



EJF Newsletter — Systemic Destruction of Public Safety by the Justice System

[Charles E. Corry, Ph.D., F.G.S.A.](#)
President, [Equal Justice Foundation](#)
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Prologue

Most have had the experience of doing something and then finding the results were far different, and often disastrous, from what was intended.

The same thing happens with public safety efforts by the State.

Visualize a system that causes crimes and often invents them; inspires and encourages false allegations that too often suffice as “*proof*,” ignores perjury and allows hearsay evidence; incarcerates citizens with no charges against them or for debts they don’t owe; throws men out of their homes with just the clothes on their back without notice or warrant; controls the most intimate details of their lives; takes their children from them; keeps them jailed indefinitely; and then repeatedly rearrests them after they are finally released.

A system that classifies all men as guilty simply on the basis of their sex; tortures, and often kills them with little or no justification, and certainly without a jury trial; an American version of *la ley de fugas*.

Consider a country that has endless imperial wars but treats the wounded and maimed veterans of its military adventures as criminals; despises them as “*trained killers*,” and officially designates them as “*domestic terrorists*.”

Unfortunately, this is a fair summary of what is being done today under the guise of a “*justice*” system funded at public expense supposedly to provide public safety. **How** this is being done is summarized the following essay. Known reasons for **why** are examined as well and a few simple methods of redress are proposed.

Introduction

The United States purportedly functions under the rule of law but there is an old saw about too much of a good thing being harmful and counterproductive. In America today that applies to the multitude of laws, regulations, codes, and ordinances that burden us. [Thomas Brackett Reed](#) spelled out the problem quite clearly when he stated: “*One of the greatest delusions in the world is the hope that the evils in this world can be cured by legislation.*”

The effects are cumulative but not unforeseen by the Founding Fathers. In [Federalist No. 62](#) published February 27, 1788, James Madison made the following point that has since been completely ignored, to the great peril of our nation:

“...It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow...”

We have reached that point today, to our great misfortune!

Definitions

To save misunderstanding let me first define the primary terms. And keep in mind as you read this essay that **the United States has far-and-away the largest prison population of any country on earth.**

Public safety

Public safety refers to the welfare and protection of the general public and is regarded as a governmental responsibility. The primary goal is prevention and protection of the public from dangers affecting general safety. For example, fire and floods, traffic, crowd control, disease, and other emergency services.

The government is also obligated to preserve and peacefully settle disputes among citizens whenever possible. As citizens in a free country are presumed to be innocent until proven guilty, intercession by peace officers to amicably settle disputes among citizens must be used whenever possible and feasible.

Note that for public safety in a free society, arrest and incarceration must be a last resort when other methods have failed. Arrest and jail are the first acts of tyrants and are far, far too commonly used today.

It is also of note that the U.S. Supreme Court has consistently ruled that federal and state agencies are **not** responsible for the safety of individuals, e.g., see [Castle Rock v. Gonzales](#).

Overwatch of public safety is the responsibility of the legislative bodies at the national, state, and local level.

Justice system

The justice system is a separate branch of government. But in the broadest sense it is composed of local, state, and federal agencies responsible for ensuring public safety as directed by legislative bodies operating under and limited by a Constitutional umbrella in a republic.

As used here the justice system includes, but is not limited to sheriff, police, emergency medical services, fire departments, parole and probation officers, prison guards, youth corrections officers, psychiatrists, psychologists, any “expert” witness, as well as the court’s judicial officers, court reporters, investigators, guardians ad litem (GALs), child protective services, etc. in the federal, state, county, municipal, and in other defined districts, e. g., national parks, fire districts, of government.

Unfortunately, as do most government organizations, these agencies generally operate in a [stovepipe fashion](#) so that there is often very little or no cooperation, coordination, or communication between these various government bodies. Police officers count arrests, victim advocates the number of “victims” they help, judges deal with docket management, prosecutors the number of convictions they get, and so on. Much of this is essential in order to preserve any semblance of judicial independence and integrity.

But I see little evidence that anyone in the justice system is concerned about whether their actions and the laws they work under actually fix the problems they supposedly address; demonstrate that public safety is increased thereby; or whether public safety is even maintained by the individual actions of the agencies involved.

Civil vs criminal law

Civil law and criminal law are two broad and separate entities of law with separate sets of laws and punishments. According to William Geldart in [Introduction to English Law](#):

“The difference between civil law and criminal law turns on the difference between two different objects which law seeks to pursue — redress or punishment. The object of civil law is the redress of wrongs by compelling compensation or restitution: the wrongdoer is not punished; he only suffers so much harm as is necessary to make good the wrong he has done. The person who has suffered gets a definite benefit from the

law, or at least he avoids a loss. On the other hand, in the case of crimes, the main object of the law is to punish the wrongdoer; to give him and others a strong inducement not to commit same or similar crimes, to reform him if possible and perhaps to satisfy the public sense that wrongdoing ought to meet with retribution.”

Examples of criminal law include cases of burglary, assault, and murder. Examples where civil law might apply instead include cases of negligence, malpractice, or breach of contract.

Criminal law

It seems intuitively obvious that if citizens are to obey the law then criminal laws must be written simply, clearly, and of limited length so that they may reasonably be read and understood. The [Ten Commandments](#) are but one imperfect example. On a broader scale the [Uniform Code of Military Justice](#) might serve as an example of a criminal code that is reasonably comprehensive and understandable.

Also, if we are to assume as a basic right, and as a matter of law that a citizen is innocent of a crime until proven guilty by a jury of their peers ([see Coffin vs United States, 1895](#)), then we must clearly distinguish between those acts that are criminal, i.e., purposefully, deliberately, recklessly, and intentionally cause harm to persons or property ([actus reus](#)), and those acts which do not deliberately cause such harm to others ([mens rea](#)). Justice Holmes famously illustrated the distinction when he said “*even a dog knows the difference between being stumbled over and being kicked.*”

There must also be limitations on what constitutes a criminal act. For example, an accident may not be considered a crime even though it causes harm. Under English law the concepts of [mens rea](#) and [actus reus](#) have for centuries been used to distinguish between a criminal act and actions beyond the rational control of the individual and; thus, not a crime.

So please put your religion, ideology, prejudices, emotions, and feelings aside and consider the logic in the following.

That which is seen, that which is unseen

In July 1850 French economist Frederic Bastiat published an [insightful essay](#) describing the obvious effects of government actions versus the unseen impacts on the citizenry and economy. We are dealing with the same problems today on a much larger scale.

The United States has numerous grandiose courts, legions of judges, armies of prosecutors, myriad attorneys, innumerable jails and prisons dotting the landscape, countless hangers on, and no end of bodies passing laws, codes, and regulations. **That is what is seen.**

What is unseen is the impact on the citizenry and economy, the subject of this essay.

Morphing civil into criminal law

Civil law works fine in most cases for contracts or accidental damages. What is unseen is that civil law has broken down with regard to [family law](#) in recent decades. Also unseen is the puritanism that brought English settlers to New England still plays a powerful role in American politics and law.

From the outset [Puritans](#) regarded themselves as a chosen people and that any who challenge them are opposing god’s will as they interpret it. Those who questioned their beliefs were persecuted and driven from their colonies. There is no separation of church and state in their theocracy.

Puritans, and their modern equivalent in what is termed the “*religious right*,” among other terms, are opposed to leisure. Arts and joy and laughter are thought sinful. To enforce their beliefs they routinely pass civil

laws with criminal penalties to micromanage human behavior. Those power and control issues continue into our world today. [Blue laws](#), drinking alcohol, drug laws, cursing, and any other human behavior or religious belief or ideology the self righteous object to are made criminal acts. Little or no consideration is given to public safety in these laws as that is not their purpose. Rather, as will be shown, in many cases these laws destroy public safety. As [Prof. Ricky Pittman](#) puts it:

“Existing Sunday Blue Laws are a hangover from those Puritan days. So is our government’s and society’s compulsion to create laws **against** everything. The mountain of laws we create in our effort to legislate morality is a control and power issue as well as a tax/fund-raising strategy. The ideas we promote of inflicting humiliation and increasingly more severe punishments are straight out of this dark Puritan mindset. Such thinking is just an excuse to justify cruelty against our fellow human beings. While we may not want a theocracy like the Puritans did, the Big Sister-ocracy of Big Government many want is just as bad a replacement. (Please read Orwell’s novel, [1984](#) if you haven’t.) Such a mindset was repulsive and ineffective then, and it will be today as well.”

Today there is very little distinction left between civil and criminal law. In fact, it may be an advantage for an individual to be charged with a crime rather than misbehavior under these Puritanical statutes.

In addition, to our great misfortune, feminists have built, largely unseen, on this puritan base and combined their ideology with socialist/communist dogma in their attempt to destroy what they refer to as the “*patriarchy*.” In the process they have not only conflated civil with criminal law, but have gone a long way toward destroying boys, families, and marriage.

In the following essay I attempt to outline some of today’s problems with excessive laws and social legislation, and conclude with some suggestions as to how public safety might once again become the principal objective of our justice system short of a societal collapse.

Consequences

Obviously the penalties for committing a crime should be harsh enough to deter people from breaking the law, or repeating the offense. However, what is largely unseen is that today virtually everything is defined as, or punished as a crime! But the justice system continues to insist that “*ignorance of the law is no excuse*” even though it is now impossible to even know all the laws, codes, and regulations extant in the United States. Worse, in many cases the laws endanger the people they are presumably intended to protect. I’ve [documented this for protection orders](#) where the petitioner frequently ends up dead soon after obtaining a “*protection*” order.

The consequences of an arrest and criminal conviction are devastating. Many would say they should be! I cannot disagree for heinous crimes, but under current laws most criminal convictions for any except the most petty crimes carry all or most of the collateral penalties shown in Table 1. These social penalties are usually for life and are imposed in addition to, and too often in lieu of any sentence handed down by the court.

A plague of federal crimes

At the federal level Harvey Silverglate notes in his 2011 book [Three Felonies A Day: How The Feds Target The Innocent](#):

“The average professional in this country wakes up in the morning, goes to work, comes home, eats dinner, and then goes to sleep, unaware that he or she has likely committed several federal crimes that day. Why? The answer lies in the very nature of modern federal criminal laws, which have exploded in number but also become impossibly broad and vague...federal criminal laws have become dangerously disconnected from the English common law tradition and how prosecutors can pin arguable federal crimes on any one of us, for even the most seemingly innocuous behavior. The volume of federal crimes in recent decades has

Table 1: Tabulation of known collateral social penalties for many criminal convictions

• Barred from holding many jobs	• Denied or lose their security clearance
• Unable to rent an apartment	• Forbidden from obtaining school loans
• Unable to hold any professional licenses	• Unable to get or hold a teaching certificate
• Denied work involving hazmat or explosives	• Unable to become police officers or firefighters
• Denied a drivers license of any kind	• Unable to obtain medical insurance
• Denied credit or a financial bond	• Have their children taken from them
• Subjected to federal felony charges if they are even around a weapon or ammunition	
• Discharged from the military under less than honorable conditions, often losing all benefits, retirement, bonuses, medical care, and they may even have to repay reenlistment bonuses	
Note that these penalties are in addition to, and independent of any penalties, fines, or imprisonment imposed by the courts, and they are for life.	

increased well beyond the statute books and into the morass of the Code of Federal Regulations, handing federal prosecutors an additional trove of vague and exceedingly complex and technical prohibitions to stick on their hapless targets. The dangers spelled out...do not apply solely to white collar criminals, state and local politicians, and professionals. No social class or profession is safe from this troubling form of social control by the executive branch, and nothing less than the integrity of our constitutional democracy hangs in the balance.”

No one seems to even know what or how many acts constitute a federal crime, or even how many there are. Estimates suggest at least 5,500, but federal agents and prosecutors stretch even those in their zeal. Worse, from the standpoint of freedom, many federal “*crimes*” are embedded deep within byzantine regulations invented by bureaucrats with little or no connection to Congress. And conviction of a federal “*crime*” is sure to invoke all the penalties noted in Table 1.

Can we claim to be a free nation under such innumerable and often draconian laws?

The scourge of state and local laws

Federal crimes and regulations are but the tip of the iceberg. Each state, county, municipality, and even districts have their own justice systems with ever-increasing and changing bodies of law and divergent methods of enforcement.

For example, the Colorado legislature alone passes approximately 400 new laws each year and is but one of fifty states. In addition Colorado has 64 counties, at least 45 cities, 22 judicial districts, innumerable small towns and municipalities, and an undetermined number of fire, water, sewage, school, and other districts; all with powers of taxation and enforcement. And each new law may engender multiple regulations with often sporadic and seemingly random enforcement.

Even a petty crime like dog at large can result in many of the draconian penalties listed in Table 1. And estimates suggest as many as one-third of all adult Americans have criminal records. As it is widely known that men are arrested far more frequently than women, the percentage of adult males is considerably higher. As best I can estimate at least 40% of all adult males have a criminal history. For black males estimates range as high as 90% have a criminal history. In Colorado ~1.5 million residents (36%) of an adult population of 4.2 million have criminal records, hardly sterling examples for a nation that bills itself as “*The Land of the Free*.”

Examples of laws with unseen consequences

In each of the following examples there is an introduction to the problem followed by one or more examples of why current laws destroy public safety. In most cases some ideas of how public safety might be better ensured is included in the Discussion.

Obviously many more examples of this problem can be found but this essay is already too lengthy.

Drivers licenses

Individuals are generally required to pass a driving test, eye examination, and written examination in order to obtain a license to drive on roads and highways within the United States. The purported purpose is to establish the driver has the vision and skills needed to safely operate the vehicles they propose to drive, and have a basic understanding of the governing traffic laws.

For a variety of reasons and offenses the State may revoke an individual's drivers license, making it illegal for them to drive. However, estimates suggest upwards of 70% of people who have lost their drivers license continue to drive; often out of necessity to get to and from work, to buy groceries, medical treatment, or even to get to court. Thus, simply revoking one's drivers license has proven to do little to provide public safety.

Another problem arises in that the common method of enforcing traffic laws is to have officers hand out tickets for the various, and ever growing list of traffic offenses. Unfortunately, many communities have come to regard the use the fines associated with traffic tickets as a principal source of income. Thus, law enforcement is encouraged with no concern for the issue of public safety, only the income it generates, e.g., "*speed traps*."

Drunk driving

A common reason for revoking a drivers license is drunk driving, an issue of great concern for public safety. But, as economist Jeffrey Tucker has noted: "*Laws against drunk driving have vastly expanded police power and done nothing to stop drunk driving.*"

Clearly revoking one's drivers license is a failed approach to solving this problem and has destroyed many civil liberties in the process.

However, as usual, failure has not deterred legislatures from pushing for ever more severe penalties and stringent enforcement, e.g., making repeat offenses a felony and lowering the permissible blood alcohol content when driving to 0.05 grams of ethanol in 100 milliliters of blood or 210 milliliters of breath. One might confidently predict such new laws won't work any better than current draconian methods.

