

# Justice system in U.S. has run amok

That something is dreadfully amiss with the U.S. justice system seems incontrovertible when one realizes that a country with 5% of the world's population has 25% of the world's prison population.

Proportionately, no country on Earth has so many of its citizens locked up as the U.S. — not Russia, not China, not North Korea, nor any dictatorship. That said, no country relishes freedom — wallows in it, in fact — as loudly, consistently and sincerely as the U.S. does. And the U.S. is right to do so.

"Freedom," arguably, is our most precious asset, often only recognized when it is lost, or taken from us. Ask anyone who once lived in Eastern Europe, or China, or any of 100 countries.

Still, it seems an oddity, even a failing, that a country, or system, that so reveres freedom and democracy should also be a country that incarcerates its citizens at an alarming rate and in alarming numbers.

At the moment, illustrative of the perverted nature of U.S. justice is John Demjanjuk, who in March died at age 91 in a German nursing home. He was transferred from a German prison for health reasons after being found guilty of being a Nazi prison guard at a wartime concentration camp where 28,000 people died.

Some reports of his death (and conviction) erroneously called him a war criminal.

Without getting into the whole Demjanjuk ordeal, where the U.S. justice system went off the rails was when the Office of Special Investigations (OSI) identified him as Ivan the Terrible, a sadistic prison guard at the Nazi's Treblinka death camp.

Leaks from the Soviet Union supported the OSI's contention. Forged Soviet identity cards were accepted as genuine. Demjanjuk's claim of being a Ukrainian POW seconded into being a prison guard was discounted. Witnesses identified him as a guard at Treblinka.

Demjanjuk was extradited to Israel, put on trial, again identified by eyewitnesses, and sentenced to be hanged. His Israeli lawyer, who believed in his innocence,



died mysteriously by falling from a building.

Largely through efforts of his son-in-law, Ed Nishnic, it was discovered that Demjanjuk was not Ivan the Terrible. The real Ivan the Terrible was one Ivan Marchenko who had since died in Trieste, undetected and unpunished.

To its eternal credit, and against popular outcry in Israel, the Israeli Supreme Court ordered Demjanjuk freed and returned to the U.S. with no subsequent charges. In the U.S. it was found that the OSI and prosecutors had with-

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held exculpatory evidence and committed fraud. The onetime head of OSI was disbarred.

Despite citizenship regained, Demjanjuk got neither peace nor apology from the OSI or Justice Department. Deported to Germany, now sick and with dementia, Demjanjuk was convicted of being a minor guard at Sobibor and possibly Majdanek death camps. He got a token five years — more of Germany atoning for the Holocaust. He was moved to a nursing home after two years.

Shed few tears for Demjanjuk — but weep for the U.S. justice system.

Again, justice perverted is evident in the conviction of Leonard Peltier, a Chippewa-Lakota Sioux, in the deaths of two FBI agents on the Lakota Pine Ridge reserve in South Dakota in 1975. Two Indians initially charged with murder were acquitted, so when Peltier was caught, a mentally slow Indian (Myrtle Poor Bear) was persuaded to give per-

jured evidence that Peltier had confessed to her, when in fact she didn't know him. Evidence was fabricated, planted, faked.

Even an appeal judge (the late Gerald Heaney) urged presidential clemency because Peltier's lawyer mishandled the case. The FBI has staged protests against clemency or parole for Peltier, who has now been in prison some 36 years.

When the late Laurie Bembenek was charged with murdering her cop-husband's ex-wife in 1981, the victim's pre-teen kids who witnessed the act absolved Bembenek (the killer had "nairy arms"). It seems Milwaukee police didn't want Bembenek's cop-husband charged for fear he'd reveal illegalities underway in the department.

After 10 years in prison, Bembenek escaped to Canada, where lawyer Frank Marrocco (now a judge) took her case pro bono, and got her freed. Bembenek later paid for DNA testing that proved two male DNA samplings were on the dead body, but none of her DNA.

The above were big stories in their day. But the justice system today still seems flawed. Surely, values are out of sync when a neighbourhood watch guy in Florida shoots and kills unarmed 17-year-old Trayvon Martin and is instantly exonerated, while former Illinois governor Rod Blagojevich is sentenced to 14 years for lying and corruption.

Politicians lying and cheating (this is news?) and being imprisoned while an unprovoked killing hardly raises an official eyebrow (unless there are street demonstrations). It indicates something is haywire in the system.

In the U.S. today, something like 2.5 million people are in federal prisons, with another 5 million on parole or probation. The U.S. has roughly six times the incarceration rate of Canada, and roughly two of every three prisoners released in the U.S. after time served, are re-arrested within three years.

That far too many Americans are in prison is something that should concern everyone who wants law balanced with justice — not to mention compassion blended with common sense.