

# United States: Justice requires the legal system be abolished and replaced

Sunday 4 October 2020, by [MIAH Malik](#) (Date first published: 29 September 2020).

**The decision of the Kentucky Grand Jury – a secret body – to not file murder charges against the two white cops who killed Breonna Taylor shows the United States legal system is criminal, unjust and needs to be abolished and replaced.**

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During the midnight raid on their apartment, Taylor's boyfriend Kenneth Walker fired a single warning shot at the plainclothed cops, thinking they were intruders. The cops killed Taylor, who was sleeping. To the Kentucky attorney general it was a "tragedy", but not a crime.

Speaking at a memorial for Taylor in Jefferson Square Park in Louisville on September 23, Until Freedom co-founder Tamika Mallory stressed non-violence: "We have to understand that we have a responsibility, to the rest of this nation and to generations to come, that we conduct ourselves, again, not peacefully, but non-violently, so that the story that comes out of here is that we are not the murderers, we are not the looters, we are not the burners, we are not the ones, they did it to us, and we are only responding."

Hours before the grand jury's decision, legendary musician Stevie Wonder released a seven-minute video on YouTube, The Universe Is Watching Us, in which he said: "You say you believe that 'all lives matter'. I say I don't believe the fuck you do."

In the US, cops have total immunity for their murderous actions. Legally, it's called "qualified immunity". Whatever a cop does, including murdering an innocent person, is protected.

## Family demands transcripts

Taylor's family is demanding the release of the grand jury's transcripts. The family's lawyer Ben Crump said on September 25: "There seems to be two justice systems in America – one for Black America and one for white America."

"What did Kentucky attorney general Daniel Cameron present to the grand jury? Did he present any evidence on Breonna Taylor's behalf?

"Or did he make a unilateral decision to put his thumb on the scales of justice to help try to exonerate and justify the killing of Breonna Taylor by these police officers? And in doing so, make

sure that Breonna Taylor's family never got their day in court.

"Release the transcript so we can have transparency. And if you did everything you could do, on Breonna's behalf, you shouldn't have any problems whatsoever, Daniel Cameron, to release the transcript to see you fought for all of Kentucky's citizens."

Crump said the decision in Taylor's case follows a pattern "of the blatant disrespect and marginalisation of Black people, but especially Black women in America who have been killed by police."

The legal system is rigged. The prosecutor is the only person who presents evidence to a secret grand jury. The public has no idea who is a member of the jury or whether the victim of cop violence has her side presented.

### **False equivalency**

All violence before, during and after protests is not the same.

The media makes a false equivalency whenever any violence takes place. The implication is that if there were no protests, there would be no violence.

It's also incorrect to say that violence – whether by the right or police – is the fault of demonstrators.

When peaceful protesters are attacked by military-style police and Federal government police – as seen in Portland, Oregon, any response to such police violence is justifiable self-defence.

Another type of violence is initiated by right-wing white vigilantes. They infiltrate peaceful demonstrations, as occurred in Minneapolis, as the George Floyd protests began. They went to Kenosha, Wisconsin, as "friends" of the police. Their violence is blamed on the peaceful protesters, who are called "anarchists" and "terrorists" (or anti-fascists). Leaders of the Black Lives Matter movement are smeared as un-American.

Police agents provocateurs initiate property vandalism during and after demonstrations and the police blame it on non-violent protesters. While petty crimes against property do happen, this is not supported by the movement. Nonetheless, the media disproportionately targets these activities in their coverage.

The BLM movement is decentralised. It is made up of local organisations and leaders. Its website, M4BL.org, lays out its general positions and principles. There is no support for violence. It is President Donald Trump and his cohorts that invoke violence. The BLM movement is for peaceful, non-violent organising and the right to self-defence.

In addition, BLM seeks to isolate those who commit violence.

Historically, in mass demonstrations during the civil rights era, organisers had marshals to help protect the marchers from the cops.

## **Defeating Trump**

The defeat of an authoritarian ruler rarely happens through the ballot box. In most cases, the authoritarian figure makes sure the vote goes their way.