What is unseen is that such drivers also lose their car insurance.

Since it may be presumed that many who lose their drivers licenses are poor drivers, and too often continue to drive drunk, the chances they will be in an accident are far greater than normal. And without insurance it is unlikely they will be able to pay for the damages in such accidents. It is also certain that police do not catch all motorists driving without or with a revoked drivers license.

Unseen is the fact that the safety of the general public is put at risk by these State actions.

The need for alternatives is obvious but solutions like ignition interlocks if convicted of drunk driving are apparently seldom required or, if required, appear to be seldom used. Other alternatives to simply taking away a drivers license include [Antabuse](#), [UAs](#), and in the not-to distant future driverless cars. But preservation of public safety demands that some means of insuring individuals with poor driving records be routinely used rather than simply revoking their drivers license, which virtually insures they will lose their insurance, coupled with fines, incarceration that often further destroys the citizen's life.

War on drugs, blacks, jazz, and dissidents

I note that it borders on the insane to pass laws that citizens are not going to obey! And most prohibitions fall into that category!

Probably the best current example of a State-imposed unintended consequence is the [War on Drugs](#), which has included many acts of war by the United States against other countries; as well as against its own citizens.

But perhaps the outcome of the War on Drugs was not unintended? As the following brief history demonstrates this “war” is racist in both conception and execution.

The failure of the prohibition against alcohol

The [18th Amendment](#), passed under duress by ideologues from the temperance movement, a form of puritanism, banned “...the manufacture, sale, or transportation of intoxicating liquors...” in the United States in 1919.

Prohibition then, as with the present War on Drugs, was notable for uneven enforcement, overwhelmed police forces, and corrupt public officials. Given the immense profits to be made, organized crime networks established powerful, murderous smuggling networks. Gangsters took over whole neighborhoods and gang-related murders were common. [Speakeasies](#), selling bootleg, and often poisonous rotgut, were found nearly everywhere. Corruption among police and public officials was widespread. Also, in common with our current prohibition of many common substances, bootleg liquor killed or maimed many citizens.

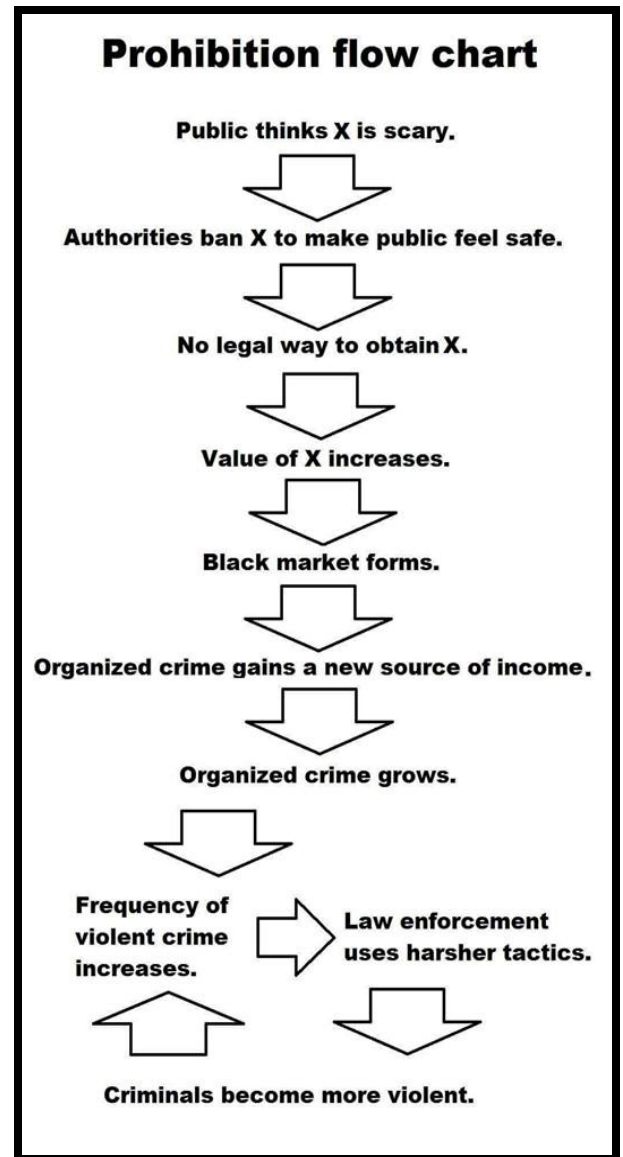
It soon became apparent that Prohibition against alcohol was an unmitigated disaster and efforts to repeal the 18th Amendment quickly began. However, it was quite apparent that the lawmakers of many states were either beholden to or simply fearful of the temperance lobby; or on the payroll of crime syndicates.

For those reasons, when Congress formally proposed the repeal of Prohibition on February 20, 1933 with the requisite two-thirds having voted in favor in each house, for the first and only time in our nation’s history the method of state ratifying conventions rather than by state legislatures, provided for in [Article V](#) of the Constitution, was used. In a remarkably short time the 21st Amendment repealed the 18th on December 5, 1933.

A lesson here is that even with the clear and present dangers presented by the prohibition of ethyl alcohol; the state legislatures were not trusted to act in the interest of public safety.

If one prohibition is a disaster, don’t be deterred, try another

Under the banner of a War on Drugs, today we have the same disastrous effects as the alcohol prohibition; with numerous “drug cartels” all over the world supplying America’s seemingly insatiable drug appetite. It is



also apparent that many government agencies are involved in the drug trade as well, just as they were in the prohibition against ethyl alcohol.

How did we go from one failed prohibition to an even worse one?

The first U.S. law that restricted the distribution and use of certain drugs was the [Harrison Narcotics Tax Act of 1914](#), although some local laws came as early as 1860. Prior to that citizens were free to use whatever drugs they were comfortable with. Presumably the purpose of these prohibitions is to protect the public from dangerous drugs. However, as with virtually all prohibitions, the results have been quite the opposite as [Alice Salles in her January 18, 2017, review](#) documents.

Enter a tyrant

As the prohibition against alcohol was failing, in 1929 [Harry Anslinger](#) was appointed an assistant commissioner of the Department of Prohibition in Washington, D.C. But alcohol prohibition was clearly a disaster by then and on the way out.

Obviously this wasn't the place for an up-and-coming bureaucratic tyrant like Anslinger. So in 1930 he managed to get himself appointed commissioner of the newly created Federal Bureau of Narcotics.

Up until then Anslinger had said that cannabis was not a problem. It doesn't harm people, he explained, and "*there is no more absurd fallacy*" than the idea it makes people violent.

But when his new department needed a purpose he changed his mind and began a smear campaign using lies, faked research, and yellow journalism that even a modern politician might envy, to make marijuana and other drugs illegal.

According to Alexander Cockburn's [Whiteout: The CIA, Drugs, and the Press](#), Anslinger's first campaign was primarily against marijuana. But he also conducted a [moral crusade](#) against certain kinds of users: dissidents, the counterculture, and especially immigrants and blacks; and claimed that the drug "*can arouse in blacks and Hispanics a state of menacing fury or homicidal attack.*"

Anslinger's hatred of jazz music motivated many of his targeted attacks. He linked marijuana with jazz and persecuted many black musicians, including Thelonious Monk, Dizzy Gillespie and Duke Ellington. Louis Armstrong was arrested on drug charges, and Anslinger made sure his name was smeared in the press. He also hounded singer Billie Holliday until her death.

In Congress Anslinger testified that "*[c]oloreds with big lips lure white women with jazz and marijuana.*" And such blatant racism, although now more subtle, dominates drug law enforcement till this day.

There was little question that another Constitutional Amendment like the 18th could somehow make its way to passage in order to outlaw marijuana and similar drugs. In those times they apparently paid slightly more attention to the Constitution than today. However, that did not mean they were above legal trickery.

Thus, in order to make marijuana illegal Harry Anslinger first helped draft, then campaigned, and lobbied for passage of the [Uniform State Narcotic Act of 1934](#). The purpose of the act was to make the law uniform in various states with respect to controlling the sale and use of narcotic drugs, of which marijuana was included, and to give police power to enforce the law.

Helped by a radio broadcast by President Roosevelt, Anslinger then launched a successful nationwide media campaign declaring that marijuana caused temporary insanity. Advertisements featured young people smoking marijuana and then behaving recklessly, committing crimes, killing themselves and others, or dying from marijuana use. The 1936 movie [Reefer Madness](#) featured a highly exaggerated take on the use of marijuana. In this propaganda film a trio of drug dealers led innocent teenagers to become addicted to "*reefer*" cigarettes by holding wild parties with jazz music.

The [Marihuana \[sic\] Tax Act of 1937](#), as drafted by Anslinger, followed. That act required anyone buying or selling marijuana to first purchase a tax stamp. But other laws made hemp and marijuana illegal so anyone buying a tax stamp was guilty of dealing and selling narcotics without a prescription. That act thus marks the beginning of a new prohibition, this time against any drug federal commissars dislike. A grave difference is that [without Constitutional authority](#) Congress and the various states have imposed a prohibition on various psychoactive drugs, many of which, like marijuana, have been used by humans for millennia.

World War II interrupted and for a time hemp, used for rope, fabrics, etc., became legal again due to military necessity after the Japanese occupied the Philippines.

After WW II general prosperity and the easy availability of alcohol limited the demand for psychotropic drugs. Also, Harry Anslinger finally retired in 1962 and in [Leary v. United States](#) in 1969 the U.S. Supreme Court overturned the Marihuana [sic] Tax Act.

Though all seemed quiet on the drug war front, what was unseen were the thousands of lives ruined and millions of dollars spent each year.

A corrupt President and a new war

Having largely subdued or destroyed the indigenous people within its boundaries, after about 1900 the United States turned more and more to imperial and colonial wars against various foreign countries for many reasons, but typically for profit.

Seemingly never willing to learn, or to honor treaties and promises, in 1965 the United States became involved, without a formal declaration of war, in a civil war between North and South Vietnam. The U.S. eventually lost that war, withdrawing all American ground forces in August 1973. But only after ~58,220 Americans were killed, approximately 304,000 wounded, with 153,000 cases serious enough to require hospitalization. Approximately 75,000 veterans were left severely disabled, and 1,526 are still listed as missing in action, out of the 2.7 million deployed. Although the percent of troops who died is similar to other wars, amputations or crippling wounds were 300% higher than in World War II. And this says nothing about the millions of Vietnamese, Laotian, and Cambodian men, women, and children killed and maimed in this senseless war.

Vietnam was far from a demonstration of providing for public safety under a Constitutional umbrella.

Following the withdrawal of American forces, North Vietnamese troops occupied Saigon, capital of South Vietnam in April 1975 and the country was reunited the following year.

Often poorly led and ill-equipped for conditions in Vietnam, by 1969 the morale and discipline of the U.S. ground forces in South Vietnam had so broken down that it was no longer a reliable fighting force, e. g., see [Richard Boyle on GI revolts](#). Frontline troops were refusing duty, committing mutiny on platoon, company, and battalion levels, and often killing (fragging) their officers and noncoms. For relief, well over half the troops used the potent and easily available local marijuana, as well as other drugs.

By 1971, according to official estimates, 10–15% of the American troops were addicted to heroin and two congressmen released an explosive report on the growing heroin epidemic among U.S. servicemen in Vietnam.

On October 27, 1970, Congress passed the [Comprehensive Drug Abuse Prevention and Control Act of 1970](#) that, among other things, categorized controlled substances based on the government's evaluation of the medicinal use and potential for addiction of these substances. This act was a continuation of drug prohibition policies begun by Anslinger in 1930.

With a military on the verge of collapse, and civil discontent with the Vietnam War increasing, President Nixon needed a new bugbear to divert public attention. In 1971 he declared drug abuse to be “public enemy

number one.” And in 1973 the [Drug Enforcement Administration](#) was created to replace the [Bureau of Narcotics and Dangerous Drugs](#).

In a 1994 interview with [Dan Baum for Harper’s Magazine](#), [John Ehrlichman](#), counsel and Assistant to the President for Domestic Affairs, stated the following about the War on Drugs:

“The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I’m saying? We knew we couldn’t make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.”

Ehrlichman’s statement and Anslinger’s before him make it clear that the War on Drugs is, and has always been racially motivated.

Drug laws are still being used to subjugate blacks. Approximately 1.5 million men and women, inordinately young black males, are arrested each year on drug charges, primarily for possession of marijuana (a drug known to be safer than aspirin and peanuts), at a current cost of some \$51 billion a year. Primarily as a result of the War on Drugs the United States now has roughly 7 million people under control of the courts, either incarcerated (~2.2 million) or on parole or probation, far and away the largest number in the world.

The unseen effect is that street drugs such as heroin, cocaine, marijuana, etc. are now more common than ever.

Today, more people die or are sickened by prescription drugs than illegal ones each year. That is particularly true of prescribed opioids, created by Big Pharma to provide a replacement for morphine, long used effectively and cheaply for pain control. Ironically, in the states that have now legalized marijuana despite federal laws against it, deaths from opioid overdoses are reportedly down some 25%. This is consistent with the unintended consequences of virtually all government-imposed prohibitions.

Because the drug prohibition attempts to end the supply of commodities that the public desires the inevitable result is an artificial increase in price. With inflated prices, incentives to provide the desired drugs are also increased despite the laws, and **crime flourishes to the great detriment of public safety**. In addition, the purity of illegal drugs and; hence, their danger to the public is increased. And any tabulation of the criminal acts committed by our government battling drug use would shame [Torquemada](#).

Unfortunately, the justice system is oriented towards enforcing crimes with the most severe penalties, not justice. Thus, the common response of government when criminal activity increases, as it inevitably does with prohibitions, is to make the criminal penalties ever more draconian. As public funding for enforcement is limited, lesser crimes then receive less attention, and the community policing necessary for a stable and safe society decreases.

The destruction of public safety by prohibitions is remarkably and consistently disastrous in terms of public safety.

Up the ante — Stealing from the citizens to stop drug use

The most damaging result of the current War on Drugs is the loss of civil liberties. In attempting the impossible task of enforcing the drug prohibition, law enforcement has introduced “no knock” search warrants (if they even bother to get a warrant), special weapons and tactics (SWAT) teams on a massive scale, and [stop and frisk](#) procedures, among other tactics of tyranny.

To make matters even worse, [civil forfeiture](#) laws have been passed allowing police to seize property based on the **suspicion** that the person was involved in criminal activity, i.e., dealing drugs, without pretense of due

process or proof. The rationale is that by harming citizens economically while helping law enforcement financially, criminal activity will be hampered. Law enforcement agencies are then allowed to use these seized proceeds to combat unlawful activity, directly converting value obtained from items presumed to have been used to support illegal activities for law enforcement purposes.

What is unseen is that the police turn into robber barons and focus on money rather than crime.

Apparently the legislatures and the justice system are unfamiliar with the federal Constitution as the Fourth Amendment states unequivocally that: *"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated..."* and further reinforced by the Fifth Amendment clause that no person shall *"...be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."*

When the justice system not only fails to enforce our most basic liberties, but actively violates them for its own profit, public safety ceases to exist.

