A FOLLOW-UP TO

CURE-ARM'S POSITION PAPER 2015

The Law Enforcement Racketeering Enterprise - and Why

The Position paper of CURE-ARM of May 2015 conclusively established – in forty years of state and federal court judgments – that the policing power of the Executive branch co-opted and corrupted the constitutional balance of the separation of power of the judiciary in service of its special interest of gainful employment and the political force to expand its policing of the mind and soul of the body politic.

As the Position paper noted, most critically, the usurpation of the co-equal power of the judiciary was not simply the repeated refusal to comply with court orders; it was the flat out denial of the judiciary to render its essential public good – the impartial *professional judgment* to decide an issue of legality or reasonableness between contending professional assessments (as in the case of two rehabilitation models); in short, the power to direct the resources of social order in the most promising constitutional way, but subject to the review of its tested practical effect.

That methodology is exactly that of all sciences – and its violation is a universal intellectual and moral fault, a grievous, mortal sin religiously as it is an intellectual and socio-political abomination – as the Position paper detailed of the Massachusetts 1972 penal reform law's historical development.

Anyone who doesn't understand that historical nexus of the federal and Massachusetts state constitution principle of the Spirit of the Law and the perversion of the power of the judiciary – the seat of body politic *judgment* – is in a state of ignorance, and the willful manipulation to effect that perversity is treasonous and criminal in its very nature.

Now there is a law defining such willful malfeasance: it's called RICO – Racketeer Influenced and Corrupt Organization. Intended or not – conscious or not - the practices of the policing powers defined in the Position paper are just such a high crime. And most vitally, there is no real distinction, between lobotomizing of the judiciary to render professional judgments, and the criminal hebetudes of the policing forces as described. It is one and the same *constitutional* brain drain, one and the same pervasive, uncontrolled criminality – a criminality the 1972 reform law aspired to engage scientifically, as in employment of licensed professionals in rehab counseling – a national aspiration going back to the 1968 "President's Crime Commission Report."

When, therefore, the policing forces forced out the social science professionals, they assumed a role of "correctional" officials to service their own bogus social science in an unconscionable profiteering enterprise. A glance at the array of their "command and control" penal architecture this past generation sums up their brand of "corrections":

- The prison/jail population has increased over 500% to 2.2 million.
- A U.S., which consists of 5% of the global population, houses 25% of the world's prisoners.
- American jails process twelve million people a year.
- Between 10 and 100 million (1 in 3 of all Americans) now have a criminal record.
- The payoff "benefit" cost of such a system is $80 billion a year.

(Source: Coalition for Public Safety www.facebook.com/coalitionforpublicsafety)

The good, though belated intentions of the Coalition and their counterparts to correct the system masks a scandalous default. They knew or should have known the Position paper historical development long ago - should have known how the Chief Justice of the (Mass.) Supreme Judicial Court was forced to retire because he had guided the court in ruling fairly on the prisoners' complaints – forced by the Legislature's choking off of judicial funding.

There's only one way such a scandalous constitutional coup d'état could have taken place in this democracy – namely, the United States' legal establishment and their allied estates of business and academia turned a blind eye to the degradation of the judicial power to render professional judgment in the Massachusetts' instance that was cloned in all other states and the federal government.

In the 2000 federal case, Dellelo v. Maloney (CA No. 00-11813 EFH), the court and the attorney general of the United States were presented with the documentation the Position paper outlined. Under CRIPA (Civil Rights of Institutionalized Persons Act), Dellelo petitioned the federal government to participate (as obliged under the Act) in the civil court action exposing the corruption. They declined to do so simply by acknowledging receipt of the information and request – a reply of silence.

The same reply of silence was the answer of the Mass. Bar Counsel and the criminal division of the state's office of the attorney general in 2010.

Such silent acknowledgment was eloquent admission that the judicial independence as co-equal power of governance had been sorely compromised, that the *judgment* of the nation in the field of social evil called crime had been truncated by a group imposing its own opposing judgment on the Constitution to be faithful to fair and impartial considerations of developing social rehabilitation science. In short, the nation had lost its constitutional guidance of creative social discovery to a coterie of "law enforcement" cabalists imposing a Frankenstein science on how to remake human beings.

Until those who now would "correct the system" admit the true history of the Position paper and restore to the judiciary its rightful place as the seat of professional judgment, all of us – excluding no one – who participated in the criminalization of America by act or default will continue to suffer the malaise of social evil, for it is to ourselves we create and undermine our true constitutional way of life. We are our own correction, if we would.

That demand of our religious and intellectual inheritance of conscience is exactly what the convict must see as the experience of those who represent the law, else he is "legally" confirmed to continue to live a life of copycat sham. ‡

FOR MORE INFORMATION ON

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