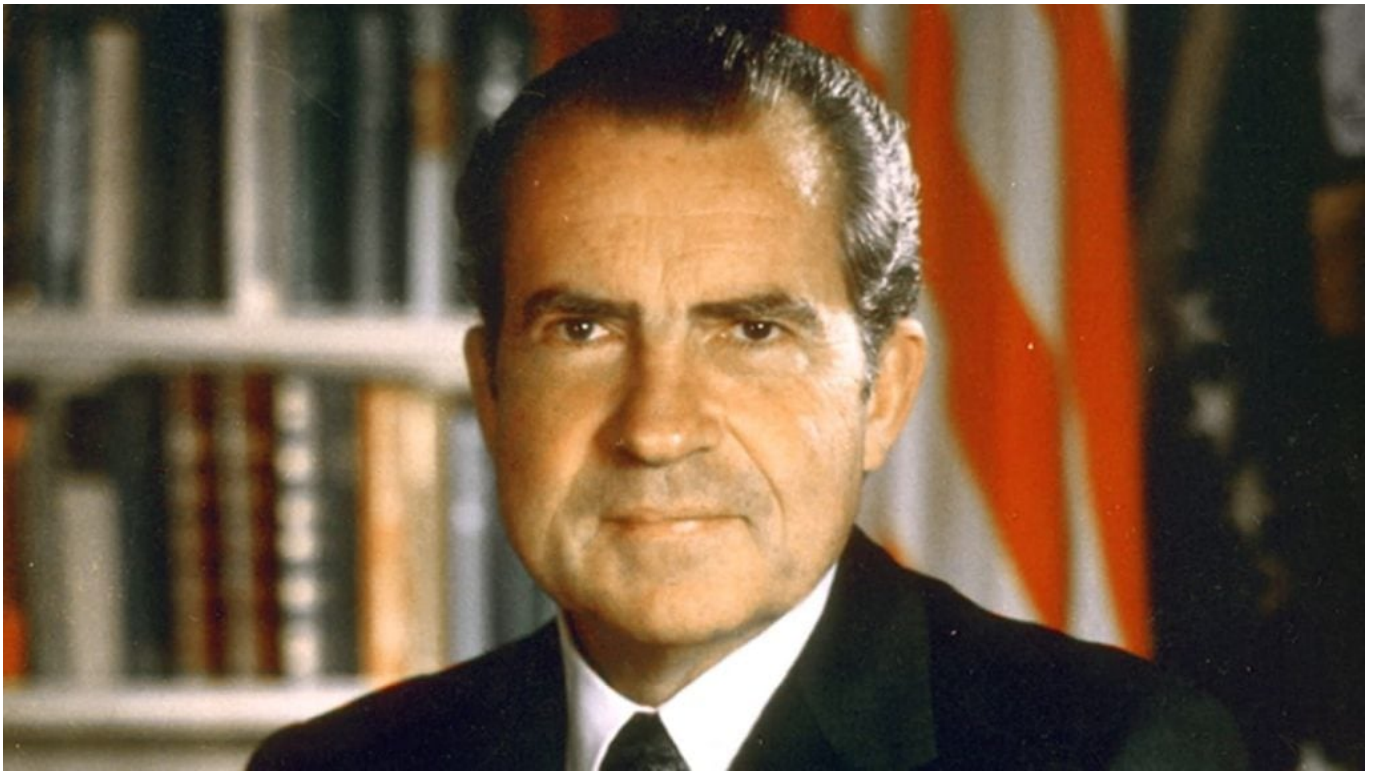


From Nixon to Trump: America is Now on the Threshold of Losing Its Democracy



It is time for America to begin the recovery of its once-admired system of justice.

by Conrad Black

The indictment of President Donald Trump effectively announces that the United States, as a society of laws, has placed itself on suicide watch. With this final downward plunge into the sewers of politicized prosecution and the degradation of the political process into the routine and total-immersion criminalization of policy and personality differences, the United States completes the process of corruption of its legal system that began with the bloodless crucifixion of Richard

Nixon; and it arrives at the threshold of completing the deconstruction of its democracy. Fifty-one years after the forced entry at the Democratic National Committee at the Watergate building in Washington, there is still no conclusive evidence that President Nixon committed a crime, though some of his followers did. The articles of impeachment that were approved by the House of Representatives judiciary committee and which aroused such intense antipathy to the president, are bunk and always were. He was accused of having "made it his policy...directly and through his close subordinates to delay, impede, and obstruct the investigation;" and of having "endeavoured" to misuse the IRS and other agencies (not that he had actually done so), to violate the constitutional rights of other citizens. There was a third, even more absurd charge that he had impeded the impeachment proceedings by non-compliance with subpoenas, which he did comply with—(this would have been rejected). Two other counts were so outlandish, they were voted down by the committee even in the febrile atmosphere that then prevailed.