One result are riots and looting by blacks, who have been subjugated, persecuted, and now left with few honest options to survive in large measure as a result of the failed War on Drugs.

After nearly half a century of the War on Drugs where are we?

It is a very lonely life that a man leads, who becomes aware of truths before their times.

[Thomas Brackett Reed](#)

Since the War on Drugs began in 1972, street drugs are far more widely available now, crimes, often invented by the drug warriors and of very dubious constitutionality, have made our streets less safe, given us by far the largest prison population on the planet, destroyed millions of lives, particularly black males, and cost an estimated \$1 trillion. In the process our civil liberties have been virtually destroyed.

Preserving public safety does **not** mean making criminals out of citizens who use a substance. It does mean ensuring the substance is of known purity and quantity (dosage). What exists now is a crazy quilt of "legal" and illegal drugs in which legal opioids are killing and addicting more people than the illegal ones.

Demonstrations by other countries make it painfully clear that public safety would be much better served by leaving the use of any and all drugs up to the individual while governments worked to insure the purity and efficacy of drugs. Science, **not** draconian control, embezzlement, and incarceration works more effectively.

Clearly the justice system has decimated any pretense of public safety under the guise of an unworkable and unconstitutional prohibition.

Domestic violence

Political Correctness: A doctrine fostered by a delusional, illogical liberal minority, and rabidly promoted by an unscrupulous mainstream media, which holds forth the proposition that it is entirely possible to pick up a turd by the clean end.

Attributed to a student at Texas A&M

Given the puritanical history of American law and politics there can be little question that women have some valid complaints. The issue is whether a false feminist ideology is the mechanism best suited for the redress of those grievances?

It is basic to understand that I am not speaking here of those individuals who consider themselves "feminists" because they support equal opportunity in employment and education, equal rights under the rule of

law, equal protection under law, and public protection from violence. However, equal rights also demands equal responsibility; and that has been sadly lacking in radical feminism.

The following will, of necessity, read like a polemic against radical feminism. However, a brief review seems necessary to understand, or even attempt to comprehend the madness that our government is imposing on what were once relatively peaceful and successful domestic relationships.

A common and oft-stated goal of post-war feminist groups is replacement of the patriarchy by the more primitive matriarchy. However, at the roots of our civilization lie the nuclear family, a patriarchal father, mother, and their children. That fact has proven to be anathema to feminists, socialists, and communists. One of the first acts of Lenin when communists took control of Russia in 1917 was an [attempt to eliminate marriage](#). The purpose of the Soviet no-fault divorce laws was ideological; intended to revolutionize society at every level, just as feminists are attempting today.

Following World War II socialism and Marxism was adopted by many feminist groups, as documented by the experience of [Erin Pizzey](#) in England. In the United States the feminist movement grew rapidly after the publication of Betty Friedan's 1963 book [The Feminine Mystique](#). Carey Roberts has documented [Friedan's communist roots](#).

Domestic relations — Make every family argument a crime

If it ain't broke, don't fix it.

[Attributed to T. Bert Lance](#)

By 1972 feminist movements were facing funding problems and extinction. In essence, they were saved by the 1974 publication of Erin Pizzey's book [Scream Quietly of the Neighbors Will Hear](#). Her book brought the problem of domestic violence to the world's attention. Unintentionally, Pizzey provided two things radical feminists needed: (1) a just cause to clothe their political agenda; and (2) money to fund that agenda. However, that only works if feminists are able to dogmatically maintain the fiction that only women are "victims" and men are "batterers" for, as Pizzey quickly discovered, there is little public support for men who are abused by an intimate partner.

After many centuries of generally peaceful and prosperous relationships between men and women, radical feminist ideologues claimed to have found a monster hiding in their bedrooms, whom they insist must be dealt with in the most draconian terms by the justice system.

In the United States feminist ideology positing that "...domestic violence is the result of patriarchal ideology in which men are encouraged and expected to control their partners" led to the development of the [Duluth Model](#) circa 1981 for the "treatment" of "batterers." The Duluth model is largely based on a [cycle of violence](#) in which it is presumed that if a woman remains with a batterer, i.e., any male, that the violence will continue and escalate until he kills her. Therefore, to end the violence feminist dogma requires that the couple be separated and the family destroyed by State action; even where the woman is unwilling and there was no real violence, only a family argument or a mental health issue, a particular problem with veterans today.

Violence Against Women Act (VAWA)

There has never been any scientific evidence demonstrating that only men are violent in intimate relations. In fact, [all such studies](#) show women are as, or more violent than their male partners. Unfortunately, the science would impede feminist funding and was therefore, of necessity, ignored. Even more disgusting was the large-scale introduction of [advocacy research](#) attempting to substantiate their false dogma and hide the [gender symmetry](#) scientific studies consistently find for domestic violence. To our great loss, misguided chivalry, puritanism, and feminist ideology prevailed, culminating in passage of the [Violence Against Women Act \(VAWA\)](#) in 1994.

VAWA definitely marks a turning point in modern efforts by the puritanical State to micromanage personal relationships in the name of stopping “domestic violence.”

Feminist ideologues claimed that the only way to end domestic violence and abuse by the monsters they call “batterers” is to arrest the man and end the marriage. And any man who believes in patriarchal marriage or the [patriarchy in principle](#) is, by definition, a “batterer.”

In order to ensure the justice system controlled these dangerous beasts, VAWA either initiated or increased:

- Arrests without a warrant;
- Forcing citizens from their homes and children with nothing more than the clothes on their back without even the pretense of due process;
- Searches without a warrant;
- Seizures of their property without redress;
- Mandatory arrests often based on nothing more than hearsay;
- Assuming the accused is guilty until proven innocent;
- Mere allegations that suffice as proof;
- Denial of the right to confront the accuser and obtain witnesses in one's defense;
- Denied the assistance of counsel;
- Punishment and imprisonment that occurs before a trial or without one;
- Public censure for crimes men have not committed;
- Indentured servitude and often outright slavery.

Of course eliminating such basic civil rights does not increase public safety!

Believe the “victim” and restrain the “batterers”

To circumvent the long-standing requirement in common law that a man must be considered innocent until proven guilty, feminists began chanting the mantra: “*Believe the victim!*” Of course the “victim” is any woman who claims to be abused, stalked, harassed, seeking a divorce, custody of the couple’s children, vengeance, or revenge against any man she might name. And if we “*believe the victim*” it must be presumed the man she names is guilty, as the underlying feminist principles are that women **never** lie, cheat, or steal; and are violent only in “*self defense*.”

After passage of VAWA and its state-derivatives in 1994 “domestic violence” quickly became the [most common crime in Colorado](#).

Nor is a criminal charge required. Under VAWA and state derivatives a woman can obtain an *ex parte* restraining/protection order against virtually any man by simply claiming she is in “fear” of him, or that she might suffer “*emotional harm*.” Proof is not required, nor is the man given a chance to defend himself before such orders are issued. In fact, the basic idea is to be certain [the man has no inkling](#) such an order might be coming his way.

Remember that the Supreme Court has repeatedly ruled that the government has no obligation to protect individuals. But that is exactly what a restraining order implies will be done. And virtually all restraints on a court’s jurisdiction have been removed. A judge

It is difficult to imagine anything more destructive of public safety than a justice system that colludes with women using an unsupported allegation to take a man’s children, home, and everything he holds dear without even a hearing or chance to defend himself.

or magistrate can put an *ex parte* restraining order in place against any man anywhere in the country on the unsupported word of a woman. One of the more notable examples of this was when District Judge Daniel Sanchez in Santa Fe, New Mexico, granted a restraining order to [a local woman against TV personality David Letterman](#) after she watched his TV shows, which he taped in New York. Letterman did not know who the woman was, had never met, spoken, or otherwise communicated with her; yet she was in fear, etc.

All reasonable estimates indicate there are approximately 2 million such orders issued every year in the United States. Such orders are issued ex parte like chocolate bars even if the man has been found innocent of any criminal action, or such an order has been dismissed in another jurisdiction. Judge shopping is encouraged and attorneys and victim advocates routinely help women fill out the forms and assist them in filing them; what was once called subornation of perjury.

Since prior notice must **not** be given, and the man is not allowed to present any evidence prior to issuance of these orders, they are particularly useful in divorce or child custody disputes. They automatically give the woman immediate custody of the children, possession of the home, the car, bank accounts, etc. In many cases such orders give the woman possession of property she has no right to, e.g., her boyfriend's home or the [home of a man she met in a bar a few nights ago.](#)

If the man violates such orders he is jailed without a warrant and is left attempting to prove a negative after weeks or months of being incarcerated; and too often tortured.

This approach is irreconcilable with the concept of a government that provides public safety and security for a man and his property.

Domestic violence laws are astonishingly broad. What constitutes “family or household members” eligible for such protection includes:

- Spouses or ex-spouses;
- Persons living together or who have lived together, whether intimately or simply roommates;
- Persons who are having sexual relations or have had sexual relations; or
- Persons who are dating or have dated without sexual relations.

These definitions of an “intimate relationship” extend far beyond common understanding of family or household members. Included are individuals who have merely been sharing the rent, or had a one-night stand, for example. Also, there are generally no time limits on when past relationships may have occurred.

Criminal intimate partner violence is rare

It is hardly a secret that many, if not most couples have arguments and fights that may involve such things as pushing and shoving, she may slap him, throw or break things like dishes, or they curse each other; and often one party will walk out against the wishes of the other. Only the most dogmatic feminists, who regard a pillow fight as “domestic violence,” regard such arguments as criminal.

Thus, one of the most difficult concepts for people to accept is the fact that “domestic violence” rarely involves criminal intimate partner violence where one or both partners deliberately and intentionally seek to physically injure the other, i.e., mens rea can be established beyond a reasonable doubt. Further, in half the cases I've tracked there is **no** violence! What “domestic violence” does involve under current definitions are financial problems, emails, telephone messages, dirty looks, swearing, loud arguments, neighbors calling the cops, jealousy, revenge, vengeance, infidelity, paternity fraud, custody battles, false allegations, mental and hormonal problems, self-inflicted injuries, accidents, post traumatic stress disorder (PTSD), traumatic brain injuries (TBI), and a host of other issues that individuals and couples encounter in the course of a relationship.

Of course all of these problems are exacerbated if one or both are involved with substance abuse, alcohol or drugs (both legal and illegal). And if you thought you had freedom of speech, think again! Any email, letter,

Facebook or other social media comments, statements to her friends/lovers/relations/roommates can and will be taken as harassment.

Charges of domestic violence or abuse, all too often combined with allegations of child physical and sexual abuse, have become the weapon of choice for women in divorce and custody battles; aided in no small measure by “no fault” divorce in female-friendly courts. Despite the demonstrable fact that the great majority of these charges are lies, women are encouraged by attorneys and rewarded with the house and kids for making such statements, and face no penalty for their false accusations as perjury is virtually never prosecuted.

The lives and futures of involved children are devastated by these actions and public safety is destroyed as well.

VAWA, a law that kills

Mandatory arrest laws generated by VAWA have proven to be laws that kill. Unsurprisingly, such injustices as I’ve outlined above often trigger violent responses by the male and **many women are killed as a result.** The number of women bloodied or **killed after taking out a restraining order** is so common it has become a subject of cartoons.

As often as once a week, just in a small state like Colorado, newspapers carry a story about a domestic violence incident that ends with a shootout with the police, a hostage situation, or murder/suicide. Police are killed in these situations as well.

At least one study showed that states with mandatory arrest statutes have **60% more domestic homicides in married couples** than states without such a draconian approach.

Erin Pizzey, who pioneered the shelter for battered women movement in 1971, states that

“Any country that has tried to create a political solution to human problems has ended up with concentration camps and gulags.” It would seem our grossly bloated prison population today is a facsimile of a gulag.

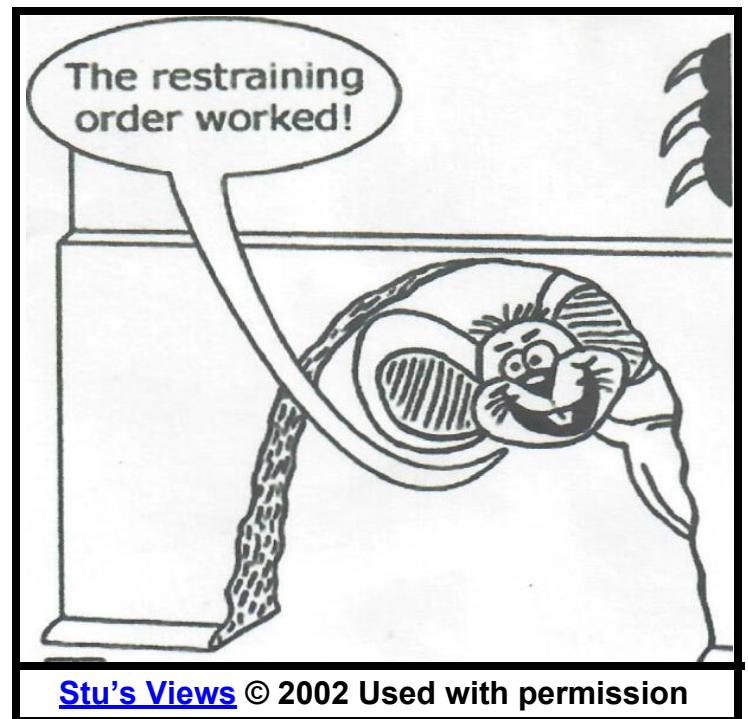
Also generally ignored by the justice system and feminists are the numerous murder-suicides that have resulted as well. As Sally Allen has noted:

“Victims hope justice will prevail. Survivors know better.”

In the face of such draconian laws why does domestic violence continue to increase?

In the years since VAWA was first passed, in Colorado at least, the number of criminal cases of domestic violence and abuse has **steadily increased.** The negative impact on veterans has been extreme as virtually any manifestation of PTSD, TBI, or other military-related injury is “domestic violence” under current laws and practices.

However, one consistent effect of these draconian laws that I’ve been able to identify is that **fewer women dial 911 for a domestic disturbance,** i.e., a family argument, violence, or abuse. It appears that women have, in large measure, become more afraid of the police and courts regarding domestic conflicts than they are of their



intimate partners. That is the exact opposite of what was promised by feminists when pursuing these draconian laws.

But “domestic violence” has grown into an industry with billions of dollars in public funding at stake. Of course, this golden goose would die if the laws actually solved the problem. Thus, it has been necessary to continually expand the definition and identify ever more “victims,” few of whom are actually married or even living together.

Clearly the laws against “domestic violence” do not work and are endangering public safety by destroying families and marriage and making false promises of protection to women.

