

# ANGELS IN THE MIRROR



## Essays on Marxism in Criminal Justice

by

Stephen Lynch Murray

Third Edition



## Table of Contents

I.	Marxist Justice .....	1
II.	Massive Demand to Lock Up the Innocent .....	10
III.	In Favor of Concentration Camps .....	14
IV.	The Totalitarians in our Midst .....	20
V.	Return to Nature .....	24
VI.	The Pattern .....	38
VII.	Broken - God, America, and the Republican Party .....	43
VIII.	Idea Warfare in the Information Age .....	48
IX.	Critical Right Theory .....	50
X.	The Populist Facet of Conservatism .....	53
XI.	Rights are Defended with Lawsuits .....	60
XII.	Governor Creates a Super-Legislature of Sheriffs .....	63
XIII.	Threat Assessment is Communism .....	68
XIV.	The Evaporation of America .....	72
XV.	Millions of Honest Supporters of Cops Lying .....	77
XVI.	Office of Counter-Political Investigations .....	80
XVII.	DNA is the Least Reliable Evidence .....	83
XVIII.	All Voters Know How To Do Is Lie .....	93
XIX.	Recipe to Bake a Kim Hallock Cake .....	99
XX.	Feeding on the Weakest .....	103
XXI.	Perjury and the Balance and Separation of Powers .....	107
XXII.	Stigma and the Great Charter of Liberties .....	128
XXIII.	A False Arrest Affidavit Is A False Conviction .....	137



## **I. MARXIST JUSTICE**

### **From William Dillon to the Present State of Florida Courts**

Suppose people were given a choice between two justice systems. In one, a person who everyone agreed they disliked, was tortured in the public square or in a stadium once a week. This would be preceded by an entire week of TV personalities talking about what a bad person he was. In the alternative system, people who had actually committed crimes like murder or theft would be secretly tracked down and arrested, in a process that mostly went on out of the public eye. People would choose the first justice system, because they could perceive its positive results and that they had control over it.

There is very little difference between this choice, and the choice between communism and capitalism. People choose a collectivist system where they can vote for a leader who promises on TV to provide them food and medicine, rather than leave it to private businessmen operating out of sight, supervised by "the invisible hand" of the price system. People choose a worse product which they feel they have collective conscious control over - communism - rather than a better product which does not directly involve them in all the choices. In both systems people eat, and both systems respond to the public demand and give people what they want. But one produces a terrible product, which system people nevertheless are drawn to.

(The difference was first described by the Physiocrats in the 1700's, who said a "natural order" will emerge that is both different from and superior to any pattern contrived by government.)

Most people don't even realize there is a difference between these two systems. They would say okay, how about instead of torturing a famous unpopular person in a stadium, we all agree to send police out to find the actual murderers and lock them up? In essence they say how about we collectively choose to make the same decisions that a capitalist system would make. They don't realize their instinct for collective conscious control over the world, deprives them of the intelligence that can exist in a complicated web of independent institutions and actors. Man is designed for the state in which he originally existed, when he acted as a member of a tribe. Most cannot help but perceive all human action as from the single vantage point of their own conscious choice, and demand a system that fulfills this instinct.

(This difference is characterized in the beginning of Friedrich Hayek's "The Fatal Conceit", where he described how Aristotle could not imagine human organization or a "polis" beyond the reach of a synchronizing "herald's cry".)

People can be taught the moral that private businesses should be left to make independent choices. But they don't have a rational understanding of why. So the moment something bad happens, they impulsively demand collective control to fix it. The moment someone goes hungry they say the invisible hand did not feed this person based on the baker's greed alone. We need a central plan to make sure there is one baker in each town making an adequate amount of bread. In criminal justice, they would say this one guilty person got away. We need a system where the king can lock up whomever the public demands, without being impeded by a jury.

(People also blame the tragedy of life on their neighbors. If something goes wrong, they look for bad actors to point the finger at. They believe that by eradicating these problem members of society, everything will be improved. So they look for leaders who will

visibly torture the bankers or whomever. This can reach the extreme case of genocide. This results from man's instincts being designed for the environment in which he originally existed, when like an animal, his survival depended on land resources. The more people he culled the more land left for him, leading to a culling instinct at any sign of trouble. According to Max Weber, capitalism is enabled only by a Protestant ethic to blame one's miseries on one's own sins, and try to solve local problems by living a more Puritan life, rather than war and seizing collective control of everything.)

Some people say it is an unfortunate omission, that the US Constitution restrains government control of political speech and criminal justice, but does not stop the government from interfering in business. The Constitution was written around the same time as the first economics text, Adam Smith's "The Wealth of Nations". The Industrial Revolution had not been around long enough to recognize that people would want a king to seize control of the means of production from the greedy capitalists, and return it to a tribal quorum. The communist revolutions did not come for another 100 years. So the US federal government is not restrained in collective control of the economy, because the states did not foresee a need for this kind of restraint. The commerce clause and the welfare clause have been used to stick the fingers of conscious collective control into a wide range of business decisions.

What people don't realize and they don't teach you in school, is the government is not really restrained by the Constitution in criminal justice either. There exist a large variety of tricks and immunities, from prosecutorial and judicial immunity to local and judicial discretion, that allow government officials to escape the constraints of the Bill of Rights and give the people what they want. So the people see criminals being arrested and tortured. They see the ritual of courts and the charade of law. This performance of superficial legal rituals even goes up a few notches any time the public looks closely.

But what the people don't realize is they have succeeded in frustrating the ideal design of the courts which they learned about in school, and instead have seized control to get the inferior collectivist criminal justice product which they demand.

Just as the demand in economics is to move control from businessmen to central planners, the public demand in criminal justice is to move control from courts and juries to the executive branch. The trick to easily achieve this, is just for courts to accept lies, whether in police statements or wherever. In essence, a judge says the people want this or that, so tell me a lie which I can put down in the record, to make my decision to do what they want legal. And the same executive branch can choose not to prosecute lies and to produce an unlimited number of liars. And so every legal decision of every court, can be fixed in advance to be whatever the people or the king want, by just feeding lies into the process to hack the courts and trick the Constitution. And government officials are immune to spread lies which publishers are then immune to embellish - no libel law can touch them - to assure the public like a central planner does, that whatever outcome they have fixed with lies is the one the public wants.

This process is even defended as legal, by saying it is part of an unwritten set of laws of what the king can do, which "common law" precedes and overrides anything the Constitution or Congress has said since. Congress passed a law USC 1983, which said people can sue public officials to protect individual rights from the local collective, which otherwise is free to violate every right by hacking the courts with charades, to achieve sundown laws and everything else. The US Supreme Court always comes back and says no, local judges and prosecutors have absolute immunity to do whatever they want, even police have immunity. They literally say today's public officials have a "sovereign immunity" to do whatever the king could do, which lack of restraint is in the public interest.



You might ask is the product of Marxist Justice really as bad as the economic product in a place like Cuba or Venezuela? I offer you the case of William Dillon. Four murderers and a child rapist were let go - totally free of prosecution - to send an innocent man William Dillon to prison for 27 years for a crime he had nothing to do with. This was achieved by police and prosecutors coercing witnesses to lie, so they could convict whomever they wanted, and tell the public they are solving crime like the worst propaganda and starvation of any dictator. Government officials go on TV and tell the public their plan is working, even as they are starved of justice. And the public likes this system because they feel like they have collective control, rather than courts and juries ignoring their collective impulses like aloof businessmen.

One of the government's strongest tricks to do this, is a thing called jailhouse witnesses. Even though courts are not allowed to use hearsay, or force people to testify against themselves, they are allowed to force every other person in the prison to testify anything they claim they heard the accused confess to. This is basically a witch-pricking device. It enables the executive branch to legally "prove" anyone they want is guilty of a crime, without any possible interference from courts or juries. The justice process is totally hacked with such liars to produce any outcome the public mob can be whipped into demanding.

The US Supreme Court affirmed that prosecutors and jailers can produce an unlimited number of such liars, to produce any court outcome they want. This works because the same courts say the defendant - the witch - is not allowed to tell the jury that the government systematically puts liars in front of them without penalty, rather just the opposite. They tell the jurors the judge and prosecutor decide what is fact, before allowing the witness. They then tell the appeals courts it is not the judge or prosecutor's

responsibility, and rather it was up to the jury to figure out what was fact and lies, or that it was all lies. (They also tell jurors to "use your common sense" which is basically spectral evidence, beliefs that come to the jurors in a dream.)

Jurors are persuaded with a variety of theater, that judges and prosecutors have made sure witnesses are telling the truth. The executive branch then brushes off appeals courts with the actual law which the appeals courts have written, that judges and prosecutors have no responsibility whatsoever to make witnesses tell the truth, and are not liable in any way when they lie. Prosecutors are not liable when they force witnesses to lie and specifically choose witnesses because they are lying, and judges are not liable when they know the witnesses are lying. And whether or not people lied is legally none of the appeals court's business, just so long as the legal decisions based on the lies were otherwise sound. (It is even illegal today for a federal court to consider whether a statement in state court was a lie, or to accept new evidence that it was.)

So despite the Constitution or what you learned in school, witch trials are presently legal in the United States from end to end. Witch trials of the poor and incompetent for public theater are legal and happen in your city. The only limit is what government officials can politically get away with. So witch trials are legal to the exact extent the public demands, or can be persuaded to support. This no different from witch trials in Salem, where the public also only allowed those few witch trials which they thought were morally proper. The public is no less demanding in their hearts of witch trials today, than at any time in the past, and at all times consider themselves to be rational and moderate. The American public is no less dumb and bloodthirsty, and no less convinced of their own rationality and moral superiority, than any other place in history.

It may seem hard to believe that prosecutors let dangerous felons out of prison as a

reward for lying to torture the innocent, in your city today. Do you also not believe that Cubans never stop choosing a government which starves them? Germans, who are able to design cars and airplanes, never thought they were doing anything wrong when they killed millions in concentration camps and destroyed their country in war. Quite the opposite, they thought they were the most moral they had ever been. They thought they were eradicating barbarism and savagery, and living in a futuristic sci-fi era of enlightenment.

You might think private defense lawyers could do something about this. They cannot. The courts have fixed the law to allow the process, and to limit what defense lawyers can do and say to nothing. Private defense lawyers are also at the mercy of the local executive branch, and of the bar association which the prosecutors and judges are members of. Their peers who are government officials have the power to bankrupt any private attorney who complains too much. But nor do private lawyers complain much, when they also benefit financially from fixing cases along patterns of political convenience without having to go to trial. They continue each case long enough for the defendant to pay his fee, then the executive branch fixes the outcome with perjury, and forces the accused to take a deal. The judge gets elected by going along, no jury ever sees it, and the public is blissful in their ignorance.

(A lawyer will try to discredit a witness at trial - moderately, within the rules - to win a particular case. But that lawyer will never seek an additional penalty that would deter the prosecutor using lies again and again and again, and 99% of the time with no way to prove it. Because that lawyer is hoping next time it will be his own client doing the lying. And when his own client lies, that lawyer is expecting to be at the car dealership as a result, not at any kind of Bar disciplinary hearing or in jail for it. What lawyer would attack a system that turns lies into cash, when the result will just be he is the one

whom his peers report to the Bar, he has to go to trial every time, and he goes bankrupt?

So when a cop is caught lying in cases too egregious to be ignored, both the defendant and the cop escape prosecution. And the lawyers and cops and everyone involved escapes blame, instead blaming it on some abstract rights - technicalities - that are getting in the way of justice. And the public says the system is broken, we want cops to lie more, or just shoot them on the spot, to prevent these people escaping justice. Give more power to the executive branch instead of these courts. Throwing out cases conditions the public to not want cops caught when they lie - it punishes the public for catching cops lying - and defense attorneys are happy with this deal.

Over the years, defense lawyers won case law limiting what you can say in front of the jury, to prevent their own felon witnesses from being discredited. This was designed to prevent jurors from automatically favoring the testimony of state witnesses, such as cops. The result is you pretty much cannot attack the credibility of felons, who then earn double the credibility when testifying as state witnesses. So it's just as much lying as needed, and the judge gets elected by keeping a straight face while the jury sees a charade. And the local popular people get to choose whose clients get to lie and pay off their student debt, and whose clients get lied about and go bankrupt.)

So you will not see the public, much less lawyers and judges, complaining about a system that let four murderers and a child rapist go, to imprison an innocent man William Dillon for 27 years. 40 years later we have more of it; longer sentences, more coerced testimony, more people in prison, more demands for the executive branch to do something about crime. Starved of justice, like Cubans, they give more power to the executive branch, and further abandon the system that had evolved to do better.

Capitalism and Marxism both provide some bread. Constitutional and Marxist justice both punish some criminals. There is a lot of overlap where the first system feeds or punishes the same people as the second. There are thieves and drug addicts who will be punished under either system. The problem is the trend over time. The problem is not just that executive-branch justice produces a worse product. It is that the human reflex in response to that worse product, is towards even more collective control - giving the executive branch even more power - in hopes to fix it.

Like drug addicts, people's pursuit of their collectivist impulses is as irresistible as the tide, regardless of the consequences. Pursuing their impulses is a more fulfilling product even than eating, which they are often deprived of as a consequence. Such impulses perpetuate a loop from starvation to collectivism to more starvation, from misery to war to more misery, and from injustice to executive control to more injustice. As long as people are acting on the impulse which their deprivation provokes - collective control and kill their neighbors - they feel their action will lead imminently to a turnaround towards what they crave, even as it leads to more starvation, war, injustice, and misery.

Justice is like heroin, where most of what people buy is fake. Police do not have much incentive to lock up the innocent for years beyond just beating them. This incentive for injustice and misery, just like the incentive to seize private businesses who feed them, comes from the public. The more public oversight of justice outcomes - the more populist and idiotic, rather than simply making sure courts enforce rights - the more injustice. Marxism in justice is no different from Marxism in economics. One gives a better house, one gives a worse house, people choose the worse house. The common people will bring conditions of misery on themselves worse than hordes of benighted animals in the wild. They will kill and imprison their neighbors and children, start wars, and starve, all while seeing angels in the mirror.

## **II. MASSIVE DEMAND TO LOCK UP THE INNOCENT**

### **Massive Demand to Lock Up the Innocent in a Democracy**

My friend is serving two life sentences without parole from age 21, for a crime that didn't happen.

My first surprise was the amount of lying in the process. It started with a dishonest detective and a news reporter with a personal connection. Pretty soon every witness was lying and deleting evidence. And then came something most people don't know exist, the jailhouse witnesses. These are felons who are coerced to claim a defendant confessed, and will take over the trial with a story even if it contradicts all other evidence.

My second surprise was that there was no institution to stop this. There is no institution in the government to deter police faking evidence, deter witnesses committing perjury in court, or deter prosecutors coercing felons to lie. Police and prosecutors can and will choose to knowingly victimize the innocent without consequence.

My third surprise is that my experience was not unique. Everywhere I mentioned my story on the street and on the web, I heard similar stories from other people. Police lied and faked evidence, people were prosecuted for crimes based on lies. And the problem wasn't that they couldn't prove it. The problem was there was nothing they could do about it, nobody cared, there was no institution to stop it even if they could prove what happened. Especially if they could prove what happened.

My fourth surprise was there is a massive demand to lock up the innocent. During the

recent debate on police misconduct, I presented to people what I had learned, how people can be convicted based on lies, how it happens frequently, and how the system is designed to enable this. Over and over I got a response which I guess I had been naive not to expect: Yes, we want to lock people up based on lies. We don't care what really happened, we don't care what the truth is. We want to lock up undesirables, this is how we get them off the street and improve the world. Whether the police misconduct is accepted, and therefore whether the outcome of the mock trial is accepted, is decided outside the courthouse by an approving or disapproving mob.

I don't know why I imagined everybody would be obsessed with these corny concepts of truth and due process and fair trials and the Bill of Rights. Obviously the Bill of Rights, like most laws, was written because human nature produced something else. The people in Britain, who enforced justice in a way the Bill of Rights sought to protect against, were not aliens. They looked just like the people in the New World. And everywhere else, throughout history, the mob has preferred mock trials, or no trials, to fair trials. There is no reason people in the United States in the present day should be any different from people in other places throughout history.

I don't hope to persuade people my morals are better than their morals. There are upstanding citizens who are passionately in favor of the good, who think that who gets locked up should be decided outside trials, in a sort of popular local democratic process. If the police tell the paper the defendant is guilty, and the public decides the defendant is an undesirable, then trials are an obstacle to justice. Witnesses will be shamed for not lying. Law enforcement will be rewarded for engaging in misconduct, when it is necessary to lock up undesirables. And law enforcement will be punished through the democratic process if they don't fake evidence when necessary, to lock up those who should be locked up.

What I do hope is that we could have an honest debate about what policies we want, in a democracy. Instead of using this jailhouse-witness scam where we let felons out of prison for claiming inmates confessed, let's have a debate about whether we want a Constitutional amendment to do away with jury trials in some circumstances. Maybe the public would prefer an elected military tribunal, or a popular vote on guilt like a ballot measure with a list of the accused, in capital cases. These are people we would like to lock up, but we don't have any reliable way to do it. We have tried jailhouse witnesses and mandatory minimums and three strikes laws, but too many people seem to weasel around those. Must the mainstream of upstanding citizens be reduced to old-fashioned lying and operating in the shadows and looking the other way, to get the outcome that is good and right in a democracy?

Right now a large percentage of criminal cases (and people are reluctant to write down exactly how many) are built on the testimony of felons who are coerced to recite the prosecution narrative in exchange for reduced sentences. These are not real witnesses. These are people who are rewarded if and only if they recite the accusation as if they know it to be the truth. They have no penalty for lying in court, and in fact are rewarded only if they lie. But of course you are not allowed to tell the jury that. Again, the attitude of the public is who cares what really happened. We are locking up undesirables. We are turning them against each other, and forcing them to lie about each other, this is fun. If their lowlife families don't like it, they shouldn't have been hanging out with lowlives.

There is a genuine public demand in a democracy, to lock up people the mob doesn't like. So the real crime is not the crime they are convicted of, it is being an undesirable. Instead of localities hacking the process to get this result the majority wants, why can't



we have an honest debate? Why can't we be fair and open, and pass a law to get what we want? Maybe it would be like a prior-convict bystander law. If you have a past drug conviction, and you are a bystander when a crime takes place, then you get 15 years. This will save us having to negotiate with felons to lie about each other. And it will of course save police having to drive around all day, in a fruitless hope to find enough actual evidence to lock up the people we want to lock up.

There is a massive demand in a democracy, to lock up the innocent, or at least those who are innocent of the particular crime they have been convicted of. I have seen it. I have heard from people who said it with no shame, who said it with pride. They said it with conviction of their own moral superiority, for wanting to get rid of the bad people, for not being too shy or too geeky to roll up their sleeves and lie or fake evidence or whatever, to get the result that is desirable for the public good. But we should be honest about what we are doing, in a democracy. Otherwise some people will lose elections, and half the people will be in great distress for not knowing why.

Our current social conflicts can be settled at the ballot box instead of in the streets, and without needing to be tied to other issues or to particular parties. Looking throughout history, I am sure the demand to lock up the innocent comes from all races and demographics. We just need to decide how we want to do it. And then it can be done more cheaply and efficiently within a system designed for the purpose it is used for, and with a lot less rancor.

### **III. IN FAVOR OF CONCENTRATION CAMPS**

There is often a debate whether human vices can be better managed without a strict prohibition. The prohibition of alcohol in the United States spawned a huge black market of organized crime. People often say if everyone is smoking marijuana, then instead of putting ordinary people in jail, why not legalize and tax it. It is better for prostitution to be legal and regulated, than to take place behind closed doors, where the vulnerable can more easily be exploited.

I am currently involved in a federal case against the Speaker of the Florida Legislature, who is an esteemed member of the Florida Bar, and graduated at the top of his class at Stetson University College of Law, Chris Sprowls. In that case, this man of laws Chris Sprowls has invoked immunity, to obstruct discovery in a federal court, of the crimes of a Deputy Sheriff Robert Weil who committed felony perjury in an arrest affidavit in Pinellas County 21-00796-CF.

The public approves of Deputy Weil using perjury to get around the courts and the law, to arrest me. And certainly Speaker Chris Sprowls approves of and protects it, just as Speaker Sprowls may smoke marijuana for all I know. But the problem when what the public demands is a crime – in this case Florida Statute 837.02 – is it forces the delivery of the good into the shadows. No member of the public really knows exactly how much Deputy Weil lied, to approve or disapprove of it.

In another case, my friend Mandi May Jackson is serving life without parole from age 21 for a crime that didn't happen, it was invented by police. That police faked every category of evidence, and let dangerous felons out of prison as a reward for telling lies

that contradicted honest evidence at trial, cannot be disputed, but only ignored with omerta. ASPD Officer Jackson Athaide faked video, CSI Alison Smolarek faked bloody gloves, every witness lied, all this is documented thoroughly.

The girl has a brain injury which dooms her to a life of aimless hyperactivity. And there is a public demand to keep her locked in isolation, and sedated to stop her screaming and crying all day, even though the crime she was convicted of did not actually happen. One of the reasons is the lies which police told to lock her up, and which the public demands police use, are crimes. So they will fight to the end to keep her in prison, because they cannot openly admit their standard practice involves the use of perjury.

The origin of this is that men are born with an impulse to kill their neighbors. Man is designed for the environment in which he originally lived, when like an animal, his survival depended on land resources. Animals in the wild pay no price for bloody conflict, because they are capable of producing more children than the land can support. Culling makes life better for the survivors. With no natural predators, the job of culling men to keep the population in check, was the burden of other men.

So today, it is always the first instinct of men to imagine they can move closer to utopia, by cleansing the bad members out of society. The superficial design of criminal justice in the United States is to punish people for what they did, not for who they are. But the actual demand, like the demand for alcohol during prohibition, is for the local 51% majority faction to overlook perjury, to subvert juries and the courts, to sweep undesirables off the streets and achieve eugenics by incarceration.

Throughout our history, the men who designed our constitutional system of laws knew what they were doing was against human nature. Madison in Federalist 51 said the 51%

majority faction will always abuse the minority like animals in the wild. From Franklin to Washington to Lincoln, they all said what we are doing is fragile because it is not natural. The standard condition of man is bondage and misery and subjugation. It happens everywhere in the world, and we will succumb to it.

For thousands of years there was slavery everywhere. There were different classes of citizens in the greatest civilizations, from Sparta to the United States. Nobody wanted to be a slave. But nobody had any ambition that the human race could do any better. When man advanced from hunting and gathering to agriculture, most people worked on farms. No freed slave was going to enter a specialist trade, by opening a Starbucks or becoming a biochemist. So a civilization that outlawed slavery had no survival advantage.

Nobody tried to artificially outlaw slavery, with an unnatural slavery prohibition before its time. Slavery went away because of technological advances that increased productivity and freed people to find other opportunities. It is because so few people work in agriculture, and we have trades and specializations and the price system, that people can be more optimally employed in innovation and entrepreneurship, by being free. The most advanced nations got rid of slavery first, but not because of unrealistic ideals.

People say our nation at its founding was imperfect. Our founders owned slaves. Only tax-paying white males could vote. But this was the best system possible within the realities of human nature. It did not attempt to do something unrealistic, that then forced the reality of the human condition into the shadows in a black market. We knew who was really voting, slaves were traded openly. It was all out in the open, the bondage and torture were subject to public scrutiny and analysis and optimal adjustment.

