

## Making Justice Just

How long has the U.S. criminal justice system been evil? Some might say, and accurately so, since the founding of the nation. What makes the criminal justice system evil? The answer to this question can be found in many texts, both modern and ancient, the Bible included. 1 Timothy 6:10 reads, "the desire of money is the root of all evils;..." translated from the Latin Vulgate. And the Constitution's Eighth Amendment affirmed this desire in saying, "[e]xcessive bail shall not be required, nor excessive fines imposed..." The word "excessive," in both Eighth Amendment clauses, was left undefined, resulting in excessive bails and fines, to all but the wealthiest of citizens, in nearly every instance in which they have been decreed. Such as this is nothing less than government sanctioned extortion. To this, in modern times, we have added court costs and a variety of other fees, and, thanks to now serving President Joseph Biden, civil asset forfeiture — a medieval practice whereby the government was allowed to seize one's private assets. Biden, then a U.S. Senator, wrote the legislation to bring this practice to modern day America.

If the criminal justice system is to show some semblance of justice it cannot be administered with for-profit motives driving that administration. It cannot be used to create capital gains, or even to offset capital losses, for under both circumstances is injustice—tyranny and corruption—incentivized. Just laws are laws which are purposed only to protect public safety, and such laws are founded on contemplative reasoning, with no other motives driving their creation. Too many times have political demagogues used public fear, panic, any hysteria to advance their political careers, and, in so doing, created nefarious legislation which serves little or no genuine public safety concern. Two glaring examples of such political demagoguery can be found in today's sex offense and drug laws.

As an example, did you know that a person—man, woman, or child—can be convicted of a sex crime against a child with the accuser's testimony serving as the only evidence? What does this mean to you? It means that you could spend the rest of your life in prison because your child, or your child's friend, or your neighbor's child got mad at you and said you touched them. There is no defense

against this charge. It is worth noting that a charge of terrorism follows a similar set of rules. This is xenophobia in action; no reason here, only fear and hate. As for drugs, it is not unusual for a person to receive more prison time for possession of cocaine or meth than for murder.

A law that benefits a demagogue's agenda more than it does so public safety is an unjust law. If the government has any incentive, other than a genuine benefit to public safety, to enforce a law, both the law and the enforcement of it is unjust, as is the prosecution and punishment of those violating it. Fines, fees, forfeitures, and grant subsidies, both federal and private, are four such incentives.

Incentives in action:

Fayette County, La Grange, TX proposed using the proceeds of civil asset forfeitures to fund near 100 percent pay increases for the two police officers responsible for most such seizures in that county.

It was reported that New York prosecutor's bonuses were being funded from proceeds of civil asset forfeitures in that state.

In another state, the salaries of the County Clerk and other court employees were being paid out of proceeds from fines collected.

These are incentives to make criminals where none exist.

Federal grants alone to support criminal justice activities are in the tens of billions of dollars annually, and, while perhaps well intentioned, they serve only to add fuel to an already blazing fire. And beyond this lie a staggering amount of monies collected in fines, fees, and forfeitures. These incentives encourage government tyranny and police aggression and violence, and diminish public safety in so doing.