Radical feminism and crime

“No fault” divorce destroys marriage

In 1969 California Assemblyman James A. Hayes, a Republican, who was appointed chairman of the Assembly Judiciary Committee while undergoing a high-conflict divorce, used his position to advantage by introducing “no fault” divorce into American law. Other states quickly adopted “no fault” divorce, following the [precedent set in Russia](#) after the 1917 Bolshevik Revolution. Consistent with the Russian experience, the spread of “no fault” divorce more than doubled the number of divorces between 1960 and 1980.

Judy Parejko has addressed the issues and injustices in her book [Stolen Vows: The Illusion of No-Fault Divorce and the Rise of the American Divorce Industry](#). Prof. Stephen Baskerville has recently followed up on these problems in his book [The New Politics of Sex: The Sexual Revolution, Civil Liberties, and the Growth of Governmental Power](#).

The use of domestic violence charges or getting a restraining order, combined with “no fault” divorce proved immensely popular with women; particularly where child custody is an issue. It is also basic to realize that “no fault” does not mean that two parties who happen to be married mutually agree to end their relationship. Instead, it is almost always the woman who secretly plots to grab all the marital assets, including the children, with the collusion of the courts.

Estimates suggest that there is a 50% chance a first-time marriage today will end in divorce and an $\pm 80\%$ chance the wife will file for the divorce, preferably before the husband has any inkling it is coming. And men are well aware that in “family” courts today they will not gain custody of the kids, particularly if a restraining order or domestic violence charges have been filed against him. Also, he is almost certain to lose most or all of his possessions in the process.

Marriage and fatherhood have become a charade of how much money can she get during the divorce and in child support; even though he may not even be the father of her children.

Patriarchal marriages and families are widely recognized as the building blocks civilization is built upon. In that light VAWA, in conjunction with “no fault” divorce, proved to be immensely more destructive than simply the criminal aspects imply. The [number of marriages peaked in 1980 \(second chart\)](#) and has been declining since, with a sharp negative spike in 1994 after passage of VAWA.

Following the implementation of “no fault” divorce, and particularly following the passage of VAWA, men quickly learned that the [safest approach](#) is not to marry at all. Rationally, one must consider this a national disaster, but the results are quite in line with the feminist objective of destroying families and marriage. Radical feminists are insistent that female liberation depends on the destruction of the patriarchy and a return to the more primitive matriarchy; as insane as it sounds. That goal does fit nicely with Marxist dogma and the tools pioneered by communism have proven extremely valuable to these viragos.

Obviously public safety is the last thing on the minds of the feminist ideologues and their fellow travelers responsible for VAWA and its predecessor, “no fault” divorce.

The disaster of single mothers

The [inequitable treatment](#) of males by the justice system and social programs has had the unseen, or hidden result of a massive increase in children born out-of-wedlock, or raised by single mothers. The problem is exacerbated today by the very high probability the parents will divorce while the child is young and, in most cases, the mother will get custody.

In 1960 the percentage of children born out-of-wedlock was around 3-5%. Even with the widespread usage of birth-control pills from 1960 on, and the general availability of abortions following [Roe v. Wade](#) in 1973, the percentage of such births began to increase and by 2014 some 40% of all children were born out of wedlock, while nearly 75% of black children were. Birth statistics for some other minority groups exceeded 50%. These trends include parents who were living together but not “*married*.”

Yet today, post-1960, we have effective, inexpensive birth control methods that are widely available.

In 2010 a [study](#) found a link between out-of-wedlock births and rates of murder and other crimes. For the years 1965 to 2002, higher rates of out-of-wedlock births in a given year correlated with higher crime rates roughly 20 years later, when members of that birth cohort become adults. The findings suggest that children born out of wedlock may receive lower educational and other resource investments from their parents, and may therefore be more likely to commit crimes to the grave detriment of public safety.

A 2012 article published in [The Atlantic](#) notes that there is a large body of literature showing that children of single mothers are more likely to commit crimes than children who grow up with their married parents. This is true not just in the United States, but wherever the issue has been researched. Studies cannot prove conclusively that fatherlessness — or any other factor — actually causes people to commit crimes. But by comparing criminals of the same race, education, income, and mother’s education, where the primary observable difference is family structure; social scientists have come as close as they can to making the causal case with the methodological tools available.

In fact the [most reliable indicator of violent crime in a community](#) is the proportion of fatherless families. Fathers typically supply better economic stability, provide a role model for both boys and girls, offer greater household security, and reduced stress for mothers. This is especially true for families with adolescent boys, the most crime-prone cohort.

Conversely, children from single-parent families where the father is absent are more prone:

- To use drugs,
- Become gang members,
- Be expelled from school,
- Become pregnant as teenagers,
- Be committed to reform institutions, and
- Become juvenile murderers.

Subsequent studies confirm these results. I posit here that out-of-wedlock births and single mothers arise in large measure due to such draconian legislation as the War on Drugs, “*no fault*” divorce, and VAWA promoting and funding radical feminist dogma that all men are “*batterers*” and all women are “*victims*.” While there is little doubt that other factors are involved in creating single mothers, it would be foolish to dismiss the factors proposed.

A single mother inevitably reduces the amount of time a child has in interaction with someone who is attentive to the child's needs, including the provision of moral guidance and discipline. As early as 1993 the annual Metropolitan Life Survey, [Violence in America's Public Schools](#), found that 71% of teachers and 90% of law enforcement officials stated that the lack of parental supervision at home by single mothers is a major factor that contributes to the violence in schools. Further, 61% of elementary students and 76% of secondary children agreed with this assessment.

That was before passage of VAWA in 1994 that inflamed an already serious situation by assisting and encouraging mothers to divorce their husbands, and providing them weapons like bogus claims of domestic violence and abuse to ensure they gained custody.

We have now gone through several generations of children from single mothers, and even single mothers whose mothers were single mothers. **The results are not pretty!** Even aside from the criminal behavior of these children there are the social costs of supporting the families of single mothers who, by and large, are on welfare, food stamps, and public housing. Their children are fed by school breakfast and lunch programs, sometimes even dinner; and cared for by taxpayer-subsidized child care programs, among other state and federal programs.

It is certain there are many other factors affecting the gross increase in births out-of-wedlock in addition to the War on Drugs, “no fault” divorce, and VAWA. Social problems rarely have simple answers. However, there can be little question today that children of single mothers contribute greatly to crime rates and the degradation of public safety.

But the unseen degradation of public safety due to children of single mothers is rarely considered.

Child Protective Service and foster care are destroying children

It is obviously dangerous to attempt to take a man's children, especially if they are veterans. Doing so without due process does not promote public safety; and certainly not the well-being of children.

By default a domestic violence arrest carries a charge of child abuse if there are children present in the home. Compounding the problems is the fact that anyone can make an anonymous phone call to child protective services and claim a child is being abused. Innumerable such calls are made by people angry at their neighbors, lovers, relatives, as pranks, or other malevolent reasons. This evil could be easily checked by simply ending the ability of anyone to make an anonymous report.

Nor are the very expensive support systems for such cases effective. Numerous reports from civilians and military show that when men seek help from family support groups that they are harassed, scorned, blamed, and in some cases arrested.

Even more appalling is the fact that [studies](#) are repeatedly showing that half of all human trafficking victims are minors, and that 70-80% of these minors are [children in the foster care system](#). In a [report](#) by the state government of Connecticut, 86% of victims rescued from domestic minor sex trafficking in 2011 had been involved with child welfare services in some manner and may have been victimized while in foster care or residential placement.

Placing our children at risk of sexual abuse through a state agency and court orders is an abominable practice and the antithesis of promoting public safety.

Prostitution

A major concern and responsibility of public health and safety officials is controlling the spread of sexually transmitted diseases (STD). As sexual intercourse is basic to the survival of our species, such diseases will always be present to some extent in any population. But individuals generally have a limited number of sexual

partners, with one notable exception: prostitutes, whose profession insures they have intercourse with hundreds and are thus an ideal vector for STDs.

Unfortunately, the most common method to attempt to contain this disease vector is to try and outlaw the world's oldest profession. That approach always fails, particularly in the vicinity of large military bases and seaports. As noted above, prohibitions never work!

Prostitution was a notable problem in the Civil War, especially in Tennessee where many soldiers were disabled by STDs. By 1863 STDs were seriously affecting the readiness of troops in and around Nashville, which had been captured by the Union in February 1862. Acting under orders from Major General Rosecrans, Army [Lt. Col. Spaulding](#) first attempted to deport all the cities prostitutes. When that failed, rather disastrously, he created a system of registration and inadvertently created the first known legal system of prostitution in the United States.

These are the set of regulations Spaulding set up:

1. That a license be issued to each prostitute, a record of which shall be kept at this office, together with the number and street of her residence.
2. That one skillful surgeon be appointed as a Board of Examination whose duty it shall be to examine personally every week, each licensed prostitute, giving certificate soundness to those who are healthy and ordering those into hospital those who are in the slightest degree diseased.
3. That a building suitable for a hospital for the invalids be taken for that purpose, and that a weekly tax of fifty cents be levied on each prostitute for the purpose of defraying the expense of said hospital.

That all public women found plying their vocation without a license and certificate be at once arrested and incarcerated in the workhouse for a period of not less than thirty days.

The system worked and STDs among the troops rapidly declined.

Where prostitution is outlawed what inevitably follows is crime, disease, *and* prostitution. In a recent article [Annie Kelly and Mei-Ling McNamara](#) examined sex trafficking and slavery in the United States today and relate that:

“According to FBI data, more than 39,000 people were arrested for prostitution and related charges in 2016. It is believed that 80% of women arrested on prostitution charges are either under the control of a third party or have been trafficked at some point.”

The 39,000 arrests are almost certainly a drop in the bucket with regard to the number of sex workers in the United States. They estimate that the sex trade is a \$9.5 billion a year business with many of the women recruited from prisons by pimps who pay their bail and support them until they are released. The women are virtual slaves and often traded, or trafficked.

But the human side of the illegal sex trade is carefully hidden from the public.

Conversely, if prostitution is legal and licensed the result is simply prostitution. And legal indoor prostitution results in not only a reduction in the spread of STDs, but also a reduction in rapes and other sexual violence. The sex workers are free to ply their trade in sanitary conditions and afforded medical treatment.

In the United States at present prostitution is only legal in counties in Nevada with populations under 700000. As these are rural counties, crime rates are normally low in any case; but it is worthy of note to point out that crime, including rapes, are largely confined to Las Vegas and Reno where prostitution is illegal.

[Prostitution is legal](#) and regulated by the government in several countries — including Australia, Germany, the Netherlands, Austria and New Zealand, as well as some Mexican states.

In most of these places, street prostitution remains either illegal or officially discouraged, while indoor prostitution is legally permitted under certain conditions and monitored by local authorities — much as it is in

Nevada's rural counties. The logic of legalization is similar to that for marijuana and casino gambling: the principle that tolerating, taxing, and regulating consensual vice is far superior to criminalizing it.

As reviewed by Elizabeth Brown in a [2014 article in Reason Magazine](#), the reduction in sexual assaults and disease was well illustrated recently in Rhode Island where a loophole in state law effectively decriminalized prostitution between 2003 and 2009. During that time period the state saw significant decreases in both sexual violence and cases of gonorrhea, according to data analyzed by the [National Bureau of Economic Research](#). [Investigators](#) found that sexual assaults, i.e., rape, dropped by 31% and female gonorrhea decreased by 39%. [Similar results](#) were also found in Holland.

In a [2004 paper by Kirby Cudiff](#) he estimated that if prostitution were legalized in the United States, the rape rate would decrease by roughly 25%, for a decrease of approximately 25,000 rapes per year. It is also likely that homicides and other sex-related violent crimes would be diminished.

The basic issues of criminalizing prostitution are addressed in a Ted Talk by Toni Mac describing the current problems and [the laws that sex workers really want](#) from first-hand experience.

Impartial studies, and the sex workers themselves suggest public safety is enhanced where prostitution is decriminalized.

Conversely, feminists and puritanical moralists, whose beliefs and ideology lead them to assert they have the right to dictate others behavior, oppose legalization with little or no concern for public safety.

Sexual assault and harassment

The primary motivation of any species is to reproduce if it is to survive.

There is no question that forcible rape is a heinous crime. It is particularly disgusting when little boys or girls who have not reached puberty or menarche are the victims. But, as always with feminists, a simple definition and approach to the problem are insufficient; particularly where public funding is at stake.

Our present rape culture, the most recent attack on sanity by feminist ideologues, is best described by Wendy McElroy in her book [Rape Culture Hysteria](#). Once again this hysteria is a social construct derived from the concept of "the patriarchy." It is described as a system of female oppression by which **all** women are victimized by men as a class through the omnipresent threat of sexual violence. This threat therefore creates a rape culture in order to keep women subjugated in our patriarchal society.

The hysteria is kept alive by incessant broadcasting of politically-correct agitprop, particularly in academia where universities have set up tribunals under [Title IX](#) to convict any male accused of sexual relations with a female, rape by definition. Any review of how [Title IX cases of campus rape](#) are being mishandled should suffice to convince one this is occurring.

On campus after campus, accused men are denied the right to face their accuser; police are not notified; "investigators" are appointed from campus staff; guilt is often decided based on the lowest possible standard, i.e., the preponderance of evidence; no consistent procedures or rules are followed, and so on. A [Star Chamber](#) proceeding at best and a [kangaroo court](#) at worst, with the accused man standing little chance of a fair hearing or any semblance of [due process](#).

The unseen evil is that real cases of sexual assault are lost in political correctness. Male rapes are usually not even considered.

The resulting rape culture is a particularly nasty fiction as it brands all males, but especially black males, as rapists or rape facilitators. Of course our legislators and school administrators have done everything in their power to demonize men and make every sexual overture toward or between a man and a woman a crime. John

Davis has forcefully attacked the plethora of false accusations that have resulted in his book [**False Accusations of Rape — Lynching In The 21st Century.**](#)

Unfortunately, making it easy to report rape, or “sexual assault” as political correctness requires, results in a large percentage of false allegations. While the percentage of false accusations of rape are debatable, most reasonable estimates suggest 40% to 60% of such charges are false. In the vast majority of false rape accusations there is no corroborating evidence other than the testimony of the “victim.”

Based on a 1985 investigation by Col. Charles McDowell, Ph.D., OSI, of 1,218 cases of purported rape by U.S. Air Force female personnel, he developed a [**useful checklist**](#) for determining the probability that a rape allegation is false. Of the 1,218 complaints 460 (38%) were found to be valid, in 212 (17%) cases the women admitted the charges were false, 546 (45%) of the remaining cases lacked convincing evidence, and eventually 366 (67%) of the women in this sub-group admitted the charges were false. Thus, 48% of the original charges were shown to be false accusations.

It is also evident that many rape victims, particularly men, do not report the crime. The reasons for that are numerous, but it is impossible to accurately estimate the number; though many have tried. However, the many false allegations of rape apparently deters real victims from reporting the crime. And male victims are often not taken seriously or simply ignored, e.g., prison rapes.

The degradation of public safety is obvious in the face of this hysteria.