There have always been mock trials. Man has always hated juries, and the mob has always demanded direct democratic control to subjugate their neighbors, rather than some mechanical process like the justice system or the capitalist system of free auctions. One big difference is that because our Constitution was written before economists had a chance to analyze the industrial revolution, it did not specifically prohibit government interference in the economy, which would have forced this demand to be met illegally.

People say the Constitution is lacking, because while it addressed individual freedom in the political process, it did not sufficiently constrain government interference in the economy, which was a new and little-understood phenomenon. I take the opposite view. Constitutional constraints on collective government interference in the economy would have been so contrary to human nature, it would have forced an illegal shadow government to operate parallel to the facade, or simply led to war and revolution.

The problem we have today, is the equilibrium level of human aggression and torture, like the consumption of alcohol during prohibition, is greater than what can be openly regulated and optimized in our democratic process. Because what the public demands – what Solon would call the best system of laws the people can bear – is forbidden by the Constitution including new amendments. We created a system that forces the best the human race is capable of, and what people actually want, into a black market.

Today in Florida, it is standard practice for locally elected prosecutors to overlook crimes against children, by VIP's and government officials in their own faction. It is standard for the local majority faction – the 51% percent that elects the mayor or sheriff – to overlook police and witnesses lying, to enforce what they wish the law was and lock up the people they don't like. Judges welcome lies to fix cases for politically convenient outcomes, a facade of legality which is opaque to higher courts.

The problem is the justice system is used for something different from what it is designed for, in a fake and hidden way. It shoehorns the universal demand for tribal justice, into a system designed to punish the guilty and free the innocent in a utopian but unrealistic system of rights that nobody wants. And so we know, for example, that the prisons are full of innocents. But we don't know who or how many. Is it mainly drug users who were framed for other crimes? How many people are really in prison just because they are black?

And so my proposal is that we roll back or remove these Constitutional amendments, like repealing prohibition. And each community openly, and with public oversight and majority approval, puts the people in concentration camps that they want to put in concentration camps. No cops have to lie in affidavits, nobody has to waste years arguing in appeals courts. This is the minimum practical population of the unpopular and the losers, people who will be locked up and tortured whether it is legal or not, no matter the system.

Call it constitutional tribalism, organized and government-internalized conflict – violence within a larger system of stability like a football league. One of the best things is people will no longer demand communism or other economically authoritarian features, just to fulfill their impulse to punish their neighbors. If they hate the rich, they can lock them in concentration camps and exterminate them, without having to nationalize industry or do it under a guise of promising to provide healthcare to the poor.

And then Speaker Sprowls can send his deputy to lock me up without breaking the law. He can just say I am a powerful person and I don't like this guy. And the public doesn't care if he is locked in a box, they rather enjoy it. And if the public says we want to do

this to more people, or we want to do it to less or different people, we can vote on it. And the public knows exactly who is in there and why, the public demand is met, and human nature is in harmony with its political system and honest with itself.

#### IV. THE TOTALITARIANS IN OUR MIDST

In the summer of 2020, US Attorney General William Barr made what was a shocking statement to me at the time:

*"To tell you the truth, during my exposure to the law enforcement community, which goes back over 30 years, there's one constant, which is that the police do their job. The police do - get the suspect and get the evidence. The system falls apart in the prosecution and trial and the sentencing stage. And what's happening these days in the country is we're going back to some of the old practices we followed in the '60s and '70s where there's revolving-door justice and people are not being held. They're not being held before trial when they're dangerous. I think if you go to most of these big cities that are experiencing an increase in violent crime, and you go to the police departments, they will know who the shooters are. They will know exactly who the shooters are. And they're not that many of them, relatively speaking. Two, three hundred, that if you took off the streets, you would more than halve violent crime."*

*- Attorney General William Barr*

It was shocking, because Barr suggested moving the locus of determination of guilt away from juries, and to political actors.

I already knew Republicans had come to see the criminal justice system not as a way to deter crime and get justice, but to gentrify society by removing undesirables, and



achieve eugenics by incarceration. Barr was not talking about punishing people for specific crimes they were guilty of, but rounding up bad people and putting them in a concentration camp, to make the world a better place.

Mankind has hated juries forever, and Republicans have hated juries at least since Casey Anthony and OJ Simpson. Local elected officials - sheriffs, mayors, judges - are rewarded by the 51% majority, for overlooking police lying and faking evidence, to get around the jury and lock up whomever the mob wants locked up. So what Barr demanded - getting around the jury trial to lock up whomever police think is guilty, removing discretion with mandatory minimum sentences, using those sentences to coerce people in jail to point the finger at whomever the prosecution chooses - had already been achieved.

Barr seemed open to take the next step, and make it official.

What made Barr's statement shocking, is his willingness to ignore history, in pursuit of an ideal. Our nation's Founders knew well that when politicians and the mob could lock up whomever they wanted to lock up, it would not be criminals, but incompetents tortured for show, members of the minority faction - blasphemers who spoke against the establishment - and political opponents. Once created, this golem would turn against its creators, and most likely Barr himself would eventually be locked up. Meanwhile "the shooters" would be allowed to roam free, to maintain social discontent and demand for more government, Saul Alinsky style. And reactionaries would come up with new policies to let everyone out of prison, innocent and guilty alike, completing the dissolution.

Juries are not the smartest actors, or the most efficient, but the least corruptible.

I recognized that day, when Barr spoke, that the heart of a socialist was beating at the center of Trump administration justice policy. Socialists always create government power, with a utopian blindness to how the real world works and how it is corrupted. Because their minds are blind to the complex social processes, and knowledge and control limitations, elucidated by economists like Friedrich Hayek and Thomas Sowell. Barr advocates what Sowell called “the unconstrained vision”.

Scientists are socialists, in how they perceive the world. They imagine the world as if seen from a single vantage point, by an actor who has total control, like a laboratory experiment. They focus on the outcome, not the process. They say "If I combine hydrogen and oxygen, it will burn." They gloss over the problem of "What process will combine hydrogen and oxygen?" Just like Barr says "If I have perfect knowledge of who the shooters are, and total control to lock them up, I would."

Imagine for a moment if you had no arms. Then how to combine hydrogen and oxygen would be a bigger problem. That is the problem society faces. Because only in totalitarian societies, do the arms of government exist to eliminate the problem of social processes and autonomous actors, to achieve ideal ends.

The first impulse of someone who wants an ideal outcome, is therefore to create that absolute power. And bypass social processes and institutions which assemble free actors into beneficial patterns, in favor of a top-down ordering. But once that power is created - the arms - it is never used for the ideal ends, but for self preservation, through the manufacture of votes and nuclear weapons.

How do I combine hydrogen and oxygen, if the gas molecules are free to do what they

want? You have to build a maze, and hope the mouse finds the cheese. Because if the mouse allows you to pick him up, and even though you can see the cheese, you are just as likely to throw him in the trashcan. When there are a billion mice you have to provide for, you will have no choice but to pick just a few, and leave the rest to starve.

If I could centrally plan production and feed everyone, I would. If I could just lock up the people I know are committing the crimes, I would. Everyone deserves a nice house!

People who advocate what “we” (a clumsy government) should do, don't realize that civilization is, as Hayek described in "The Use of Knowledge in Society", a complex knowledge process. And you can't just replace the process with the outcome we know everyone desires. No matter how many times socialists vote to try. Just give everyone healthcare! Just lock up the criminals! Just invent a new green energy source! Such a simple fix.

Hayek put it like this: "If we possess all the relevant information, if we can start out from a given system of preferences, and if we command complete knowledge of available means, the problem which remains is purely one of logic... This, however, is emphatically not the economic problem which society faces."

The mind of man, originated in small collectives thousands of years ago. In such collectives, everyone's actions are visible, everyone's aims are synchronized, there is perfect knowledge and conscious control. Men like Barr whose hearts pine for such a utopia, invite totalitarian disaster and misery.

## V. RETURN TO NATURE

Things are not as complicated as they seem at first.

The key feature of civilization which dictates the quality of the human experience is the topology of human thought and action. You don't have to know anything about artificial intelligence, to understand that a neural network is a complex web of interconnected points. The greater the number of independent points and unique connections between them, the more complex visions of the world the network can store, the more information it can put to use, and the more problems it can solve. In contrast, the larger a social quorum is, the less it is a meritocracy of ideas refined by natural selection, and the more a synchronization of idiocy.

It is not hard to understand that any one neuron in your brain is not conscious of anything. It acts as part of a larger structure of which it cannot be aware. This is different from people living in a tribe or social group. They all see the world from the same vantage point – they have the same information – and they are conscious of their common values and purpose. Consider how an iron mine has properties of both. The people who work in the iron mine coordinate by constantly talking and watching each other, with a conscious purpose to produce as much iron as possible. But where the iron goes they have little idea. Like a neighboring neuron, the trucks just show up to collect the iron and carry it away.

The design and instinct of men is to act as a tribe, not a neuron. When men were hunter-gatherers there was no such thing as a trading partner. A neighboring tribe was a

competitor for scarce resources. To limit population growth to what the land could support, men had reflexive impulses for war and sodomy that were turned on by environmental triggers. But when men became productive as farmers and craftsmen, they needed to learn to trade, not kill their neighbors. Religions developed to teach them these new habits which made increased populations and cities possible. Eventually even farm workers went from being mindless slaves to free individuals, traveling from place to place and responding to price signals like independent neurons.

The impulse of men is to join into social collectives, and attempt to gain knowledge of the surrounding world and consciously control it. Put simply, the instinct of men is to collapse the complex network into a simple social tribal topology. They want as few points as possible, and the largest collective social synchronization within each point. The purpose of all law and culture is to make men go against their impulses and act more like neurons and less like participants in a tribe. The true political debate is not what should be decided – what the collective values are – but who will decide what independently. The history of civilization is new communication paradigms connecting and collapsing the points, allowing men to indulge their tribal instincts and collapse the topology, leading to war and starvation.

Every time a new communication paradigm emerges, men rebel against existing laws and seek to overthrow and control existing institutions, to make the topology less complex. During the industrial revolution, populations exploded in cities which were larger than the populations on farms. Men in the cities were able to walk past neighboring factories and talk to each other and share common values. They learned to read and write. They wrote and disseminated a plan to take over all the factories, and control them through the decisions of a single social collective. They collapsed the multiple factory owners and managers, to a single central planner. The single central

planner could not process information like independent local decision makers could, and millions starved.

Next came the advent of broadcast technology – audio amplification, radio, and television. This allowed leaders to synchronize men with a single enemy and purpose, toward action that appealed to their instincts rather than their moral programming. Their common goal and action – wiping out other races, world domination – was resonant with their instincts as more important to their prosperity than their local neuron role working in a shop or factory. The international trade topology largely consisted of Jews whose unique morals allowed them to engage in business and made them wandering outcasts. Individuals working to produce iron for unknown strangers were collapsed into a single tribal unit, with a goal to wipe out other tribes, and the spontaneous topology of private business and media.

One of the decision institutions that had evolved to process information independent of the dominant tribal quorum was the jury trial. In Germany juries were discarded in favor of judges who could enforce penalties not based on guilt of specific crimes, but as part of larger social plans. A jury processes local information to determine if a specific individual broke a specific law. A judge determines if incarcerating the individual advances some larger social goal, more generally is the individual popular, and will the judge's decision be popular. By increasing the power and discretion of elected non-jury actors, and external rules limiting jury presentations, criminal justice decisions are relocated from a local decision node with true information based on scientific processes, to a collective tribal will based on general information produced by informal social processes.

“Legal positivism” in the 1900's was a rebellion against evolved criminal justice

processes. In the new legal positivism, individual actions were determined to be legal or illegal not by being measured against fixed laws, but by whether the quorum – the collective benefit as channeled through a judge or some other body – approved or disapproved of them. Whatever the quorum wanted – whatever survived the social beauty contest – became legal. Historical morals and laws were discarded in favor of popular social ideas, such as exterminating the Jews. The evolution of criminal justice reversed its long trend toward discovering and responding to individual crimes with just sentences, back to managing populations like a tribal war channeled through the courts. People got to mass murder their neighbors like in a tribe through a central planner, rather than have local juries make independent decisions in individual cases.

It is important to appreciate that throughout history, civilization has gone backwards when people joined together in social groups to do what they felt was right. The Magna Carta of 1225 said a sheriff could not just do what the mob wanted, but he needed an actual witness of a crime. 700 years later The US Supreme Court in *Imbler v. Pachtman* said it is appropriate for prosecutors to use dishonesty to circumvent the traditional requirements of law by straight manufacturing fake witnesses, to deprive individuals of liberty to serve the broader public interest. Under this paradigm, anyone from a mass murderer to a drug dealer to a person with a past drug arrest who was merely near the scene of a death, will get the same life sentence. Courts have become railroads and prisons have become concentration camps.

And so I do not say without analysis, that Twitter (as metaphor for the Internet and new social topologies) and Ron DeSantis (as an example of popular values being channeled through a central authority) are the end not just of the Republican Party but possibly of our civilization. They manifest the rebellion of human instinct against the evolution of society, which rebellion has repeated throughout history in the presence of

new mass communications.

Two self-styled “libertarians” Brad Polumbo and Hannah Cox recently said the following on Twitter about President Biden getting a criminal Brittney Griner or Julian Assange out of prison:

*“If you defend or downplay the prospect of an AMERICAN being imprisoned by a tyrannical foreign government for 9 years over HASHISH OIL, I never want to hear the words ‘freedom,’ ‘liberty’ or ‘small government’ out of your mouth again.”*

*-Brad Polumbo*

*“Presidents actually have immense power to hand out pardons... this is an important check and balance in our justice system...”*

*-Hannah Cox*

It is quite a development that people who imagine themselves defenders of individual liberties, advocate a system where who goes to prison is decided by a quorum of the popular or a powerful leader, rather than the rule of law in independent local processes. They don’t realize that by trying people on Twitter or deciding who goes to prison on Twitter, they are carrying the building materials of the next holocaust. The topology of a 51% majority telling a single leader who should go to prison is the simplest possible tribal topology of criminal justice, and replaces the complex topology of 1,000 local jury trials, which the public no longer has any interest in maintaining with rigorous integrity.



The appropriate matter for debate is not who goes to prison, but who should decide and how; what should the law be and who should decide and enforce the law under what incentives and constraints. Should Russia have milder laws, should the United States have some sort of a criminal-alien treaty, should there be a court with known rules to decide Brittney Griner's fate? Or is "freedom" a mob on Twitter deciding who suffers what fate? Like "Conviction Integrity Units", Presidential "pardons" are a way to avoid repairing the justice system but rather letting it continue to be misused to convict the innocent, but instead only exempting the popular, effectively substituting politicians for jurors.

Notice how Hannah Cox does not advocate a change in the law, which would make what Julian Assange did legal or free a whole category of so-called journalists. There is neither law nor freedom nor justice in the tribal processes Hannah advocates. But a government of men and not of laws gets you a lot of likes and followers on Twitter. When faced with laws they don't like, people's impulse is not to change the law. It is to go to war as a tribe, and enforce the result they want through collective majority will.

People's impulse is to try to get what they want through social processes like pardons, and they have no interest whether jury trials which they have no control over are honest. They view jury trials as inevitably flawed specifically because they perceive no direct control over them.

Civilization advances when Hannah Cox and Brad Polumbo have no say in whether Brittney Griner goes to prison, and they can only slightly influence the evolution of the prescribed laws and processes that make that independent local decision with local information. But when people are unhappy with the local decisions – often because the local process has been corrupted by a collective such as racists of the local majority

faction – the impulse is not to advocate reverting to the impersonal mechanics of the law as written, or changing the law when necessary. It is to usurp the power of the local collective with an even larger collective.

I have also seen 1,000 Twitter posts where people said vaccine mandates violate their rights. But I have seen zero Twitter posts advocating a Constitutional amendment prohibiting vaccine mandates, or some other way of changing how it is decided what will be mandated for whom, other than a Twitter quorum and vote. Instead of advocating an independent legal process for weighing each vaccine and virus and circumstance, they instead advocate electing Ron DeSantis, who will follow the shifting winds of popular will of whoever shouts the most and loudest. Ron DeSantis is now trying to set up a grand jury to prosecute the FDA for making independent vaccine decisions that go against the will of the mob on Twitter.

The question is not “Is the FDA right in this instance?” It is impossible for you or me to judge and post on Twitter whether every medicine is safe, or whether every jury is right. The question is “Should there be an FDA that is not controlled by Twitter and Ron DeSantis?” People don’t want to analyze the FDA’s process and reform it if necessary. They want to throw out the FDA and turn it over to Twitter and Ron DeSantis. Ron DeSantis has no problem with an FDA or court that is wrong, and controlled by him. You are never wrong, if you can manipulate 51% of people to agree with you, or simply implement whatever 51% of people want. Regardless of how right or wrong the FDA might be, it will always be possible for people to come together as a group and be uncomfortable with an institution outside their knowledge and control.

If DeSantis wants to tell us about flaws in the processes and incentives of the FDA and suggest reforms, he has listeners. But that would make him a commentator, not a

dictator. DeSantis instead offers the simple (and worse than wrong) solution that an FDA which he controls is better than one which they control. Move the locus of decision making from the bad people to the good people. An FDA which DeSantis runs in response to Twitter, is better than one which they run based on elitists. California has its own warnings for product safety. But a diversity of state and federal institutions, is different from DeSantis threatening a grand jury to prosecute independent medical researchers in private industry, which is pure leftist demagoguery like Ralph Nader. It is a promise to turn it over to the people in exchange for power, not an effort to improve it.

Another self-imagined promoter of liberties Glenn Greenwald recently said on Twitter:

*“I’d like to remind everyone: Twitter’s ban of Trump was widely condemned by world leaders, including those who dislike Trump, including Germany’s Merkel, France’s Macron, Mexico’s AMLO and EU officials. Only US liberal journalists — rogue actors as always — cheered it.”*

*-Glenn Greenwald*

If you advocate deciding whom Twitter bans with a global quorum of pezzonovante rather than a private local business decision, you are a Marxist. Twitter is like the present day newspaper. They are free to associate with, quote, or endorse any politician they want, and to fire journalists they don’t want on their pages. Twitter has freedom of religion to only permit lies. The impulse for some sort of collective Marxist control of a single “The People’s Twitter” idea marketplace does not allow for a complex topology of different sites and brands and religions to evolve. Popular vote cannot refine a meritocracy of ideas. A “marketplace of ideas” requires something like a refrigerator to conserve and serve the purchased subset of ideas, whether that repository takes the form

of a religion, university, or web site. Mob control encourages a descent to the least common denominator of child porn, snuff films, and bite-sized demagoguery.

*“Just applied for Twitter Blue. I am happy to give @elonmusk and @twitter 2.0 my \$8 since the platform has restored free speech as a guiding principle.”*

*-Jay Bhattacharya*

It is often people with foreign names – recent immigrants – who don’t even know what free speech is, because they don’t understand the concept of private action not controlled by a social quorum. Bhattacharya was free to sue under USC 1983 if there really was government action when his medical information was edited, and try to change the case law if he lost. But Bhattacharya has no idea what the rule of law rather than popular will is, and thinks free speech is collective social control of private institutions. If you don’t know the difference between government and private or law and social quorum, you won’t have private or law for long.

*“According to Twitter Files 6, one FBI agent directing it to censor is named Elvis Chan. I thought a karate expert Elvis impersonator trampling our rights might make it more entertaining. While he appears to be Asian, I unfortunately see no Graceland influence or kung fuery.”*

*-Jack Hunter*

The person whose speech is aggrieved would be Twitter, and they would have to sue. But despite having millions of dollars in lawyers and spokesmen - not exactly child sex-

abuse victims - Twitter did not complain. Because IT companies like free information from law enforcement. If Jack Hunter thinks rights were “chilled”, he should sue under USC 1983. Either you have a case, or if you don’t then advocate for the law to be changed, or shut up. Don’t confuse a private policy or management or values disagreement, or free association within factions, with a matter of constitutional rights, if the court says your rights have not been violated. Rights don’t come from a social quorum, concentration camps do. Rights come from the law.

*“I’m not going to be okay with banning journalists now that it’s happening to liberals. I didn’t want revenge. I wanted free speech. The rest of your principles is whether you’re willing to apply them to your opponents and antagonists. Elon Musk is failing that test.”*

*-Brad Polumbo*

There is no collective “you”. Courts apply the law, private business managers apply judgment, religious leaders censor blasphemy. “Free speech” is a legal concept applying to government, agents thereof, and people acting in concert therewith. It is not a collective social policy. Using “banned” as a general term when someone has been barred from another person’s private property, is socialist agitation for the takeover of private business. Imagining a single vantage point from which all decisions are made with collective knowledge and values, is the same as utopian communists who thought the world could be controlled through science like in a lab.

This is hardly different from saying a poor person has been “banned” from housing or medicine, or a crime victim has been “banned” from justice by a jury. Using trigger words to evoke feelings rather than a literal rational analysis, is just demagoguery. It

manifests a desire to live in a collective, and run it based on a religion, as a website user. There are literally people who want a consciously controlled world with a strong and responsive leader. They are begging Elon Musk to be dictator of a utopia. The idea of going to a court and suing for rights violations, rather than shouting in a crowd, never occurs to them. The new home of the human socialist impulse is Twitter and the Republican Party.

When you start by defining “free speech” not as law but as private local decisions monitored and regulated by a social quorum, you have given over to communist thought and lost all rights before the debate has begun. The “test” of “free speech” is a legal test. The term is already in use as a legal term. If you need a new term, how about “social speech tolerance”. Conflating autonomous legal or business processes with approval from the vantage point of a tribal quorum is socialism. The moment you say it is your business how Twitter editorializes, you have exited the classical liberal freedom paradigm. You are a religious missionary dreaming of a mountain enclave, wearing the false cloak of law.

In another example Ron DeSantis complained on Twitter about a juror going against the popular will for a murderer to get the death penalty.

*“I just don't think anything else is appropriate except the capital sentence in this case... He's guilty, everybody knew that from the beginning... I think that we should do some reforms...”*

*-Florida Governor Ron DeSantis*

You cannot stop the state from exterminating the unpopular, unless you add independent

actors to stop them. And you cannot stop independent decision makers from not doing what the mob thinks is right. If DeSantis enacts the most popular reforms, the people who get the death penalty will not be who you want or I want, but the people whom the largest single mass of the worst of people on Earth want dead. The fact that there are not larger numbers of hung juries relative to guilty and not guilty, is evidence of people's irresistible instinct to parrot the group.

DeSantis spoke about independent actors in general, at a conference in Miami:

*“The United States is a nation that has an economy, not the other way around, and our economy should be geared towards helping our own people... This is an important issue because it raises the question of, you know, who governs society? Do we govern ourselves through our Constitution and through our elections or do we have these masters of the universe occupying these commanding heights of society?”*

*-Florida Governor Ron DeSantis*

DeSantis's “masters of the universe” are little different from the “media Jews” of pop promoter Kanye West, or the merchants and agitators of Hitler. When DeSantis says “through our Constitution and through our elections” he is just putting pretty words on the public demand to be an armed mob. If we don't like the outcome of private business – if bakers are not feeding people, or if we simply don't like what they do with their freedom – then government is right to override the process; not just adjust the process, the rules of the game, but directly control the outcome to fulfill the will of the mob. DeSantis is a Marxist who would take over corporations and courts as fast as Bill Clinton would take over healthcare, to endear himself to the people.