Trump has never had the majority of popular support. He repeatedly says November's presidential election will be rigged and a scam – if he is not re-elected. He says there will be no transition of power, only a continuation of his rule. He is prepared to use unauthorised election monitors at polling booths to intimidate voters.

How is this possible?

The US Constitution never trusted the people to elect its leaders. It includes a provision in a contested election to send the decision to Congress, where each state, no matter the size of its population, gets one vote.

The Republicans control 26 state legislatures (representing a minority of voters), enough to give Trump a "victory", even if he losses the popular vote by a large margin.

In this scenario, defeating an authoritarian president requires more than voting. The ruling class must fear rebellion — mass actions that could overthrow the current system and implement radical reforms.

It has not happened in the US since the 1860s Civil War that ended slavery and made former slaves citizens. It was the bloodiest war in US history.

Malcolm X, in a 1964 speech, "The Ballot or the Bullet", explained why revolution (the Bullet) is the answer to national oppression and to winning full equality for Black people: "This government has failed us; the government itself has failed us, and the white liberals who have been posing as our friends have failed us. And once we see that all these other sources to which we've turned have failed, we stop turning to them and turn to ourselves.

"America today finds herself in a unique situation. Historically, revolutions are bloody. Oh, yes, they are. They have never had a bloodless revolution, or a non-violent revolution. That don't happen even in Hollywood. You don't have a revolution in which you love your enemy, and you don't have a revolution in which you are begging the system of exploitation to integrate you into it.

"Revolutions overturn systems. Revolutions destroy systems. A revolution is bloody, but America is in a unique position. She's the only country in history in a position actually to become involved in a blood-less revolution.

"The Russian revolution was bloody, Chinese revolution was bloody, French revolution was bloody, Cuban revolution was bloody, and there was nothing more bloody than the American Revolution.

"But today, this country can become involved in a revolution that won't take bloodshed. All she's got to do is give the black man in this country everything that's due him. Everything.

"So, it's the ballot or the bullet. Today our people can see that we're faced with a government conspiracy. This government has failed us.

"It'll be the ballot, or it'll be the bullet. It'll be liberty or it'll be death. And if you're not ready to pay that price, don't use the word freedom in your vocabulary."

The end of legal segregation and the expansion of voting rights 50 years ago occurred after Blacks fought for decades to be recognised as equal citizens. The right to vote came as mass marches demanded the ruling Democratic Party act.

Blacks were elected to office and rose to other positions in business and academia because of that mass pressure. It was a non-violent revolution.

Malcolm X was assassinated in 1965. A new Black middle class emerged in the 1970s. But the inequality for the vast majority of African Americans remains the same. The wealth gap between Black and white families has actually widened – the average wealth of Black households has dropped from 10% of the average white household to 7% today. Every social gain won – from school desegregation, to fair housing, to affirmative action programs – is in decline, eroded or has been overturned.

Malcolm's analysis remains valid.

### **Key lesson**

The key lesson from the past and from months of mass protests is that reforms are possible, whoever is in power, only if those movements press forward.

To give Taylor and other victims of murderous police and state-sanctioned violence a chance for justice, the cops must be fired, prosecuted and permanently removed. Justice requires that the current legal system be abolished and replaced.

A new system must be created nationally from the ground up. The old system, including its criminal procedures, must be eradicated. The so-called police "unions" must be limited in their power to undermine oversight. Qualified immunity must be eliminated.

Most liberals reject these solutions. They believe there are only a few bad cops and bad prosecutors, but the system itself is fine and just needs some tinkering. They support public defenders for the poor, but little pressure is organised to fund them.

Their focus is on electing more progressives within the current criminal justice system, with modest reforms. BLM movement leaders demand much more.

A mass uprising, Black Power Rising, is necessary to bring radical change. Anything less will lead to more Breonna Taylor killings and exonerations for killer cops.

The white militias, the far right and Trump's use of the state to stay in power means that a clear revolutionary vision is needed to defend and protect Black lives.

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• Green Left Weekly. Issue 1283. September 29, 2020

<https://www.greenleft.org.au/content/justice-requires-us-legal-system-be-abolished-and-replaced>