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JUSTICE “JUST US”

PROSECUTORS WHO ALWAYS SEEK THE MAXIMUM PENALTY
ARE DESTROYING THE LEGAL SYSTEM
ALL FOR PERSONAL GRANDSTANDING



IT'S TIME TO REGULATE THE PROSECUTORS MAKING THE INDICTMENT PROCESS A
COMMITTEE DECISION OUTSIDE OF THE LOCAL OFFICE

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**THE PROSECUTOR IN THE CASEY ANTHONY CASE
JUST DOESN'T GET IT**

**WHILE PROSECUTORS IN NEW YORK FACE HAVING TO
DROP CHARGES AGAINST STRAUSS-KHAN**

AMERICAN JUSTICE IS DESTROYING THE ECONOMY

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**By: Martin A. Armstrong
former Chairman of Princeton Economics International, Ltd.**

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doubt that the majority of people think Casey Anthony is a good mother. Perhaps even the majority believe she should have been found guilty. This case is showing how prosecutors are destroying our way of life. They always go for the maximum penalty. In the Anthony case, to really be making an argument for the death penalty of first degree murder when you can't put on any evidence to support that with other than innuendo, is a sad epitaph on American Justice that has been redefined as "***Just Us!***" Had the prosecution been realistic and argued negligence; perhaps they would have gotten a conviction. But no! They always have to seek the worst the law can impose even when there is no evidence. This typically results in stupid arguments that leave the whole case filled with reasonable doubt and jurors wondering what they can even trust from a prosecutor. When you start charging international figures displaying them in handcuffs on he said she said stuff, you are showing the world the US does not respect the tenets of the **Rule of Law**.

The legal profession has become obsessed with technicality trying desperately to fit something into the maximum penalty to generally further the personal careers of petty government officials who get their chance to be in the limelight. Anyone who knows the law (**and was not a Prosecutor**) will admit that if you cannot even show how someone died, then how can you call this **PREMEDITATED** murder? The prosecution was hoping to just throw as much shit at the wall with chance it would stick. There is just no possible way a **REAL** juror could find Casey Anthony guilty of **PREMEDITATED** murder with no witnesses and absent being able to show the cause of death.



Because the prosecutors argue absurdly for the maximum, this leads a juror to assume the entire argument presented is questionable. As some have revealed after trial, by asking for the death penalty, the jury paid very close attention to every so called fact. A soldier who has been on the battlefield will tell you there is a risk of losing your humanity. This takes place among prosecutors and it is why they make very poor judges for they rarely have ever met someone who they do not suspect. They have lost their humanity and rarely see clearly making them unfit as a judge as well as a clear headed idea of reasonable criminal charges.

In New York, the prospect of dropping charges against ex-IMF chief Dominique Strauss-Kahn has exposed what is seriously wrong with American justice. The more high-profile you are, the more likely you are to become a juicy target for a prosecutor to climb his career ladder. The Strauss-Kahn case illustrates that as long as the person rushing to the prosecutor can pretend to be credible, they are off and running and tag – you’re it. The revelation of Strauss-Kahn’s accuser making a phone call to a boyfriend in prison and telling him this guy is rich and she’s got it, demonstrates to the entire world that you don’t really need facts and evidence to keep people in jail these days. It’s just innuendo. Prosecutors want him to plead guilty to just anything. That is to prevent a lawsuit and is another abuse of power where prosecutors are using government authority to escape personal liability.

Everyone thinks it can’t happen to them. But today, either Americans are the worst people in the world since 10% of the adult male workforce is now felons or prosecutors are convicting people on innuendo rather than evidence. Charging the head of the IMF without any evidence other than **he said she said**, is not acceptable in a country that is supposed to be the leader in human rights.

Working overseas for decades, the image of Americans was always that they sued everybody for everything. This Strauss-Kahn affair is fueling the entire image that America is legally out of control. It is time Congress stops the insanity for the collapse in the **Rule of Law** is one of the most serious economic sell signals of all time. When Margaret Thatcher was asked about investing in Russia by our clients in 1997, she replied that she would not invest a dime because there was no **Rule of Law**. If property and human rights are **NOT** secure, then indeed, you cannot invest. Instead of making laws that allow a sports figure to be charged with lying to Congress and faces 30 years in prison for such nonsense, it is time to start writing laws to protect the people from over-zealous prosecutors. Set standards of **REAL** evidence needed for a conviction and stop the innuendo grandstanding to get convictions. Indictments should be

approved by a central committee in Washington before presenting to a grand jury. The same central structure should be applied in all states and the grand jury should be given the **EXCULPATORY** evidence as well. The **decision** to indict should no longer be personal career opportunities. They have already eliminated the grand jury as a check and balance because the courts have held they do **NOT** have to present ALL the evidence to the grand jury. Even the prosecutor that went after Michael Jackson did so every chance he got.