So how do you get to a system where “the people” decide who is bad for society, rather than juries deciding who is guilty of a crime? You lie to the papers about what happened while stonewalling private-party requests for actual evidence, you immunize publishers to recite your lies, judges reward witnesses who parrot those lies (often dangerous felons let out of prison for parroting lies), the local elected mayor, sheriff, judges, and prosecutors overlook and encourage police lying to fix the outcome of the trial to whatever is most popular and politically convenient, and the trial is fixed with evidence selectively admitted and blocked and manufactured to obtain the outcome chosen by the social quorum. So cops lie to get around a complex topology of laws and legal processes to achieve primitive tribal justice, seizing lives the same as businesses under communism.

A lying cop is not a mean person framing an innocent person. He is part of a process to move the locus of decision-making away from juries, to the mayor or sheriff who decides whether to reward or penalize the lying cop, who is actually the arm of the 51% that elect him. Cops lie, and the citizens overlook and celebrate cops and even felons lying, to replace complex evolved local legal processes with tribal justice, and put the powers of judges and jurors in individual cases into the hands of a single social collective. Cops lie and judges accept lying, to collapse the elaborate topology of our legal system into a mob. Cops lie to evade juries, and enact the will of the mob manipulated by demagogues on Twitter.

Why do cops lie? To overthrow the law in favor of the mob, the dominant social quorum. Cops lie to move decisions to the mob. Cops lie to evade and nullify the courts and settle things like a tribe, to satisfy the human impulse to have total control like camping in the wilderness, to return to nature.



Today in the United States, felons and even murderers lying to victimize the innocent and get out of prison, is common. You would think this is some crazy ostracized behavior that would be punished if caught. But it is in fact a popular behavior approved of and paid for by elected officials. This might seem crazy and hard to believe, that society would approve of and reward a behavior of dangerous felons lying to courts to get out of prison and torture the innocent. But it is a device to move the locus of decision making to the social quorum, the tribe. Elected officials rewarding dangerous felons for lying makes perfect sense when you realize how it fits into a historical pattern. It is a device and one of many perversions and contortions, which enable the primitive tribal impulse to overcome evolved social institutions.

Marxism is a rebellion of the ancient tribal impulse, against the evolution and advancement of society. People indulging their impulses for violence or communism, will delude themselves that they are puritans or idealists pursuing morals. People often cannot tell the difference between their own morals and instincts, and will easily mislead themselves that a socially validated indulgence of their instincts is an advancement.

## VI. THE PATTERN

### A Quick History of Police Misconduct

*“They went to work with unsurpassable efficiency. Full employment, a maximum of resulting output, and general well-being ought to have been the consequence. It is true that instead we find misery, shame, and at the end of it all, a stream of blood. But that was a chance coincidence.”*

*- Joseph Schumpeter*

The first thing a man will do for his ideals is lie.

The second thing a man will do for his ideals, is look the other way on lying.

All it takes is for police to lie, and the local monitors and regulators of police to look the other way on lying – judges, sheriffs, mayors, the local 51% majority of voters – and the Constitutional system of justice is usurped, and replaced with a tribal one. This is achieved without needing a single vote or even a campaign ad.

I pointed out in a web discussion, police can lie in court, and there is no institution to punish or deter them, they are rewarded in the political process. A stranger responded approximately “I used to be a judge. There were times I knew cops were lying on the stand. But nothing's perfect, and it's the best system we have. You want to take it away and replace it with what? Criminals will run wild.”

A judge looking the other way on law-breaking, without the voters explicitly telling him to or knowing he is doing it, is not a system, it is a usurpation.

In a nearby discussion, a retired cop eagerly took credit for, at times, framing the innocent and sending them to prison. He said approximately “Who likes it? Nobody. But that is what is necessary, to pressure them to testify against the big fish whom we know are guilty, but don't have evidence to prove it.” Police deciding who is guilty and fixing the cards, is a usurpation.

People who have no personal experience with police misconduct, sometimes find it hard to believe. Are these police really all going to lie? It sounds like a crazy conspiracy theory, or maybe just some weasel who got caught. For people who doubt their neighbors' sanity for characterizing police lying as a designed and standard practice, I will provide a rough timeline of how police lying became accepted and defended in contemporary mainstream America.

1) OJ Trial, 1995 - This was the TV trial of our generation. For many young lawyers, the impeachment of cop Mark Furhmann's credibility as a racist provided a template for how to attack the credibility of police. For many Americans, the not guilty verdict for a man who they thought was obviously guilty, showed that defense lawyers were cheaters who were able to hack a flawed and weak process by going after police.

2) Ferguson, 2014 - The popular "Hands Up Don't Shoot" narrative of a cop killing an innocent black teenager, was not supported by forensic evidence or Obama's Justice Department. Big Mike Brown was on video robbing a convenience store. This drove the law-and-order crowd nuts. It radicalized defenders of police and prepared them for war, ready to reflexively defend police against any future accusations of misconduct.

3) "Handcuffing the Police", 2016 - Heather McDonald, an academic polemicist with no experience in policing, wrote a book called "The War On Cops". In it, she argued that police being accused of misconduct, and attempts to hold police accountable, were making life hard for cops and discouraging policing. She said any restrictions on police behavior amounted to "handcuffing the police" and this in turn led to an increase in crime and death. People swallowed this whole based on nothing more than vanity, because it was consonant their self-perception as defenders of good. They never bothered to look at crime rates in countries where police have absolute power. The Republican Party took this as a moral mandate that all accusations of police misconduct had to be attacked and suppressed, and the accusers smeared, and police had to be defended and insulated from any and all consequences zealously, to save lives and the suburban way of life.

4) 2020 Election - After perhaps 200 years of believing leftists were well-intentioned but naive, Republicans under Trump became consumed with vanity. They believed they were good and Democrats were evil. They adopted a tactic which they previously scolded leftists for, that they could use big government in the form of police, to bludgeon opponents with their utopian vision. The regulation of police is so intertwined with the letter and spirit of the Declaration of Independence and Bill of Rights, never before in American history was there ever a need for any government institution to regulate police at the state or local level. The regulator was the individual, the regulator was the accused, the regulator was the citizen of conscience. Republicans declared this only historical regulator of police illegitimate, and in doing so declared war on the common citizen. Anyone who so much as jaywalked, deserved whatever he suffered without complaint. Through this battle, Republicans sought to relive the glory and political success of their forebears, who took on the "rehabilitation and root causes"

movement in the 1970's.

So today, the right of police to lie is literally held as sacred by many, a final bulwark, a thin blue line against the disintegration of society. It is just as strange and hard to believe, and just as real, as the worship of cows in India. Police literally must lie to protect us all and save the world from communists. And anyone who accuses police of any misconduct must be destroyed, to preserve our way of life.

The destructive right-wing policing crusade followed a pattern described by Sowell in his 1995 book “The Vision of the Anointed”, for similar social-political crusades on the left:

1. Assertions of a great danger to the whole society, a danger to which the masses of people are oblivious.
2. An urgent need for action to avert impending catastrophe.
3. A need for government to drastically curtail the dangerous behavior of the many, in response to the prescient conclusions of the few.
4. A disdainful dismissal of arguments to the contrary as either uninformed, irresponsible, or motivated by unworthy purposes.

This new cop cult even came together around a book - “The War On Cops” - just like the leftist crusades described by Sowell came together around books such as “The Population Bomb” and “Unsafe at Any Speed”.

And any white people who had a bad experience with cops, were demonized as “Marxists” whose desire for police to wear body cameras would bring about the end of America.

And like the disastrous left-wing crusades described by Sowell, the problems being lenient toward police misconduct was supposed to fix, actually got worse. In the summer of 2020, rioters destroyed businesses across the country. Police were shot and killed by black youths, and white “boogaloos”. The murder rate went up all over the country, including more than 50% in major cities such as Chicago and Atlanta.

When “The War on Cops” came out in 2016, the USA murder rate was 5.4 per 100,000, and anti-cop Obama was President. Republicans who ran on the policies promoted in the book, gained control of the Presidency, Congress, and the Supreme Court. By 2020, the murder rate had risen to 6.5 per 100,000. Sowell likes to quote Casey Stengel “You could look it up”. Oh, but that was a chance coincidence.

The murder rate had been dropping for decades, when McDonald sounded her warning. And like with so many left-wing crusades, it actually turned around and went up after crusaders were put in charge. Are we to believe, like with everything else, murder would have gone up even more without McDonald's book?

Sowell himself declared of McDonald's book “this book will save lives”. The actual results were simply taken as proof that others were still evil, and even less restrictions on police conduct, and more incarceration, were needed.

Imagine being trapped in prison for 70 years for something that didn't happen, because a cult of people are too vain to ever admit being wrong.

## VII. BROKEN - GOD, AMERICA, AND THE REPUBLICAN PARTY

It is said man descended from the lungfish, whose enormous genome was necessary to store new traits for mapping and navigating a more complex land environment. But God is neither social nor Earth-bound, and His original plan turned out to be wrong.

Something happened between lungfish and man, such that the human genome only needed to be 1/14th the size of the lungfish, to achieve everything from nuclear bombs to social media websites.

What happened is external heredity. This is the mechanism by which we do not genetically inherit our survival traits, but learn them from our parents, or from stored records such as maps. By this mechanism every individual can be aware of dangers, and benefit from experiences, which he has never experienced himself. And so our survival traits are not stored in our genes, but originally in our memories, and later in written records. And we have evolved not specific traits, but the ability to pass on and store any traits easily.

The majority of the structure of a cell is for replication, not its organ-specific task. And so too is the majority of the human brain designed for communication and imitation. This is obscured from us by the simple fact that we don't think about the majority of things we simply imitate, such as the structure of language. If a person had to design all the words and structure himself, of the language he uses every day, it would be a greater undertaking than any individual has conquered in a lifetime. The power of imitation is far greater than that of reason or instinct.

The mind spins like an engine at all times, imitating dance moves it sees on TV,

regardless of whether it is going anywhere. There must be some mechanism to sort out which traits are advantageous or self-destructive, without people having to die to prevent having children who imitate them. That mechanism is trusted sources which have survived inheritance or some other refinement mechanism, such as the Bible, and peer-reviewed scientific articles. There are innumerable layers and variations, such as testing sources by shibboleth, where a person who is found to agree with existing beliefs, or displays a certain flag, becomes a credible source for a new belief.

With the evolution of civilization come both new survival traits, and new mechanisms to store those traits. As maritime technologies and population increased, “The New Covenant” displaced “The Old Testament”, and people learned to trade with strangers, rather than murder them as competitors for land resources. But each advance in trait transmission, leads to disaster until accreditation refinement mechanisms catch up. The communist revolutions and the great world wars did not result from a sudden increase in the rebellion of the tribal control instinct against the extended physiocratic order, and the invisible hand. Rather, their timing was a result of new mass communication technology.

The television broadcast of the 1936 Olympics from Germany was considered groundbreaking. But the technology enabled not just the observation of sport, but the propagation of Hitler’s tribal aggression philosophy, which could only then be destroyed by the destruction of Germany itself. War and misery emerged from a time of increased prosperity, and new potential of science and technology. Anytime people are brought together in new ways, whether by the printing press or literacy, in cities as a result of the industrial revolution, on radio as a result of Rush Limbaugh’s broadcast, or on college campi, it becomes a breeding ground for destructive mind viruses. Civilization goes into war and upheaval, until new ways evolve to refine the traits people pick up from TV or the Internet.



A few years back my sister, who lived in Manhattan, described the Republican Party to me. She said it is a bunch of parrots who live in an echo chamber on Fox News, where ideas gain credibility only by recitation, and because they resonate with some preexisting belief system, not as a result of any test of their validity. I told her no, you have it completely wrong. Democrats are the natural communicators and reciters, who live in cities and on college campi, and will die on the hill of the most popular nonsense that appeals to their feelings. Republicans are solitary creatures working on tractors out in Iowa, who are more likely to develop ideas as a result of their own logic or traditions, than by imitating the latest fad.

What I did not realize, is the world as I knew it had already given way to a new paradigm, where one-way AM radio broadcasts and aged paper texts, had given way two-way communication in chatrooms and on Twitter. The Republican Party which once stood as a check against the party of mind viruses and mob impulses, had itself become consumed, after people in rural areas became as connected as people in cities. Sensing something was wrong, Republicans themselves flocked to a candidate who promised a return to traditions against the incessant waves of nonsense, to “Make America Great Again”. But it was for naught, as the Republican Party had itself has already been consumed, and was incapable of reflection on what had happened to it.

With the Internet and social media, the external record – beliefs and traits and their imitation – exploded faster than ever before, infinitely greater than the lungfish genome, the Bible, “Mein Kampf”, or anything that could have been broadcast on TV and radio. As a result, civilization has become less effective at governing and regulating itself and its institutions and individual behaviors. There are not sufficient mechanisms to sort out good and bad ideas and traits, into some beneficial subset to conserve and propagate.

Those which catch on are the lowest common denominator, that which resonates with the innate impulses of the greatest number of people.

By the end of it there were no longer two different American political parties with competing sets of values – where one set had survived the tests of survival – but two competing mobs of nonsensical marxists. This is parallel to what Hayek documented in “The Road to Serfdom”, when he saw that competing communists and fascists were essentially similar, with no party defending traditional English liberalism or tolerance. The external record became so large, and the heredity so rapid and unregulated, it overwhelmed any preexisting institutions and core beliefs. Without any refinement, it became basically a gigantic tumor of human impulses.

Having been reduced by lack of filtration to the core of human instincts, in the time of greatest population density, there is no possible outcome but war. Because the instincts of man are designed for war and aggression against his neighbor. And the refinement and transmission mechanisms of traits for restraint and survival, have fallen behind and become obsolete. So there will be war, just as there was war after the industrial revolution, and after the creation of broadcast media. There will be war until a new set of refining mechanisms evolve, for survival traits in an age of mass recording and transmission.

For 200 years those on the left thought those on the right were evil. And those on the right thought those on the left had good intentions, but were misguided. No longer. Now the Republicans are just another impulsive mob which sees its opponents as an evil to be killed, not reasoned with. So America as we knew it is gone and over, and cannot be conserved, even if there was a party or faction made up of people who understood what was going on, and wanted to conserve it. There is no choice but to watch the war come,

and see what has emerged after it passes. There will perhaps be some types of censorship, or who even knows.

## VIII. IDEA WARFARE IN THE INFORMATION AGE

### A Heretics's View on the Crosley Green Hoax

Most of the structure of a cell is used for replicating. Most of the human mind is used for imitating. Almost everything people do, from the words they use to the professions they aspire to, to their morals and how they furnish their homes, is imitated. The problem is people are idea sluts. They will absorb any moral or idea good or bad, which will spread through the population like a disease. This can destroy the minds of an entire population faster than any check from fact, logic, or experience.

Another human talent is spreading ideas. There are people whose gift and habit is to put ideas in the minds of others, like a woodpecker pecks or a beaver builds dams. They are as indifferent as alligators to the quality and consequences of the ideas they spread. The health of the habits of the population therefore relies on some sorts of institutions to conserve and spread the good ideas like a genetic code. And there also needs to be an immune system to kill off the sociopaths spreading random ideas.

So within a society there are heretics. These might be girls of low moral character, who would lead others into a breakdown of the habits and family structures that stanchion society. Such females might be stoned to death in Iran, or burned, or framed as witches and hanged in the United States. And men can be executed, or simply excommunicated or exiled, if their family and other ties would create too large a backlash to execution, leading to feuds and civil war. Or, like cancer, the demagogues often win.

And between societies with different ideas, there is survival of the fittest. One society

might blame crop failures on not working hard enough or being sinful. Another society might blame crop failures on evil spirits, or foreigners such as Jews poisoning the fields. One society might believe the highest calling is to be a fisherman, another society a warrior. Just as there are immune systems within a society, societies will attack neighbors militarily, with the economically fittest displacing the other.

Historically, the genetic vessels of competing ideas were literally destroyed, the structures burned and the people murdered. Religions, from Islam to Hitler's teachings in Mein Kampf, prescribed that the competition had to be physically eliminated. A more Christian idea came to dominate, where people could be converted rather than killed. This had an economic advantage of preserving the people and physical structures. The conflict could be won by a victory and destruction solely in the space of ideas.

In the present day, this has evolved into propaganda as a freestanding weapon of war, not used in support of a physical war. We simply defame the witches and cripple them with lies, without needing to drown or burn them. So interestingly, the healthy immune system consists of people who act as cells spreading lies about the competition. The physiology of an ideology includes not only organs for conserving and spreading core beliefs, but also an immune system for spreading lies and incitement, and to discredit.

Viewed in this way, the reflex destruction of the reputation of Kim Hallock with lies, is the standard product of a social organ necessary for human survival, like a kidney. Viewed in isolation, what the organ does is quite remarkable: It propagates the lie among thousands of people that a rape victim murdered her boyfriend, based on little more than Chip Flynn was too delirious to say anything but "get me out of here", combined with the spontaneous and beneficial human reflexes of recitation and incitement.

## **IX. CRITICAL RIGHT THEORY**

### **What is “Critical Right Theory”?**

“Critical Right Theory” is an intellectual movement on Twitter, among people who have developed an enlightened or “woke” theory that Constitutional rights are whatever (and for whoever) the immediate local majority wants them to be. Examples:

1) The state legislature, and cops in the moment, decide what firearms laws are Constitutional “rights”. This contradicts the actual Constitution, which says in Article III Section 2 that the Supreme Court decides what law is a Constitutional right. Kind of like the “right” to housing or a minimum wage.

2) The power of states and various government institutions to make policy on what specific vaccines are mandated where, is somehow an unwritten individual Constitutional right against vaccine mandates. Kind of like the unwritten Constitutional right to get an abortion before X or Y weeks.

3) There is some right for the majority, through the government, to dictate ideology to private businesses. So we can have a vote on what ideas about race businesses are allowed to train their employees with, or whether they are forced to employ and serve people who make various healthcare and lifestyle decisions.

4) Congress has an executive power to attack the editorial decisions of private business actors, like Twitter employees. The “right to free speech” consists of the mob attacking private business speech decisions, through a government actor such as Congress or the

state legislature, as crazy and perverted as that sounds.

5) Under federalism, states have a sovereign immunity to violate individual Constitutional rights without interference from federal courts that would enforce those rights. Federal courts are not allowed to accept evidence of rights violations, or disagree with state court findings or errors that violate rights.

6) State government actors can deprive individuals including of liberty, reputation, and opportunity without due process, and are immune to regulation by the Bill of Rights and USC 1983, all based on the 11th Amendment and various immunities found nowhere in the Constitution but invented by courts claiming common law.

7) Local actors, from police to prosecutors to even jurors, have a right to ignore the law to decide who gets locked up or not. So jurors can “nullify” various laws by exempting people who look like them in their own communities. But prosecutors can also nullify jurors, by using plea bargains and perjury to fix court outcomes before they get to jurors. All this so local actors can free and punish whomever they think is good and bad, without being restrained by actual law or the federal Constitution.

What all these so-called “rights” have in common, is they are all the dominant social quorum or whoever has power at the moment, labeling whatever they want as a right. They use not only the executive and legislative branch to seize these “rights”, but even persuade courts to use discretion to invent and abrogate rights. They use courts to select and discard evidence and even welcome perjury, to obtain whatever outcome the local 51% majority wants. It is basically like a primitive tribal quorum, operating in spite of the prohibitions of the rule of law.

This is tyranny of the majority or fascism. It is popular among people who don't even know what the Constitution or American traditions are, and maintain a vain self-delusion that they are "right wing" and are conserving those traditions, when they pursue their own whims, religions, and impulses through the coercive arm of government. They believe that if they can find two other people who also want the same thing their own impulses desire, that their impulses and tastes are made not only morals, but rights, simply by being socially validated.



## **X. THE POPULIST FACET OF CONSERVATISM**

### **Is Puritanism the Populist Facet of Conservatism?**

Rush Limbaugh used to say being a liberal is the most gutless choice anyone can make. All you have to do is say I am for this and that. I am for free healthcare, for free housing, for free food. Conservatives perform the harder task of weighing tradeoffs: What is the cost elsewhere of providing this free food? Conservatism requires complex economic analysis of the outcomes of various policies.

This provokes and answers the question: Can 51% of the population be taught conservative thought? The answer is no. 51% percent of people cannot be taught to think like James Madison, or even understand his thoughts. Conservatives complain that colleges teach liberalism. But can colleges be switched over to instead teach millions of students conservative thought? No, conservative thought is too esoteric.

So the question is can some general set of beliefs and habits be taught to college students, so they at least make good conservative citizens? Without having to be as smart as James Madison or Adam Smith? The answer is yes. But that does not mean we know what that set of morals and beliefs is, that would enable the common man to thrive in, and support and perpetuate, a conservative civilization.

“The Protestant Ethic and the Spirit of Capitalism” by Max Weber attempted to answer a question pretty close to this. One of its conclusions is that people have to believe their fate and their tragedies are the product of their own sins. This basically teaches that people should mind their own business. The solution to their problems is not to join a

collective and seize control of everything.

Liberals say the conservative prescription of “graduate high school, work hard, get married” does not solve everything. But this is not meant to be a complete economic analysis of the laws and institutions necessary for free people to prosper. It is just a simple set of beliefs for the common man who is not James Madison, and does not need to concern himself with the problem of solving everything.

It is basically advice to dumb people: If you don't drink and gamble, and you work hard, leave it to us to design a system that can give a person like that a pretty good chance. You will be better off than if you follow your instinct to join a collective, and try to control what other people do. Vote for the people who oppose collectives, don't fall for promises of utopia. That's all they need to know.

The present conservative ambition is mass popularity on Twitter. But even the average conservative intellectual on Twitter, cannot even figure out what free speech is, or law, or rights. The attempt to sell a mass philosophy to the masses, will only succeed when it makes a utopian promise which appeals to the collective instincts of the common man. Grassroots populist activism is always collectivism.

So a populist conservatism is fascism. That is the only kind of mass movement there is. Individualism requires more of a clergy. So when Ron DeSantis starts telling people they need to be activists for this and opposed to that, whether it be vaccines or whatever, and puts all kinds of choices in front of them, the only thing that can sell to the masses is fascism. Only fascist beliefs can convert more than 5%.

Once the communication lines are open and people are exposed to all different ideas, it's

over. Because there is no way for the average person to rationally sort between those ideas. One person is going to tell them we should not have a Federal Reserve we should have a gold standard. One person will say the Federal Reserve caused the deficit. Another person will say the deficit caused the Federal Reserve.

There is no rational way for the average person to select between it, except for what resonates with their own inner, innate nature. And that's going to be when people ultimately tell them listen, we're good, those other people are bad, group together with us and we'll take control of all this. We'll get rid of those bad people, and we'll fix everything. And once we take control, it's all going to be beautiful.

It's ultimately not going to be one policy or another that appeals to them. It's going to be just a direct appeal to their basic tribal instinct to take control over everything. The person who delivers that idea will get their attention. Global warming is just the abstract idea that a world not directly controlled by you will let evil people destroy everything. Individuals cannot verify it scientifically, but with their hearts.

There are two poles, religion and communism. There's not a third pole of rational thought, it doesn't exist. People either recite a bunch of stuff which they have no hope to verify. Or they choose what to recite, and they choose communism. You cannot teach students to decide what to believe by critical thinking, any more than you can teach an animal to decide its own genetic code. It's imitation or instinct.

Imitation, after enough transfer cycles back and forth within system, and without any intervening check or refinement of natural selection, degrades and reverts to instinct. Imitation with no cost from which morals could emerge, reverts to instinct. Any time people are brought together in a city or a crowd like plutonium rods, they revert to

communism. Students who go to college will come out communists or fascists. There is no third way.

