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THE ELITE RULING CLASS WAR AGAINST VICTIMS

ASSURING OCCUPATIONAL SAFETY FOR VIOLENT CRIMINALS

by
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Numbers in parentheses refer to pages and notes in linked sources.

The recent shooting of a robber by a pharmacist and the pharmacist's subsequent prosecution highlights a disturbing trend of turning criminals into victims.

INTRODUCTION

Because some occupations are hazardous, risking injury and death, Congress enacted the 1970 Occupational Safety and Health Act to protect workers. While no sane person would advocate avoidable unsafe working conditions for the law-abiding, this sensible view has been grotesquely perverted into an illustration of Justice Benjamin Cardozo's famous reminder (51) of "the tendency of a principle to expand itself to the limit of its logic."

Simply put, in the view of the ruling class, violent crime should be a risk-free occupation. The elite anti-victim mentality requires not only minimization of punishment for convicted criminals but also minimization or elimination of the risk of any injury and death criminals might suffer from the very act of themselves trying to inflict injury and death on law-abiding victims. Above all, this entails judicial sabotage of the centuries-recognized right of self defense and concoction of a constitutional right for criminals to commit crimes safely, keeping them healthy enough to commit further crimes.

It is important to be very clear at the outset. Our rulers do not advocate or even approve of violent crime. They surely would prefer that there be no violent crime. But if forced to choose between the welfare of violent criminals and law-abiding individuals, they will protect the former at the expense of the latter. If assuring that a violent criminal does not get hurt in the practice of his chosen profession means that innocent individuals will be seriously injured or even murdered, that is the acceptable price of protecting criminals. Of course, elitists do not pay that price. They provide very well for their own safety. As Peter Schweizer so well put it, their precept for those they look down upon is "do as I say, not as I do."

THE RIGHT TO COMMIT VIOLENT CRIME FREE FROM VICTIM RESISTANCE

A TALE OF TWO PHARMACIES

On Father's Day, June 19, Haven Drugs in Medford, New York was robbed. Not content to steal and flee, David Laffer ruthlessly murdered four defenseless potential witnesses: the pharmacist, two customers and an employee, a 17-year-old girl looking forward to wearing her new prom dress three days later. Instead, she was buried in that dress, as a second victim was buried in the dress to be worn at her wedding.

A scant 24 days earlier, May 26, pharmacist Jerome Jay Ersland, a former Air Force lieutenant colonel, was convicted of first degree murder of a robber at Oklahoma City's Reliable Discount Pharmacy – despite testimony by two female co-workers that he had saved their lives.

A life sentence was imposed! Prosecutors argued that Ersland should have fired only one shot. His first shot may have disabled the robber. But in the heat of the moment, filled with adrenalin, heart pounding and having confronted the dire threat of being murdered himself, who could be expected to apply the calm, painstaking, time-consuming Monday-morning quarterback analysis employed by smug elitists wielding the fearsome weapon of hindsight from their well-protected luxurious homes and offices?

Unsophisticated non-elitists might think that anyone engaged in armed robbery assumes the risk that he himself might get hurt. But that is not the view of their self-presumed betters. In their world, violent crime should carry minimal risk for the perpetrator, and law-abiding individuals with the temerity to defend themselves should be punished if they get carried away by the terror he caused.

It is just no contest. In the eyes of elitists, having four defenseless innocents slain in a New York pharmacy is obviously preferable to a masked robber killed for merely doing his job during a holdup at gunpoint in an Oklahoma pharmacy.

In the elite view, it is completely irrelevant that, unlike the robbers, Ersland did not plan to harm anyone or commit a crime; and that, had there been no attempted armed robbery, he would have shot no one. He must be severely punished for the consequences of the robber's crime.

