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given lip service when it is convenient is if it is accorded to a person under the most extreme circumstances. Everyone wants due process to be accorded a respected person accused of a crime, but those same people should just as enthusiastically advocate that an accused serial rapist or murderer must be accorded the same due process rights. If only persons considered respectable are automatically accorded due process, then it is not a right, but a privilege bestowed by the government that can be denied at the discretion of those people in a position of power to do so.

Lynching is decried because it relies on passion and the impression a person is guilty rather than a consideration of the facts. Members of a lynch mob fervently feel a person is guilty -- and to them that feeling is enough. It is precisely that attitude of blind vigilantism that due process is intended to counter by providing for an analysis of the facts supporting whatever a person is accused of committing. The lynching of bin Laden by shooting instead of a rope constitutes a triumph of the mob led by the President of the United States and the major media, and a breakdown in the rule of law and a public and orderly process to determine if he was guilty of what he was indicted of committing.

After World War II high ranking Nazi officials who had been demonized in the press for years, and who were accused of heinous crimes against humanity light-years beyond anything alleged against bin Laden, were not summarily executed when found or after they were taken into custody. Those persons that included Hitler's right-hand man Hermann Goering, were afforded the due process of public trials during which they had the opportunity to present a vigorous defense to refute the grave charges against them. Only a handful of the high-ranking Nazis were sentenced to death after their conviction, with most receiving prison terms. Some of them were acquitted. Japanese military and civilian officials captured after WWII were also afforded public trials for their alleged crimes.

Prosecutors control the secret grand jury process since they dictate what evidence the grand jurors see and what witnesses testify. That is why it has often been said that a prosecutor can indict a ham sandwich. Consequently an indictment against a person means nothing if the truthfulness of the government's alleged evidence is untested during a public trial.

Although it may seem a novel thought, it is possible that the federal prosecutor's actual

evidence against bin Laden for the 1993 and 1998 bombings was so sketchy that he could have been acquitted or had a hung jury after a public trial in the U.S. However, in spite of being legally presumed innocent bin Laden was accorded no due process rights. The possibility he wouldn't have been convicted was eliminated when he was killed with no attempt to apprehend him for a public trial in the U.S. Consequently, bin Laden's death not only denied him his day in court, but it relieved federal prosecutors of ever having a jury judge the value of their evidence in support of his indictments.

Usama bin Laden is legally innocent of ever having violated any state or federal law. Dismissal of his 1993 and 1998 indictments on June 17, 2011 means those indictment's allegations will forever remain unproven accusations. Since he was not indicted for any of the events that occurred on September 11, 2001, there are only unproven suspicions he was involved in those events.

Endnotes:

1 There is speculation that bin Laden was not present or killed during the raid on May 1, 2011 given the circumstances that there was no effort to apprehend "bin Laden" alive, and since "his" body was disposed at sea there is no way to independently determine the body's identity. Reports that DNA from the disposed body establish to a high degree of certainty that it was bin Laden are unverifiable because the federal government controls all the evidence, so there is no way to verify that the DNA tested was from the body and not from a bin Laden relative -- or if the DNA test results were not simply fabricated from thin air. Likewise, the technology is readily available to edit a photograph or produce the photograph of a person at a particular place and time -- so the photographs of bin Laden's body that have not yet been publicly released are meaningless without independent verification of his identity from examination of the body. Questions about whether bin Laden died on May 1, 2011 or some time prior to then will persist for decades if not centuries -- just as questions of whether Marilyn Monroe's death was accidental or a murder persist, and there are questions of whether there was a shooter of President Kennedy on the grassy knoll.

2 The English common-law right to resist unlawful police action has been traced by scholars trace to the Magna Carta in 1215. See e.g., Craig Hemmens & Daniel Levin, *Not a Law at All: A Call for the Return to the Common Law Right to Resist Unlawful Arrest*, 29 Sw. U. L. Rev. 1, 9 (1999). In the case of *Bad Elk v. United States*, 177 U.S. 529, 535 (1900) the United States Supreme Court recognized that: "If the officer had no right to arrest, the other party might resist the illegal attempt to arrest him, using no more force than was absolutely necessary to repel the assault constituting the attempt to arrest." The Supreme Court affirmed that right in the 1948 case of *United States v. Di Re*, 332 U.S. 581, 594 (1948) ("One has an undoubted right to resist an unlawful arrest, and courts will uphold the right of resistance in proper cases.")

3 The case for President George W. Bush's criminal liability for the U.S.'s 2003 invasion of Iraq is detailed in *The Prosecution of George W. Bush for Murder* (Vanguard Press, 2008) by former Los Angeles County Assistant District Attorney Vincent Bugliosi. Mr. Bugliosi was the lead prosecutor of Charles Manson and other high-profile defendant. A case can likewise be made that President Obama can bear criminal liability

for his executive order that authorized the storming of bin Laden's home during which he was summarily killed. A president cannot at will issue an order that abrogates or otherwise suspends the U. S. Constitution and an indicted person's right to due process of law -- especially since a person is legally presumed innocent of the their indicted crime(s) until a jury (or a judge in a bench trial) determines the person has been proven guilty beyond a reasonable doubt in a court of law. For all practical purposes President Obama acted as bin Laden's judge, jury and executioner by issuing his executive order authorizing the raid.

4 Not only was there no evidence bin Laden was violent, but documents seized during the raid on bin Laden's home reveal he was completely marginalized by al-Qaida's leaders and he had no influence over the organization. A U.S. official description of bin Laden's relationship to al-Qaida is, "He was like the cranky, old uncle that people weren't listening to." (See, "Official Bin Laden lost influence, was 'cranky, old uncle.'" *The Seattle Times*, June 29, 2011, p. A1, A6.)

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