You are not going to teach students how to think critically about monetary theory. All you are going to teach them is the Fed is controlled by those other people and they are bad so we need to get rid of the Fed. Or we control the Fed, and we are going to use it to do good things. There is nothing more obvious and more wrong, than you are smart and good, therefore if you control it the best decision will be made.

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It gets to a point where people think anarchy is better than distributed control. Because they believe the other points are so corrupted that they can no longer coordinate with them. It could be lying police, who say those juries and judges are bad. Once one group starts withdrawing and breaking the rules and saying other people are bad, then all the other groups pull out also, and say no we want to be the ones who control.

It gets to a point where people will say a cryptocurrency which is designed to be volatile and easy to steal, is a better medium of exchange than the US dollar managed by the Federal Reserve. It is totally false and irrational. Its appeal is based entirely on the belief that the Fed controls the dollar, the Fed is evil and cannot be trusted to act in our interest. So something which we control, or anarchy, is better.

Once President Obama tells half the country they are evil and should not be allowed to control anything, cops start lying, and everyone pulls out. Sheriffs say the Supreme Court doesn't interpret gun laws, we decide who can own a gun. Others say jurors should ignore the law. Then people's decision is just ignore the law in their own little commune. Or take over the world, and enforce the values of their little commune on the world.

If they try to think about the founding ideas of the United States, they will interpret it as some perverted fascist thing where everything is controlled and decided from a single vantage point. And nor is this theory. Florida House Speaker Paul Renner recently said "checks and balances are the genius of our system & protect us from tyranny of unaccountable elites", meaning a check on private business.

By "unaccountable elites", Renner means rich businessmen with a different and distasteful religion. Renner said "unaccountable" private businesses making their own decisions and propagating their own cultures or ideologies is intolerable, it "hijacks democracy". "Checks and balances" means the government provides a check to balance the collective will of the majority against independent decisions and actors.

Speaker Renner characterized decisions directed by the price system, or by the values of minority factions - anything which "bypasses" a 51% vote - as "unaccountable" and "tyranny". Florida Governor Ron DeSantis said "elite" businessmen making decisions turns everyone else into "serfs and peasants", and the government should instead "command" society according to the collective will of "the people".

This idea that the Constitution creates government to restrain private actors such as businessmen, publishers, jurors, and cultural minority factions – from whose speech, business, culture, and other private decisions we must be protected by the benevolence of an unrestrained dictator – is the present interpretation of American history by Florida Republicans. It is a total perversion of American history.

What do Republicans think makes America unique and great? Republicans' highest value is their most tribal instinct, the Second Amendment. Republicans think their most important right is not trade with foreign nations, or the right of businesses and

immigrants to do what they want outside an individual's tiny suburban plot. Republicans think their uniquely American inheritance is the right to shoot strangers.

Republicans are for their own values - moral views on things like abortion - being protected against strangers. They are not for the system which protects private values, and the freedom to have their own religion and values. They are for the values themselves. That makes them no different from any tribe. They would be happy if religious freedom was replaced with their own religion as the state religion.

You might note Americans lived in cities for a century before collectivism came to dominate thought. So people must have had some set of values, some religion, that immunized them against spontaneously becoming communists the moment a whole bunch of people came together. The problem is such values cannot be taught rationally in a research university, because the teaching process itself produces communism.

The ideas must be arrived at through a long hard process over time, of natural selection during which people develop deep irrational aversions to certain things. They might think unions are bad, or high taxes are bad, or simply Democrats or Republicans are bad. You cannot teach them "Democrats are bad and here is why". The process which refines beliefs cannot be one of analyzing and choosing between alternatives.

Just like the randomness of poker prevents bad players from realizing they are bad, the randomness of life prevents people from figuring out which beliefs and policies are bad just based on the outcome. It takes a long series of survival-of-the-fittest events, to produce a set of religious and moral beliefs in the common man, which support American civilization as it once was, or any civilization.

Can you imagine if you loaded robots with the wrong software, the difficulty they would have ever loading themselves with the correct software? The boot ROM BIOS, and the operating system recovery sector of a human being, are wrong. They are outdated and do not contain any ability to recognize, obtain, and install the latest software. The entire human race will spontaneously revert to factory defaults.

## **XI. RIGHTS ARE DEFENDED WITH LAWSUITS**

### **Rights are Defended with Lawsuits, Not Through the Political Process**

No rational man would ask the public to debate the merits of his own selfish interests. Rights are selfish interests. People so often advocate for their own selfish interests by calling them rights, it is a common mistake to think people have a value for the ideal of rights – including your own rights – which one can appeal to. They do not. The Exxon Corporation might equally put to the public the question of what should be done with their oil. The public would say you should give it to us as free gas.

It has recently been proposed in this forum that we should hold a protest outside the courthouse. In my case I would be protesting the standardized use of perjury by prosecutors. But the general theme of our protest would be judges and lawyers who ignore the rules to fix cases along lines of political convenience. This serves their own self interest as operators within the political environment, and comes at the expense of the self interests of parties whose interests the courts are supposed to protect.

Laws and courts are not needed to discover and enact the public interest. This can be obtained by the force and threat of the mob in the street. Laws and courts are designed specifically as a fulcrum and lever to counterbalance against the force of public will. The anti-federalists were not confident their rights would be respected by a national collective. So they insisted that a Bill of Rights be logged, against which fulcrum the lever of the courts could be used to push back against the collective.

The Bill of Rights is like any contract. It provides a fulcrum for the weak against the



strong, to force someone to do something he otherwise has the desire and power to not do. Contracts are needed specifically because agreements cannot be enforced by social appeals, but need the lever of the courts. No right exists which cannot be obtained through lawsuits in a court, but only through groveling to obtain the public pity. A man who asks the public for his rights goes into a desert in search of water.

People are all over Twitter, hoping to defend or obtain what they consider their rights to free speech, but which is just their preference what others should do. They want members of the legislative branch to call in employees of a private company, and lecture them on TV about what people want. They misuse the Bill of Rights as a tool to suggest what is good. But the Bill of Rights is only useful in a courtroom. The Constitution does not give Congress executive power to enforce some popular will and call it rights.

They deploy mob psychology, to produce a culture of what speech should be allowed by whom, to sway others to serve their own preference. Notably, they seek to override the rights of other private actors. All such social appeals to a collective, will produce a consensus to control the outcome of some process in the majority interest, against the interest of some individual rights. Any appeal to change the public opinion will at best result in a collective consensus that violates someone else's rights not yours.

Our rights cannot be obtained through protest, because the political process has already voted and will always vote the same way. We cannot change the public will that individual rights be violated through abuse of discretion and perjury. Because the public will is defined as this exact collective interest against rights. Courts and the political process operate in natural opposition and conflict. If the court does not provide water, you cannot turn to the fire. The tool to oppose public will is the courts.

Criminal courts serve the public interest. A crime victim has no standing to sue in a criminal court. I believe a citizen has standing to petition for action, or injunction against action, by a public official such as judge or prosecutor. I believe a citizen also has standing to sue for misuse of public funds. A citizen can sue state actors in federal court for constitutional rights, and under USC 1983, to obtain injunctions against actions and critically enabling laws, that are likely to chill constitutional rights.

So I am looking to file a federal lawsuit against a judge or circuit, to obtain an injunction against certain official practices and enforcement of multiple case laws, which I can demonstrate constitute official violations of public duties and erode constitutional rights. I want to seek an injunction against various plea bargain and coercion practices that involve the rampant use of perjury, which I can easily document and demonstrate. And also some case law like “Ortega v. Post-Newsweek Stations”.

## **XII. GOVERNOR CREATES A SUPER-LEGISLATURE OF SHERIFFS**

### **Florida Governor Ron DeSantis Creates a Super-Legislature of Sheriffs**

Florida Governor Ron DeSantis recently suspended Hillsborough State Attorney Andrew Warren for a campaign promise to not enforce what the legislature passed. But this was not what it was represented to be, a check on black-market justice in Florida.

Prosecutor Warren actually signed a letter saying he would not enforce abortion and gender-medicine laws. Warren provided honest full disclosure of what he reasonably believed to be white-market actions, based on the fact it doesn't say anywhere in Florida law that he can't do this. Warren's pledge is just a campaign communication, it is not legally binding to prohibit him from choosing to prosecute specific future cases. Like all Florida prosecutors, Warren will use his discretion to find the most politically convenient path in each case regardless of what he promised and the law. And there is no formal process to oversee what he then chooses to do. It is really just the choice of the governor to remove him in a rare situation based on politics.

This is different from maintaining the facade of discretion, which is used to ignore crimes by VIP's and government officials, and criminals from the same faction as the prosecutor, in individual cases. Prosecutor Warren did not attempt to hide what he was doing, or give the media immunity to spread lies, to gin up approval and subvert oversight of what he was doing, when it came to what is ordinarily his legal right to create local policy in Florida.

DeSantis claimed to canvas members of his faction – Republican sheriffs and

prosecutors – to find out if there were any local officials from the Democrat faction they wanted to go after. And then DeSantis chose this prosecutor who was deemphasizing a specific set of laws that are part of the current DeSantis political campaign agenda, involving abortion and child medicine practiced by leftists. DeSantis did not need to ask sheriffs like this what laws to enforce, to enforce the law. Any team of unbiased lawyers can produce a list of crimes in Florida that were passed by the legislature but not prosecuted. The key is that the laws were passed by the legislature, not whether they are popular with a poll of sheriffs.

Of course the sheriffs told DeSantis to go after someone who did not prosecute the perceived enemies of sheriffs, Black Lives Matter protesters. This was possibly an actual example of Warren practicing Florida black-market justice. Warren may have used discretion to protect illegal activities, by people who may have committed crimes to attack Warren's political enemies. But Warren's failure to prosecute protesters that the police arrested was not mentioned either in Warren's written policy pledge, or in DeSantis's Executive Order to remove him. So DeSantis used black-market justice himself, lying to the public and using a false pretense, to go after the person the sheriffs wanted taken out.

DeSantis also cited Warren's promise to not enforce laws on child medicine that don't exist in Florida. This focus on something that is an element of both sides' political campaigns but not actual law, is more political theater than enforcing what the legislature actually passed.

The sheriffs did not tell DeSantis to go after someone like State Attorney Phil Archer who doesn't prosecute police breaking Florida Statute 837.02 when they commit perjury in affidavits. Of course protesters engaging in First Amendment activities are already

often over-charged by police, while cops who commit perjury make it impossible for there to even be law. So the removal of prosecutor Warren was not part of a general pursuit of law, but just more political warfare under color of law.

The suspension of prosecutor Warren by Desantis was not as claimed some abstract pursuit of law in general against being usurped by local officials. Rather it was politically oriented based on the capricious whim of DeSantis and the political influence of sheriffs. It pursued enforcing the law the way one faction wants it enforced against members of another faction, over the way a competing faction wants it enforced against enemies of the first faction. It thereby substituted the arbitrary will of one lawless mob for another to subjugate their opponents. This is just moving the locus of the mob that decides what laws to enforce or not, from Hillsborough to a special-interest poll of sheriffs from whom DeSantis derives his political support.

To achieve abstract law, would require not just countering the biases of prosecutors, but even more so countering the bias of sheriffs. Any law the sheriffs want enforced is likely to already be over-enforced with cheating by those same sheriffs. But DeSantis in this instance turned the sheriffs faction into a sort of super-legislature, which ultimately decided what laws to enforce or whether to enforce certain laws, within the politically-motivated discretion of their faction. They chose to stop the other side letting anti-cop protesters illegally attack cops, but chose to ignore their own side allowing police to attack protesters and the law itself with perjury.

So this was in some ways a takeover of white-market justice – a prosecutor who wrote a campaign letter saying what laws he would not prosecute – with black-market justice, a mob of cops and Republicans who choose not to enforce all the laws of the legislature, but the ones of immediate importance to their tribe, and then lie about what they are

doing. It is the opposite of the abstract supremacy of law itself. It is discretion and political power used for selective law enforcement while misleading the public as to what is really going on. To the extent Warren's letter was not legally binding, it may even be an attack on Warren's First Amendment right to make campaign promises.

The Florida Governor has been determined by the Supreme Court of Florida to have this power to suspend and remove prosecutors and sheriffs at his discretion. And this power is occasionally exercised, under very political circumstances, as it was in the case when a prosecutor was replaced for not pursuing the death penalty. (And of course they never disclosed to the public that they subsequently offered that defendant 40 years in exchange for lying about other inmates.) But there is no standard or official process, much less a person or institution in the executive branch in Florida, with the job or mandate to perform ongoing, standard, or universal review of whether prosecutors are complying with the law, much less compel reporting or perform enforcement.

There is no record in Tallahassee that says, for example, how many abortion cases prosecutor Warren used his discretion to not prosecute. And there is no reporting requirement to create such a record, of this or any other discretion, or of prosecutor activities in general. Similarly there is no record or requirement to report how many felons were let out of prison for testifying as jailhouse witnesses, how many cases were thrown out when police were caught lying - and whether those lying cops were prosecuted - or any of the other questionable conduct at the local level.

DeSantis could create an office to oversee prosecutor conduct today. He doesn't want one. He does not want to know how many homicides were classified as stand your ground or justifiable use of force, or how many times police were caught lying and never prosecuted. So DeSantis does not even know how many cases Warren refused to

prosecute, and does not want to know.

The absence of such a systematic and unbiased process in the state government, and the informal one-time political process which Governor DeSantis therefore used to remove prosecutor Warren, confirms rather than mitigates, that the enforcement of the law in Florida is intentionally laissez faire at the state level, and political at the local level. It is only when prosecutors use the white-market practice of saying what their policy is, such as Aramis Ayala saying she won't seek the death penalty, that the political opportunity is created for the governor to campaign against the policy. So it is politics, rather than law enforcement. Any "Constitutional Sheriffs" promising not to enforce gun laws removed lately?

Legal discretion in Florida now operates in one direction, toward "free law" and legal positivism where rounding up undesirables is always legal. And then laws like "stand your ground" provide new opportunities for discretion, to literally empower people in the sheriff's faction to kill at will. People don't want law, they want eugenics by incarceration under a "law and order" euphemism.

Anybody who thinks the dark history of man stopped before today, might also ask whether the kindhearted and moral nature of man only emerged recently. And then see if genetic scientists can corroborate any such changes in the human genome. If that is unavailable just look in the mirror and tell me if you see nipples and canine teeth. When an animal has evolved to cloak its intentions in lies like a seal has a layer of fat, prey can easily be distracted and hypnotized like schools of fish with the word "law".

### **XIII. THREAT ASSESSMENT IS COMMUNISM**

CNN published an article on “threat assessment” and how mass shootings are caused by grievance rather than mental illness. The article is both brilliant and idiotic. The central thesis has two elements, the second element being invisible to its author. I compare this to communism, because like communism it clearly states the scientific problem that people wish to solve. But it then misses the realities of the human condition that make government solutions a mirage.

The first element of the article is that, according to college professor Reid Meloy, both mass shooters and terrorists follow a pattern. “There is first the loss, and then there’s humiliation, anger and blame, and then what follows is the person deciding that there is only one solution to this grievance, and that is to carry out a violent act.” The second element, is that the stages which mass shooters progress through – grievance, ideation, research, planning, security breach – are visible to third parties who can intervene.

This is similar to how economists such as Karl Marx understood that providing human need involved multiple stages of farming and mining, transporting inputs to factories, transforming them into products, and distributing those products to consumers. Communist economists then made the leap that all the government needs to do is monitor and supervise each step, and it can manage the process, and satisfy human needs in the optimal way. After this point, “threat assessment” is not that much different from economic need assessment and central planning.

It is natural for all scientists whether Marx or Meloy, to begin analysis of the problem by imagining a laboratory setting with both perfect knowledge and control. Friedrich Hayek



realized the true problem is not what we could do if we had perfect knowledge and understood the production process. That would be easy. The real problem is that we not only do not have perfect knowledge, but the incentives facing those who do have the local bits of knowledge, or have the power to make decisions, hardly line up with the imagined goal. There is no “we”.

Thomas Sowell recognized all institutions will be forced by natural selection to act in the interest of their own survival. Governments endowed with the power to monitor and coerce economic actors, always end up manufacturing votes and tanks, rather than milk and medicine. So let’s imagine two hypothetical governments endowed with the power to observe individuals, and intervene on their paths to becoming mass shooters.

Government One spends a lot of money, violates a lot of privacy, and harasses a lot of people in a nerdy effort to achieve “threat assessment”. The mass shooters themselves know what is going on, and become more secretive. At the end, Government One manages to intercept one in five mass shooters, and reduce mass shootings by 20%. There are still a lot of mass shootings. In fact, the government has created more aggrieved people, and it may be 20% of a larger number. Government One is considered ineffective based on the true numbers reported, and voted out of office.

Government Two has the same power. But instead of looking for mass shooters, it uses “threat assessment” to look for political opponents. It uses its power to harass people who speak against its regime, or point out the true numbers that their “threat assessment” is ineffective. It says “These people speaking against our regime are aggrieved. Their goal is to subvert and damage our community and put our children at risk, by enabling the criminals. Their protests are a step along the pathway to violence. They need to be institutionalized.”

Government Two does not stop any mass shooters. In fact, it needs and uses more mass shooters, as justification for more and broader surveillance and intervention powers. Government Two controls the narrative by using its “threat assessment” powers to incarcerate anyone who points out what is going on. Government Two preserves and increases its power by using its power to increase mass shootings, and control political speech. Government two creates a happy story of progress that hides the brutal reality, and stays in office.

But it gets worse. The people who are supposed to do the threat assessment – local police – are actually the aggrieved ones looking for revenge. The first stage is the loss: A cop gets shot, a jury sets OJ free, a cop is falsely accused like Darren Wilson in Ferguson, Missouri. The second stage is humiliation, anger and blame: Millionaire sports stars go around wearing “hands up don’t shoot” t-shirts and accusing cops of shooting an innocent man Big Mike Brown. Imperfections in the world are blamed on bad people, Democrats, blacks, and marxists.

The third stage is ideation: Academic polemicist Heather McDonald writes “The War on Cops” in which she characterizes the situation as a war, with police as heroes, and common citizens as a threat to western civilization. The fourth stage is the solution: Police chiefs, mayors, sheriffs, and prosecutors start looking the other way on accusations of police misconduct, with the vain imagined moral mission “to save lives”.

The fifth stage is violence: Members of the political opposition faction are seen as enemy combatants, a threat to the tribe. It is a quiet necessity to ignore their rights and the law, to conserve our way of life. Courts are subverted with perjury arranged by government officials. Fake crimes are invented and incompetents are condemned in

show trials. So-called journalists are granted special “privileges” to broadcast any lie the government tells as the truth (and sell a lot of papers) with immunity from any repercussions from the targets of government aggression.

“Threat assessment” will ultimately be used toward totalitarian ends. And the geeky scientists who dreamed of seeing their designs put into practice, will either conform and speak positively of how it is progressing – and will receive handsome funding – or will end up on the guillotine, plata o plomo.

#### **XIV. THE EVAPORATION OF AMERICA**

Something interesting happened a while back, when a Japanese worker was accidentally exposed to radiation. He did not die immediately. He could still stand and talk and think, his bones were not broken. His basic structure was still intact. But his DNA had been destroyed. Since his cells could no longer divide and replicate, all his skin gradually fell off and could not be replaced. He was kept alive with skin transplants and transfusions. It took him 83 days to die.

Something similar happens, when the ideas that are the DNA of American institutions, are forgotten. The fear that whatever values inflated our way of life are gone is not new. I remember a long time ago, politicians lamenting “dry rot at the core of our democracy.” Or they would complain that “young people these days don’t appreciate the values that made our country great”. What is new and remarkable today, is the lack of anybody saying these things. There is nobody left to notice.

You will say “What do you mean? These MAGA people, the ones who the liberals call white nationalists, are all over the place!” That is exactly what I mean. They don’t think that anything is missing. They were born yesterday, and think they are it. Do you think American values declined and declined, to the point where all of a sudden everybody has them? No. The last ones disappeared, who even knew what they don’t have.

The most powerful reflections on the plight of man – his nature, and the forms of social organization in which it existed – took place in the 1700’s. America arose from a reflection on the different forms of government, republic and monarchy, and the various institutions that protected values such as religious freedom in different places in history.

Another period of great reflection occurred around WWII and the Cold War, analyzing deeply the differences between central planning and capitalism, fascism and classical liberalism.

Out of these inquiries, and this competition between nations, emerged a set of ideas. The common man on the street did not necessarily remember the debate from which the ideas arose. But he had a sense of these ideas, so that he could loosely recognize and recite them, and act them out and defend them like morals. The average American had a set of beliefs, which we then had to defend against communists and such. The ideas were boiled down further in political campaign platforms, such as low taxes and regulation, economic freedom, small government, strong national defense.

As late as the 1990's, Rush Limbaugh was a beacon of these ideas, sort of a time capsule sharing things he picked up from his parents and grandparents, what his father called "The Great Debate". But even Rush Limbaugh's grandfather I believe it was, at the end of his life, lamented that "The Great Debate" had ended. People no longer had this sense of the critical issues that got us where we were. And it is hard to explain, but I saw this myself in the strangest places.

I had a stepmother from South Bend, Indiana, who was a Catholic and a liberal and a Democrat and all that. She supported whatever big-government fix was going to end poverty. But she was old-school. When she spoke, the values that came out of her mouth sounded like something documented by Alexis de Tocqueville. She was more conservative – more a conduit for the traditional philosophy at the origin of our nation – than Republican politicians of the day.

Or one time I saw an old episode of "The Incredible Hulk". This was a TV show, that

had to be written by some big-city art-student liberal. And I will take a wild guess he did not like Reagan. But this guy was so steeped in some kind of traditional values, probably without even wanting to be or recognizing that he was, that the ideas and values couldn't help but come out in his show. The 1970's when the show started certainly rejected traditional values. But like the Meathead in "All In The Family" they still knew the values they were rejecting. Even Nancy Pelosi, the original villain of liberals, is familiar with the great debate, and can recite its ideas and speak its archaic language.

President Trump was old school, but he was not a very philosophical man. He recognized that Rush Limbaugh was selling something important, something that resonated with people, something that was valuable. And Trump was old enough to have that sort of subconscious and hard-to-describe sense of American values I talked about, which even Nancy Pelosi has, but younger politicians like Ron DeSantis don't. But while Trump's instincts were good, his programs to "Make America Great Again" were superficial. And in the end he gave into taking advice from younger people who did not have that sense he has. And he gave in to wanting to be popular and liked by the largest possible mob, which were crazy people who had no idea what he was talking about. Trump is great, but his best parts are not his most popular parts among Republicans.

I saw a rural sheriff put a headline on his website "God and Country". But he is like a cargo cult. He knows what he wants. But just saying it won't bring it, any more than the Japanese radiation victim could be cured with skin grafts. They know what they want, but they don't know how to get it. The ideas, the technology of values that made the God and Country, are lost. If our last artifact is America the way cops remember it, we are screwed. It's like if the design for airplanes were lost, and the only person who remembered what one looked like was a first-class passenger. His design would be all cushions. An America designed by cops is all lying in court and shooting black people.

So what are these ideas, that somehow were lost, with our nation soon to follow?

Economist Thomas Sowell attempted to characterize the ideas in two books, “A Conflict of Visions” and “The Vision of the Anointed”. Sowell said policy ideas arise from a set of underlying assumptions about how the world works. So that people who have the same sense of the world, will then agree across a variety of policies, from immigration to taxes. Sowell called the traditional or right-wing assumptions “the tragic vision” and left-wing is “the unconstrained vision”.