Finally, while elitists routinely run (1) to unelected judges (695) when they cannot prevail democratically, it is striking how they also routinely disregard and seek to delegitimize even the Supreme Court when it rules against them. (Consider *Bush v. Gore*, the *Citizens United* partial rejection of elite suppression of free speech and the current campaign to delegitimize in advance any ruling that might invalidate ObamaCare.) Ersland was convicted of first degree murder, for supposedly going too far in defending himself and his co-workers, just three years and one year after the Supreme Court reaffirmed (20-21) – and reaffirmed again (19-20) – the age-old right of self-defense pre-dating the original Constitution. The Court quoted (n15) the great 18th century British jurist, Sir William Blackstone:

> Citing Jewish, Greek, and Roman law, Blackstone wrote that if a person killed an attacker, "the slayer is in no kind of fault whatsoever, not even in the minutest degree; and is therefore to be totally acquitted and discharged, with commendation rather than blame."

THE "EASY BAIT" WHO HAD THE GALL TO DEFEND HIMSELF

Because Bernhard Goetz is the most famous example of elite passion to protect predators from the risk of work-related injury, his case need not be recounted in detail here. Briefly, on December 22, 1984, this gaunt and bespectacled mild-looking engineer shot four menacing teenagers attempting to rob him on a New York City subway because he looked like "easy bait." One was paralyzed. Although, at that time of rampant crime, many applauded him, the horrified elite rejected the legitimacy of his self-defense justification. After failing to secure major indictments by a first grand jury, like petulant sore losers, they went to a second one and then appealed to the top judicial rulers in the state to place him on trial not only for illegal gun possession but also for the second grand jury's additional dismissed counts of attempted murder and assault, as well as reckless endangerment. On June 16, 1987, Goetz was found guilty on the gun charge but resoundingly cleared of all 12 other counts.

Especially significant here is this. While Goetz had no criminal record, not only did all four "victims" have criminal records, three committed further crimes, even while in the spotlight with the case going on. Darrell Cabey, already awaiting trial for armed robbery for which he was later convicted, very likely would have committed additional (and even more violent) crimes had he not been paralyzed. It is unknowable how many would-be victims survived healthy and unharmed because Goetz shot Cabey. What is indisputable is that James Ramseur subsequently was convicted and given a long prison sentence for raping a pregnant 18-year-old. Had he been disabled along with Cabey, elite outrage would have been beyond hysterical. But the rape never would have happened. That's reality. Our rulers do not seek the rape of pregnant girls, but neither are they as outraged by such crimes as they are when the violent criminals they seek to protect are put out of business while working.

In sum, those shot were indeed dangerous, not innocent. This is a classic illustration of ruling class indifference to the further violent crimes perpetrated by the violent criminals they seek to protect.

The actual reality of these "victims" flies in the face of the elitist anti-gun claim that innocent people may be accidentally harmed by those trying to defend themselves. Never mind the harm to those who are barred from defending themselves, such as the Father's Day victims. If defenselessness is required in order to protect violent criminals, that's okay!! Yet, if avoiding all accidents is a valid policy basis, this would require disarming police as well as banning all automobiles and life-saving drugs that benefit most users while harming some. If perfection is the touchstone, life must stop. Elitists rarely, if ever, acknowledge the foreseeable and inevitable tragic consequences of their own imperfections.

While advocates contend (13) gun control saves lives (4-13), substantial evidence reveals that more guns lead to less crime. Simple common sense dictates that those contemplating violent assault must think twice if they know they are putting themselves at risk as well as their potential victims. Concern for their own safety is exactly why so many predators attack the elderly, weak and defenseless. Remember, Goetz was supposed to be "easy bait." Also, it is naïve to think that criminals, who neither respect nor obey the law, can be prevented from obtaining guns. Gun control keeps guns from those who obey the law but seek to defend themselves against those who don't. The only reason Goetz could be convicted of anything at all was that his application for a gun permit, after he had been attacked previously, was denied. New York permits are generally reserved for well-connected and privileged elitists opposed to ordinary people having self-protection.

