

[CHAPTER SIX]

A New Justice System



Crime and punishment are sworn enemies. When one triumphs, the other loses; fairness rarely prevails. Perhaps Machiavelli would agree that criminals “want our persons and our substance so as to be able to satiate their cruelty with our blood and their avarice with our property.” So a declaration of war on criminals will be your first test of presidential will. The country is anxious to learn of your methods and the depth of your resolve. Act now.

I have no doubt that you will win your first conflict in the war against crime, succeeding to the degree that you are inclined. Believing that all criminal activities will increase tenfold from my time to yours, I anticipate what you face and surmise how many criminals will cease to exist during your first assault. Use haste, but you need not follow in the footsteps of Genghis Khan, who wanted slavery, not the goodwill of men. Nor should you imitate Mao Tse-tung, who while more subtle, fell many more than did the mighty Khan.

Mao Tse-tung, after overthrowing the drug-dealing Chiang Kai-shek in 1949, promulgated a nationwide edict: all users of illegal drugs must register for treatment within ninety days. After this grace period, any of the country’s 538 million found with unlawful drugs in their possession were summarily executed. Mao’s minions

compiled lists of the names of unregistered illicit drug users. Wronged citizens gleefully passed along the names of attorneys, landlords, and the wealthy. Even descendants of generations-ago wrongdoers were named. Pent-up fury in China's masses capitalized on this opportunity to even new and old scores. Guilty or not, for right or wrong, many besides drug users became victims of this hysteria. It is estimated that more than seven million citizens were extinguished in this fashion, an unrecorded percentage of which were not actually users of prohibited drugs. (This represented only a small portion of Mao Tse-tung's thirty years of purges.) By the end of 1950, and during the following three decades of Mao's rule, had an unguarded mountain of heroin been placed in the center of Shanghai, it would have remained untouched by China's millions. So ended two hundred years of opium and heroin subjection for China's people.

In some Moslem cultures of my time — where the right hand is used for eating, many times from a communal pot, and the left hand is used for wiping after defecating — the initial penalty for selling forbidden drugs is removal of the right hand. No illegal drug problems exist in those realms. America has no kindred taboo of left hand use, however, and contains too large a population to enforce comparable rules.

But there are better ways to lay siege against the demand for illegal drugs in the United States. Eradicate drug abuse in a manner that will fit your bent toward benevolence and the rebuilding of America rather than reduce you to the role of a destructive despot.

I advocate that you promulgate new laws for crime and punishment to be in force well in advance of military deployment. First, eliminate the death penalty for capital murder. Second, incarcerate in doubling increments of two, four, eight, sixteen, and thirty-two years and eliminate parole, as such short sentences negate the need for it. Third, have set punishments for set crimes. And finally, change the age of adult accountability to thirteen.

Use America's communication systems to propagandize your new crime code. Appeal to the many who feel rather than the few who think, as most see reality with their feelings, not with logic.

Establish your humanitarianism by eliminating the death penalty and limiting prison terms, thus balancing your forthcoming

ruthless war on terrorists, rioters, criminal gangs, and ochlocracy. Compassion dictates that you impose sentences no longer than thirty-two years. In addition, eliminating the death penalty will save a staggering sum of money; in 1994, the cost per execution was 6,000 gold ounces, much of which was pocketed by court-appointed lawyers.

Further, pierce the corporate veil and hold chief executive officers and board members personally liable for corporate criminal actions. As they are quick learners, illegal dumping of toxic wastes, theft of annuity funds, product price fixing, and corporate malfeasance will grind to a halt. Resentment from members of the establishment will smolder, but address that later.

But beware. Complicated, obtuse laws encourage criminal enterprises. Strangely enough, overly harsh laws have the same results. In 1689 England, crimes for which the statutory penalty was death numbered fifty. When criminals were drawn and quartered, great crowds of merrymakers attended the festivities. Cutpurses and thieves worked the crowds of gawking spectators, often committing transgressions greater than those perpetrated by the object of the throng's glee. In 1820, to better protect property rights, English courts increased the number of crimes calling for the death penalty to 160. Crime increased nevertheless.

Following England's example, in 1994 Congress passed, and President William Clinton signed into law, a crime bill that permitted the death penalty for sixty additional federal crimes. As with England in 1820, nothing changed.