Sowell elucidates how the founding of our country, and the limitations of government, were rooted in an understanding of the tragedy of man. Sowell also went into great length about the shortcomings of government, and the general problems of civilization, in a book called “Knowledge and Decisions”. So you can read those books, and read the Federalist Papers, and get an understanding of the nature of why our founding ideas and values worked. But you can’t just read about it and get the nation back, any more than you can send “The Wealth Of Nations” to Congo and they will be rich. Reading about how a plant works is not going to give you a plant.

The words of intellectuals cannot swim and travel the minds of men, and the way people get this stuff is not from a book. Sowell can explain it to another economist, an intellectual. His larger audience includes people like playwright David Mamet, who gets it. But you can’t feed it to people out of a book written by a phd. And the fraction of people who get it is vanishingly small, I haven’t seen any signs that anybody gets it, in a long time. Whatever phrases and examples normal people traditionally used, that transmitted this stuff from parent to child, and from neighbor to neighbor, have been lost. It is just not playing on Twitter.

The nation is like a patient. And you cannot transplant in from a book, the ideas that it is not reproducing itself organically. Or at least a person hasn't come along who can inspire a recollection or a new incarnation of these ideas, like resuscitating a heart. So absent some kind of... I don't know... An organism gets old, and it dies.



## **XV. MILLIONS OF HONEST SUPPORTERS OF COPS LYING**

I have heard police lying justified many ways. I have heard someone say suppose there were two people and it is not possible to prove which one pulled the trigger, or owned the drugs. It is better for police to lie to lock both of them up, than to have the guilty one get away. And it is the innocent person's own fault for hanging out with dirtbags.

I have heard people straight up say "We don't care what really happened, police lying and forcing lowlifes to lie about each other, is our opportunity to get them off the streets and make the world a better place."

I have heard a cop say approximately "Nobody likes framing the innocent. But sometimes it is necessary to force them to testify against the big fish whom we know is guilty but have no evidence against."

I have heard a judge say "Sometimes I know the cops are lying. But it's the best system we have. The world is not perfect and the alternative is criminals get away with it."

Somebody might complain "There was a shooting at a party so me and my friend tried to drive out of there in a hurry, and a cop pulled us over and planted drugs on my friend and searched our car, and my friend lost his job." A cop will respond "If you are not doing anything wrong, you have nothing to worry about. Nothing good happens after midnight."

Someone will say "DNA proved 20 years later that a jailhouse witness who convicted someone of murder, was straight lying. And anyone can predict a jailhouse witness is

lying based on simple math, the number who are ready and willing and know they will be rewarded for lying.” A cop will say we need jailhouse witnesses, they are an important tool to solve crime. And judges won’t let you tell jurors how DNA proved, and math suggests, and the process allows and encourages, that they are liars. And nobody will ever be penalized or prosecuted for this crime of perjury.

Or someone will say “”Police should shoot a scumbag like Jacob Blake for the public good, who cares if he had a weapon or not.” And so they will condone police lying to say some dirtbag had a gun, or was pointing a gun, when it is a lie. Or they will say if police arrest someone with a past drug arrest and frame him for an unsolved murder, so what, it saved them having to pick him up over and over for the next 20 years, when statistics say he is otherwise likely to commit property crimes in the future.

Or people simply say so what police lied, they did the right thing locking up a guilty person, when they only think the person is guilty because the paper said he was because police lied, in a circular manner that retroactively justifies police lying about anything “for the public good”. So there are simple and brazen police lies where they just plainly frame the innocent for sport with zero excuse or mitigating factors.

Or people will say “I don’t believe it. You are just a marxist and I don’t believe that cop was really lying. And there is no real need to stop police lying, because when police lie it is a direct and inevitable consequence of your own poor life decisions. Instead of complaining that police lie, take some responsibility for your own actions, or the state of the world that forces police to lie. Don’t attack the solution.”

And there are infinite subtle variations, that add up to dozens of people saying in my presence that they support police lying in one form or another. And of course I have hard

documentation of police and state witnesses committing perjury, and they are never prosecuted.

So Florida law lets cops abuse your kid worse than Jeffrey Epstein, and nobody has jurisdiction to do anything about it. They just have the papers print a lie that your kid deserved it, the law says you can't sue the paper for lying if police agree, and the voters then support the lynching of your kid with lies.

## XVI. OFFICE OF COUNTER-POLITICAL INVESTIGATIONS

After several years of Democrats griping about Bush stealing the 2000 election, it came out that Al Gore had been demanding sexual favors from non-sexual massage therapists. One was reportedly cautioned by a friend to keep quiet about it to save the world. The friend reasoned if she went public and got Al Gore in trouble, then we would all die from global warming.

Rick Swearingen announced yesterday that he was retiring as Commissioner of the Florida Department of Law Enforcement. He said “the time has come for FDLE to move in a new direction”. The best guess is he simply thinks “new commissioner” equals “new direction”. But it did offer me a blank canvas to fantasize about a utopian investigative body.

Back in 2019 I came up with the idea for an independent institution in the executive branch at the state level called the “Police and Prosecution Commission”. It would compel reporting like the SEC, and proactively investigate police and prosecutors. The idea is the local majority faction that elects the mayor and sheriff, will also overlook police lying to frame members of the minority faction for murder.

James Madison explained the abstract concept in Federalist 51. He basically said there need to be competing factions of government, with overlapping jurisdictions. The FBI needs to be able to come in and arrest the mayor for corruption. Jewish people favor resettlement of Africans in Minnesota, to dilute the white majority from becoming nazis.

Local corruption is not a simple mechanical problem that when the local police drive

drunk, there is nobody to call. It is not simply a power problem where the elected tax collector is friends with the local police and political party, who will look the other way when he puts hookers on the payroll. It is not just a man who is so rich, that the local prosecutor will not be able to get reelected if he charges that man with rape.

True corruption needs a moral, or almost a religious element. The people engaging in the corruption, need to be convinced of their own moral superiority, and united against some perceived threat. Any mayor can embezzle a million dollars. For the corruption to involve numerous elected officials and survive for decades, requires an ideological element.

People are moral, and even thieves will often have a moral explanation for what they are doing. A Cuban police chief might shut down a Cuban-owned business over minor violations on the request of a competitor, bolstered by the belief they are doing a good thing because the target business owner is not anti-Castro enough.

An outside investigator needs to come in, when the law has been hacked or corrupted to serve some collective moral framework, almost like a popular delusion. I recently had a cop lie about me in an arrest affidavit, when I had committed no crime. But in the social universe of their cult, many of the political figures involved, do not doubt for a second that I committed a crime and the deputy who broke Florida Statute 837.02 did not.

So an outside investigator is not just a competing jurisdiction or an adversarial actor or a check or balance or whatever, with different constituents. Such an investigator is specifically a counterbalance to a local political ideology that overpowers the law. The outside investigator doesn't just have different constituents, the outside investigator is not captive to the local cult beliefs.

So I came up with the name “Office of Counter-Political Investigations”. This is to make clear that its job would be to investigate and prosecute crime which arises and is protected by the dominant political beliefs of the local majority faction. They are not just a second group of people investigating crime. They investigate crimes which the locals are politically and psychologically blinded to even realizing are crimes.

## **XVII. DNA IS THE LEAST RELIABLE EVIDENCE**

There are multiple factors which combine to make DNA the least reliable evidence. This includes:

- 1) DNA is invisible, and it not associated with a particular object like a gun. Therefore, there can be no objects or photographs to document or corroborate where it came from. Therefore, it is the easiest and most flexible to fake where it came from, and when.
- 2) DNA testing is done selectively, and comes last in the process, at a time when the state knows what all the other evidence is and what they need to get a conviction.
- 3) DNA testing has the greatest difference between the real chance of error, and what the jury is led to believe the reliability is.
- 4) There is the least chance to recover from an error or fraud in DNA evidence.

Radley Balko recently wrote an article on the junk science used to match people to crime scenes and condemn innocents. In the same article, Balko held up DNA evidence as some kind of actual scientific gold standard of evidence. I know two people serving life without parole for a crime that didn't happen based on fake DNA evidence. Balko's statements were sadly reminiscent of the garbage coming from the stand at their trial, such as the chance someone else committed the crime being 1 in 14 billion or whatever. So let's examine whether DNA is really so reliable.

Balko's article documented without dispute, that there is some reason government

employees want to use fake evidence to victimize the innocent. Whether it is a political incentive to appear to solve crime, whether it is for fake glory, whether they really believe they are right, whether they arrested the wrong person on a hunch and need to save embarrassment, or whether they are sociopathic sadists who enjoy making a mockery of the morals of jurors, is not important at this point. The question is if you begin with the assumption that government employees do want to use fake evidence, does DNA give them less opportunity or more opportunity?

Balko mentioned at least seven types of evidence in his article, ballistics matching, lead composition, arson mythology, DNA, hair and carpet fibers, tool and bite marks, and fingerprints. Balko's article mentioned the Texas Willingham case where an innocent man was likely executed for arson, so let's look at that one first. The cited arson case rested mostly on the idea that burn marks on the floor were pools of accelerant, and that the space heater was not turned on.

Burn evidence is presumably documented in two ways, with photographs and swabs. Photographs of the alleged accelerant burns would be hard to fake. The swabs would be easy to fake, where the investigator would only need to bring his own supply of lighter fluid to the scene. But the problem then becomes one of timing. Does an investigator want to make fake swabs of lighter fluid, at a time when for all he knows the real swabs might produce an accelerant, a few weeks later after he sends them to the lab? Even worse, is it possible that they might find the actual accelerant, such as a bottle of kerosene in the suspect's trash, which wouldn't match the swabs?

For various reasons, the arson investigator has an incentive or is forced to produce and document real evidence at the start, real photographs and swabs. Whether because it is too early in the process to know what happened and what he might want to fake, or it is



just physically cumbersome to fake. And he is then forced to write a report based on what he has documented. That true evidence and scientific analysis then gets copied and spread around records beyond what can easily be erased. It is therefore then exposed for posterity to real scientific examination.

In the arson case cited by Balko, a better scientist was able to use that real crime-scene documentation, to arrive at a scientific conclusion that there was no evidence of arson. So arson evidence is in fact reliable.

In the cited fake arson case, it was more likely the space heater being found turned off that solidified the suspect's conviction. Any cop who wanted fake glory could easily turn off the space heater in two seconds and then photograph it that way. Much easier than faking burn photos.

Also, the witnesses of the arson suspect at the scene changed their stories, like they always do when the paper says someone is guilty. They said Willingham did not seem to care to try to save his family. And there was a jailhouse confession witness. All physical evidence is harder to change than all witnesses. (All except one category, as we will see.) Witnesses can be easily coached with the prosecution narrative, and will feel important and like good citizens when they adjust their stories to help get justice.

And then what's easier to get into an appeals court, a jailhouse felon who changes his story, or a university professor with a new peer-reviewed standard on accelerant science? So the flawed arson evidence in the cited fake arson case was probably in reality more reliable and helpful to the defense, than the average evidence in the same case.

Let's consider a typical gun crime, girl found shot, boyfriend later found with gun. At

the time the bullet is recovered from the scene or the victim, it seems unrealistic that a cop would already want to swap in a fake bullet. It would require some unique circumstance for a CSI to immediately want to fake a crime among some random strangers, when it is all new and strange to her. So almost certainly the actual bullet of the victim will go back to the evidence room. They may already take photographs of the deformed bullet in the crime lab in a different building, to determine the type of gun, before they even find the gun. So there might be photographs of the bullet in two different buildings, before the cops figure out enough of what is going on to have any idea what they might want to fake.

With that actual bullet in the record, there is then not much benefit to produce a planted gun, as it will not match the bullet marks, and even the type of gun may not be determined by the lab with certainty for weeks. Same thing if not the gun, but simply bullets are recovered from the boyfriend's house. Since the bullet and gun have to match, it seems you would have to be ready on the first day with both a matching bullet and gun to plant. There is no incentive to do this on the first day. They might find the actual murderer with the actual gun in his car, while you are at the hospital collecting the bullet to swap in the fake.

If you never find the gun, months later you could plant a gun and then have the crime lab lie that the bullet matches. But there is a risk the defense will get the real ballistics markings.

So the actual crime bullet, and actual gun (or bullet supply) go to the lab. Given both of these items have unique markings which have been documented before they get to the lab, it is tough for the lab technician to swap out either. So the technician has the actual bullet and gun (or bullet supply), and then fires a test round (or takes a test sample). He

then produces paper evidence documenting both sides of the match, which is then duplicated, so that a copy is retained and a copy is sent to the police or prosecutor. At the time this initial testing is done for a new crime, the technician has not much incentive to fake anything.

Later on when evidence falls apart or on appeal, technicians may be put on the spot to not embarrass the government. But in most cases paper documentation of the two sides of the match will be produced and copied, before there is a practical incentive to fake anything. Those real ballistics markings are therefore likely to be recorded, and subject to real scientific examination. So it seems ballistics evidence is pretty reliable.

An exception might be in the fake DNA case I mentioned, where the victim was not initially known to be shot and the bullet was found days later. In that case, the police could have planted the bullet and gun after they found out the victim had a bullet wound, and they were confident no other real evidence would be found. But even in that case where everything else was faked, I believe the bullet and gun were real. It would have been too early and complicated and ambitious to fake.

At that point you have markings or chemical signatures from test and crime rounds. Any public defender is familiar with the flaws in both. So it is, as Balko suggested, a matter of what the judge lets each side tell the jury about what conclusions can be drawn from the marks. But this is not a problem of bullet evidence or physical evidence, but a problem of all testimony. Are you allowed to say a witness has a past fraud conviction? Are you allowed to say a murder victim was previously accused of rape or convicted of prostitution? Is it easier to convince the jury a co-defendant is a liar, or that a CSI or DNA lab technician is a liar?

DNA is probably the worst offender so far as what you are allowed to say to the jury. You are literally allowed to tell the jury that the chance the suspect did not do this is 1 in 100 billion or something like that. The chance that this is all a dream has to be higher than that. The chance the equipment is broken and the calibration sample was faked and the lab technician is a plain liar, is more than 1 in a million.

The chance the technician just wrote "positive" on the results form, clicked send, and went to the pub, is better than 1 in 100,000. For that he would get a commendation. This is not double-blind testing. He could figure out in five minutes what result the state wants, if the state did not already make sure to tell him.

So the question is, is the difference between the real chance of error (or lie) and what the jury is led to believe, greater with fibers and bullets and bite marks, or with DNA? And then what is the chance for the accused to recover from an error (or lie) at jury trial, or later in the appeals process?

The unique characteristic of DNA is it can be collected from anywhere, and match any object to any person. And it is not visible and cannot be documented where you swab it, but only months later in the lab. So you can simply say where and when you got it - and lie - and no scientist can prove otherwise. You can collect it off a steering wheel, and match it to a hairbrush years later in another city. Or years later you can simply say you did, by replacing the first DNA with the second. Put the hairbrush DNA on a second swab and write "steering wheel last year" on the label.

Not all DNA swabs get sent to the lab right away, resources are limited, most never get processed at all. So you will have a whole toolkit of untested DNA swabs sitting around that you can decide what you want to do with or who you need to fake on what. And all

will have matching logs saying you collected them all on the first day. The lab is very likely to say "This swab you collected five months ago has no DNA". Or you can simply replace the real swab with one with no DNA, if your case is already wrapped up and the defense asks to test that swab to prove someone else did it.

Carpet fibers need a carpet, bullet marks need a gun, fingerprints need a finger or a lifted tape. All these things have constraints on how they can be produced and collected. And they usually need to be collected early in the process before a cop knows what to fake, and then they are hard documented. And fingerprints can be analyzed locally the day they are taken. So there may be a record of real fingerprints in multiple buildings and computer systems, before the dust settles and police know what they want to fake.

And if they need a fake fingerprint later, where are they going to get it? The victim's trash or state computer, and make a fake tape lift? Or just say they used a tape lift and write "positive match"? And where will they say they got the new imaginary tape lift, when they left the crime scene weeks earlier?

The suspect and victim's DNA can be found anywhere, weeks after the crime. Or you can say what you found where, weeks after the crime. There are no photos or hard objects necessary, just write the same label on a different swab. Or just write an ambiguous label "crime scene 121". And don't tell anyone until two years later at depositions, where you took the swab named "crime scene 121". You can say anything, whatever fits your narrative, whomever you want to point the finger at.

Or suppose a suspect like Brian Kohberger hasn't been arrested yet, but you want to. You could take a swab from Kohberger's car door on 11/25 and say in the arrest affidavit on 12/29 that it came from the crime scene knife sheath on 11/13.

A crime scene technician can wait until all the witnesses are interviewed, and all the hard evidence is logged and photographed. Then, when the police know exactly what evidence they are short, they can fake it with DNA. They can take a swab off the steering wheel of the suspect's impounded car or his stored wristwatch, and say they got it off the steering wheel of the getaway car. DNA is a last-minute joker card to prove anything.

They can swap out the actual swab of the getaway car with an empty swab, or just choose to not send that swab to the lab. They can take dozens of DNA swabs from everything, and then pick and choose and mix and match which ones to send to the crime lab, versus which ones might risk exonerating the suspect. Don't send the swab from the knife which was probably used by the new boyfriend. They can use ambiguous labels "car steering wheel" or "DNA swab of stain", and then say which car steering wheel or which stain after they get the result.

In the case I mentioned of two people serving life without parole for a crime that didn't happen, police likely had swabs from two different sets of gloves, both labeled "swabs from gloves". They then threw away the real set of gloves, and said both DNA swabs came from the other set, creating a fake wearer and victim. And they did not invent where they got the two swabs until two years later at trial, after they realized they had no other evidence to tie the accused to the victim. In most cases, they would at least have until after they got the DNA results back from the lab, before they would be forced at deposition to say clearly where the swabs came from.

Even the prosecutor can invent and coach the lie at trial, about where a DNA swab came from. This is important because Balko painted prosecutors as the ones selling lies in the

courtroom. Is it easier to sell the jury that some stripes on a bullet are 100% unique? Or is it easier to convince the jury that some geeky CSI girl is 100% not a brazen liar? How about when the CSI goes up there and suddenly says this DNA swab actually came from the suspect's underwear on his floor not the victim's underwear?

The lawyer will say wait a minute, and look at the deposition. And he will see the CSI simply said "underwear", which left it ambiguous. They they both knew that they both knew, that they were talking about the victim's underwear. But they never actually said it, and the sneaky prosecutor got him. Is there then any Supreme Court decision or case law that can stop this plain lie?

As we saw in the arson case, the greatest source of unreliability is not in the hard evidence or the probability of patterns, but in the human witnesses themselves, a cop who flips a switch on a space heater, a neighbor who lies that the suspect made no effort to rescue the children. And DNA allows the greatest opportunity for the human element to enter. And once it does, DNA provides the least documentation of how it happened, and it is the hardest to recover from.

Suppose I told you come meet me at the pub in 30 minutes, with either a DNA swab that says I was at your grandma's house last Christmas, or with proof a gun at my house matches a bullet you found at your grandma's house last Christmas. Which could you do more convincingly? Bring a Q-tip with a piece of tape that says "#123 swab from grandma 12/25" and a piece of printer paper that says "#123 matched to suspect's sample DNA 1,000% positive." You could even swab it on my car door handle in the parking lot on your way in. From that point only God can ever prove I didn't kill your grandma.

One way to mitigate this would be more standard photographing and logging

requirements for DNA, and unique identifiers and security features on swabs (swabcoin?), and even double-blind lab testing. The chance of any of this happening is zero. Because the goal of the state is to get around the Bill of Rights, feed the public garbage, and torture the innocent as a product. It was all very scientific in the Soviet Union. And every production stat from every manager at every point in the supply chain was faked. Don't be fooled by "science".

The only rule, which you are not allowed to tell the jury, is this: Any time the evidence of guilt is discovered after the accused is arrested (often months or years after in the case of DNA and jailhouse witnesses), there is a reason to doubt that it is real. Police have total control over the defendant's car in the pound, his house and clothes, and have rubber-stamp search warrants for everything. They know from him telling his family on the recorded jail phone, what his defense and alibi are supposed to be, and they can work around it or just erase the video of it. Judges are under pressure to sign all types of arrest affidavits with lies in them, or that are otherwise speculative. Local officials are not going to then stop local officials, from propagating lies to protect their own reputations.



## **XVIII. ALL VOTERS KNOW HOW TO DO IS LIE**

### **Crosley Green Supporters as Lost as Blind Possums**

Any time police and prosecutors lock someone up, this is the question they want the public to ask: Do you think he is guilty? He was once arrested with heroin. He was once convicted of breaking into someone's house. The sheriff told the paper this guy did it, and the paper reprinted it. Do you think he is guilty?

The public has been trained by the executive branch to answer the wrong question, "do you think this person is guilty", rather than "did this person get a fair trial". This is how the executive branch gets public approval to conduct unfair trials where they decide who is guilty, and railroad people. They convict them in the media.

They grease off the public by letting the public think they are letting the public pick who is guilty. But only after lying to the public which they are legally immune to do. They then fix the trial outcome with lies, which lies judges and jurors are legally forced to base their decisions on, if the public approves.

So along comes Crosley Green. And 20 years after telling the public Crosley is guilty, the newspaper decides to tell the public Crosley is innocent. William Dillon was exonerated by DNA, Mark Dean Schwab claimed another person did the crime. So this was the popular genre at the time, a "who really did it" mystery.

So the public says now we think Crosley is innocent, so you have to let him out. The state says the jury convicted Crosley based on the testimony of the victim, which they

are totally allowed to do. You have to show how it was an unfair trial. This throws the people of Brevard who don't know what a fair trial is, for a loop.

The people of Brevard say there was a Brady violation. There are some cops who said on TV 20 years later, they think Kim did it. The jury should have known that. It is not just our opinion that Crosley is guilty. It is that the prosecution hid evidence. Evidence of our opinion that Crosley is guilty.

Florida Today printed a story that literally asked the question "If jurors were told that people who never met Kim Hallock thought she did it - people who never saw the evidence or heard the 911 call and invented it all in their crazy heads - don't you think that might have changed the jurors' minds?"

The appeals court judges of course shake their heads, because your imagination is not evidence. This is not a witch trial of Kim Hallock. The opinions of deputy sheriffs of who is guilty, have not been allowed since the Magna Carta of 1225 (28). You need an actual witness. And the actual witness, Kim Hallock, said Crosley did it.

Then the people of Brevard say there were no fingerprints. There have to be fingerprints to convict someone, I saw it on TV. Never mind that there are almost never fingerprints except on TV. Whether a trial was legal or not has nothing to do with whether TV viewers think Crosley is guilty based on whether there were fingerprints.

The people of Brevard are so accustomed to convicting the innocent – and being happy when they do – they have no idea what a fair trial even is. They therefore cannot possibly come up with a strategy to prove Crosley’s trial was unfair. All they know how to do is parrot “we think this person is guilty” like trained seals.

They then basically say "give it to us" and expect judges to allow and deny evidence to get this result. The only unfair thing, the only rule broken, is when prosecutors don't produce lies, or judges don't accept lies, to give the public what they want. They therefore cannot think of any real ways in which Crosley's trial was unfair.

What the people of Brevard never think to ask - because Florida lawyers don't want them to - is "Was Crosley protected from the jury being lied to?" Florida lawyers don't want you to ask, because fixing cases with their own clients lying is how lawyers avoid trials and make a profit. As long as the public is parrots.