Be that as it may, there have been many avoidable slaughters of unarmed innocents. To take just one recent example, in 2009, at Fort Hood, Nidal Malik Hasan murdered 13 and wounded 32 defenseless people. He did not stop until he was himself shot by a civilian police officer. A gun was absolutely necessary to stop him from massacring more. Clearly, many would have been spared had a non-law enforcement person been carrying a gun.

Incredibly, thanks to elitists, on this military base, professionals trained to use guns were barred from carrying guns! Instead, they were unarmed and defenseless.

Although, as a military man, Hasan likely ***possessed*** his gun legally, he did not ***use*** it legally. Lawful use of a second gun was still indispensable to stop his criminal use of the first. A demented criminal's use of a lawfully possessed gun does not negate the legitimacy of gun possession by the law-abiding for self-defense. Driver's licenses are not taken from everyone because a few abuse them. Also, lawful gun possession obviously should be restricted to those who show competence, sanity and lack of a criminal record. Finally, it graphically illustrates elitist sophistry to try to take political advantage of the massacre by arguing that, because a clearly sick man was irresponsibly allowed to have gun, this justified prohibiting his sane and law-abiding victims from having guns to save their own lives.

THE FEARFUL FOOTBALL SUPERSTAR

In November, 2008, Plaxico Burress was arrested after accidentally shooting himself with a gun illegal to carry under New York law. On his behalf, it was said he feared being attacked and no one else was injured. That did not mollify an apoplectic Mayor Bloomberg, who demanded that the book be thrown at Burress to make an example of a celebrity.

Despite the fact that really dangerous individuals have received no prison sentences at all for gun possession in New York, Burress accepted a two-year sentence in August 2009. It is a testament to the utter incoherence and unpredictability (7) of a legal system that purports to be based on the rule of law that this was one year after the Supreme Court declared the District of Columbia gun law unconstitutional. Burress and his high-priced lawyer were apparently afraid to risk whether the Court would apply this ruling to the states, as it actually did while he was still in prison, nine months after he started serving his sentence.

So the billionaire mayor got his way. After all, he argued, the gun was illegal in New York and someone else ***might*** have been injured or even killed. It makes no difference to crusading elitists that, in this country, people are supposed to be penalized for what they actually have done, not for what they might have done. For example, if, no thanks to his assailant, a victim (e.g., President Reagan) survives an attempt on his life, the criminal can only be charged with

attempted rather than actual murder, even though the latter was his intent.

Justice White once pointed out: "someone who drove his car recklessly through a stoplight and unintentionally killed a pedestrian merits significantly more punishment than someone who drove his car recklessly through the same stoplight at a time when no pedestrian was there to be hit." People who recklessly drive but cause no injury are not prosecuted for vehicular homicide that might have occurred but did not.

An egregious ruling class perversion of Justice White's point is Orville Lee Wollard, sentenced to 20 years in a Florida prison for firing his lawfully owned gun one time in the direction of his daughter's boyfriend, Austin O'Hara. There was some dispute over whether the latter had been violent toward the girl and why Wollard fired the shot. Undisputed is that he had no criminal record and did not injure anyone. He hit the wall with what he said was a warning shot. The prosecutor's intent-to-kill claim begs the question why Wollard did not fire more than once to achieve that alleged intent. (Although Ersland's prosecutors argued he should have stopped after firing one shot, Wollard was given no credit at all for doing just that.) In addition, Wollard was not allowed to introduce evidence to establish that he had a legitimate fear of O'Hara and that O'Hara had a criminal record.

A major factor ignored by elitists in the Burress case was whether concern about crime is a valid basis for a law-abiding person to have a gun for self-defense. There was a very good reason for Burress to be armed. A year earlier, on November 26, 2007, a fellow football star, Sean Taylor, was murdered in his own home, setting off a wave of fear among professional athletes. Nor was it the first serious attack – or the last!