DNA evidence is now widely used in proving accusations of rape. DNA databases providing comparisons from previous cases have been in use for several decades. Sadly, many thousands of rape victims have gone through the humiliation of a rape evaluation after their assault and the resulting rape kits have been [**submitted to the police but never analyzed.**](#)

Such dereliction of duty is hardly a shining example of the justice system providing public safety!

However, sexual relations are rarely simple and feminists and legislators have delighted in expanding the definition of rape into the broader term “sexual assault” and adding “sexual harassment” to the virtually infinite definition of crimes in the feminist lexicon that only males commit. However, as noted above, probably the best way to reduce rape is to make prostitution legal.

The crime of rape used to be limited in most cases to intercourse or sodomy carried out forcibly or under threat of injury and against the will of the victim, or incapable of valid consent. In most places intercourse is further limited with those individuals who have not reached a defined age, usually 17, with a person typically three or more years older, even if the sex is consensual. Such acts are known as statutory rape. Incest, or sexual relations between close relatives is a separate crime.



The most recent additions to this litany are **any** type of sexual contact or behavior that occurs without the **explicit consent** of the recipient. And by “*explicit consent*” what is meant today is a verbal or, better yet, written agreement to specific acts made in advance of such actions. There is even an application (app) for one’s smartphone to record such agreements. Note that moaning, her tongue in your mouth, helping you get her pantyhose off, having breakfast together the morning after, etc., are not considered “*explicit consent*.”

Accidental contacts, e.g., bumping into a female, are not excused, and males are considered guilty unless and until they can prove their innocence.

Submarine races and sexual assault

In addition to broadening the definition of sexual assault to virtually any contact between a male and female, feminists and legislatures have been lengthening the statute of limitations for these new crimes to 20 or 30 years, or eliminating it all together, as at least Arizona has done.

As a result, consider the following scenario:

- In high school you were parked in some dark, secluded place to watch the submarine races. While making out you slid your hand under her brassiere and fondled her breast, with or without objection. It is now 25 years later, and you’ve gained some wealth that she finds out about. Her word alone is sufficient to have you arrested and charged with sexual assault; and you had better have enough money for a good lawyer. Scenarios very similar to this were played out against President Trump in the 2016 election.



Pepe le Pew faces sexual harassment charges based on allegations dating back to 1945.

As sexual assaults are generally a high-level felony, arrests are quickly made on the unsupported claims of a woman. Bail is usually set quite high, beyond the reach of many men, particularly young veterans. The arrest is often published, the man’s reputation ruined, his employment lost, and family destroyed by the mere unsubstantiated allegation. Even if he is later found innocent, the charges dropped, or the woman admits she fabricated the whole story, it is rare that a man so accused can regain his life.

But feminists will never be satisfied until the patriarchy is completely destroyed; incidentally along with any semblance of public safety and

our civilization. The useful idiot legislators they work with are always willing to help protect women and invent more crimes that only men commit. So even more crimes have been devised to protect these delicate violets from beastly males. Thus, we now have an entire compendium of sexual assault and harassment laws and regulations defining every possible conversation and action a man may make in the presence of, or in communication with a female.

Sexual harassment in our brave new world

For those few males who have so far avoided criminal charges, sexual harassment is defined as harassment (typically of a woman) in a workplace, or other professional or social situation, involving unwanted sexual advances or obscene remarks.

I have been unable to find a rational, consistent definition of what constitutes “sexual harassment.” Your guess is as good as mine as to what constitutes “....unwanted sexual advances or obscene remarks.”

Probably the best “definition” of what constitutes “sexual harassment” today is anything and everything that a radical feminist might possibly find objectionable.

So a man telling a bad joke that a feminist overhears is sexual harassment, or anything she misinterprets as obscene. For example, I had a contract terminated because a woman thought the comments and jokes about the publishing program [Adobe FrameMaker](#) made by my coworkers, which in typical male fashion had been abbreviated and referred to as the “F-word,” were obscene. That led to a [trial that received global attention](#) but well illustrates the absurdity of feminist ideology.

But it isn’t amusing when men lose their jobs and careers because some woman didn’t like him and complained to her supervisor or police with some invented or distorted tale. And First Amendment rights to freedom of speech are a mirage. Men are routinely arrested for harassment and harassing communications (NCIC code 5309) in these cases.

Public safety in these cases has been reduced to emotions and feelings. Hardly a sound foundation!

Discussion and Suggestions

As a society we seem to have progressed from shamans and witch doctors to lawyers and legislators. On the whole, the former seem to do less damage than the latter.

For those without the time or patience to read [Blackstone’s Commentaries](#), perhaps the review of the Law of the Marches by George MacDonald Fraser in his book [Steel Bonnets](#) (Chapter XIX, Leges Marchiarum) provides a more digestible summary of how international and English law evolved from the 13th Century along the Scotland-England border; an area that up until the 18th Century made America’s Wild West seem like a nursery school. Fraser succinctly notes that: “People seldom understand their own laws exactly; they have a sound idea of what is right and wrong, and a fairly vague notion of what they may and may not do;” and that has not changed. Nor have the basic crimes for which laws are required changed. Fraser lists murder, robbery, theft, arson and assault as the principal ones. But one of the most serious crimes in the [Law of the Marches](#) was perjury, initially a capital offense. But the most effective and greatest punishment for perjury was apparently to be publicly declared a liar. Since perjury today is virtually ignored in our courts, and given the Internet, a public Wall of Shame listing known perjurers does have some appeal.

What has changed today is the sheer volume and number of laws and regulations. Certainly the great majority of these are completely unknown and foreign to the common man, and the immense number makes it statistically certain that many of these are contrary to the public weal.

Examples of laws that systematically destroy public safety have been outlined above. These are but the tip of the iceberg among the myriad laws, regulations, and codes that burden the citizenry today.

As noted, the destructive effects are largely either well-hidden in propaganda and unseen by citizens, ignored, or so deeply buried in innumerable laws and regulations that only the most devout government apparatchiks use them.

- Clearly, drivers licenses have proven to be a poor method of providing public safety on highways but have increased police powers immensely, to no effect;

- The War on Drugs, like virtually all prohibitions, has proven a disaster for civil liberty and public safety, yet the drugs are more available than ever although millions have been imprisoned;
- What is termed “domestic violence” rarely is, but has served the feminist goal of destroying the “patriarchy” very well, all while destroying the families of millions of children for no apparent purpose other than to satisfy feminist ideology;
- Controlling sexual assault would clearly be better obtained by legalizing prostitution but the logic of that is opposed by both radical feminists and puritanical politicians.

I might continue indefinitely but, instead, lets look at some alternatives and methods that served well in the past.

Gone To Texas doesn’t work anymore

In earlier times of the United States if things went to hell for an individual in one location, men and women often packed up and moved to a remote location or country where they were unknown and started over. A phrase often used to describe such moves was Gone To Texas, which apparently originated with Davy Crockett.

In the past the damage of a plethora of often conflicting and unenforceable laws was balanced in part by poor communications between jurisdictions and an inability to easily track people. Thus, individuals who made a mistake, or violated some local laws could move to another location to start over; hopefully staying clean in the new location. Ofttimes a judge would give a man a choice between joining the Marines or going to jail. That tradition was practiced for centuries and the country greatly benefited on the whole.

That has all changed with the advent of the Internet, databases, and modern communications. Such factors as license plate readers, cell phone tracking, security cameras on virtually every corner, facial recognition software, smart meters on homes, drones, biometrics, credit cards, social media, smart cars, and who knows what all make it relatively easy today to track individuals anywhere in the world.

If things go to hell for an individual today it is virtually certain they have broken one or more laws and likely have been arrested, jailed, and probably taken a plea bargain in order to get out of jail. As a convicted criminal (a plea bargain is a guilty plea) they are probably on probation and can’t leave the county.

What is unseen is that we have eliminated an effective means of self correction for many minor escapades.

Make it impossible for someone to get a job, a place to live, and all the other penalties listed in Table 1, put them on probation so they can’t leave to start over, and it becomes inevitable that they will commit more crimes simply to try and live.

This is the exact opposite of the public safety approach government is mandated to provide.

The objective of the justice system should be to provide public safety, not simply fill the jails, hire judges, prosecutors, parole officers, impose social change, make money off of fines and traffic tickets, create domestic violence and sexual offender industries, and so on and so on...

Reforming the justice system

Good people don't need laws to tell them to act responsibly and bad people will find a way around the laws.

Plato

What happens today when the justice system encounters real criminals?

If public safety is the *raison d'être* for our justice system then the public should expect that offenders should be brought quickly to justice and deterred from committing further crimes either by incarceration, effective treatment, or appropriate use of technology.

I have been tracking veteran arrests in El Paso County, Colorado, home of five large military bases, on a daily basis since July 2010. Justice and deterrence have not been evident in the voluminous arrest data of these demonstrably patriotic, educated, and civic citizens.

In Table 2 the arrest and booking record for one individual shows eighteen arrests in a little over three years, and **fifteen** of them are for high-level felonies, including several for kidnapping with sexual assault. This, and many cases like it, hardly demonstrates an ability of the justice system to effectively provide for public safety.

Table 2: Arrest history for a single offender's crime spree in El Paso County, Colorado. FAIL!

Arrest & Booking Date	Felony Level	Crime Description
2014		
October 29	F3	Second-degree burglary — residence/dwelling or controlled substance and attempted burglary of dwelling, false information to pawnbroker
December 29	F3	Second-degree burglary — residence/dwelling or controlled substance, robbery/aggravated — with intent to kill/maim/wound with weapon
2015		
February 3	F3	Second-degree burglary — residence/dwelling or controlled substance, crimes against at risk adults or juveniles — robbery, robbery — aggravated with intent to kill/maim/wound with weapon
February 18	F3	Second-degree burglary — residence/dwelling or controlled substance, aggravated robbery, second-degree kidnapping with robbery
2015		
April 15	F2	Second-degree burglary — residence/dwelling or controlled substance, second-degree kidnapping with sexual assault or robbery, robbery — aggravated with intent to kill/maim/wound with weapon
July 8	F2	Second-degree kidnapping with sexual assault or robbery, robbery/aggravated — intent to kill/maim/wound with weapon, second degree burglary — residence/dwelling or controlled substance (3 counts)
July 20	F2	Second-degree kidnapping with sexual assault or robbery/aggravated with intent to kill/maim/wound with weapon, second-degree burglary — residence/dwelling or controlled substance (2 counts)
Felonies in Colorado range from F1 (1st degree murder) to F6. Offender born in May 1990.		

Table 2: Arrest history for a single offender's crime spree in El Paso County, Colorado. FAIL!

Arrest & Booking Date	Felony Level	Crime Description
September 8	F2	Second-degree kidnapping with sexual assault or robbery, robbery/aggravated-intent to kill/maim/wound with weapon, second-degree burglary — residence/dwelling or controlled substance (3 counts).
October 5	F4	Second-degree burglary of dwelling
December 16	F2	Second-degree burglary — residence/dwelling or controlled substance (3 counts), Second-degree kidnapping with sexual assault or robbery, robbery — aggravated with intent to kill/maim/wound with weapon
2016		
January 19	F2	Second-degree kidnapping with sexual assault or robbery, second-degree burglary — residence/dwelling or controlled substance (3 counts), robbery/aggravated with intent to kill/maim/wound with weapon
March 11	U	Reason for arrest and booking not given
March 30	F3	Crimes against at risk adults and juveniles-robbery, aggravated robbery
May 31	F3	Aggravated robbery
August 5	U	Reason for arrest and booking not given
October 5	F3	Second-degree burglary — residence/dwelling or controlled substance
2017		
January 6	U	Reason for arrest and booking not given
January 25	F3	Second-degree burglary — residence/dwelling or controlled substance
Felonies in Colorado range from F1 (1st degree murder) to F6. Offender born in May 1990.		

Of course in today's "justice" system, all of these could be false allegations filed by one lunachic.

In many other cases I've tracked the individual has been rearrested over a dozen times in the past eight years. In one case a veteran has been arrested and booked twenty-seven times in this time period. It does not appear from available data that such cases are anomalous as the longer I track arrests the more of these cases I find.

I find it alarming that, in cases I've tracked, citizens are shuttled between judges in seemingly random fashion. It appears common to see a defendant in a criminal case or petitioner or respondent in a civil case, often the same individual, appearing before 8 to 15 different judges; none of whom appear to pay any attention to the case history, or apparently care about what the individual before the bar is going through mentally and often physically. It seems little wonder to me why such judicial indifference results in recidivism and failure to reform.

The fact that warrants have, in large measure, become quaint artifacts of the past; and that in far, far too many cases the reason for the arrest and booking is not given; **suggests we have gone a long, long way down the path to tyranny.** In a recent article Prof. Stephen Baskerville has described the present situation as [Barbarism in the Courts.](#)

Peace officers, not draconian law enforcement by masked bullies

A cop in a helmet, mask, body armor, and carrying a military rifle might be able to enforce the law but he isn't likely to promote peace.

A return to peace officer — public safety model of justice is required.

The current **law enforcement** → **catch** → **convict** → **release** ← **repeat** model now in widespread use must be retired if public safety is the objective. Instead, peace officers must preserve public safety by peaceful means whenever possible, for which modern technology can be of great assistance. When needed, peace officers should enforce essential laws, but arrest and incarceration should be used only as a last resort.

It strikes me as the height of folly to arrest and incarcerate people who demonstrably don't have any money for non-payment of fines and court fees, in the process costing them what jobs, income, and housing they may have. Even more ridiculous is that the penalty for non-payment are more fines, fees, or jail time. A rational system would seek non-monetary methods for citizens to meet their obligations. e.g., community service, and avoid incarceration except in extreme cases. As that is often done at present, it simply requires more consistent application.

Nor should peace officers be used in attempts to provide personal safety in support of feminist or any other ideology, as is so widely done today. There will never be enough law enforcement officers to accomplish that and if peace officers serve and protect public safety, then personal safety will be provided as an unseen benefit.

Faux convictions

The current number of criminal cases in our courts under mountains of laws and regulations prohibits any possibility of actually providing basic **due process** protections, let alone a jury trial. In order to short circuit the system, legislators and district attorneys conspired to come up with faux convictions.

In order to reduce the immense number of criminal cases generated by the essentially infinite number of crimes created by legislatures reacting to puritans and ideologues in our society, and without reference to the constraints of our Constitution, the “*justice*” system has devised what is known as a **deferred sentence**.

The way it is told to the poor, trembling souls cowering in captivity is that if they will just please take a plea bargain to whatever charges the district attorney is offering, out of the kindness of his heart of course, is that once the serf has completed their sentence and probation three to ten years down the road, to a heartless prosecutor's satisfaction, the charges will be thrown out and the serf's guilty plea will be erased from the local jurisdiction's record. However, if a plea bargain is signed and accepted, all rights to an appeal are surrendered but, conveniently, that isn't mentioned.

In effect, what the “*justice*” system is doing is convicting a man one day, and a guilty plea is required to get a deferred sentence; making him a criminal today but claiming tomorrow he is not, i.e., a faux conviction. How a man can be guilty of a crime one day but not the next escapes me? Public safety seems to demand that if a man, or woman, are convicted of a crime that such information be publicly available.