It seems pretty simple to ask: Was the jury protected from fake dog-tracking evidence, basically a witch-pricking device? Was the jury instructed that coerced witnesses often lie? But the people of Brevard say "We know the dog tracking evidence was fake, we know the coerced witnesses lied, isn't what we think enough?"

The people of Brevard cannot think how to argue it was not a jury of peers. A jury of peers convicts you for what you did, not who you are. But the people of Brevard like to convict undesirables for who they are, as long as it is not based on race. So you are left with a bunch of white people complaining "the jury was white".

The appeals court says "Kim Hallock said Crosley did it, it is legal for the jury to believe her and convict him." This leaves the people of Brevard totally powerless. Because they only know how to produce fake testimony. They have no idea how to attack the fake testimony they have then produced, they never wanted a way to.

What should Crosley's jury have been told? Should Crosley's jury have been told that

coerced witnesses lie, that the dog tracking evidence was a complete scam? Or should Crosley's jury have been shown another liar, a deputy Clarke who never met Kim Hallock and made numerous false statements about what Kim actually said?

The people of Brevard cannot think in terms of due process and fair trials, only of getting what they want. The people of Brevard have never yet objected to their own government using lies. The only thing they have objected to, is the government not using lies to get the result they want, and convict whomever they think is guilty.

They see the Bill of Rights as an obstacle to getting what they want, rather than a set of rules which they want to use and want the outcome of. They see courts not as a tool to determine guilt, but as a place where judges pick and choose, and contrive evidence to give them what they want, whom they already think is guilty.

They therefore cannot think in terms of "we want the outcome of this process, and you failed to use this process". They can only think in terms of "you failed to give us what we want, so trick the rules and bend them like you do and are supposed to, to give us what we want". The only broken rule is not giving the public what they want.

The success of courts is not defined as whether their actions match what the public wants or whom the public thinks is guilty. And the function of judges is not to admit and deny evidence and accept lies to achieve this result. Otherwise we have abandoned courts and law and returned to nature, which people want all day.

MANDI MAY JACKSON

When I tell someone my friend Mandi May Jackson was convicted based on lies (and if

they care at all rather than being happy), the first thing they will do is look up newspaper stories to find out for themselves what really happened and if she is innocent. (The truly self-congratulating may even read the trial opening statements.)

And if it says in the newspaper she is guilty - which can be all lies - they will not see any problem. Usually they will not even get past the fake incorrect story that she was once arrested with GHB. Once they read that false gossip, they will accept as valid based on nothing else that she should be locked up for life.

So they have just moved the locus of decision-making of guilt, to a trial before the public in the media based on gossip. Doesn't matter if the person is a law professor who has studied law for 50 years. His impulse is never to do what the public is actually supposed to do: determine if there was due process.

Not even a lawyer or law professor feels a compelling intrigue to discover: Was there a fair trial? His first impulse is to discover whether she is "really innocent", meaning whether he has any reason to doubt she is guilty, which is all that matters. If she is guilty - if he thinks she is - then an unfair trial is fine.

So someone who wastes his time studying law - I guess as sort of a vain hobby to look important, like wearing a fancy tattoo - is never happier than when the locus of determination of guilt is moved to his own casual opinion. And he will then reelect anyone who convicts whomever he spends a moment to conclude must be guilty.

Doesn't get any better in appeals courts. The appeals court looks and sees a liar did tell the jury this person was guilty. So it is totally legal for the jury to find guilt based on what they heard. All the appeals court is determining, is was the executive branch able to

produce a liar to put in front of the jury, which we then assume is true.

If the jury is the "finder of fact", the appeals court is supposed to see what the jury had evidence to conclude. Isn't it reasonable for the appeals court to say the jury could have easily decided the reality that these witnesses were all lying? Given one speck of evidence the prosecution can lie without penalty ?

So the appeals court approves of moving the locus of decision-making to the executive branch. The jury is supposed to be the finder of fact. But appeals courts begin with the premise "if we assume this testimony is true, was it legal for the jury to find guilt based on these statements."

Tricking a jury or the public with lies, is not a jury trial. What the appeals court is supposed to do, is figure out was the accused protected from the jury being tricked with lies. That is due process. It is not was a liar produced, it is was the accused protected from liars being produced.

Appeals courts can ask: Was there anything to stop the jury being lied to? Was there a process for either a) screening out liars before they got to the jury, or b) telling the jury there was no such process, and that there was a reward and no penalty for the government producing liars?

Maybe just once, the people of Brevard should think of something other than tricking the system with lies to get what they want. The easiest fix is for a jury to know that the people of Brevard will lie to them, and will elect anyone who puts liars in front of them to get what they want.

## **XIX. RECIPE TO BAKE A KIM HALLOCK CAKE**

A few years ago I was entertaining myself reading about cold cases. I came across a feelgood newspaper story - a cat-saved-from-tree type piece - about how the sketchy neighbor who murdered Maria Ridulph was finally brought to justice 50 years later. The snow fell gently and the whole town rejoiced.

Back in 1957, a strange man named "Johnny" offered 7-year-old Maria Ridulph a piggyback ride, and she was later found murdered. Police were always suspicious of a sketchy neighbor named John Tessler. But Tessler's mother gave him an alibi, saying he was home at the time of the murder.

Then in 2008 Tessler's half sister told police that way back in 1994, Tessler's mother said on her deathbed that John Tessler did it. Police arrested Tessler. The newspaper reporter was gleeful to share how Tessler had immediately confessed to two other inmates in the jail that he had indeed killed Maria Ridulph, and was therefore easily convicted.

I left a comment under the newspaper story "You do know this is a total scam, don't you?" Jailhouse confession witnesses always are. And the public doesn't care because they give the public what they want.

What I didn't know when I left that comment, is that John Tessler's conviction had already been overturned when I wrote it. The later news stories say what the feelgood conviction story left out, that the jailhouse witness stories were suspect to begin with. One said Maria had been smothered, the other that she had been strangled with a wire. An autopsy said she had likely been stabbed.

But it did not matter to the jury or to the public, that jailhouse witnesses always lie and in this case appeared to be lying. The jury cannot fathom that the state would put liars in front of them as a standard practice. And the public still wants Tessler in jail to this day.

It is not that different from my friend Mandi May Jackson's case, where the jailhouse witness stories contradict piles of physical evidence. This includes 1) the victim was not drugged, 2) witnesses said he jumped and was not thrown over, 3) the murderer did not hide in the back of the car, 4) the death took place two hours later, not immediately when the victim arrived home, 5) the gun was not a black Glock, 6) Scott Love did not drive Mandi to meet the victim, 7) the apartment was not ransacked, 8) there was no signature on the credit card receipt, and the whole story is easily proven nonsense.

People will also remember William Dillon's jailhouse confession witness did not fit the evidence. He gave the wrong location for the murder. And it didn't matter, Dillon spent 27 years in prison. Because like John Preston's dog, jailhouse confession witnesses are a witch-pricking device. They convict whomever the public wants to convict.

All that is necessary to convict someone is 1) disseminate the narrative to the public, and 2) put the accused in jail with other inmates facing drug sentences. The other inmates will climb over each other to swear the accused confessed, because they know it can get them out of jail no questions asked, sometimes in as little as a few hours.

This is generally used on the poor or those accused of serious crimes who cannot make bond. But it can easily be used on someone like Kim Hallock with a crime as simple as DUI. It will literally only take as little as a few hours in jail, and every black girl in that jail will be swearing that Kim Hallock confessed to killing Chip.



And unlike William Dillon, John Tessler, and Mandi May Jackson, there will be no inconsistencies in the stories jailhouse witnesses will say Kim confessed to. After all these years, every one of them will know exactly what they are supposed to say and what the public wants to hear: Chip and Kim got high at the baseball park, they were playing around with the gun, and Kim accidentally shot Chip. Or in a fit of anger or jealousy, while arguing over Chip's other girlfriend.

You may think this sounds crazy or silly, or is a little bit of an exaggeration. You can't just give Kim Hallock the death penalty like that. What you are saying is instantly convict someone of murder based on nonsense, not even good nonsense, but crap a child could see through - if only someone told him to see through it instead of the opposite. It is not really that easy to convict someone of murder based on nonsense. But it is that easy. The only ingredient necessary to turn nonsense into creme brulee, is the public desire.

There are 10,000 innocent people in Florida prisons right now based on total nonsense, with the only necessity that the public wants it, it fulfills their active imagination. People will run their minds in circles and lie to themselves to turn nonsense into fact, when their hearts desire someone to be in prison. And the prosecutor will say here is a jailhouse witness to recite your nonsense, remember who your hero is on election day.

Don't tell William Dillon or John Tessler or Mandi May Jackson or 10,000 other people it is not that easy. Do you know what you are allowed to tell the jury about the past crimes, the reputation, the lifestyle of a jailhouse confession witness? Nothing. The system, the case law, is designed to make it work, to make it foolproof. You drop the penny in the machine, the prize comes out every time, believe it.

So the means are there and readily available, to give Kim Hallock the death penalty. All that is missing is the want-to. You just need one person - an estranged cousin, a neighbor, a high-school enemy - to say Kim Hallock confessed. All you have to do is get Kim Hallock in jail for one day, and you can get a real pro to do it, a criminal sociopath who knows the game better than any lawyer. If you could just get a cop to follow Kim around until she weaves or something, you could arrest her on a fake DUI and have her on death row in 18 months.

That's how you get what you want in this world. It's not a free lunch, but it is as close to free as you are going to get, a 10-cent lunch. Why use it on William Dillon, or on a half-retarded hooker Mandi May, but not on the person you really want? Are you sheep? You think those strip-club scumbags didn't bag their hog Mandi May? But you guys stand around like suckers, waiting for what?

## XX. FEEDING ON THE WEAKEST

The Innocence Project lists four major categories of false convictions exonerated by DNA:

Eyewitness Misidentification (such as from a biased lineup)

Misapplication of Forensic Science (such as misstating match probabilities)

False Confessions (generally tricked from the young and incompetent)

Jailhouse Witnesses

Only one of these provides at least six different categories of strong people a chance to prey on the weak.

Eyewitness misidentification can happen to anyone. But they say it is more likely to happen when white people identify black people. Cops are more likely to use biased lineups against the poor. But there is only a slight benefit of having a lawyer or expert, to argue about faults in the process, to the extent the judge allows. Pretty much any public defender can point out the faults in a lineup. Certainly victims who identify the wrong attacker do not benefit. So eyewitness misidentification provides cops a chance to abuse the black and the poor for fake glory.

But in general, black people are more effective at politically organizing against this sort of thing than other scams. Newspapers used to benefit from fake eyewitnesses, when cops fed them mugshots of black people to print, which bystanders could then see in the paper and swear they recognize. But that is more frowned upon these days. So basically the only people who benefit from suspect misidentification, is cops and prosecutors. But

these days it can have a political cost even to them. Misidentification does not benefit lawyers, victims, or anyone else.

Misapplication of forensic science, in my experience, there is not much you can do about. There is some set rule or case law for how they can describe forensic evidence. The poor are less likely to be able to afford lawyers and experts who can recognize and fight against it. Forensic junk testimony provides cops a chance to abuse the poor, and lawyers and experts a chance to make money off the rich.

False confessions are generally seen as coming from the young and incompetent. So they give cops a chance to frame the dumb, and look like they are solving crime. And rich kids may have rich parents, and hire one expensive lawyer.

Jailhouse witnesses can happen to anyone. You don't need to open your mouth, only have your case on TV, or the guards take you to court and leave all your papers in your unlocked cell where others can quote the accusations, and say you confessed to it. So you are basically set up like a piglet for the slaughter, for the entire justice system to feed off of.

The smart may be better able to testify on their own behalf in defense against a jailhouse witness. So this gives the state a chance to prey on the dumb. Fake jailhouse confessions are generally in proportion to how long you are in jail. Poor people who cannot afford bond, meet hundreds of richer people who can get out on bond, find the poor person's arrest affidavit on the clerk website, and claim the poor person confessed to the accusations. So the rich can feed on the poor.

Cops benefit from jailhouse witnesses, because they control the jail. So if they tell the

papers they are heroes for making an arrest, but have no actual evidence, they can quickly arrange for a fake jailhouse confession by providing newspapers in the jail, with the details for the fake confession. And of course people with prior convictions, will have their prior convictions mentioned to the jury if they testify in their own defense against a jailhouse witness, making them prime targets for cops. And newspapers benefit because cops have an incentive to feed them sensational stories, for jailhouse witnesses to read and then claim the suspect confessed to.

The defendant testifying in his own defense, is the only weak defense against jailhouse witnesses. But if the defendant testifies, the prosecution will be allowed to tell the jury about any prior convictions, which of course police knew about when they decided to arrest and frame him. So jailhouse witnesses are a means for the public to think there is justice in the world, or that they are warehousing undesirables.

Also it is generally the most dangerous sociopathic felons in the prison who invent false confessions, but it can give a chance for two or three of them to prey on a single dumb person in just one case. So jailhouse witnesses are great for the most dangerous felons. Jailhouse witnesses are also great for lawyers. Three sick sociopathic lawyers can get three sick sociopathic clients out of prison, by preying on just one innocent person. Felons love being jailhouse witnesses, because they can sing all day without ever saying a word about their own case.

And jailhouse witnesses are the best for prosecutors, because there is only one chance at the beginning, for a misidentification, a false confession, or some category of junk evidence. But they have literally hundreds of dangerous sociopaths in the jail facing drug mandatory minimums, available for years after the dust has settled. And they can bring all of them into the office in chains, and coach them to lie about some incompetent

under threat of a life sentence. And, jailhouse witnesses enable them to prosecute both a criminal and his innocent codefendants, by manufacturing a random third party to testify against both.

So jailhouse witnesses are unique in that a single dumb or incompetent person who cannot make bond can feed all the local papers, three defense lawyers, three sociopathic felons, a whole team of prosecutors, a police department, and anyone smarter or richer than them. For this reason, all of newspapers, police, prosecutors, dangerous felons, defense lawyers, the smart, and the rich, will line up to defend the use of fake jailhouse confessions to feed on the weak.

Jailhouse witnesses are the one racket that provides meat for all the sickest predators.

## **XXI. PERJURY AND THE BALANCE AND SEPARATION OF POWERS**

### **IN THE SUPREME COURT OF FLORIDA**

STEPHEN LYNCH MURRAY, Petitioner, v. PHIL ARCHER, State Attorney for the 18th Judicial Circuit, DONNA GOERNER, Florida Circuit Court Judge, Respondents.

### **PETITION FOR WRITS OF MANDAMUS AND PROHIBITION FOR PROSECUTION OF PERJURY IN CIRCUIT COURTS AND BLOCKING FURTHER USE OF PERJURY**

Comes now the undersigned Petitioner Stephen Lynch Murray, and submits this Petition for Writs of Mandamus and Prohibition, to compel State Attorney Phil Archer to prosecute perjury in the 18th Judicial Circuit, and to prohibit the further use of perjury in the James Mulrenin case and elsewhere. Petitioner argues the Supreme Court of Florida has jurisdiction and mandate in this matter, for the reasons here set forth:

#### **1. JURISDICTION**

Article V, § 3(b)(7) and (8) of the Florida Constitution give this Court jurisdiction to issue writs of mandamus and prohibition to state officers. Petitioner invokes the original jurisdictional obligation of this Court to regulate officers of the courts of the State of Florida, with a mandate in activities that have a great effect on the proper administration of justice.

## 2. LOCUS STANDI

As a Citizen and Taxpayer of the State of Florida, Petitioner has locus standi as plaintiff in all official activity involving criminal adjudication, has legal interest in the regulation of the disbursement of taxpayer funds, and represents a general public interest in justice, and in the traditional separation of powers between the executive, legislative, and judicial branches, and juries and the rights of the accused, and between sovereignty, law, and local discretion. This petition is not addressed to the interaction between the court and parties or outcomes in a particular case, but to the general obligations of state officers to citizens when executing official functions.

Article VII, § 19(1)(c) of the Florida Constitution permits no legal construction that authorizes expenditure of taxpayer funds on court activities illegitimized with a standardized abuse of discretion to employ illegal perjury, in violation of common law norms. Neither the Florida Constitution nor Legislature authorizes the creation of such mock court activities or financial support of resulting orders, regardless of whether they are approved of or regulated by the local election of court officers. The statewide taxpayer is therefore aggrieved by such actions, and under the jurisdiction of this Court.

## 3. ABUSE OF DISCRETION

Petitioner has observed and documented numerous instances of perjury in Florida courts which are not rogue acts, but which constitute a publicly-approved standard practice to move the locus of decision-making away from courts and juries, and to the local executive branch, enacting the will of the dominant social quorum. Private attorneys appear to be willing participants, because fixing cases with perjury enables them to save



labor costs by negotiating court outcomes along patterns of political convenience and avoid trials.

The public is unable to obtain records to regulate this activity, and is in fact legally misled through the immunity of state officers to make false statements (*Brown v. McKinnon*, 964 So. 2d 173, 176 (Fla. 3d DCA 2007)), and to deputize publishers as immune state agents to spread and embellish misinformation (*Ortega v. Post-Newsweek Stations*, 510 So. 2d 972, 976 (Fla. 3d DCA 1987)), achieving trials without due process in the public square, subsequent to which court outcomes can be fixed with perjury for convenience without public objection.

This process generates public support for abuse of discretion condoning perjury and the outcomes so obtained, and for the general subversion of evolved judicial processes with an effective pragmatic reversion toward traditional tribal quorum. But nor is the public expected to protect rights; rights are intended to protect individuals from the public in the form of the dominant local faction as characterized in Federalist 51.

Judges, perhaps because they are outnumbered in the political process and must caucus with executive-branch political machinery, also seem eager to accept such lies that will settle cases along patterns of political convenience and clear out the docket while preserving their political prospects. The Florida Bar does not respond to the public interest but seems to defend its own members, abrogating its regulatory function to penalize court officers orchestrating perjury.

These matters of great public interest are therefore cared for in the hands of this Court, or nowhere in the State of Florida. Will this Court abide such return to nature, and where courts can be used to cleanse undesirables rather than punish crimes?

#### 4. LICETTE GONZALEZ CASE

On March 11, 2015 in Seminole County 2014-MM-010265A, Judge Schott judged a state witness to have committed material perjury. Judge Schott asked the State Attorney “Will you take him up for perjury?” Schott also told the State Attorney that the “case should have never been brought.”

Schott judged within his discretion not only that the process was subverted with perjury, but that it was therefore a waste of judicial and state resources. Not only did Archer neglect to prosecute this perjury squandering the taxpayer treasure, but Schott was removed from the criminal division as a result of his judicial discretion. There may not be a remedy for this case within the statute of limitations. But it is an example of how the locus of decision making was moved to the executive branch, with Archer's abuse of discretion overriding the law and the discretion of the court.

#### 5. BRYON AVEN CASE

A violent felony case 05-2017-CF-029663-AXXX-XX was recently dismissed in Brevard County, because Assistant State Attorney Bryon Aven supervised perjury at trial. This deprived the public of the possibility of justice, while squandering the taxpayer treasure, and eroding the public's trust of Florida courts.

Aven's long pattern of misconduct has not been cured by The Bar. Aven has simply been moved to an intake role, deciding which cases to prosecute. In this role Aven will certainly not choose to prosecute the perjury he himself orchestrated, or any other state-witness perjury. Aven's power to preempt the law and the fact-finding function of the

courts, is therefore now even greater than when advocating individual cases in the courtroom. Petitioner requests a mandate that Archer prosecute the costly perjury which Aven supervised, and all similar perjury.

## 6. JAMES MULRENIN CASE

Seminole County 2016-CF-003668-A and B involve a circumstantial case of the death of a strip-club manager and convicted pimp James Mulrenin. Mulrenin brought a young female employee back to his house, served her illegal drugs and alcohol, and later was witnessed jumping to his death, subsequent to which the employee's boyfriend (who was also separately seen on video at the manager's apartment complex), was seen using the manager's credit cards at Walmart.

To support a planned-robbery narrative, police and prosecutors orchestrated an enormous body of perjury. The primary elements were a) faking video times to make it look like the boyfriend arrived in concert with the employee, b) faking the boyfriend's DNA on five bloody gloves with the victim's DNA, and c) coaching witness perjury that the victim was shot while fleeing. The public support of this scam and political insulation from oversight primarily arise from a) there is an incorrect news story that the employee was once arrested with \$25,000 of GHB, which never happened, and b) the Orlando Sentinel published a story with six immunized embellishments of the arrest affidavit and false statements, headlined "Strip-club manager tied up, robbed, and shot before fatal fall".

Police coached witnesses from the strip club to lie that the stripper Mandi May Jackson was a complete stranger who showed up with no dance wear, robbed the manager, and disappeared. This included hiding that Jackson was at the strip club previous nights. This

included police giving the strip club time to delete video from the strip club, then claiming they were never able to see the video, hiding it, and not providing it to boyfriend Love's defense before trial. This included brazenly supervising a witness Neisha Cintron to hide Jackson's actual activities such as smoking weed and wearing Cintron's underwear (because of menstruation), and interactions with the manager such as kissing. The perjury included specifically instructing Cintron to hide from the jury that the last thing Jackson did after closing was buy a new dress to wear the next day, because the victim/manager did not like either of the dresses Jackson had, instead lying that Jackson did not have stripper clothes.

The perjury scam involved photographing a bullet staged in front of a tear in the sofa, hiding witness statements, hiding the 911 call, and coaching witnesses to change their statements, to create a false narrative of the victim being shot while fleeing. This included hiding “three plastic gloves with suspected blood” with the thumbs pulled off in haste, one of which was photographed on the victim's floor, and instead claiming DNA “swabs of suspected blood stains on gloves” came from a group of gloves found separately (to also falsely suggest the defendant wore booties), and lying about the number of gloves at trial. A man who is shot while fleeing off a balcony has no time to bleed on gloves before he goes over. This also included lying to the judge that the victim died two days later (thereby corrupting the jury instructions), to hide that no witness heard a gunshot, rather they were coached later to lie about this.

The perjury scam involved screen-grabbing security video clips of the defendants seen separately at the manager's apartment (never together), which video included watermarked timestamps and other tenants walking their dogs, one of whom swiped the door open to let the boyfriend into the building. These clips then vanished, and the defense was provided with new video clips made a week later at the police station. The

video clips provided to the defense had the watermarked timestamps removed, the frames including the dog walkers were removed, and the existence of the dog walker who let the murderer into the building was redacted from all documents before discovery.

Then immediately prior to the boyfriend's trial, a third set of video clips was made with one of the dog walkers, and with new timestamps added to the video two years later at the police station. These new clips were not provided to the defense before trial. Officer Jackson Athaide lied to the jury that these were the clips and timestamps he screen-grabbed two years earlier at the apartment complex, and admitted hiding from the jury that the timestamps were off.

All of this seems to result from a false statement in the arrest affidavit that the boyfriend was seen on video at the apartments "clearly using a cell phone and sending text messages", which was imagined to be coordination with the girlfriend employee. When it was discovered the boyfriend had no phone and the employee had no communications, police needed to fake the video times to show them coordinating simply by arriving together, in a ridiculous timeline two hours before the boyfriend actually entered the apartment.

The present state of the case is best understood with Petitioner's own investigation which shows that the employee was drugged by the manager with codeine without her knowledge, which combined with alcohol and anxiety medication to leave her with no memory of what actually happened or ability to defend herself. As a result being drugged the employee lost track of time, and the boyfriend eventually came looking for her. The employee did not know when or why the boyfriend arrived, but then heard false gossip from someone in the jail who eventually became a coerced jailhouse "confession"

witness, that the boyfriend's arrival was a robbery arranged with a third individual and the manager was drugged and thrown off the balcony. The employee knew the manager was not thrown off the balcony, and knew the boyfriend was not part of a robbery, but accepted as true the false gossip that the manager was drugged, because this explained her own experience feeling drugged, and the manager jumping (and because the employee is not very wise, and has been drugged, lied to, and locked for years in isolation).