A mere few days before the Burress incident, a teammate suffered the terrifying experience of being robbed at gunpoint. To repeat, do people with a legitimate fear of attack have a right to protect themselves, or is it better that that, if attacked, they be defenseless and possibly permanently disabled or dead?

Of course, it is no surprise that safe and secure ivory tower ruling class types have difficulty comprehending why people might live in fear. In 1983, elitists decided to spend $1.8 million studying the causes of the fear of crime, to which an "astounded" common sense non-elitist responded that, obviously, "the fear of crime is caused by crime." This can mystify only an ivory tower occupant.

Well, if in the view of elitists, ordinary people must not be allowed to defend themselves, what about the police charged with protecting them?

RIGHTS TO COMMIT NEW CRIMES

In the elite universe, not only must victims be mindful of their attackers' well-being, the police must also be careful to provide proper job safety to violent criminals even at the cost of enabling them to victimize more defenseless innocents. Allowing felons to escape crime scenes unharmed is far more important than protecting law-abiding persons from future crimes they are likely to commit, including murders.

THE CONSTITUTIONAL RIGHT TO GET AWAY FROM A CRIME UNHARMED

At night, on October 3, 1974, having determined a burglary took place, a police officer ordered fleeing Edward Garner to halt. When he did not, he was shot and killed under Tennessee law authorizing deadly force to prevent the escape of a suspected felon disregarding a police order to halt. In 1985, six U.S. Supreme Court justices declared unconstitutional any law permitting police to use deadly force to prevent the escape of an "***apparently*** unarmed suspected felon." When the police know that a burglary has taken place but do not know whether anyone inside has been harmed or whether the burglar is armed, they must ***presume*** he is unarmed and let him get away, possibly to commit more crimes. Three justices dissented, emphasizing the "difficult, split-second decisions … officers must make" and complaining that, in inviting "second-guessing" of such decisions, the Court had created a "***constitutional right to flight*** for burglary suspects seeking to avoid capture at the scene of the crime." Furthermore: "The clarity of hindsight cannot provide the standard for judging the reasonableness of police decisions made in uncertain and often dangerous circumstances."

As demonstrated by the Ersland case above and the McCummings case below, "the clarity of hindsight" is all too often and tragically the ruling class standard.

For the elitist judicial majority, the safety of the fleeing felon was paramount, and any possible harm to his future victims of secondary importance. (Sometimes, future victims are the past victims, when the criminal returns to the scene of the crime because he sees it as an easy target of opportunity or to kill potential witnesses, who must endure unending fear of this.)

In reality, no burglary can be merely presumed non-violent; millions are not. The Sean Taylor murder resulted when burglars unexpectedly found him home. Again, again (2) and again, murders result when, unexpectedly, residents are either home or return home. Predictably, as with many murderers who commit crimes armed with lethal weapons, the burglar may argue that he never intended (1263) to kill anyone; it was not his fault that the victims assumed they could return to their own home while he was peacefully at work.

THE RIGHT TO PUNISH TAXPAYERS FOR INJURIES SUSTAINED DUE TO BEATING AND ROBBING AN OLD MAN

Whereas the Garner case involved fleeing criminals who were ***possibly*** non-violent, judicial rulers on the New York State's highest court went a step further, providing job safety for clearly violent criminals.

On June 28, 1984, muggers, including Bernard McCummings, assaulted 72-year-old Jerome Sandusky. Responding to cries for help, police officers caused the muggers to stop beating Sandusky, preventing a possible murder. Attempting to flee, McCummings was shot and paralyzed.

Having had a criminal record prior to the Sandusky attack, there can be little doubt that had this career criminal successfully escaped, he would have continued to attack – and possibly murder – easily targeted weak victims. One would think the police merited praise both for halting a crime before more harm was done and preventing future violent crimes.

One would think wrong.

