

Immoral plea-bargaining made Trump trial a travesty of justice

By Conrad Black

It would be surprising if Europeans did not contemplate with astonishment the supposedly legal proceedings involving President Trump. Europeans should know that the American criminal justice system is severely corrupted and enjoys a 98 percent conviction rate in federal cases and 95 percent of those occur without a trial.



The principal reason for this is the relentless abuse of the plea-bargain system. Prosecutors focus on a target and then interview the persons closest to the target in the activities they find objectionable. Each such potential witness is effectively informed that if they can remember evidence useful in the inculcation of the targeted individual they will be guaranteed against an indictment for perjury. If they do not they are apt to be prosecuted for participating in a conspiracy to obstruct justice.

It may readily be imagined how rare it is to find people prepared to resist that sort of pressure. No doubt, often

these are instances where the targeted individual is in fact guilty, but inevitably, in many cases what occurs is a travesty of justice and the conviction rates are those of totalitarian countries.

The Fifth, Sixth and Eighth Amendments of the Constitution of the United States, in the Bill of Rights adopted with the Constitution, assure among other things due process, no confiscation of property without just compensation, prompt justice, an impartial jury, access to counsel, (which has been interpreted as counsel of choice), and reasonable bail. The grand jury was intended to be an assurance against capricious prosecution and not the prosecution rubber stamp that it is.

In fact, these assurances of equitable justice are, all of them, rarely available and only people of great means and extraordinary determination have any chance in the American criminal justice system, even if they are completely innocent.

President Trump is a very wealthy man and with the approval of his supporters he has used some of the contributions that he has received as a presidential candidate to deal with his legal expenses. Even his most strenuous enemies acknowledge that he is a man of formidable strength and determination.

The spurious nature of these prosecutions, all of them launched shortly after Mr. Trump announced that he would seek re-election to the presidency, allowed in the federal courts adequate grounds for challenge and dilatory procedures that seem safely to put the three federal prosecutions beyond election Day.

The only one that snuck through the former president's elaborate legal defenses was the farrago of nonsense in the state courts in New York City.

A state court tried federal laws which were statute barred because of expiry of deadlines for prosecution; claimed one such misdemeanour was in fact a crime by imputing to it the

intent of illegally tampering with an election result, for which no evidence was adduced.

Then by combining that allegation with an alleged bookkeeping error, of which again no probative evidence was adduced, and basing the case entirely on someone who is a convicted perjurer and confessed liar under oath in court and to the United States Congress, in an area that was almost 90 percent hostile to Trump in the last election, and no effort was made whatever to secure an impartial jury, an unmitigated mockery of justice disgorged a verdict of guilty that is almost certain to be overturned on appeal.

Up until comparatively recently, a candidate for president of the U.S. who could theoretically be labelled a convicted felon would have no chance of election. But so frenzied and tainted by the manipulation of the prosecution system for partisan political ends has this process become, that President Trump appears to have risen slightly in public esteem as a result of this latest episode.

He has very calmly and accurately stated that what is now at stake is America's survival as a constitutional democracy. He has said with, for once, little hyperbole, that he is continuing in this fight to ensure that no president of either party ever has to go through such an outrage again.

The election is turning into a referendum between, on the one side, those who are so appalled at the perversion of the justice system for political ends as well as those who are appalled at the failure of the Biden administration in virtually every major policy area, that they will vote for President Trump even if they have significant reservations about him, and on the other side, those so pathologically hostile to Trump that they will overlook a full-scale assault on the Constitution and all the shortcomings of the Biden administration and vote against him.

These lines have been sharpening steadily and Trump's advantage has been growing slowly. The fact that almost \$200 million have been contributed to the Trump presidential campaign in the five days since the verdict came down is indicative of the justified alarm of many Americans at the threat to the rule of law in the United States. It is already, because of its lopsided criminal justice system, a country which possesses five percent of the population of the world and 25 percent of its incarcerated people.

There are two items of good news in this grim and gripping scenario. Public concern at this hideous permutation of the justice system into an arm of the dirty tricks division of the Democratic National Committee clearly distresses a great many Americans.

On the other hand, the old bipartisan establishment that Trump shook by the eye teeth in 2016 and with which he has been in deadly combat sense, has fought so savagely and nastily that no one can accuse it of being decadent. Decadent political establishments roll over like poodles when they are assaulted.

The United States, in its revolutionary tradition and great stress on individuality, has always had a problem of institutional integrity. But let no one call it a decadent society.

The Democrats have nothing left in their arsenal but to try to replicate their feat of 2020 when they sent out, unsolicited, 81 million ballots on partially obsolete voters' lists and rounded up millions of them and voted them *en masse* with no possibility of verification or scrutinization. This was allowed under emergency Covid rules.

The Republicans claim that this year they will be ready for that. It is a low ethics, high drama, spectacle for very great stakes, and the whole world is watching. As of now Trump remains the favorite.

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