

Politicized justice



By Cal Thomas

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Since Manhattan District Attorney [Alvin Bragg](#) reached back to the 1930s to credit Republican Thomas Dewey for "usher(ing) in the era of the modern, independent, professional prosecutor" in Bragg's defense of his role in the conviction of former president Donald Trump, perhaps Bragg should consider a speech delivered in 1940 by [U.S. Attorney General Robert H. Jackson](#) to the country's chief federal prosecutors and U.S. Attorneys.

Jackson said something that might be considered relevant to the Trump trial: "If a prosecutor can choose his cases, it follows that he can choose his defendants. Therein is the most dangerous power of the prosecutor, that he will pick people that he thinks he should get rather than pick cases that need to be prosecuted. With the law books filled with a great assortment of crime a prosecutor stands a chance of finding at least a technical violation of some act on the part of almost anyone. In such a case it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigators to work, to pin some offense on him."

Many, and not just Trump defenders, will see this as a warning that has just been ignored 84 years later.

Jackson continued — and here is where it speaks again to the Trump trial: "It is in this realm — in which the prosecutor picks some person whom he dislikes or desires to embarrass or selects some group of unpopular persons and then looks for an offense, that the greatest danger of abuse of prosecuting power lies."

It is in this following sentence that Jackson really nails it: "It is here that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to or in the way of the prosecutor himself."

That speech could have been delivered today if we had an attorneys general in New York and Washington who believe it.

One can oppose Donald Trump's election to another term and still be worried that this politicization of the criminal justice system will come back to haunt those who currently favor it. The suggested conflict of Judge Juan Merchan (he contributed small amounts of money to Democrats and the 2020 Biden campaign and his daughter once worked for Vice President Kamala Harris and raised money for Democrats off the trial), DA Alvin Bragg (supported by leftist George Soros. Bragg made a campaign promise to get Trump even though after his election he declined to prosecute him), the role of Matthew Colangelo, the third highest official in President Biden's Justice Department who quit his job to work on a state prosecution, and a jury pool drawn from a city that voted overwhelmingly for Biden (it would have been good to know how many voted for Alvin Bragg).

I am reluctant to join the company of conspiracists, but this definition seems to fit the pile-on that resulted in Trump's conviction: "Any concurrence in action; combination in bringing about a given result."

Nothing will prevent retribution by prosecutors in conservative Republican states from doing unto others what has been done to Trump should they wish to engage in payback.

A [Wall Street Journal](#) editorial had it right: " Alvin Bragg might have opened a new destabilizing era of American politics. And no one can say how it will end."

To which I would add that Trump's conviction might be overturned, but the stain on our legal system is likely to remain for some time.