What is unseen is that the man is, and will be treated as a convicted criminal until he has satisfactorily completed the sentence for whatever crime he pled guilty to.

See Table 1 for the collateral penalties faced in addition to any time in jail and the probation conditions. If any conditions of the probation are violated, e.g., a DUI, it is back to jail for the duration of the sentence.

If one does complete the terms of the deferred sentence, in principle the criminal record will be “*sealed*.” That is nothing shows for the public on the local court records, and maybe not on state databases. But frequently it is necessary to pay an attorney \$1,000+ to be sure the record is sealed.

What is unseen is the fact that the criminal record still shows on national, police, and private databases.

Thus, if the man is later stopped by the police, needs a security clearance, or an investigator runs a background check, etc., the conviction will still show even if it has been “*sealed*.” **Such secret State records have long been a hallmark feature of tyrannical governments.**

Much better in the long run to demand a jury trial and face ones peers up front.

Trial by jury

I consider Trial by Jury as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution.

Thomas Jefferson, 1789

In the list of intolerable grievances presented in the Declaration of Independence Thomas Jefferson notes the King has been: “...depriving us in many cases, of the benefit of Trial by Jury.” We have arrived at that same point today, although by more devious means. But the injustice is just as grievous, perhaps even more so, as we have brought it on ourselves. However, tyranny from any source is still tyranny!

If we are to return sovereignty to citizens I can imagine no quicker or surer way of reforming the justice system and restoring justice for all citizens than, without exception, requiring **all** criminal cases to be tried before a jury of twelve impartial citizens as specified in the Sixth Amendment to the Constitution:

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.”

There must be no exceptions!

Under English and subsequently American law, a defendant must be considered innocent until proven guilty beyond a reasonable doubt by a jury of his peers. For far too long prosecutors have been allowed to ignore the requirement that they establish those essential elements of **due process: mens rea** and **actus reus**, to prove beyond a reasonable doubt before a jury of his peers that the defendant is guilty. That should, and must end in the interest of justice as well! Thus, I would eliminate plea bargains entirely, even if the defendant admits to the crime as false or coerced confessions are by no means rare.

In many states and jurisdictions jury sizes have been reduced to six, or even three members. In the worst case, the defendant is subjected to a trial by a judge, or bench trial; widely regarded as simply a long, slow way of pleading guilty. Thus, the traditional jury of twelve good men and women, must be maintained in all cases. That will ensure only cases with merit actually go to trial and both prosecutors and police will have to return to the practice of public safety; rather than the unthinking and unwarranted criminogenic law enforcement practiced today.

It is easy to foresee screams of protest about the work this would cause from district attorneys and others who tend to think Stalin, Mao, Pol Pot, etc., were far too gentle and kind. Accustomed to decades of browbeating the poor and downtrodden into plea bargains without explaining in advance the pains and penalties that they will suffer for life (see Table 1), and ignoring the maxim that in America a citizen is presumed innocent until proven guilty, they would now be required to actually prove the case against a citizen.

However, faced with a defendant who pleads Not Guilty and demands a jury trial today, in a great many cases the prosecutor will dismiss the case. Lamentably, the dismissal typically isn't until the day before or the morning of the scheduled trial, which requires the time, expense, and frustration of preparing for trial on the off-chance it does go forward. That is one form of torture used by prosecutors hoping to coerce a plea agreement from hapless defendants. But if all criminal cases had to go before a jury, without exception, the justice system would quickly adapt to a peace officer model of only arresting and incarcerating real criminals, rather than the victims of social justice laws. Prosecutors would quickly learn, though kicking and screaming in protest, to thoroughly investigate and take to trial only those cases with merit. No more “*he said/she said*” cases; hopefully perjury would become rare, but widely published when it did occur, and **due process** reinstated. Further, for the greater good, legislatures would soon quit inventing new crimes, although existing garbage, oops, “*laws*” would remain on the books until they finally get around to repealing them.

The unseen benefit of this approach is that it would limit the number of crimes legislators could invent.

Treatment in preference to incarceration; mental illness is not a crime

There is also the problem that roughly half, and possibly more, of the prisoners currently incarcerated suffer from mental health problems, or hidden wounds like PTSD and TBI.

It is known that police and prosecutors coerce and intimidate defendants with mental health problems, including many veterans with PTSD and TBI, and often without, into taking plea bargains.

There are far, far too many cases where confessions have been coerced and extracted by torture of various means, e.g., hypothermia by placing the defendant in a cold room until they confess, or simply keeping them in jail until these troubled individuals submit to a plea bargain, even when innocent.

Arrests, criminal convictions, jail, simply make mental health problems worse. Many belong in mental hospitals but budget cuts and false promises of effective pharmacology eliminated most of those. Loosely controlled or monitored psychoactive drugs, that too often fail or even make the individual's problems worse, have been substituted; with the all too obvious effects of homelessness and unpredictable, and too often dangerous behavior by these troubled individuals.

Other conditions are also susceptible to treatment, e.g., PTSD, TBI, and other hidden wounds of war or accidents. But instead of treatment these individuals, all too often military veterans, are arrested for "domestic violence," drunk driving, shoplifting, and a myriad of other charges that effective treatment could largely remedy.

After 18+ years of continuous wars there are a great many veterans suffering from PTSD and TBI. In some cases this may be the result of poor and inadequate training (see [Kinder, Gentler Military](#)) but everyone has a breaking point. For the poorly trained and prepared their breaking point may be reached during their first combat mission or on their first tour, but in current wars it is common for veterans to have served four or more combat tours and been blown up more than once, e.g., one Army SFC we worked with was blown up seven times before being medically retired.

A criminal conviction combined with their untreated mental health issues virtually guarantees they will commit more crimes, public safety be damned.



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It is reasonably easy to test for conditions like PTSD, e.g., the [Mississippi test](#), or to find out if such conditions have already been documented. In many other cases the medical history or behavior makes it obvious the individual suffers from traumatic injuries or mental health problems. Clearly, it would be advantageous for public safety to treat these people rather than incarcerate them.

However, there must be means to insure that the individual actually gets the needed treatment and participates in it. For many combat veterans, who are rough, tough warriors, often the first time they will admit they may have a problem is when they are standing in front of a judge. That stage of the proceedings fits many others in the general population as well.

Pretrial diversion versus a deferred sentence

Without question, the only effective method known of safeguarding public safety from the actions of some individuals is to incarcerate or execute them. However, as shown in the previous examples, many citizens find themselves ensnared in the justice system based on puritanical, ideological, just plain stupid laws, as a result of mental health issues; and often some combination of these factors.

Currently far too many defendants are coerced into taking a plea bargain simply to get out of jail after months of incarceration awaiting a trial because they cannot afford bail or an attorney. Often they serve longer jail terms awaiting trial than if they had been convicted of the charges against them.

In order to convince defendants to plead guilty and accept a plea bargain it is common for prosecutors to offer a [deferred sentence](#) that is suspended until after a defendant has completed a period of probation. If the defendant fulfills the stipulations surrounding probation, a judge may then throw out the sentence and guilty plea, supposedly clearing the incident from their record. Such faux convictions make a mockery of criminal justice!

However, with modern databases it is almost always, and should be possible to find an individuals criminal history in the name of public safety. **It is dangerous in the extreme to hide criminal records!**

In tracking [veteran arrests](#) over the past ten years it is obvious that a criminal conviction is no, or very little deterrence to future criminal activity. Conversely, in many cases it is apparent that the criminal conviction and subsequent punishment left the individual with few or no options (see Table 1) but to commit more crimes in order to survive. And in many cases it is quite clear from the arrest history that the individual is left homeless by the actions of the “justice” system.

Crime, suicide, and homelessness are thus inextricably intertwined by the actions of the justice system with little regard for public safety.

Obviously another approach is needed. In 2013 the Colorado legislature created a program for [pretrial diversion, C.R.S. § 18-1.3-101](#), that provides for treating and judicially monitoring defendants without requiring a criminal conviction. The **carrot** in this approach is that if completed successfully the criminal charges are dropped and the defendant does not plead guilty to any crime. The great advantage of this approach is that the supervision and treatment are carried out under the supervision of the court.

The **stick** to ensure the treatment is attended to is that failure results in a criminal conviction and incarceration. The use of pretrial diversion is attractive for defendants suffering from mental health or substance abuse problems as it puts them under court supervision without requiring a guilty plea to some crime they may or may not have committed; and avoids the pains and penalties a conviction carries.

Such an approach for offenders charged with misdemeanors and low-level felonies is almost certain to reduce recidivism, as compared to a criminal conviction that also carries the lifetime penalties tabulated in Table 1; often making it impossible for the individual to rejoin society and become self supporting. Recidivism rates after a criminal conviction today make it plain that it is virtually certain they will commit more crimes.

A criminogenic justice system is the antithesis of providing public safety.

Community response teams

One of the better ideas I've seen is an attempt to avoid arresting citizens with mental health issues in the first place. The Colorado Springs Fire Department (CSFD) has initiated Community Response Teams (CRT) composed of an EMT and a social worker familiar with mental health problems.

When a police officer responds to a call and finds it involves a mentally-disturbed individual they radio back for a CRT. After stabilizing the situation, the police officer leaves it to the CRT to provide treatment on site, or take the disturbed individual to a hospital, detox, or other suitable treatment facility.

In a military town like Colorado Springs after eighteen years of war a very high percentage of domestic disturbance and similar 911 calls involve a veteran with hidden injuries like PTSD or TBI. Using such CRT on a routine basis would certainly ease jail crowding and could save the veteran's family, children, and future.

Even more beneficial to the veteran or citizen, and society is that without a history of arrest and conviction, when their affliction is treated, they can return to a normal productive life.

Make the justice system more accessible

In the interest of preserving public safety the justice system must allow citizens to continue in their occupations to whatever extent possible while seeking justice, treatment, or serving a sentence.

Evening and Saturday courts are needed so that defendants don't lose work. Defendants should have a choice as to what time of day they can attend court whenever feasible. One step in this direction are work release programs that leaves a citizen free to work during the day while incarcerated nights and weekends if convicted of a crime serious enough to mandate incarceration; but the individual does not present a clear and present danger to public safety.

Evening and Saturday hours are needed as well for probation, pre-trial services, public defenders, guardian ad litem (GAL) attorneys, family investigators, child protective services (CPS), etc.

Summons should be used rather than jail for minor violent crimes like a minor assault or bar fight. And most disagreements must be treated as civil affairs, not criminal ones.

In ensuring justice is not served, a major factor is the exponential increase in attorney fees. When I began studying these problems 20+-years-ago the rate for an attorney was generally in the \$100-\$200/hour range and a retainer of \$1,000-\$2,000 was usually adequate. Today, a defendant in a felony case is lucky to find an attorney who charges just \$300-\$500 per hour; and retainers now start around \$10,000 and go up from there. And the retainer must be paid in full before an attorney will even look at a case. To make matters worse, if that is possible, I rarely meet an attorney who has the education I would expect from a college sophomore.

Administrative judges

The Founding Fathers of our republic wisely divided the government into three separate but equal branches, executive branch, legislative branch, and judicial branch. The essential requirement for an independent judiciary is that they are not paid directly by the executive and do not answer to them. Other than appropriating necessary funding, the judiciary is independent of the legislative branch as well.

Never content to leave well enough alone, and finding an independent judiciary are often intractable and inconsiderate of the executive branches special needs, something had to be done. To circumvent this roadblock the executive branch in federal and state governments started hiring their own administrative law judges to rule on the multitudinous regulations and rules evolved by the executive; too often without troubling the legislature in the process.

As reviewed by [Phillip Hamburger, J.D.](#):

“There are many complaints about administrative law — including that it is arbitrary, that it is a burden

on the economy, and that it is an intrusion on freedom. The question I will address...is whether administrative law is unlawful, and I will focus on constitutional history. Those who forget history, it is often said, are doomed to repeat it. And this is what has happened in the United States with the rise of administrative law — or, more accurately, administrative power.

Administrative law is commonly defended as a new sort of power, a product of the 19th and the 20th Centuries that developed to deal with the problems of modern society in all its complexity. From this perspective, the Framers of the Constitution could not have anticipated it and the Constitution could not have barred it. What I will suggest, in contrast, is that administrative power is actually very old. It revives what used to be called prerogative or absolute power, and it is thus something that the Constitution centrally prohibited.

But first, what exactly do I mean by administrative law or administrative power? Put simply, administrative acts are binding or constraining edicts that come, not through law, but through other mechanisms or pathways. For example, when an executive agency issues a rule constraining Americans — barring an activity that results in pollution, for instance, or restricting how citizens can use their land — it is an attempt to exercise binding legislative power not through an act of Congress, but through an administrative edict. Similarly, when an executive agency adjudicates a violation of one of these edicts — in order to impose a fine or some other penalty — it is an attempt to exercise binding judicial power not through a judicial act, but again through an administrative act.

In a way we can think of administrative law as a form of off-road driving. The Constitution offers two avenues of binding power — acts of Congress and acts of the courts. Administrative acts by executive agencies are a way of driving off-road, exercising power through other pathways. For those in the driver's seat, this can be quite exhilarating. For the rest of us, it's a little unnerving.”

What is particularly unnerving about administrative law is that the judges are paid by the executive and their rulings are, and must be pleasing to the executive agency that employs them. Even more frightening for public safety is the fact that many government agencies have also granted themselves extensive police powers and [due process](#) is seldom a priority or even acknowledged.

For example, under administrative law a citizen does not have a right to a jury and the “*trial*” or hearing is heard and ruled upon solely by the judge, i.e., a bench trial. Also, administrative courts are generally regarded as courts of equity rather than courts of law and therefore civil rights and liberties do not generally apply, although one can employ an attorney for representation in an administrative law court.

Although in many cases one can appeal a ruling by an administrative law judge; like all appeals that is a long and costly process. And, as Hamburger notes, administrative law is a latter-day version of a recurring threat — a threat inherent in human nature and in the temptations of power.

In [Auer v. Robbins](#) the Supreme Court in 1997 deferred to the Department of Labor as to the interpretation of its regulations. Thus, not only are bureaucracies currently unconstrained as to what regulations and restraints they can impose with little or no oversight, they are also permitted to hire their own police and judges to rule on whether citizens or businesses have violated same and determine the punishment independent of the judiciary. **The old saw about the fox guarding the hen house comes to mind!**

In 2018 the Supreme Court agreed to decide whether to overrule *Auer* in [Kisor v. Wilkie](#). Justice Clarence Thomas has indicated that he and several other justices were prepared to overrule the *Auer* decision, and the Court is expected to decide the issue by June 2019. In the interest of maintaining public safety I suggest that **administrative law is clearly unconstitutional.**

As such administrative law has no proper place in providing public safety; and should and must be eliminated from a free society.

Controlling the legislators

No man's life, liberty, or property are safe while the legislature is in session.