As commander in chief, and with your declaration of war, nothing interferes with your actions against crime. Create a new system of trial, punishment, and imprisonment. It is far too late for reform or restructuring. The simplicity of the new system — set punishments for set crimes — eliminates the need for jury trials. Three-judge panels are ample. Your cabinet members' subordinates can select the necessary number of like-minded judges to initiate America's new criminal justice program. Should some prove ineffective, replace them. With preset sentences, judges need only determine guilt. (Paint stars from the United States flag on the ceilings of the judges' chambers to symbolize the righteousness of America's new judicial system.) Meaningful justice entails swift

and sure judgment. Appeals are unnecessary with well-grounded adjudication.

In my time, capricious and arbitrary decisions were prohibited, while cruel and unusual punishment was debated without end. Sentencing became illogical. For example, rapists of my era received sentences of ninety-nine years. Some second- and third-offense rapist-murderers received prison time of greater lengths, such as three life sentences plus fifty years. Sentences exceeding three hundred years were not uncommon. One prison term of three thousand years infuriated the softhearted. In truth, incarceration for three thousand years would be harsh even in the time of Methuselah. Such lengthy, inhumane prison sentences led kind-hearted politicians and parole boards to offer parole after a piddling number of years, sometimes months. When the parolee committed another heinous crime, a few jury sentences became merciless and longer, while actual time served became more merciful and shorter.

Mr. President, consider the following eight crime categories and corresponding punishments. Eight is sufficient. State crimes not listed will fit easily in one of these classifications. Punishment for federal crimes can be assessed conveniently within the five felony categories.

M I S D E M E A N O R

- Class III:** Speeding and other minor traffic violations; burglary, theft, or criminal mischief where the amount of pecuniary loss is less than one-twentieth of an ounce of gold. **A fine of one ounce of gold.**
- Class II:** Major traffic violations; burglary, theft, or criminal mischief where pecuniary loss is one-twentieth or more of an ounce of gold but less than one and one-quarter gold ounces. **One hundred eighty days confinement in the county jail and a fine of two ounces of gold.**
- Class I:** Burglary, theft, or criminal mischief where the pecuniary loss is one and one-quarter or more gold ounces but less than four ounces of gold; simple assault when no serious

injury occurs; fleeing on foot from a peace officer; abuse and injury to livestock; driving while intoxicated.

One year confinement in the county jail and a fine of four ounces of gold.

F E L O N Y

Fourth Degree: Burglary, theft, or criminal mischief where the amount of pecuniary loss is four or more ounces of gold but less than fifty gold ounces; criminal trespass; fleeing from a peace officer while driving a motor vehicle; possession of a controlled substance.

Two years prison confinement and a fine of eight ounces of gold.

Third Degree: Burglary, theft, or criminal mischief where the amount of pecuniary loss is fifty or more ounces of gold but less than 250 gold ounces; simple sexual assault; assault of a man upon a woman; disruption of government, school, or church meetings; causing injury of a person when fleeing from a peace officer while driving a motor vehicle; causing injury of a person when driving a motor vehicle while intoxicated; delivery of a controlled substance.

Four years confinement and a fine of sixteen ounces of gold.

Second Degree: Burglary, theft, or criminal mischief where the amount of pecuniary loss is 250 or more ounces of gold but less than 500 gold ounces; burglary of a building; assault where serious bodily injury occurs; assault on a police officer or fireman; assault in the course of escape or attempted escape from a United States penal institution; causing the death of a person when fleeing from a peace officer while driving a motor vehicle; causing the death of a person when driving a motor vehicle while intoxicated; delivery of a controlled substance to minors; sexual assault by someone thirteen or older on a person twelve years of age or younger.

Eight years confinement and a fine of sixteen ounces of gold.

- First Degree:** Murder; causing the death of a peace officer when fleeing from a peace officer while driving a motor vehicle; robbery by use of a deadly weapon; aggravated sexual assault; aggravated kidnapping; arson; burglary, theft, or criminal mischief where the amount of pecuniary loss is 500 or more ounces of gold.
Sixteen years confinement and a fine of thirty-two ounces of gold.
- Capital:** Murder in the course of committing rape, robbery, kidnapping, or theft; murder of a peace officer; murder of a fireman; murder of a public servant; murder of more than one person in the same criminal episode; murder of a person twelve years of age or younger by someone thirteen or older; murder while in the course of escape or attempted escape from a United States penal institution.
Thirty-two years confinement and a fine of sixty-four ounces of gold.

I suggest that indictment and punishment for any repeat Class I misdemeanor crime be assessed as a fourth-degree felony. Further, for a second felony conviction, require a double sentence for the crime last committed, with the exception of a second capital offense, which should remain at the maximum sentence of thirty-two years. No third-offense category is needed. It is doubtful that anyone will defy America's Man on Horseback three times.