McCummings sued the New York City Transit Authority, alleging police had negligently injured him while fleeing. A 4-2 majority of New York State's highest court upheld a jury award of $ 4.3 million plus interest. After the U.S. Supreme Court ended the case by refusing to hear an appeal, an "infuriated" Sandusky, by then 80, complained that he had received no payment at all, even for clothes torn and glasses broken during the "attempted murder."

Certain facts are indisputable. First, "Sandusky suffered serious bodily harm." Second, McCummings pled guilty and served a 32-month sentence for this violent crime. Third, he was shot while attempting to escape after being ordered to halt. Fourth, this case outdid the Garner case, which involved an "apparently" non-violent burglary. By contrast, there was absolutely no doubt that the McCummings crime was violent. Fifth, in the Garner case, the justices at least purported to rely on the Constitution in making up a right to escape. The best justification the New York judges could come up with was the common law of negligence. However, although democratically enacted statutes supersede judge-made common law, the elite majority disregarded New York's explicit statute providing that, as described by a dissenter, "the use of deadly force to apprehend a criminal … escap[ing] from a violent felony is unquestionably lawful and reasonable."

Moreover, it is beyond passing strange that, in professing to rely on judge-made law, these judges disregarded the ancient judicial doctrine of ***unclean hands***. Courts will not help a wrongdoer complaining about another's wrongdoing. Justice Brandeis stated that it "has long been settled … that a court will not redress a wrong when he who invokes its aid has unclean hands. The maxim … comes from courts of equity… [b]ut … prevails also in courts of law**.**" According to Blackstone: "if a man be doing any thing *unlawful*, … being guilty of one offence … in itself unlawful, he is criminally guilty of whatever consequence may follow …."

Again, to all but our rulers, this is simply elementary common sense. (This applies with equal force to the elite decision to crucify Oklahoma pharmacist Jerome Ersland. Clearly, had there been no attempted robbery, the robber would never have been shot.)

There can be little doubt that this case was an exercise by judicial elitists predisposed to protect violent criminals at the expense of innocent victims. Nine years earlier, this same court had previously created a ***constitutional right*** for the most violent criminals ***to commit new violent crimes without punishment, including murder***. By banning the democratically enacted death penalty, the court rendered further punishment unavailable for crimes of those

already serving life sentences exactly because they were the most violent. Contrary to the view of Margaret Thatcher, these ruling class judges comforted previously convicted cold-blooded murderers with the assurance that they could take additional lives without fear that the state would take theirs.

Unfortunately, most people are not aware of the immortal words of already convicted murderer Lemuel Smith, who the Court ruled should receive no punishment for the additional torture murder of a female prison guard. Smith boasted in open court: "I got so much time they can't do nothing to me. ***Think about it***. If I wanted some sex, I could rape, I could sodomize. They can't do nothing to me!"

In fairness to New York's judicial elitists, it must be pointed out that superior elitists on the U.S. Supreme Court also concocted a constitutional right for the most violent to commit additional violent crime without punishment. And the Supreme Court even has advanced (28), as a ground for reduced punishment, the fact that a particular crime is committed by a large number of miscreants; a punishment acceptable for a smaller number becomes unacceptable if the same crime is committed by a larger number. In other words, if the number committing a particular barbaric crime rises, in elitist eyes, this is a reason for a lesser rather than harsher penalty.

THE CONSTITUTIONAL RIGHT TO CONDUCT STREET GANG ACTIVITY UNDISTURBED BY POLICE

Although they would no doubt disagree with this characterization, in 1999, six ruling class Supreme Court elitists issued a fiat to facilitate gang activity by improving the working conditions of gang members who terrorized their neighbors. Justice Thomas, often slanderously accused of abandoning his own race and callousness toward the poor, delivered an eloquent, powerful and devastating critique (1, 18) of ruling class insensitivity and hypocrisy. It is worth quoting at some length and needs no elaboration:

> The human costs exacted by criminal street gangs are inestimable. In many … cities, gangs have "… contribut[ed] to the economic and social decline … causing fear and lifestyle changes among law-abiding residents." … [T]he Chicago City Council enacted the [invalidated] ordinance … to prevent gangs from establishing dominion over the public streets….
>
> Today, the Court focuses extensively on the "rights" of gang members …. It can safely do so–***the people who will have to live with the consequences of today's opinion do not live in our neighborhoods***. Rather, the people who will suffer from our lofty pronouncements … have seen their neighborhoods literally destroyed by gangs and violence and drugs. They are good, decent people who must struggle to overcome their desperate situation, against all odds…. As one resident described, "There is only about maybe one or two percent of the people in the city causing these problems maybe, but it's keeping 98 percent of us in our houses and off the streets and afraid to shop." …. By focusing exclusively on the imagined "rights" of the two percent, the Court today has denied our most vulnerable citizens the very thing that Justice Stevens … elevates above all else–the "freedom of movement." And that is a shame.

THE DUBIOUS FAITH-IN-THE-SYSTEM PREMISE

One of the clichéd reasons for the relentless prosecutions of Jerome Ersland, Bernhard Goetz, Plaxico Burress and many others is that "we just cannot have people taking the law into their own hands." After all, "this is not the Wild West." We have a functioning law enforcement system and must "leave matters to the professionals."

Pontifications by elitists against self defense by their inferiors are based on one simple premise: "trust us"!! Have faith in the law enforcement, legal and "justice" systems. But is this faith warranted?

First, even a well-intentioned system acting in good faith to protect the public obviously cannot be everywhere. For example, by the time a police officer arrived to end the Fort Hood shooting rampage, Nidal Malik Hasan had murdered 13 and wounded 32. How many would have

been saved had there been present an armed victim to "take the law into his or her own hands"?

Second and more importantly, elitists have little trouble doing their best to tie the hands of the very professionals in whom they implore the public to have faith. "'You put your belief in the justice system ... but it didn't work,' said Janna McMahan, who waited 35 years for Ronald Chambers, her brother's killer, to be executed before he died of natural causes last year." That's not a misprint! McMahan spent the prime of her life, from age 17 to age 52, being tortured by the legal system on behalf of a convicted murderer.

In light of condescending lectures on the obligation of the law-abiding to meekly have faith in the system, it is appropriate to summarize a few of its key features.

FAITH IN THIS?

Consider that the authoritarian de facto masters of this ostensibly free democratic society:

- Boast about well over one million violent crimes annually as an achievement. (More on this below.)
- Torture already victimized murder victim loved ones by dragging out cases for nearly four decades in order to save utterly barbaric murderers about whose guilt there is absolutely no doubt.
- Do all they can to subvert the widely-held view, as expressed by Margaret Thatcher, that people "prepared to take the lives of other people forfeit their own right to live. ...no-one should go out certain that no matter how cruel, how vicious, how hideous their murder, they themselves will not suffer the death penalty."
- Punish law-abiding people for ***trying*** to be prepared to defend themselves against violent crime they legitimately fear.
- Hound and severely punish law-abiding people who ***actually*** defend themselves against ***actual*** violent crimes that threaten their very lives.
- Indifferent to the inevitable yet avoidable suffering of new victims, create a constitutional right for felons to safely escape the scenes of their violent crimes, enabling them to commit further violence.
- Force the taxpayers to pay millions of dollars to criminals for injuries sustained while trying to flee violent crimes for which they were later convicted.
- Undermine the rule of law, a linchpin of the legal system, by constantly changing (29; n313) law so that existing law cannot be relied upon with confidence, reaching the point that a death penalty law constitutional one year is magically unconstitutional the following year – without an amendment as explicitly required by Article V.
- Generally, obsess (39) over "fairness," due process and endless "rights" for violent criminals long after guilt has been admitted or conclusively proven, while showing no such concerns (5) for law-abiding victims.
- In particular, order the premature release of thousands of convicted prisoners, despite the near 100% certainty (13) that this will condemn (14-17) unknown innocent people to robbery, rape and murder – without trial, multiple endless appeals or due process any kind whatsoever.
- Facilitate the terrorizing of minority communities by creating a constitutional right to engage in gang activity undisturbed by police.
- Include Supreme Court justices who repeatedly express compassion and concern for the most brutal torture-murderers, openly proclaiming that their executions make them cry and feel excruciation – with no such expressions of emotion regarding the fate of past and future victims.
- Invent a constitutional right especially for criminals convicted of the most violent, depraved and barbaric acts to commit more such acts immune from punishment – *precisely because* these individuals are the most violent, depraved and barbaric among us.
- Include a near majority of the Supreme Court so arrogant and so contemptuous of self-government and of the American people that, on behalf of indisputably guilty barbaric rapist-murderers, they use statements they know to be false.