Nixon was a very successful and distinguished president and the treatment of him was a national disgrace, but as some of us predicted, the politicians of America proved to be resistless against the temptation of reaching for the prosecutorial weapon to defeat their enemies. The ludicrous Iran-Contra affair, which caused some of the Nixon impeachers to leap prematurely to their feet screaming for blood, failed to gain traction because President Reagan was popular and near the end of his term and his national security advisor, Admiral John Poindexter, quoted President Truman: "The buck stops here," and took the hit, and ultimately was not convicted of anything. The Clinton impeachment was a shabby case of vengeance: the Republicans saying we can impeach too. President Clinton's peccadilloes were tawdry but hardly unprecedented and his specious unresponsiveness about his personal life to a grand jury was fairly assessed not to justify his removal from office. The Trump impeachments were

completely unfounded in law and in fact. They were never intended as anything other than maintenance of the holy Democratic myth that they have an unlimited right to persecute Donald Trump. When candidate Biden was asked about his family's enrichment from foreign governments, he unctuously said that he would not allow attention to be distracted from the investigation of Trump. America's highly professional and impartial media fell silent like Zachariah struck dumb in the temple.

There seems not to be a single commentator who imagines that the present case, the reenactment of the invasion of Normandy at the former president's home, Mar-a-Lago, the investigation of the presidential election in Georgia, or the Kangaroo Court-January 6 congressional hearings, has anything to do with the law. They are politics. On the January 6 congressional committee, the Republicans were represented by Trump-impeachers and that party's chosen representatives were rejected by Speaker Pelosi. Pelosi said it, on the latest episode: "No one is above the law," and the former president "has a right to prove his innocence." This is where American justice and politics have now intersected; she means: "No one can escape our ability to prosecute them and once prosecuted they are guilty unless they can prove their innocence," (which would not be permitted). But the attorney general of New York and the district attorney for Manhattan in the present impending allegation campaigned promising to "get" Trump. This is the politico-juridical intersection: we name the person we intend to destroy and then we find the crime and abuse the system to accuse him of it and to extort and suborn evidence and conduct a media trial on the basis of criminally leaked misinformation. Where necessary, witnesses are recruited after threats of prosecution and assurances of immunity from perjury. No American should be under the slightest illusion that this is the point at which their criminal justice and political systems have arrived; and no American should imagine that there is an informed foreigner in any of the scores of

better functioning democracies than the United States, who is not appalled by this spectacle.

This is a natural state of affairs in a country that has 5 percent of the world's population and 25 percent of its incarcerated people. Prosecutors in federal cases are successful 98 percent of the time, 95 percent without trial, because of the hopelessness presented by the built-in advantages to the prosecutor in American criminal procedure. The Fifth, Sixth, and Eighth Amendment guarantees of a grand jury as assurance against capricious prosecution, due process, no seizure of property without just compensation, prompt justice, an impartial jury, and reasonable bail, are all a fraud, and they have been for many years. The pending case, as has been frequently noted, is a stale-dated alleged misdemeanor that has been grossed up to a crime because of the allegation that it was committed to facilitate a felony. It is a rickety case patched together on the testimony of a disbarred and convicted perjurer presenting extorted evidence on the basis of a corrupt plea bargain. The likelihood is that it will be declared ineligible for trial and thrown out like the dead mouse that it is. If any of these spurious legal assaults, the present one or the nonsense about the Georgia election, the classified documents, or January 6 ever get to a jury, since they have no real legal basis, and the fact that approximately half the people are Trump supporters, should assure that there will not be a unanimous jury to provide a conviction.

It appears that the Democrats are acting upon the monstrous arrogance of their belief that they can defeat Trump and by this spurious assault they have effectively conferred the Republican nomination upon him. Their calculation leaves out several important facts: there is some evidence that the comparatively small number of voters who neither admire nor abhor Trump are unimpressed by this form of skulduggery. The Democrats seem to forget that they only defeated Trump in 2020

by recourse to millions of unverifiable and harvested ballots that they will not have next year, and because they were able to hide their candidate in a basement for the campaign, outspent the Republican nominee two to one, and enjoyed not only 95 percent support from national political media but a full-scale assault on all fronts from the social media. It will not be possible to replicate any of these advantages on the same scale next year, and they also seem not to notice that they have in the last two years inflicted upon the country the most incompetent administration since before the Civil War. They did better than expected with their fear campaign about MAGA in the mid-term elections but the Republicans still won the House and the deadweight of Joe Biden was not on the ballot.

If this terrible erosion of American justice and democracy does not stop here, every local prosecutor in the country will be effectively invited to indict presidents and presidential candidates for jay-walking on their way to giving an incorrect answer to a census question. It is time for the American electorate to form itself up as a firing squad to punish the Democrats, and to begin the recovery of the long admired and now almost completely atrophied American system of justice.

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