*Judge Gideon J. Tucker
often attributed to Mark Twain*

Laws produce lawyers but little good

In ancient Greece anyone who proposed a new law, or the alteration of one already existing, had to appear before the Citizen's Council with a rope round his neck. If the Council voted against the proposal the proposer was immediately strangled. **A tempting idea!**

In her autobiography, Erin Pizzey points out that “Any country that has tried to create a political solution to human problems has ended up with concentration camps and gulags.” Further, it is clear that today more laws equal more crime.

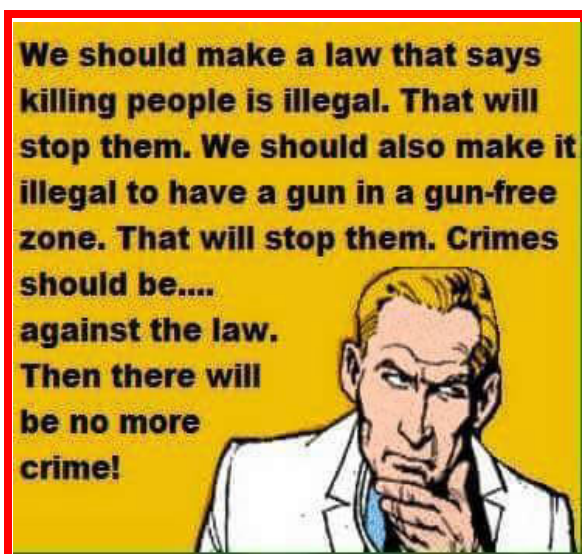
Laws and regulations do **not** produce food, clothing, housing, or any other necessities of life. However, laws and regulations all too often prevent the production of life's necessities and legal costs, e.g., lawyers often strip a family of all their assets. Prof. Stephen Baskerville describes the situation today as Barbarism in the Courts.

Worse, legislators have begun a widespread practice of passing laws and then seeing if they might work. **Few do!** And while laws should be brief and simple, today's legislators are given to passing laws thousands of pages long that even they haven't read. But the citizenry is taxed to pay for their incompetence and mistakes.

The more laws, the less justice.

*Marcus Tullius Cicero
Roman Lawyer, Writer, Scholar, Orator, and Statesman
106 BC-43 BC*

Limiting the legislators



Thomas Brackett Reed's statement bears repeating: “One of the greatest delusions in the world is the hope that the evils in this world can be cured by legislation.”

Many efforts have been made to limit and control what laws legislators can pass; beginning with the federal Constitution and carried down into state Constitutions. But Congress and state legislators either simply ignore such restrictions, or weasel their way around them.

Attempts have also been made to limit what the lamebrains in these bodies can do. Sessions are limited in time; limits placed on the number of bills one legislator can introduce in a session; the number of sessions that can be held; who can be elected or appointed to these various bodies; term limits; etc.

One such sidestep at the federal level is the Commerce Clause, which has been grossly abused, misinterpreted, or

ignored virtually from the day the Constitution was ratified.

Legislators also consistently ignore, or are totally ignorant of the fact that the purpose of the justice system is to protect public safety, not personal safety. And if our system of law is to be preserved in any form it is essential that citizens be considered innocent until proven guilty beyond a reasonable doubt by a jury of their peers. Nor,

under our Constitutional government, can personal behavior and beliefs be legislated although examples of attempts to do so are documented above.

Across state and local levels it appears legislators, commissioners, councils, etc. do not recognize any bounds on what they can, or cannot do. An excellent example of this is the recent passage of a [gun registration and ban](#) by the city council of the Peoples Republic of Boulder, Colorado, in clear violation of most provisions of the Bill of Rights. Even more appalling is that Colorado, and some other states, are imposing [red flag laws](#) in a purported attempt to take guns out of the hands of citizens reported to suffer from mental health issues. As I write this, implementation of such a law has just been signed by the Colorado governor that allows virtually anyone to go before a judge and claim, [ex parte](#), that Citizen X is mentally disturbed and a threat to society if X is allowed to possess weapons. Judges, being ever afraid of not granting such orders in the unlikely event X might actually go out and shoot someone, in which case the judge might be blamed, are quite likely to issue an order requiring the sheriff take possession of X's weapons without prior notice to X.

The misuse of such methods have been clearly shown by the use of [ex parte orders to curb domestic abuse](#) but logic, reason, and the Constitution are seldom an obstacle to legislatures. The danger to public safety of forcing citizens to surrender their homes, children, weapons, etc. under such laws seems self explanatory to anyone but a legislator.

Laws like this might sound good, and look good on paper, but in practice they do not promote public safety; rather the reverse.

Another method that has been tried and failed is the idea of Sunshine Laws, where a law is passed but must be required after some interval, typically five years. VAWA is an example that comes to mind. It has been renewed at least four times and every time feminists have expanded the definition of what constitutes “domestic violence” and added new crimes and penalties although clearly intimate partner violence has not been, and will not be controlled by ever more draconian laws.

Everything has been tried, it seems, except requiring minimum standards of intelligence and education to hold public office.

But nothing has worked!

For example, in Colorado the state legislature consists of 100 members, 35 Senators and 65 Representatives, and is limited to sessions of 110 days each year. During a given session each legislator is presumably limited to five bills each. But each year/session 700-800 new bills are introduced and about 400 on average are passed and signed by the governor. But public and scientific input and testimony is almost always ignored and Colorado legislators have developed an ugly habit of passing laws first and then seeing if they will work. Too often they don't but the laws is retained. Citizens who spend the time to go to the state capitol to testify are given perhaps five minutes unless, of course, they are females and cry a lot. Few bills are read, the unseen consequences are almost never considered, and the public remains almost totally ignorant of the new laws, or the old ones which now fill a complete bookshelf.

Further, experience has shown that it is more difficult to get a law repealed than to pass a new one. So the total number of largely incomprehensible, and certainly unknown to most, laws simply continues to increase. Even at the federal level no one is quite sure of even how many federal crimes are defined by law today.

Of course, ignorance of these laws is no excuse if one is arrested.

One thing that might work, but doesn't seem to have been tried, or at least not passed, is well hidden, or simply ignored, is a strict requirement that each and every bill introduced clearly define the specific article in the applicable constitution that provides the legislative body the authority and requirement to act in or on the issues addressed in the bill.

Perhaps the most enduring method of ensuring logic in government is referred to as [Confucianism](#), a system of ethics, education, and statesmanship taught by Confucius (551–479 BC) and his disciples, stressing love for humanity, ancestor worship, reverence for parents, and harmony in thought and conduct.

[David Goldman](#) recently reviewed how and why China has been able to make incredible gains in the past few decades and notes:

“If you’re in the Chinese leadership, you made it there by scoring high on a long series of exams, starting at age twelve — which means you haven’t met a stupid person since you were in junior high school. The fact that democracies can frequently advance stupid people — we are entitled to do that if we wish — doesn’t make sense to the Chinese. The one thing President Xi Jinping cannot do is get his child into Peking University unless that child scores high on his exams. Here in America, you can buy your way into Harvard. You can’t do that in China. So while the Chinese Communist Party is not a particularly efficient organization, and is certainly not a moral one, it has a lot of incredibly smart people in it.”

Most modern religions teach most of the same principles but, in contrast with the Confucian methods, Christianity pays no attention to government, i.e., “*Render unto Caesar the things that are Caesar's, and unto God the things that are God's.*” In a multitude of ways the Christian approach ensures that there are no standards for American politicians, or other public servants.

I would not want to try and defend the morality of American legislative bodies; and it seems self evident that the majority of these men and women are not “*incredibly smart people.*” Unless, and until we put further restraints on minimum standards for public service, our Republic will continue on a downward spiral.

Americans are very adept at self organizing but, in the main, elect uneducated and frankly stupid people to public office; and one doesn’t want to brag about the majority of our civil servants. While I do not think the adoption of [Confucian legalism](#) can be achieved in the United States, and there are unseen dangers in a [meritocracy](#), certainly adoption of the [principles of li](#) would be a step up from the [Machiavellian principles](#) in use today.

Preserve families

In vivid contrast with current feminist dogma, history demonstrates that public safety is best preserved where children are raised by their biological father and mother.

Reforming divorce

The [origin of licenses and state permission to marry](#) has long been associated with miscegenation and therefore inherently and disgustingly racist in nature. Thus, the role of the State in permitting and controlling intimate relationships is questionable at best, and eliminating marriage licenses would be a step in the right direction. Marriage is, and should be a personal and religious contract between the couple.

Different religions have very different ideas of what constitutes a “*family*” and “*marriage.*” Therefore, it must not be a secular decision by state functionaries or laws that define a “*family*” or “*marriage.*” Conversely, laws should not be based on the tenets of a particular religion. Puritanism and bigotry have had a dreadful impact on American families.

Without concern for miscegenation the State has no basis for determining or controlling personal relationships. What couples do in the privacy of their own dwellings is not now, nor was it ever the business of a Republic where men are free.

The bigotry, racism, feminist ideology, and puritanism on which current “*marriage*” practices are based are disgusting to a free people; and today commonly ignored by men and women. Thus, “*no fault*” divorce is an oxymoron, and a badly abused one at that.

Marriage is, and should be a union undertaken with full faith and trust between a man and woman with procreation as the objective in a religious ceremony of their choice; without state control or intervention. Other relationships, hetero- or homo-sexual would be better served by a revocable trust or contract.

Men and women who want to live together must be free to do so. However, when they acquire property together or separately there is an implied contract between them. When the assets are substantial, wiser couples commonly draw up a [revocable living trust](#), or a similar written contract and will between them. If no minor children of the couple exist, the only role of a court in such cases is to enforce the terms of such contracts if called upon.

Protecting the children

Many now refuse to participate in the [miscegenation-based](#) state ritual that today is called “*marriage*.” Men and women still form couples and set up households without first, or ever obtaining a marriage license. However, the State still retains [parens patriae](#) control of the children of such unions. That too has been greatly abused. In particular, domestic violence and restraining order laws have been widely used to drive the father away.

Fifty years of radical feminism have clearly demonstrated that a bleak future too often awaits children raised without a father present; and the negative effects for society and public safety seem obvious today. The relationship between men and women is not the dialectic that neo-Marxist radical feminists claim. Thus, use of methods based on such faulty reasoning are doomed to failure with great cost in human misery and death; as widely demonstrated in the 20th Century.

When a man and woman couple and produce children, an action required for the survival of our species, but later decide to separate, the public weal demands that arrangements be made for the children that are proven to be of benefit to society. However, corrupt “*family*” courts, driven by feminist dogma that postulates all men are “*batterers*” and all women are “*victims*,” has so destroyed a man’s, or woman’s chances of forming a lasting relationship that men have rebelled.

In the interest of public safety both biological parents should raise their children except in extreme circumstances.

Although ideally they should, mother and father need not live in same household. But, in the best interest of their children, both must live close enough together that the children can easily walk or be carried between their separate residences, e.g., no further than 100 meters apart until the youngest reaches maturity, usually age 18.

However, if one of the parents should chose to move further away for any reason, presuming both parents are of sound mind, then by default I suggest custody of the children should remain with the faithful parent and all marital assets transferred to that parent to best enable that individual to raise the children as predetermined by a trust or other written contract. Of course there would be no restrictions on both parents relocating together so long as their new residences were within the set walking distance for the children at their new locations.

However, in cases where the parents are separated, federal and state support of child “*protective*” services is all too frequently used to legally kidnap children and place them in foster homes that have repeatedly been shown to be more dangerous for the child than anything in their parent’s home.

Stop teaching fear

Children in a stable family with mom and dad are remarkably curious and fearless little varmints. It is a whole new world for them to explore, and explore they do. Of course, some things they learn through hard knocks, “*hot*” comes to mind, but learn they do in a sometimes painful fashion. Reasonable parents insure the hard knocks do as little damage as possible. But a normal child will suffer some burns, possibly some broken bones, many cuts, scrapes, and scratches, etc., as they grow and learn. Lessons in self defense, often taught by

dad, will save them from being bullied in school and on the playground, but they will suffer some heartbreak as they begin dating. In the process they are educated, loved, taught discipline, good behavior and manners. Generally children from a family with a mom and dad become good citizens.

That is a normal childhood!

Over- and under-protective parents

But problems arise with overprotective parents of any stripe, often referred to today by the metaphor [helicopter parents](#). These parents don't let their children run wild like the little Comanches they are, and their children are taught to be afraid of virtually everything. These children tend to grow up in great fear of anything strange and unfamiliar. As adults they also tend to call upon State agencies any time they are afraid. Worse, they believe without question that what they know is ultimate truth and justice. Anyone who disagrees with their narrow world view must be punished by the State, whose laws and practices are believed to be divinely inspired. This puritanical streak leads them to favor and pass laws against everything they are against, e.g., prohibitions are a favorite tool used to punish non-believers.

Fear inevitably leads to hate!

Children of single mothers have somewhat of a reverse problem. Commonly they can spend little time with their kids and their children often run wild and get hurt in the process. Thus, their children learn to fear most anything strange and unfamiliar. In the process their natural curiosity may be destroyed and they frequently have difficulty with relationships as they grow. Lacking parental control they will turn to those around them, often street gangs, for protection and as a model for social behavior. Typically they fear anyone not in their "gang," and antisocial, undisciplined behavior finds them in trouble in school, at home, and with the law. Much, if not most of the criminal behavior in this country is associated with children of single mothers, and after 50+ years of feminism these problems are often intergenerational.

For the children of single mothers, all too often the State steps in with a child "protection" service that too often takes the children and puts them into foster homes where the hard knocks come fast and furious; but with no biological parent to protect them they learn fear and rebellion.

In both of these cases, as the children, particularly females, become adults they turn to the State for support and protection against the evils of the world that they hate and fear. And given their own failed childhood, they are not likely to make good parents, or have stable relationships; compounding the problems over generations.

These cycles must be broken by ensuring that children are raised and educated by both their biological parents whenever possible.

A modern form of slavery

The destruction of families, largely due to laws based on feminist ideology, have led to even worse abuses, e. g., "family" courts have far too often set outrageous child support payments based on unjustified actions and perjury by mothers.

All too often the money the father pays for child support through a state agency never reaches the children's mother. And in too many cases a man has been required to pay child support for children who have died or the children are no longer in custody of the mother for various reasons. In at least one case I'm aware of the child never even existed.

In many other cases men who can prove they are not the father of the child(ren) are, nonetheless, required to pay child support; a modern form of slavery known as [paternity fraud](#).

The unseen result has been a decline in childbirths far below replacement levels needed to maintain the population and [rebellion against marriage](#).

Conclusions

The future

Perhaps it takes a science fiction writer like Frank Herbert to point out the obvious, as he did in [Children of Dune](#), that “...every society depends upon the quality of the individuals it produces. If you over-organize humans, over-legalize them, suppress their urge to greatness — they cannot work and their civilization collapses.” The essay above make it obvious the United States has done exactly that and many are simply awaiting the now inevitable collapse.

