



The Human Cost of Politically Correct Justice

Justice, like every other part of ordered liberty in our Constitution, must be dispassionate and free from politics. Sadly, the politicization of everything is demanded by Marxism. "Science" becomes one of the secular gods of Marx. "Victims" fall into a second precious category. Many decades ago we were solemnly assured that "Science" would fulfill our every human desire. It began to replace more sober ideas like wisdom, justice, and truth.

The horrible crime of rape and the victimization of women in violent crimes rightly became a concern of Americans decades ago. Those of us who believed in God more than psychology, sociology or science, also believed that the pursuit of truth was the proper aim of American governments. So when a man named Miranda raped a woman and then confessed to his crime, we felt justice was done when the self-confessed rapist was convicted and sentenced. Americans who wished to contort of system of justice into a way of punishing police felt differently. Miranda, and other violent criminals had their convictions overturned because of a whole slew of newly invented "constitutional rights" for the accused that the Warren Court found.

So, although [Miranda's confession](#) seemed solid, he had not been formally advised that he had the right to remain silent. In his case, eventually, he was convicted of his crime, but in many cases these curious new rights meant that the clearly guilty walked. My brother-in-law was beaten to death with baseball bats by thugs who fully confessed, produced incriminating evidence of their guilt, and separately provided police with identical discriminations of the crime. But well-intentioned police did not get a search warrant when, after the fact, it was felt needed, and otherwise made inconsequential deviations from the narrow line drawn by the Warren Court. In my work with Parents of Murdered Children, a woman whose son had been burned to death by sadists had to live through multiple retrials, each reversed on technical grounds by appellate courts. The violent crime rate, after the savaging of our judicial system by the Warren Court, jumped permanently by 500%, something predicted at the time and [almost doubled](#), just between 1970 and 1979.

One solution to the problem of violent crime might have been for the Supreme Court to revisit how constitutional rights were to be protected with an eye to convicting the guilty, acquitting the innocent,





Written by [Bruce Walker](#) on January 6, 2011

and punishing those who violated constitutional rights. Bad police officers, for example, were not dissuaded from abuse because the evidence seized might be tossed out of court. That only punished good police officers, who were trying to find the guilty. Evidence obtained without a Miranda warning could always be explained to a jury or, if the judge felt it was obtained too much under duress, selectively excluded.

These awful decisions also removed from law enforcement the best means of finding out the truth: asking and searching the suspect. If a suspect has a reasonable alibi and if there is nothing incriminating on his clothes or in his home, then the likelihood of him committing the crime can be discounted and other suspects can be sought. Common sense lays at the heart of most police investigations and allowing those investigations to proceed in a common sense manner helps insure justice for everyone.

Remove that common sense, however, and create absurd new “rights,” which are utterly divorced from the guilt or innocence of the accused, and the pressure of law enforcement and prosecutors to come up with a “magic bullet” grows. DNA is an important tool of science and medicine. It can be a powerful forensic tool. But as [Cornelius Dupree Jr.](#) can tell us, escaping from the Hell of 30 years in the Texas State Prison system for a crime he never committed, when law enforcement must find the guilty person and cannot use its normal tools of reason and practice, then innocent people end up behind bars.

The evidence, without DNA, was pretty shaking. The woman who was raped identified Dupree but her male companion did not. Prosecutors, however, were under pressure to “find” a guilty person in the crime. Science would convict the guilty, and other evidence of innocence would simply be overwhelmed by science. Take away the DNA, and other facts emerge: other suspects, long since now gone, tried to sell a rabbit coat which sounds much like the rabbit coat taken from the victim. The truly guilty often confess, particularly when confronted with scientific evidence of guilt, but Dupree steadfastly maintained his innocence for three decades.

Women, also, were a protected class of victims 30 years ago. Indeed, that is still the case. Law enforcement agencies that receive federal VAWA ([Violence Against Women Act](#)) funds, when responding to domestic violence cases, cannot arrest both the man and the women. They cannot administer or even suggest the administration of a law detector test in a “He said – She said” situation. They are more or less compelled to make an arrest, whatever their experience as peace officers might otherwise suggest. Why? Justice has been subordinated to political correctness, and “social justice” is always a recipe of injustice. If we purge, scientific guilt, sociology, political correctness, and other similar talismans, we may recapture real justice.

Related article: [DNA Tests Free Texas Man After 30 Years in Prison](#)

Photo: Cornelius Dupree Jr. raises his hands in celebration in Dallas on Jan. 4, 2011: AP Images



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