Both frightening and incredible, the last point requires some elaboration. (More detail here.)

JUDICIAL CONTEMPT FOR THE AMERICAN PEOPLE AND SELF-GOVERNMENT

In a recent extremely gruesome case, four Supreme Court justices proclaimed

themselves disposed to implement, as if actual law, any proposed legislation that suits their fancy – even if offered by but one legislator, one percent of the Senate or 0**.**19% of the entire membership of Congress. Taking judicial arrogance to new heights, Justices Breyer, Ginsburg, Sotomayor and Kagan advocated a stay of the execution of Humberto Leal Garcia on this basis – revealing themselves to be so desperate to save barbaric murderers that they sought to apply un-enacted legislation introduced by one senator with not a single cosponsor and by no representative at all. They based this on a claim they had to know was flatly false: that enactment was a "reasonable possibility."

Justices opposed to capital punishment, which has overwhelming public support, seek to sabotage it at every chance. Opponents routinely resort to absolutely anything to delay executions until the murderer dies a natural death. There is no argument or ruse too preposterous (47) for them to try. Here, the dissenters sought to grant "alien" murderers a right not possessed by citizen murderers: to call their "native" country's consulate even if, like citizens, they were raised and educated in the United States.

It is, of course, nothing new for critics, including justices themselves, to accuse the court of rewriting law, twisting and torturing it beyond recognition. But, until now, there was at least a pretense of making decisions based on actual law. Resort to such pretense is bad enough!

Now, however, the United States is but one justice away from a majority so incapable of embarrassment as to see no need even to resort to this pretense in usurping the democratic process. We are perilously close to five imperial justices so hell bent on ramming their unpopular values down the throats of an unwilling public that, knowingly relying on a false statement, they will enforce what they concede is phantom law – in this case, for the benefit of a barbarian who murdered a 16-year-old girl whose skull he crushed and who he raped with a stick left protruding from her insides.

Really! Can there be any conclusion other than that such justices have nothing but contempt for the rule of law, contempt for the legislative process, contempt for the Constitution that clearly specifies that process, contempt for self-government and, ultimately, contempt for the American people?

And should the people have anything but reciprocal contempt for them and the legal system they have rendered so grotesquely dysfunctional? (It should not be assumed (35) that Supreme Court use of arguably false statements to save murderers is unprecedented. What is new here is both that there can be no conceivable dispute as to the use of falsity and the eagerness to use phantom law.)

With the United States Supreme Court on the verge of having a majority of justices prepared to openly use false statements and never enacted laws to save barbaric murderers, is this a time for lectures on the need to accept on faith that the system can or will protect the law-abiding public?

Because ruling elitists would likely respond that there has been a crime decrease, it is essential to place the

CRIME DECLINE IN PERSPECTIVE

For a decade, it has been fashionable to celebrate or at least explain a decline in crime. At the risk of being the skunk at the garden party, it is important to provide some perspective.

Is it cause for celebration that, in 2010, there were 1,246,248 ***reported*** violent crimes, including 14,748 murders, 84,767 forcible rapes 367,832 robberies and 778,901 aggravated assaults? By definition, these figures do not include unreported violent crimes.

