



The Due Process Advocate

*"No Person shall be . . . deprived of life, liberty, or property without the due process of law"
- Fifth Amendment of the United States Constitution*

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IN THE FINAL ANALYSIS, WHAT WILL HURT AMERICA THE MOST? COVID-19? SOCIAL INJUSTICE? ECONOMIC CHAOS? NATURAL DISASTERS? CONGRESSIONAL GRID-LOCK? OR THE FAILING COURTS?

I don't believe anyone, in their wildest imagination, could have anticipated the catastrophic events that have presented themselves in 2020.

Here are some sobering facts:

1. The influenza pandemic of 1918 (Spanish Flu) infected almost one-third of the world's population of 1.8 billion people. That means approximately 500 million people were infected. Ten percent of them, or 50 million people, died. An estimated 675,000 people died in the United States. There was no vaccine at the time, and there is no vaccine against COVID-19 at the present time.
2. Social injustice issues are taking America by storm. The root of social injustice is the institutionally unequal treatment of classes and/or groups of people. The unequal treatment results in unequal distribution of wealth and opportunity, unequal social status, and discrimination. This, in turn, leads to inevitable protests; many of which become violent and destructive.
3. Twist the facts any way you want, but the Coronavirus has sent the U.S. economy into chaos. There is no end in sight, and it will take a long time to recover; no matter what happens next.
4. The jury is still out on the extent to which climate change is the cause of an increasing level of (a) natural disasters, and (b) the resulting damages. However, there is little doubt that, for example, a chance collision of planet earth with a large asteroid will pretty much end all of our worries in a quick hurry. This is totally out of anyone's control and will not be anyone's fault should such a thing happen.
5. The ongoing battle between the Democrats and Republicans to out-do one another has become part of a very serious, national problem. Frankly, Congress is no longer part of the solutions to our nation's most critical problems; as some authorities would have you believe. We are all hearing the exact same old rhetoric from members of Congress over and over again. I, for one, have come to the conclusion that the members of Congress are pre-occupied with being elected and re-elected. Otherwise, we would all get something other than campaign materials in the mail! As a result, private Americans are stepping up to the plate to protect and preserve American values while Congress collects their paychecks and hides from reality.

JUDGE GENIE SAYS...

#1 BY EHS/GES
MARCH 9, 2019



6. But here's the "saddest" fact of all: The courts, at all levels across the country, are failing miserably. I say "failing" because the objective is to serve justice and the people; but any objective (and less than totally naive) person can readily see that the courts are divided by, or have allegiance to, political ideologies and agendas. You may be surprised to know that, according to Google as of a few minutes ago: "More than 100 million cases are filed each year in state trial courts, while roughly 400,000 cases are filed in federal trial courts."

So which of these facts and circumstances will hurt America the most?

My vote, based on my own experience and my personal knowledge of hundreds of cases at all levels of the court system, is that (aside from planet Earth bumping into the wrong asteroid) the courts will inflict the most damage on America in the foreseeable future.

Why?

Due to the sheer numbers, the courts that have a vice-grip on the future of America given their direct interface and control of such a large percentage of the American population.

Moreover, the courts have been successful in removing due process from the American social contract. Arbitrary rule, not the rule of law, has become the name of the game. Case law follows political and private agendas of the "powers-to-be."

Tragically, a vast majority of self-represented litigants are viewed as a "nuisance" by court personnel. They ask too many "stupid" questions and many court clerks, the gate-keepers of justice, routinely do the bidding for the "less than impartial" judges who, in the final analysis, see their political agendas and allegiance as more important than the rule of law.

For example, the advent of electronic filing has amplified the already overwhelming challenge that self-represented litigants face in order to get a fair shake in the courts. One litigant recently lost a case in New Hampshire because a single email (containing the court's final decision) wound up in his spam bucket and he didn't catch it. When he realized the email landed in his spam bucket, it was too late because the appeal period had also lapsed. Worse yet, the court's decision was not even available to him online, despite having registered and having set up an account to use the e-filing service. This is just fundamentally unfair to a pro-se litigant who simply can not take a course in electronic filing to effectively oppose, for example, an attorney who takes the course in order to expand his skill set to enhance his law practice.

Perhaps the greatest failure of many courts across the country is their increasing acquiescence to the "backwards" proposition that "defendants are guilty until they can prove they are innocent." This growing trend is, perhaps, the most egregious example of due process abuse. This unconstitutional approach to justice may also be the root of why violence has erupted within many social injustice protests across the country. It may also account for the increasing lack of confidence that many Americans have in the legal system. Everyone knows that way too many cases turn into fee-churning extravaganzas.

The bottom line here is that America is dealing with a number of extremely serious threats to all of its citizens and legal residents. None of the threats, however, may be as serious as the continued failure of the courts to operate in a manner that is constitutionally sound and inherently fair.

ARE YOU A SOCIAL JUSTICE ADVOCATE OR ACTIVIST?

If so, you know it is a FACT that equal justice, the rule of law, and due process are currently not available to all Americans. As a result, The Due Process Advocate has made a substantial investment in the development of a "one of a kind" Internet platform for use by professional advocates and activists to generate clients and substantial, independent business revenues.

Please visit www.dueprocessadvocate.com to learn about the DPA web-based platform for Independent Business Affiliates and contact Edward H. Smith, Publisher d/b/a The Due Process Advocate at ehsportal@gmail.com to explore a business relationship.

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