The employee's lawyers showed her how the boyfriend told police she did it, and advised her to come up with a robbery story to testify against the boyfriend. But the employee's memory was not good enough, and there was too much fake and unexplainable evidence, for her to come up with a credible story. And the story she came up with had the boyfriend arriving with the third individual, who shared the same lawyer as the jailhouse witness. The employee's fake story would expose how the employee's lawyers had already made a secret deal with the lawyer of the jailhouse witness and the third individual, to get a waiver from the jailhouse witness whom they previously represented, to stay on the case and keep their \$100,000 retainer. The employee also told the fake robbery story to a friend in jail, which friend then changed the story to incriminate the employee, and then also testified as a jailhouse witness at trial, despite this testimony brazenly contradicting piles of physical evidence.

The employee wanted to get revenge on her boyfriend and the third individual for the death of her sugar daddy the manager, and begged her lawyers to tell the fake robbery story at trial. But her lawyers instead went with a jealous boyfriend narrative. When the employee's lawyers said the boyfriend committed a murder - and incorporated the fake glove-and-booty evidence instead of challenging it, possibly in a quid pro quo with their cop friends from being former local prosecutors - Judge Recksiedler apparently did not

find it credible or advisable. Recksiedler asked the employee in open court if the employee approved of her attorneys saying her boyfriend committed a murder. The employee answered enthusiastically “Yes, ma'am.”

The latest court event, is the employee's lawyer got the boyfriend to swear an affidavit that it was all his fault and there was no robbery, but including the false element of the employee's (and Orlando Sentinel's) robbery story that the manager was tied up. He never was. Any binding materials were field dressings of a wound, most likely assisted by the employee herself to stop the bleeding, but which she honestly cannot remember any of.

And the employee's lawyer is arguing her trial lawyers were ineffective for not allowing the employee to testify her fake robbery story at trial. The employee's fake story also includes the boyfriend causing the manager to go over the balcony, when in reality the manager was probably trying to climb down for the simple reason he trusted his friend below to lie for him and drive him to the hospital, without bleeding in the halls and drawing attention to the numerous and varied felonies he was involved in that night.

## 7. PUBLIC INTERESTS AND STATE SOVEREIGNTY

The cost to the public of these abuses of discretion to employ perjury, are great. The cost to the public to prosecute and incarcerate Mandi May Jackson for perhaps 70 years, for a crime that did not actually happen, could be \$2 million. The time of numerous circuit and appeals court judges, as well as lawyers and jurors, is squandered on a theatrical fraud.

And the general interest of the public in justice, and that victims and their family

members receive not just justice, but at a minimum accurate information about how someone even died, is enormous. It is the entire purpose of these courts, made mockery with lies. This perjury undermines the sovereign right of the state and its citizens through legal processes, rather than parties engaging in self-interested fraud, to determine court outcomes and enforce laws.

## 8. MANDATE TO PROSECUTE PERJURY

Petitioner is asking this court for a mandate that State Attorney Phil Archer prosecute all instances of perjury in the Mulrenin case, and similar instances in general, including:

- a) Officer Jackson Athaide added fake timestamps to video, and lied that they were the timestamps he screen grabbed at the crime scene two years earlier, and also lied to the jury that the employee remained in the apartment after the manager went over and fled when sirens arrived.
- b) Apartment Manager Michelle Ervin lied that she was the one who helped get the apartment video when in reality it was the maintenance manager Tom Cartmel, as part of her cover up of the dog walker being hidden, the timestamps being faked and wrong, and the video labels generally being wrong, with her testimony about the video contradicting the testimony of Sprague and Athaide.
- c) Detective Ben Sprague lied about deleting and faking the original video clips and times, and not recognizing the dog walker who let the murderer into the building. Sprague lied about not being able to see what was on the video at the strip club. Sprague lied about the boyfriend texting in the elevator. Sprague suborned lies from strip-club employees that nobody had ever seen the defendants before. Sprague supervised



witnesses of the manager's death, such as Russell Songer, Denise Smith, and Jerome Ashcroft, to lie in support of a shot-while-fleeing narrative. Sprague vanished the 911 call, as well as the sofa with blood and supposed bullet hole, all missing. Sprague lied about the victim's credit cards being in plain sight in the employee's car, when two Orlando cops apparently looked the other way on Sprague staging these cards.

d) Orlando Deputies Andrew Chouinard and Jovani Santos-Hernandez wrote misleading arrest reports, to cover up that Detective Sprague ransacked the defendants' property without a warrant, and staged incriminating items in plain sight.

e) CSI Alison Smolarek hid the “three plastic gloves with suspected blood”, and lied about the number of gloves, where they were found, and where she got the DNA swabs. Smolarek also lied about finding a bullet under a tear in the sofa, which she falsely claimed was a round hole the whole way through.

f) Neisha Cintron lied about and hid the actual activity of employee Jackson that night, to cover up activity inconsistent with a robbery motive, and instead paint a picture more consistent with the prosecution narrative.

g) Strip club manager Barbara Mellinger misled the jury at Love's trial about the job applications, to make a neat fake story, and hide that employee Jackson was at the strip club the previous night. Mellinger also lied about the manager's conduct taking employees home. Mellinger also lied that she did not know who the hidden witnesses were or where the information came from, that the manager left with \$2500 and employee Jackson was at the club the previous night.

h) Russell Songer and Denise Smith changed their stories from a suicide where they told

the manager “don't jump, don't jump”, to hearing a gunshot and the manager being shot while fleeing.

i) Jerome Ashcroft-Thew hid that he was friends with the manager for years, and lied that it was a previous tenant who had all-night parties with drugs, and claimed the manager's parties were earlier in the night without drugs. Ashcroft also followed coaching to fit the false narrative that the manager ran to the balcony and jumped off.

j) Medical Examiner Jennifer Park helped mislead the court that the victim died two days later, to cover up that he was in organ donation for two days before anyone examined him, because the witnesses did not hear a gunshot and it was believed to be a suicide not a homicide. Park also followed coaching to offer reckless inaccurate testimony that the cut on the victim's head likely came from hitting the railing.

k) The boyfriend's roommates lied that the boyfriend worked in construction - not paving and landscaping - and lied that he never wore a straw hat before when in fact he owned two. They lied that the boyfriend was fired, when the boyfriend had a paycheck from the most recent week before he was arrested.

l) Jailhouse witness Kaylee Simmons lied that employee Jackson confessed her boyfriend hid in the back of her car. This is contradicted by video evidence, and Jackson will swear what any honest person knows, that this never happened and Jackson never said this. Simmons swore Jackson said numerous things that plainly contradict physical evidence, many of which Jackson can credibly swear she never said.

m) Jailhouse witness Julie Madara swore Jackson confessed the manager went over the balcony in a struggle with Jackson. Madara's statements are almost identical to what was

on TV news that day, but are contradicted by actual witnesses and Jackson's statements moments later in a recorded jail phone call. Madara's statements generally fit false gossip and TV news stories, but contradict actual physical evidence such as the manager's toxicology report showing he was not drugged, and Petitioner's own knowledge.

n) The T-Mobile technician misled the jury that they only had cell pings for two days, when in fact they had them for an entire week.

o) ASA Lori Sacco lied to the defense about what pawn shop video they had, lied to the court that they had provided it to the defense, and supervised state employees to stonewall and lie in response to Petitioner's public records requests for this and other video.

p) Patrolman Anthony Uzzi probably covered up that Sprague edited the “don't jump, don't jump” part out of his police report, and maybe lied to hide that he was a paid security guard at the apartment complex.

q) Strip-club manager Big Mike Garcia lied about deleting most of the video, and about what went on that night.

## 9. PROHIBITION ON FURTHER USE OF PERJURY

The Circuit Court began the Mulrenin case by accepting an arrest affidavit containing numerous false statements, such as that the boyfriend and girlfriend were texting to coordinate and arrived at the same time. The Circuit Court then carried out trials in which they put on a theater in front of the jury, including administering the oath and

sustaining all kinds of objections and secret proffers, all designed to mislead the jury that officers of the court are responsible and liable to deliver testimony more reliable than something said in a pub. It included the following examination of a jailhouse witness whose testimony contradicted a mountain of physical evidence.

*Q Would you commit perjury?*

*A No.*

*Q And why would you not commit perjury?*

*A Because that would just give me more time, and I want to go home as soon as I can.*

*Q And if -- if you committed perjury and violated your agreement, would you then be looking at a life sentence?*

*MR. BARK: Objection. Improper bolster.*

*THE COURT: Overruled.*

*BY MR. STONE:*

*A Yes, sir.*

This directly contradicts the conclusions of the Supreme Court of Florida that jurors might consider the testimony of such witnesses with greater caution than witnesses who weren't coerced in custody. It moved the locus of fact-finding to Archer.

On top of this now has been added the recent false statements of the boyfriend Love that he tied up the victim. And to that employee Jackson's attorney now offers to add Jackson's additional testimony of the same ridiculous impossible story jailhouse witness Simmons told, except without the ridiculous parts that implicate Jackson. Petitioner can tell you as witness to Jackson's false stories and everything else, that Jackson intends to add her new perjury to old, to dovetail with the only stories available to her which are all

lies, to get revenge on her boyfriend for killing her other boyfriend, and in a misguided belief that she can go along with the fake robbery story to get that revenge without being seen as complicit in the crime which never even happened.

Increasing the cumulative pile of perjury, and adjudications based thereon, promises to forever expand the work of future courts and taxpayers, and the costs of injustice and misinformation to all parties. It insults everyone from voters to crime victims, and makes a mockery of the Florida court system.

Petitioner asks that this Court block the continued addition of new perjury on top of old, until the original perjurers can be addressed with hearings and prosecution. Petitioner asks this Court for a prohibition on the Circuit Court accepting any new testimony, evidence, or hearings for new orders and events in the Mulrenin case, until hearings with evidence can clear up the existing perjury everything is accumulating on top of. This mandate includes using all investigative power available, to bring in the perjurers and have them clear up their stories and evidence.

## 10. JAILHOUSE WITNESSES

In the world of rational human advancement, when the theoretical predictions of mathematics are confirmed by empirical observations - and with no competing explanation offered - a theory is said to be confirmed. This is the case when so-called "black holes" predicted by general relativity were observed. This is the case with jailhouse so-called "confession" witnesses.

There are 20 inmates in the jail under duress and with the knowledge and willingness to lie that another inmate confessed, for every one major crime inmate who really

confesses a true story to a total stranger. Therefore generally using Bayes Theorem, any claimed confession is 20 times more likely to be false. Such an equation can be used roughly as:

$$p(\text{guilty} | \text{confession}) = p(\text{confession} | \text{guilty}) * p(\text{guilty}) / p(\text{confession})$$

$p(\text{guilty})$  is the probability of guilt absent jailhouse witness testimony

$p(\text{confession})$  is the total chance of a confession witness fake or real

$p_{\text{confess}}$  = chance accused has friends and would tell true confession if guilty

$p_{\text{dealer}}$  = percentage of friends who are desperate to make a deal

$p_{\text{liar}}$  = chance a non-inmate felon would be desperate and sophisticated enough to lie

$num_{\text{liar}}$  = number of potential lying felons in the timing window (population \* months)

$$\text{chance}_{\text{trueconfess}} = p_{\text{confess}} * p_{\text{dealer}}$$

$$\text{chance}_{\text{accusedconfess}} = \text{chance}_{\text{trueconfess}} * p_{\text{guilty}}$$

$$\text{chance}_{\text{fakeconfess}} = num_{\text{liar}} * p_{\text{liar}}$$

$$\text{chance}_{\text{confess}} = \text{chance}_{\text{fakeconfess}} + \text{chance}_{\text{accusedconfess}}$$

$$\text{chance will confess to felon if guilty} = \text{chance}_{\text{trueconfess}} = p_{\text{confess}} * p_{\text{dealer}}$$

$$\text{chance of true confession if accused} = \text{chance}_{\text{accusedconfess}} = \text{chance}_{\text{trueconfess}} * p_{\text{guilty}}$$

$$\text{chance of fake confession} = \text{chance}_{\text{fakeconfess}} = num_{\text{liar}} * p_{\text{liar}}$$

$$\text{chance of confession witness if guilty} = \text{chance}_{\text{fakeconfess}} + \text{chance}_{\text{trueconfess}}$$

$$\text{total chance of confession fake or real} = \text{chance}_{\text{confess}} = \text{chance}_{\text{fakeconfess}} + \text{chance}_{\text{accusedconfess}}$$

expected noncorrelated confession witness count in case = round(chanceconfess)

chance confession witness is lying = chancefakeconfess/chanceconfess (usually around 99%)

$p(\text{confession}|\text{guilty}) = \text{chancefakeconfess} + \text{chancetrueconfess}$

$p(\text{confession}) = \text{chancefakeconfess} + \text{chanceaccusedconfess}$

$p(\text{guilty} | \text{confession}) = p(\text{confession}|\text{guilty}) * p(\text{guilty}) / p(\text{confession})$

You can debate a wide range of inputs and equations, but any honest effort will still produce a greater than 95% chance a given jailhouse witness (or correlated group) is lying. When DNA testing became available to find out if jailhouse witnesses were lying in old cases, empirical observations confirmed what mathematics predicts, that they are likely to be lying far in excess of any reasonable doubt. There is always a strong reason to doubt jailhouse witnesses are telling the truth. Their effect therefore, is not to add information to the jury, but to shift decision making to the executive branch which can choose to mix the outcome with lies.

There are no theoretical constraints on prosecutors producing an unlimited number of such perjurers, only the number of incarcerated drug defendants in the same population as the accused. Numbers are limited only by cost and need, the frequency with which the state wishes to produce guilt for which there is insufficient evidence, and the trouble. Imbler v. Pachtman was legislated to shield prosecutors from biased incentives created by stochastic outliers on the perjury side. Imbler creates the opposite bias. The result is prosecutors producing a process where most outcomes land in the perjury region, for which contrived stochastic bias the prosecutor enjoys all reward and pays no penalty. This bias is then transferred to the perjurers, for whom there is a reward and no penalty

for perjury.

This incentive to use perjury is not then transferred to the public through politics, but rather exists naturally in the public, which incentive is transferred from the public to the government through politics. It is not necessary to influence the public to like witch trials and concentration camps, rather that is the natural social function of man. This government process simply succumbs to political forces to reproduce and match the natural product of social processes, demagoguery and crowd behavior. But Florida courts were not intended to manifest the preexisting and free behavior of tribes or crowds, and any money spent doing so is illegally wasted.

Jailhouse witnesses are a class of testimony that is unreliable like hearsay, for which no exceptions can be made in individual cases. There is no separate external way to determine the reliability of an individual jailhouse witness beyond the general class predictions of these equations, no more than this Court can tell Petitioner whether he is lying when he says he drank two glasses of water yesterday. A corroboration test has no relevance to whether the uncorroborated novel portion of the testimony is fabricated, and is easily hacked by police and prosecutors disseminating their narrative to inmates. Petitioner could tell you he graduated from Yale. The fact that there is a place called Yale, and people do graduate from there, does not make this credible. Jailhouse witnesses also interfere with other kinds of testimony processes, but that is beyond the scope of this document.

The high probability that such witnesses are lying - predicted and observed - is not a problem by itself. It only becomes a problem when jurors cannot be instructed about such probabilities. Jurors bring no external means either to determine the reliability of an individual jailhouse witness, nor to consider such general factors as that a prosecutor



enjoys all reward and no penalty for producing perjury. Rather jurors are tricked by theater including the oath and objections, and a general belief that their government would not put a likely liar in front of them. Jurors then judge the credibility of a jailhouse witness as the general credibility of the government - the judge, the building, the legislature - that puts the perjurer in front of them. A jury instruction to consider such testimony with extra caution, further misleads jurors with the false suggestion that nobody else knows if such witnesses are lying\*, when every honest court officer in the room knows they are lying (but tells appeals courts this is irrelevant for not being the finder of fact, after tricking jurors to believe the opposite).

(\*What I meant to say here, is that the jury instruction misleads the jury that nobody else suspects or has even considered the possibility that the jailhouse witnesses are lying. The jury instruction raises the dignity of jailhouse witnesses. It makes them something that has been looked into and investigated on the jurors' behalf, and allowed as not a total fraud. With no jury instruction, the jury might be left to consider whether this is a total scam, maybe some local corruption the Supreme Court is not even aware is going on. But the jury instruction says no, these lying felons are actually something the Supreme Court of Florida has given a bit of serious thought and attention to. There is therefore no chance it is a complete scam - since serious judges would not allow sheriffs to write a serious jury instruction for things that are simple fraud. Rather it is something we have judged the proper measure is for jurors to merely be moderately cautious about. Oh, okay, I didn't think you would let prosecutors put straight liars in front of me! The reality is, the Supreme Court of Florida can and does allow sheriffs and prosecutors to use total fraud to make a mockery of courts and law.)

From the point when the state has produced a jailhouse confession witness, and jurors are left to believe the state would not systematically put liars in front of them, the

accused is guilty until proven innocent such as by DNA. This creates the ability to produce guilt in the executive branch, which neither judges nor jurors are presently legally able to provide any check on.

The 51% of voters who elect the sheriff may like that the courts can use jailhouse witnesses to convict anyone the sheriff points the finger at. Particularly after police and publishers are immunized to disseminate the police narrative. The public is not able to obtain public records much less in the relevant time frame to discover the truth. And private defense attorneys are forced to settle cases and win favor with prosecutors in the interest of their clients and their own bank accounts, not represent any public interest (the incidental byproducts of case law they produce are as likely to harm as benefit the public).

Therefore the theoretical effect of jailhouse witnesses - confirmed by empirical observation - is simply to move the locus of fact finding and decision making from courts and juries, to the county jail where inmates are coerced to swear fake confessions, and are provided the training and information to do so. In effect, guilt finding is moved from the jury to the executive branch.

But nor is this effect some novel discovery. The Fifth Amendment in the Bill of Rights reflects a knowledge that people in chains will say whatever you want them to say, and the use of their testimony therefore moves the locus of decision making to their jailers, i.e. the executive branch. The only novel consideration is the availability of hundreds of inmates facing drug sentences, who can also be coerced to produce the same result. Empirical observations confirm theory, that such testimony is in the same unreliable category as defendants coerced to testify against themselves.

Science proves jailhouse witnesses move the locus of decision making to the executive branch to serve the will of the dominant social quorum - the mob in the public square whom these same officials are immune to manipulate - and deprives the accused of due process.

Therefore the use of jailhouse witnesses is a trick to violate the plurality of the Bill of Rights and move decision making to the executive branch, regardless of whether people like this or are too stupid to even know what they are doing. Violations of the United States and Florida constitutions cannot be insulated by the stupidity of those who practice them, nor the pretend stupidity of officers of the courts. And there are no practical remedies to improve the reliability of jailhouse witnesses, or instruct jurors to correctly weigh them. Therefore Petitioner has standing to obtain a writ prohibiting public treasure spent on trials, and pursuant to orders, using jailhouse witnesses, and this Court has jurisdiction to deliver such writ.

## 11. CONCLUSION

Wherefore, Petitioner Stephen Lynch Murray respectfully submits that this Court has jurisdiction and mandate to address this matter of great public importance, restraining perjurers and suborners from usurping the sovereign rights of the State of Florida and her citizens to enforce laws and administrate courts and justice, and to protect the taxpayer. Petitioner therefore asks this Court to grant this Petition for Writs of Mandamus and Prohibition, to compel State Attorney Phil Archer to prosecute perjury rather than use it to subvert courts, and to prohibit further use of perjury in the James Mulrenin case. Petitioner requests urgent hearing at which he can support all arguments.

Respectfully submitted March 7, 2023 by Stephen Lynch Murray

## **XXII. Stigma and the Great Charter of Liberties**

### **Federal USC 1983 Claims and Florida Officials**

*(29) No free-man shall be taken, or imprisoned, or dispossessed, of his free tenement, or liberties, or free customs, or be outlawed, or exiled, or in any way destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers, or by the laws of the land. To none will we sell, to none will we deny, to none will we delay right or justice.*

*-Magna Carta Libertatum, 1225*

Defaming people with falsehoods - inciting the mob against their enemies with lies without recourse (or putting on a fake theater of being tough on crime while railroading incompetents) - is a standard tactic of Florida government officials. They are immune to defame anyone in "Brown v. McKinnon", and that immunity is transferred to everyone by "Ortega v. Post-Newsweek Stations". It not only serves to hobble their opponents, but it also subverts public oversight of their opaque activities with public misinformation. For example, the public is unable to obtain records to see if a person actually did what the newspaper said he did, or whether a search warrant affidavit was 100% perjury.

But nor does the public care anyway. Rights are designed to protect people from the public. The public will believe everything they see, and wants the shire reeve to burn witches based on coerced confessions and spectral evidence. An official immunity to lie, is an immunity to cultivate public support for ignoring formal rights and law.

For example, I once drove to Stetson University, spent a few minutes posting "COPS2PRISON.ORG" fliers, and went home. The next morning I was arrested based on an affidavit containing material perjury, which said that by crossing their county line, I was stalking someone. I was held without charge or any discovery for five months, against the Florida Rules of Criminal Procedure. The cop entered a fake bond condition the judge did not sign, which ordered me to take down all my social media where I promoted my cops2prison.org website and my documentation of cops lying. So I was kept off social media for five months, based on no statement of any crime victim or witness. And this was orchestrated by the exact cops and prosecutors, the exact elected officials, whom I was using that exact social media to criticize.

And police entered a quid pro quo with a local web publisher (who gets free gossip he can publish with immunity, without needing reporters, editors, or lawyers), to broadcast in web search engines that I went to their county not to post political fliers, but as sort of a clumsy criminal who drove over a bridge to stalk a frumpy housewife, another man's wife. That man just happened to be a former local prosecutor who was friends with police, and didn't like that he heard I once used the word "whore" in connection with a picture of his wife with President Trump on Air Force One. But when I tell people that police have never provided so much as a police report or witness statement to this day (and refuse to even provide a copy of my in-custody interview which began "Cops2Prison.org, that is your website isn't it? Cops2Prison, that is your Twitter handle, isn't it?"), people say who cares, the paper says you're a stalker.

Police have evolved to lie wherever they can get away with it, like beavers have evolved to build dams. Immunities, sovereign secrecy, and the discretion of judges and prosecutors to accept perjury, create loopholes to attack and deprive private individuals

of rights, and of reputation and opportunity, without any crime or honest accusation. These cracks between court regulation of official activity, and federal jurisdiction, are turned into highways through which rights violations are trafficked. It is a long project of mine to attack all these rights violations in federal court. But I have identified several chinks in the armor of this scam which I will partially summarize here.

The first issue to bring to court, is that the US Constitution and Bill of Rights is very general and abstract. It leaves open non-traditional future innovations such as lethal injection. So due process applies to any novel process used to punish people and deprive them of rights. If people are tried and punished through gossip on TV or the Internet, and if that is utilized by public officials, then the public officials are restrained in those activities. Just by having trials in the public square, subsequent to witch mock trials in court can be fixed with perjury without public objection, does not evade the Bill of Rights by doing it outside a courtroom.