On September 19, the FBI announced that violent crimes "declined for the fourth consecutive year." Yet the upshot of that decline was that, in 2010: "Every 25.3 seconds a violent crime was committed. A murder occurred every 35.6 minutes, a forcible rape every 6.2 minutes, a robbery every 1.4 minutes, and an aggravated assault every 40.5 seconds." Moreover, "a property crime offense was committed every 3.5 seconds. A burglary offense occurred every 14.6 seconds, a larceny-theft every 5.1 seconds, and a motor vehicle theft every 42.8 seconds."

If an extremely bad situation becomes merely very bad, it surely does not follow that the "merely very bad" should be rechristened "very good" or "good." Consider this. According to the FBI, there were 288,460 violent crimes in 1960, a peak of 1,932,274 violent crimes in 1992 and

1,246,248 in 2010. Yes, if the absolutely worst year is chosen as a basis of comparison, then anything that is not absolutely the worst will, of course, seem like an improvement. But crime is now ***still*** far worse if compared to a year pre-dating the elitist war against victims.

The population was 179,323,175 in 1960 and 308,745,538 in 2010, an increase of 72.17%. By contrast, comparing 2010 to 1960, the violent crime increase was 332.03%. In other words, between 1960 and 2010, the population increased by 72% but violent crime increased by 332%.

In sum, the percentage increase in violent crime continues to be far greater than the percentage increase in population. Clearly, we are a long way from a really low level of crime. And 2011 may mark a different story. New York was described as "Dodge City redux" over the Labor Day weekend; Mayor Bloomberg has warned of "riots in the streets."

It can be of little comfort to the traumatized families and friends left behind by the Medford Pharmacy murders that their loved ones were among about 15,000 or 16,000 murder victims for the year rather than 20,000 or 24.000. Is Dr. William A. Petit supposed to feel less pain because his robbed, raped, tortured and murdered wife and daughters were among 17,128 murder victims in 2007 rather than the 24,703 in 1991?

Do elitists believe that 15,000 murders is an "acceptable" number? That is more than five times the 9/11 victims and 89 times the Oklahoma City bombing toll.

CONCLUSION

Yes, compared to the absolutely worst years, there has been a decline in crime. Nevertheless, every day there are barbaric murders, many by recidivists, raising these questions:

- Is there a sufficient basis – or indeed any basis – for such confidence in the criminal justice system that it should be tolerable for law-abiding people to be crucified for acting to defend themselves and for police to be discouraged from apprehending criminals fleeing their violent crimes?
- In particular, is there a basis for confidence in a system run by duplicitous judges and legislators who pretend to be "tough on crime," while surreptitiously protecting criminals from the foreseeable consequences of their violent crimes?
- Is it tolerable to have a court-created occupational safety program for violent criminals, keeping them fit to continue their chosen career? And should violent criminals assume or be protected from the risk of getting hurt in the course of trying to injure, disable and/or murder their victims?

To most non-elitist ordinary people, the answers would seem so obvious as to make these questions seem frivolous. That this does not apply to the ruling elite is a call to heed Benjamin Franklin's admonition at the conclusion of the Constitutional Convention. The Framers, he famously observed, had created a republic – "if you can keep it." He meant that the people would be governed by representatives elected by and answerable to them.

Franklin's challenge, to keep this country a republic, is now greater and more ominous than ever. That the current legal system is so grossly out of touch with prevailing values is one more reason why the law-abiding and decent people of this country must rise up and use, while they still exist, the political tools bequeathed by the Framers, to seize back control of their own lives from their supercilious autocratic anti-victim masters.

Lester Jackson, a former college teacher with a Political Science Ph.D., has written a number of articles showing how the media has enabled the Supreme Court to undermine the death penalty. He views mainstream media misrepresentation and suppression of the truth as essential to harmful judicial activism. His last two articles are here and here.