For many of you the foregoing is simply preaching to the choir. You know the problems! Hopefully, in these pages you have found some means of countering the insanity that our “justice” system has become, or at least you’ve found some ideas on how to at least protect yourself, your family, and loved ones.

However, it is indisputable that present policies and practices by the justice system are destroying public safety, the very thing the system is set up to preserve and protect. Arrest records make it clear that the current justice system is also creating homelessness and keeping many homeless, or suicidal.

In many respects the current failures of the justice system result from the fact that today it is often called upon to attempt to deal with societal issues that are beyond its legitimate purview, e. g., mental health problems. But the old saw about the fact that if your only tool is a hammer, everything looks like a nail applies and once a judge dons that black robe they too often regard themselves as gods who can solve anything. But there are many human problems that cannot be solved in court or by passing another law or regulation.

Seemingly every option has been tried to limit criminal behavior: more laws, tougher laws, more severe pains and penalties (see Table 1), longer prison sentences, phony treatments, etc. All have clearly failed if public safety is a priority and the *raison d’etre* for our “justice” system. Time to try something different.

As summarized above:

- Many of the laws are worse, and more damaging than the problem they are intended to correct;
- Efforts to control drug use by prohibition radically destroys public safety; as has always been true of legislative prohibitions against popular substances or ideas;
- Ideologically-driven draconian laws to control family relations by criminalizing domestic violence have gone far to destroy children, families, and marriage with concurrent, but largely unseen destruction of public safety; and available evidence suggests domestic violence has only increased under these laws;
- The federal War on Drugs and Violence Against Women Act (VAWA) have destroyed virtually all civil liberties;
- Puritanical laws that outlaw prostitution result in crime, disease, and do not deter prostitution; certainly destroying public safety in their wake;
- Broadening the definitions of sexual assault and harassment have made many headlines but have had no discernible impact on such actions; but public safety was never an objective of the feminists promoting the current hysteria;
- Even such mundane issues as a drivers license has been shown to degrade public safety under the current justice system; and
- All too often laws and regulations are changed with such frenetic frequency that no man knows what the law is today, and certainly not tomorrow.

This tabulation barely scratches the surface of the current problems with our justice system. Obviously puritanical and feminist-driven (or any) ideology are a very bad basis on which to base criminal law. But simply the sheer numbers of crimes and resultant cases make the justice system unworkable.

While some basic laws are necessary, their multitudinous offspring are strangling our society.

Note that I have not touched upon the issue of gun control, or the Second Amendment. The first and foremost objective of tyrants is to ensure that citizens under their dominion are unarmed. To do that, stringent and draconian laws are used to ensure the populace has no weapons. Wisely, the Founding Fathers attempted to ensure Americans would be armed to protect themselves from tyrants. But there are always those who wish to control citizens and, as an obvious first step, attempt to deny, or gravely limit an individuals right to have, carry, and use weapons. To that end they have passed a myriad of laws to control the purchase and use of weapons. By and large the citizen response has been to acquire even more guns and ammunition.

Experience has clearly demonstrated that the more guns, the less crime.

Before you go, let me propose some ideas on how the worst of the current abuses might be at least somewhat curtailed.

Unequal justice

An obvious objective of the Equal Justice Foundation is **equal justice**. It should be clear from the above that today justice is quite unequal and is far too often based on gender, race, origin, religion, income, and even political affiliations.

Perhaps a simple example will demonstrate blatant sex discrimination:

- If I am sunbathing nude in my back yard and the neighbor woman sees me, I will be charged with indecent exposure;
- Conversely, if the neighbor woman is sunbathing nude in her backyard and I look at her, I will be arrested as a Peeping Tom.

There are many variations on this theme, but men turn out to be the ones who are arrested and jailed by a wide margin. And note that in neither case in this example is public safety an issue, so why is the State involved at all?

If laws are to be effective they must not discriminate in text or in practice against men or women, race, religion, political affiliation, origin, language, or for any other contrived reason.

Catch —> convict —> release —> repeat <—

Of what possible value is it to public safety to simply catch someone, convict them of a crime (often severe, see Table 2) and then put them back out on the street with only the clothes they have on, no drivers license or vehicle, no home, rarely any money, and with a conviction that makes it virtually impossible to find a job?

Playing whack-a-mole with peoples lives is not what we have a justice system for

Playing [whack-a-mole](#) with peoples lives is not what we have a justice system for; and doing this is a grave danger to public safety. Am I the only one who understands that more, not less crime will follow such actions? And far too often the subsequent criminal acts are even more dangerous in terms of public safety. Men and women will do virtually anything to keep living, that is basic survival instinct.

One has to question just what is the justice system doing to provide for public safety?

Further, it is clear that many defendants have learned to game the system. They have found that an arrest, followed by a plea bargain to reduced charges that results in little or no punishment by the justice system, e.g., probation, minimal jail time, etc., is little more than an inconvenience and certainly not a deterrent to further criminal activity. Thus, in many cases one finds the same individual arrested multiple times. The high so far is 27 known arrests in less than eight years, and that veteran started out in our veteran trauma court. But many of the veterans I track have been rearrested for various crimes a dozen or more times during the tracking period.

If the objective is public safety, rather than maximizing budgets for the justice system, then strong incentives must be in place to deter further criminal activity. Even for the most heinous crimes, e.g., murder, it is evident the present system **does not deter** and public safety suffers.

The unseen result is that the present justice system is often criminogenic.

Use technology to preserve public safety

The use of technology to provide for public safety rather than draconian law enforcement and incarceration has scarcely been tried!

Safe driving as an example

Public safety is best served by assuring that drivers and owners of all vehicles have at least minimum insurance to cover their potential responsibility in any event associated with their driving or use of any vehicle. Periodic vision tests also serve public safety.

To reduce driving under the influence of alcohol, ignition interlocks and other devices of a similar nature should be used in any vehicle driven by someone with a history of excessive alcohol use. Making such devices mandatory with a DUI or DWAI conviction, and not up to the discretion of the court would be much more effective than the century of failure by law enforcement to stem this problem; in the process destroying civil rights and grossly increasing police powers.

While such technology as license plate readers obviously have a sinister side in tracking citizens they can also be safely used to control drivers who have flaunted the law. It would also seem that insurance companies could share their information about insurance with the Department of Motor Vehicles and police databases so that when a license plate is scanned the officer would be informed as to whether the vehicle was insured. A license plate scanner by the side of the road would seem to be capable of detecting uninsured motorists quite effectively and reduce, or eliminate the need for law enforcement officers manning checkpoints of dubious constitutionality and demonstrably limited effectiveness.

Another example, why not use electronically-readable cards with biometric and insurance information on them that a driver has to insert, and leave inserted, before the vehicle can be started or driven? In the vehicle would be a card reader and a biometric sensor, e. g., a fingerprint reader, that ensured the card belonged to the driver in question. With even today's technology, relatively simple modifications to the drivers licenses states issue could accomplish this. New cars would come equipped with such card readers and most older cars with [on-board diagnostics \(OBD II\)](#) could be retrofitted.

Quantitative testing rather than warrantless arrests

When a citizen is arrested, make quantitative testing for PTSD, TBI, and other mental problems an option. It is often impossible to recognize hidden wounds or mental health problems without testing. The existence of mental health problems should be an affirmative defense in many cases and treatment provided as appropriate to limit the possibility of the individual committing more crimes.

DNA testing is now widely used to apprehend criminals and identification of veterans. But its use could also be extended for identifying individuals with genetic disabilities that would benefit from treatment. However, the preservation of civil liberties suggests that such genetic profiling be limited to individuals who enter the justice system, as is done now on a limited basis, or who volunteer to have such profiling done for health reasons.

Fix the problem, not the blame!

Pure drugs rather than imprisonment

The great harm in drugs is not that individuals use them, but that the available drugs peddled illegally are impure and of unknown dosage.

The danger of drugs is not served by a prohibition. The danger to users is that street drugs have no quality control and are diluted with various, often dangerous substances. That lesson was clear in the prohibition against alcohol.

But the biggest danger of substances like marijuana is getting arrested for use or possession. After millions of arrests contributing to the largest prison population on the planet, marijuana has now become legal for medical use in 33 states and for recreational use as well in 10 states. That number increases every election cycle, clearly demonstrating the madness of the war on drugs. Where marijuana is legal, the controls and testing provide the public with a quality product free of dangers such as pesticides, defoliants, and other dangerous chemicals; clearly contributing to public safety.

In England users can obtain chemically-pure heroin legally at a clinic. That is also somewhat true in Germany, Switzerland, and the Netherlands. In [2001 Portugal decriminalized](#) all drugs and replaced incarceration with therapy when needed with great success. Other countries, e. g., Bolivia, are moving towards legalization as well.

Aiming for world peace sans nuclear war

There are any number of competing ideologies in the world today, which should be valuable for a free society. Unfortunately, far too many of the ideologies have hardened into dogma, brook no discussion, and far too often have been passed into law. That criticism also applies to many practitioners of the world's numerous religions.

Among the troublesome groups are [Agenda 21](#) and associated environmentalists, neo-cons and Israel, bankers like the Federal Reserve and Goldman Sachs, anti-gun lobbies, socialists and neo-Marxists, and so on, and on, and on...

But when I look under the covers of these various factions what I find at or near the helm lately are feminists, usually quite radical ones at that. Women are notably better at organizing and often have the time to devote to their cause. Added to that is the fact the federal, state, and local governments provide billions of dollars of funding for them under VAWA and similar programs.

In his recent book [The New Politics of Sex](#) Prof. Baskerville has documented the many institutions that feminists have infiltrated and now dominate. The LGBTQ community is now piggybacking on the feminist wave.

There is a vast difference between feminine and feminist. As [John Davis \(p. 119-120\)](#) has pointed out:

“Modern feminists seek to be able to call for police arrests, incarceration, blackballing, censure, and ruin of any man they choose to accuse based merely upon their displeasure. Modern feminism has done more to corrupt our current legal system, to erode due process rights of men...than any other corrupting influence in the United States or across the world.”

Social justice rarely if ever promotes workable criminal justice. That is as true for those on the political right, e. g., abortion; as on the political left, e.g., domestic violence. Often worse are laws based on religion. Although such laws may look good on paper they seldom work in practice. As Erin Pizzey has so brilliantly stated: “*Any country that has tried to create a political solution to human problems has ended up with concentration camps and gulags.*” Experience, as summarized above, clearly demonstrates that: **More arrests equal more crime!**

Do our present draconian laws and their enforcement provide for public safety?

Nonsense!

It appears to be quite easy to pass a new law with an included crime. What is unseen is that only a limited number of laws can actually be enforced as the justice system budget is, and must be limited. In tabulating veteran arrests over the past ten years it appears that only around 200-300 crimes, of the thousands on the books, are regularly enforced and most of those are traffic offenses.

It should also be kept in mind that public safety does not demand that millions of citizens need to be incarcerated and their lives destroyed. Nor should prosecutors be judged by the number of convictions they get, or as they phrase it: “*Another scalp on their belt.*” For each “scalp” another man’s life, career, family, and children are almost certainly destroyed by the collateral consequences (see Table 1) even if no prison sentence is imposed. The damage is evident in the plethora of homelessness, alcoholism, hopelessness, and suicides seen today.

Unseen is the fact that it is extremely likely these men will then commit more crimes in an attempt to survive, destroying the public safety the justice system is supposed to provide.

But “...*In the case of crimes, the main object of the law is to punish the wrongdoer; to give him and others a strong inducement not to commit same or similar crimes, to reform him if possible and perhaps to satisfy the public sense that wrongdoing ought to meet with retribution.*” Given always limited resources, enforcement and criminal justice should be focused primarily on the eight [index crimes](#): willful homicide, forcible rape, robbery, burglary, aggravated assault, larceny, motor vehicle theft, and arson; which are used as the basis for measuring crime rates. For these index crimes incarceration is often, and possibly the only way to provide for public safety if committed by sane individuals. But in every criminal case it is essential, if justice is to be preserved, that [due process](#) be carefully and completely followed and that at trial, if it comes to that, prosecutors be required to prove both [mens rea](#) and [actus reus](#) beyond a reasonable doubt before a jury of the defendants peers. While that might seem impossible today, that is simply a cruel artifact of the innumerable crimes selectively enforced by an overburdened justice system that is destroying the public weal.

Far too often I have seen cases of with mental health problems, self defense, or accidents prosecuted as crimes.

WHEN PLUNDER BECOMES A WAY
OF LIFE FOR A GROUP OF MEN IN
A SOCIETY, OVER THE COURSE OF
TIME THEY CREATE FOR
THEMSELVES A LEGAL SYSTEM
THAT AUTHORIZES IT AND A
MORAL CODE THAT GLORIFIES IT.

FRÉDÉRIC BASTIAT, FRENCH ECONOMIST

For virtually every lesser crime, e.g., dangerous dog, incarceration is a waste of resources and commonly destroys the citizen’s life, family, children, and marriage (see Table 1). A more rational approach would be, as in any civil case, the justice system should compel compensation and restitution; “...*the wrongdoer is not punished; he only suffers so much harm as is necessary to make good the wrong he has done. The person who has suffered gets a definite benefit from the law, or at least he avoids a loss.*”

However, in far too many cases laws are only enforced for the financial return they provide police, courts, and communities. Speed traps and [RICO](#) come immediately to mind but there are others, e.g.,

corruption and bribes associated with the War on Drugs. Policing for profit is the antithesis of a justice system supposedly established to provide for public safety.

Unfortunately, in today's courts perjury is almost always ignored and very rarely prosecuted. To a simple mind like mine it seems impossible to conduct a court of law and provide justice if perjury and subornation of perjury are permitted to go unchallenged and unpunished. That has been recognized in English law since at least the 12th Century.

When puritanical and criminogenic laws like prohibitions are put in place, the resultant violence eventually overwhelms justice system resources. The same is true for ideologically-based laws like "*domestic violence*." Forcing police and courts to focus on puritanical and ideological issues like these leaves them few resources to focus on public safety.

There are no simple solutions! But one idea that could be implemented at no or little cost would be getting police to approach citizens as peace officers rather than oppressive law enforcement agents.

While more difficult to implement, forcing **all** criminal cases to go to a jury trial would quickly end many of the bizarre practices currently in use by the "*justice*" system. After all, it was the fact that juries would not convict that helped to bring an end to the alcohol prohibition. Today, juries seldom convict in domestic violence cases and, locally at least, four out of five such cases end up dismissed.

Whither hence...

It is impossible to micromanage a nation or an economy by simply passing laws and regulations, although many have, and continue to try. Our government did not start out with the socialist premise that citizens should be governed by innumerable laws, regulations, and restrictions. Instead the intent has always been to protect the natural rights of all. Would that it be possible to restore those ideals!

As our Founding Fathers fully realized, a free people, for all their mistakes and confusion, accomplish far, far more than any government ever can. But as Madison foresaw:

"...It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow..."

As shown above, there is no question that this once great nation has reached the point that Madison feared. I think it extremely unlikely that another emperor will appear and formulate a modern Justinian Code. The question then, that I cannot answer, is where do we go from here?