Marking, hobbling, and shaming people are common punishments in many cultures for thousands of years. It is arguably the intent of Florida voters and public officials, that defamation is used as a punishment and deterrent to citizens whom they consider undesirable (in addition to greasing public approval for breaking the rules when attacking such citizens). But in the case of defamation with lies by public officials repeated on the Internet, this punishment process is done outside any adversarial due process including discovery of facts, and confronting of witnesses. So a trial and punishment with defamation in the public square is a designed punishment without due process. It is a deprivation by "stigma" as described in "Hill v. Borough of Kutztown" or "Smith v. Borough of Dunmore".

The second issue to bring to court, is a state constitution cannot create an official

capacity to violate state law or federal rights. So any person who holds state office but violates constitutional rights, cannot be in official capacity while doing this activity. This person is then subject to a federal USC 1983 claim.

For example, Florida Governor Meatball Ron DeSantis called police to order a fake welfare check on me, to threaten me to not report crimes to the Florida Inspector General, saying I would be held without a day in court. (This after I reported crimes by government employees to the Florida Inspector General the previous evening.) Lying to the 911 operator is not an exclusive or traditional function of government. Use of police services in this way - not regulated by an affidavit or court order, and without probable cause of a crime - is not being a government actor. So Meatball Ron was not acting in his official capacity as governor, he was acting as a private citizen, a politician who attacked me outside legal processes on behalf of a friend.

But a private citizen who maliciously conspires with government to attack a person under color of law, then becomes a government actor for the purposes of USC 1983. So when DeSantis ordered a fake welfare check on me, he was a government actor subject to regulation by the Federal Constitution and USC 1983, without being in official capacity as Governor or any Florida official function (which would otherwise immunize him under the 11th Amendment).

Consider the case of Brevard County Sheriff Wayne "Heehaw" Ivey, who destroyed the ability of a welder to find work, by using the welder's name and image as a prop on a TV show, where Ivey falsely called the welder a "fugitive". In the case of Ivey defaming someone with falsehoods on a ridiculous TV show called "Fishing for Fugitives", you have to act legally as if there are two different people, both a government official and a private actor. Because there are two different actors, even though they may both be Ivey.

You have to sue Ivey as a private individual who acted maliciously under color of law in a non-legitimate function of government, in concert with a government official and encouraged by government.

The trick is that there is both a public official engaged in official duties, and a private individual engaged in campaign activity. And the private individual acts maliciously in concert with the public official. The fact that the two are the same person in the same TV show - Ivey - does not change the fact that there are malicious non-official acts taking place. Even though they may be intermingled with official function. It may be legitimate for a sheriff to advise the public about fugitives. But it stops being a legitimate official function at the moment one of the people made sport is not a fugitive, but a person being recklessly and maliciously stigmatized.

This is the same immunity-by-contact trick, as when government employees immunize publishers to repeat and even substantially embellish their defamations. The easiest way to not get tricked by this, is to understand that it is not people who are immune, but activities which are immune, and separate out the different activities. Government officials are only immune when engaged in responsible and legally justifiable official activities. Prosecutors only have absolute immunity when regulated by a judge inside a court as an advocate for the state in an adversarial process with a separate finder of fact. Prosecutors do not generally have absolute immunity outside the court in the investigative phase, doing activities that police do.

Combining someone who is not a fugitive in a show with an actual fugitive, attempts to merge legitimate public function, with private political campaigning, or punishment outside due process and under color of law. You have to separate out the act of including the non-fugitive, as a separate act. This act either a) is taken out of official capacity, and



therefore as a malicious defamation taken by a private individual conspiring maliciously in concert with a public function of that same individual, a violation of rights encouraged by government and covered by USC 1983, or b) is a traditional and intended stigma punishment outside due process, by a government official who is regulated by the Federal Constitution.

Sheriff Heehaw Ivey did not actually have that many fugitives, but pretended to. He did this not as a legitimate law-enforcement function, but to make himself appear better as a political promotion. Or to punish random people outside regulation by an adversarial court process. There is no question that a person so punished, has been deprived and punished outside a court regulating the process pursuant to any Florida statute. And regardless of what Florida law says about public officials defaming random people in the course of their duties, it is in conflict with the Federal Constitution if it harms people without due process of courts or statute, and not in the course of a legitimate court-regulated legal process or diligent official function.

Moreover, the legitimacy of the defamation as an official function is contradicted by fact in the specific Ivey case. Even sub-standard diligence would have revealed to a public official that the welder was not actually a fugitive. But the welder was included anyway which served no legitimate official purpose, but the self-promotion of a politician. Florida Statute 768.28(9)(a) also requires liable party, whether constitutional official or private individual, be dictated by the nature of the action - "unless such act or omission was committed in bad faith or with malicious purpose".

Marking, hobbling, and shaming people are common punishments in many cultures for thousands of years. But in Ivey's case with the welder, it is done as a punishment, outside the possibility of any adversarial process, unsupported by known fact, and done

as part of a political campaign. This is why you have to go to federal court with a USC 1983 claim, saying how someone like Ivey deprived you of reputation and opportunity, and imposed the historically traditional penalty of public defamation, under color of law without due process, during a campaign activity. You have to use under color of law, and put Ivey in individual capacity as a politician, acting in concert with government and therefore subject to federal jurisdiction.

Violations of constitutional rights are not very specific in case law, because rights can be "chilled" in so many ways. The doctrine of what is state action is not very specific in case law, because it can take so many new forms. But the general principles include (1) the public function test, (2) the state compulsion test, and (3) the nexus/joint action test. Generally if the state encourages or benefits from the action, or acts in concert or agreement or in a quid pro quo with the actor, it is state action. Anything that violates the federal Constitution or which is not the act of a reasonably diligent official duty, cannot be in immune official capacity, but is still a state action regulated by USC 1983 and the Federal Constitution giving jurisdiction to federal courts.

Also, the government selectively overriding traditional protections against defamation in "Ortega v. Post-Newsweek Stations" - to shape what speech is legal in a design and pattern to advance government's own interests - seems to be against the First Amendment spirit of the government not shaping the public speech in an unbalanced way. Powerful government figures using this exception and these immunities to incite against private citizens, and to incite against classes of private citizens, seems to be against the public interests of peace, in violation of the surviving elements of Schenk v. United States.

What may seem insignificant in individual attacks such as against the welder or

someone posting political fliers, when applied on a mass scale over time, amounts to speech that does not serve the purpose of truth or grievance, but incitement of citizen against citizen. Depriving large populations over time, of ordinary protections against false and malicious defamation in special circumstances contrived by government, upends the traditions which have conserved our Republic. Rights are protections for the weak against the powerful and the mob. The government selectively immunizing defamation and incitement is not the weak petitioning the powerful with grievances, but rather a means for the powerful to chill the First Amendment activities of the weak. And nor can it be claimed to be some public necessity, when much activity of the executive branch other than the defamations they choose to broadcast, is privileged.

*“were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.”*

*- Thomas Jefferson, letter to Col. Edward Carrington, Jan. 16, 1787*

*“The press has no duty to go behind statements made at official proceedings and determine their accuracy before releasing them.”*

*Ortega v. Post-Newsweek Stations, Florida, Inc. 510 So. 2d 972 (Fla. 3d DCA 1987)*

*“It seems to be well settled in this State that words spoken or written by public servants in judicial or legislative activities are protected by absolute privilege from liability from defamation. However false or malicious or badly motivated the accusation may be, no action will lie therefor in this*

*State... The great weight of authority now recognizes no distinction between executive officials of government and judicial or legislative officials of government on this question of immunity.”*

*McNayr v. Kelly, 184 So. 2d 428, 430, 432 (Fla. 1966)*

So any government employee, is legally immunized to incite a mob against any enemy or minority with any malicious lie, as the “fearless” execution of “public duty”. And any publisher or member of that mob is immunized to recite that lie, against the weakest and most incompetent member of society, supposedly pursuant to the First Amendment. It is no surprise that immunity of prosecutors or government employees results in them choosing all lies. And the nature of the public is to digest and repeat such lies, to the end of civilization itself.

This is a very brief and incomplete summary of some of the themes I have been investigating and designing for upcoming lawsuits. It may provide some elements of a philosophical and legal framework to slow our descent into fascism and war.

### **XXIII. A FALSE ARREST AFFIDAVIT IS A FALSE CONVICTION**

People say I must be friends with Jean Macean, when I advocate the legal process should not be influenced by a mob feeding frenzy, publicly trashing and inciting against suspects, and even dragging them in chains to be publicly humiliated on TV like something from primitive society. The reality is I am protecting myself, the people I care about, and even you, from your neighbors. Your neighbors will gladly overlook our designed system of rights being replaced with mob justice. Mobs like the one you are a part of - reciting whatever TV reporters are immune to embellish - are a bigger risk to me and you than Jean Macean is.

People pointing the finger at Jean Macean try to seem dangerous, to put on a show of being aggressive, of indulging their impulses while imagining their own moral superiority. You should not then wonder why someone like me finds the criminal-justice mob dangerous, and mindless parrots. I can defend myself and the people I care about against little black guys with knives. Not so much when it comes to mobs, and the public officials who run to the front of them. Irrational mobs and aggressive governments are the most dangerous animal in history, like Hitler.

You are driving like a drunk teenager, if you think a false conviction will never happen to you or your family member. You might argue that you don't hang out with drug people, and you don't do anything wrong that would make you a target of police. But suppose your husband or daughter gets abducted and murdered or even dies accidentally. You will immediately be the prime suspect. The chance of police catching the real killer may be less than 50%. But it will take them less than 30 seconds to fake evidence to prove you did it, and become a hero all over TV. If you are a suburban mother, do an

experiment. Next time you encounter a female cop, tell me if you think she would lie about you. Cops are like having an insurance policy, where you report a damaged roof and the agent shows up and burns your house down. And declares immunity in the public interest and gets called a hero for it.

When your own child gets killed, you will wish you had an honest way to catch criminals, rather than a conviction lottery wheel for public spectacle that can land on anyone. If you think this is an exaggeration, consider they never found JonBenet Ramsey's killer. But the public is such a bloodthirsty mob, they did indict the parents for child abuse. Why child abuse in a murder case? Because they had no evidence the parents did anything, but still wanted to indict them. If CSI Alison Smolarek who faked evidence in my friend's case worked in Boulder, the Ramsey's would be on death row, and the police would be regarded as heroes instead of fools.

When Cameron Todd Willingham's daughters were killed because of a space heater, his neighbors changed their stories and lied that he seemed emotionally detached and did not try to rescue them. Just like the cops lied 20 years later about Kim Hallock, in the Crosley Green case. Willingham did not do drugs or drive around bad neighborhoods late at night. But he was executed for the death of his own family. I visited my friend in prison a few months ago. She is still trying to get who she believes to be the real killer arrested, for killing a man whom she perceives as her boyfriend. Millions of people would celebrate any obvious lie, that would convict Kim Hallock for killing her boyfriend. Your neighbors will lie to go along with the crowd, and even spice it up a little to feel important on TV.

There are dozens of women serving life right now, because their toddlers tripped and hit their head on a coffee table or something, and died. But the mothers had an old meth

arrest, or abusive boyfriends. And so it was very easy to frame them for murdering their kid who died accidentally. For a while lawyers ran a scam where they recovered false memories of child abuse. Local defense lawyers and crank psychiatrists cashed in, and the prosecutors got elected for higher office. If you hesitate to ruin the lives of strangers on a whim like that, you can't be a cop.

Remember two things: 1) When the victim died, you were the person closest by, and you are a total nobody. 2) That lying cop is friends with the mayor, the prosecutor, the editor of the crime section of the local paper, and pretty much everyone in the local government and politics who will all cash in. That cop is very likely friends with your lawyer, and will be long after you are gone. There are people you haven't seen since high school and don't want to. You call 911, those are the people who are going to come into your life with a fake smile and toss you around like a doll. Criminal justice is a spectator sport. You step into the arena, you get made sport of by a team of pros.

All it takes is a cop with a pen and a few minutes, and your life is over. The arrest affidavit is not just a preliminary step, it is often the point of no return. It is the key point at which innocent people are actually convicted. And even co-conspirators or primary actors get away. Because it is the point after which the cops pay the greatest cost for reversing course, and the least cost for moving forward. And it is the point after which it is easiest to fake evidence, evidence practically fakes itself. A bad arrest affidavit doesn't get cleared up, it balloons.

We can debate the extent to which sadistic cops, and the voters who support them, like to lie to victimize the innocent, the poor, and the incompetent for sport and fake glory. But you do not need to be a sadistic liar, just an ordinary human, to convict the innocent in cases with a lot of publicity like the Aultman murder. A cop does not go into it saying

I am going to arrest an innocent person, or promote a story that is basically wrong, and then fake the evidence later. Rather a cop becomes possessed with suspicion focusing on a certain person. He thinks if he can just get the arrest affidavit, he will surely find the evidence to prove it, in the suspect's phone or car. Or he simply responds to public pressure and reward, or he even acts on impulse in a moment of confusion. And then he finds himself in a position he did not plan to be in, where he has told the world he has the murderer in his jail, but he does not have sufficient evidence to back up his claims, or his case contains basic flaws.

Understand that after this point the cop does not have to fake anything, everyone else will take over. Police will not look for other suspects. They will not dig for evidence with the potential to cast the suspect's guilt into doubt, and ruin the case and embarrass the department. Don't swab things which could have been touched by different people, or if you do, don't send those swabs to the lab. Don't pull the suspect's cell tower records. We already have someone who saw the suspect's picture on TV and says she recognizes the suspect from the scene, and can adjust her story if necessary. We don't need something that might say the suspect was elsewhere and muddy the case, we don't want hard evidence that is inflexible. By the time the public defender looks at it a year or two from now, the cell tower records will have been deleted. That is if the public defender even bothers, which he won't.

Expert questioners will have a crack at the suspect, sociopaths whose life sport is to psychologically torture a captive for 11 hours, into admitting to something he did not do. People hammered for 11 hours with the doorway of saying what they think you want to hear, only need to say it once. And people who have never studied any history or wondered why there is a fifth amendment will say "He confessed, case closed!"



Not only can this convict your innocent brother or son. It can lose the opportunity to focus on a different suspect who may be a co-conspirator, the lead conspirator, or even the primary actor. For example, there could be someone who met Jean Macean at the end of that block in a car, killed the Aultmans, and went the other way. Once the case narrative gains momentum centering on Macean, the only interest police will have in that other person, is as a witness to swear Jean Macean did it. There are many such murders with two suspects, where police get the actual murderer to testify against the one who didn't do it. Police can put on such a fraud because naive family members shout "kill the suspect" rather than "let's examine this".

At the same time, witnesses will come forward who have seen the story on the news, and say completely false things just because what they heard. They will say I knew the suspect, I always thought he was suspicious. I recognize the suspect from his picture, I saw someone who looked like that running from the murder scene. I knew the victim, he was a pure angel, he did not deserve anything like what this monster did. Or if a witness says something different that doesn't fit the narrative, the police don't write his name down. The public defender six months later, will never find this witness who told the truth or even know he existed.

It is vitally important in the Aultman case to know Jean Macean's state of mind before this happened. There was someone who took pictures with Macean in them shortly before the murder. That person might be able to tell you what Macean's mood was, what he said. But after all the TV coverage that person's statements will be corrupted. He will say "Macean seemed edgy, weird, aggressive, like a monster..." regardless of what Macean's behavior really was.

Suppose under public pressure, police pick up a random person with a flimsy arrest

affidavit. Such a suspect will call his parents on the recorded jail phone to try to convince them he didn't do it, he was home all day. A cop will hear this and go to the suspect's apartment complex, remove the video recorder and delete it, then hand it to a technician who will swear it was faulty and nothing could be recovered. They cannot admit even to themselves that they could be wrong, they are blinded by bias that they are doing the right thing. It is a trick they need to play not just on the public to save embarrassment, but even on themselves, a psychological self-defense mechanism. And it is better than losing the next election if they are found to have over-zealously arrested the wrong guy, an innocent person from a different town or race or political party.

Once a suspect is arrested, police have total control over his car and house. When their case suddenly falls apart, they will say screw it, go stick a credit card from the victim in this guy's house and photograph it there. We know we have the right guy. And even if not, we are doing the good thing getting a scumbag with a past drug arrest off the street. The people will thank us, and it will save us having to arrest him again the next time he does a drug deal. That may sound extreme, but cops will very rarely pay any price for it, and will usually be rewarded. Whereas admitting error and letting a guy out will create immediate costs. The perps lie, so it is fair to lie.

While the suspect is held without bond, nobody will look for exculpatory evidence or witnesses. They won't think they need to, they imagine police will search for the truth, if it is there to be found, but they won't. After a few days held without bond, the suspect will lose his job, his car, his apartment, all his friends, even his own family will think he is guilty. Within a few months all the video that could have proved his innocence will be lost, all the furniture at the victim's house will be sold, the victim's body which could have shown different wounds will be cremated. The only thing left will be the narrative police wrote in their arrest affidavit, the witnesses they found willing to recite it, and the

few fragments they preserved which support it. From a world of possibilities, the only evidence produced and preserved will be that which points in one direction.

Finally, the prosecutor will patch up the fake case, that is his job. They will bring over every inmate from the jail who was housed with the suspect, and saw the story of the crime on TV. They have literally dozens of people facing 30 years in prison for victimless drug crimes, who all know they can get out of jail today if they know the story and say the suspect confessed to it. It is not like a slot machine, it is a guaranteed jackpot. With that many people, the math guarantees at least one or probably more than one inmate will come forward and say the suspect confessed. And you are never allowed to tell the jury that there are 1,000 inmates willing and encouraged to lie, for every one suspect who actually confesses. And yes the prosecutor is politically rewarded and is never held to account for putting over such a crooked scam. The prosecutor is in fact legally immune to paying any price whatsoever even when he is proven to produce perjury over and over. And no the legislature would not do anything to stop it, even after DNA exonerations prove that is what is going on if the math and the law and the politics didn't already tell you.

The prosecutor will call the witnesses in one by one, the week before the trial or their deposition. He will say this DNA swab labeled "swab from stain on shoes", that was from the the stain on the suspect's shoes, not the victim's shoes, right? I just wanted to square that away. You say you saw the suspect throw something in the trash, did it look like anything, did it look like gloves maybe? Yes? Because in your initial police interview, it just says you saw the suspect taking out his trash. Remember, this is a double murderer who killed these two sweet angels, and we are all depending on what you saw to get justice. Okay, so you saw the suspect throw gloves in the trash. That's all I need, thanks.

All this stuff starts with a cop under pressure to stretch the truth in a flimsy arrest affidavit, and a judge who is politically punished if he does not sign it. That is why they call it a railroad. The system is designed to convict whomever police point the finger at. It is circular, the public will condone police cutting every corner and lying to convict you, and will shame witnesses who don't lie if necessary, because the paper told them who you are and what you did. It is all justified, if you begin with the self-reinforced mob belief that you are an evil person who did it. And that is why the Jean Macean arrest affidavit, together with the foaming mob of people who are incited to support this sort of thing, are a great public danger, a risk to the lives of you and your family. It is the worst of human nature, the most dangerous animal, more dangerous than a criminal, literally like Hitler.

People say cops only lie if you were doing something wrong. Don't get arrested, don't hang out with dirtbags and you won't be falsely accused of resisting arrest, or charged with possession of heroin that belonged to your best friend. People facing their own charges won't have the opportunity to lie and say you did it. But too many people have had their lives ruined by their bloodthirsty neighbors, who lie even to themselves that they are doing something moral, when they send police to indulge their lust for aggression and cleansing and punishment of undesirables, of people they don't like.

When my friend got life without parole from age 21 for a crime that didn't happen, I sat in court and watched witnesses tell lie after lie, based on things I had personal information to know were false. And not just me. Everyone in court other than the jury and the victim's family (and maybe my friend's grandmother), knew the witnesses were lying. I thought this must be really unique, so I spent six weeks writing a book to document it.

During that six weeks people I met would say what's up, and I would say I am busy writing this book about cops who lied to convict my friend of murder. And suddenly people who never said a thing before would open up and start gushing about how they or their brother or their best friend, was also a victim of police lying and had their lives ruined. Half the people I met or knew, seemed to have some secret story, which they only opened up about because they took what I said as an invitation or maybe a rare sympathetic ear.

They never mentioned it before, because they know people don't care, people will say you were doing something wrong that cops lied about you. I had even myself been the victim of police lying in four states, and I did not think it was that big a deal. A cop tears your car apart trying to prove you stole your own car, a cop plants a bag of weed on your friend or lies that he saw you driving on the grass, the prosecutor just dismisses it. I always thought when it comes to serious matters like murder and life without parole, cops would be more serious. But just the opposite is true. It becomes a feeding frenzy, a social phenomenon nothing like a CSI TV show. The truth becomes a product of mob psychology.

You may think it is harmless for judges to overcharge people in arrest affidavits, or even to sign arrest affidavits with questionable probable cause for whomever police point the finger at, if it increases the odds of getting murderers off the street and convicting them. And whether or not it has been done in the Jean Macean or Leigha Day cases, you would even overlook police lying in arrest affidavits, or conveniently leaving out contradictory facts, if it hacks the courts to achieve the public demands. And then you not only have no problem with the media going on a feeding frenzy against the suspect - which corrupts investigators, witnesses, and even jurors - you support it. You support a tribal

conflict, rather than the deliberative search for truth which courts put on a facade of.

But your risk of losing your life because of an aggressive arrest affidavit, a reckless news media that Florida law rewards for promoting embellished gossip, and a mob of bloodthirsty idiots, is real and is far greater and more common than the chance of being murdered by a total stranger.

My own friend is serving life without parole in the death of a man who was reputed to be a rapist, convicted of racketeering, prostitution, domestic battery, DUI, violation of probation, known to drug employees and force them to come home with him, wildly drunk and coked up at the time he died. Not only did the media leave all that out and cover wall-to-wall that he was an angel whom everyone loved. That is also all the jurors were told, and his own family actually believed it. At the same time the jurors were reading how evil the suspect was, an fake news stories about her on their tablets in the jury box. I won't stand by while cases are tried in the media, inciting mobs for clicks.

Criminal justice is supposed to be based on evidence. But like a political campaign, in real life it turns out to be a social process. Suppose a witness sees someone fall off a balcony. Then a policeman tells the witness the victim was shot. Now the witness will remember hearing a gunshot. Then the witness reads in the paper the victim was robbed. Suddenly the witness remembers someone saying "hand over the wallet." Or suddenly a girlfriend facing life for something that didn't happen is advised by her lawyers to lie and cut a deal. So she says yes my boyfriend did it, he said "hand over the wallet". Suppose a witness sees a picture of the accused in the newspaper. Suddenly he says "Yes, that is the guy I saw running away, I can identify him." So like running for office, a person accused of a crime is faced with an endless stream of garbage that people read in the paper and call evidence. Understand that the public cannot get public records of

the actual evidence, and doesn't care to, it doesn't even need to exist.

It begins with something the government is rewarded for doing, and which newspapers are immune and rewarded for amplifying: Inciting a mob against a person ahead of the evidence, and certainly ahead of conviction, and without being restricted to what is true. Flimsy arrest affidavits and malleable mobs are a spinning wheel that has landed on me, on my friends, and on people I know. And it has a high probability to land on you or your family member, much more likely to land on you than being murdered by a complete stranger. Tribal justice mobs are an extremely dangerous enemy of ordinary people like me. Ignoring this is akin to driving drunk and thinking that bad stuff only happens to other people. If you don't wish to protect yourself, at least don't make enemies of those who are more cautious and want to protect their loved ones from the foaming mob.