The Strauss-Kahn case warns that if you are high profile, you either do not go to New York or LA, or you demand that hotels supervise their staff at all times meaning no maid can come in a room alone. Is this what this world has come to? This was the former head of the IMF. The political damage of this gold-digging foraging expedition is a sad state of affairs on New York. For Mayor Bloomberg to defend the prosecution warns he has lost touch with the Constitution. True, the state prosecutors are considering dropping the charges. That is better than trying to win with lies. However, there has to be independent evidence or there should have been no case to begin with. It is time to require **REAL** evidence; enough of the showmanship to get those big paying jobs.



Amanda Knox

The Italian trial of Amanda Knox is another disgusting abuse of power and the prosecutors have merely

adopted the American way of trial. The Middle Ages use of circumstantial evidence has got to **STOP NOW!** That is how the **Salem Witch-Hunt Trials** were carried out. A child gets sick, it must have been a curse, and that woman next door did it because she never liked us anyway. Even DNA evidence can be highly dangerous. Someone can take a hair and plant it at a scene and now you are there. At least with fingerprints they have to get you there or cut off your finger. Mayor Bloomberg in his very **UNAPOLOGETIC** response to the treatment of Strauss-Kahn being shown in



Salem Witch-Hunt Trials

handcuffs, all he had to say is well we have been doing perp walks since Roman Times. Sorry – that does not make it **RIGHT!** They also tortured slaves and employees who were witnesses because of the presumption that they would not tell the truth voluntarily. Shall we also return to that?

We claim to be civilized. That is a crock of bullshit! If we really respected human rights we would reform the way people are charged. It just might be a novel idea that it requires some evidence, at least once in a while.

The Founders of the United States wrote in Constitution at Article III §3:

“No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.”

We have done away with the two witness rule because they just couldn't always get two witnesses so prosecutions were too hard to get. So, they did away with that one by "**practice**" among judges. Then in Article III §2 they wrote:

“The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.”

Judges can change your constitutional rights on a whim. The case that allowed prosecutors to offer a deal and if you didn't take it you got even ten times the amount of time in prison by insisting upon a jury trial was **Singer v. United States**, 380 U.S. 24 (1965).

It Held: Federal Rule of Criminal Procedure 23(a) sets forth a reasonable procedure governing proffered waivers of jury trials. A defendant's only constitutional right concerning the method of trial is to an impartial trial by jury. Although he may waive his right to trial by jury, ***Patton v. United State***, 281 U. S. 276, there is no constitutional impediment to conditioning a waiver of this right on the consent of the prosecuting attorney and the trial judge when, if either refuses to consent, the result is that the defendant is subject to an impartial trial by jury -- the very thing that the Constitution guarantees him. Pp. 380 U. S. 238.

The Singer Court wrote:

The origin of trial by jury in England is not altogether clear. At its inception it was an alternative to one of the older methods of proof - trial by compurgation, ordeal or battle. I Holdsworth, A History of English Law 326 (7th ed. 1956). Soon after the thirteenth century trial by jury had become the principal institution for criminal cases, Jenks, A Short History of English Law 52 (5th ed. 1938); yet, even after the older procedures of compurgation, ordeal and battle had passed into disuse, the defendant technically retained the right to be tried by one of them...

In no known federal criminal case in the period immediately following the adoption of the Constitution did a defendant claim that he had the right to insist upon a trial without a jury. Indeed, in United States v. Gibert, 25 Fed. Cas. 1287 (No. 15204) (C. C. D. Mass. 1834), Mr. Justice Story, while sitting on circuit, indicated his view that the Constitution made trial by jury the only permissible method of trial. Similar views were expressed by other federal judges. See Ex parte McClusky, 40 F. 71, 74-75 (C. C. D. Ark. 1889) (by implication); United [380 U.S. 24, 32] States v. Taylor, 11 F. 470, 471 (C. C. D. Kan. 1882) (dictum).

