilification by associating a person's name with his acts and applying it to others who act likewise is an effective, benign way of attacking evil. In an earlier piece, I suggested that those who advocate war but deliberately avoid serving themselves be called Cheyneys.

The French Resistance, during and after WWII, shaved the heads of women caught consorting with German occupiers. These "shaved-heads" exposed their shame until their hair re-grew, and even later, others rarely forgot who they were. (Some would consider forcefully shaving a person's head a battery which is illegal, but even so, it is a rather harmless battery.)

Primitive societies developed a whole range of benign ways of confronting evil, some of

which are still in use today in isolated places. Ostracism, shunning, anathema, and social rejection have been used successfully. Then there are the more modern practices of boycotting and picketing.

But modern technological advances have made even other practices available. Imaginative uses of these tried and proven methods can be very effective.

For instance, most computer literate people are familiar with denial of service attacks used by hackers. A denial of service attack is an attempt to make a computer resource unavailable to its intended users. These attacks are a great nuisance, but often cause no real damage. No good person would recommend using such attacks, but consider the following situation:

People are routinely asked to write their congressmen to influence their voting on specific issues. These letters are usually delivered to Capitol Hill, perhaps causing congressmen some annoyance, but rarely enough to induce much real change. But what if the letters, written in civil language without threats, were sent to the residences of a congressman's parents, siblings, spouse, and children? What if the letters merely asked the recipient's to urge their relatives to consider changing his/her mind? What if thousands of letters were sent to these people? The annoyance would be enormous. If this were done to enough congressmen often enough, perhaps they would consider acting in more responsible ways or perhaps leaving office altogether. Denying miscreants of the convenient use of the proceeds of their actions could be a powerful tool.

This technique can be used against corporate officers and their governing boards, judges who routinely reduce the amounts jurors award plaintiffs, the police who are shown to have acted brutally, Justices of the Supreme Court who issue rulings that cannot be justified by normal readings of the Constitution, in short, anyone acting in an official capacity who has done a great wrong. Furthermore, the U.S. Postal Service needs the money. The establishment does not expect people to act in such ways; it expects them to use the normal established channels to express their disapproval. But those established channels have long ago been shown to be ineffective.

All that is required to win the battle against evil is to find ways to make the lives of the miscreants miserable. No laws, not violence, not even punishment is needed. Annoy them, shame them, shun them, ostracize them, turn them into social outcasts, *personae non gratae*. Even if the good in society constitute only a minority, if the minority is large enough, it can succeed using such benign but annoying techniques.

The situation described above is only one of many possibilities. Imaginative people can conceive of others which can be equally effective. Think of ways of using the telephone, twitter, posters, and anything else in similar ways. The governing maxim needed is just make the miscreant's life miserable.

Unless such techniques are put to use, evil will prevail. Then, paraphrasing J. Robert Oppenheimer's comment after the first atomic bomb was successfully tested, We will have become evil, the destroyer of goodness.

John Kozy is a retired professor of philosophy and logic who writes on social, political, and economic issues. After serving in the U.S. Army during the Korean War, he spent 20 years as

a university professor and another 20 years working as a writer. He has published a textbook in formal logic commercially, in academic journals and a small number of commercial magazines, and has written a number of guest editorials for newspapers. His on-line pieces can be found on <http://www.jkozy.com/> and he can be emailed from that site's homepage.

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