Although not necessary to the holding in the case, in Thompson v. Utah, 170 U.S. 343, this Court also expressed a view that the Constitution made jury trial the exclusive method of determining guilt in all federal criminal cases. However, in Schick v. United States, 195 U.S. 65, the Court decided there was no constitutional requirement that petty offenses be tried by jury. These two decisions were construed by the lower federal courts as establishing a rule that in all but petty offenses jury trial was a constitutional imperative.

So, while admitting there was no right to waive a jury trial, they nonetheless created one provided both parties agreed. From then on, prosecutors would charge you with everything under the sun. You either took the plea deal waiving the jury trial or you rolled the dice as Casey Anthony just did. The prosecutor then doesn't even have to prove anything because you plea and no evidence is necessary: **The Prisoner Dilemma**.

Justice Oliver Wendel Holmes wrote a profound piece on this type of abuse of prosecution in **O'NEIL V. VERMONT, 144 U. S. 323 (1892)** that has never been corrected. He wrote:

The State may, indeed, make the drinking of one drop of liquor an offense to be punished by imprisonment, but it would be an unheard-of cruelty if it should count the drops in a single glass, and make thereby a thousand offenses, and thus extend the punishment for drinking the single glass of liquor to an imprisonment of almost indefinite duration. The State has the power to inflict personal chastisement by directing whipping for petty offenses -- repulsive as such mode of punishment is -- and should it, for each offense, inflict 20 stripes, it might not be considered, as applied to a single offense, a severe punishment, but yet, if there had been 307 offenses committed, the number of which the defendant was convicted in this case, and 6,140 stripes were to be inflicted for these accumulated offenses, the judgment of mankind would be that the punishment was not only an unusual, but a cruel, one, and a cry of horror would rise from every civilized and Christian community of the country against it. It does not alter its character as cruel and unusual that for each distinct offense there is a small punishment, if, when they are brought together, and one punishment for the whole is inflicted, it becomes one of excessive severity. And the cruelty of it, in this case, by the imprisonment at hard labor, is further increased by the offenses' being thus made infamous crimes.

Id./Page 144 U. S. 340

If two people commit a wire fraud for \$5 million using the telephone but the first is really good and he does it with just one phone call and the second guy gets the same amount of money but it takes 5 phone calls, the first faces 20 years under wire fraud and the second 100 years. It has nothing to do with the crime anymore. It is all about technicality. Justice Holmes' example from 1892 has become the standard in American justice.

The United States is no more a Christian based nation than Saudi Arabia. The whole turn the check and forgiveness thing is rejected by the courts. There is no compassion to be found. Prisoners are routinely denied medical care. Chief Judge Mukasy/Attorney General when sentencing a man who had less than 6 months to live, he still gave him 6 years for a bad check and told him to "do whatever time you can." If there really is a Last Judgment where we will be judged as we have judged others, America is screwed. Extracting that pound of flesh is all important and if a judge ever rules in favor of humanity or expresses the slightest Christian value, he is called liberal.

This whole thing has gone too far. The **Innocence Project** has reported that since 1989, over 250 people have been freed using DNA evidence. Because of innuendo, people have been convicted for violent crimes that have been proven were false.



Joseph Salvati, pictured above with his wife Marie

There are far too many cases where the prosecutor **KNEW** it was the wrong person, but to publicly admit such a mistake would be a career ender. This was the case of Joseph Salvati who spent nearly 30 years in prison when the prosecutors **KNEW** he was the wrong guy. This is why the decision to indict must be taken **OUT OF** the local office. The Constitution was intended to prevent tyranny and secure the **Blessings of Liberty**. It has been utterly gutted and along with it the economic future of our society. Without the trust of the people, society will crumble. The jury verdict of Casey Anthony was far more important than just who done it! **They did not trust the prosecution.** It is time we clean up our act. What was this whole **WE THE PEOPLE** stuff all about? It is time to **revive** the Constitution. Stop the innuendo. **Just the facts mam!** Enough is enough! Only then will prosecutions be impartial. The Economy is now at stake if international businessmen can't come to the US on fear that they too could be imprisoned on just a maid's accusation and nothing more.